

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed February 01, 2025, 12:00 a.m. through February 14, 2025, 11:59 p.m.

Number 2025-05
March 01, 2025

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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Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
- I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

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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 February 01, 2025, 12:00 a.m., and February 14, 2025, 11:59 p.m. are included in this, the March 01, 2025, issue of the *Utah State Bulletin*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them (~~example~~). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Office of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least March 31, 2025. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through July 01, 2025, 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 SUBSTANTIVE CHANGE**TYPE OF FILING:** Repeal and Reenact**Rule or Section Number:****R152-1****Filing ID: 57051****Agency Information**

1. Title catchline:	Commerce, Consumer Protection	
Building:	Heber Wells	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146704	
City, state and zip:	Salt Lake City, UT 84114-6704	
Contact persons:		
Name:	Phone:	Email:
Daniel Larsen	801-530-6601	dcprules@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R152-1. Division of Consumer Protection Buyer Beware List Rule
3. Purpose of the new rule or reason for the change:
This rule is being repealed and reenacted in accordance with: H.B. 40, passed in the 2024 General Session, which granted the Division of Consumer Protection (Division) permissive rulemaking authority to create a list of people who violate laws enforced by the Division; a review prompted by Executive Order No. 2021-12; and as a result of the five-year review required by Section 63G-3-305.
4. Summary of the new rule or change:
This rule establishes a public list in accordance with Subsection 13-2-1(3), and the process by which a person may be removed from the public list. The substantive differences between the repealed and reenacted versions of this rule include: 1) differences in the cited authority for this rule; 2) adding a direct citation to statute for reasons for inclusion on the list; and 3) removal of failure to respond to a complaint as a reason for inclusion on the list. The title of this rule is also being changed to reflect statutory language. This rule is being repealed and reenacted, rather than simply amended, because the changes necessary to conform to the Rulewriting Manual for Utah and the structure of other Division rules were so extensive that little of the original rule remained.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule is not expected to have any fiscal impact on state government revenues or expenditures beyond what was addressed by the fiscal note to H.B. 40 (2024).
B) Local governments:
This rule is not expected to have any fiscal impact on local governments' revenues or expenditures. It does not create any new requirements local governments must follow, nor does it otherwise constrain local governments.

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

This rule is not expected to have any fiscal impact on small businesses beyond what is imposed by Subsection 13-2-1(3), and addressed by the fiscal note to H.B. 40 (2024).

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

This rule is not expected to have any fiscal impact on non-small businesses beyond what is imposed by Subsection 13-2-1(3), and addressed by the fiscal note to H.B. 40 (2024).

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 is not expected to have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities beyond what was addressed by the fiscal note to H.B. 40 (2024).

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 impose compliance costs upon affected persons beyond what was addressed by the fiscal note to H.B. 40 (2024).

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret Busse, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 13-2-1(3)	Subsection 13-2-5(1)	
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Public Notice Information

8. 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 until:	03/31/2025
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9. This rule change MAY become effective on:	04/07/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Managing Analyst	Date:	02/14/2025
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R152. Commerce, Consumer Protection.

~~**R152-1. Division of Consumer Protection Buyer Beware List Rule.**~~

~~**R152-1-1. Buyer Beware List.**~~

- ~~(1) Authority and purpose.~~
- ~~(a) This rule is promulgated pursuant to:~~
 - ~~(i) the Division's general authority as set forth in Utah Code Section 13-2-5; and~~
 - ~~(ii) specific authority granted to the Division in:~~
 - ~~(A) Utah Code Section 13-11-8(2); and~~
 - ~~(B) Utah Code Section 13-15-3(1).~~
- ~~(b) The purposes of this rule are to:~~
 - ~~(i) protect consumers from individuals and businesses who have engaged in and committed deceptive acts or practices, or have engaged in and committed unconscionable acts or practices;~~
 - ~~(ii) supply consumers with pertinent information about the nature of deceptive acts or practices committed or engaged in by certain persons against whom the Division has taken action; and~~
 - ~~(iii) encourage the development of fair consumer sales practices and wise decision making by consumers.~~
- ~~(2) Placement on the Buyer Beware List.~~
 - ~~(a) The following circumstances warrant a person's being placed on the Buyer Beware List:~~
 - ~~(i) failure or refusal to respond to an administrative subpoena of the Division;~~
 - ~~(ii) after notification and opportunity to respond, failure or refusal to respond to a consumer complaint on file with the Division establishing a reasonable basis from which the Division may assert jurisdiction;~~
 - ~~(iii) failure to comply with an order issued by the Division, including a default order; or~~
 - ~~(iv) breach of a settlement agreement, stipulation, assurance of voluntary compliance, or similar instrument entered into with the Division.~~
 - ~~(b) Failure or refusal to respond is evidenced:~~
 - ~~(i) where certified mail, properly addressed, is returned to the Division as unclaimed or refused;~~
 - ~~(ii) where the person who is responsible to respond:~~
 - ~~(A) allows a compliance deadline, as set forth in a statute, rule, or in a properly served order, citation, or notice, to pass without taking action or communicating with the Division; or~~
 - ~~(B) indicates to the Division that the person does not intend to comply; or~~
 - ~~(iii) in any circumstances comparable to those set forth in this subsection (2)(b)(i)-(ii).~~
- ~~(3) Removal from Buyer Beware List.~~
 - ~~A person whose name is included in the Buyer Beware List may qualify to have the listing removed by:~~
 - ~~(a)(i) demonstrating that the person has had no complaints filed against the person with the Division for a period of 90 consecutive days after being placed on the list; and~~
 - ~~(ii) complying with all aspects of the order entered against the person by the Division, including full payment of any administrative fines assessed;~~
 - ~~(b) providing a sufficient response to an outstanding Division subpoena;~~
 - ~~(c) providing a satisfactory response to outstanding Division inquiries; or~~
 - ~~(d) entering into a stipulated settlement with the Division that:~~
 - ~~(i) resolves all allegations raised by the Division in its action; and~~
 - ~~(ii) supersedes any previous order issued by the Division in the action.]~~

R152-1. Public List Rule.

R152-1-1. Purpose.

- The purpose of this rule is to:
- (1) establish a public list that identifies a person who:
 - (a) violates a chapter described by Subsection 13-2-1(2), or a rule made by the division;
 - (b) without proper legal justification, fails to comply with an order, subpoena, judgment, or other legal process issued by the division or a court of competent jurisdiction;
 - (c) breaches a settlement agreement, stipulation, assurance of voluntary compliance, or similar instrument signed by the person and the division;
 - (2) establish a process by which a person may be removed from the list described by Subsection R152-1-1(1); and

(3) aid the division's administration and enforcement of the chapters listed in Section 13-2-1.

R152-1-2. Authority.

This rule is enacted in accordance with Subsections 13-2-1(3) and 13-2-5(1).

R152-1-3. Definitions.

"Public list" means the list of persons compiled and published by the division in accordance with this rule.

R152-1-4. Placement on the Public List.

(1) The division may place a person on the public list in accordance with Subsection 13-2-1(3)(a).

(2) A person fails to comply with a subpoena issued by the division, as described by Subsection 13-2-1(3)(a)(ii), when:

(a) the subpoena is sent by certified mail, properly addressed to the person, the person's registered agent, or the person's counsel, and the subpoena is returned to the division as refused or rejected;

(b) the person who is responsible to respond to the subpoena:

(i) allows a compliance deadline, as set forth in a statute, rule, subpoena, court order, or agreement with the division to pass without acting or communicating with the division; or

(ii) without proper legal justification, indicates to the division that the person does not intend to comply with or fully respond to the subpoena; or

(c) the division determines the person has failed to respond based upon circumstances comparable to those described by Subsection R152-1-4(2)(a) or (b).

R152-1-5. Removal from the Public List.

(1) A person whose name is included in the public list may be removed from the public list if:

(a)(i) the division has not received a consumer complaint against the person for a period of 90 consecutive days after the person was placed on the public list; and

(ii) the person fully complies with any order entered by the division or court against the person, including full payment of any administrative fine imposed;

(b) the person fully responds to a subpoena issued by the division, or at the division's discretion, provides a satisfactory response to a subpoena issued by the division; or

(c) the person enters a settlement or other agreement with the division that includes as a term of the agreement the person's removal from the public list; and

(d) the person requests, in writing, removal from the public list.

(2) The division may remove a person from the public list at its discretion if it determines removal serves the public interest or the interest of justice.

KEY: consumer protection, ~~buyer-beware-list~~public list

Date of Last Change: ~~June 8, 2015~~2025

Notice of Continuation: February 25, 2020

Authorizing, and Implemented or Interpreted Law: ~~13-2-5(1); 13-11-8(2); 13-15-3(1); 13-16-12~~13-2-1(3); 13-2-5(1)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R277-609

Filing ID: 57047

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-609. Standards for LEA Discipline Plans and Emergency Safety Interventions
3. Purpose of the new rule or reason for the change:
This rule is being amended due to changes to both Rules R277-608 and R277-609 to include updates from H.B. 14 passed in the 2024 General Session and to outline requirements for school discipline and related policies.
4. Summary of the new rule or change:
The amendments specifically change the title of the rule to "Standards for LEA Discipline Policy" and add an oversight Category 2.
In addition, this amendment updates this rule to remove almost all language regarding Emergency Safety Interventions (ESI) and instead make reference to the ESI policy found in Rule R277-608.
The amendments also remove Section R277-609-3 and other related incorporated document references.

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. These changes are a result of the passage of H.B. 14 (2024). The Utah State Board of Education (USBE) believes that the fiscal impact for the USBE and Local Education Agencies (LEAs) and other entities have been captured in the fiscal note to H.B. 14 (2024) and this rule does not add any additional fiscal impacts.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. These changes are a result of the passage of H.B. 14 (2024). The USBE believes that the fiscal impact for USBE and LEAs and other entities have been captured in the fiscal note to H.B. 14 (2024) and this rule does not add any additional fiscal 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. This 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 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 <i>agency</i>):
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. These changes are a result of the passage of H.B. 14 (2024). The USBE believes that the fiscal impact for USBE and LEAs and other entities have been captured in the fiscal note to H.B. 14 (2024) and this rule does not add any additional fiscal impacts.

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. These changes are a result of the passage of H.B. 14 (2024). The USBE believes that the fiscal impact for USBE and LEAs and other entities have been captured in the fiscal note to H.B. 14 (2024) and this rule does not add any additional fiscal impacts.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

6. 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 53E-3-401(4)	Subsection 53E-3-501(1)(b)(v)
Section 53E-3-509	Section 53G-8-202	Section 53G-8-702
Section 53G-8-302		

Public Notice Information

8. 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 until: 03/31/2025

9. This rule change MAY become effective on: 04/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	02/14/2025
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R277. Education, Administration.

R277-609. Standards for LEA Discipline ~~[Plans] Policy [and Emergency Safety Interventions].~~

R277-609-1. Authority, ~~and Purpose, and Oversight Category.~~

- (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 53E-3-501(1)(b)(v), which requires the Board to establish rules concerning discipline and control;
 - (d) Section 53E-3-509, which requires the Board to adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction;
 - (e) Section 53G-8-702, which requires the Board to adopt rules regarding training programs for school principals~~[and school resource officers]; and~~
 - (f) Section 53G-8-202, which directs local school boards and charter school governing boards to adopt conduct and discipline policies and directs the Board to develop model policies to assist local school boards and charter school governing boards~~[, and~~
 - ~~(g) Section 53G-8-302, which describes the instances when a school employee may use reasonable and necessary physical restraint.~~
- (2)~~(a)~~ The purpose of this rule is to outline requirements for an LEA's[school] discipline policy[plans, restorative practices,] and related [policies]plans.
 - ~~(b) An LEA's written policies shall include provisions to develop, implement, and monitor the policies for the use of emergency safety interventions in all schools and for all students within each LEA's jurisdiction.]~~
- (3) This Rule R277-609 is categorized as Category 2 as described in Rule R277-111.

R277-609-2. Definitions.

- (1)~~(a)~~ "Accountability Practice" means any evidence-based practice that increases academic outcomes, decreases behavior that disrupts the learning environment and holds students accountable for their actions by requiring them to take responsibility to repair harm and provide restitution when appropriate.
 - ~~(b) Some practices include adapting instruction to increase engagement, behavior plans, and restorative practices.~~
- (2) "Classroom management" means the use of planned strategies that:
 - ~~(a) establish an organized and successful learning environment;~~
 - ~~(b) promote academic excellence;~~
 - ~~(c) teach behavioral, social, and emotional (BSE) skills to all students; and~~
 - ~~(d) prevent a pattern of behavior that interferes substantially and materially with the instruction of other students in the classroom.~~
- (3) "Discipline" [includes:]means school discipline and refers to
 - ~~(a) imposed discipline] the rules and evidence-based strategies applied in school to manage student behavior.[, and~~
 - ~~(b) self discipline.~~
- (2) "Disruptive student behavior" includes:
 - ~~(a) the grounds for suspension or expulsion described in Section 53G-8-205; and~~
 - ~~(b) the conduct described in Subsection 53G-8-209(2)(b).]~~
- (4) Discipline policy means one or more LEA policies that includes the provisions required by this Rule R277-609.
 - ~~(3)(5) "Electronic cigarette product" has the same meaning as that term is defined in Section 76-10-101.~~
 - ~~(4)(a)(6) "Emergency safety intervention" or "ESI" means the [use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others.~~
 - ~~(b) An "emergency safety intervention" is not for disciplinary purposes.~~
 - ~~(5) "Emergency safety intervention committee" or "ESI Committee" means an emergency safety intervention committee described in Section R277-609-7]same as described in Section R277-608-2.~~
 - ~~(6)(7) "Evidence-based" means the same as defined in Section 53G-8-211.~~
 - ~~(8) "Expulsion" means a disciplinary removal from school for more than ten school days without an offer of alternative education service.~~
 - ~~(7) "Functional Behavior Assessment" or "FBA" means a systematic process of identifying problem behaviors and the events that reliably predict occurrence and non-occurrence of those behaviors and maintain the behaviors across time.]~~
 - ~~(8)(9) "Harassment and discrimination free learning" means a learning environment in which a student is treated fairly regardless of the student's characteristics including race, color, religion, [or]sex, national origin, or disability and in which a student's ability to participate in or benefit from the services, activities, or opportunities offered is not limited or interfered with by conduct that is physically threatening, harmful, or humiliating.~~
 - ~~(9) "Immediate danger" means the imminent danger of physical violence or aggression towards self or others, which is likely to cause serious physical harm.~~
 - ~~(10) "Imposed discipline" means a code of conduct prescribed for the highest welfare of the individual and of the society in which the individual lives.]~~
 - ~~(10) "Incident" means the same as defined in Rule R277-613.~~
 - ~~(11) "Infraction" means the same as defined in Rule R277-613.~~
 - ~~(11)(12) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.~~
 - ~~(12) "Physical restraint" has the same meaning as the defined in Section 53G-8-301.]~~

- (13) "LEA Plan" means ~~[an LEA and school-wide written model for prevention and intervention addressing:~~
~~(a) student behavior management;~~ a data-driven written process or procedure that outlines the implementation of strategies that positively impact student behavior throughout the LEA.
~~[(b) restorative practices;~~
~~(c) harassment and discrimination free learning; and~~
~~(d) discipline procedures for students.]~~
- (14) "Positive behavior interventions and support" means an implementation framework for maximizing the selection and use of evidence-based prevention practices along a multi-tiered continuum that supports the academic, social, emotional, and behavioral competence of a student.
- (15) "Program" means an instructional or behavioral program including:
 (a) contracted services offered by private providers under the direct supervision of public school staff;
 (b) a program that receives public funding; or
 (c) a program for which the Board has regulatory authority.
- (16) "Prohibited student behavior" for the purposes of this rule includes:
 (a) the grounds for suspension or expulsion described in Section 53G-8-205 including disruption; and
 (b) the conduct described in Subsection 53G-8-209(2)(b).
- ~~[(16) "Policy" means standards and procedures that include:~~
~~(a) Section 53G-8-202 and additional standards, procedures, and training adopted in an open meeting by a local board of education or charter school board that:~~
~~(i) defines hazing, bullying, and cyber bullying;~~
~~(ii) prohibits hazing and bullying;~~
~~(iii) requires training regarding:~~
~~(A) the prevention of hazing, bullying, cyber bullying, and discipline among school employees and students; and~~
~~(B) the use of restorative practices, positive behavior interventions and supports, and emergency safety interventions;~~
~~(iv) provides for enforcement through employment action or student discipline;~~
~~(v) are informed and updated by data obtained by any regular safety or health related survey including a school's climate survey as described in Rule R277-623; and~~
~~(vi) other appropriate measurements.]~~
- (17) "Qualifying minor" means a school-age minor who:
 (a) is at least nine years old; or
 (b) turns nine years old at any time during the school year.
- (18) "Restorative justice program" means the same as that term is defined in Section 53G-8-211.
- (19) "Restorative practice" means ~~[the building and sustaining of relationships among students, school personnel, families and community members to build and strengthen social connections within communities and hold individuals accountable to restore relationships when harm has occurred.]~~ to help minors take responsibility for and repair harmful behavior that occurs within the school community.
- ~~[(20) "School" means any public elementary or secondary school or charter school.]~~
~~[(21)]~~ (20) "School employee" means:
 (a) a school teacher;
 (b) a school staff member;
 (c) a school administrator; or
 (d) any other person employed, directly or indirectly, by an LEA.
- ~~[(22) "Seclusionary time out" means that a student is:~~
~~(a) placed in a safe enclosed area by school personnel in accordance with the requirements of Rules R392-200 and R710-4;~~
~~(b) purposefully isolated from adults and peers; and~~
~~(c) prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area.~~
- (23) "Section 504 accommodation plan," required by Section 504 of the Rehabilitation Act of 1973, means a plan 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.
- ~~(24) "Self Discipline" means developing the ability to take personal responsibility for one's actions.~~
- ~~(25) "Student with a qualifying offense" means a qualifying minor who committed an alleged class C misdemeanor, infraction, status offense on school property, or truancy.]~~
- (21) "Suspension" means the same as defined in Section R277-100-2 and as described in Section 53G-8-206.

[R277-609-3. Incorporation of Least Restricted Behavioral Interventions (LRBI) Technical Assistance Manual by Reference.

- (1) This rule incorporates by reference the LRBI Technical Assistance Manual, 2023 Edition, which provides guidance and information in creating successful behavioral systems and supports within Utah's public schools that:
~~(a) promote positive behaviors while preventing negative or risky behaviors; and~~
~~(b) create a safe learning environment that enhances all student outcomes.~~
- (2) A copy of the manual is located at:
~~(a) <https://www.schools.utah.gov/administrativerules/documentsincorporated>; and~~
~~(b) the Utah State Board of Education.~~

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R277-609-[4]3. ~~[LEA Responsibility to Develop Plans]~~ Actions Required to Create or Update an LEA Discipline Policy.

(1) An LEA or school shall develop and implement a board-approved ~~[comprehensive-]LEA [plan or-]policy for [student and classroom management,]school discipline[, and restorative practices].~~

(2) An LEA shall include administration, instruction and support staff, students, parents, community council, and other community members in policy development, training, and prevention implementation ~~[so as-]~~ to create a community sense of participation, ownership, support, and responsibility.

(3) An LEA shall include as part of the ~~[plan]policy,~~ a process for parental outreach and education regarding the ~~policy[plan]~~ and how it can provide a discrimination and harassment free environment, through strategies promoting positive engagement between staff, students, and parents.

(4) An LEA may incorporate Rule R277-609 into one or more of its LEA policies, ensuring that all disciplinary practices are consistent with the requirements established in this rule.

(5) An LEA shall develop uniform and equitable methods for a school level data-based evaluation of the efficiency and effectiveness of the policy on an annual basis.

~~_____ (4) A plan described in Subsection (1) shall include:~~

- ~~_____ (a) the definitions of Section 53G-8-210;~~
- ~~_____ (b) written standards for student behavior expectations, including school and classroom management;~~
- ~~_____ (c) effective instructional practices for teaching student expectations, including:~~
 - ~~_____ (i) self-discipline;~~
 - ~~_____ (ii) citizenship;~~
 - ~~_____ (iii) civic skills; and~~
 - ~~_____ (iv) social emotional skills;~~
- ~~_____ (d) systematic methods for reinforcement of expected behaviors;~~
- ~~_____ (e) uniform and equitable methods for correction of student behavior;~~
- ~~_____ (f) consistent processes to collect student discipline data and incident or infraction data, including collection of the number of days of student suspensions and data collected from the school's climate survey as described in Rule R277-623;~~
- ~~_____ (g) uniform and equitable methods for at least annual school level data-based evaluations of efficiency and effectiveness;~~
- ~~_____ (h) an ongoing staff development program related to development of:~~
 - ~~_____ (i) student behavior expectations;~~
 - ~~_____ (ii) effective instructional practices for teaching and reinforcing behavior expectations;~~
 - ~~_____ (iii) effective intervention strategies; and~~
 - ~~_____ (iv) effective strategies for evaluation of the efficiency and effectiveness of interventions;~~
- ~~_____ (i) procedures for ongoing training of appropriate school personnel in:~~
 - ~~_____ (i) crisis management;~~
 - ~~_____ (ii) emergency safety interventions; and~~
 - ~~_____ (iii) LEA policies related to emergency safety interventions consistent with evidence-based practice;~~
- ~~_____ (j) policies and procedures relating to the use and abuse of alcohol, controlled substances, electronic cigarette products, and other harmful trends by students;~~
- ~~_____ (k) policies and procedures for responding to possession or use of electronic cigarette products by a student on school property as required by Subsection 53G-8-203(3);~~
- ~~_____ (k) policies and procedures, consistent with requirements of Rule R277-613, related to:~~
 - ~~_____ (i) bullying;~~
 - ~~_____ (ii) cyber-bullying;~~
 - ~~_____ (iv) hazing; and~~
 - ~~_____ (v) retaliation;~~
- ~~_____ (l) policies and procedures for the use of emergency safety interventions for all students consistent with evidence-based practices including prohibition of:~~
 - ~~_____ (i) physical restraint, subject to the requirements of Section R277-609-5, except when the physical restraint is allowed as described in Subsection 53G-8-302(2);~~
 - ~~_____ (ii) prone, or face-down, physical restraint;~~
 - ~~_____ (iii) supine, or face-up, physical restraint;~~
 - ~~_____ (iv) physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication;~~
 - ~~_____ (v) mechanical restraint, except:~~
 - ~~_____ (A) protective or stabilizing restraints;~~
 - ~~_____ (B) restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation;~~
 - ~~and~~
 - ~~_____ (C) any device used by a law enforcement officer in carrying out law enforcement duties;~~
 - ~~_____ (vi) chemical restraint, except as:~~
 - ~~_____ (A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and~~
 - ~~_____ (B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;~~

- ~~(vii) seclusionary time out, subject to the requirements of Section R277-609-5, except when a student presents an immediate danger of serious physical harm to self or others; and~~
- ~~(viii) for a student with a disability, emergency safety interventions written into a student's IEP, as a planned intervention, unless:~~
 - ~~(A) school personnel, the family, and the IEP team agree less restrictive means have been attempted;~~
 - ~~(B) a FBA has been conducted; and~~
 - ~~(C) a positive behavior intervention, based on data analysis has been written into the plan and implemented;~~
- ~~(m) direction for dealing with bullying and disruptive students;~~
- ~~(n) direction for schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address student behavior, including students who engage in disruptive student behaviors as described in Section 53G-8-210;~~
 - ~~(o) identification, by position, of an individual designated to issue notices of disruptive and bullying student behavior;~~
 - ~~(p) identification of individuals who shall receive notices of disruptive and bullying student behavior;~~
 - ~~(q) a requirement to provide for documentation of an alleged class B misdemeanor or a nonperson class A misdemeanor before referral of students with an alleged class B misdemeanor or a nonperson class A misdemeanor to juvenile court;~~
 - ~~(r) strategies to provide for necessary adult supervision;~~
 - ~~(s) a requirement that policies be clearly written and consistently enforced;~~
 - ~~(t) notice to employees that violation of this rule may result in employee discipline or action;~~
 - ~~(u) gang prevention and intervention policies in accordance with Subsection 53E-3-509(1);~~
 - ~~(v) provisions that account for an individual LEA's or school's unique needs or circumstances, including:~~
 - ~~(i) the role of law enforcement;~~
 - ~~(ii) emergency medical services; and~~
 - ~~(iii) a provision for publication of notice to parents and school employees of policies by reasonable means; and~~
 - ~~(iv) a plan for referral for a student with a qualifying office to alternative school related interventions, including:~~
 - ~~(A) a mobile crisis outreach team, as defined in Section 80-1-102;~~
 - ~~(B) a receiving center operated by the Division of Juvenile Justice Services in accordance with Section 80-5-102;~~
 - ~~(C) a youth court; or~~
 - ~~(w) a comparable restorative justice program.~~
 - ~~(4) A plan described in Subsection (1) may include:~~
 - ~~(a) Subsection 53E-3-509(2); and~~
 - ~~(b) a plan for training administrators and school resource officers in accordance with Section 53G-8-702.]~~
 - ~~(6) An LEA shall publish a notice to parents and school employees of the discipline policy by reasonable means.~~

R277-609-4. School Conduct and Discipline Policy.

- ~~(1) An LEA discipline policy shall include:~~
 - ~~(a) provisions consistent with:~~
 - ~~(i) the requirements of Section 53G-8-210;~~
 - ~~(ii) the requirements of Subsection 53E-7-207(5);~~
 - ~~(iii) the requirements of Rule R277-750, including:~~
 - ~~(A) procedural safeguards;~~
 - ~~(B) child find;~~
 - ~~(C) IEP development, review, and revision; and~~
 - ~~(D) discipline procedures requirements; and~~
 - ~~(iv) the child find provisions in Section 504 of the Rehabilitation Act of 1973.~~
 - ~~(b) grounds for suspension and expulsion consistent with Section 53G-8-205;~~
 - ~~(c) alternatives to suspension and expulsion consistent with Section 53G-8-207;~~
 - ~~(d) direction for schools to determine the range of prohibited behaviors and establish the continuum of administrative procedures that may be used by school personnel to address prohibited student behavior;~~
 - ~~(e) parent responsibilities as described in Section 53G-8-208.~~
 - ~~(f) federal legal requirements, including IDEA, Title IX, and the Americans with Disabilities Act;~~
 - ~~(g) identification, by position, of an individual designated to issue notices of prohibited student behavior as described in Section 53G-8-210;~~
 - ~~(h) identification of individuals who shall receive notices of prohibited student behavior as described in Section 53G-8-210;~~
 - ~~(i) the parent notification requirements in Section 53G-8-210; and~~
 - ~~(j) provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for prohibited student behavior.~~
 - ~~(k) provide due process procedures for minors and parents to contest allegations and citations of prohibited student behavior.~~
- ~~(2) An LEA discipline policy, shall include provisions that apply to the following specific incident and infractions types:~~
 - ~~(a) the illicit use, possession, or distribution of:~~
 - ~~(i) alcohol;~~
 - ~~(ii) tobacco and nicotine products, including electronic cigarettes, as defined in Section 76-10-101; and~~
 - ~~(iii) marijuana and controlled substances as defined in Section 58-37-2;~~
 - ~~(b) specific conduct as described in Subsection 53G-8-209(2);~~

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- ~~(c) provisions and procedures, consistent with requirements of Rule R277-613;~~
- ~~(d) gang prevention and intervention provisions in accordance with Subsection 53E-3-509(1);~~
- ~~(e) responses to defacement of school property consistent with Sections:~~
 - ~~(i) 53G-8-212;~~
 - ~~(ii) 76-6-101; and~~
 - ~~(iii) 80-6-610.~~
- ~~(f) responses to attendance concerns as described in Rule R277-607; and~~
- ~~(g) serious offenses of sexual crimes as described in Sections:~~
 - ~~(i) 53G-8-201;~~
 - ~~(ii) 53G-8-203; and~~
 - ~~(iii) 53G-8-213.~~
- ~~(3) An LEA discipline policy shall also include direction on the following available supportive or emergency responses:~~
 - ~~(a) strategies that align with the LRBI manual incorporated in this rule;~~
 - ~~(b) the appropriate use of accountability practices;~~
 - ~~(c) the use of emergency safety interventions as outlined in Section R277-608-3 for all students consistent with evidence-based practices and Rule R277-608;~~
 - ~~(d) the use of SafeUT as described in Section 53G-8-203;~~
 - ~~(e) threat assessment as described in Rule R277-400; and~~
 - ~~(f) additional provisions that account for an individual LEA's or school's unique needs or circumstances, including:~~
 - ~~(i) the role of law enforcement; and~~
 - ~~(ii) emergency medical services.~~

R277-609-5. Physical Restraint and Seclusionary Time Out.

- ~~(1) When used consistently with an LEA plan under Subsection R277-609-4(1):~~
 - ~~(a) a physical restraint must be immediately terminated when:~~
 - ~~(i) a student is no longer an immediate danger to self or others; or~~
 - ~~(ii) a student is in severe distress; and~~
 - ~~(b) the use of physical restraint shall be for the minimum time necessary to ensure safety and a release criteria, as outlined in LEA policies, must be implemented.~~
- ~~(2) If a public education employee physically restrains a student, the school or the public education employee shall provide notice as soon as reasonably possible and before the student leaves the school as described in Section R277-609-10 to the student's parent.~~
- ~~(3) A public education employee may not use physical restraint on a student for more than the shortest of the following before stopping, releasing, and reassessing the intervention used:~~
 - ~~(a) the amount of time described in the LEA's emergency intervention training program;~~
 - ~~(b) 30 minutes; or~~
 - ~~(c) when law enforcement arrives.~~
- ~~(4) A public education employee may not use physical restraint as a means of discipline or punishment.~~
- ~~(5) If a public education employee uses seclusionary time out, the public education employee shall:~~
 - ~~(a) use the minimum time necessary to ensure safety;~~
 - ~~(b) use release criteria as outlined in LEA policies;~~
 - ~~(c) ensure that any door remains unlocked consistent with the fire and public safety requirements described in Rules R392-200 and R710-4;~~
 - ~~(d) maintain the student within line of sight of the public education employee;~~
 - ~~(e) use the seclusionary time out consistent with the LEA's plan described in Section R277-609-4; and~~
 - ~~(f) ensure that the enclosed area meets the fire and public safety requirements described in Rules R392-200 and R710-4.~~
 - ~~(6) If a student is placed in seclusionary time out, the school or the public education employee shall provide notice as soon as reasonably possible and before the student leaves the school to:~~
 - ~~(a) the student's parent; and~~
 - ~~(b) school administration.~~
 - ~~(7) A public education employee may not place a student in a seclusionary time out for more than 30 minutes.~~
 - ~~(8) In addition to the notice described in Subsection (7), if a public education employee places a student in seclusionary time out for more than 15 minutes, the school or the public education employee shall immediately provide notice to:~~
 - ~~(a) the student's parent or guardian; and~~
 - ~~(b) school administration.~~
 - ~~(9) Seclusionary time out may only be used for maintaining safety.~~
 - ~~(10) A public education employee may not use seclusionary time out as a means of discipline or punishment.]~~

R277-609-5. LEA Responsibility to Implement Positive Behavior Interventions, Supports and Accountability Practices.

- ~~(1) An LEA shall implement positive behavior interventions, supports, and accountability practices as part of the LEA's continuum of behavior interventions strategies.~~
- ~~(2) LEA plans shall use:~~
 - ~~(i) written standards for student behavior expectations, including schoolwide and classroom management;~~

- ~~_____ (ii) effective instructional practices for teaching student expectations;~~
- ~~_____ (iii) systematic methods for reinforcing expected behaviors;~~
- ~~_____ (iv) uniform and equitable methods for correcting student behavior; and~~
- ~~_____ (v) procedures for re-teaching behavior expectations followed by effective, evidence-based interventions matched to student needs before suspension or court referral;~~
- ~~_____ (vi) procedures for referral for a student with a qualifying offense to alternative school-related interventions as described in Section 53G-8-211.~~
- ~~_____ (3) An LEA shall provide an ongoing staff development program as described in Rule R277-608.~~

~~[R277-609-6. Implementation.~~

- ~~_____ (1) An LEA shall implement strategies and policies consistent with the LEA's plan required in Section R277-609-4.~~
- ~~_____ (2) An LEA shall develop, use and monitor a continuum of intervention strategies to assist students, including students whose behavior in school falls repeatedly short of reasonable expectations, by teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence-based interventions matched to student needs before suspension or court referral.~~
- ~~_____ (3) An LEA shall implement positive behavior interventions, supports, and restorative practices as part of the LEA's continuum of behavior interventions strategies.~~

~~R277-609-7. LEA Emergency Safety Intervention (ESI) Committees.~~

- ~~_____ (1) An LEA shall establish an Emergency Safety Intervention (ESI) Committee.~~
- ~~_____ (2) An LEA's ESI Committee:~~
 - ~~_____ (a) shall include:~~
 - ~~_____ (i) at least two administrators;~~
 - ~~_____ (ii) at least one parent or guardian of a student enrolled in the LEA, appointed by the LEA; and~~
 - ~~_____ (iii) at least two certified educational professionals with behavior training and knowledge in both state rules and LEA discipline policies;~~
 - ~~_____ (b) shall meet often enough to monitor the use of emergency safety intervention in the LEA;~~
 - ~~_____ (c) shall determine and recommend professional development needs; and~~
 - ~~_____ (d) shall develop policies for local dispute resolution processes to address concerns regarding disciplinary actions; and~~
 - ~~_____ (e) shall ensure that each emergency incident where a school employee uses an emergency safety intervention is documented in the LEA's student information system and reported to the Superintendent through the Board's Utah Transcript and Record Exchange (UTREx) system.]~~

~~R277-609-[8]6. LEA Reporting.~~

- ~~_____ (1) An LEA shall have procedures for the collection, maintenance, and periodic review of documentation or records of the use of emergency safety interventions at schools within the LEA.~~
- ~~_____ (2) The Superintendent shall define the procedures for the collection, maintenance, and review of records described in Subsection (1).~~
- ~~_____ (3) An LEA shall provide documentation of any school, program or LEA's use of emergency safety interventions to the Superintendent annually.]~~
- ~~_____ (1) An LEA shall develop a consistent process to collect incident, infraction, and discipline data, including the number of days of student suspensions and expulsions.~~
 - ~~[(4)(a) (2)(a) An LEA shall submit all required [UTREx] incident, infraction, and discipline data, [and incident or infraction data elements, and] including suspensions and expulsions [to the Superintendent no later than June 30 of each year.] consistent with Rule R277-484;~~
 - ~~_____ (b) An LEA shall submit any yearly and comprehensive updates no later than June 30th of each year.~~
 - ~~_____ (b) Beginning in the 2018-19 school year, an LEA shall submit all required UTREx discipline data and incident or infraction data elements as part of the LEA's daily UTREx submission.~~

~~R277-609-9. Special Education Exceptions to this Rule.~~

- ~~_____ (1) An LEA shall have in place, as part of its LEA special education policies, procedures, or practices, criteria and steps for using emergency safety interventions consistent with state and federal law.~~
- ~~_____ (2) The Superintendent shall periodically review:~~
 - ~~_____ (a) all LEA special education behavior intervention, procedures, and manuals; and~~
 - ~~_____ (b) emergency safety intervention data as related to IDEA eligible students in accordance with Utah's Program Improvement and Planning System.~~

~~R277-609-10. Parent Notification and Court Referral.~~

- ~~_____ (1) LEA policies shall provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for disruptive student behavior.~~
- ~~_____ (2) An LEA shall establish policies that:~~
 - ~~_____ (a) provide notice to parents and information about resources available to assist a parent in resolving the parent's school-age minors' disruptive behavior;~~

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- ~~(b) provide for notices of disruptive behavior to be issued by schools to qualifying minors and parents consistent with:~~
- ~~(i) numbers of disruptions, suspensions, and timelines in accordance with Section 53G-8-210;~~
- ~~(ii) school resources available;~~
- ~~(iii) cooperation from the appropriate juvenile court in accessing student school records, including:~~
 - ~~(A) attendance;~~
 - ~~(B) grades;~~
 - ~~(C) behavioral reports; and~~
 - ~~(D) other available student school data; and~~
- ~~(iv) provide due process procedures for minors and parents to contest allegations and citations of disruptive student behavior.~~
- ~~(3)(a) When an emergency safety intervention is used to protect a student or others from harm, a school shall:~~
 - ~~(i) provide notice to the student's parent as soon as reasonably possible and before the student leaves the school;~~
 - ~~(ii) provide notice to school administration; and~~
 - ~~(iii) provide documentation of the emergency safety intervention to the LEA's ESI Committee described in Section R277-609-7.~~
- ~~(b) In addition to the notice described in Subsection (3)(a), if the use of an emergency safety intervention occurs for more than 15 minutes, the school shall immediately provide a second notification to:~~
 - ~~(i) the student's parent or guardian; and~~
 - ~~(ii) school administration.~~
- ~~(d) A notice described in Subsection (3)(a) shall be documented within student information systems (SIS) records.~~
- ~~(4)(a) A school shall provide a parent or guardian with a copy of any notes or additional documentation taken during the use of the emergency safety intervention upon request of the parent or guardian.~~
- ~~(b) Within 24 hours of the school using an emergency safety intervention with a student, a school shall provide notice to a parent or guardian that the parent or guardian may request a copy of any notes or additional documentation taken during the use of the emergency safety intervention.~~
- ~~(c) A parent or guardian may request a time to meet with school staff and administration to discuss the use of an emergency safety intervention.~~

R277-609-11. Model Policies.

- ~~(1) The Superintendent shall develop, review regularly, and provide to LEA boards model policies to address disruptive student behavior and appropriate consequences.~~
- ~~(2) The Superintendent shall provide technical assistance to LEAs in developing and implementing policies and training employees in the appropriate use of physical force and emergency safety interventions to the extent of resources available.~~

R277-609-12. LEA Compliance.

~~If an LEA fails to comply with this rule, the Superintendent may withhold funds in accordance with Rule R277-114 or impose any other sanction authorized by law.]~~

KEY: disciplinary actions, [~~disruptive students~~]prohibited student behavior[, ~~emergency safety interventions~~]

Date of Last Change: ~~2025~~June 13, 2023

Notice of Continuation: September 13, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501(1)(b)(v); 53E-3-509; 53G-8-202; 53G-8-702; 53G-8-302

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R277-627	Filing ID: 57048

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R277-627. Early Warning Program

3. Purpose of the new rule or reason for the change:

This rule is being amended to support the Request for Proposal (RFP) process.

4. Summary of the new rule or change:

The amendments specifically include defining an "early warning system" and defining the thresholds as required by statute.

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. In the 2024 General Session, H.B. 84, School Safety Amendments, made it a requirement for all Local Education Agencies (LEAs) to utilize an Early Warning System, whether it be the state provided option through a statewide contract, or another option chosen by the LEA that meets the requirements of the statute.

This rule allows the Utah State Board of Education (USB E) to procure the early warning system state contract. The USB E believes the associated costs were captured in the fiscal note to H.B. 84 (2024) and this rule does not add costs for the USB E, LEAs, or other entities or individuals.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. In the 2024 General Session, H.B. 84 made it a requirement for all LEAs to utilize an Early Warning System, whether it be the state provided option through a statewide contract, or another option chosen by the LEA that meets the requirements of the statute.

This rule allows the USB E to procure the early warning system state contract. The USB E believes the associated costs were captured in the fiscal note to H.B. 84 (2024) and this rule does not add costs for the USB E, LEAs, or other entities or individuals.

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 the USB E 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. In the 2024 General Session, H.B. 84 made it a requirement for all LEAs to utilize an Early Warning System, whether it be the state-provided option through a statewide contract, or another option chosen by the LEA that meets the requirements of the statute.

This rule allows the USBE to procure the early warning system state contract. The USBE believes the associated costs were captured in the fiscal note to H.B. 84 (2024) and this rule does not add costs for the USBE, LEAs, or other entities or individuals.

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. In the 2024 General Session, H.B. 84 made it a requirement for all LEAs to utilize an Early Warning System, whether it be the state provided option through a statewide contract, or another option chosen by the LEA that meets the requirements of the statute.

This rule allows the USBE to procure the Early Warning System state contract. The USBE believes the associated costs were captured in the fiscal note to H.B. 84 (2024) and this rule does not add costs for the USBE, LEAs, or other entities or individuals.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

6. 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 53E-3-401(4)	Subsection 53F-4-207(2)(d)
Section 53G-8-702.5		

Public Notice Information

8. 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 until: 03/31/2025

9. This rule change MAY become effective on: 04/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	02/14/2025
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R277. Education, Administration.

R277-627. Early Warning Program.

R277-627-1. Authority, ~~and~~ Purpose and Oversight Category.

- (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 53F-4-207(2)(d), which requires the board to make rules to define primary exceptionalities~~[-]; and~~
 - (d) Section 53F-4-207, which requires an LEA to implement a digital early warning system to help identify students in need of academic assistance.
- (2) The purpose of this rule is to define primary exceptionalities for ~~[the purpose of]~~ the term being used in the early warning program.
- (3) This Rule R277-627 is categorized as Category 2 as described in Rule R277-111.

R277-627-2. Definitions.

- (1) "Primary exceptionalities" means the same as a "child with a disability" defined by 34 CFR Section 300.8.
- (2) "Thresholds" means the specific criteria based on indicators which, when met or exceeded, trigger alerts for necessary interventions.
- (3) "Indicators" means a specific data point or metric, including discipline, attendance, behavior, course failures, and other criteria as determined by an LEA, used to assess and identify students who may be at risk of academic failure.

R277-627-3. Early Warning System Requirements.

An LEA shall:

- (1) set thresholds for the early warning system in alignment with best practice and local resources and priorities;
- (2) ensure that the early warning system effectively identifies students at risk of academic failure; and
- (3) provide prompt and timely intervention.

KEY: early warning system, special education

Date of Last Change: 2025~~February 9, 2024~~

Authorizing, and Implemented~~[,]~~ **or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-4-207(2)(d); 53G-8-702.5**

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or Section Number:	R277-704	Filing ID: 57049

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-704. Financial and Economic Literacy: Integration into Core Curriculum

3. Purpose of the new rule or reason for the change:
This rule is being amended to bring it into alignment with statute.
4. Summary of the new rule or change:
The amendments specifically include: 1) updating definitions, 2) adding an oversight "Category 4", 3) clarifying professional development provisions, and 4) updating language on course 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. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself for the USBE or Local Education Agencies (LEAs). The definition updates and professional development clarifications are a result of S.B. 192 passed in the 2024 General Session. The USBE believes any fiscal impact was captured in the fiscal note to S.B. 192 (2024) and this rule does not add any additional impacts.
B) Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule. This categorization does not add any requirements or resources in and of itself for the USBE or LEAs. The definition updates and professional development clarifications are a result of S.B. 192 (2024). The USBE believes any fiscal impact was captured in the fiscal note to S.B. 192 (2024) and this rule does not add any additional 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. This rule only applies to LEAs and the 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 <i>agency</i>):
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. The oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself for the USBE or LEAs. The definition updates and professional development clarifications are a result of S.B. 192 (2024). The USBE believes any fiscal impacts were captured in the fiscal note to S.B. 192 (2024) and this rule does not add any additional impacts.

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 oversight framework categorization is part of the USBE's effort through Rule R277-111 to categorize each rule into an oversight framework category, or to delineate for stakeholders what type of monitoring or oversight is required by the USBE resulting from this rule.

This categorization does not add any requirements or resources in and of itself for the USBE or LEAs. The definition updates and professional development clarifications are a result of S.B. 192 (2024). The USBE believes any fiscal impacts were captured in the fiscal note to S.B. 192 (2024) and this rule does not add any additional impacts.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

6. 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 53E-3-401(4)	Section 53E-3-505	
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Public Notice Information

8. 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 until:	03/31/2025
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9. This rule change MAY become effective on:	04/07/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	02/14/2025
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R277. Education, Administration.

R277-704. Financial and Economic Literacy: Integration into Core Curriculum.

R277-704-1. Authority, ~~and~~ Purpose, and Oversight Category.

- (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;
 - (c) Section 53E-3-505, which directs the Board to work with financial and economic experts and private and non-profit entities to develop and integrate financial and economic literacy and skills into the public school curriculum at all appropriate levels.
- (2) The purpose of this rule is:
 - (a) to ~~[provide funds appropriated by the Legislature to develop and]~~integrate financial and economic literacy concepts effectively into the core curriculum in various programs and at various grade levels;
 - (b) to provide for educator professional development using business, education, and community expertise;
 - (c) to provide curriculum resources and assessments for financial and economic literacy;
 - (d) to provide simple and consistent messaging to students that becomes part of the core curriculum that reinforces the importance of financial and economic literacy for students and parents; and
 - (e) to help students and parents to locate and use school and community resources to improve financial and economic literacy among students and families.
- (3) This rule is categorized as Category 4 as described in Rule R277-111.

R277-704-2. Definitions.

- (1) "Content Specialist" means a licensed educator who provides instruction or specialized support for students and teachers in a school setting.
- (2) "End of course assessment" means an online end of course assessment for students who take the general financial literacy course.
- (3) "Endorsement" means the licensing document required by the board for teachers who teach general financial literacy.
- ~~[(4) "Financial and economic literacy project" means a program or series of activities developed locally to implement financial and economic literacy education as described in Section 53E-3-505.]~~
- (4) "General Financial Literacy Course" means the course of instruction administered by the Superintendent as a course required for graduation, which adopts the standards and objectives addressed in accordance with Section 53E-3-505.
- (5) "LEA" for purposes of this rule, includes the Utah Schools for the Deaf and the Blind.
- (6) "Professional development" means locally or Board-approved education-related training or activities that enhance an educator's background.
- ~~(7) "Success Sequence" means a three-pronged framework for youth and young adults that encompasses the values of:~~
 - ~~(a) completing at least a high school education;~~
 - ~~(b) obtaining full-time work; and~~
 - ~~(c) marrying before having children.~~

R277-704-3. General Financial Literacy End of Course Assessment.

- (1) The Superintendent shall provide an LEA with an end of course assessment for general financial literacy which shall be:
 - (a) administered to every student who takes the general financial literacy course;
 - (b) aligned with general financial literacy revised core standards and objectives; and
 - (c) measured and analyzed at the school, district, and state-wide levels.

R277-704-4. General Financial Literacy Teacher Endorsement.

- (1) A Board licensed educator who teaches general financial literacy shall have licensing, endorsements, and other credentials equal to other content specialists as described in Section R277-309-4.
- (2) An educator's course work may be part of or in addition to course work and programs of study required for licensure by the Board consistent with Rule R277-303.

R277-704-5. Financial and Economic Literacy Professional Development Opportunities.

- (1) The Superintendent shall work with public, private, and nonprofit entities to provide professional development for all areas of financial and economic literacy~~[utilizing the expertise of community and business groups]~~.
- (2) Professional development activities shall:
 - (a) provide information about financial and economic literacy including personal finance and economic responsibility;
 - ~~(e)[b] [provide resources for teaching financial and economic literacy without promoting specific products or businesses]~~make online resources available to teachers for financial and economic literacy education, including modules with interactive activities and turnkey instructor resources; and
 - ~~(d)[c] [work with the Superintendent to develop]~~include strategies for promoting financial and economic literacy.

R277-704-6. Financial and Economic Literacy Taskforce.

- (1) The financial and economic literacy taskforce shall have the membership and general responsibilities outlined in Subsection 53E-3-505(4).
- (2) In addition to the responsibilities outlined in Subsection 53E-3-505(4), the financial and economic literacy taskforce shall:
 - (a) analyze data provided by the Superintendent that includes:
 - (i) aggregated-school level proficiency results from the end of course assessment;
 - (ii) general enrollment data;
 - ~~(iii) assessment of general financial literacy education quality; and~~
 - ~~(iv) [iii]~~ other relevant data to inform strategies for strengthening financial literacy proficiency; and
 - (b) serve as the writing committee for the financial literacy course standards.
 - (c) include financial and economic literacy concepts required by Subsection 53E-3-505(1)(b) and the Success Sequence in course standards development.
- (3) ~~[Before final approval, the board shall fulfill all the requirements in Subsection 53E-4-202(4)]~~ Taskforce recommendations for the financial literacy course standards shall follow the board approved process for non-core standards.

KEY: financial, economics, literacy

Date of Last Change: 2025[January 10, 2024]

Notice of Continuation: August 23, 2023

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53G-3-505; 53E-3-401(4)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal		
Rule or Section Number:	R277-708	Filing ID: 57050

Agency Information

1. Title catchline:	Education, Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact persons:		
Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R277-708. Enhancement for At-Risk Students
3. Purpose of the new rule or reason for the change:
This rule is being repealed because this rule is no longer necessary.
4. Summary of the new rule or change:
This rule is being repealed because the Enhancement for At-Risk Students (EARS) program has been discontinued and funding has been merged into the Weighted Pupil Unit (WPU).

Fiscal Information

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

This rule change is not expected to have fiscal impact on state government revenues or expenditures. The funding and statute for the Enhancement for At-Risk Students program was discontinued by the legislature. The Utah State Board of Education (USBE) believes the fiscal impact were captured by the legislature upon eliminating the program and creating the Students At-Risk Add-on. This repeal does not impact any current programming or activities for the USBE or Local Education Agencies (LEAs).

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The funding and statute for the Enhancement for At-Risk Students program was discontinued by the legislature. The USBE believes the fiscal impacts were captured by the legislature upon eliminating the program and creating the Students At-Risk Add-on. This repeal does not impact any current programming or activities for the USBE or 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 only affects the 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. The funding and statute for the Enhancement for At-Risk Students program was discontinued by the legislature.

The USBE believes the fiscal impacts were captured by the legislature upon eliminating the program and creating the Students At-Risk Add-on. The repeal does not impact any current programming or activities for the USBE or 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. The funding and statute for the Enhancement for At-Risk Students program was discontinued by the legislature. USBE believes the fiscal impacts were captured by the legislature upon eliminating the program and creating the Students At-Risk Add-on. This repeal does not impact any current programming or activities for the USBE or LEAs.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027

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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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-2-410	Subsection 53E-3-401(4)
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Public Notice Information

8. 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 until: 03/31/2025

9. This rule change MAY become effective on: 04/07/2025
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	02/14/2025
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R277. Education, Administration.
[R277-708. Enhancement for At-Risk Students.

R277-708-1. 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) Section 53F-2-410, which directs the Board to manage the Enhancement for At Risk Students interventions by:~~
 - ~~(i) developing a funding formula;~~
 - ~~(ii) developing performance criteria;~~
 - ~~(iii) supporting LEA implementation of evidence-based interventions;~~
 - ~~(iv) distributing the appropriation; and~~
 - ~~(v) monitoring and reporting the effectiveness of the evidence-based interventions; 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)(a) The purpose of this rule is to establish criteria and procedures for distributing Enhancement for At Risk Students funds to LEAs.~~
- ~~(b) The intent of the rule and the legislative appropriation is to improve academic achievement of students who are at risk of academic failure.~~

R277-708-2. Definitions.

- ~~(1) "At-risk of academic failure" means a k-12 public school student who meets an LEA governing board's approved definition of at risk of academic failure.~~
- ~~(2) "Available funds" means the total funds appropriated for the Enhancement for At Risk Students interventions, less funding designated for gang prevention under Subsection 53F-2-410(1)(b)(i).~~
- ~~(3) "Chronic absenteeism" means the number of students within an LEA who:~~
 - ~~(a) were enrolled in the LEA 60 calendar days or more; and~~
 - ~~(b) missed 10% or more days of instruction, whether the absence was excused or not.~~

NOTICES OF PROPOSED RULES

- ~~_____ (4) "Homeless child" or "homeless youth" means the same as that term is defined in R277-616-2.~~
- ~~_____ (5) "Homelessness" means the number of students within an LEA identified as homeless youth.~~
- ~~_____ (6) "LEA governing board" means:
 - ~~_____ (a) a charter school governing board; or~~
 - ~~_____ (b) a district's local school board.~~~~
- ~~_____ (7) "LEA share" means the percentage of k-12 students from an LEA who are at risk of academic failure compared to the total count for the state of Utah from the previous school year.~~
- ~~_____ (8) "Limited English Proficiency" or "LEP" means the total number of English learner or "EL" students in an LEA from the October 1 count from the previous school year who received a score of 1-4 on the English language proficiency assessment.~~
- ~~_____ (9) "Low performance on a statewide assessment" means the unduplicated count of k-12 students from an LEA scoring below proficient in Reading/Language, Math, and Science on a statewide assessment from the previous school year.~~
- ~~_____ (10) "Mobility" means the number of k-12 students enrolled less than 160 days or its equivalent in one school within a school year, as determined by the prior year's year-end average daily membership submission.~~
- ~~_____ (11) "Poverty" means the total number of k-12 students in an LEA reported as economically disadvantaged using federal child nutrition income eligibility guidelines for free or reduced-priced under the federal school lunch program from the official October 1 enrollment count from the previous school year.~~
- ~~_____ (12) "Statewide assessment" means the same as that term is defined in Subsection R277-404-2(10).~~
- ~~_____ (13) "Truancy" or "truant student" means a student absent without a valid excuse.~~
- ~~_____ (14) "UTREx System" means the electronic data collection system used by the Superintendent to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.~~
- ~~_____ (15) "Valid excuse" means the same as that term is defined in Section 53G-6-201.~~

R277-708-3. Allocation of Enhancement for At Risk Student Funds.

- ~~_____ (1) The Superintendent shall base an LEA's allocation on the certified data from the UTREx System using the most recent school year for which data is complete and available.~~
- ~~_____ (2) The Superintendent shall use the following funding formula to determine an LEA base to distribute to LEAs:
 - ~~_____ (a) the Superintendent shall annually calculate 4% of the state appropriation of the Enhancement for At Risk Students funding available for LEA grants to provide a base amount to LEAs.~~
 - ~~_____ (b) The Superintendent shall divide the base amount described in Subsection (2)(a) equally among all eligible LEAs.~~~~
- ~~_____ (3) The Superintendent shall annually calculate 20% of the state appropriation of the Enhancement for At Risk Students on a per school basis to provide a targeted amount to LEAs with traditional elementary schools, secondary schools, and alternative high schools with at least 75% poverty.~~
- ~~_____ (4)(a) Subject to Subsection (4)(b), the Superintendent shall award remaining funds to an LEA based on the LEA's number of students who meet any of the following criteria:
 - ~~_____ (i) low performance on a Board approved assessment;~~
 - ~~_____ (ii) poverty;~~
 - ~~_____ (iii) mobility;~~
 - ~~_____ (iv) limited English Proficiency;~~
 - ~~_____ (v) chronic absenteeism; and~~
 - ~~_____ (vi) homelessness.~~~~
- ~~_____ (b) When counting the number of students within an LEA who meet the criteria described in Subsection (4)(a), the Superintendent shall:
 - ~~_____ (i) for a student who meets one criterion, count the student once; and~~
 - ~~_____ (ii) for a student who meets more than one criterion, count the student for each criterion the student meets, up to three criteria.~~~~
- ~~_____ (5) The Superintendent shall notify an LEA that qualifies for funding of the LEA's level of funding annually by May 1.~~

R277-708-4. Fiscal Procedures.

- ~~_____ (1) An LEA shall submit its application to the Superintendent annually by July 1 through the Board's grant management system.~~
- ~~_____ (2) The Superintendent shall distribute available funds to LEAs with an approved application monthly based on a one-twelfth distribution beginning on July 1.~~
- ~~_____ (3) Except as provided in Subsection (5)(a), an LEA shall spend all allocated funds annually by June 30.~~
- ~~_____ (4) An LEA that accepts funds for Enhancement for At Risk Students intervention services shall be subject to Board accounting, auditing, and budgeting rules and policies.~~
- ~~_____ (5)(a) With written approval from the Superintendent, an LEA may carry over and spend up to ten percent of state Enhancement for At Risk Student funds in the next fiscal year.
 - ~~_____ (b) An LEA shall submit a request to carry over funds under Subsection (5)(a) to the Superintendent annually.~~
 - ~~_____ (c) An LEA shall detail approved carry over amounts in a revised budget submitted with the LEA's application described in Subsection (1) and through the Board's grant management system.~~
 - ~~_____ (d) The Superintendent shall review and approve a revised budget submitted under Subsection (5)(c) no later than December 1 in the year submitted.~~~~

~~R277-708-5. Application Process:~~

- ~~_____ (1) An LEA may use funds for activities that support students who are at risk of academic failure, including addressing truancy.~~
- ~~_____ (2) An LEA shall establish the following to include in the LEA's application for Enhancement for At Risk Student money:~~
 - ~~_____ (a) the LEA specific definition of a student at risk of academic failure as described in Subsection R277-708-2(1); and~~
 - ~~_____ (b) a copy of the LEA's comprehensive plan for student and classroom management, and school discipline required in Section R277-609-4~~
- ~~_____ (3) Annually, an LEA shall provide the following information to the Superintendent:~~
 - ~~_____ (a) a report of the LEA's use of funds through the annual financial reporting process;~~
 - ~~_____ (b) the LEA's outcome data related to the specific measurable goals included in the LEA's application; and~~
 - ~~_____ (c) a report of intervention effectiveness based on performance criteria defined by the Superintendent.~~

~~R277-708-6. Oversight: Monitoring, Evaluation and Reports:~~

- ~~_____ (1)(a) The Superintendent shall conduct tri-annual intervention reviews of each LEA receiving Enhancement for At Risk Students funding to ensure intervention compliance.~~
- ~~_____ (b) At the Superintendent's discretion or for good cause, the Superintendent may conduct additional formal or informal:~~
 - ~~_____ (i) monitoring;~~
 - ~~_____ (ii) reviews; or~~
 - ~~_____ (iii) site visits.~~
- ~~_____ (2) If the Superintendent identifies violations as a result of a review described in Subsection (1)(a), an LEA shall prepare and submit to the Superintendent a written corrective action plan for each finding made by the Superintendent.~~
- ~~_____ (3) If an LEA fails to resolve findings identified by the Superintendent under Subsection (2), the Superintendent may implement corrective action as provided in R277-114.~~

~~R277-708-7. Gang Prevention and Intervention Funds:~~

- ~~_____ (1) Consistent with Subsection 53F-2-410(1)(b), the Superintendent shall distribute funding to LEAs for gang prevention and intervention.~~
- ~~_____ (2) An LEA desiring to receive gang prevention and intervention funds shall submit a proposal consistent with Rule R277-436.~~

KEY: students at risk

Date of Last Change: May 26, 2020

Notice of Continuation: March 30, 2020

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-410; 53E-3-401(4)]

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R307-110-17

Filing ID: 57035

Agency Information

1. Title catchline:	Environmental Quality, Air Quality	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Ana Williams	801-536-4153	anawilliams@utah.gov
Erica Pryor	385-499-3416	epryor1@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits

3. Purpose of the new rule or reason for the change:

The purpose of the amendment to Section R307-110-17 is to amend the Utah State Implementation Plan, Subsections IX.H.11 and IX.H.12 Emission Limits and Operating Practices to comply with the Clean Air Act requirements for Serious PM2.5 nonattainment areas as listed in Title 40 Code of Federal Regulations, Part 51, Subpart Z (40 CFR 51 Subpart Z). Section R307-110-17 incorporates amendments to Subsections IX.H.11 and IX.H.12 into the rule and shall be amended to change the Board adoption date to the anticipated adoption date of the amended plan.

4. Summary of the new rule or change:

This rule amendment is in response to feedback and direction provided by the US Environmental Protection Agency after the original submittal of the Utah Serious PM2.5 nonattainment area State Implementation Plan as adopted by the Utah Air Quality Board on January 2, 2019.

The following rule amendments are proposed:

- 1) additional recordkeeping and reporting requirements under Subsection IX.H.11 General Requirements;
- 2) the removal of source-wide PM2.5, NOx, and SO2 caps for four sources under Subsection IX.H.12 Source-Specific Emission Limitations;
- 3) the addition of new NOx limitations for the same four sources under Subsection IX.H.12 Source-Specific Emission Limitations; and
- 4) minor changes to reflect current process units at two sources under Subsection IX.H.12 Source-Specific Emission Limitations.

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 create additional costs or savings for the state government. These facilities are already permitted and inspected under existing rules and have existing stack testing requirements in place. Inspectors will be able to confirm compliance as part of normal stack testing processes.

B) Local governments:

This rule amendment is not expected to impact local governments; therefore, no costs or savings are anticipated.

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

This rule amendment is not expected to impact small businesses; therefore, no costs or savings are anticipated.

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

The Utah Division of Air Quality anticipates that these changes to the proposed rule will impact four non-small businesses. The impacts are described below.

These changes will require new stack testing requirements on 12 emission units located across four non-small businesses. Stack testing costs were calculated based on information submitted to the UDAQ as part of the BACT/BACM process in 2017 for the PM2.5 Serious SIP. Assuming an average of \$5,441 for stack testing costs, and accounting for inflation changes from 2017 to 2025, an average stack testing value of \$7,071.38 was used. Stack tests will be required every three years.

Therefore, for 12 units stack testing every three years across four non-small businesses, the estimated impact will be \$84,856.56 every three years.

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 amendment does not apply to persons other than small business, non-small businesses, state, or local government entities; therefore, no additional costs are expected because of these changes.

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

Compliance costs will consist of additional stack testing for four non-small businesses. The impacts are described below.

Compliance costs are estimated at \$84,856.56 every three years for additional stack testing requirements.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$84,856.56	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kim D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 19-6a-1642	Section 19-2-104	
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits
Publisher	Division of Air Quality, Utah Department of Environmental Quality
Issue Date	05/07/2025

Public Notice Information

8. 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 until: 03/31/2025

B) A public hearing (optional) will be held:

Date:	Time:	Place (physical address or URL):
03/19/2025	1:30 PM	DAQ Public Hearing for Section R307-110-17 In Person: MASOB 195 N 1950 W, Salt Lake City, UT 84116 First Floor, Air Quality Board Room

		Virtual Attendance: Time zone: America/Denver Google Meet joining info: Video call link: https://meet.google.com/sjx-deyn-eoy Or dial: (US) +1 443-593-4502 PIN: 142 424 668# More phone numbers: https://tel.meet/sjx-deyn-eoy?pin=1103833114403
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9. This rule change MAY become effective on:	04/07/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	01/23/2025
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R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan.

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

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits and Operating Practices, as most recently amended by the Utah Air Quality Board on ~~September 12, 2023~~ May 7, 2025, pursuant to Section 19-2-104, is incorporated by reference and made a part of Rule R307-110.

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

Date of Last Change: ~~2025~~ February 5, 2025

Notice of Continuation: December 1, 2021

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or Section Number:	R307-150	Filing ID: 57036

Agency Information

1. Title catchline:	Environmental Quality, Air Quality	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Greg Mortensen	385-226-6171	gmortensen@utah.gov
Erica Pryor	385-499-3416	epryor1@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R307-150. Emission Inventories

3. Purpose of the new rule or reason for the change:

Rule R307-150 is being updated to reflect what our State and Local Emissions Inventory System (SLEIS) database is capable of.

Ultimately, the Division of Air Quality (DAQ) needs to catch the rule up on Hazardous Air Pollutants (HAPs) to reflect what sources are already reporting and what SLEIS is also already able to do.

Additionally, DAQ is removing the HAPs exemption limits as staff were unable to replicate the calculation methodology employed in the existing rule. SLEIS is now able to automatically populate any HAPs emission factors with standard, well defined methodology, therefore negating the need for exemption limits. This is a much-simplified means for most facilities to report their HAPs emissions.

DAQ staff believe this will also provide more accurate and consistent HAPs data while also streamlining HAPs reporting with criteria pollutants. DAQ is also adding the explicit authority to collect mobile emissions from point sources. Over half of the facilities reporting in SLEIS were already including emissions. This change will allow staff to level the playing field and mandate all facilities to report these emissions. This will result in a more comprehensive point source inventory which can be leveraged for modeling and policy purposes.

Staff is also taking the opportunity to update the sulfur dioxide (SO₂) reporting requirements by removing a conflicting statement indicating an erroneous end date for SO₂ reporting.

Additionally, other revisions have been made to bring this rule into compliance with EO No. 2021-12.

4. Summary of the new rule or change:

The amendments to Rule R307-150 do the following:

- 1) remove HAPs threshold calculation and HAPs reporting exemptions;
- 2) update SO₂ reporting language;
- 3) remove the outdated timeline for SO₂ reporting period;
- 4) require mobile emissions reporting by point sources, include the definition of mobile emissions (by modifying reference to 40 CFR 51 to include "which never leave the property");
- 5) add mobile emissions reporting requirement to Sections R307-150-5 and R307-150-6; and
- 6) rule language changes to bring this rule into compliance with EO No. 2021-12.

Fiscal Information**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A) State budget:**

There are no anticipated costs or savings to the state budget associated with the amendments to Rule R307-150. No additional costs are expected as the automated HAPs enhancement is already included in the current SLEIS maintenance agreement and mobile emissions are already reportable, and reported by many facilities, in SLEIS.

All other changes are administrative language changes for portions of this rule already in effect.

B) Local governments:

If not already reporting, there is a possible workload increase to track mobile source use on a facility. However, there are no or negligible costs anticipated for HAPs reporting due to automated processes for local governments associated with the amendments to Rule R307-150.

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

If not already reporting, there is a possible workload increase to track mobile source use on a facility. However, there are no or negligible costs anticipated for HAPs reporting due to automated processes for small businesses associated with the amendments to Rule R307-150.

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

If not already reporting, there is a possible workload increase to track mobile source use on a facility. However, there are no or negligible costs anticipated for HAPs reporting due to automated processes for non-small businesses associated with the amendments to Rule R307-150.

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*):

If not already reporting, there is a possible workload increase to track mobile source use on a facility. However, there are no or negligible costs anticipated for HAPs reporting due to automated processes for non-small businesses associated with the amendments to Rule R307-150.

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

If not already reporting, there is a possible workload increase to track mobile source use on a facility. However, given that the majority of facilities already report these emissions, there are a limited number of facilities that do not report and these all vary in operational size and the possible mobile equipment operating on each facility is unknown at this time.

Therefore, predicting labor cost (current hourly pay rates are unknown) and possible time needed to determine equipment types to load into the inventory database is unknown due to the potential variability of each operation's mobile quantity and types.

Conversely, workloads costs should be significantly reduced as SLEIS provides the means to input activity data (e.g. fuel use or operating hours, both of which are typically tracked by sources as part of their normal business practices) to calculate emissions. Thus, once the source adds the equipment types and number thereof to SLEIS, they only need to input activity data going forward as SLEIS will carry their equipment type and number from year-to-year.

Removing the HAPs reporting thresholds should have negligible workload increase as SLEIS will automatically calculate HAPs based on the already required activity data for their annual emission inventory reports.

Additionally, there is a strong potential that this will reduce workload for sources as they are already expected to determine if their HAP emissions are above or below the threshold in the current rule which involves a complex calculation for each pollutant.

For smaller sources, it is not uncommon that administrative staff are tasked with submitting the inventory and are confused by these thresholds. This not only expends their time and agency time supporting them but also exposes sources to potential compliance costs if they fail to report a HAP as they guessed or erroneously calculated that they were below the threshold. SLEIS's HAPs auto-calculation capability alleviates this burden and allows sources to simply populate their processes with already-required activity data.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kim D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 19-6a-1642		
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Public Notice Information

8. 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 until: 03/31/2025

B) A public hearing (optional) will be held:

Date:	Time:	Place (physical address or URL):
03/19/2025	3:00 PM	DAQ Public Hearing for Rule R307-150 In Person: MASOB 195 N. 1950 W. Salt Lake City, UT 84116 First Floor, Air Quality Board Room Virtual Attendance: Time zone: America/Denver Google Meet joining info Video call link: https://meet.google.com/sjx-deyn-eoy Or dial: (US) +1 443-593-4502 PIN: 142 424 668# More phone numbers: https://tel.meet/sjx-deyn-eoy?pin=1103833114403

9. This rule change MAY become effective on: 04/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	01/21/2025
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R307. Environmental Quality, Air Quality.

R307-150. Emission Inventories.

R307-150-1. Purpose and General Requirements.

(1) The purpose of Rule R307-150 is to establish:

(a) ~~[to establish]~~ by rule, the time frame, pollutants, and information that sources ~~[must]~~ shall include in inventory submittals; and

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

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

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

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

(5) Recordkeeping ~~[R]~~ requirements include the following ~~[]~~:

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

(i) the records under Section R307-150-4 shall be kept for ten years;

(ii) other records shall be kept for a period of at least five years from the due date of each inventory;

NOTICES OF PROPOSED RULES

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

R307-150-2. Definitions.

The following additional definitions apply to Rule R307-150-; and all references to the "Threshold Limit Values for chemical Substances and Physical Agents and Biological Exposure Indices" adopted by the American Conference of Governmental Industrial Hygienists refers to the 2003 version, which is hereby incorporated by reference.

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

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

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

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

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

"Large Major Source" means a major source that emits or has the potential to emit 2,500 tons or more per year of oxides of sulfur, oxides of nitrogen, or carbon monoxide, or that emits or has the potential to emit 250 tons or more per year of PM₁₀, PM_{2.5}, volatile organic compounds, or ammonia.

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

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

"Mobile Emissions" means emissions from mobile sources as defined in 40 CFR § 51.491 which never leave the property line.

R307-150-3. Applicability.

(1) Section R307-150-4 applies to stationary sources with actual emissions of 100 tons or more per year of sulfur dioxide in calendar year 2000 or any subsequent year unless exempted in Subsection R307-150-3(1)([a]b). [Sources subject to Subsection R307-150-4 may be subject to other sections of Rule R307-150-]

(a) Stationary sources subject to Subsection R307-150-3(1) that emit less than 100 tons per year of sulfur dioxide in any subsequent year shall remain subject to Section R307-150-4.

(b) Stationary sources that meet the requirements of Subsection R307-150-3(1) that have permanently ceased operation are exempt from the requirements of Section R307-150-4 for the years during which the source did not operate at any time during the year, except for the Carbon Power Plant, which, beginning with 2016 emissions, the Division of Air Quality shall include emissions of 8,005 tons per year of sulfur dioxide in the annual regional sulfur dioxide milestone report required as part of the Regional Haze State Implementation Plan.

(c) Sources subject to Section R307-150-4 may be subject to other sections of Rule R307-150.

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

(b) Notwithstanding Subsection R307-150-3(1)(a), beginning with 2016 emissions, the Division of Air Quality will include emissions of 8,005 tons per year of sulfur dioxide for the Carbon Power Plant in the annual regional sulfur dioxide milestone report required as part of the Regional Haze State Implementation Plan.

(c) Except as provided in Subsection R307-150-3(1)(a), any source that meets the criteria of Subsection R307-150-3(1) and that emits less than 100 tons per year of sulfur dioxide in any subsequent year shall remain subject to the requirements of Section R307-150-4 until 2018 or until the first control period under the Western Backstop Sulfur Dioxide Trading Program as established in Subsection R307-250-12(1)(a), whichever is earlier.]

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

(3) Section R307-150-6 applies to each:

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

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

(c) [each]source not included in Subsection[s] R307-150-3(2), R307-150-3(3)(a), or R307-150-3(3)(b) that is located in Davis, Salt Lake, Utah, or Weber Counties and that has the potential to emit 25 tons or more per year of any combination of oxides of nitrogen, oxides of sulfur and PM₁₀, or the potential to emit [40]ten tons or more per year of volatile organic compounds; and

(d) [each]Part 70 source not included in Subsection[s] R307-150-3(2), R307-150-3(3)(a), R307-150-3(3)(b), or R307-150-3(3)(c).

(4) Section R307-150-8 applies to sources with Standard Industrial Classification codes in the major group 13 that have uncontrolled actual emissions greater than one ton per year for a single pollutant of PM₁₀, PM_{2.5}, oxides of nitrogen, oxides of sulfur, carbon monoxide, or volatile organic compounds. These sources include, [but are not limited to,] industries involved in oil and natural gas exploration, production, and transmission operations[;], well production facilities[;], natural gas compressor stations[;], [and]natural gas processing plants, and commercial oil and gas disposal wells, and ponds.

(a) Sources that require inventory submittals under Subsections R307-150-3(1) through [R307-150-3](3) are excluded from the requirements of Section R307-150-8.

(5) Section R307-150-9 applies to stationary sources located in a designated ozone nonattainment area that have the potential to emit oxides of nitrogen or volatile organic compounds greater than 25 tons per year.

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

(1) Annual Sulfur Dioxide Emission Report requirements are as follows.

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

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

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

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

(a) each source subject to Section R307-150-4 that uses a different emission monitoring or calculation method than was used to report their sulfur dioxide emissions in 2006 under Rule R307-150 or 40 CFR Part 75 shall adjust their reported emissions to be comparable to the emission monitoring or calculation method that was used in 2006; and

(b) the calculations that are used to make this adjustment shall be included with the annual emission report.

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

(1) Each large major source shall submit an emission inventory annually beginning with calendar year 2002. The inventory shall include PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, and ammonia for emissions units including fugitive and mobile emissions.

(2) For every third year beginning with 2005, the inventory shall also include ~~any~~ any other chargeable pollutants and hazardous air pollutants~~[-not exempted in Section R307-150-7]~~.

(3) For each pollutant specified in Subsection (1) or (2)~~[-above]~~, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution, composition of air pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried [time]-period.

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

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

(a) The inventory shall include PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, ammonia, other chargeable pollutants, and hazardous air pollutants not exempted in Section R307-150-7.

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

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

~~**R307-150-7. Exempted Hazardous Air Pollutants.**~~

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

TABLE 1

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

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

~~(a) 500 pounds per year; or~~

NOTICES OF PROPOSED RULES

- ~~(b) for acute pollutants, the applicable TLV-C expressed in milligrams per cubic meter and multiplied by 15.81 to obtain the pounds per year threshold; or~~
- ~~(c) for chronic pollutants, the applicable TLV-TWA expressed in milligrams per cubic meter and multiplied by 21.22 to obtain the pounds per year threshold; or~~
- ~~(d) for carcinogenic pollutants, the applicable TLV-C or TLV-TWA expressed in milligrams per cubic meter and multiplied by 7.07 to obtain the pounds per year threshold.]~~

R307-150-[8]7. Crude Oil and Natural Gas Source Category.

(1) Sources identified in Subsection R307-150-3(4) shall submit an inventory every third year beginning with the 2017 calendar year for emission units. The inventory shall:

- (a) ~~The inventory shall~~ include the total emissions for PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon monoxide and volatile organic compounds for each emission unit at the source~~[-]~~ and ~~the~~ the emissions of a pollutant shall be calculated using the emission unit's actual operating hours, product rates, and types of materials processed, stored, or combusted during the inventoried ~~time~~ time period~~[-]~~;
- (b) ~~The inventory shall~~ include the type and efficiency of air pollution control equipment~~[-]~~; and
- (c) ~~The inventory shall~~ be submitted in an electronic format determined by the Director specific to this source category.

R307-150-[9]8. Annual Ozone Emission Statement.

(1) Beginning in the year 2021, sources identified in Subsection R307-150-3(5) shall submit an ozone emission statement to the Division of Air Quality annually by April 15 of each year for the previous year's emissions.

(2) A source required to submit an emission statement shall provide the following minimum information:

- (a) a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement;
 - (b) the physical location where actual emissions occurred;
 - (c) the name and address of person or entity operating or owning the source;
 - (d) the nature of the source; and
 - (e) the total actual emissions of oxides of nitrogen and volatile organic compounds in tons per year for each emission unit.
- (3) Emission statements shall be submitted in an electronic format determined by the Director.

KEY: air pollution, reports, inventories

Date of Last Change: 2025[September 3, 2020]

Notice of Continuation: November 1, 2023

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

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R313-12	Filing ID: 57041

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R313-12. General Provisions

<p>3. Purpose of the new rule or reason for the change:</p> <p>The Division of Waste Management and Radiation Control, Radiation (Division) has been modernizing its processes for licenses, permits, and registrations. New processes for submission of applications in electronic formats are being created. This amendment updates the rules for submission of electronic documents to better align with the new processes.</p>
<p>4. Summary of the new rule or change:</p> <p>Changes are being made in Section R313-12-111 to align this rule for submission of electronic documents with new, modern processes for the electronic submission of documents and applications for license, permits, and registrations.</p> <p>Additionally, the Division has made corrections to formatting, typographical, and other minor errors that exist in this rule.</p>

Fiscal Information

<p>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</p>
<p>A) State budget:</p> <p>There may be some small savings for state agencies that have licenses or registrations under the Radiation Control rules related to submitting applications and documents electronically instead of in a hard copy paper format. However, these savings are believed to be small and unmeasurable.</p> <p>This rule change does not add or remove any requirements for state agencies.</p>
<p>B) Local governments:</p> <p>There may be some small savings for local governments that have licenses or registrations under the Radiation Control rules related to submitting applications and documents electronically instead of in a hard copy paper format. However, these savings are believed to be small and unmeasurable.</p> <p>This rule change does not add or remove any requirements for local governments.</p>
<p>C) Small businesses ("small business" means a business employing 1-49 persons):</p> <p>There may be some small savings for small businesses that have licenses or registrations under the Radiation Control rules related to submitting applications and documents electronically instead of in a hard copy paper format. However, these savings are believed to be small and unmeasurable.</p> <p>This rule change does not add or remove any requirements for small businesses.</p>
<p>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>There may be some small savings for non-small businesses that have licenses or registrations under the Radiation Control rules related to submitting applications and documents electronically instead of in a hard copy paper format. However, these savings are believed to be small and unmeasurable.</p> <p>This rule change does not add or remove any requirements for non-small businesses.</p>
<p>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):</p> <p>There may be some small savings for persons other than small businesses, non-small businesses, state or local governments that have licenses or registrations under the Radiation Control rules related to submitting applications and documents electronically instead of in a hard copy paper format. However, these savings are believed to be small and unmeasurable.</p> <p>This rule change does not add or remove any requirements for persons other than small businesses, non-small businesses, state or local governments.</p>

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

Because this rule change does not add any new requirements, there will be no additional compliance costs for affected persons who are required to submit applications and documents to the Division to comply with the Radiation Control rules.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 19-3-104	Section 19-6-104	
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Public Notice Information

8. 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 until:	03/31/2025
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9. This rule change MAY become effective on:	04/14/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	02/13/2025
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R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

R313-12. General Provisions.

R313-12-20. Units of Exposure and Dose.

(1) As used in [these rules] Title R313, the unit of EXPOSURE is the coulomb per kilogram (C per kg). One roentgen is equal to 2.58 x 10⁻⁴ coulomb per kilogram of air.

(2) As used in ~~[these rules]~~ Title R313, the units of dose are:

(a) Gray (Gy) is the SI unit of absorbed dose. One gray is equal to an absorbed dose of one joule per kilogram. One gray equals 100 rad.

(b) Rad is the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 erg per gram or 0.01 joule per kilogram. One rad equals 0.01 Gy.

(c) Rem is the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor. One rem equals 0.01 Sv.

(d) Sievert (Sv) is the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor. One Sv equals 100 rem.

(3) As used in ~~[these rules]~~ Title R313, the quality factors for converting absorbed dose to dose equivalent are shown in Table 1.

Type of Radiation	Quality Factor (Q)	Absorbed Dose Equal to a Unit Dose Equivalent
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High energy protons	10	0.1

For the column in Table 1 labeled "Absorbed Dose Equal to a Unit Dose Equivalent", the absorbed dose in rad is equal to one rem or the absorbed dose in gray is equal to one Sv.

[TABLE 1

Quality Factors and Absorbed Dose Equivalences

Type of Radiation	Quality Factor (Q)	Absorbed Dose Equal to a Unit Dose Equivalent
X, gamma, or beta radiation and high speed electrons	1	1
Alpha particles, multiple charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High energy protons	10	0.1

For the column in Table 1 labeled "Absorbed Dose Equal to a Unit Dose Equivalent", the absorbed dose in rad is equal to one rem or the absorbed dose in gray is equal to one Sv.

(4) If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in sievert per hour or rem per hour, as provided in Subsection R313-12-20(3), 0.01 Sv of neutron radiation of unknown energies may, for purposes of ~~[these rules]~~ Title R313, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table 2 to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

Neutron Energy Mev	Quality Factor Q	Fluence per Unit Dose Equivalent neutrons cm ⁻² rem ⁻¹	Fluence per Unit Dose Equivalent neutrons cm ⁻² Sv ⁻¹
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<u>thermal 2.5 x 10⁻⁸</u>	<u>2</u>	<u>980 x 10⁶</u>	<u>980 x 10⁸</u>
<u>1 x 10⁻⁷</u>	<u>2</u>	<u>980 x 10⁶</u>	<u>980 x 10⁸</u>
<u>1 x 10⁻⁶</u>	<u>2</u>	<u>810 x 10⁶</u>	<u>810 x 10⁸</u>
<u>1 x 10⁻⁵</u>	<u>2</u>	<u>810 x 10⁶</u>	<u>810 x 10⁸</u>
<u>1 x 10⁻⁴</u>	<u>2</u>	<u>840 x 10⁶</u>	<u>840 x 10⁸</u>
<u>1 x 10⁻³</u>	<u>2</u>	<u>980 x 10⁶</u>	<u>980 x 10⁸</u>
<u>1 x 10⁻²</u>	<u>2.5</u>	<u>1010 x 10⁶</u>	<u>1010 x 10⁸</u>
<u>1 x 10⁻¹</u>	<u>7.5</u>	<u>170 x 10⁶</u>	<u>170 x 10⁸</u>
<u>5 x 10⁻¹</u>	<u>11</u>	<u>39 x 10⁶</u>	<u>39 x 10⁸</u>
<u>1</u>	<u>11</u>	<u>27 x 10⁶</u>	<u>27 x 10⁸</u>
<u>2.5</u>	<u>9</u>	<u>29 x 10⁶</u>	<u>29 x 10⁸</u>
<u>5</u>	<u>8</u>	<u>23 x 10⁶</u>	<u>23 x 10⁸</u>
<u>7</u>	<u>7</u>	<u>24 x 10⁶</u>	<u>24 x 10⁸</u>
<u>10</u>	<u>6.5</u>	<u>24 x 10⁶</u>	<u>24 x 10⁸</u>
<u>14</u>	<u>7.5</u>	<u>17 x 10⁶</u>	<u>17 x 10⁸</u>
<u>20</u>	<u>8</u>	<u>16 x 10⁶</u>	<u>16 x 10⁸</u>
<u>40</u>	<u>7</u>	<u>14 x 10⁶</u>	<u>14 x 10⁸</u>
<u>60</u>	<u>5.5</u>	<u>16 x 10⁶</u>	<u>16 x 10⁸</u>
<u>1 x 10²</u>	<u>4</u>	<u>20 x 10⁶</u>	<u>20 x 10⁸</u>
<u>2 x 10²</u>	<u>3.5</u>	<u>19 x 10⁶</u>	<u>19 x 10⁸</u>
<u>3 x 10²</u>	<u>3.5</u>	<u>16 x 10⁶</u>	<u>16 x 10⁸</u>
<u>4 x 10²</u>	<u>3.5</u>	<u>14 x 10⁶</u>	<u>14 x 10⁸</u>
For the column in Table 2 labeled "Quality Factor", the values of Q are at the point when the dose equivalent is maximum in a 30 cm diameter cylinder tissue-equivalent phantom.			
For the columns in Table 2 labeled "Fluence per Unit Dose Equivalent", the values are for monoenergetic neutrons incident normally on a 30 cm diameter cylinder tissue equivalent phantom.			

[TABLE 2

Mean Quality Factors, Q, and Fluence Per Unit Dose Equivalent for Monoenergetic Neutrons

Neutron Energy Mev	Quality Factor Q	Fluence per Unit Dose Equivalent neutrons cm ⁻² rem ⁻¹	Fluence per Unit Dose Equivalent neutrons cm ⁻² Sv ⁻¹	
		neutrons cm ⁻² rem ⁻¹	neutrons cm ⁻² Sv ⁻¹	
thermal	2.5 x 10 ⁻⁸	2	980 x 10 ⁶	980 x 10 ⁸
	1 x 10 ⁻⁷	2	980 x 10 ⁶	980 x 10 ⁸
	1 x 10 ⁻⁶	2	810 x 10 ⁶	810 x 10 ⁸
	1 x 10 ⁻⁵	2	810 x 10 ⁶	810 x 10 ⁸
	1 x 10 ⁻⁴	2	840 x 10 ⁶	840 x 10 ⁸
	1 x 10 ⁻³	2	980 x 10 ⁶	980 x 10 ⁸
	1 x 10 ⁻²	2.5	1010 x 10 ⁶	1010 x 10 ⁸
	1 x 10 ⁻¹	7.5	170 x 10 ⁶	170 x 10 ⁸
	5 x 10 ⁻¹	11	39 x 10 ⁶	39 x 10 ⁸
	1	11	27 x 10 ⁶	27 x 10 ⁸
	2.5	9	29 x 10 ⁶	29 x 10 ⁸
	5	8	23 x 10 ⁶	23 x 10 ⁸
	7	7	24 x 10 ⁶	24 x 10 ⁸
	10	6.5	24 x 10 ⁶	24 x 10 ⁸
	14	7.5	17 x 10 ⁶	17 x 10 ⁸
	20	8	16 x 10 ⁶	16 x 10 ⁸
	40	7	14 x 10 ⁶	14 x 10 ⁸
	60	5.5	16 x 10 ⁶	16 x 10 ⁸
	1 x 10 ²	4	20 x 10 ⁶	20 x 10 ⁸
	2 x 10 ²	3.5	19 x 10 ⁶	19 x 10 ⁸
	3 x 10 ²	3.5	16 x 10 ⁶	16 x 10 ⁸
	4 x 10 ²	3.5	14 x 10 ⁶	14 x 10 ⁸

For the column in Table 2 labeled "Quality Factor", the values of Q are at the point where the dose equivalent is maximum in a 30 cm diameter cylinder tissue equivalent phantom.

For the columns in Table 2 labeled "Fluence per Unit Dose

Equivalent", the values are for monoenergetic neutrons incident normally on a 30 cm diameter cylinder tissue equivalent phantom.]

R313-12-111. Submission of Electronic Copies.

- (1) [A]Any submissions to the [D]director that are not exempt in [paragraph]accordance with Subsection R313-12-111(5) shall also be submitted to the [D]director in electronic format. This requirement extends to [all]the attachments to these documents.
- (2) The electronic copy shall be a true, accurate, searchable and reproducible copy of the official submission, except that it need not include signatures or professional stamps.
- (3) [A]Electronic copies shall be submitted on a CD, [or] DVD nonrewritable disc, or by another electronic means approved by the director, [except that]documents smaller than 25 megabytes may be submitted by email.
- (4) [A]Documents shall be submitted in one of the following electronic formats, at the choice of the submitter:
 - (a) [A]a searchable PDF document, [(a) a document that may be read and searched using Adobe Reader]; or
 - (b) [A]a Microsoft Word document.
- (5) The requirements of this rule do not apply to:
 - (a) [X ray registration applications];
 - (b) [S]submissions shorter than 25 pages unless otherwise ordered by the [D]director;
 - [(e)](b) [P]public comments received during a formal public comment period;
 - [(d)](c) [C]correspondence received from individuals or organizations that are not currently regulated by the agency, unless that correspondence is about proposing an activity or facility that would be subject to agency regulation; and
 - [(e)](d) [D]documents used to make payments to the agency.
- (6) If an official submission includes information [for which]claimed as business confidential[ity is claimed] by the submitter or that is security-sensitive, this requirement applies only to that portion of the submission [for which]that has no confidentiality[is] claimed.
- (7) The [D]director may waive the requirements of Subsection R313-12-111(1) for good cause.

KEY: definitions, units, inspections, exemptions

Date of Last Change: 2025[September 18, 2023]

Notice of Continuation: April 8, 2021

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-104

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R313-14-3	Filing ID: 57042

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R313-14-3. Definitions
3. Purpose of the new rule or reason for the change:
The term "careless disregard" is used in the definition of willfulness but is not defined in this rule.

4. Summary of the new rule or change:

The definition of "careless disregard" is being added at Subsection R313-14-3(1). This term is used in the definition of willfulness but was not defined itself leaving it open to interpretation. Adding the definition will provide clarity to this rule.

Additionally, the Division of Waste Management and Radiation Control, Radiation has made corrections to formatting, typographical, and other minor errors that exist in this rule.

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 there will be any cost or savings to the state budget based on this rule change because this rule change does not add or remove any requirements for state agencies.

B) Local governments:

It is not anticipated that there will be any cost or savings to local governments based on this rule change because this rule change does not add or remove any requirements for local governments.

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

It is not anticipated that there will be any cost or savings to small businesses based on this rule change because this rule change does not add or remove any requirements for small businesses.

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

It is not anticipated that there will be any cost or savings to non-small businesses based on this rule change because this rule change does not add or remove any 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):

It is not anticipated that there will be any cost or savings to persons other than small businesses, non-small businesses, state, or local governments based on this rule change because this rule change does not add or remove any requirements for small businesses, non-small businesses, state, or local governments.

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

Because this rule change does not add any new requirements, there will be no additional compliance costs for affected persons who are required to comply with the Radiation Control rules.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 19-3-109	Section 19-3-111	
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Public Notice Information

8. 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 until: 03/31/2025

9. This rule change MAY become effective on: 04/14/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	02/13/2025
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R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

R313-14. Violations and Escalated Enforcement.

R313-14-3. Definitions.

As used in Rule R313-14-3 the following definitions in Subsections R313-14-3(1) through R313-14-3(5) apply:

(1) "Careless disregard" means a situation when an individual is unsure of the existence of a requirement, the meaning of a requirement, or the applicability of the requirement to the situation, but proceeds to engage in conduct that the individual knows may cause a violation without determining if a violation would occur.

(2) "Material False Statement" means a statement that is false by omission or commission and is relevant to the regulatory process.

(3) "Requirement" means a legally binding mandate such as a statute, rule, license condition, permit, registration, technical specification, or order.

(4) "Similar" means those violations which that could have been reasonably expected to have been prevented by the licensee's, permittee's, or registrant's corrective action for a previous violation.

(5) "Willfulness" means the deliberate intent to violate or falsify and includes careless disregard for requirements. Acts which that do not rise to the level of careless disregard are not included in this definition.

KEY: violations, penalties, enforcement

Date of Last Change: 2025[April 3, 2014]

Notice of Continuation: April 8, 2021

Authorizing, and Implemented or Interpreted Law: 19-3-109; 19-3-111

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment
Rule or Section Number: R313-16
Filing ID: 57043

Agency Information

1. Title catchline: Environmental Quality, Waste Management and Radiation Control, Radiation

Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R313-16. General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines
3. Purpose of the new rule or reason for the change:
The Division of Waste Management and Radiation Control, Radiation (Division) has been modernizing its processes for licenses, permits, and registrations. New processes for submission of applications in electronic formats are being created. This amendment updates the rules for submission registration applications for qualified experts to include the new electronic processes. The amendment also includes a change to the time period for qualified experts to submit inspection reports.
4. Summary of the new rule or change:
Changes are being made in Subsections R313-16-293(1) and (2) to include the new electronic application process as a method for an applicant to be a qualified expert to submit an application. Language is being added to Subsection R313-16-293(2)(h) to allow the director to approve in writing a schedule other than 30 days after an inspection for a qualified expert to submit an inspection report. Additionally, the Division has made corrections to formatting, typographical, and other minor errors that exist in the rules.

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 there will be any cost or savings to the state budget due to these amendments because the changes do not add or remove any requirements for state agencies.
B) Local governments:
It is not anticipated that there will be any cost or savings for local governments due to these amendments because the changes do not add or remove any requirements for local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There may be some small savings for small businesses that have qualified experts working for them. However, these savings are believed to be small and unmeasurable. This rule change does not add or remove any requirements for small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There may be some small savings for non-small businesses that have qualified experts working for them. However, these savings are believed to be small and unmeasurable. This rule change does not add or remove any 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**):

There may be some small savings for persons other than small businesses, non-small businesses, state, or local government entities that have qualified experts working for them. However, these savings are believed to be small and unmeasurable.

This rule change does not add or remove any requirements for 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?):

Because this rule change does not add any new requirements, there will be no additional compliance costs for affected persons who are required to submit qualified expert applications and reports to the Division.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 19-3-104		
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Public Notice Information

8. 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 until:	03/31/2025
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9. This rule change MAY become effective on:	04/14/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	02/13/2025
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R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

R313-16. General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines.

R313-16-200. Purpose and Authority.

(1) The purpose ~~[of this rule]~~ Rule R313-16 is to prescribe requirements governing the installation, registration, inspection, and use of sources of electronically produced ionizing radiation. ~~[This rule]~~ Rule R313-16 provides for the registration of individuals providing inspection services to a facility where one or more radiation machines are installed or located.

(2) ~~[The rules set forth herein are]~~ Rule R313-16 is adopted pursuant to ~~[the provisions of]~~ Subsections 19-3-104(4) and 19-3-104(9).

R313-16-290. Inspection of Radiation Machines and Facilities.

(1) Registrants shall assure that radiation machines registered pursuant to Section R313-16-230 are compliant with the~~[se]~~ rules in Rule R313-16. Radiation machines, facilities, and radiation safety programs are subject to inspection to assure compliance with ~~[these rules]~~ Rule R313-16 and to assist in lowering radiation exposure to as low as reasonably achievable levels, see Section R313-15-101. Inspections may be performed by representatives of the director or by independent qualified experts.

(2) Inspections may, at the director's discretion, be done after the installation of equipment, or after a change in the facility or equipment ~~[which]~~ that might cause a significant change in radiation output or hazards. Inspections may be completed in accordance with the schedule as defined in Table ~~[F]~~ 1.

<u>FACILITY TYPE</u>	<u>MAXIMUM TIME BETWEEN INSPECTIONS</u>
<u>Hospital or Radiation Therapy Facility</u>	<u>One year</u>
<u>Medical or Veterinary Facility using Fluoroscopic or Computed Tomography (CT) Units</u>	<u>One year</u>
<u>Medical Facility Using General Radiographic Devices</u>	<u>Two years</u>
<u>Chiropractic</u>	<u>Two years</u>
<u>Dental</u>	<u>Five years</u>
<u>Podiatry</u>	<u>Five years</u>
<u>Veterinary except those using Fluoroscopic or Computed Tomography (CT) Units</u>	<u>Five years</u>
<u>Industrial Facility with High or Very High Radiation Areas Accessible to Individuals</u>	<u>One year</u>
<u>Industrial Facility Using Cabinet X-ray Units or Units Designed for Other Industrial Purposes</u>	<u>Five years</u>
<u>Other</u>	<u>One to Five years</u>

[TABLE 1]

<u>FACILITY TYPE</u>	<u>MAXIMUM TIME BETWEEN INSPECTIONS</u>
<u>Hospital or Radiation Therapy Facility</u>	<u>one year</u>
<u>Medical or Veterinary Facility using Fluoroscopic or Computed Tomography (CT) Units</u>	<u>one year</u>
<u>Medical Facility Using General Radiographic Devices</u>	<u>two years</u>
<u>Chiropractic</u>	<u>two years</u>
<u>Dental</u>	<u>five years</u>
<u>Podiatry</u>	<u>five years</u>
<u>Veterinary</u>	<u>five years</u>
<u>Industrial Facility with High or Very High Radiation Areas Accessible to Individuals</u>	<u>one year</u>
<u>Industrial Facility Using Cabinet X Ray Units or Units Designed for Other Industrial Purposes</u>	<u>five years</u>
<u>Other</u>	<u>one to five years</u>

(3) The registrant, in a timely manner, shall pay the appropriate inspection fee after completion of the inspection.

(4) Ionizing radiation producing machines ~~[which]~~that have been officially placed in storage are exempt from inspection fees but are subject to visual verification of their status by representatives of the director.

R313-16-293. Application for Registration of Inspection Services.

(1) Each qualified expert who is providing or offering to provide inspection services at facilities registered with the ~~[D]~~director shall ~~[complete]~~finish an application for registration electronically or on a form prescribed by the ~~[D]~~director and shall submit ~~the~~~~[all]~~ information required by the ~~[D]~~director as stated~~[indicated on the form]~~. A qualified expert ~~[must]~~shall ~~[complete]~~finish the registration process ~~[prior to]~~before providing services.

(2) Individuals applying for registration under Section R313-16-293 shall personally sign and submit to the ~~[D]~~director an attestation statement or attest electronically:

- (a) that they have read and understand the requirements of ~~[these rules]~~Title R313; and
- (b) that they will document inspection items defined by the ~~[D]~~director on a form prescribed by the ~~[D]~~director; and
- (c) that they will follow guidelines for the evaluation of x-ray equipment defined by the ~~[D]~~director; and
- (d) that, except for those facilities where a registered qualified expert is a full-time employee, they will limit inspections to facilities ~~[with which]~~where they have no direct conflict of interest; and

(e) that radiation exposure measurements and peak tube potential measurements will be made with instruments ~~[which]~~that have been calibrated biennially by the manufacturer of the instrument or by a calibration laboratory accredited in x-ray calibration procedures by the American Association of Physicians in Medicine, American Association for Laboratory Accreditation, Conference of Radiation Control Program Directors, Health Physics Society or the National Voluntary Laboratory Accreditation Program; and

(f) that the calibration of radiation exposure measuring and peak tube potential measuring instruments used to evaluate compliance of x-ray systems with the requirements of ~~[these rules]~~Title R313 will include at least secondary level traceability to a National Institute of Standards and Technology, or similar international agency, transfer standard instrument or transfer standard source; and

(g) that they will make available to representatives of the ~~[D]~~director documents concerning the calibration of any radiation exposure measuring or peak tube potential measuring instrument used to evaluate compliance of x-ray systems; and

(h) that they will submit to the ~~[D]~~director, within 30 calendar days after completion of an inspection or in accordance with another schedule approved in writing by the director, a written report of compliance or noncompliance; and

- (i) that reports of items of noncompliance will include:
 - (i) the name of the facility inspected~~[-]~~; and
 - (ii) the date of the inspection~~[-]~~; and
 - (iii) the manufacturer, model number, and serial number or Utah identification number of the control unit for the radiation machine~~[-]~~;

and

- (iv) the requirements of ~~[the rule]~~Title R313 that were not in ~~[where]~~compliance~~[-was not achieved]~~; and
- (v) the manner ~~[in which]~~that the facility or radiation machine failed to meet the requirements~~[-]~~; and
- (vi) a signed commitment from the registrant of the radiation machine facility that the problem will be fixed within 30 days of the date the written report of noncompliance is submitted to the ~~[D]~~director; and
- (vii) that ~~[all]~~the reports of compliance or noncompliance will contain a statement signed by the qualified expert acknowledging under penalties of law that ~~[all]~~the information contained in the report is truthful, accurate, and complete; and
- (viii) that they acknowledge that they are subject to ~~[the provisions of]~~Section R313-16-300.

(3) Individuals applying for registration under Section R313-16-293 shall attach to their application a copy of two inspection reports that demonstrate their work product follows the evaluation guidelines defined by the ~~[D]~~director pursuant to Subsection R313-16-293(2)(c). The inspection reports shall pertain to inspections performed within the last two years.

KEY: x-rays, inspections

Date of Last Change: 2025~~[April 17, 2023]~~

Notice of Continuation: April 8, 2021

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or Section Number:	R313-28	Filing ID: 57044

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation
Building:	MASOB
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144880
City, state and zip:	Salt Lake City, UT 84114-4880

Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R313-28. Use of X-Rays in the Healing Arts
3. Purpose of the new rule or reason for the change:
Subsection R313-28-31(5) prohibits the use of portable or mobile equipment unless it is impractical to transfer the patient to a stationary installation. Historically, it has been the policy of the Division of Waste Management and Radiation Control, Radiation (Division) that registrants can use mobile x-ray equipment as if it were stationary as long as the equipment is used in a room that was designed and constructed for the use of x-ray equipment and as long as the equipment is not moved from the room. This rule change will make this policy into rule.
4. Summary of the new rule or change:
Language is being added to Subsection R313-28-3(5) to exempt mobile equipment that is used in a room that was constructed in accordance with a shielding design in accordance with Sections R313-28-32 and R313-28-200 and is not moved from room to room from the prohibition for use of mobile equipment contained in this rule. Additionally, the Division has made corrections to formatting, typographical, and other minor errors that exist in the rule.

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 there will be any costs to the state budget based on this rule change. Making the Division policy a rule will make it more widely known and could result in registrants purchasing mobile equipment instead of stationary equipment because mobile equipment is cheaper in some cases. This could result in savings, but the cost of x-ray equipment varies widely depending on the type of unit and it's features, making it impractical to determine what the savings may be. It is also impossible for the Division to determine if any existing or new registrants will decide to use mobile equipment instead of stationary.
B) Local governments:
It is not anticipated that there will be any costs to local governments based on this rule change. Making the Division policy a rule will make it more widely known and could result in registrants purchasing mobile equipment instead of stationary equipment because mobile equipment is cheaper in some cases. This could result in savings, but the cost of x-ray equipment varies widely depending on the type of unit and it's features, making it impractical to determine what the savings may be. It is also impossible for the Division to determine if any existing or new registrants will decide to use mobile equipment instead of stationary.
C) Small businesses ("small business" means a business employing 1-49 persons):
It is not anticipated that there will be any costs to small businesses based on this rule change. Making the Division policy a rule will make it more widely known and could result in registrants purchasing mobile equipment instead of stationary equipment because mobile equipment is cheaper in some cases. This could result in savings, but the cost of x-ray equipment varies widely depending on the type of unit and it's features, making it impractical to determine what the savings may be.

It is also impossible for the Division to determine if any existing or new registrants will decide to use mobile equipment instead of stationary.

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

It is not anticipated that there will be any costs to non-small businesses based on this rule change. Making the Division policy a rule will make it more widely known and could result in registrants purchasing mobile equipment instead of stationary equipment because mobile equipment is cheaper in some cases. This could result in savings, but the cost of x-ray equipment varies widely depending on the type of unit and it's features, making it impractical to determine what the savings may be. It is also impossible for the Division to determine if any existing or new registrants will decide to use mobile equipment instead of stationary.

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**):

It is not anticipated that there will be any costs to persons other than small businesses, non-small businesses, state, or local governments based on this rule change. Making the Division policy a rule will make it more widely known and could result in registrants purchasing mobile equipment instead of stationary equipment because mobile equipment is cheaper in some cases. This could result in a savings, but the cost of x-ray equipment varies widely depending on the type of unit and it's features making it impractical to determine what the savings may be.

It is also impossible for the Division to determine if any existing or new registrants will decide to use mobile equipment instead of stationary.

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

Because this rule change does not add any new requirements, there will be no additional compliance costs for affected persons who are required to comply with the Radiation Control rules.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 19-3-104	Section 19-6-107	
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Public Notice Information

8. 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 until:	03/31/2025
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9. This rule change MAY become effective on:	04/14/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	02/13/2025
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R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

R313-28. Use of X-Rays in the Healing Arts.

R313-28-10. Purpose and Scope.

- (1) ~~The purpose of the rules in~~ Rule R313-28 ~~is to prescribe~~ contains the requirements for the use of x-rays in the healing arts.
- (2) ~~The rules set forth herein are~~ Rule R313-28 is adopted pursuant to ~~the provisions of~~ Subsections 19-3-104(4) and 19-3-104(7).

R313-28-31. General and Administrative Requirements.

(1) A person ~~shall~~ may not make, sell, lease, transfer, lend, or install x-ray equipment or the accessories used in connection with x-ray equipment unless the accessories and equipment, if properly placed in operation and properly used, will meet the applicable requirements of Title R313.

(a) X-ray equipment shall be FDA approved for use in the United States and shall be certified in accordance with 21 CFR 1010.2 and identified in accordance with 21 CFR 1010.3.

(2) The registrant shall be responsible for directing the operation of the x-ray machines that are under the registrant's administrative control. The registrant or registrant's agent shall assure that the requirements of Subsections R313-28-31(2)(a) through R313-28-31(2)(i) are met in the operation of the x-ray machines.

(a) If directed by the director an x-ray machine that does not meet the ~~the~~ requirements of Rule R313-28 ~~shall~~ may not be operated for diagnostic purposes.

(b) Individuals who will be operating the x-ray equipment shall be instructed in the registrant's written radiation safety program and be qualified in the safe use of the equipment. Required operator qualifications are listed in Section R313-28-350.

(c) The registrant of a facility shall create and make available to x-ray operators written safety procedures, including patient holding and restrictions of the operating technique required for the safe operation of the x-ray systems. Individuals who operate x-ray systems shall be responsible for complying with the applicable requirements of Title R313.

(d) Except for individuals who cannot be moved out of the room and the patient being examined, only the staff and ancillary personnel or other individuals needed for the medical procedure or training shall be present in the room during the radiographic exposure and shall be positioned as follows:

(i) individuals other than the patient shall be positioned so that no part of the body will be struck by the useful beam unless protected by not less than 0.5 mm lead equivalent material;

(ii) the x-ray operator, other staff, ancillary personnel, and other individuals needed for the medical procedure shall be protected from primary beam scatter by protective aprons or barriers unless it can be shown that by virtue of distances ~~employed,~~ used EXPOSURE levels are reduced to the limits specified in Section R313-15-201; and

(iii) patients who are not being examined and cannot be removed from the room shall be protected from the primary beam scatter by whole body protective barriers of not less than 0.25 mm lead equivalent material or shall be so positioned that the nearest portion of the body is at least two meters from both the tube head and nearest edge of the image receptor.

(e) For patients who have not passed reproductive age, gonad shielding of not less than 0.5 mm lead equivalent material may be used during radiographic procedures ~~when~~ if the gonads are in the useful beam, except for cases when this would interfere with the diagnostic procedure.

(f) Individuals shall be exposed to the useful beam for healing arts purposes only if the exposure has been specifically ordered and authorized by a licensed practitioner of the healing arts after a medical consultation. Deliberate exposures for the ~~following~~ purposes listed in Subsections R313-28-31(2)(f)(i) and R313-28-31(2)(f)(ii) are prohibited:

(i) exposure of an individual for training, demonstration, or other non-healing arts purposes except for low dose, whole body scanners used for security purposes in correctional facilities; and

(ii) exposure of an individual for healing arts screening except as authorized by Subsection R313-28-31(2)(i).

- (g) If a patient or film must be provided with auxiliary support during a radiation exposure:
- (i) mechanical holding devices shall be used if the technique permits. The written procedures^[7] required by Subsection R313-28-31(2)(c)^[7] shall list individual projections where mechanical holding devices can be utilized;
- (ii) written safety procedures^[7] as required by Subsection R313-28-31(2)(c)^[7] shall ~~indicate~~ state the requirements for selecting an individual to hold patients or films and the procedure that individual shall follow;
- (iii) the individual holding patients or films during radiographic examinations shall be instructed in personal radiation safety and protected as required by Subsection R313-28-31(2)(d)(i);
- (iv) Individuals ~~shall~~ may not be used routinely to hold film or patients;
- (v) In those cases when the patient must hold the film, except during intraoral examinations, portions of the body other than the area of clinical interest struck by the useful beam shall be protected by not less than 0.5 mm lead equivalent material; and
- (vi) Facilities shall have protective aprons and gloves available in sufficient numbers to provide protection to personnel who are involved with x-ray operations and who are otherwise not shielded.
- (h) Personnel monitoring. Individuals who are associated with the operation of an x-ray system are subject to the applicable requirements of Rule R313-15.
- (i) Healing arts screening. A person proposing to conduct a healing arts screening program ~~shall~~ may not initiate the program without first receiving approval from the director. When requesting approval^[7] that person shall submit the information outlined in Section R313-28-400. If information submitted becomes invalid or outdated^[7] the director shall be notified immediately.
- (3) Maintenance of records and information. The registrant shall maintain at least the ~~following~~ information listed in Subsections R313-28-31(3)(a) through R313-28-31(3)(c) for each x-ray machine:
- (a) model numbers of major components;
- (b) record of surveys or calculations to demonstrate compliance with Section R313-15-302, calibration, maintenance, and modifications performed on the x-ray machine; and
- (c) a shielding design report for the x-ray suite that states assumed values for workload and use factors and includes a drawing of surrounding areas showing assumed values for occupancy factors.
- (4) X-ray records. Facilities shall maintain an x-ray record containing the patient's name, the types of examinations, and the dates the examinations were performed. If the patient or film must be provided with human auxiliary support^[7] the name of the human holder shall be recorded. The registrant shall ~~retain~~ keep these records for three years after the record is made.
- (5) Portable or mobile equipment shall be used only for examinations if it is impractical to transfer the patient to a stationary radiographic installation. Mobile equipment that is used in a room that was constructed in accordance with a shielding design in accordance with Sections R313-28-32 and R313-28-200 and is not moved from room to room is exempt from this requirement.
- (6) Hand-held medical x-ray systems. X-ray equipment designed to be hand-held shall comply with Section R313-28-31, excluding Subsection R313-28-31(5), and Section R313-28-52, excluding Subsections R313-28-52(8)(b)(i) and R313-28-52(8)(b)(ii).
- (a) When operating hand-held equipment if it is not possible for the operator to remain at least six feet from the x-ray machine during x-ray exposure^[7] protective aprons of at least 0.5 millimeter lead equivalence shall be provided for the operator to protect the operator's torso and gonads from backscatter radiation.
- (b) In addition to the dose limits in Section R313-15-301, operators of hand-held x-ray equipment shall ensure that members of the public that may be exposed to scatter radiation or primary beam transmission from the hand-held device are not exposed above two milliroentgen per hour.
- (i) Operators will ensure that members of the public likely to be exposed to greater than two milliroentgen per hour will be provided protective aprons of at least 0.5 millimeter lead equivalence or are moved to a distance where the exposure rate to the individual is below two milliroentgen per hour.
- (c) In addition to the requirements of Subsection R313-28-350(1), each operator of hand-held x-ray equipment shall complete the training program supplied by the manufacturer before using the x-ray unit. Records of training shall be maintained on file for examination by an authorized representative of the director.
- (7) Procedures and auxiliary equipment designed to minimize patient and personnel exposure commensurate with the needed diagnostic information shall be utilized.
- (a) The speed of the screen and film combinations used shall be the fastest speed consistent with the diagnostic objective of the examinations. Film cassettes without intensifying screens ~~shall~~ may not be used for routine diagnostic radiological imaging, with the exception of standard film packets for intraoral use in dental radiography. If the requirements of Subsection R313-28-31(6)(a) cannot be met^[7] an exemption may be requested pursuant to Section R313-12-55.
- (b) The radiation exposure to the patient shall be the minimum exposure required to produce images of good diagnostic quality.
- (c) X-ray systems, other than fluoroscopic, computed tomography, dental, or veterinary units, ~~shall~~ may not be utilized in procedures if the source to patient distance is less than 30 centimeters.

R313-28-35. General Requirements for Diagnostic X-Ray Systems.

In addition to other requirements of Rule R313-28, ~~each~~ diagnostic x-ray system^[s] shall meet the ~~following~~ requirements in Section R313-28-35^[7]

- (1) Warning label. The control panel containing the main power switch shall bear the warning statement, legible and accessible to view: "WARNING: This x-ray unit may be dangerous to patient and operator unless safe exposure factors and operating instructions are observed."
- (2) Battery charge indicator. On battery powered generators^[7] visual means shall be provided on the control panel to ~~indicate~~ show whether the battery is in a state of charge adequate for proper operation.

NOTICES OF PROPOSED RULES

(3) Leakage radiation from the diagnostic source assembly. The leakage radiation from the diagnostic source assembly measured at a distance of one meter in any direction from the source ~~shall~~may not exceed 25.8 uC/kg, [~~(100 milliroentgens)~~], in one hour ~~when~~if the x-ray tube is operated at its leakage technique factors.

(4) Radiation from components other than the diagnostic source assembly. The radiation emitted by a component other than the diagnostic source assembly ~~shall~~may not exceed 0.516 uC/kg, [~~(two milliroentgens)~~], in one hour at five centimeters from accessible surfaces of the component ~~when~~if it is operated in an assembled x-ray system under the conditions ~~for which~~that it was designed to operate under. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(5) Beam quality.

(a) The half[~~-~~]-value layer of the useful beam for a given x-ray tube potential ~~shall~~may not be less than the values shown in Section R313-28-35, Table [F]1. If it is necessary to determine ~~such~~the half-value layer at an x-ray tube potential ~~which~~that is not listed in Table [F]1, linear interpolation or extrapolation may be made.

Table 1			
Design Operating Range (Kilovolts Peak)	Measured Potential (Kilovolts Peak)	Dental Intra-Oral Manufactured Before August 1, 1974 and On or Before December 1, 1980	All Other Diagnostic X-Ray Systems
Below 51	30	(use prohibited)	0.3
	40	(use prohibited)	0.4
	50	1.5	0.5
	51	1.5	1.2
	60	1.5	1.3
	70	1.5	1.5
Above 70	71	2.1	2.1
	80	2.3	2.3
	90	2.5	2.5
	100	2.7	2.7
	110	3.0	3.0
	120	3.2	3.2
	130	3.5	3.5
	140	3.8	3.8
	150	4.1	4.1

[TABLE 1]

DESIGN OPERATING RANGE (KILOVOLTS PEAK)	MEASURED POTENTIAL (KILOVOLTS PEAK)	DENTAL INTRA ORAL MANUFACTURED BEFORE AUGUST 1, 1974 AND ON OR AFTER DECEMBER 1, 1980	ALL OTHER DIAGNOSTIC X RAY SYSTEMS
Below 51	30	(use prohibited)	0.3
	40	(use prohibited)	0.4
	50	1.5	0.5
	51	1.5	1.2
	60	1.5	1.3
	70	1.5	1.5
Above 70	71	2.1	2.1
	80	2.3	2.3
	90	2.5	2.5
	100	2.7	2.7
	110	3.0	3.0
	120	3.2	3.2
	130	3.5	3.5
	140	3.8	3.8
	150	4.1	4.1

(b) For capacitor discharge equipment[~~-~~] compliance with the requirements of Subsection R313-28-35(5)(a) shall be determined with the system fully charged and a setting of 10 mAs for exposures.

(c) The required minimal half-value layer of the useful beam shall include the filtration contributed by materials ~~which~~that are permanently present between the focal spot of the tube and the patient.

(d) Filtration control. For x-ray systems ~~which~~that have variable kVp and variable filtration for the useful beam[~~-~~] a device shall link the kVp selector with the filters and shall prevent an exposure unless the minimum amount of filtration necessary to produce the HVL required by Subsection R313-28-35(5)(a) is in the useful beam for the given kVp ~~which~~that has been selected.

(6) Multiple tubes. ~~When~~If two or more radiographic tubes are controlled by one exposure switch^[7] the tube or tubes ~~which~~that have been selected shall be clearly ~~indicated prior to~~shown before initiation of the exposure. For equipment manufactured after August 1, 1974, indications shall be both on the x-ray control panel and at or near the tube housing assembly ~~which~~that has been selected.

(7) Mechanical support of tube head. The tube housing assembly supports shall be adjusted so that the tube housing assembly will remain stable during an exposure unless the tube housing movement during exposure is a designed function of the x-ray system.

(8) Technique indicators.

(a) The technique factors to be used during an exposure shall be ~~indicated~~shown before the exposure begins, except when automatic EXPOSURE controls are used, in ~~which~~that case the technique factors ~~which~~that are set ~~prior to~~before the exposure shall be indicated.

(b) On equipment having fixed technique factors^[7] the requirements^[7] in Subsection R313-28-35(8)(a) may be met by permanent markings. Indication of technique factors shall be visible from the operator's position except in the case of spot films made by the fluoroscopist.

(9) Maintaining compliance. Diagnostic x-ray systems and their associated components certified pursuant to the provisions of 21 CFR Part 1020 (2006) shall be maintained in compliance with applicable requirements of that standard.

(10) Locks. ~~All~~Each position locking, holding, and centering device^[s] on x-ray system components and systems shall function as intended.

(11) X-ray systems ~~which~~that have been granted a variance by the Director, Center for Devices and Radiological Health, Food and Drug Administration (Director), from the performance standards for ionizing radiation emitting products^[7] in accordance with 21 CFR 1010.4 (2006) shall be ~~deemed~~accepted as ~~to satisfy~~satisfying the requirements in Rule R313-28 that correspond to the variance granted by the Director. The registrant shall insure that labeling pursuant to 21 CFR 1010.5(f) (2006) remains legible and visible on the x-ray system.

KEY: dental, X-rays, mammography, beam limitation

Date of Last Change: ~~2025~~January 13, 2025

Notice of Continuation: April 8, 2021

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-107

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R313-30

Filing ID: 57045

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R313-30. Therapeutic Radiation Machines
3. Purpose of the new rule or reason for the change:
The purpose of these changes is to update, clarify, and remove outdated training requirements for External Beam Radiation Therapy Authorized Users.
4. Summary of the new rule or change:
The words, "for review and approval" are being added in Subsection R313-30-3(3)(b)(iv) to make it clear that applications must be approved by the Director after being submitted.

Subsection R313-30-3(b)(v) is being added to make it clear that individuals who satisfy the requirements of Subsection R313-30-3(a) and (b) are not required to submit an application to the Director.

The phrase "After December 31, 1994" is being removed from Subsection R313-30-3(3)(c) because this date is past and is no longer relevant to the rule. Additional language is being added to Subsection R313-30-3(3)(c) to clarify that a physician must comply with one of the two requirements in the rule before acting as an authorized user.

Subsection R313-30-3(3)(e) and Subsection R313-30-3(3)(f) are being deleted from the rules because they are outdated and no longer relevant.

Subsection R313-30-3(8) is being reworded to make the rule more clear.

Additionally, the Division of Waste Management and Radiation Control, Radiation has made corrections to formatting, typographical, and other minor errors that exist in the rules.

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 there will be any cost or savings to the state budget based on this rule change because this rule change does not add any new requirements for state agencies and the language being removed is outdated and therefore, are not being complied with by any state agencies.

B) Local governments:

It is not anticipated that there will be any cost or savings to the local governments based on this rule change because this rule change does not add any new requirements for local governments and the language being removed is outdated and therefore, are not being complied with by any local governments.

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

It is not anticipated that there will be any cost or savings to small businesses based on this rule change because this rule change does not add any new requirements for small businesses and the language being removed is outdated and therefore, are not being complied with by any small businesses.

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

It is not anticipated that there will be any cost or savings to any non-small businesses based on this rule change because this rule change does not add any new requirements for non-small businesses and the language being removed is outdated and therefore, are not being complied with by any 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**):

It is not anticipated that there will be any cost or savings to persons other than small businesses, non-small businesses, state, or local governments based on this rule change because this rule change does not add any new requirements for persons other than small businesses, non-small businesses, state, or local governments and the language being removed is outdated and therefore, are not being complied with by any persons other than small businesses, non-small businesses, state, or local governments.

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

Because this rule change does not add any new requirements there will be no additional compliance costs for affected persons who are required to comply with the Radiation Control rules.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. 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 19-3-104		

Public Notice Information

8. 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 until:	03/31/2025

9. This rule change MAY become effective on:	04/14/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	02/13/2025
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R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

R313-30. Therapeutic Radiation Machines.

R313-30-1. Scope and Applicability.

(1) Rule R313-30 establishes requirements ~~[, for which the registrant is responsible,]~~ for use of therapeutic radiation machines. ~~[The provisions of] Rule R313-30 [are] is~~ in addition to, and not in substitution for, other applicable provisions of ~~[these rules]~~ Title R313.

(2) The use of therapeutic radiation machines shall be by, or under the supervision of, a licensed practitioner of the healing arts who meets the training and experience criteria established by Subsection R313-30-3(3).

(3) Rule R313-30 shall only apply to therapeutic radiation machines ~~[which] that~~ accelerate electrons into a target to produce bremsstrahlung or ~~[which] that~~ accelerate electrons to produce a clinically useful electron beam.

R313-30-3. General Administrative Requirements for Facilities Using Therapeutic Radiation Machines.

(1) Administrative Controls. The registrant shall be responsible for directing the operation of the therapeutic radiation machines ~~[which] that~~ have been registered with the ~~[D]~~ director. The registrant or the registrant's agent shall ensure that the requirements of Rule R313-30 are met in the operation of the therapeutic radiation machines.

NOTICES OF PROPOSED RULES

(2) A therapeutic radiation machine ~~[which]that~~ does not meet the ~~[provisions of these rules]~~requirements of Rule R313-30 ~~[shall]may~~ not be used for irradiation of patients.

(3) Training for External Beam Radiation Therapy Authorized Users. The registrant for a therapeutic radiation machine subject to Section R313-30-6 or R313-30-7 shall require the authorized user to be a physician who:

(a) ~~[F]~~is certified in:

(i) ~~[R]~~radiology or therapeutic radiology by the American Board of Radiology; or

(ii) ~~[R]~~radiation oncology by the American Osteopathic Board of Radiology; or

(iii) ~~[R]~~radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or

(iv) ~~[T]~~therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or

(b) ~~[H]~~is in the active practice of therapeutic radiology~~[-]~~ and has completed 200 hours of instruction in basic radiation techniques applicable to the use of an external beam radiation therapy unit, 500 hours of supervised work experience, and a minimum of three years of supervised clinical experience.

(i) To satisfy the requirement for instruction, the classroom and laboratory training shall include:

(A) ~~[R]~~radiation physics and instrumentation;

(B) ~~[R]~~radiation protection;

(C) ~~[M]~~mathematics pertaining to the use and measurement of radioactivity; and

(D) ~~[R]~~radiation biology.

(ii) To satisfy the requirement for supervised work experience, training shall be under the supervision of an authorized user and shall include:

(A) ~~[R]~~review of the full calibration measurements and periodic quality assurance checks;

(B) ~~[P]~~preparing treatment plans and calculating treatment times;

(C) ~~[U]~~using administrative controls to prevent misadministrations;

(D) ~~[H]~~implementing emergency procedures to be followed in the event of the abnormal operation of an external beam radiation therapy unit or console; and

(E) ~~[C]~~checking and using radiation survey meters.

(iii) To satisfy the requirement for a period of supervised clinical experience, training shall include one year in a formal training program approved by the Residency Review Committee for Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association and an additional two years of clinical experience in therapeutic radiology under the supervision of an authorized user. The supervised clinical experience shall include:

(A) ~~[E]~~examining individuals and reviewing their case histories to determine their suitability for external beam radiation therapy treatment, and limitations and contraindications;

(B) ~~[S]~~selecting proper dose and how it is to be administered;

(C) ~~[C]~~calculating the external beam radiation therapy doses and collaborating with the authorized user in the review of patients' progress and consideration of the need to modify originally prescribed doses as warranted by patients' reaction to radiation; and

(D) ~~[P]~~post-administration follow-up and review of case histories.

(iv) An individual who satisfies the requirements in Subsection R313-30-3(b), but not Subsection R313-30-3(a), shall~~[must]~~ submit an application to the ~~[D]~~director for review and approval and ~~[must]shall~~ satisfy the requirements in Subsection R313-30-3(a) within one year of ~~[initial]~~application to the ~~[D]~~director.

(v) An individual who satisfies the requirements of Subsections R313-30-3(a) and R313-30-3(b) is not required to submit an application to the director.

(c) ~~[After December 31, 1994, a]~~A physician shall~~may~~ not act as an authorized user for a therapeutic radiation machine until the physician's training has been reviewed and approved by the ~~[D]~~director in accordance with Subsection R313-30-3(b)(iv) or the physician has met the requirements of Subsections R313-30-3(a) and R313-30-3(b).

(4) Training for Radiation Therapy Physicist. The registrant for a therapeutic radiation machine subject to Section R313-30-6 or R313-30-7 shall require the Radiation Therapy Physicist to:

(a) ~~[S]~~satisfy the ~~[provisions of]~~Rule R313-16~~[-]~~ as a provider of radiation services in the area of calibration and compliance surveys of external beam radiation therapy units; and

(b) ~~[B]~~be certified by the American Board of Radiology in:

(i) ~~[T]~~therapeutic radiological physics; or

(ii) ~~[R]~~roentgen-ray and gamma-ray physics; or

(iii) ~~[X]~~x-ray and radium physics; or

(iv) ~~[R]~~radiological physics; or

(c) ~~[B]~~be certified by the American Board of Medical Physics in Radiation Oncology Physics; or

(d) ~~[B]~~be certified by the Canadian College of Medical Physics~~[-or]~~.

~~_____ (e) Hold a master's or doctor's degree in physics, biophysics, radiological physics, or health physics, and have completed one year of full-time training in therapeutic radiological physics and also one year of full-time work experience under the supervision of a Radiation Therapy Physicist at a medical institution. To meet this requirement, the individual shall have performed the tasks listed in R313-30-4(1), R313-30-6(16), R313-30-7(19), R313-30-6(17), and R313-30-7(20) under the supervision of a Radiation Therapy Physicist during the year of work experience.~~

~~_____ (f) Notwithstanding the provisions of R313-30-3(4)(e), certification pursuant to R313-30-3(4)(b), (c) or (d) shall be required on or before December 31, 1999 for all persons currently qualifying as a Radiation Therapy Physicist pursuant to R313-30-3(4)(e).]~~

(5) Qualifications of Operators.

(a) Individuals who will be operating a therapeutic radiation machine for medical use shall be American Registry of Radiologic Technologists (ARRT) Registered Radiation Therapy Technologists.

(b) The names and training of personnel currently operating a therapeutic radiation machine shall be kept on file at the facility. Information on former operators shall be ~~retained~~ kept for a period of at least two years beyond the last date they were authorized to operate a therapeutic radiation machine at that facility.

(6) Written safety procedures and rules shall be developed by a Radiation Therapy Physicist and shall be available in the control area of a therapeutic radiation machine, including restrictions required for the safe operation of the particular therapeutic radiation machine. The operator shall be familiar with ~~these rules~~ Title R313 as required in Subsection R313-18-12(1)(c).

(7) Individuals ~~shall~~ may not be exposed to the useful beam except for medical therapy purposes. Exposure for medical therapy purposes shall be ordered in writing by an authorized user who is specifically identified on the Certificate of Registration. This provision specifically prohibits deliberate exposure of an individual for training, demonstration, or other non-healing-arts purposes.

(8) Visiting Authorized User. ~~Notwithstanding the provisions of R313-30-3(7), a~~ A registrant may permit a physician who is not specifically identified on the Certificate of Registration as required by Subsection R313-30-3(7) to act as a visiting authorized user under the term of the registrant's Certificate of Registration for up to 60 days per calendar year under the ~~following~~ conditions in Subsections R313-30-3(8)(a) through R313-30-3(8)(c):

(a) The visiting authorized user has the ~~prior~~ earlier written permission of the registrant's management and, if the use occurs on behalf of an institution, the institution's Radiation Safety Committee; and

(b) The visiting authorized user meets the requirements established for authorized users in Subsections R313-30-3(3)(a) and R313-30-3(3)(b); and

(c) The registrant maintains copies of records specified by Subsection R313-30-3(8) for five years from the date of the last visit.

(9) Individuals associated with the operation of a therapeutic radiation machine shall be instructed in and shall comply with the provisions of the registrant's quality management program. In addition to the requirements of Rule R313-30, these individuals are also subject to the requirements of Sections R313-15-201, R313-15-202, R313-15-205 and R313-15-502.

(10) Information and Maintenance Record and Associated Information. The registrant shall maintain the ~~following~~ information listed in Subsections R313-30-3(10)(a) through R313-30-3(10)(d) in a separate file or package for therapeutic radiation machines~~;~~ for inspection by the representatives of the ~~D~~ director:

(a) Report of acceptance testing;

(b) Records of surveys, calibrations, and periodic quality assurance checks of the therapeutic radiation machine required by Rule R313-30, as well as the names of each person~~s~~ who performed the activities;

(c) Records of major maintenance and modifications performed on the therapeutic radiation machine after the effective date of ~~these rules~~ Rule R313-30, as well as the names of each person~~s~~ who performed the services; and

(d) Signature of person authorizing the return of therapeutic radiation machine to clinical use after service, repair, or upgrade.

(11) Records Retention. Records required by Rule R313-30 shall be ~~retained~~ kept until disposal is authorized by the ~~D~~ director unless another retention period is specifically authorized in Rule R313-30. Required records shall be ~~retained~~ kept in an active file from at least the time of generation until the next inspection by a representative of the ~~D~~ director. A required record generated ~~prior to~~ before the last inspection may be microfilmed or otherwise archived as long as a complete copy of ~~said~~ the record can be retrieved until the ~~D~~ director authorizes final disposal.

KEY: x-rays, survey, radiation, radiation safety

Date of Last Change: 2025~~March 19, 2013~~

Notice of Continuation: October 19, 2021

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R313-35

Filing ID: 57046

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation
Building:	MASOB
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144880
City, state and zip:	Salt Lake City, UT 84114-4880

Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R313-35. Requirements for X-Ray Equipment Used for Non-Medical Applications
3. Purpose of the new rule or reason for the change:
<p>The purpose of these changes is to add definitions to this rule and update and clarify this rule for veterinary x-ray systems that have not been updated since they were originally written in 1997.</p> <p>X-ray technology has advanced significantly since the late 1990's and veterinarians are now using the same equipment that is used on humans.</p>
4. Summary of the new rule or change:
<p>The following definitions are being added in Section R313-35-2: Computed tomography, CT, fluoroscopic imaging assembly, mobile x-ray equipment, portable x-ray equipment, protective apron, protective barrier, scattered radiation, stationary x-ray equipment, useful beam, and x-ray equipment. To ensure consistency the majority of these definitions refer to the section of the rules where the definition already exists.</p> <p>Subsection R313-35-110(1)(g) is being added to the rule to make it clear that x-ray equipment designed for human exams that is being used for veterinary exams must be FDA approved for use in the United States.</p> <p>Subsection R313-35-110(1)(h) is being added to the rules to provide the Director of the Division of Waste Management and Radiation Control, Radiation (Division) with the authority to order users not in compliance with Subsection R313-35-110(1)(g) to stop using the equipment.</p> <p>Subsection R313-35-110(2) requires structural shielding for stationary x-ray systems. Subsection R313-35-110(2)(a) is being added to require the shielding design that is done for the structural shielding for rooms where CT and fluoroscopic units are used to be submitted to the Director for review as it is for shielding designs done for human medical facilities using these types of equipment.</p> <p>Additional language is being added to Subsection R313-35-110(3) to make it clear that registrants are responsible for directing the operation of their x-ray equipment ensuring that the requirements of the rules under Subsection R313-35-110(3) are met.</p> <p>Subsections R313-35-110(3)(e) through (g) are being added to ensure that individuals operating x-ray equipment in a veterinary setting are trained and have the same levels of protection as those in human medical settings. These requirements already exist in Rule R313-15, adding them here just clarifies that veterinarians must comply with the radiation safety requirements like all other users of x-ray equipment.</p> <p>Subsection R313-35-110(4) is being added to require veterinary registrants to maintain certain information regarding their x-ray equipment.</p> <p>Subsection R313-35-110(5) is being added to make it clear that veterinarians using hand-held x-ray equipment to provide protection to members of the public equivalent to what is required for members of the public in human medical facilities. These requirements already exist in Rule R313-15, adding them here just clarifies that veterinarians must comply with the radiation safety requirements like all other users of x-ray equipment.</p> <p>Section R313-35-111 requires veterinary x-ray systems to have a warning label and sets a leakage level for the amount of leakage radiation allowed.</p> <p>Section R313-35-112 requires veterinarians using fluoroscopic x-ray systems to comply with the same requirements as are required for facilities using this equipment for human exams.</p> <p>Additionally, the Division has made corrections to formatting, typographical, and other minor errors that exist in the rule.</p>

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 there will be any cost or savings to the state budget based on these rule changes because these rule changes either are just clarifying existing requirements or adding requirements that are administrative in nature and should not add any measurable costs or savings for state agencies.

B) Local governments:

It is not anticipated that there will be any cost or savings to local governments based on these rule changes because these rule changes either are just clarifying existing requirements or adding requirements that are administrative in nature and should not add any measurable costs or savings for local governments.

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

It is not anticipated that there will be any cost or savings for small businesses based on these rule changes because these rule changes either are just clarifying existing requirements or adding requirements that are administrative in nature and should not add any measurable costs or savings for small businesses.

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

It is not anticipated that there will be any cost or savings for non-small businesses based on these rule changes because these rule changes either are just clarifying existing requirements or adding requirements that are administrative in nature and should not add any measurable costs or savings 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*):

It is not anticipated that there will be any cost or savings for persons other than small businesses, non-small businesses, state or local governments based on these rule changes because these rule changes either are just clarifying existing requirements or adding requirements that are administrative in nature and should not add any measurable costs or savings for persons other than small businesses, non-small businesses, state or local governments.

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

Because these rule changes are either clarifying existing requirements or adding requirements that are administrative in nature, there will be no additional compliance costs for affected persons who are required to comply with the Radiation Control rules.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. 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 19-3-104	Section 19-6-107	

Public Notice Information

8. 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 until:	03/31/2025

9. This rule change MAY become effective on:	04/14/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	02/13/2025
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R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

R313-35. Requirements for X-Ray Equipment Used for Non-Medical Applications.

R313-35-1. Purpose and Scope.

(1) Rule R313-35 establishes radiation safety requirements for registrants who use electronic sources of radiation for industrial radiographic applications, analytical applications, or other non-medical applications. Registrants engaged in the production of radioactive material are also subject to the requirements of Rules R313-19 and R313-22. The requirements of Rule R313-35 are [a] in addition to, and not a substitution for, the requirements of Rules R313-15, R313-16, R313-18 and R313-70.

(2) [The rules set forth herein are] Rule R313-35 is adopted pursuant to [the provisions of] Subsections 19-3-104(3) and 19-3-104(6).

R313-35-2. Definitions.

As used in Rule R313-35:

"Analytical x-ray system" means a group of components utilizing x-rays to determine the elemental composition or to examine the microstructure of materials by either x-ray fluorescence or diffraction analysis.

"Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure [~~hereinafter termed "~~] or cabinet,[" which, independent of existing architectural structure except the floor [on which] that it [may be] is placed on, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation, and exclude personnel from its interior during generation of x-radiation. Included are [a] the x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad and bus terminals, and similar facilities. An x-ray tube used within a shielded part of a building, or x-ray equipment [which] that may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

"Collimator" means a device used to limit the size, shape, and direction of the primary radiation beam.

"Computed tomography" means the production of a tomogram by the acquisition and computer processing of x-ray transmission data.

"CT" means computed tomography.

"Direct reading dosimeter" means an ion-chamber pocket dosimeter or an electronic personal dosimeter.

"External surface" means the outside surfaces of cabinet x-ray systems, including the high-voltage generator, doors, access panels, latches, control knobs, and other permanently mounted hardware and including the plane across an aperture or port.

"Fail-safe characteristics" means design features [which] that cause beam port shutters to close, or otherwise prevent emergence of the primary beam, upon the failure of a safety or warning device.

"Fluoroscopic imaging assembly" means a subsystem where x-ray photons produce a fluoroscopic image. It includes equipment housing, electrical interlocks, the primary protective barrier, and structural material providing linkage between the image receptor and the diagnostic source assembly.

"Forensics x-ray" means the use of x-ray systems in forensic autopsies of deceased humans, police agency use of x-ray systems for evidence identification and testing, or x-ray system use for arson or questionable origin fire investigations.

"Mobile x-ray equipment" is defined in Section R313-28-20.

"Nondestructive testing" means the examination of the macroscopic structure of materials by nondestructive methods utilizing x-ray sources of radiation.

"Non-medical applications" means uses of x-ray systems except those used for providing diagnostic information or therapy on human patients.

"Normal operating procedures" means instructions necessary to accomplish the x-ray procedure being performed. These procedures shall include positioning of the equipment and the object being examined, equipment alignment, routine maintenance by the registrant, and data recording procedures ~~[which]that~~ are related to radiation safety.

"Open-beam configuration" means a mode of operation of an analytical x-ray system ~~[in which]that~~ individuals could accidentally place ~~[some]a~~ part of the body into the primary beam during normal operation if no further safety devices are incorporated.

"Portable package inspection system" means a portable x-ray system designed and used for determining the presence of explosives in a package.

"Portable x-ray equipment" is defined in Section R313-28-20.

"Primary beam" means ionizing radiation ~~[which]that~~ passes through an aperture of the source housing via a direct path from the x-ray tube located in the radiation source housing.

"Protective apron" is defined in Section R313-28-20.

"Protective barrier" is defined in Section R313-28-20.

"Scattered radiation" is defined in Section R313-28-20.

"Stationary x-ray equipment" is defined in Section R313-28-20.

"Useful beam" is defined in Section R313-28-20.

"Very high radiation area" means an area, accessible to individuals, ~~[in which]where~~ radiation levels could result in individuals receiving an absorbed dose in excess of five Gy, ~~[(500 rad)]~~, in one hour at one meter from a source of radiation or from any surface that the radiation penetrates. At very high doses received at high dose rates, units of absorbed dose, gray and rad, are appropriate, rather than units of dose equivalent, sievert and rem.

"X-ray equipment" is defined in Section R313-28-20.

"X-ray system" means an assemblage of components for the controlled production of x-rays. It includes, minimally, an x-ray high-voltage generator, an x-ray control, a tube housing assembly, and the necessary supporting structures. Additional components ~~[which]that~~ function with the system are considered integral parts of the system.

R313-35-20. Personnel Monitoring.

Registrants using x-ray systems in non-medical applications shall meet the requirements of Section R313-15-502.

R313-35-30. Locking of X-ray Systems Other Than Veterinary X-Ray Systems.

The control panel of x-ray systems located in uncontrolled areas shall be equipped with a locking device that will prevent the unauthorized use of ~~[a]the~~ x-ray system or the accidental production of radiation. Non-cabinet x-ray systems shall be kept locked with the key removed ~~[when]if~~ not in use.

R313-35-50. Training Requirements.

In addition to the requirements of Section R313-18-12, an individual operating x-ray systems for non-medical applications shall be trained in the operating procedures for the x-ray system and the emergency procedures related to radiation safety for the facility. Records of training shall be made and maintained for three years after the termination date of the individual.

R313-35-60. Surveys.

In addition to the requirements of Section R313-15-501, radiation surveys of x-ray systems shall be performed:

(1) upon installation of the x-ray system; and

(2) following change to or maintenance of components of an x-ray system ~~[which]that~~ effect the output, collimation, or shielding effectiveness.

R313-35-70. Radiation Survey Instruments.

Survey instruments used in determining compliance with Rules R313-15 and R313-35 shall meet the ~~[following]~~ requirements in Subsections R313-35-70(1) through R313-35-70(7).~~[:]~~

(1) Instrumentation shall be capable of measuring a range from 0.02 millisieverts, ~~[(2)two millirem()]~~, per hour through 0.01 sievert, ~~[(1)one rem()]~~, per hour.

(2) Instrumentation shall be calibrated at intervals not to exceed 12 months and after instrument servicing, except for battery changes.

(3) For linear scale instruments, calibration shall be shown at two points located ~~[approximately]about~~ one-third and two-thirds of full-scale on each scale. For logarithmic scale instruments, calibration shall be shown at mid-range of each decade, and at two points of at least one decade. For digital instruments, calibration shall be shown at three points between 0.02 and 10 millisieverts, ~~[(2 and 1000 millirems)]~~, per hour.

(4) An accuracy of plus or minus 20%~~[-percent]~~ of the calibration source shall be demonstrated for each point checked pursuant to Subsection R313-35-70(3).

(5) The registrant shall perform visual and operability checks of survey instruments before use on each day the survey instrument is to be used to ensure that the equipment is in good working condition. If survey instrument problems are found~~[:]~~ the equipment shall be removed from service until repaired.

NOTICES OF PROPOSED RULES

(6) Results of the instrument calibrations showing compliance with Subsections R313-35-70(3) and R313-35-70(4) shall be recorded and maintained for a period of three years from the date the record is made.

(7) Records demonstrating compliance with Subsection R313-35-70(5) shall be made ~~when~~ if a problem is found. The records shall be maintained for a period of three years from the date the record is made.

R313-35-80. Cabinet X-ray Systems.

(1) The requirements as found in 21 CFR 1020.40, 1996 ed., are ~~adopted and~~ incorporated by reference.

(2) Individuals operating cabinet x-ray systems with conveyor belts shall be able to observe the entry port from the operator's position.

R313-35-90. Portable Package Inspection Systems.

Portable package inspection systems shall be registered in accordance with Rule R313-16 and shall be exempt from inspection by representatives of the ~~D~~ director.

R313-35-100. Analytical X-Ray Systems Excluding Cabinet X-Ray Systems.

(1) Equipment. Analytical x-ray systems not contained in cabinet x-ray systems shall meet ~~all~~ the ~~following~~ requirements of Subsections R313-35-100(1)(a) through R313-35-100(1)(j).

(a) A device ~~which~~ that prevents the entry of portions of an individual's body into the primary x-ray beam path, or that ~~which~~ causes the beam to be shut off upon entry into its path, shall be provided for open-beam configurations.

(i) Pursuant to Subsection R313-12-55(1), an application for an exemption from Subsection R313-35-100(1)(a) shall contain the following information:

(A) a description of the various safety devices that have been evaluated;

(B) the reason that these devices cannot be used; and

(C) a description of the alternative methods that will be ~~employed~~ used to minimize the possibility of an accidental exposure, including procedures to assure that operators and others in the area will be informed of the absence of safety devices.

(ii) ~~a~~ Applications for exemptions to Subsection R313-35-100(1)(a) shall be submitted to the ~~D~~ director.

(b) Open-beam configurations shall be provided with a readily discernible indication of:

(i) the "on" or "off" status of the x-ray tube ~~which~~ that shall be located near the radiation source housing if the primary beam is controlled in this manner; or

(ii) the "open" or "closed" status of the shutters ~~which~~ that shall be located near ports on the radiation source housing~~;~~ if the primary beam is controlled in this manner.

(c) Warning devices shall be labeled so that their purpose is easily identified and the devices shall be conspicuous at the beam port. On equipment installed after July 1, 1989, warning devices shall have fail-safe characteristics.

(d) Unused ports on radiation source housings shall be secured in the closed position in a manner ~~which~~ that will prevent casual opening. Security requirements ~~will be deemed~~ are met if the beam port cannot be opened without the use of tools that are not part of the closure.

(e) Analytical x-ray systems shall be labeled with a readily discernible sign or signs bearing a radiation symbol ~~that~~ ~~which~~ meets the requirements of Section R313-15-901 and the words:

(i) "CAUTION-HIGH INTENSITY X-RAY BEAM," or words having a similar intent, on the x-ray tube housing; and

(ii) "CAUTION RADIATION - THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED," or words having a similar intent, near switches that energize an x-ray tube.

(f) On analytical x-ray systems with open-beam configurations ~~which~~ that are installed after July 1, 1989, ports on the radiation source housing shall be equipped with a shutter that cannot be opened unless a collimator or a coupling has been connected to the port.

(g) An easily visible warning light labeled with the words "X-RAY ON," or words having a similar intent, shall be located near switches that energize an x-ray tube and near x-ray ports. They shall be illuminated only ~~when~~ if the tube is energized.

(h) On analytical x-ray systems installed after July 1, 1989, warning lights shall have fail-safe characteristics.

(i) X-ray generators shall be supplied with a protective cabinet ~~which~~ that limits leakage radiation measured at a distance of five centimeters from its surface so that they are not capable of producing a dose equivalent in excess of 2.5 microsieverts, ~~[4]0.25 millirem[3]~~, in one hour.

(j) The components of an analytical x-ray system located in an uncontrolled area shall be arranged and include sufficient shielding or access control so that no radiation levels exist in areas surrounding the component group ~~which~~ that could result in a dose to an individual present ~~therein~~ in the area in excess of the dose limits given in Section R313-15-301.

(2) Personnel Requirements.

(a) An individual ~~shall~~ may not be permitted to operate or maintain an analytical x-ray system unless the individual has received instruction ~~which~~ that satisfies the requirements of Subsection R313-18-12(1). The instruction shall include:

(i) identification of radiation hazards associated with the use of the analytical x-ray system;

(ii) the significance of the various radiation warnings and safety devices incorporated into the analytical x-ray system~~;~~ or the reasons they have not been installed on certain pieces of equipment and the extra precautions required in these cases;

(iii) proper operating procedures for the analytical x-ray system;

(iv) symptoms of an acute localized exposure; and

(v) proper procedures for reporting an actual or suspected exposure.

(b) Registrants shall maintain records ~~which~~ that demonstrate compliance with the requirements of Subsection R313-35-100(2)(a) for a period of three years after the termination of the individual.

(c) Normal operating procedures shall be written and available to analytical x-ray system workers. An individual ~~shall~~ may not be permitted to operate analytical x-ray systems using procedures other than those ~~specified~~ contained in the normal operating procedures unless the individual has ~~obtained~~ received written approval of the registrant or the registrant's designee.

(d) An individual ~~shall~~ may not bypass a safety device unless the individual has ~~obtained~~ received the written approval of the registrant or the registrant's designee. Approval shall be for a specified period of time. ~~When~~ If a safety device has been bypassed⁵ a readily discernible sign bearing the words "SAFETY DEVICE NOT WORKING," or words having a similar intent, shall be placed on the radiation source housing.

(3) Personnel Monitoring. In addition to the requirements of Section R313-15-502, finger or wrist dosimetric devices shall be provided to and shall be used by:

(a) analytical x-ray system workers using equipment having an open-beam configuration and not equipped with a safety device; and

(b) personnel maintaining analytical x-ray systems if the maintenance procedures require the presence of a primary x-ray beam when local components in the analytical x-ray system are disassembled or removed.

(4) Posting. Areas or rooms containing analytical x-ray systems not considered to be cabinet x-ray systems shall be conspicuously posted to satisfy the requirements in Section R313-15-902.

R313-35-105. Portable, Hand-Held, Non-Medical X-ray Systems.

(1) In addition to compliance ~~to the provisions of~~ with Rule R313-35 ~~the following~~ Subsections R313-35-105(1)(a) through R313-35-105(1)(c) are specific to portable, hand-held, non-medical x-ray systems, excluding portable handheld devices that are manufactured to provide inherent operator protection⁶.

~~(a)~~² Protective aprons of at least 0.5 millimeter lead equivalence shall be provided for the operator to protect the operator's torso and gonads from backscatter radiation while operating the x-ray source;

~~(b)~~³ Each operator of hand-held x-ray systems shall ~~complete~~ finish a training program supplied by the manufacturer ~~prior to~~ before using the x-ray system. Records of training shall be maintained on file for examination by an authorized representative of the ~~Director~~ director; and

~~(c)~~⁴ For hand-held x-ray systems, the provision in Subsection R313-35-110(1)(d) of the length of electrical cord for the dead-man switch is optional.

R313-35-110. Veterinary X-Ray Systems.

(1) Equipment. X-ray systems shall meet the following standards to be used for veterinary radiographic examinations.

(a) The leakage radiation from the diagnostic source assembly measured at a distance of one meter ~~shall~~ may not exceed 25.8 uC/kg, ~~[100 milliroentgens]~~, in one hour ~~when~~ if the x-ray tube is operated at its leakage technique factors.

(b) Diaphragms, cones, or a stepless adjustable collimator shall be provided for collimating the useful beam to the area of clinical interest and shall provide the ~~same~~ degree of protection as is required of the diagnostic source housing.

(c) A device shall be provided to terminate the exposure after a preset time or exposure.

(d) A "dead-man" type⁷ exposure switch shall be provided, together with an electrical cord of sufficient length, so that the operator may stand out of the useful beam and at least six feet from the animal during x-ray exposures.

(e) For stationary or mobile x-ray systems, a method shall be provided for visually defining the perimeter of the x-ray field. The total misalignment of the edges of the visually defined field with the respective edges of the x-ray field along either the length or width of the visually defined field ~~shall~~ may not exceed ~~six percent~~ 6% of the distance from the source to the center of the visually defined field ~~when~~ if the surface ~~upon which~~ that it appears on is perpendicular to the axis of the x-ray beam.

(f) For portable x-ray systems, a method shall be provided to align the center of the x-ray field with respect to the center of the image receptor to within ~~six percent~~ 6% of the source to image receptor distance, and to ~~indicate~~ show the source to image receptor distance to within ~~six percent~~ 6%.

(g) X-ray equipment designed for human radiographic examinations that is being used for veterinary radiographic examinations shall be FDA approved for use in the United States and shall be certified in accordance with 21 CFR 1010.2 and identified in accordance with 21 CFR 1010.3.

(h) If directed by the director an x-ray machine that does not meet the requirements of Section R313-35-110 may not be operated for diagnostic purposes.

(2) Structural shielding. For stationary x-ray systems, the wall, ceiling, and floor areas shall provide enough shielding to meet the requirements of Section R313-15-301.

(a) Registrants using computed tomography or fluoroscopic imaging assemblies shall comply with Section R313-28-32.

(3) Operating procedures. The registrant shall be responsible for directing the operation of the x-ray machines that are under the registrant's administrative control. The registrant or registrant's agent shall assure that the requirements of Subsections R313-35-110(3)(a) through R313-35-110(3)(g) are met in the operation of the x-ray machines.

(a) ~~Where~~ If feasible, the operator shall stand well away from the useful beam and the animal during radiographic exposures.

(b) In applications ~~in which~~ where the operator is not located beyond a protective barrier, clothing consisting of a protective apron having a lead equivalent of not less than 0.5 millimeters shall be worn by the operator and other individuals in the room during exposures.

(c) An individual other than the operator ~~shall~~ may not be in the x-ray room while exposures are being made unless the individual's assistance is required.

(d) If the animal must be held by an individual, that individual shall be protected with appropriate shielding devices, for example, protective gloves and apron. The individual shall be so positioned that no unshielded part of that individual's body will be struck by the useful beam.

NOTICES OF PROPOSED RULES

(e) Individuals who will be operating the x-ray equipment shall be instructed in the registrant's written radiation safety program and be qualified in the safe use of the equipment.

(f) Facilities shall have protective aprons and gloves available in sufficient numbers to provide protection to personnel who are involved with x-ray operations and who are otherwise not shielded.

(g) Personnel monitoring. Individuals who are associated with the operation of an x-ray system are subject to the applicable requirements of Rule R313-15.

(4) Maintenance of records and information. The registrant shall maintain at least the information listed in Subsections R313-35-110(4)(a) and R313-35-110(4)(b) for each x-ray machine:

(a) serial numbers; and

(b) records of surveys or calculations to demonstrate compliance with Section R313-15-302, calibration, maintenance, and modifications performed on the x-ray machine.

(5) Hand-held x-ray systems. X-ray equipment designed to be hand-held shall comply with Section R313-35-110, excluding Subsection R313-35-110(5) and Section R313-28-52.

(a) In addition to the dose limits in Section R313-15-301, operators of hand-held x-ray equipment shall ensure that members of the public that may be exposed to scatter radiation or primary beam transmission from the hand-held device are not exposed above two milliroentgen per hour.

(b) Operators will ensure that members of the public likely to be exposed to greater than two milliroentgen per hour will be provided protective aprons of at least 0.5 millimeter lead equivalence or are moved to a distance where the exposure rate to the individual is below two milliroentgen per hour.

R313-35-111. General Requirements for Veterinary X-ray Systems.

(1) In addition to the requirements of Section R313-35-110 veterinary x-ray systems shall meet the requirements of Subsections R313-35-111(2) and R313-35-111(3).

(2) Warning label. The control panel containing the main power switch shall bear the warning statement, legible and accessible to view: "WARNING: This x-ray unit may be dangerous to patient and operator unless safe exposure factors and operating instructions are observed."

(3) Leakage radiation from the diagnostic source assembly. The leakage radiation from the diagnostic source assembly measured at a distance of one meter in any direction from the source may not exceed 25.8 uC/kg, 100 milliroentgens, in one hour if the x-ray tube is operated at its leakage technique factors.

R313-35-112. Requirements for Veterinary Fluoroscopic X-ray Systems.

In addition to the requirements of Section R313-35-110 veterinary fluoroscopic x-ray systems shall meet the requirements in Section R313-28-40 except Subsections R313-28-40(1), R313-28-40(3), R313-28-40(4), R313-28-40(6)(a), R313-28-40(6)(d), R313-28-40(8), R313-28-40(9), R313-28-40(13), and R313-28-40(14).

KEY: industry, x-rays, veterinarians, surveys

Date of Last Change: ~~2025~~ ~~January 17, 2023~~

Notice of Continuation: October 19, 2021

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-107

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R501-1-9

Filing ID: 57032

Agency Information

1. Title catchline:	Health and Human Services, Human Services Program Licensing	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Florencia Schapira	801-803-4618	ffschapira@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R501-1-9. Residential Program Additional Facilities and Safety Requirements
3. Purpose of the new rule or reason for the change:
Based on feedback from stakeholders and the Rules Review and General Oversight Committee, the Department of Health and Human Services has determined it is necessary to update Subsection R501-1-9(5).
4. Summary of the new rule or change:
This filing updates wording in Subsection R501-1-9(5) to allow residential licensees more flexibility in the use of alternate sleeping arrangements other than a client's assigned bedroom.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated fiscal impact to the state budget as a result of this filing, as the filing's change only applies to residential licensees and clients.
B) Local governments:
There is no anticipated fiscal impact to local governments as a result of this filing, as the filing's change only applies to residential licensees and clients.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated fiscal impact to small businesses as a result of this filing, as this filing allows small business residential licensees greater flexibility in the use of alternate sleeping arrangements other than a client's assigned bedroom but does not require that licensees change existing processes.
Any potential cost or savings is inestimable because it is impossible to know to what extent small business residential licensees will alter processes as a result of this filing and what associated fiscal impact those changes would have.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated fiscal impact to non-small businesses as a result of this filing, as this filing allows non-small business residential licensees greater flexibility in the use of alternate sleeping arrangements other than a client's assigned bedroom but does not require that licensees change existing processes.
Any potential cost or savings is inestimable because it is impossible to know to what extent non-small business residential licensees will alter processes as a result of this filing and what associated fiscal impact those changes would have.
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 is no anticipated direct fiscal impact to other persons as a result of this filing, as this filing allows residential licensees greater flexibility in the use of alternate sleeping arrangements other than a client's assigned bedroom but does not require that licensees change existing processes.
Any potential indirect cost or savings is inestimable because it is impossible to know to what extent any changes that residential licensees make will alter processes as a result of this filing and what associated fiscal impact those changes would indirectly have on clients.

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 anticipated compliance costs for affected persons as a result of this filing, as this filing allows residential licensees greater flexibility in the use of alternate sleeping arrangements other than a client's assigned bedroom but does not require that licensees change existing processes.

Any potential costs are inestimable because it is impossible to know to what extent residential licensees will alter processes as a result of this filing and what associated fiscal impact those changes would have.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 26B-2-104

Public Notice Information

8. 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 until: 03/31/2025

9. This rule change MAY become effective on: 04/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	01/25/2025
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R501. Health and Human Services, Human Services Program Licensing.

R501-1. General Provisions for Licensing.

R501-1-9. Residential Program Additional Facilities and Safety Requirements.

- (1) A residential licensee shall ensure:
 - (a) designated space is available for records, administrative work, and confidential phone calls for clients;
 - (b) bedroom assignments are made in accordance with agency policy and individualized assessment described in Section 26B-2-109;
 - (c) live-in staff have dedicated bedrooms and bathrooms separate from client use;
 - (d) each bedroom designated for a client is comparable to other similarly utilized bedrooms with similar access, location, space, finishings, and furnishings;
 - (e) clients are not locked in bedrooms;
 - (f) a mirror or safety mirror is secured to each bathroom wall at a convenient height;
 - (g) each bathroom is placed to allow access to each client without disturbing any other client during sleeping hours;
 - (h) each bath or shower allows for individual privacy;
 - (i) each client is supplied with hygiene supplies;
 - (j) each sleeping area has a source of natural light and is ventilated by mechanical means or is equipped with a window that opens;
 - (k) each client has a similar solid type of bed or sleeping equipment to any other client in the program;
 - (l) each client is allowed to decorate and personalize their bedroom, while maintaining respect for other residents and property;
 - (m) there are separate containers for soiled and clean laundry, if the program provides common laundry for towels, bedding or clothing;
 - (n) bedding and towels are laundered weekly and after each client is discharged;
 - (o) equipment and supplies for washing and drying laundry are provided, if the program permits clients to do their own laundry; and
 - (p) there is at least 60 square feet per person in a multiple-occupancy bedroom and 80 square feet in a single occupant bedroom.
- (2) A residential program licensee serving individuals with disabilities shall house no more than two clients in each bedroom.
- (3) The licensee utilizing seclusion rooms shall ensure the following:
 - (a) seclusion rooms measure a minimum of 75 square feet and have a minimum ceiling height of seven feet with no equipment, hardware or furnishings that obstruct staff's view of the client or present a hazard;
 - (b) a seclusion room shall have either natural or mechanical ventilation with break resistant windows and either a break resistant two-way mirror or camera that allows for observation of the entire room;
 - (c) a seclusion room may not have locking capability and may not be located in closets, bathrooms, unfurnished areas or other areas not designated as part of residential living space; and
 - (d) a bedroom may not be utilized as a seclusion room and a seclusion room may not be utilized as a bedroom.
- (4) The licensee shall ensure that dormitory space is only permitted in an emergency homeless shelter or a program serving only adults.
- (5) The licensee shall train staff and ensure that the use of any alternate sleeping arrangements other than the client's assigned bedroom complies with Subsection R501-1-4(7) and~~is only done on an individualized, short-term basis with ongoing clinical or medical justification that~~:
 - (a) preserves client dignity and confidentiality;
 - (b) ~~shall be done on an individualized, time delimited basis~~~~is not done as a standard, practice, or policy~~;
 - (c) ~~is~~may not be utilized due to staffing shortages or for staff convenience; and
 - (d) ~~is~~may not be used as behavior management or consequence.

KEY: licensing, human services

Date of Last Change: ~~December 19, 2023~~2025

Notice of Continuation: October 3, 2022

Authorizing, and Implemented or Interpreted Law: 26B-2-104

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or Section Number:	R614-1-4	Filing ID: 57039

Agency Information

1. Title catchline:	Labor Commission, Occupational Safety and Health
Building:	Heber M. Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146600
City, state and zip:	Salt Lake City UT 84114-6600

Contact persons:		
Name:	Phone:	Email:
Holly Lawrence	801-530-6494	hlawrence@utah.gov
Floyd Johnson	801-530-6898	fjohnsion@utah.gov
Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R614-1-4. Incorporation of Federal Standards
3. Purpose of the new rule or reason for the change:
<p>The purpose of this amendment to Utah's Occupational Safety and Health (UOSH) rules is to:</p> <p>1) incorporate the most recent edition of the Code of Federal Regulations (CFR); and</p> <p>2) correct several inadvertent errors in the Hazard Communication Standard (HCS), 29 CFR 1910.1200, that were published in the Federal Register on May 20, 2024.</p> <p>The federal Occupational Safety and Health Administration (OSHA) identified several errors in the regulatory text and appendices to the HCS which pertain to the classification of hazardous chemicals and information presented on labels and Safety Data Sheets (SDSs). These errors, although minor and primarily typographical in nature, should be addressed expeditiously to avoid confusion or unnecessary costs in the regulated community due to incorporation of errors on labels and SDSs.</p>
4. Summary of the new rule or change:
<p>The proposed amendments are:</p> <p>1) Federal Register Vol. 89, No. 196, Wednesday, October 9, 2024, Rules and Regulations, pages 81829 to and including 81836, "Hazard Communication Standard; Final Rule – correction and technical amendment," is incorporated by reference.</p> <p>a) OSHA inadvertently misnumbered portions of paragraph (d) in the HCS final rule, resulting in erroneous cross-references in other areas of the HCS. To ensure that the regulatory text is clear and consistent with OSHA's intent, OSHA rearranged and renumbered 29 CFR 1910.1200(d)(1) by incorporating the text currently designated as (d)(1)(ii) into (d)(1) and renumbering the provisions currently designated as (d)(1)(i)(A) and (d)(1)(i)(B) to (d)(1)(i) and (d)(1)(ii), respectively.</p> <p>b) A phrase regarding transmission of labels by electronic or other technological means was inadvertently included in paragraph (f)(11). OSHA did not intend to include this phrase in paragraph (f)(11) and therefore removed it.</p> <p>c) OSHA corrected text in 29 CFR 1910.1200 appendices to align with the HCS preamble and updated label elements in appendix C to conform with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).</p> <p>2) Incorporates, by reference, the July 1, 2024, edition of 29 CFR 1904 (except 29 CFR 1904.36 and the workplace fatality, injury and illness reporting requirements found in 29 CFR 1904.1, 1904.2, 1904.7 and 1904.39); 29 CFR 1908; 29 CFR 1910.6 and 1910.21 through the end of part 1910; and 29 CFR 1926.6 and 1926.20 through the end of part 1926.</p>

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
<p>UOSH's enforcement of the proposed amendment will not result in additional costs or savings to the state budget.</p> <p>Changes to the HCS include correction of errors in the regulatory text and appendices which pertain to the classification of hazardous chemicals and information presented on labels and SDSs. These errors are minor and primarily typographical in nature.</p>
B) Local governments:
<p>Local governments have no administration or enforcement obligations under the proposed amendment.</p>

Changes to the HCS include correction of errors in the regulatory text and appendices which pertain to the classification of hazardous chemicals and information presented on labels and SDSs. These errors are minor and primarily typographical in nature.

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

Changes to the HCS will not result in costs or savings to small businesses.

Changes include correction of errors in the regulatory text and appendices which pertain to the classification of hazardous chemicals and information presented on labels and SDSs. These errors are minor and primarily typographical in nature.

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

Changes to the HCS will not result in costs or savings to non-small businesses.

Changes include correction of errors in the regulatory text and appendices which pertain to the classification of hazardous chemicals and information presented on labels and SDSs. These errors are minor and primarily typographical in nature.

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**):

Changes to the HCS will not result in costs or savings to persons other than small businesses, non-small businesses, state, or local government entities.

Changes include correction of errors in the regulatory text and appendices which pertain to the classification of hazardous chemicals and information presented on labels and SDSs. These errors are minor and primarily typographical in nature.

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

Changes to the HCS will not result in compliance costs or savings for affected persons.

Changes include correction of errors in the regulatory text and appendices which pertain to the classification of hazardous chemicals and information presented on labels and SDSs. These errors are minor and primarily typographical in nature.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
The Commissioner of the Labor Commission, Jaseson R Maughan, has reviewed and approved the regulatory impact analysis.

Citation Information

6. 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 34A, Chapter 6		

Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Federal Register Vol. 89, No. 196
Publisher	US Government
Issue Date	October 9, 2024

B) This rule adds or updates the following title of materials incorporated by references:

Official Title of Materials Incorporated (from title page)	29 CFR 1908
Publisher	US Government
Issue Date	July 1, 2024

C) This rule adds or updates the following title of materials incorporated by references:

Official Title of Materials Incorporated (from title page)	29 CFR 1910.6
Publisher	US Government
Issue Date	July 1, 2024

D) This rule adds or updates the following title of materials incorporated by references:

Official Title of Materials Incorporated (from title page)	29 CFR 1910.21 through the end of part 1910
Publisher	US Government
Issue Date	July 1, 2024

E) This rule adds or updates the following title of materials incorporated by references:

Official Title of Materials Incorporated (from title page)	29 CFR 1926.6
Publisher	US Government
Issue Date	July 1, 2024

F) This rule adds or updates the following title of materials incorporated by references:

Official Title of Materials Incorporated (from title page)	29 CFR 1926.20 through the end of part 1926
Publisher	US Government

Issue Date	July 1, 2024
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Public Notice Information

8. 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 until:	04/01/2025
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9. This rule change MAY become effective on:	04/08/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jacson R. Maughan, Commissioner	Date:	02/12/2025
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R614. Labor Commission, Occupational Safety and Health.

R614-1. General Provisions.

R614-1-4. Incorporation of Federal Standards.

A. The following federal occupational safety and health standards are incorporated:

1. 29 CFR 1904, ~~of the July 1, 2024~~^[4] edition, is incorporated by reference, except 29 CFR 1904.36 and the workplace fatality, injury and illness reporting requirements found in 29 CFR 1904.1, 1904.2, 1904.7 and 1904.39. Workplace fatalities, injuries and illnesses shall be reported pursuant to the more specific Utah standards in Subsection 34A-6-301(3)(b)(ii) of the Utah OSH Act and Subsection R614-1-5(B)(1).

2. 29 CFR 1908, ~~of the July 1, 2024~~^[5] edition, is incorporated by reference.

3. 29 CFR 1910.6 and 1910.21 through the end of part 1910, of the July 1, 2024^[21] edition, are incorporated by reference.

4. 29 CFR 1926.6 and 1926.20 through the end of part 1926, of the July 1, 2024^[21] edition, are incorporated by reference.

~~5. Federal Register Vol. 88, No. 139, Friday, July 21, 2023, Rules and Regulations, pages 47254 to and including 47349, "Improve Tracking of workplace Injuries and Illnesses: Final Rule" is incorporated by reference.~~

^[6] 5. Federal Register Vol.89, No. 98, Monday, May 20, 2024, Rules and Regulations, pages 44144 to and including 44461, "Hazard Communication Standard; Final Rule" is incorporated by reference.

6. Federal Register Vol. 89, No. 196, Wednesday, October 9, 2024, Rules and Regulations, pages 81829 to and including 81836, "Hazard Communication standard: Final Rule -- correction and technical amendment," is incorporated by reference.

KEY: safety

Date of Last Change: ~~2025~~^[November 7, 2024]

Notice of Continuation: June 24, 2022

Authorizing, and Implemented or Interpreted Law: 34A-6

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New		
Rule or Section Number:	R765-130	Filing ID: 57040

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R765-130. Equal Opportunity Initiatives
3. Purpose of the new rule or reason for the change:
This rule is being adopted based on requirements in H.B. 261 passed in the 2024 General Session. Subsections 53B-1-116(10), 53B-1-117(8), and 53B-1-118(16) require the Utah Board of Higher Education to make rules to establish procedures for accepting complaints against an institution of higher education for violations of statutory prohibitions on submissions, trainings, or discriminatory practices as outlined in Utah law.
4. Summary of the new rule or change:
This rule outlines compliance obligations and establishes a procedure for accepting and processing an individual's complaint against a Utah System of Higher Education institution for an alleged violation of Sections 53B-1-116, 53B-1-117, and 53B-1-118. This rule is authorized by Title 63G, Chapter 3.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule does not impact the state budget.
The Office of the Commissioner of Higher Education is responsible for fulfilling the requirements in this rule and is the only state budget that may be affected by the requirements in this rule. The Office of the Commissioner of Higher Education does not need to hire additional staff or spend additional funds to establish procedures and comply with the procedures for accepting complaints against an institution for violations of statutory prohibitions on submissions, trainings, or discriminatory practices.
B) Local governments:
This rule does not impact local governments.
Local governments are not impacted by the requirements in this rule and therefore, the rule will not result in direct expenditures for local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule does not impact small businesses.
The fiscal note on H.B. 261 (2024) stated that "enactment of this legislation likely will not result in direct expenditures from tax or fee changes for Utah residents and businesses."
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule does not impact non-small businesses. Non-small businesses are not impacted by the requirements in this rule and therefore, the rule will not result in direct expenditures for non-small businesses.
The fiscal note on H.B. 261 (2024) stated that "enactment of this legislation likely will not result in direct expenditures from tax or fee changes for Utah residents and 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 <i>agency</i>):
This rule does not impact persons other than small businesses, non-small businesses, state, or local government entities.
The fiscal note on H.B. 261 (2024) stated that "enactment of this legislation likely will not result in direct expenditures from tax or fee changes for Utah residents and businesses."

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 impose compliance costs for affected persons.

The Office of the Commissioner of Higher Education is responsible for fulfilling the requirements of this rule and is the only state budget that may be affected by the requirements in this rule. The Office of the Commissioner of Higher Education does not need to hire additional staff or spend additional funds to establish procedures and comply with the procedures for accepting complaints against an institution for violations of statutory prohibitions on submissions, trainings, or discriminatory practices. Therefore, this rule will not cost any state entity additional funds to implement.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed this regulatory impact analysis and determined this to be reasonable.

Citation Information

6. 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 63G, Chapter 3	Section 53B-1-118	Section 53B-1-117
Section 53B-1-116		

Public Notice Information

8. 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 until: 03/31/2025

9. This rule change MAY become effective on: 04/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Alison Adams, Board Secretary and Designee	Date:	02/12/2025
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R765. Higher Education (Utah Board of), Administration.

R765-130. Equal Opportunity Initiatives.

R765-130-1. Purpose.

This rule outlines compliance obligations and establishes a procedure for accepting and processing an individual's complaint against a Utah System of Higher Education institution for an alleged violation of Sections 53B-1-116, 53B-1-117, and 53B-1-118.

R765-130-2. Authority.

This rule is authorized by Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R765-130-3. Definitions.

"Institution" means an institution of higher education under Subsection 53B-2-101(1).

R765-130-4. Compliance Obligations.

(1) Institutions are required to comply with Sections 53B-1-116, 53B-1-117, and 53B-1-118.

(2) The Utah Board of Higher Education shall comply with requirements in Subsections:

(a) 53B-1-116(7)(a) through (b)

(b) 53B-1-116(8)(a) through (b)

(c) 53B-1-117(5)(a) through (b)

(d) 53B-1-116(6)(a) through (b)

(e) 53B-1-118(4)

(f) 53B-1-118(6)(a)(i) through (ii)

(g) 53B-1-118(6)(b)

(h) 53B-1-118(12)(a)(i) through (ii)

(i) 53B-1-118(13)(a) through (b)

R765-130-5. Complaint Procedures.

(1) An individual may submit a report alleging a violation of Section 53B-1-116, 53B-1-117, or 53B-1-118 through Ethics Point or contact the Utah Board of Higher Education's Secretary to discuss other reporting options.

(2) The Office of the Commissioner of Higher Education (OCHE) will review the report and determine whether it includes a credible allegation of a violation of Section 53B-1-116, 53B-1-117, or 53B-1-118. If the allegation is credible, then the Commissioner will assign an investigator.

(3) The investigator will gather relevant evidence to determine whether there is preponderance of the evidence the institution engaged in a violation of Section 53B-1-116, 53B-1-117, or 53B-1-118.

(4) The investigator will issue a written report outlining the allegations, relevant evidence, and whether there is a preponderance of the evidence that the institution engaged in prohibited conduct under Section 53B-1-116, 53B-1-117, or 53B-1-118.

(5) If the Board determines the institution violated Section 53B-1-116, 53B-1-117, or 53B-1-118, the Board will work with the institution, on or before 30 days after that determination, to create a remediation plan and will give the institution 180 days after the day the institution receives the remediation plan to cure the violation. The institution shall provide written documentation to the Board outlining the steps the institution took to cure the violation.

R765-130-6. Report to Higher Education Appropriations Subcommittee.

On or before November 1 of each year, the Board shall submit a report to the Higher Education Appropriations Subcommittee that includes the review process, each institution's compliance determination, or if a violation is identified, the violation, remediation plan, and progress to cure the violation.

KEY: education

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 63G-3; 53B-1-116; 53B-1-117; 53B-1-118

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R907-80	Filing ID: 57037

Agency Information	
1. Title catchline:	Transportation, Administration
Building:	Calvin Rampton
Street address:	4501 S 2700 W
City, state:	Taylorsville, UT

Contact persons:		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	Mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R907-80. Disposition of Surplus Land
3. Purpose of the new rule or reason for the change:
Section R907-80-5 provides a procedure for giving notice to the relevant local government before selling surplus property at an auction. The proposed changes would establish a more defined process for cities and counties to express an interest in a property and eventually purchase it from the Utah Department of Transportation (UDOT). The current process does not provide clear deadlines or require any sort of tangible commitment, which has led to properties remaining in limbo for years.
4. Summary of the new rule or change:
The proposed changes set forth the following process: 1) UDOT provides notice that property will be sold, 2) local government has 60 days to enter into a purchase agreement with UDOT, 3) provide 3% refundable earnest money, 4) agree to complete purchase within 180 days, 5) local government may extend purchase agreement for an additional 180 days, 6) one-time extension, 7) provide 5% nonrefundable earnest money, and 8) if the local government does not purchase the property, UDOT may sell it at a public auction.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This amendment outlines a notice procedure for selling surplus property at an auction, and that notice procedure does not introduce any cost or savings to state budgets.
B) Local governments:
This amendment outlines a notice procedure for selling surplus property at an auction, and that notice procedure does not introduce any cost or savings to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
This amendment outlines a notice procedure for selling surplus property at an auction, and that notice procedure does not introduce any cost or savings to small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This amendment outlines a notice procedure for selling surplus property at an auction, and that notice procedure does not introduce any cost or savings to 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 amendment outlines a notice procedure for selling surplus property at an auction, and that notice procedure does not introduce any cost or savings to other persons.

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 anticipated compliance costs for affected persons because this change only imposes notice obligations on UDOT, and not any monetary obligations on the public, e.g., fees, etc.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 72-5-111	Section 72-5-117	Section 72-5-404
Section 78B-6-520.3	Section 78B-6-521	

Public Notice Information

8. 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 until: 03/31/2025

9. This rule change MAY become effective on: 04/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	02/07/2025
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R907. Transportation, Administration.**R907-80. Disposition of Surplus Land.****R907-80-1. Authority and Purpose.**

The Department of Transportation makes this rule pursuant to Sections 72-5-111, 72-5-117, 72-5-404, 78B-6-520.3, and 78B-6-521, which authorize the executive director to prescribe the terms and conditions for the sale or exchange of surplus right of way^[7] and to make rules to ensure that the value of the real property is consistent with the proposed price and other terms of the purchase, sale, or exchange. Property or property interests that involve federal requirements must be sold or exchanged in accordance with the requirements of 23 C.F.R. Section 710.409.

R907-80-2. Definitions.

- (1) "Appraisal" means the same as it is defined in Subsection 61-2G-102(1)(a).
- (2) "Bidder" means a person who offers to pay a certain amount of money in exchange for title to an interest in real or personal property the department offers for sale.
- (3) "Confirmable Delivery Method" means any method of delivering documents that provides a way to confirm they were delivered to the intended party or location.
- (4) The "Department" means the Utah Department of Transportation.
- (5) The "Director" means the Executive Director of the Utah Department of Transportation or the Executive Director's designee.
- (6) "First right of refusal" means the same as "right of first refusal" and "right of first consideration."
- (7) "Minimum acceptable selling price" means a price established by the department based upon the market value of the property as established by an appraisal or other means; plus, costs associated with preparing the property for and executing the sale, such as the costs of advertising, appraising, performing environmental assessments, and processing the transaction.
- (8) As used in this rule, "surplus land," "surplus property," or "land" means an estate in real property to which the department is the owner and the director has declared to be surplus.
- (9) The "Transportation Commission" or "Commission" means the Utah Transportation Commission.
- (10) A "Utah Public Entity" means a political subdivision of the state, an agency of the state, a county, a municipality, or a special services district of the state, a county, or a municipality.

R907-80-3. Sales or Exchange Initiation Process.

In determining the appropriateness of a parcel of surplus land for sale or exchange, the department may consider nominations by interested parties. Such a nomination shall in no way obligate the department to the interested party making the nomination.

R907-80-4. Methods of Sale.

- (1) The department may sell land or other assets using one of the following methods [described below]:
 - (a) a public sale mail and live auction pursuant to Section R907-80-7;
 - (b) a negotiated sale pursuant to Section R907-80-10;
 - (c) a negotiated exchange pursuant to Section R907-80-11; or
 - (d) a public sale online, or web-based auction pursuant to Section R907-80-8.
- (2) The department will execute sales and exchanges pursuant to [rule]Section R933-1-4.

R907-80-5. Notice to Local Jurisdiction [Prior to] Before Public Sale.

[~~_____ Prior to publicly listing or advertising any land for sale by a public sale mail and live auction pursuant to Section R907-80-7 or a public sale online or web-based auction pursuant to Section R907-80-8, the department shall provide at least 30 days written notice of its intent to proceed with such a sale to the municipal or county entity with planning and zoning jurisdiction over the land to be sold. Such written notice may be by electronic mail or other written means, need only reference this rule and a general description of the land to be sold, and shall be sent to the chief executive of the jurisdiction. This notice requirement shall not apply to exchanges of real property.~~]

- (1) For the purposes of this section:
 - (a) "Local government" means a county or a municipality.
 - (b) "Government entity" means a state agency, local government, transit district, or any other political subdivision of the state.
- (2)(a) Before conducting a public auction described in Section R907-80-7, the department shall provide no less than 60 days written notice of the intent to proceed with a public auction to the local government with planning and zoning jurisdiction over the land to be sold at the auction.
 - (b) The notice described in Subsection (2)(a) shall:
 - (i) reference this rule;
 - (ii) provide a general description of the land to be sold at the auction; and
 - (iii) be sent to the chief executive of the local government.
 - (c) The department may provide the written notice described in Subsection (2) through email.
 - (d) The notice requirements of this Subsection (2) do not apply to:
 - (i) real property that the department exchanges for another real property; or
 - (ii) real property the department transfers to another government entity.
- (3)(a) If the local government that received the notice described under Subsection (2) would like to purchase the land identified in the notice, the department and the interested local government may enter into a real estate purchase agreement as provided in this Subsection (3) as long as they enter that agreement within 60 days of the date when the notice described in Subsection (2) was delivered.

NOTICES OF PROPOSED RULES

- ~~(b) As part of the real estate purchase agreement, the local government shall agree to:~~
- ~~(i) provide a refundable earnest money deposit equal to 3% of the agreed-upon sales price of the land;~~
- ~~(ii) subject to Subsection (3)(c), complete all requirements necessary to finalize the purchase of the land within 180 days of signing the agreement;~~
- ~~(iii) pay a purchase price equal to market value established by an appraisal or other means approved by the department; and~~
- ~~(iv) pay for closing costs and other administrative costs associated with purchasing the land.~~
- ~~(c)(i) As determined by the department, the real estate purchase agreement may be extended for up to 180 days if the local government provides a non-refundable earnest money deposit that totals 5% of the agreed-upon sales price of the land.~~
- ~~(ii) A real estate purchase agreement may only be extended once.~~
- ~~(d) If a local government fails to extend the real estate purchase agreement as provided under Subsection (3)(c), the department shall:~~
- ~~(i) void the real estate purchase agreement; and~~
- ~~(ii) refund the earnest money deposit made under Subsection (3)(b)(i)(A).~~
- ~~(4) If the department does not enter into a real estate purchase agreement as described in this section or the department voids a real estate purchase agreement as described in Subsection (3)(d), the department may proceed with selling the property at public auction as provided in this rule.~~

R907-80-6. Public Sale Notice and Advertising - Mail and Live Auctions.

- (1) The department may notify the public about the sale of surplus property by commercially feasible methods, including publication of a notice in one or more newspapers of general circulation in the county in which the sale is proposed at least 15 days before the deadline to submit bids pursuant to the requirements of Section R907-80-7.
- (2) The notice and any associated advertising will include a general description of the parcel including township, range, and section, and any other information that may create interest in the sale. The department must also identify the desired form of payment.
- (3) The department may advertise public sales using any other methods the director has determined may increase the potential for additional competition at the sale.

R907-80-7. Public Sale - Mail and Live Auctions.

Public sales, mail, and live auctions will be conducted as follows:

- (1) The Comptroller's Office of the department will accept sealed bids by any means of delivery until 5[:00] P.M. the day [~~prior to~~]before the auction.
- (2) The officer conducting the auction will accept sealed bids by personal delivery on the day of the auction up until the beginning of the auction.
- (3) A sealed bid must contain deposit funds in an amount determined and advertised by the department, as required by Section R907-80-4 to purchase the subject property. The department may require this deposit to consist of certified funds. Bids and bid deposits must be a specified dollar amount. The department has the right to reject any bid however submitted.
- (4) The department may require buyers who have defaulted on certificates of sale in the past to make larger deposits or submit sealed bids in the form of certified funds even if such a requirement is not contained in the notice of sale.
- (5) The officer conducting the auction will open sealed bids after declaring that the auction has started. After determining which sealed bid is highest, the officer will allow bidders willing to bid more than the highest sealed bid received to participate in live bidding. [~~Live bids must be for more than the amount of the highest sealed bid, subject to those terms and conditions set forth in Subsection R907-80-7(6). Persons who submit sealed bids eligible to participate in the live bidding will also be allowed to participate by telephone, subject to the terms and conditions of Subsection R907-80-7(6).]~~
- [~~(6) Bids less than the minimum acceptable selling price will be disqualified, and the bidder will not be eligible for live bidding even if such bids would otherwise meet those requirements in Subsections (4) or (6).]~~
- [~~(7)~~](6) Bids, whether sealed or live, constitute a valid offer to purchase. An attempt to withdraw a sealed bid after the first sealed bid has been opened, or an attempt to withdraw or amend [~~an~~]a live bid may result in the forfeiture of the bid deposit and any other remedy afforded the department at law or equity.
- [~~(8)~~](7) At the conclusion of the auction and subject to the terms of Section R907-80-8, the successful bidder must sign a written offer agreement prepared by the department that states the terms included in the public sale notice.
- [~~(9)~~](8) If the successful bidder defaults on the offer agreement, or otherwise fails to meet the requirements of Section R907-80-12, and upon approval by the director, the property may be offered for sale to the person whose bid was second highest at the auction provided that the terms of the sale meet or exceed the minimum acceptable selling price established for the subject property. The second highest bidder will have 30 days from the date of the department's offer to submit the purchase price balance plus costs required by Subsection R907-80-10(5).
- [~~(10)~~](9) Third parties owning authorized improvements on the parcel at the time of the sale will be allowed 90 days from the date of the sale to remove the improvements. This provision will not apply when such improvements are permitted under a valid existing right of record when such right survives the sale of the parcel, or the improvements are subject to a separate lease agreement.

R907-80-8. Online or Web-based Public Sale Auctions.

The department may establish an online or web-based application to use in conducting public sale auctions. The department may subscribe to or use a commercially available online or web-based service to use in conducting public sale auctions, or it may subscribe to or use an online or web-based service provided by a public entity for conducting public sale auctions. The director must provide written approval to use the online or web-based application or service the department uses for public sale auctions. For good cause, the director may disqualify

a party from participating in the online auction to maintain the integrity of the bidding process. An example of good cause is when a party has previously participated in an auction and failed to perform its obligations as the winning bidder.

R907-80-9. First Right of Refusal.

(1) If the department does not use any portion of a parcel of property it acquires from a private party for transportation purposes, the department must allow the original grantor an opportunity to repurchase the property at the original purchase price to the grantor before the department may sell the parcel of property to another buyer as required by Section 72-5-111.

(a) The department must send a written offer by certified mail to the original grantor at the original grantor's last known address, to sell the acquired property to the original grantor at the department's acquisition price.

(b) The original grantor of the parcel of property may assign this first right of refusal to another person before the department may sell the parcel of property to another buyer. The original grantor or the assignee must notify the department of an assignment of the first right of refusal by certified mail to the current office address of the executive director.

(c) The original grantor or the assignee must accept the department's offer by certified mail within 90 days of the date the original grantor receives the department's offer. If the department does not receive an acceptance of its offer within the 90 days, it is free to sell or exchange the parcel to someone other than the original buyer or assignee.

(d) The original grantor or the assignee may waive, in writing, the first right of refusal at any time.

(2) The department must offer to sell property or an interest in property that it acquired by condemnation or threat of condemnation to the original grantor before it may sell to another buyer as required by Sections 72-5-111 and 78B-6-521.

(a) The department will offer the holder of this first right of refusal the opportunity to purchase the property or property interest for a price equal to the highest offer received at auction plus costs associated with preparing and bringing to auction the property or property interest.

(b) The department may, but is not required to contact the holder of this first right of refusal of its decision to sell at auction the property or property interest to provide the holder an opportunity to purchase the property or property interest for an amount equal to the appraised value plus costs associated with preparing the property or property right for sale or waive the right by providing the department a written waiver.

(c) Should the holder refuse to accept the department's offer to sell or waive the right, the department will contact the holder as soon as reasonably possible after the auction ends and offer the property or property interest to the holder for a price equal to the highest offer received at auction plus associated costs.

(d) The holder of the right will have 90 days to accept or assign the offer to another buyer. Assigning the right will not extend the 90 days allowed to accept the offer.

(e) If the holder of the right does not accept or assign the department's offer within the 90 days, the department is free to sell the property or property interest to the highest bidder.

(f) If the holder accepts the department's offer, the holder must close the purchase in accordance with Section R907-80-14, and any other pending offer or contract on which the department's offer is based becomes void.

R907-80-10. Negotiated Sales, Justifications, Procedures, and Public Notice.

(1) The department may dispose of surplus land by negotiated sale when the director determines such a sale is in the public interest of the state and the department, as set forth in Subsection R907-80-10(1)(e). The department may sell surplus land or other property by negotiated sale if:

(a) the buyer is a Utah public entity, and the property is being transferred for [a-]public use, said public use to be established through one of the following methods:

(i) by a written finding presented to the department by the public entity's chief executive that the property will be used for a road, other transportation or transit facility, including bicycle paths and sidewalks, a transportation reinvestment zone created pursuant to Section 11-13-227, a public building or grounds, or a public park; or

(ii) by resolution declaring the proposed use of the land qualifies as a valid public use, said resolution to be approved by a public vote by the public entity's governing body at an open meeting after notice to at least adjoining landowners who shall have the opportunity to comment on the proposed public use [prior to]before the public vote;

(b) the buyer of the surplus land also owns adjoining land, but only if the department determines that competition for the purchase of the surplus land is not likely;

(c) the surplus land comprises an easement, and said easement is being released to the owner of the fee simple estate that is subject to the easement;

(d) the surplus land is being transferred to a public utility, as defined in Section 72-6-116, to provide utility services to the public; or

(e) the director, where any designee of the executive director of the department may only be a deputy director of the department determines a negotiated sale is in the public interest of the state and the department after considering at least the following factors: (1) the needs of the department for proceeds from surplus sales; (2) the likelihood of competition to purchase the parcel if sold through public means; (3) any additional costs to the department associated with a sale by other means; (4) the price to be paid by the buyer; (5) whether there are any public benefits expected from a negotiated sale that could not be achieved by a public sale; and (6) any other factor the director determines is relevant to a public interest determination.

(f) Any negotiated sale carried out pursuant to this [R]rule must be for an established minimum acceptable selling price, unless the land is to be sold to a public entity for a road or park, in which case it may be sold for a lesser amount or at no cost if a clause is placed into the deed that specifies title will revert to the department if the property ceases to be used for the purpose stated in the deed.

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(2) The department may list, or contract with an agent or broker to list for sale a property or property interest on a commercial listing service if the director determines doing so is in the best interest of the state. The department will utilize a standard procurement process to select an agent or broker.

(3) In the event a party submits a competing offer or offers to purchase the property from the department, the department must evaluate the offer or offers and accept the offer that best serves the interests of the state and the department after consideration of the factors identified in Subsection (1)(e). If the department receives multiple offers, the director may determine ~~that~~ the best interests of the state and the department require the department to request the best and final offers from offerors. A written justification statement that articulates the reasoning used to determine the offer that best serves the interests of the state, and the department must be a part of negotiated sales files.

(4) The department may require a buyer of surplus land purchased through a negotiated sale to reimburse the department for costs incurred in preparing the parcel for sale. These costs may include costs for advertising, appraisal, environmental assessments, and a sale processing charge.

R907-80-11. Negotiated Exchanges.

(1) The department may exchange real property for other real property with a Utah Public Entity, an individual, a business, a private enterprise, or a not-for-profit organization.

(2) Exchanges may be made to acquire land the department needs for highway use in compliance with the approval requirements of Subsection 72-5-111(1)(c).

(3) Real property exchange transactions are not subject to competitive solicitation procedures.

(4) Exchanges of surplus real property must comply with state law. Exchanges of real property involving the department and a Utah public entity must follow the requirements of the Interlocal Cooperation Act, Sections 11-13-101 through 11-13-608.

(5) The financial consideration received for any real property exchange to an individual, business, private enterprise, or not-for-profit organization must be equal to or higher than the current market value of the department's real property, as determined by any reasonable means.

(6) Real property received in an exchange must be free from liens, encumbrances, and clouds on title unless the director determines after review that accepting the property is in the best interests of the state. The director's justification for accepting property with a lien, encumbrance, or cloud on title must be in writing.

R907-80-12. Contracts of Sale or Exchange.

(1) The department will prepare and deliver a contract of sale to the buyer following a public auction sale or upon concurrence of the parties in a negotiated sale or an exchange. This contract must contain the legal description of subject property or properties, and include:

(a) information regarding the amount paid or the values of the properties exchanged;

(b) the identities of buyer of the land or the entity or entities participating in the exchange with the department;

(c) remedies the department may elect in the event of a default; and

(d) any other terms, covenants, deed restrictions, or conditions the department considers appropriate.

(2) Buyers or persons participating in a property exchange must execute contracts of sale or exchange and return them to the department within 20 days from the date the department delivers the contract. If the department does not receive the contract within the 20-day period, the department will send notice by a confirmable delivery method to the buyer or exchanging party giving notice that after 10 days the transaction may be canceled with monies received by the department, including any deposit made, will be forfeited to the department. Notification of this forfeiture provision must accompany the transmittal of the contract.

(3) The department reserves the right to cancel a sale or exchange of surplus land for any reason ~~prior to~~ before execution of the contract by the director.

(4) The department will issue a quit claim deed to the appropriate person upon payment in full or amounts owed to the department and surrender of the original contract of sale or exchange for any tract of land sold or exchanged.

R907-80-13. Competition Protection.

(1) Collusion between bidders or between a bidder and an employee or agent of the department to affect a public sale auction is prohibited. Anyone having reason to believe that a public sale auction conducted under this rule may have been affected by collusion between bidders or between one or more bidders and an employee or agent of the department must report that information to the attorney general as soon as reasonably possible.

(2) Should an adjudicative body determine that collusion intended to affect a public sale auction conducted under this rule has occurred, the resulting sale will be voidable by the department.

R907-80-14. Closings.

(1) Auction sales, negotiated sales, or negotiated exchanges must go through this closing process.

(2) Transactions must be closed within 60 days after the date of the contract unless good cause exists to delay the closing. Information intended to show that good cause that warrants delaying a closing exists must be provided in writing to the director within 30 days after the date of the contract. The director must determine if good cause to delay exists.

(3) A minimum of 3% security deposit on a negotiated sale will be required to be held in escrow.

(4) If closing does not complete within 60 days after the date of the contract, the deposit money becomes non-refundable if the director decides good cause to delay does not exist.

(5) If closing is not complete within the 60 days after the date of the contract and the director determines that good cause to delay does not exist, the buyer still wishes to buy the property, and the department agrees to allow the buyer more time to complete the purchase, the

buyer must provide an additional 7% security deposit to the department to be held in escrow and the parties will have an additional 30 days after the date of the contract to close.

(6) If the buyer does not provide the additional 7% security deposit required by Subsection R907-80-13(5) within [~~5~~five] business days after the date the department agrees to allow the buyer more time to complete the purchase, the purchase contract is voidable by the department, and the department may contact the next highest bidder who will then have an opportunity to purchase the property.

(7) If closing is not complete within the additional 30 days allowed by Subsection R907-80-13(5), deposit money becomes non-refundable, the contract becomes voidable by the department and the department may provide the next highest bidder an opportunity to purchase the property.

(8) The director has the authority to extend the time frames allowed to close a transaction if the director[~~he or she~~] determines that doing so serves the public interest of the state.

(9) The closing of a real property transaction may be conducted at a title company provided the buyer pays for related costs. If a title company is used for closing, the department will instruct the company to record the deed, and after recording, send it to the Department of Transportation, Director of Right of Way.

(10) Only the director [~~is authorized to~~]may sign closing papers, real property contracts, or deeds.

R907-80-15. Sale or Exchange Involving a Large Public Transit District.

(1) As used in this Section R907-80-15, the following definitions apply:

(a) "Fixed guideway capital development" means the same as that term is defined in Section 72-1-102;

(b) "Large public transit district" means the same as that term is defined in Section 17B-2a-802.

(2) Notwithstanding this rule, the department may provide for the sale or exchange of real property, with or without charge, to a large public transit district if the director determines that the real property:

(a) is within the boundaries of a station area that has a station area plan certified by a metropolitan planning organization in accordance with Section 10-9a-403.1;

(b) is part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802;

(c) is adjacent to a completed fixed guideway capital development that was overseen by the department; or

(d) will only be used by the large public transit district in a manner that the director determines will provide a benefit to the state transportation system.

(3)(a) Before selling or exchanging land under this Section R907-80-15, the department and the large public transit district will enter into an agreement to state the terms of the sale or exchange.

(b) The director must approve and sign the agreement described in Subsection R907-80-15(2)(a).

(c) Any agreement described in Subsection R907-80-15(2)(a) shall include provisions the director determines necessary to ensure the real property is used for the purposes outlined in Section 72-5-117 and the agreement.

(4) Notwithstanding contrary provisions in Rule R907-80, this Section R907-80-15 applies to the department's real property whether or not the real property is surplus.

KEY: surplus land, negotiated exchanges, public sales auctions, negotiated sales

Date of Last Change: 2025[~~January 12, 2024~~]

Notice of Continuation: April 21, 2022

Authorizing, and Implemented or Interpreted Law: 72-5-117; 72-5-111; 72-5-404

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 March 31, 2025.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the 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 July 01, 2025, 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** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: CPR (Change in Proposed Rule)

Rule or Section Number:

R70-101

Filing ID: 56972

Date of Previous Publication (Only for CPRs): 01/01/2025

Agency Information

1. Title catchline:	Agriculture and Food, Regulatory Services	
Building:	Taylorsville State Office Buildings, South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@Utah.gov
Kelly Pehrson	801-982-2200	Kwpehrson@Utah.gov
Travis Waller	801-982-2200	Twaller@Utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R70-101. Bedding, Upholstered Furniture, and Quilted Clothing
3. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food (Department) is proposing changes to this rule to align it with the legislature's recent clarification of Title 4, Chapter 10, Bedding, Upholstered Furniture, and Quilted Clothing Act (Act). Specifically, these changes reflect the legislative intent to exclude online sales from regulation under this Act.
4. Summary of the new rule or change:
This proposed change in the rule removes any reference to online sales, including previous definitions added to this rule to clarify information needed for online sales of bedding, upholstered furniture, and quilted clothing. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the January 1, 2025, issue of the Utah State Bulletin, on page 7. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This proposed change will not impact the state's budget because the online retailer requirements are not effective until May 2025.
B) Local governments:
This proposed change will not impact local governments because they do not administer the program.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed changes will not impact small businesses because the requirements for online were not effective.

NOTICES OF CHANGES IN PROPOSED RULES

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 The proposed changes will not impact non-small businesses because the requirements for online were not effective.

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**):
 The proposed changes will not impact other persons because the requirements for online were not effective.

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 this program are not changing with these proposed changes.

G) 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	FY2025	FY2026	FY2027
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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Department of Agriculture and Food, Craig Butters, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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 4-10-103	Subsection 4-10-113(2)	
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Public Notice Information

8. 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 until: 03/31/2025

9. This rule change MAY become effective on: 04/07/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Craig Buttars, Commissioner	Date:	02/07/2025
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R70. Agriculture and Food, Regulatory Services.**R70-101. Bedding, Upholstered Furniture, and Quilted Clothing.****R70-101-1. Authority and Purpose.**

Pursuant to Section 4-10-103, this rule establishes the standards, practices, and procedures for the manufacture, repair, sale, and distribution of bedding, upholstered furniture, quilted clothing products, and filling materials.

R70-101-2. Definitions.

This rule defines the following terms in addition to the terms in Section 4-10-102:

(1) "Clean" means free from stains, dirt, trash, filth, pulp, sludge, oil, grease, fat, skin, epidermis, excreta, vermin, insects, insect eggs, insect carcasses, contamination, hazardous materials, or residual or objectionable substances or odors.

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

~~(3) "Digital Law Label" or "Digital Textile Label" means an electronic copy of the applicable law label or textile label that mirrors the label attached to the article.]~~

~~(4) "Law Label" means a label attached to new bedding or upholstered furniture that provides specific information about the product to the consumer and meets the requirements of this rule.~~

~~(5) "Made to Order" or "MTO" means a manufacturing process of upholstered furniture in which the production of an item begins after a consumer or retailer places an order and includes articles with consumer options that could impact the final law label.~~

~~(6) "Made to Stock" or "MTS" means a traditional production method used to produce articles either before or after the consumer places the order that the retailer may stock as inventory or display through an online retailer until the consumer purchases them and includes articles produced with consumer options that do not impact the final law or textile label.~~

~~(7) "Manufacture" means the making, processing, or preparing of new or secondhand bedding, upholstered furniture, quilted clothing, or filling material.]~~

~~(8) "Manufacturer" means a person who makes or has employees make any bedding, upholstered furniture, quilted clothing, filling material, or any part.~~

~~(9) "Non resident" means a person permitted under this rule who does not have premises in Utah.~~

~~(10) "Online Retailer" means a person or a company that sells articles to a consumer via the Internet or another electronic network.~~

~~(11) "Online sales" means the process of selling articles through the Internet, where customers can browse products, make purchases, and complete transactions using digital platforms or an online marketplace.]~~

~~(12) "Person" means an individual, partnership, association, firm, auctioneer, trust, limited liability company, or corporation.~~

~~(13) "Premises" means a place that sells bedding, upholstered furniture, quilted clothing, or filling material, or offers for sale, exposes for sale, stores, renovates, or manufactures, and includes the delivery vehicle used to transport articles.~~

~~(14) "Supply dealer" means a person who manufactures, processes, or sells at wholesale any felt, batting, pads, or other fillings, loose in a bag, in a bale or a container, concealed or not concealed, intended for use in bedding, upholstered furniture, or quilted clothing.~~

~~(15) "Second Hand Law Tag" or "Tag" means a tag attached to a previously used product or filling material.~~

~~(16) "Sterilization Permit Number" means the number a state may issue to identify the sterilizing facility, person, or company and certifies that the filling material is safe for consumer use.~~

~~(17) "Sterilize" means a process used to make wool, feathers, down, shoddy, or hair free from bacteria or any other living microorganism.~~

~~(18) "Sterilizer" means a person who sterilizes wool, feathers, down, shoddy, or hair.~~

~~(19) "Textile Label" means a label attached to a new quilted clothing product that provides information required in 16 CFR Parts 300, 301, 303, and this rule.~~

~~(20) "Uniform Registry Number" or "URN" means the number issued by a state to be used on the law label of bedding, upholstered furniture, or filling material to identify the manufacturing facility, person, or company.~~

R70-101-3. Application of Rule.

This rule shall apply to any person engaged in the business of manufacturing, retailing,~~online retailing,~~ wholesaling, processing, repairing, sterilizing, and selling items of bedding, upholstered furniture, quilted clothing, and filling material, regardless of their point of origin.

R70-101-4. Permit Requirements for Manufacturers, Repairers, and Wholesalers.

(1) A person who advertises, solicits, or contracts to manufacture or repair bedding, upholstered furniture, or filling material shall secure a permit from the department before offering to sell the product in Utah.

(2) A person who advertises, solicits, or contracts to manufacture quilted clothing shall secure a permit from the department before the person offers articles for sale in Utah.

(3) A person seeking a permit shall provide the following to the department:

(a) a completed permit form; and

(b) a sample of the law label that will be used.

(4)(a) The department may exempt a wholesaler of bedding or upholstered furniture from providing a sample law label.

NOTICES OF CHANGES IN PROPOSED RULES

- (b) The department may exempt a manufacturer of quilted clothing from providing a sample textile label.
- (5)(a) The department shall assess an annual permit fee.
- (b) The applicant shall pay the fee before January 1, or the department shall include a late fee with the permit fee.
- (6) Each person who conducts business under multiple state-issued URNs or permits shall obtain a permit for each number used on articles for sale in Utah.
- (7) A person's license or permit shall be current with the state that issues the URN for the number to be valid in Utah.

R70-101-5. Sterilization Permit Requirements for Sterilizers.

- (1) A person who advertises, solicits, or contracts as a sterilizer shall secure a sterilization permit from the department before offering to sell sterilized products in Utah.
- (2) A person applying for a sterilization permit shall provide the department with a sterilization permit application completed by a department authorized third party inspector.
- (3)(a) The department shall assess an annual sterilization permit fee.
- (b) Each applicant shall pay the fee before January 1, or the department shall charge a late fee with the sterilization permit fee.
- (4)(a) Each sterilization permittee's facility shall be inspected every three years.
- (b) A permittee shall submit a copy of the inspection report to the department with the renewal form for that year.

R70-101-6. Revocation of Permit.

- (1) The department shall have the authority to suspend or revoke a permit for any violation of this rule.
- (2) A suspension or revocation shall be in accordance with Section 4-1-106.

R70-101-7. Sanitation Requirements.

- (1) A permittee or retailer shall keep the premises, delivery equipment, machinery, and any appliances, articles, and devices free from refuse, dirt, contamination, or insects.
- (2) A permittee may not use in the making, repairing, or renovating of bedding, upholstered furniture, or quilted clothing any filling material that:
 - (a) contains any insect, vermin, or filth;
 - (b) is not clean; or
 - (c) contains burlap or other material used for baling.
- (3) A permittee or retailer shall store bedding, quilted clothing, and filling material four inches off the floor on the premises.
- (4) A permittee or retailer shall store new and used articles separately.

R70-101-8. Sterilization Requirements for New Fill Material.

- (1) A sterilizer shall clean and sterilize any wool, feathers, down, shoddy, and hair before using it as a new filling material.
- (2) The department allows the following methods for sterilization[-]:
 - (a)(i) Pressure Steam.
 - (ii) Expose the material to treatment by steam at 15 PSI (.104 mPA) for 30 minutes or 20 PSI (.0138 mPA) for 20 minutes.
 - (iii) The gauge for registering steam pressure shall be visible from the outside of the room or chamber.
 - (b)(i) Streaming Steam.
 - (ii) Two applications of streaming steam maintained for one hour each, applied at intervals using not less than six nor more than 24 hours.
 - (iii) When streaming steam is employed, the valved outlets shall be provided near the bottom and the top of the room or chamber.
 - (c)(i) Heat.
 - (ii) A temperature of 235 degrees F held for two hours within a closed container.
 - (3) Upon request, the department may approve other methods of sterilization.

R70-101-9. Manufacturing, Wholesale, Sterilizers, and Supply Dealer Textile Labeling Requirements for Quilted Clothing.

- (1) The department incorporates by reference the March 8, 2024, version of 16 CFR Parts 300, 301, and 303.
- (2) Articles of plumage-filled clothing shall meet the following textile label requirements.
 - (a)(i) Any label stating that an article of clothing contains down, Goose Down, or Duck Down shall also state the minimum percentage of down, Goose Down, or Duck Down contained in the article.
 - (ii) The down label is a general label and shall include in parentheses the minimum percentage of down in the product, which shall be 75% or greater.
 - (b)(i) "Down and Waterfowl Feathers" text may designate any plumage product containing between 50% minimum and 74% down and plumules.
 - (ii) The sewn in label and hang tags shall state both percentages.
 - (c)(i) "Waterfowl Feathers and Down" may designate any plumage product containing between 5% minimum and 49% down and plumules.
 - (ii) The sewn in label and hang tags shall state both percentages.
 - (d) "Waterfowl Feathers" may designate any plumage product containing less than 5% down and plumules.
 - (e) The department may not permit the use of quill feathers unless disclosed on the textile label.

- (f) The textile label shall separately list each component, in order of predominance, any other plumage products that do not meet the requirements for any of the listed categories from Subsection R70-101-9(2).
- (3) The textile label shall list the sterilization permit number as "PER. NO. ".
- (4) A textile label shall contain the same form of identification as supplied to the department with the permit application.
- (5) The textile label shall be easily accessible to the consumer for examination.

R70-101-10. Filling Material.

- (1) A permittee shall use the terms or definitions of a filling material approved by the International Association of Bedding Law Officials except as otherwise required by this rule.
- (2) Pursuant to Subsection 4-10-107(6)(a), a manufacturing facility may use the term "recycled" for items containing down or feather if the facility:
 - (a)(i) is Global Recycled Standard (GRS) or Recycled Claim Standard (RCS) certified, and provides:
 - (ii) proof of GRS or RCS certification to the department on the permit form; and
 - (iii) a copy of the certificate or the certification number on the invoice to the retailer for each lot or batch of filling material;
 - (b) certifies under another industry accepted standard consistent with the International Organization for Standardization ISO 17065 and provides documentation to the department.
- (3) Upon request, a manufacturing facility shall provide a copy of the certificate or the certification numbers for each batch or lot to the department.
- (4) Plumage material shall follow the standards that the "USA-2000 Labeling Standards- Down and Feather Products" outlines and this rule incorporates by reference.
- (5) Any other filling material shall be clean.
- (6) The tag or label must state "Imperfect, irregular foam" which means any foam product that shows a major imperfection or that falls below the foam manufacturer's usual standards or specifications as "imperfect" or "irregular" along with the generic name of the foam.
- (7) The tag or label must state "Imperfect, irregular fibers" which means any fiber that has an imperfection or that falls below the fiber manufacturer's usual standards or specifications as "imperfect" or "irregular" along with the generic name of the fiber.
- (8) The qualifying statement may not use the terms "Prime," "Super," "Northern," and similar terms that imply superior unless the filling material can prove to be of superior quality and meet the terms of the qualifying statement.

R70-101-11. Generic Names, Grades, Descriptive Terms, and Definitions of Filling Material.

- (1) The law label or textile label shall describe the filling material using the following:
 - (a) true generic name;
 - (b) grade;
 - (c) description terms; or
 - (d) definition of the filling material approved by the department.
- (2)(a) When a mixture uses more than one kind of filling material, the label shall list the percentage by weight in order of predominance, per Subsection 4-10-107(2).
 - (b) Federal fiber tolerance standards are applicable, except as pertains to a plumage product.
 - (c) In accordance with Section R70-101-10, describe any blends used in the filling material.
- (d)(i) Quilted clothing articles may use different filling materials for different parts of the article.
- (ii) The textile label shall name the areas of the article followed by the name of the filling material used in that specific area.

R70-101-12. Law Label Requirements for Bedding and Upholstered Furniture.

- (1)(a) Any article of bedding or upholstered furniture shall have a law label that uses the format adopted by the International Association of Bedding and Furniture Law Officials (IABFLO), as listed in the Manual of Labeling Laws of the International Sleep Products Association, 2024 edition, which this rule incorporates by reference.
- (2) The law label for a newly manufactured product~~[-, including an article that is MTS or MTO,]~~ shall meet the following requirements:
 - (a) white on each side of the law label;
 - (b) made of material that cannot be easily torn;
 - (c) printed in black ink;
 - (d) printed in English;
 - (e) printed clearly and legibly; and
 - (f) firmly attached to the article.
- (3) Required information shall be printed on one side of the law label with the opposite side remaining blank.
- (4) Each law label shall include the following, in order:
 - (a) the phrase "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the law label in capital letters no less than 1/8 inches in height;
 - (b) the phrase "ALL NEW MATERIAL" in bold, capital letters no less than 1/8 inch in height, followed by the phrase "CONSISTING OF", no case or height requirements, followed by the filling contents in bold capital letters no less than 1/8 inch in height;
 - (c) the words "CONTENTS STERILIZED" in bold capital letters no less than 1/8 inch in height;
 - (d) ~~[(i) F]~~ the URN of the final assembler of the article;
 - ~~[(ii) The department only allows one URN on the attached law label although a digital law label may display multiple URNs;]~~

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- (e) the sterilization permit number of the sterilization facility that obtained the material, in bold capital letters no less than 1/8 inch in height;
 - (f) the phrase, "Certification is made by the manufacturer that the materials in this article are described in accordance with law"; and
 - (g) the name and complete address of the manufacturer, importer, or distributor of the article.
- (5)(a) The law label shall be easily accessible to the consumer for examination.
- (b) A product for sale in a box or in other packaging that makes a law label inaccessible shall reproduce a legible facsimile of the law label on the outer container or covering.
 - (6) A person may not place any other mark, label, printed matter, illustration, sticker, or device placed on the law label.
 - (7) The form of identification used on a law label shall be the same as those supplied to the department in a permit application.

[R70-101-13. Online Sales Requirements.

- ~~The following requirements apply beginning on May 15, 2025.~~
- ~~(1) Online retailers of quilted clothing shall provide a digital textile label that satisfies the requirements of Section R70-101-9 for each article, so it is easily accessible for the consumer to examine before purchase.~~
 - ~~(a) Quilted clothing articles shall have the digital textile label displayed or hyperlinked, on each article landing page in:~~
 - ~~(i) the product description, or its equivalent;~~
 - ~~(ii) the product specifications, or its equivalent;~~
 - ~~(iii) an image gallery or carousel; or~~
 - ~~(iv) another specific location approved by the department.~~
 - ~~(b) The department may approve displaying multiple textile labels on one document.~~
 - ~~(2) If an online retailer of quilted clothing elects not to provide a digital textile label, they shall display or hyperlink to the following information in a format determined by the online retailer on each article landing page:~~
 - ~~(a) applicable filling material as required in Sections R70-101-9 and R70-101-10;~~
 - ~~(b) the form of identification that is used on a textile label; and~~
 - ~~(c) any applicable sterilization permit number.~~
 - ~~(3) Online retailers of bedding and upholstered furniture shall provide a digital law label that satisfies the requirements of Section R70-101-12 for each article, so it is easily accessible for the consumer to examine before purchase.~~
 - ~~(a) Bedding and upholstered furniture articles shall have the digital law label displayed or hyperlinked, on each article landing page in:~~
 - ~~(i) the product description, or its equivalent;~~
 - ~~(ii) the product specifications, or its equivalent;~~
 - ~~(iii) an image gallery or carousel; or~~
 - ~~(iv) another specific location approved by the department.~~
 - ~~(b) The department may approve displaying multiple law labels on one document.~~
 - ~~(4) If an online retailer of bedding or upholstered furniture elects not to provide a digital law label, they shall display or hyperlink to the following information in a format determined by the online retailer on each article landing page:~~
 - ~~(a) applicable filling material as required in Subsection 4-10-107(2) and Sections R70-101-10 and R70-101-11;~~
 - ~~(b) any applicable URN; and~~
 - ~~(c) any applicable sterilization permit number.~~
 - ~~(5) MTO articles ordered in a brick and mortar location are exempt from digital law label requirements under this section.]~~

R70-101-1[4]3. Second Hand Tagging Requirements.

- (1) A tag for a second hand article shall be:
 - (a) a minimum of two inches by three inches;
 - (b) yellow on both sides of the tag;
 - (c) made of material that cannot be easily torn;
 - (d) printed in English;
 - (e) printed in black ink;
 - (f) printed clearly and legibly; and
 - (g) firmly attached to the article.
- (2) The required information shall be printed on one side of the tag, with the opposite side remaining blank.
- (3) A second hand tag shall contain the following information, in order:
 - (a) the phrase "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters, no less than 1/8 inch in height;
 - (b) the phrase, "THIS ARTICLE CONTAINS SECOND HAND MATERIAL CONSISTING OF CONTENTS UNKNOWN". The words "SECONDHAND MATERIAL" and "CONTENTS UNKNOWN" shall be in capital letters, size not less than 1/8 inches in height;
 - (c) the phrase, "Certification is made that the materials in this article are described in accordance with law"; and
 - (d) the store name and complete corporate address.
- (4) A tag shall be easily accessible to the consumer for examination.
- (5) A tag may not contain marks, labels, printed matter, illustrations, stickers, or any other device.

R70-101-1[5]4. Tagging Requirements for Repaired, Reupholstered, and Renovated Products.

- (1) A tag for a repaired, reupholstered, or renovated product shall:
 - (a) be a minimum of two inches by three inches;
 - (b) be yellow on both sides of the tag;
 - (c) be made of material that cannot be easily torn;
 - (d) have the required information printed on one side of the tag with the opposite side remaining blank;
 - (e) be printed in English;
 - (f) be printed in black ink;
 - (g) be printed clearly and legibly; and
 - (h) be firmly attached to the article.
- (2) A tag for a repaired, reupholstered, or renovated product shall contain the following information, in order:
 - (a) the phrase, "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters, no less than 1/8 inch in height;
 - (b) the phrase, "THIS ARTICLE IS NOT FOR SALE OWNER'S MATERIAL" in bold in capital letters, no less than 1/8 inch in height;
 - (c) the phrase, "CERTIFICATION IS MADE THAT THIS ARTICLE CONTAINS THE SAME MATERIAL IT DID WHEN RECEIVED FROM THE OWNER AND THAT ADDED MATERIALS ARE DESCRIBED IN THE ACCORDANCE WITH LAW, AND CONSIST OF THE FOLLOWING:" followed by a description of the filling material;
 - (d) a description of the work that was done on the product;
 - (e) the URN number;
 - (f) the name and address of the renovator or repairer; and
 - (g) the date of pick-up, owner's name, and address.

R70-101-1[6]5. Used Mattresses.

- (1) A retailer selling a customer returned, refurbished, or used mattress shall follow the second hand tag requirements listed in Section R70-101-1[4]3.
- (2) In addition, a retailer shall also display a tag on the mattress stating "USED" in bold capital letters.
- (3) The USED tag shall:
 - (a) be a minimum of three inches by six inches;
 - (b) be yellow on both sides of the tag;
 - (c) use a font that is a minimum of one inch in height;
 - (d) be printed in black ink; and
 - (e) be printed in English.
- (4) The tag with the required information shall be printed on one side of the tag, with the opposite side remaining blank.
- (5) The USED tag shall be clearly visible to the consumer.
- (6) A retailer selling used bedding, including used mattresses shall comply with Subsection 4-10-110(2).

R70-101-1[7]6. Variance.

- (1) The department may issue a variance on law or textile label and tag requirements.
- (2)(a) A permittee may request a variance to the department in writing.
- (b) The variance shall contain the following information:
 - (i) the product associated with the variance request;
 - (ii) where the variance will be used;
 - (iii) an explanation of the need for a variance;
 - (iv) a description of the application of the variance in practice; and
 - (v) an example of the substitute law or textile label or tag that will be used instead of the required label or tag.
- (3) The department shall give approval of a variance in writing.
- (4) A variance shall be subject to a period of review.

R70-101-1[8]7. Making or Selling Material or Parts.

A permittee may not purchase, make, process, prepare, or sell, directly or indirectly, at wholesale or retail, or otherwise, any filling material or other component parts to be used in bedding, upholstered furniture, or quilted clothing without appropriately tagging the material.

R70-101-1[9]8. Retailer Responsibilities.

- (1) A retailer~~[-including online retailers,]~~ shall ensure the following:
 - (a) any article of bedding, upholstered furniture, quilted clothing, or filling material sold by the retailer is labeled and tagged correctly;
 - (b) the label complies with state law and the department's rules governing false and misleading advertisements;
 - (c) the manufacturer from whom a retailer purchases a product has a valid permit with the department;
 - (d) the importer from whom a retailer purchases a product has a valid permit with the department; and
 - (e) the law label or textile label is easily accessible to the consumer for examination~~[-before purchase].~~
- (2) Upon request of the department, a retailer shall provide the identity of the manufacturer or wholesaler of an article of bedding, upholstered furniture, quilted clothing, or filling material sold.

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(3) A retailer may apply for a permit in lieu of a manufacturer or wholesaler if the department has not permitted the manufacturer or wholesaler.

(4) A retailer shall ensure that bedding or filling material using the term "recycled" meets the requirement listed in Subsection R70-101-10(2)

R70-101-~~20~~19. Violations.

(1) Each improperly labeled or tagged article of bedding, upholstered furniture, quilted clothing, or filling material made or sold shall be a separate violation of this rule.

(2) No permittee or retailer shall be in violation if that permittee or retailer received, from the manufacturer or supplier of an article, a guarantee in good faith that the article is not contrary to this rule in the form prescribed by the Textile Fiber Products Identification Act, 15 U.S.C. 70, Wool Products Labeling Act, 15 U.S.C. 68, and related Federal Trade Commission rules.

(3) A permittee or retailer may not remove, or cause to be removed, any tag, or device placed upon any article of bedding, upholstered furniture, quilted clothing, or filling material by an inspector.

(4) A permittee or retailer may not remove condemned articles that the department has ordered held on an inspection notice.

(5) A permittee or retailer may not interfere with, obstruct, or hinder the performance of the department inspector's duties.

(6) The department may withhold from sale any article of bedding, upholstered furniture, quilted clothing, or filling material that a manufacturer, sterilizer, or wholesaler produces without a permit until the manufacturer, sterilizer, or wholesaler obtains the required permit.

(7) A permittee may not use the term "recycled" for bedding or filling material unless the product meets the requirements of Subsection R70-101-10(2).

R70-101-2~~4~~9. Products Not Intended for Use Subject to This Rule.

The Commissioner may exclude from this rule a textile fiber product:

(1) that has an insignificant or inconsequential textile fiber content; or

(2) if the disclosure of the textile fiber content is not necessary for the protection of the consumer.

KEY: inspections, labeling, quality control, registration

Date of Last Change: 2025

Notice of Continuation: March 12, 2020

Authorizing, and Implemented or Interpreted Law: 4-10-103

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: CPR (Change in Proposed Rule)		
Rule or Section Number:	R307-209	Filing ID: 56934
Date of Previous Publication (Only for CPRs):	12/01/2024	

Agency Information

1. Title catchline:	Environmental Quality, Air Quality	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Alan Humpherys	801-536-4142	ahumpherys@utah.gov
Erica Pryor	385-499-3416	epryor1@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R307-209. Portable Aggregate Processing Plants

<p>3. Purpose of the new rule or reason for the change:</p> <p>Rule R307-209 will allow portable aggregate sources to operate under a temporary relocation notice without first having obtained an Approval Order.</p> <p>A minor change is being proposed after a 30-day public comment period.</p>
<p>4. Summary of the new rule or change:</p> <p>Based on feedback received during a 30-day public comment period, one minor change is being proposed. A line indicating that sources are required to comply with the applicable provisions of Rule R307-801, Utah Asbestos Rule. Sources were required to comply with the applicable provisions of this rule before the change; however, this rule will specifically mention the rule to provide clarity that sources are not exempt from Rule R307-801.</p> <p>(EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the December 1, 2024, issue of the Utah State Bulletin, on page 62. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)</p>

Fiscal Information

<p>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</p>								
<p>A) State budget:</p> <p>The changes to this proposed rule will not add or remove any additional requirements and will not impact the state budget because the changes are clarifying the originally intended meaning.</p>								
<p>B) Local governments:</p> <p>The changes to this proposed rule will not add or remove any additional requirements and will not impact local governments because the changes are clarifying the originally intended meaning.</p>								
<p>C) Small businesses ("small business" means a business employing 1-49 persons):</p> <p>The changes to this proposed rule will not add or remove any additional requirements and will not impact small businesses because the changes are clarifying the originally intended meaning.</p>								
<p>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>The changes to this proposed rule will not add or remove any additional requirements and will not impact non-small businesses because the changes are clarifying the originally intended meaning.</p>								
<p>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):</p> <p>The changes to this proposed rule will not add or remove any additional requirements and will not impact persons other than small businesses, non-small businesses, state, or local government entities because the changes are clarifying the originally intended meaning.</p>								
<p>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</p> <p>The changes to this proposed rule will not add or remove any additional requirements and will not cause any additional compliance costs for affected persons because the changes are clarifying the originally intended meaning.</p>								
<p>G) 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.)</p>								
<p style="text-align: center;">Regulatory Impact Table</p> <table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2025</th> <th>FY2026</th> <th>FY2027</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2025	FY2026	FY2027	State Government	\$0	\$0	\$0
Fiscal Cost	FY2025	FY2026	FY2027					
State Government	\$0	\$0	\$0					

NOTICES OF CHANGES IN PROPOSED RULES

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	FY2025	FY2026	FY2027
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Environmental Quality, Kim D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

6. 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:

U.S.C. Title 42, Chapter 85, Subchapter I, Part A Section 7410 (a)(1)2(A)		
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Public Notice Information

8. 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 until:	No Formal Comment Period
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9. This rule change MAY become effective on:	04/01/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	01/21/2025
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R307. Environmental Quality, Air Quality.

R307-209. Portable Aggregate Processing Plants.

R307-209-1. Purpose.

Rule R307-209 establishes requirements for portable aggregate processing plants including concrete batch plants, asphalt plants, and nonmetallic mineral processing plants.

R307-209-2. Definitions.

"Asphalt Plant" means any equipment used to produce, process, or store hot-mix, warm-mix, or cold-mix asphalt and its ingredients. Equipment in this definition includes dryers, mixers, screens, conveyors, storage bins or silos, storage tanks, and loading stations.

"Concrete Batch Plant" means any equipment used to produce, process, or store concrete and its ingredients. Equipment in this definition includes mixers, screens, conveyors, storage bins or silos, and loading stations.

"Nonmetallic Mineral Processing Plant" means any equipment used to produce, process, or store nonmetallic minerals. Equipment in this definition includes crushers, grinding mills, screens, conveyors, storage bins or silos, and loading stations.

"Portable Aggregate Processing Plant" means any nonmetallic mineral processing plant, asphalt plant, or concrete batch plant that temporarily operates for a period of not more than 180 working days or 365 consecutive calendar days at a single source. Engines, boilers, and storage tanks used to support concrete batch plants, asphalt plants, or nonmetallic mineral processing plants are included in this definition.

R307-209-3. Applicability.

(1) Rule R307-209 applies to each portable aggregate processing plant including each concrete batch plant, asphalt plant, and nonmetallic mineral processing plant.

(2) Rule R307-209 does not apply to concrete batch plants, asphalt plants, or nonmetallic mineral processing plants that are subject to an approval order issued under Section R307-401-8.

(3) Rule R307-209 does not apply to a concrete batch plant, asphalt plant, or nonmetallic mineral processing plant that plans to or will operate at a single source longer than 180 operating days or remains at a source longer than 365 calendar days. These sources shall submit a notice of intent and obtain an approval order under Rule R307-401 before beginning actual construction unless the source qualifies for an exemption under Section R307-401-9.

R307-209-4. Notice of Temporary Relocation.

(1) An owner or operator of a portable aggregate processing plant shall submit a Notice of Temporary Relocation to the director and obtain a Temporary Relocation Approval Letter before operating a portable source at any location.

(2) A Notice of Temporary Relocation shall include the following:

(a) the address and driving directions of the proposed location;

(b) a list of the equipment to be operated at the proposed location, including the:

(i) type of equipment;

(ii) rated capacity of the equipment; and

(iii) date of manufacture of the equipment;

(c) a site diagram showing the general equipment location on site to scale; and

(d) the distance to the nearest houses, barns, or commercial operations to scale if the plant boundary is located within one mile of these buildings;

(e) the expected startup and completion dates for operating at the proposed location;

(f) the expected hours of operation, including start and stop times;

(g) the emission control measures that the owner or operator proposes to adopt for each emission point at each location, including a fugitive dust control plan specific to the proposed location; and

(h) if relocating an asphalt plant, either:

(i) the results and the date of the most recent stack test for the asphalt plant; or

(ii) the anticipated stack test date and the stack test protocol for an asphalt plant that has not been stack tested.

R307-209-5. Operations at a Temporary Location.

(1) An owner or operator of a portable aggregate processing plant may not exceed 180 working days and may not exceed 365 calendar days at a single location.

(2) An owner or operator of a portable aggregate processing plant may not operate the portable aggregate processing plant before 6 a.m. or after 10 p.m. each day at each temporary location.

(3) An owner or operator of a portable aggregate processing plant shall operate in accordance with the terms and conditions of the Temporary Relocation Approval Letter issued by the director for each location.

(4) An owner or operator of a portable aggregate processing plant shall comply with the applicable requirements of Rule R307-801, Utah Asbestos Rule.

R307-209-6. Recordkeeping & Reporting Requirements.

(1) Following the end of operations at each temporary location, an owner or operator of a portable aggregate processing plant shall submit the following records to the director at the end of operation at each temporary location, and shall retain the records for at least two years:

(a) the initial relocation date at each location;

(b) number of working days at each location;

(c) consecutive days at each location;

(d) the production for each day of operation at each location;

(e) the total production at each location;

(f) the time operations started and ended each day at each location; and

(g) the last day of operation at each location.

(2) An owner or operator of a portable aggregate processing plant shall keep records and submit emissions inventories according to Rule R307-150.

R307-209-7. Fugitive Dust Requirements.

Unless otherwise specified in Rule R307-209, an owner or operator of a portable aggregate processing plant shall comply with the following for fugitive dust:

(1) the opacity limits and control measures in Section R307-309-5; and

(2) the fugitive dust control plan submitted with the Notice of Temporary Relocation for each respective location.

R307-209-8. Concrete Batch Plant Requirements.

An owner or operator of a concrete batch plant shall comply with the following:

(1) ensure opacity does not exceed the limits in Section R307-312-4; and

NOTICES OF CHANGES IN PROPOSED RULES

- (2) control particulate emissions from each storage silo and each mixer with a fabric filter, a baghouse, a bin vent, or a dust collector.

R307-209-9. Nonmetallic Mineral Processing Plant Requirements.

An owner or operator of a nonmetallic mineral processing plant shall comply with the following:

- (1) ensure opacity does not exceed the limits in Section R307-312-4; and
- (2) use water sprays and water application to control particulate emissions from each crusher, screen, and conveyor.

R307-209-10. Asphalt Plant Requirements.

(1) An owner or operator of an asphalt plant shall comply with the following:

- (a) ensure opacity does not exceed 10% opacity and opacity observations shall be conducted in accordance with 40 CFR 60, Method 9;

- (b) use natural gas, propane, fuel oil, on-specification used oil as defined in Rule R315-15, or any combination thereof as fuel;
- (c) maintain records of fuel use;
- (d) control particulate emissions from each storage silo with a fabric filter, a baghouse, a bin vent, or a dust collector;
- (e) control particulate emissions from each asphalt mixer with a baghouse;
- (f) maintain the pressure drop of the asphalt plant baghouse between 3.0 and 7.0 inches of water during operation and additionally

the owner or operator shall comply with the following:

- (i) install a pressure gauge on each baghouse;
- (ii) ensure the pressure gauge measures the pressure drop in 1-inch water column increments or less;
- (iii) calibrate the pressure gauge according to the manufacturer's instructions at least once every 12 months; and
- (iv) record the reading of the pressure gauge at least once per operating day.

(2) The owner or operator shall:

- (a) ensure filterable PM_{2.5} emissions do not exceed 0.024 grains per dry standard cubic foot;
- (b) conduct an initial stack test on each asphalt plant within 180 days after startup;
- (c) conduct a stack test on each asphalt plant within three years after the date of the most recent stack test;
- (d) conduct stack testing according to Rule R307-165; and
- (e) determine PM_{2.5} emissions by 40 CFR 60, Appendix A, Method 5.

R307-209-11. Diesel-Fired Engine Requirements.

An owner or operator of a diesel-fired engine associated with a portable aggregate processing plant shall comply with the following.

- (1) Maintain opacity at or below 20% opacity. Opacity observations shall be conducted in accordance with 40 CFR 60, Method 9.
- (2) Use Ultra-Low Sulfur Diesel (ULSD) as defined in 40 CFR 1090.305 as fuel.
- (3) Maintain records of ULSD use.

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

Date of Last Change: 2025

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

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at 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.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R25-21	Filing ID: 55314
Effective Date:	02/12/2025	

Agency Information

1. Title catchline:	Government Operations, Finance	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W, Floor 3	
City, state	Taylorsville, UT	
Mailing address:	PO Box 141031	
City, state and zip:	Salt Lake City, UT 84114-1031	
Contact persons:		
Name:	Phone:	Email:
Van Christensen	801-808-0698	vhchristensen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R25-21. Medical Cannabis Payment Provider Standards	
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 was enacted under the authority of Subsection 4-41a-108(2)(a), which gives the Department of Government Operations', Division of Finance (Division) the authority to establish the standards for identifying payment providers that demonstrate the functional and technical ability to safely conduct financial transactions related to medical cannabis, including transactions for medical cannabis shipments.		
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 were no comments supporting or opposing 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:

The Legislature has a proposal to amend the code which will remove the Division from this process. If the amendment is approved, this rule will be unnecessary. Until they decide, this rule should remain in effect so that Utah MRB's can request new payment providers and get them approved. Therefore, this rule should be continued.

The Division has an amended version of Rule R25-21 that has yet to be submitted. The Division will wait to submit the amended version due to the likelihood that the code giving the Division the authority to enact this rule will be repealed.

Agency Authorization Information

Agency head or designee and title:	Marvin Dodge, Executive Director	Date:	02/12/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R25-22	Filing ID:	54553
Effective Date:	02/12/2025		

Agency Information

1. Title catchline:	Government Operations, Finance		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W, Floor 3		
City, state	Taylorsville, UT		
Mailing address:	PO Box 141031		
City, state and zip:	Salt Lake City, UT 84114-1031		
Contact persons:			
Name:	Phone:	Email:	
Van Christensen	801-808-0698	vhchristensen@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	R25-22. Financial Institution Validation for Access to Medical Cannabis Inventory Control System
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	<p>This rule is enacted in accordance with Subsection 4-41a-103(6)(a), which gives the Government Operations', Division of Finance (Division) the authority to establish the validation process of a financial institution to provide access to the inventory control system of a medical cannabis production establishment or medical cannabis pharmacy.</p> <p>The code also gives the Division the authority to establish the qualifications for the validation process.</p>
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 were no comments supporting or opposing 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:	<p>The Legislature has a proposal to amend the code which will remove the Division from this process. If the amendment is approved, this rule will be unnecessary. Until they decide to remove Finance's authority, the rule should remain in effect so that Utah MRB's can request new payment providers and get them approved. Therefore, this rule should be continued.</p>

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

The Division has an amended version of Rule R25-22 that has yet to be submitted. The Division will wait to submit the amended version due to the likelihood that the code giving the Division the authority to enact this rule will be repealed.

Agency Authorization Information

Agency head or designee and title:	Marvin Dodge, Executive Director	Date:	02/12/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R82-1	Filing ID: 56796
Effective Date:	02/05/2025	

Agency Information

1. Title catchline:	Alcoholic Beverage Services, Administration	
Street address:	1625 S 900 W	
City, state	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	
City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Brian Swan	801-977-6801	bswan@utah.gov
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R82-1. General
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 32B-2-202 permits the Alcoholic Beverage Services Commission to make rules concerning the general administration of alcohol. This rule falls under that purview by regulating general administration of the Department of Alcoholic Beverage Services' (Department) interactions with licensees, advertising, beverage labels, alcohol content, training programs, percentage leases from alcohol sales revenue, and background checks.
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 is not aware of any comments received since the last 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 necessary to ensure the continued operation of the Department and important regulations concerning alcohol licensees. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Brian Swan, Deputy Director of Legal Regulatory Affairs	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R82-2	Filing ID: 56797
Effective Date:	02/05/2025	
Agency Information		
1. Title catchline:	Alcoholic Beverage Services, Administration	
Street address:	1625 S 900 W	
City, state	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	
City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Brian Swan	801-977-6801	bswan@utah.gov
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information	
2. Rule catchline:	R82-2. Administration
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 32B-2-202 permits the Alcoholic Beverage Services Commission to make rules concerning the administration of its meetings, affairs, and alcohol programs.
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 of Alcoholic Beverage Services is not aware of any comments since the last 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 renewal is necessary because it holds multiple provisions that regulate the Commission's meetings, governance, procedures, and alcohol programs under its purview, such as package agency contracts. Renewing this rule will allow for the continuation of those things in the same manner they have been conducted. Therefore, this rule should be continued.

Agency Authorization Information			
Agency head or designee and title:	Brian Swan, Deputy Director of Legal Regulatory Affairs	Date:	02/04/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R82-3	Filing ID: 56798
Effective Date:	02/05/2025	
Agency Information		
1. Title catchline:	Alcoholic Beverage Services, Administration	
Street address:	1625 S 900 W	
City, state	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Brian Swan	801-977-6801	bswan@utah.gov
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R82-3. Disciplinary Actions and 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 32B-2-202 permits the Alcoholic Beverage Service Commission to make rules regarding the disciplinary process, including violations and their penalties.
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 of Alcoholic Beverage Services is not aware of any comments made since the last 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:
Renewal of this rule is necessary to continue disciplinary process in regular form and the associated penalties for licensee misconduct. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Brian Swan, Deputy Director of Legal Regulatory Affairs	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R82-4	Filing ID: 52395
Effective Date:	02/05/2025	

Agency Information

1. Title catchline:	Alcoholic Beverage Services, Administration	
Street address:	1625 S 900 W	
City, state	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	
City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Brian Swan	801-977-6801	bswan@utah.gov
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R82-4. Criminal Offenses and 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:
Sections 32B-2-202 and 32B-4-407 permit the Alcoholic Beverage Services Commission to make rules concerning the verification of age when selling alcohol.
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 of Alcoholic Beverage Services is not aware of any comments received since the last 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 necessary to continue the standard regulatory practices for checking identification and verifying age of patrons when selling alcohol. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Brian Swan, Deputy Director of Legal Regulatory Affairs	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R82-5	Filing ID: 56808
Effective Date:	02/05/2025	

Agency Information

1. Title catchline:	Alcoholic Beverage Services, Administration	
Street address:	1625 S 900 W	
City, state	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	
City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Brian Swan	801-977-9801	bswan@utah.gov
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R82-5. General Retail License 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:
Sections 32B-1-102 and 32B-2-202 permit the Alcoholic Beverage Service Commission to make rules governing the licensing and selling of alcoholic beverages.
This rule pertains to both licensing and sale of such drinks.

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 of Alcoholic Beverage Services is not aware of any comments received 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 necessary to ensure the continuation of the Commission's established licensing and sale processes and procedures. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Brian Swan, Deputy Director of Legal and Regulatory Affairs	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R82-6	Filing ID: 56809
Effective Date:	02/05/2025	

Agency Information

1. Title catchline:	Alcoholic Beverage Services, Administration	
Street address:	1625 S 900 W	
City, state	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	
City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Brian Swan	801-977-6801	bswan@utah.gov
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R82-6. Specific Retail 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:
Sections 32B-2-202, 32B-6-205, 32B-6-302, and 32B-6-305 permit the Alcoholic Beverage Services Commission to make rules governing alcohol sale and use on retail premises, such as bars and restaurants.
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 of Alcoholic Beverage Services is not aware of any comments made since the last 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 renewal is necessary to continue the uninterrupted operations and regulation of retail on-premises sales and consumption of alcohol. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Brian Swan, Deputy Director of Legal Regulatory Affairs	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R82-7	Filing ID:	53023
Effective Date:	02/05/2025		

Agency Information

1. Title catchline:	Alcoholic Beverage Services, Administration		
Street address:	1625 S 900 W		
City, state	Salt Lake City, UT 84104		
Mailing address:	PO Box 30408		
City, state and zip:	Salt Lake City, UT 84130-0408		
Contact persons:			
Name:	Phone:	Email:	
Brian Swan	801-977-6801	bswan@utah.gov	
Vickie Ashby	801-977-6801	vickieashby@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	R82-7. Off-Premise
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 32B-2-202 permits the Alcoholic Beverage Services Commission to make rules governing the retail sales of alcohol at stores.
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 of Alcoholic Beverage Services is not aware of any comments made since the last 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 renewal is needed to maintain the current regulations governing retail sales of alcohol in stores. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Brian Swan, Deputy Director of Legal Regulatory Affairs	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R82-8	Filing ID:	56810
Effective Date:	02/05/2025		

Agency Information

1. Title catchline:	Alcoholic Beverage Services, Administration	
Street address:	1625 S 900 W	
City, state	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	
City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Brian Swan	801-977-6801	bswan@utah.gov
Vickie Ashby	801-977-6801	vickieashby@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R82-8. Resorts and Hotels
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 32B-1-202 and 32B-8d-102 permit the Alcoholic Beverage Services Commission to make rules regulating alcohol licensure and operational restrictions pertaining to resorts and hotels.
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 of Alcoholic Beverage Services is not aware of any comments made since the last 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 renewal is necessary to maintain the current licensure and operational requirements for resorts and hotels that serve or desire to serve alcohol. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Brian Swan, Deputy Director of Legal Regulatory Affairs	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R82-10	Filing ID: 52409
Effective Date:	02/05/2025	

Agency Information

1. Title catchline:	Alcoholic Beverage Services, Administration	
Street address:	1625 S 900 W	
City, state	Salt Lake City, UT 84104	
Mailing address:	PO Box 30408	
City, state and zip:	Salt Lake City, UT 84130-0408	
Contact persons:		
Name:	Phone:	Email:
Brian Swan	801-977-6801	bswan@utah.gov
Vickie Ashby	801-977-6801	vickieashby@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:	R82-10. Special Use Permits
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 32B-2-202 and Title 32B, Chapter 10, permit the Alcoholic Beverage Services Commission to make rules regarding the procedure and criteria for a special alcohol use permit, such as certain wine tasting and education events.
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 of Alcoholic Beverage Services is not aware of any comments that have been received since the last 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 renewal is necessary to continue the current regulations over special use permits and events covered such as tastings and education. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Brian Swan, Deputy Director of Legal Regulatory Affairs	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R82-11	Filing ID:	52411
Effective Date:	02/05/2025		

Agency Information

1. Title catchline:	Alcoholic Beverage Services, Administration		
Street address:	1625 S 900 W		
City, state	Salt Lake City, UT 84104		
Mailing address:	PO Box 30408		
City, state and zip:	Salt Lake City, UT 84130-0408		
Contact persons:			
Name:	Phone:	Email:	
Brian Swan	801-977-6801	bswan@utah.gov	
Vickie Ashby	801-977-6801	vickieashby@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	R82-11. Manufacturing
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 32B-2-202 authorizes the Alcoholic Beverage Services Commission (Commission) to make rules governing criteria and procedures for licensure.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Section 32B-11-208 authorizes the Commission to make rules regarding the general operational requirements of a manufacturing licensee.

Section 32B-11-210 authorizes the Commission to define "educational information."

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:

To the Department of Alcoholic Beverage Services' knowledge, 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 is necessary as it provides general operational guidance to manufacturing licensees. It also provides guidance to out of state brewers who wish to import to licensed wholesalers or retailers in the state. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Brian Swan, Deputy Director of Legal Regulatory Affairs	Date:	02/03/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R82-13	Filing ID: 52412
Effective Date:	02/05/2025	

Agency Information

1. Title catchline:	Alcoholic Beverage Services, Administration		
Street address:	1625 S 900 W		
City, state	Salt Lake City, UT 84104		
Mailing address:	PO Box 30408		
City, state and zip:	Salt Lake City, UT 84130-0408		
Contact persons:			
Name:	Phone:	Email:	
Brian Swan	801-977-6801	bswan@utah.gov	
Vickie Ashby	801-977-6801	vickieashby@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R82-13. Wholesaler
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 32B-2-202 and Title 32B, Chapter 10, permit the Alcoholic Beverage Services Commission to make rules governing the criteria and procedure for alcohol wholesale licensure.
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 of Alcoholic Beverage Services is not aware of any comments received since the last 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 renewal is necessary to maintain the current regulations regarding licensure for alcohol wholesaling. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Brian Swan, Deputy Director of Legal Regulatory Affairs	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R162-2a	Filing ID:	50325
Effective Date:	02/06/2025		

Agency Information

1. Title catchline:	Commerce, Real Estate		
Building:	Heber M Wells		
Street address:	160 E 300 S		
City, state	Salt Lake City, UT		
Mailing address:	PO Box 146711		
City, state and zip:	Salt Lake City, UT 84114-6711		
Contact persons:			
Name:	Phone:	Email:	
Justin Barney	801-530-6603	justinbarney@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R162-2a. Utah Housing Opportunity Restricted Account
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 was adopted under the statutory provisions of Section 61-2-204, Utah Housing Opportunity Restricted Account. Subsection 61-2-204(9) requires that the Division of Real Estate make rules providing procedures for an organization to apply to receive money from the Utah Housing Opportunity Restricted Account. This rule is made pursuant to the statutory requirement in Section 61-2-204.
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 amendments to the Utah Housing Opportunity Restricted Account rule in the past five years and no written comments were received either supporting or opposing 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 by Section 61-2-204. It provides procedures for an organization to apply to receive money from the Utah Housing Opportunity Restricted Account. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Leigh Veillette, Director, Division of Real Estate	Date:	02/05/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R162-2f	Filing ID:	55454
Effective Date:	02/05/2025		

Agency Information

1. Title catchline:	Commerce, Real Estate		
Building:	Heber M Wells		
Street address:	160 E 300 S		
City, state	Salt Lake City, UT		
Mailing address:	PO Box 146711		
City, state and zip:	Salt Lake City, UT 84114-6711		
Contact persons:			
Name:	Phone:	Email:	
Justin Barney	801-530-6603	justinbarney@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R162-2f. Real Estate Licensing and Practices Rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
<p>This rule was adopted under the statutory provisions of Title 61, Chapter 2f, the Real Estate Licensing and Practices Act (Act).</p> <p>The purpose of this rule was to reorganize the real estate rules in place at the time of adoption into a statutory numbering format and to update rules that, given online technologies, no longer tracked with general real estate business practices.</p> <p>Section 61-2f-103 provides that the Real Estate Commission shall make rules for the administration of Title 61, Chapter 2, that are not inconsistent with the Act.</p> <p>Other sections authorize rulemaking including Sections 61-2f-203, 61-2f-204, 61-2f-206, 61-2f-208, 61-2f-305, 61-2f-307, and 61-2f-401.</p> <p>Numerous changes and updates to the rule have been made since its adoption. The rule provides direction to the staff of the Division of Real Estate (Division) regarding the administration and enforcement of the Act helps guide real estate licensees with regard to their duties and obligations as licensees under the Act.</p>
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:
<p>The Real Estate Licensing and Practices Rules have been amended twice in the past five years.</p> <p>These amendments resulted from recommendations received from committees formed at the request of the Real Estate Commission and included committee members from the real estate industry, the Real Estate Commission, and the Division of Real Estate. The proposed amendments were discussed in several Commission meetings with general consensus expressed for the proposed amendments by the Commission and by members of the public.</p> <p>While there were some questions about some of the amendments, nobody suggested that this rule should be terminated or discontinued. No written comments were received either supporting or opposing this rule.</p>

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 required by Section 61-2f-103. It provides direction to the staff of the Division regarding the administration and enforcement of the Act helps guide real estate licensees with regard to their duties and obligations as licensees under the Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Leigh Veillette, Director, Division of Real Estate	Date:	01/17/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-708	Filing ID:	52640
Effective Date:	02/14/2025		

Agency Information

1. Title catchline:	Education, Administration		
Building:	Board of Education		
Street address:	250 E 500 S		
City, state	Salt Lake City, UT		
Mailing address:	PO Box 144200		
City, state and zip:	Salt Lake City, UT 84114-4200		
Contact persons:			
Name:	Phone:	Email:	
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R277-708. Enhancement for At-Risk Students
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 the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Section 53F-2-410, which directs the Board to manage the Enhancement for At-Risk Students interventions; and 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.
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 were no public comments 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 is necessary in order to establish criteria and procedures for distributing Enhancement for At-Risk Students funds to Local Education Agencies. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	02/14/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R309-100	Filing ID: 50668
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Mimi Ujiie	385-303-0581	mujjie@utah.gov
Russell Seeley	435-650-8519	rseeley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R309-100. Administration: Drinking Water Program	
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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 either in support or opposition to 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 will ensure that the drinking water program administration is firmly established in the state of Utah. It defines a public water system, which are the systems that the Division of Drinking Water can and does regulate. It sets forth the requirements and conditions of sanitary surveys, gives a rating system to public water systems, and establishes the variances and exemptions. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R309-105	Filing ID: 50675
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Mimi Ujii	385-303-0581	mujjie@utah.gov
Russell Seeley	435-650-8519	rseeley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-105. Administration: General Responsibilities of Public Water 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:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 gives the Drinking Water Board the authority to establish the general responsibilities of public drinking water systems in Utah. These responsibilities include variances or exemptions from monitoring, construction standards, operator certification, cross connection control, reporting, record maintenance, and emergencies.
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 either in support or opposition to 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 will ensure that public drinking water systems in Utah are adhering to the basic responsibilities of maintaining a safe drinking water system. This rule sets the foundation for the details in rules that follow, such as Rule R309-600 which details the specifics of a source water protection program. This effort will greatly assist in the protection and the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-110	Filing ID: 50664
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water
Building:	Multi-Agency State Office Building (MASOB)
Street address:	195 N 1950 W
City, state	Salt Lake City, UT
Mailing address:	PO Box 144830
City, state and zip:	Salt Lake City, UT 84114-4830

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact persons:		
Name:	Phone:	Email:
Mimi Ujiie	385-303-0581	mujjie@utah.gov
Russell Seeley	435-650-8519	rseeley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-110. Administration: Definitions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to make rules which includes the definitions of terms and expressions used throughout all rules under the Safe Drinking Water 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 either in support or opposition to 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 will ensure that public drinking water systems in Utah understand the definitions of the terms and expressions used throughout Title R309. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-115	Filing ID: 50669
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Mimi Ujiie	385-303-0581	mujjie@utah.gov
Russell Seeley	435-650-8519	rseeley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-115. Administrative Procedures
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Subsection 19-4-104(1)(b) authorizes the Drinking Water Board to enforce order by appropriate administrative and judicial proceedings.
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 either in support or opposition to 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 will ensure that public drinking water systems in Utah have direction for administrative procedures and adjudicative proceedings. This rule allows the Division of Drinking Water to enforce and follow through with rule requirements. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-200	Filing ID: 54090
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Mimi Ujiiie	385-303-0581	mujiiie@utah.gov
Mark Berger	801-641-6457	mberger@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-200. Monitoring and Water Quality: Drinking Water Standards

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Subsection 19-4-104(1)(a)(i) authorizes the Drinking Water Board to establish standards that prescribe the maximum contaminant levels in any public water system and provide for monitoring.

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 either in support or opposition to 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 will ensure that public drinking water systems in Utah have primary and secondary standards for their water quality. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-205	Filing ID: 50672
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Mimi Ujiie	385-303-0581	mujiie@utah.gov
Mark Berger	801-641-6457	mberger@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-205. Monitoring and Water Quality: Source Monitoring 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:

Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Subsection 19-4-104(1)(a)(i) authorizes the Drinking Water Board through the rulemaking process to establish standards and provide for monitoring and reporting of water quality related matters.

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 either in support or opposition to 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 will ensure that public drinking water systems in Utah are monitoring their sources of water for the required constituents at the correct times. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-210	Filing ID: 50676
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Mimi Ujje	385-303-0581	mujjie@utah.gov
Mark Berger	801-641-6457	mberger@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-210. Monitoring and Water Quality: Distribution System Monitoring 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:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Subsection 19-4-104(1)(a)(i) authorizes the Drinking Water Board to establish standards that prescribe the maximum contaminant levels in any public water system and provide for monitoring.
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 either in support or opposition to 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 will ensure that public drinking water systems in Utah are sampling for the correct contaminants at the correct places and times in their distribution systems. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-211	Filing ID: 50667
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Mimi Ujije	385-303-0581	mujije@utah.gov
Mark Berger	801-641-6457	mberger@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-211. Monitoring and Water Quality: Distribution System – Total Coliform 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:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Subsection 19-4-104(1)(a)(i) authorizes the Drinking Water Board to establish standards that prescribe the maximum contaminant levels in any public water system and provide for monitoring.
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 either in support or opposition to 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 will ensure that public drinking water systems in Utah are sampling for total coliform at the correct places and times in their distribution systems. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-215	Filing ID:	50688
Effective Date:	02/10/2025		

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water		
Building:	Multi-Agency State Office Building (MASOB)		
Street address:	195 N 1950 W		
City, state	Salt Lake City, UT		
Mailing address:	PO Box 144830		
City, state and zip:	Salt Lake City, UT 84114-4830		
Contact persons:			
Name:	Phone:	Email:	
Mimi Ujiie	385-303-0581	mujiie@utah.gov	
Mark Berger	801-641-6457	mberger@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	R309-215. Monitoring and Water Quality: Treatment Plant Monitoring 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:	Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Subsection 19-4-104(1)(a)(i) authorizes the Drinking Water Board to establish standards that prescribe the maximum contaminant levels in any public water system and provide for monitoring.
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 either in support or opposition to 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 will ensure that public drinking water systems in Utah that treat the water do so appropriately and according to the standards set forth in this rule. This rule not only addresses surface water treatment and cryptosporidium treatment but also the protection of ground water. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R309-220	Filing ID: 50674
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Mimi Ujii	385-303-0581	mujjie@utah.gov
Mark Berger	801-641-6457	mberger@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R309-220. Monitoring and Water Quality: Public Notification 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:	Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Subsection 19-4-104(1) authorizes the Drinking Water Board to establish standards that provide for monitoring, record-keeping, and reporting of water quality-related matters.	
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 either in support or opposition to 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 will ensure that public drinking water systems in Utah are notifying the public as required when a violation has occurred. It is necessary to inform the public when measures must be taken to protect their health such as boil their water. This effort will greatly assist in keeping the consumers notified about the quality of their water. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R309-225	Filing ID: 50671
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Mimi Ujii	385-303-0581	mujjie@utah.gov
Mark Berger	801-641-6457	mberger@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-225. Monitoring and Water Quality: Consumer Confidence Reports
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Subsection 19-4-104(1)(a)(i) authorizes the Drinking Water Board to establish standards prescribe the maximum contaminant levels in any public water system and provide for monitoring and reporting of water quality-related matters.
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 either in support or opposition to 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 will ensure that public drinking water systems in Utah are providing correct and accurate yearly reports to their consumers. It outlines the contents required in the reports, when they are due, how to make them available, and how to contact the water system management with questions or concerns. This effort will greatly assist in providing good communications between water purveyors and their consumers. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-230	Filing ID: 54837
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water
Building:	Multi-Agency State Office Building (MASOB)
Street address:	195 N 1950 W
City, state	Salt Lake City, UT
Mailing address:	PO Box 144830
City, state and zip:	Salt Lake City, UT 84114-4830

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact persons:		
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-230. Lead in School Sampling and Remediation 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:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-115 authorizes the drinking water board to establish the steps that must be taken and the time period that must be met to reduce the lead level to be below the action level; and outline the steps the Division of Drinking Water will take to make the results public.
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 either in support or opposition to 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 will ensure that drinking water in Utah's schools and child care centers is safe for children to consume by establishing sampling requirements and deadlines and steps to reduce the lead level below the action level. This will greatly increase the protection of the health of Utah's children by limiting their exposures to the lead. Therefore, this rule should be continued. The submittal of this five-year review is done with the intention to align the review dates for all rules under Title R309.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-300	Filing ID: 50670
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-300. Certification Rules for Water Supply Operators
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Subsection 19-4-104(2) authorizes the Drinking Water Board to adopt and enforce standards and establish fees for certification of operators of any public water system.
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 either in support or opposition to 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 will ensure that public drinking water systems in Utah are employing trained and competent personnel to run their water systems. This rule sets the foundations for the training of the water operators, testing, and continuation of their certifications. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-305	Filing ID: 50673
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
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Helen Lau	801-247-7416	hlau@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-305. Cross Connection Control and Backflow Prevention Certification

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Subsection 19-4-104(4)(a) authorizes the Drinking Water Board to adopt and enforce standards and establish fees for certification of persons engaged in administering cross connection control programs of backflow prevention assembly training, repair, and maintenance testing.

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 either in support or opposition to 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 will ensure that the individuals involved in testing backflow valves, training testers, and those administering cross connection control programs are and remain competent to do so. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-400	Filing ID: 50682
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
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Helen Lau	801-247-7416	hlau@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-400. Improvement Priority System and Public Water System Ratings

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Subsection 19-4-104(1)(a) authorizes the Drinking Water Board to make rules that provide for monitoring, record-keeping and reporting of water quality; and Section 19-4-105 authorizes the Drinking Water Board to make rules more stringent than the corresponding federal regulations.

Rule R309-400 prioritizes the rules made with authorization of Subsection 19-4-104(1)(a) and the priorities are set as more stringent than current federal regulations, as per Section 19-4-105.

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 either in support or opposition to 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 will ensure that public drinking water systems in Utah are prioritizing each issue that they must address, and it shows the Division of Drinking Water which systems to prioritize for compliance. It is used to evaluate the water system's standard of operation and service delivered in compliance with other rules encompassed in Rules R309-100 through R309-705. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-405	Filing ID: 53234
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water		
Building:	Multi-Agency State Office Building (MASOB)		
Street address:	195 N 1950 W		
City, state	Salt Lake City, UT		
Mailing address:	PO Box 144830		
City, state and zip:	Salt Lake City, UT 84114-4830		
Contact persons:			
Name:	Phone:	Email:	
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Helen Lau	801-247-7416	hlau@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R309-405. Compliance and Enforcement: Administrative Penalty
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-109 authorizes the Drinking Water Board to assess and make a demand for payment of a penalty.
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 either in support or opposition to 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 will ensure that the Division of Drinking Water has the authority to assess penalty amounts for water system violations. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-500	Filing ID: 50678
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
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Russell Seeley, P.E.	435-650-8519	rseeley@utah.gov
Mimi Ujiie	385-303-0581	mujiie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-500. Facility Design and Operation: Plan Review, Operation and Maintenance 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:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:
There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health in Utah by governing their design, construction, operation, and maintenance. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-505	Filing ID:	50677
Effective Date:	02/10/2025		

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water		
Building:	Multi-Agency State Office Building (MASOB)		
Street address:	195 N 1950 W		
City, state	Salt Lake City, UT		
Mailing address:	PO Box 144830		
City, state and zip:	Salt Lake City, UT 84114-4830		
Contact persons:			
Name:	Phone:	Email:	
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Russell Seeley, P.E.	435-650-8519	rseeley@utah.gov	
Mimi Ujije	385-303-0581	mujije@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R309-505. Facility Design and Operation: Minimum Treatment 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:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:
There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by governing their design, construction, operation, and maintenance. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R309-510	Filing ID: 50679
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Michael Newberry, P.E.	385-515-1464	mnewberry@utah.gov
Russell Seeley, P.E.	435-650-8519	rseeley@utah.gov
Mimi Ujiie	385-303-0581	mujjie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-510. Facility Design and Operation: Minimum Sizing 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:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:
There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by governing specifying the minimum requirements for sources, source treatment facilities, storage tanks, and pipelines. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R309-511	Filing ID: 50680
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
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Michael Newberry, P.E.	385-515-1464	mnewberry@utah.gov
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Mimi Ujiie	385-303-0581	mujjie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-511. Hydraulic Modeling 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:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:
There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by requiring that the public water system or its agent certify that the design meets the minimum flow in Rule R309-510 and pressure requirements in Section R309-105-9 using hydraulic modeling. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-515	Filing ID: 56380
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-515. Facility Design and Operation: Source Development
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:
There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by requiring design, construction, operation, and maintenance standards. Therefore, this rule should be continued.
The submittal of this five-year review is done with the intention to align the review dates for all rules under Title R309.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-520	Filing ID: 50684
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water
Building:	Multi-Agency State Office Building (MASOB)
Street address:	195 N 1950 W
City, state	Salt Lake City, UT
Mailing address:	PO Box 144830
City, state and zip:	Salt Lake City, UT 84114-4830

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact persons:		
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-520. Facility Design and Operation: Disinfection
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:
There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by specifying disinfection requirements. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-525	Filing ID: 50683
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
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Mimi Ujiie	385-303-0581	mujjie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-525. Facility Design and Operation: Conventional Surface Water Treatment
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:
There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by specifying requirements for design, construction, and operation. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-530	Filing ID: 54089
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
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Mimi Ujiie	385-303-0581	mujie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-530. Facility Design and Operation: Alternative Surface Water Treatment Methods

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:

There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by specifying requirements for alternative surface water treatment methods. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-535	Filing ID: 50694
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
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Mimi Ujiie	385-303-0581	mujiie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-535. Facility Design and Operation: Miscellaneous Treatment Methods
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:

There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by specifying requirements for miscellaneous water treatment methods which are primarily intended to remove chemical contaminants or adjust the chemical composition of drinking water. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-540	Filing ID: 56379
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Michael Newberry, P.E.	385-515-1464	mnewberry@utah.gov
Russell Seeley, P.E.	435-650-8519	rseeley@utah.gov
Mimi Ujiie	385-303-0581	mujie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-540. Facility Design and Operation: Pump and Hydropneumatic Pressure Facilities
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:
There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by specifying requirements for pump stations utilized to deliver drinking water to such facilities. Therefore, this rule should be continued.

The submittal of this five-year review is done with the intention to align the review dates for all rules under Title R309.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	1/7/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-545	Filing ID: 50687
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Michael Newberry, P.E.	385-515-1464	mnewberry@utah.gov
Russell Seeley, P.E.	435-650-8519	rseeley@utah.gov
Mimi Ujije	385-303-0581	mujije@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-545. Facility Design and Operation: Drinking Water Storage Tanks
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:
There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health in Utah by specifying the requirements for public drinking water storage tanks. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-550	Filing ID:	50689
Effective Date:	02/10/2025		

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water		
Building:	Multi-Agency State Office Building (MASOB)		
Street address:	195 N 1950 W		
City, state	Salt Lake City, UT		
Mailing address:	PO Box 144830		
City, state and zip:	Salt Lake City, UT 84114-4830		
Contact persons:			
Name:	Phone:	Email:	
Michael Newberry, P.E.	385-515-1464	mnewberry@utah.gov	
Russell Seeley, P.E.	435-650-8519	rseeley@utah.gov	
Mimi Ujije	385-303-0581	mujije@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R309-550. Facility Design and Operation: Transmission and Distribution Pipelines
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:
There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by providing specific requirements for the design and installation of transmission and distribution pipelines which deliver drinking water. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	1/7/20254
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R309-600	Filing ID: 56381
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Michael Newberry, P.E.	385-515-1464	mnewberry@utah.gov
Russell Seeley, P.E.	435-650-8519	rseeley@utah.gov
Mimi Ujiie	385-303-0581	mujjie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R309-600. Source Protection: Drinking Water Source Protection for Groundwater Sources	
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:	There have been no comments received in support or opposition 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:	<p>This rule will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by setting minimum requirements for protecting sources of drinking water from contamination. Therefore, this rule should be continued.</p> <p>The submittal of this five-year review is done with the intention to align the review dates for all rules under Title R309.</p>	

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R309-605	Filing ID: 50691
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Michael Newberry, P.E.	385-515-1464	mnewberry@utah.gov
Russell Seeley, P.E.	435-650-8519	rseeley@utah.gov
Mimi Ujiie	385-303-0581	mujjie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-605. Source Protection: Drinking Water Source Protection for Surface Water Sources
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), Section 19-4-104 authorizes the Drinking Water Board to establish the drinking water program, including the standards, construction, variances, operator certification, and orders, and to implement Title 19, Chapter 4, Safe Drinking Water 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:
There have been no comments received in support or opposition 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 will ensure that public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by setting minimum requirements that establish a uniform, statewide program for protecting water systems surface water. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R309-700	Filing ID: 55217
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Michael Grange, P.E.	801-674-2563	mgrange@utah.gov
Russell Seeley, P.E.	435-650-8519	rseeley@utah.gov
Mimi Ujii	385-303-0851	mujjie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-700. Financial Assistance: State Drinking Water State Revolving Fund (SRF) Loan Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3) this rule is promulgated by the Drinking Water Board as authorized by Title 73, Chapter 10c, Water Development Coordinating Council, the purpose of which is to issue loans to political subdivisions to finance all or part of drinking water project costs and to enter into credit enhancement agreements, interest buy-down agreements, and Hardship Grants.
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 in support or opposition 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 will ensure that the criteria for financial assistance to public drinking water system in accordance with Title 73, Chapter 10c, Water Development Coordinating Council, using funds made available by the Legislature from time to time for this purpose is established. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-705	Filing ID: 55218
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Michael Grange, P.E.	801-674-2563	mgrange@utah.gov

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Russell Seeley, P.E.	435-650-8519	rseeley@utah.gov
Mimi Ujiie	385-303-0851	mujjie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-705. Financial Assistance: Federal Drinking Water State Revolving Fund (SRF) Loan Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), this rule is promulgated by the Drinking Water Board as authorized by Title 73, Chapter 10c, Water Development Coordinating Council, the purpose of which is to issue loans to political subdivisions to finance all or part of drinking water project costs and to enter into credit enhancement agreements, interest buy-down agreements, and Hardship Grants.
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 in support or opposition 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 will ensure that the criteria for financial assistance to public drinking water system in accordance with a federal grant under Safe Drinking Water Act, 42 U.S.C. 300j et seq. is established. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R309-800	Filing ID: 55219
Effective Date:	02/10/2025	

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Michael Grange, P.E.	801-674-2563	mgrange@utah.gov
Russell Seeley, P.E.	435-650-8519	rseeley@utah.gov
Mimi Ujiie	385-303-0851	mujjie@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R309-800. Capacity Development Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Through rulemaking in accordance with the Utah Administrative Rulemaking Act (Title 63G, Chapter 3), this rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104(1)(a)(ii) of the Utah Code. The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.
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 in support or opposition 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 will ensure that the public drinking water system facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to public health by ensuring that all public water systems will be able to comply with the Safe Drinking Water Act using funds made available through the Drinking Water State Revolving Fund Financial Assistance Program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Division Director	Date:	01/07/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R414-19A	Filing ID: 55446
Effective Date:	02/05/2025	

Agency Information

1. Title catchline:	Health and Human Services, Integrated Healthcare	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84114-3325	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R414-19A. Coverage for Dialysis Services by an End-Stage Renal Disease Facility

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 26B-3-108 requires the Department of Health and Human Services (Department) to implement Medicaid through administrative rules, and Section 26B-1-213 grants the Department the authority to adopt, amend, or rescind these rules.

The provision of clinic services for outpatient dialysis is authorized under 42 CFR 440.20, 440.90, and Attachments 3.1-A and 3.1-B of the Medicaid State Plan.

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 has not received any written comments in support of or opposition to this rule since its 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 necessary because it provides dialysis service coverage for Medicaid members who have end-stage renal disease. Therefore, this rule should be continued.

As the Department did not receive any comments in opposition to this rule, it did not respond to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/05/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R590-140	Filing ID: 54018
Effective Date:	02/05/2025	

Agency Information

1. Title catchline:	Insurance, Administration	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	

Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R590-140. Reference Filings of Rate Service Organization Prospective Loss Costs

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 31A-2-201 authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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 of Insurance has received no written comments regarding this rule 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 provides instruction to rate service organizations concerning the filings they will use in Utah to comply with the Insurance Code. It is a key component in the regulation of loss cost filings developed by all rate service organizations, such as the National Council on Compensation Insurance (NCCI) and the Insurance Service Office (ISO), that are licensed to do business in Utah. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	02/05/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-15	Filing ID: 51737
Effective Date:	02/03/2025	

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	Natural Resources Complex	
Street address:	1594 W North Temple	
City, state	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R657-15. Closure of Gunnison, Cub and Hat Islands
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 Section 23-21a-3, the Wildlife Board and Division of Wildlife Resources (Division) are authorized to provide for the management of Gunnison, Cub and Hat Islands for the protection and perpetuation of the American white pelican.
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 Division has not received any written comments regarding this rule.
Any comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input.

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 places restrictions on access on, around and over these islands. This protection from disturbance will ensure the continued use of these areas and result in successful brood rearing by the birds. The other habitat needs of these colonial nesting waterbirds are being met and their populations are healthy at this time. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Riley Peck, Director	Date:	02/01/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R746-312	Filing ID: 56315
Effective Date:	02/14/2025	

Agency Information

1. Title catchline:	Public Service Commission, Administration		
Building:	Heber M. Wells Building		
Street address:	160 E 300 S, 4th Floor		
City, state	Salt Lake City, UT		
Mailing address:	PO Box 4558		
City, state and zip:	Salt Lake City, UT 84114-4558		
Contact persons:			
Name:	Phone:	Email:	
Michael Hammer	801-530-6729	michaelhammer@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R746-312. Electrical Interconnection
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Utah law requires electric utilities to allow owners of certain kinds of generation resources to interconnect with electric utilities' distribution systems. For example, Section 54-12-2 requires electric utilities to purchase power from certain types of small generation resources (e.g., renewable resources).
Similarly, Section 54-15-103 requires electric utilities to establish net metering programs that allow the utilities' customers who elect to install solar panels on their properties to push any surplus energy those panels produce to the utilities' distribution systems. See also Section 54-15-106 (authorizing the Public Service Commission (PSC) to establish administrative rules that govern such interconnections).
More generally, Section 54-4-14, authorizes the PSC to adopt rules that require utilities to maintain and operate their distribution systems in a manner that promotes and safeguards public safety, and Section 54-4-7 requires terms of service to be just and reasonable.
Because the law requires electric utilities to allow these interconnections on their distribution systems and requires the PSC to ensure those who interconnect receive just and reasonable terms of service and do not create a danger to the public health, this rule is necessary.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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 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:

Electric utilities' distribution systems provide an essential public service. Interconnection of generation resources onto these distribution systems is a technical matter, both in engineering and contractual terms, and this rule is necessary such that electric utilities can comply with the law's requirements to allow certain generators to interconnect in an efficient, fair, and responsible manner. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jerry D. Fenn, PSC Chair	Date:	02/14/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R850-22	Filing ID: 52029
Effective Date:	02/04/2025	

Agency Information

1. Title catchline:	School and Institutional Trust Lands, Administration	
Building:	Tower 102	
Street address:	102 S 200 E, Suite 600	
City, state	Salt Lake City, UT	
Mailing address:	102 S 200 E, Suite 600	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
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 persons listed above.		

General Information

2. Rule catchline:
R850-22. Bituminous-Asphaltic Sands and Oil Shale 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:
Subsection 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq. authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the issuance of mineral leases and management of trust-owned lands and mineral resources.
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 agency about 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:
The School and Institutional Trust Lands Administration manages over 4,000,000 acres of subsurface mineral rights located throughout the state of Utah. This rule applies to the management of the bituminous-asphaltic sands and oil shale resources for

the benefit of the respective beneficiaries and sets forth the guidelines by which the agency conducts business and the customer can follow. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Michelle McConkie, Director	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R850-23	Filing ID: 54812
Effective Date:	02/04/2025	

Agency Information

1. Title catchline:	School and Institutional Trust Lands, Administration		
Building:	Tower 102		
Street address:	102 S 200 E, Suite 600		
City, state	Salt Lake City, UT		
Mailing address:	102 S 200 E, Suite 600		
City, state and zip:	Salt Lake City, UT 84111		
Contact persons:			
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 persons listed above.			

General Information

2. Rule catchline:	R850-23. Sand, Gravel, and Cinders Permits
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 Title 53C, Chapter 2 et seq. authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the issuance of surface and subsurface leases and the management of trust-owned lands and resources.
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 agency about 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:	The School and Institutional Trust Lands Administration manages over 4,000,000 acres of surface and subsurface lands and resources located throughout the state of Utah. This rule applies to the management of the sand, gravel, and cinders resources and establishes the guidelines by which the agency conducts business with the customers for these resources. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Michelle McConkie, Director	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R850-24	Filing ID: 54786
Effective Date:	02/04/2025	

Agency Information

1. Title catchline:	School and Institutional Trust Lands, Administration	
Building:	Tower 102	
Street address:	102 S 200 E, Suite 600	
City, state	Salt Lake City, UT	
Mailing address:	102 S 200 E, Suite 600	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
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 persons listed above.		

General Information

2. Rule catchline:	R850-24. General Provisions: Mineral and Material Resources, Mineral Leases and Material Permits	
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 Title 53C, Chapter 2 et seq. authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the issuance of mineral and material leases and permits and the management of trust-owned lands and resources.	
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 agency about 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 provides general provisions that apply to multiple commodities in an "umbrella-type" rule. It provides for clarity for the community that is subject to these processes and eliminates the need to include these same provisions in each separate rule for the various commodities. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Michelle McConkie, Director	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R850-25	Filing ID: 52045
Effective Date:	02/04/2025	

Agency Information

1. Title catchline:	School and Institutional Trust Lands, Administration	
Building:	Tower 102	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	102 S 200 E, Suite 600	
City, state	Salt Lake City, UT	
Mailing address:	102 S 200 E, Suite 600	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
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 persons listed above.		

General Information

2. Rule catchline:
R850-25. Mineral Leases and Materials Permits
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 Title 53C, Chapter 2 et seq. authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the issuance of leases and the management of trust-owned lands and resources.
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 agency about 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 provides the necessary guidelines for the issuance of leases and permits for the commodities covered under this rule. Also, it provides for the efficient management of the resources for the best interests of the trust beneficiaries. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Michelle McConkie, Director	Date:	02/04/2025
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R850-26	Filing ID: 52036
Effective Date:	02/04/2025	

Agency Information

1. Title catchline:	School and Institutional Trust Lands, Administration	
Building:	Tower 102	
Street address:	102 S 200 E, Suite 600	
City, state	Salt Lake City, UT	
Mailing address:	102 S 200 E, Suite 600	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
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 persons listed above.

General Information

2. Rule catchline:
R850-26. Coal 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:
Subsection 53C-1-302(1)(a)(ii) and Title 53C, Chapter 2 et seq. authorize the Director of the School and Institutional Trust Lands Administration to establish rules for the issuance of leases and the management of trust-owned lands and resources.
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 agency about 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 vital to the management of the Trust's coal resources and the issuance of leases. It provides guidelines and procedures to be followed by the agency and third parties, which are consistent and in the best interests of the Trust Beneficiaries. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Michelle McConkie, Director	Date:	02/04/2025
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION

Rule Number:	R70-101	Filing ID: 56603
New Deadline Date:	07/10/2025	

Agency Information

1. Title catchline:	Agriculture and Food, Regulatory Services	
Building:	Taylorsville State Office Buildings, South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@Utah.gov
Kelly Pehrson	801-982-2200	Kwpehrson@Utah.gov
Travis Waller	801-982-2200	Twaller@Utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R70-101. Bedding, Upholstered Furniture, and Quilted Clothing.	
3. Reason for requesting the extension:	The Department of Agriculture and Food needs additional information regarding this rule due to pending legislation that may impact the program and the rulewriting authority.	

Agency Authorization Information

Agency head or designee and title:	Craig Buttars, Commissioner	Date:	02/06/2025
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Commerce

Professional Licensing

No. 56997 (Amendment) R156-37: Utah Controlled Substances Act Rule

Published: 01/15/2025

Effective: 02/24/2025

No. 56897 (Amendment) R156-47b: Massage Therapy Practice Act Rule

Published: 11/15/2024

Effective: 02/14/2025

Real Estate

No. 56995 (Amendment) R162-2g: Real Estate Appraiser Licensing and Certification Administrative Rules

Published: 01/15/2025

Effective: 02/26/2025

Education

Administration

No. 56980 (Amendment) R277-113: LEA Fiscal and Auding Policies

Published: 01/01/2025

Effective: 02/07/2025

No. 56981 (Amendment) R277-114: Response to Compliance and Related Issues

Published: 01/01/2025

Effective: 02/07/2025

No. 56982 (Amendment) R277-123: Process for Members of the Public to Report Violations of Statute and Board Rule

Published: 01/01/2025

Effective: 02/07/2025

No. 56983 (Amendment) R277-306: Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers

Published: 01/01/2025

Effective: 02/07/2025

No. 56984 (Amendment) R277-325: Public Education Exit and Engagement Surveys

Published: 01/01/2025

Effective: 02/07/2025

No. 56985 (Amendment) R277-419: Pupil Accounting
 Published: 01/01/2025
 Effective: 02/07/2025

No. 56986 (Amendment) R277-702: Procedures for the Utah High School Completion Diploma
 Published: 01/01/2025
 Effective: 02/07/2025

No. 56988 (New Rule) R277-722: Procedures for the Focused Graduation Pathway
 Published: 01/01/2025
 Effective: 02/07/2025

No. 56987 (Amendment) R277-927: Teacher and Student Success Act (TSSA) Program
 Published: 01/01/2025
 Effective: 02/07/2025

Environmental Quality

Air Quality

No. 56933 (Amendment) R307-110: Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County
 Published: 12/01/2024
 Effective: 02/05/2025

Government Operations

Debt Collection

No. 56975 (Amendment) R21-3: Debt Collection Through Administrative Offset
 Published: 01/01/2025
 Effective: 02/13/2025

Governor

Criminal and Juvenile Justice (State Commission on)

No. 56970 (New Rule) R356-12: Public Safety Portal Data Reporting
 Published: 01/01/2025
 Effective: 02/07/2025

Health and Human Services

Integrated Healthcare

No. 56920 (Amendment) R414-1: Introduction and Authority
 Published: 11/15/2024
 Effective: 02/18/2025

No. 56919 (Amendment) R414-1: Prior Authorization from Primary Payers First
 Published: 11/15/2024
 Effective: 02/18/2025

No. 56915 (Amendment) R414-40: Program Access Requirements
 Published: 11/15/2024
 Effective: 02/18/2025

Health Care Facility Licensing

No. 56868 (Amendment) R432-31: Provider Order for Life Sustaining Treatment
 Published: 11/15/2024
 Effective: 02/18/2025

No. 56891 (Amendment) R432-35: Background Screening -- Health Facilities
 Published: 11/15/2024
 Effective: 02/18/2025

NOTICES OF RULE EFFECTIVE DATES

No. 56892 (Amendment) R432-150: Nursing Care Facility
Published: 11/15/2024
Effective: 02/18/2025

No. 56921 (Amendment) R432-750: Hospice Rule
Published: 11/15/2024
Effective: 02/18/2025

Data, Systems and Evaluation, Vital Records and Statistics
No. 56962 (Amendment) R436-7: Death Registration
Published: 12/15/2024
Effective: 02/18/2025

Data, Systems and Evaluation, Vital Records and Statistics
No. 56963 (Repeal) R436-10: Death Registration
Published: 12/15/2024
Effective: 02/18/2025

Human Services Program Licensing
No. 56882 (Amendment) R501-12: Foster Care Services
Published: 11/15/2024
Effective: 02/10/2025

No. 56869 (Amendment) R501-19: Residential Treatment Programs
Published: 11/15/2024
Effective: 02/10/2025

Recovery Services
No. 56964 (Amendment) R527-36: Collection of Child Support After a Termination of Parental Rights or Adoption
Published: 12/15/2024
Effective: 02/18/2025

Labor Commission

Occupational Safety and Health
No. 56996 (Amendment) R614-6: Hot Metallurgical Operations
Published: 01/15/2025
Effective: 02/21/2025

Natural Resources

Wildlife Resources
No. 56991 (Amendment) R657-5: Taking Big Game
Published: 01/01/2025
Effective: 02/07/2025

No. 56989 (Amendment) R657-45: Wildlife License, Permit, and Certificate of Registration Forms and Terms
Published: 01/01/2025
Effective: 02/07/2025

No. 56990 (Amendment) R657-62: Drawing Application Procedures
Published: 01/01/2025
Effective: 02/07/2025

Public Safety

Criminal Investigations and Technical Services, Criminal Identification
No. 56974 (Amendment) R722-310: Regulation of Bail Bond Recovery and Enforcement Agents
Published: 01/01/2025
Effective: 02/09/2025

No. 56973 (Amendment) R722-330: Licensing of Private Investigators
Published: 01/01/2025
Effective: 02/09/2025

End of the Notices of Rule Effective Dates Section