

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Managing Editor

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

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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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EDITOR'S NOTES

Updated Public Comment Response for Rule R933-2

A notice of five-year review for Rule R933-2 (ID 52148) was published in the June 1, 2026, issue of the *Utah State Bulletin*. On the rule analysis form, the agency stated they had not received any public comment on this rule. After publication, the agency realized this was inaccurate. The amended response is as follows:

Pursuant to Section 63G-3-601, a petitioner requested the Utah Department of Transportation (UDOT) to amend Rule R933-2. The petitioner requested changes to the definition of "destroyed sign" and other provisions related to damaged and destroyed signs.

As required by the statute, UDOT responded to the petitioner within 60 days, ultimately denying the petition in writing because UDOT believes its current rules represent a good faith effort to act in accordance with applicable Utah statutes and case law and federal requirements.

As stated in the June 1, 2026, Utah State Bulletin, UDOT is conducting an ongoing review and intends to propose amendments to this rule later in 2026.

End of the Editor's Notes Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between May 16, 2026, 12:00 a.m., and June 01, 2026, 11:59 p.m. are included in this, the June 15, 2026, 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 July 15, 2026. 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 October 14, 2026, 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: Amendment	Filing ID: 58022
Rule or section number:	R58-6

1. Agency Information

Title catchline:	Agriculture and Food, Animal Industry
Building:	Taylorville State Office Building, South Building, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorville, UT
Mailing address:	PO Box 146500
City, state, and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	CamilleK@utah.gov
Amanda Price	801-386-4189	amandaprice@utah.gov

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

3. General Information

A. Rule or section catchline:
R58-6. Poultry and Captive-Raised Gamebirds
B. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food (Department) is amending this rule to eliminate the Hatchery License requirement. After a regulatory review, it was determined that the license is no longer necessary for disease control or public safety, as oversight is sufficiently maintained through National Poultry Improvement Plan (NPIP) certifications. This change reduces regulatory burden and costs for local hatcheries. Additional technical changes are made to update section numbering and improve clarity.
C. Summary of the new rule or change:
This amendment removes Section R58-6-8, which required a Hatchery license for facilities that hatch eggs for commercial sale or provide that service for other operations. This action eliminates the license and its associated requirements, including application forms, fees, and record-keeping requirements. This amendment renumbers the subsequent sections. Additionally, the amendment revises definitions for enhanced clarity and makes technical changes to ensure this rule aligns with the guidelines in the Rulewriting Manual for Utah. Specifically, this amendment clarifies the Division of Wildlife Resources (DWR) exemption for selling gamebirds or wild subspecies of turkeys in Subsection R58-6-7(4) and clarifies the documentation a licensee must maintain for a three-year period in Section R58-6-8. This filing updated Section R58-6-4 to clarify the Department's role as the Official State Agency for NPIP and updates the incorporation of 9 CFR Parts 145-147 and the NPIP Program standards to the 2024 editions, ensuring alignment with the current federal disease control protocols.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The repeal of the Hatchery License results in a loss of \$75 in annual dedicated credits to the Department. This revenue loss is offset by a corresponding decrease in administrative costs associated with processing applications and conducting inspections, resulting in a neutral impact on the state budget.
B. Local governments:
Local governments do not participate in or administer this program, so the proposed changes will not impact them.
C. Small businesses ("small business" means a business employing 1-49 persons):
The repeal of the Hatchery License results in no fiscal impact to small businesses, as facilities processing less than 1,000 eggs or birds were already exempt from the license and its associated fees.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are currently three entities that hold a Hatchery License. The repeal will result in a direct aggregate saving of \$75 per year for these 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>):
The repeal of the Hatchery License results in no fiscal impact to other persons, as the license requirements and fees applied only to commercial facilities and exempted small-scale operators.
F. Compliance costs for affected persons:
This amendment will reduce the compliance costs for non-small businesses by eliminating the annual \$25 license fee.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$75	\$75	\$75	\$75	\$75
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$75	\$75	\$75	\$75	\$75
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$75	\$75	\$75	\$75
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$75	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$75	\$75	\$75	\$75	\$75
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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

Subsection 4-31-119(1)(a)		
---------------------------	--	--

10. Incorporation by Reference Information

Incorporation by Reference:	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	National Poultry Improvement Plan Program Standards
Publisher	United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS)
Issue Date	October 2025
Issue or Version	2025 Edition

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	9 CFR Parts 145, 146, and 147
Publisher	Office of the Federal Register, National Archives and Records Administration (NARA)
Issue Date	January 1, 2025
Issue or Version	2025 Edition

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 07/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/22/2026
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13. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	06/01/2026
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R58. Agriculture and Food, Animal Industry.

R58-6. Poultry and Captive-Raised Gamebirds.

R58-6-1. Authority.

Promulgated under the authority of Subsection 4-31-119(1)(a).

R58-6-2. Purpose.

This rule establishes procedures to prevent and control disease in poultry and captive-raised gamebirds in Utah.

NOTICES OF PROPOSED RULES

R58-6-3. Definitions.

(1) "Avian influenza"[~~7~~] means an infection or disease of poultry, gamebirds, and other bird species, caused by influenza type A virus, particularly those of the H5 and H7 subtypes.

(2) "Cleaning and disinfection" means to remove organic debris and treat with a product which is registered by the Environmental Protection Agency as to neutralize pathogens, by the specifications for use as shown on the label of each product.

(3) "Commercial gamebird facility" means a [~~D~~]department licensed facility that houses, possesses, or raises more than 1,000 gamebirds per year for longer than 60 days.

(4) "Dealer" means a person who engages in the business of purchasing hatching eggs or [~~poultry~~]live birds, for immediate resale.

[~~5~~] "~~Department~~" means the Utah Department of Agriculture and Food.

(6) "~~5~~" "Exposed" means contact with birds, equipment, personnel, supplies, or any article infected with, or contaminated by, communicable avian disease organisms.

(7) "~~6~~" "Farmers market" means the same as defined in [~~Subs~~]Section 4-5-102[~~(6)~~].

(8) "~~7~~" "Flock" means any of the poultry or gamebirds on one premises.

(9) "~~8~~" "Gamebird" means any captive-raised animal identified as a "Pen-reared Gamebird" in Section R657-4-2.

(10) "~~9~~" "Hatchery" means a facility that hatches eggs for commercial sale or provides the service for other operations.

(11) "~~10~~" "Infected flock[~~1~~]" means a flock in which an authorized laboratory has discovered one or more birds infected with an avian disease.

(12) "~~2~~" "License" means a license issued by the [~~D~~]department to individuals [~~that~~]who commercially produce or sell hatching eggs or live birds.

(13) "~~3~~" "Live bird market" means a temporary facility or site where live birds are assembled and held for sale or slaughter, which may include a swap meet, flea market, or farmers market.

(14) "~~4~~" "National Poultry Improvement Plan (NPIP)" means a cooperative industry, state, and federal program through which new diagnostic technology can be effectively applied to the improvement of poultry and poultry products.

(15) "~~5~~" "Poultry" means:

(a) domesticated fowl, [~~that~~]which are bred for the primary purpose of producing eggs or meat, whether kept for production or exhibition, including:

(i) chickens, guineas, and pigeons;

(ii) ratites;

(iii) co[~~r~~]turnix quail;

(iv) domestic waterfowl belonging to the order Anseriformes;

(v) non-wild subspecies of turkeys; or

(vi) other captive bred birds not listed in Subsection R657-4-2(2)(k).

(b) "Poultry" does not include the Pen-reared gamebird as defined in Section R657-4-2.

(16) "~~6~~" "Public exhibition" means a public show of poultry or gamebirds.

(17) "~~7~~" "Pullorum - Typhoid" means a disease of poultry caused by Salmonella.

(18) "~~8~~" "Ratite" means an ostrich, emu, rhea, or cassowary.

(19) "~~9~~" "Swap meet" or "flea market" means the same as defined in Section 13-32-102.

(20) "~~19~~" "Wild subspecies of turkey" means turkeys of the Eastern, Osceola, or Florida, Rio Grande, Merriam, or Gould subspecies.

R58-6-4. National Poultry Improvement Plan (NPIP) Participation and Standards.

(1) The department [~~is~~]as the official state agency for the National Poultry Improvement Plan (NPIP) in Utah, incorporates by reference the following federal regulations and national standards:~~[-and recognizes the NPIP as a critical cooperative federal state industry program that establishes national standards for poultry health.]~~

[~~2~~] Any individuals and entities participating in the NPIP in Utah shall comply with the procedures specified in:

(a) Title 9 CFR 145-147, January 1, 2025, edition, which establishes the provisions and procedures for the NPIP; and

(b) the [~~2019 version of the~~]NPIP program standards A-E, 2025 edition, [~~which are incorporated by reference~~]as published by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS).

(2) A copy of the incorporated material is available for public inspection at the Utah Department of Agriculture and Food, 4315 S. 2700 W. Taylorsville, UT 84129, during regular business hours, or access online at the USDA, APHIS, NPIP website.

R58-6-5. Importation of Poultry, Gamebirds, or Hatching Eggs.

Any person who imports[~~ing~~] poultry, gamebirds, [~~and~~]or hatching eggs into Utah shall meet the requirements [~~found~~]in Section R58-1-9.

R58-6-6. Quarantine of Diseased Poultry and Gamebirds.

(1)(a) If officials identify any infectious or contagious diseases, the Commissioner or their designated agent may quarantine diseased or exposed poultry or gamebirds and issue a flock plan for disease management.

(b) The flock plan shall describe live bird management, site management, depopulation, disposal, testing, and cleaning and disinfection.

(2) The quarantine shall be in effect until the Commissioner, or their designated agent, withdraws it.

R58-6-7. Poultry Dealer License.

- (1) To effectively control and prevent the spread of disease within poultry populations, the department shall:
 - (a) require each poultry dealer to obtain a Poultry Dealer license[;] annually; and[-]
 - (b) exempt[s] an individual[s] selling less than 1,000 hatching eggs or poultry per year.
- (2) An applicant shall apply for a poultry dealer license:
 - (a) for each location they sell poultry;
 - (b) using a department form; and
 - (c) pay the fee based on the annual fee schedule.
- (3) A poultry dealer licensee shall:
 - (a) maintain annual records of all poultry purchases and sales;
 - (b) keep the area where the birds are housed clean and appropriate for the type and age of [~~the~~]poultry;
 - (c) ensure poultry care and handling conform to recognized husbandry practices;
 - (d) house poultry to prevent the spread of illness to other birds or people;
 - (e) provide individuals purchasing birds with written information on handling poultry safely to prevent human illness; and
 - (f) report any suspected contagious or infectious disease in their poultry to the department immediately.
- (4) A poultry dealer licensee may ~~not~~ sell gamebirds or wild subspecies of turkeys only if the licensee has written permission from the Division of Wildlife Resources[-as defined in this rule].

~~R58-6-8. Hatchery License.~~

- ~~(1) The department shall require hatcheries to obtain a hatchery license annually.~~
- ~~(2) The department may exempt hatcheries processing less than 1,000 hatching eggs, gamebirds, or poultry per year from licensure.~~
- ~~(3) An applicant shall apply for a hatchery license:

 - ~~(a) on a department form; and~~
 - ~~(b) pay a fee based on the annual fee schedule.~~~~
- ~~(4) A hatchery licensee shall keep records or bill of sale of purchases, sources, and sales of hatching eggs, poultry, and gamebirds each calendar year and maintain the records for a minimum of three years.~~
- ~~(5) For sales of live gamebirds or gamebird eggs the records or bill of sale shall include:

 - ~~(a) the hatchery license number;~~
 - ~~(b) the date of transaction;~~
 - ~~(c) the number and types of eggs or gamebirds purchased; and~~
 - ~~(d) the buyer's information, including:

 - ~~(i) name and address;~~
 - ~~(ii) the physical location of birds, if different;~~
 - ~~(iii) telephone number; and~~
 - ~~(iv) documentation evidencing the buyer's legal authorization to possess or purchase gamebirds, which shall include:

 - ~~(A) the Commercial Gamebird Facility License number; or~~
 - ~~(B) the appropriate documentation required by DWR for legal possession or purchase of gamebirds per Rule R657-4.~~~~~~
 - ~~(6) To prevent the spread of disease and minimize the risk of disease transmission, a hatchery licensee shall:

 - ~~(a) keep the area where the gamebirds or poultry are kept clean and appropriate for the type and age of the gamebirds or poultry;~~
 - ~~(b) ensure bird care and handling conform to recognized husbandry practices;~~
 - ~~(c) provide individuals purchasing live gamebirds or poultry written information on safe handling to prevent human illness; and~~
 - ~~(d) report any suspected contagious or infectious disease in their hatchery to the department immediately.]~~~~~~

R58-6-~~9~~8. Commercial Gamebird Facility License.

- (1) To prevent the spread of disease among gamebird populations, the department shall:
 - (a) require any commercial gamebird facility to obtain a license annually;
 - (b) exempt gamebird facilities that possess or propagate less than 1,000 gamebirds per year from licensure; and
 - (c) inspect each facility and grant approval before issuing a license.
- (2) Each applicant for a license shall:
 - (a) apply on a department-issued form; and
 - (b) pay the fee per the annual fee schedule.
- (3) All licenses expire on June 30 in the year following the year of issuance.
- (4) The department shall complete annual inspections and record reviews before re-licensure.
- (5) A Commercial Gamebird facility shall maintain NPPI certification as US Pullorum-Typhoid Clean, in accordance with the standards outlined in Section R58-6-4.
- (6) Each licensee shall ~~keep~~maintain a record[s] of each purchase or sale for three years, including:
 - (a) the buyer's name;
 - (b) physical address, if different from the buyer's;
 - (c) telephone number; ~~and~~
 - (d) the number and types of eggs or gamebirds[-]; and
 - (e) documentation that the buyer holds legal authority to possess the birds, which may include:
 - (i) a license or permit number issued by the Division of Wildlife Resources, or UDAF;

NOTICES OF PROPOSED RULES

- (ii) a bill of sale or receipt; or
- (iii) a health certificate from a veterinarian.
- (7) Any gamebird released into the wild shall comply with Division of Wildlife Resources Rule R657-4.

R58-6-~~10~~9. Standards for Live Bird Markets.

~~[(1)]~~ ~~To reduce the spread of avian diseases, the department restricts live bird markets to one vendor of birds per [market] location [to reduce the spread of avian diseases in the state.] unless the market:~~

~~[(2)]~~ ~~[A live bird market may operate with more than one vendor of birds if the market] contacts the state veterinarian [and receives] for prior approval;~~

~~(2) demonstrates [by demonstrating and maintaining] adequate biosecurity measures that effectively prevent disease spread[-]; and~~

~~(3) maintains those measures throughout its operation.~~

KEY: disease control, NPIP, hatchery, poultry, gamebirds, license

Date of Last Change: 2026~~[June 24, 2025]~~

Notice of Continuation: December 28, 2021

Authorizing, and Implemented or Interpreted Law: 4-31-119

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58028
Rule or section number:	R82-2

1. Agency Information

Title catchline:	Alcoholic Beverage Services, Administration
Building:	Administration Building
Street address:	1625 S 900 W
City, state:	Salt Lake City, UT
Mailing address:	1625 S 900 W
City, state and zip:	Salt Lake City, UT 84104

2. Contact Persons

Name:	Phone:	Email:
Melissa Suarez	801-977-6811	melissasuarez@utah.gov

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

3. General Information

A. Rule or section catchline:
R82-2-308. Type 2 and 3 Package Agencies
B. Purpose of the new rule or reason for the change:
The purpose of this amendment is to better align Section R82-2-308, Type 2 and 3 Package Agencies, with contractual compensation and inventory management updates. The Department of Alcoholic Beverage Services (department) has coordinated with package agency operators to identify ways to improve the current compensation model for long-term package agency success.
C. Summary of the new rule or change:
This amendment makes minimal changes to update requirements for type 2 and 3 package agencies operators by removing language allowing type 2 and 3 package agencies to pay for consigned liquor in cash instead of returned product and requiring payment for liquor when a package agency sells the liquor, rather than when the package agency orders the liquor.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
No anticipated impact on the state budget. The amendment only updates the compensation and inventory model applicable to type 2 and 3 package agencies. It does not require any new state resources or alter state budget revenues.
B. Local governments:
No anticipated impact on local governments. Local governments do not operate type 2 or type 3 package agencies.
C. Small businesses ("small business" means a business employing 1-49 persons):
Type 2 and type 3 package agency operators are intended to experience upfront cost savings under the new model. Savings will be experienced by reduced upfront investment for new operators and varies depending on the amount of inventory utilized by each package agency (37 different package agencies across the state of various sizes).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
No anticipated impact on non-small businesses. The amendment only updates contractual compensation and inventory terms specifically for small business package agency operators. It does not impose new costs or requirements on non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
No anticipated impact on persons other than small businesses. This amendment updates contractual compensation and inventory terms specifically for small business package agency operators. It does not impose new costs or requirements on other classes of persons.
F. Compliance costs for affected persons:
Small business package agency operators will be required to adjust to the new model, which ultimately requires less upfront investment to begin operation.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0

Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Alcoholic Beverage Services, Ericka Evans, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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 32B-2-605	Section 32B-2-202	
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 07/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/30/2026
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13. Agency Authorization Information

Agency head or designee and title:	Melissa Suarez, Executive Assistant	Date:	06/01/2026
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R82. Alcoholic Beverage Services, Administration.

R82-2. Administration.

R82-2-308. Type 2 and 3 Package Agencies.

(1) Authority. This rule is made pursuant to Sections 32B-2-202 and 32B-2-605, which authorize the commission to make rules governing package agencies.

(2)(a)(i) In accordance with Section 32B-6-605, the department, within its discretion, may provide liquor to a type 2 or 3 package agency for sale on consignment.

(ii) The department shall establish the amount of consignment liquor inventory to be furnished to a type 2 or 3 package agency.

(b)(i) The department may adjust a type 2 or 3 package agency's consignment liquor inventory amount based on the package agency's monthly average sales.

(ii) The department shall make any adjustment to a type 2 or 3 package agency's consignment liquor inventory amount through a transfer or shipment of liquor or payment of money.

(iii) If the department reduces a type 2 or 3 package agency's consignment liquor inventory amount, the type 2 or 3 package agency shall pay for the difference between the consignment liquor inventory amount and the reduced consignment liquor inventory amount through [cash payment or] liquor returned to the department.

(3)(a) A type 2 or 3 package agency that receives shipments or transfers of liquor shall have an Automated Clearing House (ACH) payment system set up with the department.

(b) The department shall send a type 2 or 3 package agency a weekly statement that shows:

(i) the package agency's unpaid debts and applied credits; and

(ii) the payment due date for liquor received by the package agency.

- (c) The package agent is responsible for reviewing the weekly statement and contacting the department with any discrepancies before the payment due date.
- (d) Except as provided in Subsection (4), payment for liquor is due to the department within 30 days after the day on which the type 2 or 3 package agency ~~orders~~ sells the liquor.
- (e)(i) The department shall consider insufficient funds, returned checks, and unpaid balances from a previous statement past due.
- (ii) If a statement is past due, the department may:
 - (A) assess the legal rate of interest on the amount owed by the type 2 or 3 package agency; or
 - (B) refer the package agency to the commission for possible termination of the package agency contract.
- (iii)(A) The department and a type 2 or 3 package agency shall resolve any liquor delivery discrepancies using a form provided by the department.
- (B) A type 2 or 3 package agency shall pay the package agency's statement by the due date regardless of whether any discrepancies have been resolved.
- (4)(a) A type 2 or 3 package agent may request in writing that the department extend the due date for payment under Subsection (3) for up to 30 days if:
 - (i) the package agency's liquor sales have decreased at least 10% when compared to the package agency's liquor sales from the same month in the immediately preceding calendar year for a period of at least two consecutive months;
 - (ii)(A) the package agency is experiencing a temporary and substantial increase in essential operational expenses because of an unforeseen and uncontrollable event; and
 - (B) the package agent has attempted to mitigate expenses through reasonable efforts; or
 - (iii) the package agent requests and receives approval for a closure under Section 32B-2-605.
 - (b) The department may request the type 2 or 3 package agent provide documentation demonstrating the circumstances described in Subsection (4)(a) are met.
 - (c)(i) The department may approve a request under Subsection (4)(a) only if the type 2 or 3 package agent is otherwise compliant with the package agent's contract and other requirements by law.
 - (ii) The department may approve a request under Subsection (4)(a) for a period:
 - (A) of up to 90 consecutive days in one fiscal year; and
 - (B) between the months of July and February of a fiscal year.
 - (iii) If the department approves a request under Subsection (4)(a), the department may:
 - (A) cap the number of orders a package agency may make during the period during which the request is approved; or
 - (B) prohibit the package agency from returning delisted or seasonal liquor products during the period during which the request is approved.
 - (d) Audits.
 - (i) The department shall audit a type 2 or 3 package agency at least once each fiscal year and may conduct additional audits if necessary.
 - (ii) A type 2 or 3 package agency is subject to a department audit at any time.

KEY: alcoholic beverages

Date of Last Change: ~~May 1,~~ 2026

Notice of Continuation: February 5, 2025

Authorizing, and Implemented or Interpreted Law: 32B-1-102; 32B-2-202; 32B-1-301 through 32B-1-307; 32B-2-504; 32B-2-605; 32B-5-303

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58031
Rule or section number:	R151-4

1. Agency Information

Title catchline:	Commerce, Administration
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146701
City, state and zip:	Salt Lake City, UT 84114-6701

2. Contact Persons

Name:	Phone:	Email:
Masuda Medcalf	801-530-7663	mmedcalf@utah.gov

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

3. General Information

A. Rule or section catchline:
R151-4. Department of Commerce Administrative Procedures Act Rule
B. Purpose of the new rule or reason for the change:
This filing is changing executive director to commissioner, clarifying language, reorganizing provisions, removing unnecessary terms, clarifying the agency's existing procedures, and streamlining certain procedures to optimize resources and efficiency.
C. Summary of the new rule or change:
This filing changes the title of executive director to commissioner and clarifies the agency's existing procedures, such as the applicability of the Rules of Civil Procedure and Rules of Evidence in Section R151-4-106.
In some cases, sections have been reorganized or added, like existing Sections R151-4-503 and R151-4-504 and new Section R151-4-504.5.
Unnecessary terms are removed, such as "calendar" and "business" when referring to filing deadlines throughout this rule; other terms are clarified, like replacing "hearing" with "proceeding" when there are no evidentiary hearings provided.
Unnecessary provisions have been removed, such as the deletion of Subsection R151-4-306(7), as there is no longer a board with the New Automobile Franchise Act or the Powersport Vehicle Franchise Act.
Some provisions are optimized for resources and efficiency, including allowing certain filings by email and extending a filing deadline to 11:59 pm of the date due in Sections R151-4-401 and R151-4-402, and changing the hearing timeline in formal proceedings from 180 days to 240 days in Section R151-4-108.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 384 (2026 General Session); HB 534 (2024 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule does not amend fees or any revenue generation for the state and will not affect the state budget.
B. Local governments:
Local governments are not typically involved in administrative proceedings before the Department of Commerce (Department) and are not impacted by this amendment.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule is procedural in nature and has no discernable impact on the costs required for a small business to take part in proceedings before the Department.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule is procedural in nature and has no discernable impact on the costs required for a non-small business to take part in proceedings before the Department.
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 is procedural in nature and has no discernable impact on the costs required for other persons to take part in proceedings before the Department.

F. Compliance costs for affected persons:

As noted in the sections above, this rule is procedural and has no discernable costs.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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 13-1-6	Subsection 63G-4-102(6)	
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 07/15/2026

12. Effective Date Information

This rule change MAY become effective on: 07/22/2026
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Margaret W. Busse, Commissioner	Date:	06/01/2026
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R151. Commerce, Administration.

R151-4. Department of Commerce Administrative Procedures Act Rule.

R151-4-101. Title and Organization.

This rule is:

- (1) known as the "Department of Commerce Administrative Procedures Act Rule;" and
- (2) organized into the following Parts:
 - (a) Part 1, General Provisions, including Sections R151-4-101 through R151-4-114;
 - (b) Part 2, Pleadings, including Sections R151-4-201 through R151-4-205;
 - (c) Part 3, Motions, including Sections R151-4-301 through R151-4-306;
 - (d) Part 4, Filing and Service, including Sections R151-4-401 through R151-4-402;
 - (e) Part 5, Discovery - Formal Proceedings, including Sections R151-4-501 through R151-4-516;
 - (f) Part 6, Depositions - Formal Proceedings, including Sections R151-4-601 through R151-4-611;
 - (g) Part 7, Hearings, including Sections R151-4-701 through R151-4-712;
 - (h) Part 8, Orders, including Sections R151-4-801 through R151-4-803; and
 - (i) Part 9, Agency Review and Judicial Review, including Sections R151-4-901 through R151-4-907.

R151-4-102. Definitions.

In addition to the definitions in Title 63G, Chapter 4, Administrative Procedures Act, as used in this rule:

- (1) "Agency head" means the ~~executive director~~ commissioner of the department or the director of a division.
- (2) "Applicant" means a person who submits an application.
- (3) "Application" means a request for:
 - (a) licensure;
 - (b) certification;
 - (c) registration;
 - (d) permit; or
 - (e) other right or authority granted by the department.
- (4) "Department" means:
 - (a) the Utah Department of Commerce; or
 - (b) a division of the department.
- (5) "Division" means a division of the department.
- (6) "Electronic" means a:
 - (a) facsimile transmission; or
 - (b) PDF file attached to an email.
- (7) "Intervenor" means a person permitted to intervene in an adjudicative proceeding before the department.
- (8) "Motion" means a request for any action or relief in an adjudicative proceeding.
- (9)(a) "Party in interest" means:
 - (i) a party;
 - (ii) a relative of a party; or
 - (iii) an individual with a financial interest in the outcome of the proceeding.
- (b) "Party in interest" does not include:
 - (i) a party's counsel; or
 - (ii) an employee of a party's counsel.
- (10) "Petition" means the charging document setting forth:
 - (a) statement of jurisdiction;
 - (b) statement of one or more allegations;
 - (c) statement of legal authority; and
 - (d) request for relief.
- (11) "Pleading" means the following:
 - (a) a notice of agency action or request for agency action;
 - (b) a request for agency review or agency reconsideration; and
 - (c) a response or reply submitted to a pleading.

R151-4-103. Authority.

The department adopts this rule ~~in accordance with~~ under Subsection 63G-4-102(6) and Section 13-1-6 to govern adjudicative proceedings before the department.

R151-4-104. Supplementing Provisions.

A division rule may supplement this rule unless expressly prohibited by this rule.

R151-4-105. Purpose and Scope.

(1) The intent of this rule is to secure the just, speedy, and economical determination of issues presented in adjudicative proceedings before the department.

- (2) In the event of a conflict between this rule and a statute, the statute governs.

R151-4-106. Utah Rules of Civil Procedure, Utah Rules of Evidence.

- (1) The Utah Rules of Civil Procedure and related case law are persuasive authority in this rule but may not, except as otherwise provided by Title 63G, Chapter 4, Administrative Procedures Act or by this rule, be controlling authority.
- (2) The Utah Rules of Evidence are not binding except as to Article V Privileges and as further referenced in this rule.
- (3) The Utah Rules of Evidence are persuasive authority in formal adjudicative proceedings.

R151-4-107. Computation of Time.

- (1) Periods of time in department proceedings shall:
- (a) exclude the first day of the act, event, or default from which the time begins to run; and
- (b) include the last day unless it is a Saturday, Sunday, or legal holiday; in that case the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- (2) When a period~~[of time]~~ is less than seven days, Saturdays, Sundays, and legal holidays are excluded.
- (3)(a)(i) Except for a request for agency review filing made under Subsection R151-4-901(1), w[hen] a period~~[of time]~~ runs after the service of a document by mail, three days shall be added to the end of the prescribed period.
- (ii) Except as provided in Subsection R151-4-107(1)(b), these three days include Saturdays, Sundays, and legal holidays.
- (b) No additional time is provided if service is accomplished by electronic means.
- ~~(4) Subsection (3) does not apply to a request for agency review filing made pursuant to Subsection R151-4-901(1).]~~

R151-4-108. Timeliness of Administrative Proceedings.

- (1) In ~~[both]~~ informal ~~[and formal]~~ adjudicative proceedings, the presiding officer shall schedule the hearing date if any and conclude the ~~[hearing] proceeding~~ not more than 180~~[calendar]~~ days after the day:
- ~~(1)(a)~~ (a) the notice of agency action is issued; or
- ~~(2)(b)~~ (b) the initial decision as to a request for agency action is issued.
- (2) In formal adjudicative proceedings, the presiding officer shall schedule the hearing date and conclude the hearing not more than 240 days after the day:
- (a) the notice of agency action is issued; or
- (b) the initial decision as to a request for agency action is issued.

R151-4-109. Extension of Time and Continuance of Hearing.

- (1) When ruling on a motion or request for extension of time or continuance of a ~~[hearing] proceeding~~, the presiding officer shall consider:
- (a) whether there is good cause for granting the extension or continuance;
- (b) the number of extensions or continuances the requesting party has already received;
- (c) whether the extension or continuance will work a significant hardship upon the other party;
- (d) whether the extension or continuance will be prejudicial to the health, safety or welfare of the public; and
- (e) whether the other party objects to the extension or continuance.
- (2)(a) Except as provided in Subsections R151-4-109(2)(b) and R151-4-109(3), a ruling on a motion for an extension of a time period or a continuance of a hearing may not result in the informal hearing being concluded more than 240 [calendar] days or the formal hearing being concluded more than 365 days after the day:
- (i) the notice of agency action was issued; or
- (ii) the initial decision as to a request for agency action was issued.
- (b) An extension of a time period or a continuance may exceed the time restriction in Subsection R151-4-109(2)(a) if:
- ~~(i) the presiding officer finds that injustice would result from failing to grant the extension or continuance; and~~
- ~~(ii)(A) a party provides an affidavit or certificate signed by a licensed physician verifying that an illness of the party, the party's counsel, or a necessary witness precludes the presence of the party, the party's counsel, or a necessary witness at the hearing;~~
- ~~(B) counsel for a party withdraws shortly before the final hearing, unless the presiding officer finds the withdrawal was to delay the hearing; in that case the hearing will go forward with or without counsel;~~
- ~~(C) a parallel criminal proceeding or investigation exists based on facts at issue in the administrative proceeding; in that case the continuance shall address the expiration of the continuance upon the conclusion of the criminal proceeding; or~~
- ~~(D) the board or commission designated to act as the factfinder at hearing is unavailable to meet on a date that:~~
- ~~(I) allows the parties a reasonable period for discovery, motion practice, or hearing preparation; and~~
- ~~(II) falls within the 240 or 365-day deadline for resolution. ~~[and~~~~
- ~~(ii) the presiding officer finds that injustice would result from failing to grant the extension or continuance.]~~
- (3) A presiding officer may, without a motion from a party, extend a hearing beyond the time period in Subsection R151-4-109(2)(a) due to the unavailability of a board or commission, or a division director or designee.
- (4) The failure to conclude a hearing within the required time period is not a basis for dismissal.
- ~~(4)(5)~~ (5) The presiding officer may not grant an extension of time or continuance if a statute or rule does not authorize it.
- ~~(5)(6)~~ (6) The factors in Subsection (1) do not apply to a request for agency review filing made ~~[pursuant to]~~ under Subsection R151-4-901(1)(a). Subsection R151-4-901(1)~~(c)~~(d) governs a request for an extension to file a request for agency review.

R151-4-110. Representation of Parties.

- (1) A party may:
 - (a) be represented by counsel who is an active member of a state bar if counsel submits a written notice of appearance;
 - (b) represent oneself individually; or
 - (c) if not an individual, represent itself through an officer or employee.
- (2) Counsel licensed by the bar of a state other than Utah shall submit a certificate of good standing from the relevant state bar.

R151-4-111. Review of Emergency Orders.

Unless otherwise provided by statute or rule:

- (1)(a) A division shall schedule a hearing to determine whether an emergency order should be affirmed, set aside, or modified based on the standards in Section 63G-4-502 if:
 - (i) the division has previously:
 - (A) commenced an emergency adjudicative proceeding in the matter; and
 - (B) issued an order ~~[in accordance with]~~ under Section 63G-4-502 that results in a continued impairment of the affected party's rights or legal interests; and
 - (ii) the affected party timely submits a written request for a hearing no later than 10 days after the issuance of the emergency order.
- (b) A presiding officer shall conduct a hearing under this section in conformity with the procedures of Section 63G-4-206.
- (2)(a) Upon request for a hearing under this section, the division shall conduct a hearing ~~[as soon as reasonably practical but not later than]~~ within 20 days from the receipt of a written request unless the division and the party requesting the hearing agree in writing to conduct the hearing at a later date.
 - (b) The division has the burden of proof to establish, by a preponderance of the evidence, that the requirements of Section 63G-4-502 have been met.
- (3)(a) Except as otherwise provided by statute, the division director or designee shall select an individual or body of individuals to act as presiding officer at the hearing.
 - (b) An individual who directly participated in issuing the emergency order may not act as the presiding officer.
- (4)(a) Within 15 ~~[calendar]~~ days after the day the hearing to consider the emergency order concludes, the presiding officer shall issue an order ~~[in accordance with]~~ under Section 63G-4-208.
 - (b) The order of the presiding officer is subject to agency review.

R151-4-112. Declaratory Orders.

- (1)(a) A petition for the issuance of a declaratory order under Section 63G-4-503 shall be filed with the agency head who has primary jurisdiction to enforce or implement the statute, rule, or order for which a declaratory order is sought.
 - (b) The petition shall:
 - (i) set forth:
 - (A) the question to be answered;
 - (B) the facts and circumstances related to the question;
 - (C) the statute, rule, or order to be applied to the question; and
 - (D) whether oral argument is sought in conjunction with the petition; and
 - (ii) comply with Part 2, Pleadings.
 - (2)(a) If the agency head issues a declaratory order without setting the matter for an adjudicative proceeding, the order shall be based on:
 - (i) a review of the petition;
 - (ii) oral argument, if any;
 - (iii) laws and rules applicable to the petition;
 - (iv) applicable records maintained by the department; and
 - (v) other relevant information reasonably available to the department.
 - (b) If the agency head sets the matter for an adjudicative proceeding, the department shall issue a notice of adjudicative proceeding under Subsection 63G-4-201(2)(a).
 - (3) The department may not issue a declaratory order in any of the following classes of circumstances:
 - (a) questions involving circumstances set forth in Subsection 63G-4-503(3)(a)(ii) or 63G-4-503(3)(b);
 - (b) questions that are not within the jurisdiction of the department;
 - (c) questions that have been addressed by the department in an order, rule, or policy;
 - (d) questions that can be addressed by informal advice;
 - (e) questions that are addressed by statute;
 - (f) questions that would be more properly addressed by statute or rule;
 - (g) questions that arise out of pending or anticipated litigation in a civil, criminal, or administrative forum; or
 - (h) questions that are irrelevant, insignificant, meaningless, or spurious.
 - (4) The recipient of a declaratory order may request agency review.

R151-4-113. Record of an Adjudicative Proceeding.

The record of an adjudicative proceeding includes:

- (1) each pleading, motion, brief, exhibit, and any other document filed by a party;

(2)(a) the recording of a ~~hearing~~ proceeding;

~~(b) if a proceeding has been recorded by both a court reporter and a presiding officer under Section R151-4-711, the recording by the court reporter is the official record of the adjudicative proceeding;~~

(3) a transcript of a ~~hearing~~ proceeding; and

(4) orders or other documents issued:

(a) by a presiding officer; or

(b) on agency review or reconsideration.

R151-4-114. Informal Adjudicative Proceedings in General and Prohibition of Discovery.

(1) Any provision specific to a formal adjudicative proceeding is not mandatory for an informal adjudicative proceeding.

(2) By rule or order a division may apply a provision applicable to a formal adjudicative proceeding to an informal adjudicative proceeding, except that a division may not apply a provision relating to discovery, including depositions to an informal adjudicative proceeding.

(3) Discovery is prohibited in informal adjudicative proceedings, but the department or a division may issue subpoenas or other orders to compel production of evidence ~~in accordance with~~ under Subsection 63G-4-203(1)(e).

R151-4-115. Designation of Presiding Officer.

Under Subsection 63G-4-103(1)(h)(ii), in any phase of an adjudicative proceeding, the presiding officer may designate another individual to conduct any part of the proceeding.

R151-4-116. Burden of Proof.

Unless otherwise provided by statute:

(1) the department has the burden of proof in a proceeding initiated by a notice of agency action; and

(2) the party who seeks action from the department has the burden of proof in a proceeding initiated by a request for agency action.

R151-4-201. Docket Number and Title.

(1) The department shall assign a docket number to each notice of agency action and, if appropriate, to each request for agency action.

(2) At a minimum the docket number shall consist of:

(a) a letter code identifying where the matter originated, as follows:

(i) CORP-Corporations;

(ii) CP-Consumer Protection;

(iii) DOPL-Professional Licensing, including additional designations that the division may implement for the Utah Professionals Health Program, lien recovery fund, or other programs;

(iv) NAFA-New Automobile Franchise Act;

(v) PVFA-Powersport Vehicle Franchise Act;

(vi) RE-Real Estate[?];

~~(vii) AP-Real Estate Appraisers;~~

~~(viii) MG-Mortgage]; and~~

~~(ix)(vii) SD-Securities[?].~~

(b) a numerical code indicating the calendar year the matter arises; and

(c) another number indicating chronological position among notices of agency action or requests for agency action filed during the year.

(3) The department shall give each adjudicative proceeding a title in substantially the following form:

TABLE 1 BEFORE THE (DIVISION) OF THE DEPARTMENT OF COMMERCE OF THE STATE OF UTAH	
In the Matter of (the application, petition, or license of John Doe)	(Notice of Agency Action) (Request for Agency Action) No. AA-2000-001

R151-4-202. Content and Size of Pleadings and Motions and Limitation of Number of Pages.

(1) A pleading or motion shall be double-spaced, typewritten, presented on standard 8 1/2 x 11 inch white paper, and contain:

(a) a clear and concise statement of the allegations or facts relied upon as the basis for the pleading or motion; and

(b) an appropriate request for relief when relief is sought.

(2) A motion to dismiss or motion for summary judgment may not exceed 25 pages, not counting any attachment, unless a longer motion is permitted by the presiding officer. Other motions may not exceed 15 pages, not counting the attachments, unless a longer motion is permitted by the presiding officer.

NOTICES OF PROPOSED RULES

(3) If the motion is a motion to dismiss or motion for summary judgment, the memorandum opposing the motion may not exceed 25 pages, not counting the attachments, unless a longer memorandum is permitted by the presiding officer. Other opposing memoranda may not exceed 15 pages, not counting the attachments, unless a longer memorandum is permitted by the presiding officer.

(4) If the motion is a motion to dismiss or motion for summary judgment, the reply memorandum may not exceed 15 pages, not counting the attachments, unless a longer memorandum is permitted by the presiding officer. Other reply memoranda may not exceed 10 pages, not counting the attachments, unless a longer memorandum is permitted by the presiding officer.

(5) A memorandum supporting agency review ~~[in accordance with]~~ under Section R151-4-904 may not exceed 30 pages not counting the attachments, unless a longer memorandum is permitted by the presiding officer assigned to the agency review.

(6) A response to a request for agency review and the memorandum supporting that response may not exceed 30 pages not counting the attachments, unless a longer memorandum is permitted by the presiding officer assigned to the agency review.

(7) A reply memorandum filed in an agency review may not exceed 15 pages not counting the attachments, unless a longer memorandum is permitted by the presiding officer assigned to the agency review.

(8) The presiding officer may permit a party to file an overlength motion or memorandum upon a showing of good cause. An overlength motion or memorandum shall include a table of contents and a table of authorities with page references. The presiding officer may rule on a motion for overlength motion or memorandum without waiting for a response. A motion for overlength motion or memorandum does not require a statement of facts and legal authorities beyond a concise statement of the relief requested.

R151-4-203. Signing of Pleadings and Motions.

(1) Any pleading or motion shall be signed by the party or the party's representative and shall show the signer's address.

(2) The signature is a certification that:

(a) the signer has read the pleading or motion; and

(b) to the best of the signer's knowledge and belief, there are good grounds to support the pleading or motion.

R151-4-204. Amendments to Pleadings.

(1)(a) A party may amend a pleading once as a matter of course at any time before a responsive pleading is served.

(b) A party that does not qualify to amend a pleading under Subsection (1)(a) may amend a pleading only by leave of the presiding officer or by written consent of the adverse party.

(2) A party shall respond to an amended pleading within the later of:

(a) the time remaining for response to the original pleading; or

(b) ten days after service of the amended pleading.

(3) Defects in a pleading that do not affect substantial rights of a party need not be amended and shall be disregarded.

R151-4-205. Response to a Notice of Agency Action.

(1) A respondent in a formal adjudicative proceeding shall file a response to the notice of agency action.

(2)(a) A respondent in an informal adjudicative proceeding may file a response to a notice of agency action.

(b) The presiding officer may, by a written order, require a respondent in an informal adjudicative proceeding to submit a response.

(3) Unless a law or rule establishes a different date ~~[the following]~~ a response to a notice of agency action shall be filed within 30 days after the mailing date of the notice[-

~~— (a) a response to a notice of agency action; or~~

~~— (b) a notice of receipt of request for agency action].~~

R151-4-301. General Provisions.

(1) A party may file a motion that is relevant and timely.

(2) Each motion shall be filed in writing unless the necessity for a motion arises at a ~~[hearing]~~ proceeding and could not have been anticipated before the ~~[hearing]~~ proceeding.

(3) Subsection 63G-4-102(4)(b) may not be construed to prohibit a presiding officer from granting a timely motion to dismiss for:

(a) failure to prosecute;

(b) failure to comply with this rule, except when this rule expressly provides that a matter is not a basis for dismissal;

(c) failure to establish a claim upon which relief may be granted; or

(d) other good cause basis.

R151-4-302. Motion to Dismiss.

(1) A party wishing to file a motion to dismiss on any grounds described in Rules 12(b)(1) through 12(b)(7) of the Utah Rules of Civil Procedure, shall file the motion before filing a responsive pleading.

(2) In a case that is under agency review:

(a) a party may file a motion to dismiss for:

(i) failure to comply with a jurisdictional deadline;

(ii) failure to file a ~~[hearing]~~ transcript; or

(iii) failure to file a required memorandum.

(b) A party may not file a motion to dismiss on an allegation or argument as to:

(i) the sufficiency of a pleading or a memorandum in support;

(ii) the sufficiency of the evidence; or

- (iii) any other issue that requires substantive analysis.

R151-4-303. Memoranda and Affidavits.

- (1) The presiding officer shall permit and may require memoranda and affidavits in support of, or in response to, a motion.
- (2) Unless otherwise governed by a scheduling order issued by the presiding officer:
 - (a) a party shall file memoranda or affidavits in support of a motion concurrently with the motion;
 - (b) memoranda or affidavits in response to a motion shall be filed no later than 14 days after service of the motion; and
 - (c) a final reply shall be filed no later than seven days after service of the response.

R151-4-304. Oral Argument.

- (1) The presiding officer may permit or require oral argument on a motion.
- (2) The presiding officer shall schedule oral argument on a motion to take place no more than 10 days after the last day the party:
 - (a) who did not make the motion could have filed a response if that party does not file a response; or
 - (b) the party who made the motion:
 - (i) replies to the opposing party's response to the motion; or
 - (ii) could have replied to the opposing party's response to the motion.

R151-4-305. Ruling on a Motion.

- (1) The presiding officer shall verbally rule on a motion at the conclusion of oral argument when possible.
- (2) When a presiding officer verbally rules on a motion, the presiding officer shall issue a written ruling within 30 ~~calendar~~ days after the day the presiding officer makes the verbal ruling.
- (3) If the presiding officer does not verbally rule on a motion at the conclusion of oral argument, the presiding officer shall issue a written ruling on the motion no more than 30 ~~calendar~~ days after:
 - (a) oral argument; or
 - (b) if there is no oral argument, the final submission on the motion as outlined in Subsection R151-4-304(2).
- (4) The failure of the presiding officer to comply with the requirements of Section R151-4-305:
 - (a) is not a basis for dismissal of the matter; and
 - (b) is not an automatic denial or grant of the motion.

R151-4-306. Recusal or Motion to Disqualify a Board or Commission Member.

- (1) A board or commission member may self recuse at any time from participation in an action before the board or commission, even if a party to the action has not requested the member's recusal or filed a motion to disqualify the member.
- (2)(a) A party to an action before a board or commission may file a motion to disqualify a board or commission member. The motion shall be accompanied by a certificate that the motion is filed in good faith and shall be supported by an affidavit or unsworn declaration as described in Title 78B, Chapter 18a, Uniform Unsworn Declarations Act stating facts sufficient to show bias, prejudice, or conflict of interest.
 - (b) The party shall file the motion after commencement of the action, but no later than 21 days after the last of the following:
 - (i) the date of service of the action or hearing proceeding on the respondent;
 - (ii) the date the moving party knew or should have known of the grounds upon which the motion is based; or
 - (iii) if the last event occurs fewer than 21 days before a hearing proceeding, the motion shall be filed as soon as practicable.
 - (c) No party may file more than one motion to disqualify in an action, unless the second or substitute motion is based on grounds that the party did not know of and could not have known at the time of the earlier motion.
 - (d) If timeliness of the motion is determined under Subsection (2)(b)(ii) or (2)(c), the affidavit or declaration supporting the motion shall state when and how the party came to know of the reason for disqualification.
- (3) Within seven days of receipt of the motion by the presiding officer, the presiding officer shall provide a copy of the motion to the board or commission member who is the subject of the motion.
- (4)(a) The decision on a motion to disqualify a board or commission member shall be made by the presiding officer, and a written decision is not necessary.
 - (b) The division or moving party may not subject the board or commission member to questioning or examination on the motion, but the presiding officer or the board or commission may question the member verbally or in writing before issuing a decision on the motion.
- (5) A recused or disqualified board or commission member may not participate with fellow board or commission members in the action and is prohibited from voting on the action.
- (6) A decision on a motion to disqualify a board or commission member is not subject to an interlocutory appeal or agency review.
- ~~(7) This section does not apply to any adjudicative proceedings under Title 13, Chapter 14, New Automobile Franchise Act, or Title 13, Chapter 35, Powersport Vehicle Franchise Act.~~

R151-4-401. Filing.

After the commencement of an adjudicative proceeding under Section 63G-4-201, filing by the parties shall be conducted as follows:

- ~~(1)(a) Any pleading or motion shall be filed with the department or division where the adjudicative proceeding is conducted and maintains the official file.~~
- ~~(b) Section R151-4-512 governs the filing of discovery documents.~~
- ~~(2)(a) A filing of a motion or a pleading that is not a request for agency review may be accomplished by:~~
 - ~~(i) hand delivery of a paper copy[, pursuant to Subsection (2)(b)(i)];~~

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- (ii) first class or certified mail, postage prepaid, of a paper copy [~~pursuant to Subsection (2)(b)(i)~~]; or
- (iii) [~~fax or~~] attachment to electronic mail [~~pursuant to Subsection (2)(b)(ii)~~].

(b) A filing of a request for agency review may be accomplished by:

(i) hand delivery of a paper copy;

(ii) first class or certified mail, postage prepaid, of a paper copy; or

(iii) attachment to electronic mail, but only if, on the same day, the person filing the request for agency review also mails the document to the commissioner, as evidenced by a postmark.

(c)(i) A filing by hand delivery or first class or certified mail is complete when it is received and date stamped by the department or division, as applicable.

(ii) A filing by [~~fax or~~] electronic mail is complete upon transmission, if:

(A) compliant with Subsection (1);

(B) completed and received [~~during~~] by the department [~~'s operating hours, 8 a.m. to 5-~~] or a division, as applicable, no later than 11:59 p.m. Mountain Time [~~, on days other than Saturdays, Sundays, or state or federal holidays~~] on the date due; and

(C) the recipient receives the complete document [~~; and~~

(D) ~~the party filing the document;~~

(E) ~~also mails the document to the department or division the same day, as evidenced by a postmark; or~~

(F) ~~before any applicable filing deadline, is expressly excused by the presiding officer from mailing the document].~~

(~~e~~)(d) The burden is on the party filing the document to ensure that a filing is properly completed.

R151-4-402. Service.

After the commencement of an adjudicative proceeding under Section 63G-4-201, service by the parties shall be conducted as follows:

(1)(a) A pleading or motion filed by the parties shall be concurrently served on each party and any administrative law judge who is assigned to the case. Documents issued by the presiding officer shall be concurrently served on each party.

(b) The party who files a pleading or motion is responsible for service of the pleading or motion.

(c) The presiding officer who issues a document is responsible for service of the document.

(2)(a) Service may be made:

(i) on a person upon whom a summons may be served [~~pursuant to~~] under the Utah Rules of Civil Procedure; and

(ii) personally or on the agent of the person being served.

(b) If a party is represented by an attorney, service shall be made on the attorney.

(3)(a) Service may be accomplished by hand delivery of a paper copy, by mail of a paper copy to the last known address of the intended recipient, or by attachment to electronic mail.

(b) Service by hand delivery is complete upon delivery to:

(i) the person who is required to be served;

(ii) any individual who is employed by, and physically present at, the business office of the person who is required to be served; or

(iii) a mailbox or drop box that is:

(A) assigned to the person who is required to be served; and

(B) physically located at the person's place of business.

(c) Service by mail is complete upon mailing, as evidenced by a postmark.

(d) Service by attachment to electronic mail is complete on transmission if transmission is completed no later than 11:59 p.m. Mountain Time on the date due [~~during normal business hours, 8 a.m. to 5 p.m. on days other than Saturdays, Sundays, and state and federal holidays, at the place receiving the service; otherwise, service is complete on the next business day~~].

(4) There shall appear on each document required to be served a certificate of service in substantially the following form:

<p>TABLE 2</p> <p>CERTIFICATE OF SERVICE</p> <p>I certify that I have this day served the foregoing document on the parties of record in this proceeding set forth below (by delivering a copy in person) (by mailing a copy, properly addressed by first class mail with postage prepaid, to) (by electronic means to):</p> <p>(Name of parties of record) (Address) Dated this (day) day of (month), (year).</p> <p>(Signature) (Name and Title)</p>
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R151-4-501. Applicability.

Sections R151-4-501 through R151-4-516 apply only to formal adjudicative proceedings.

R151-4-502. Scope of Discovery.

- (1) Parties may obtain discovery regarding a matter that:
 - (a) is not privileged;
 - (b) is relevant to the subject matter involved in the proceeding; and
 - (c) relates to a claim or defense:
 - (i)(A) of the party seeking discovery; or
 - (B) of another party;
 - (ii) that is set forth in a pleading; and
 - (iii) that is brought pursuant to a statement of fact, information, or belief.

(2)(a) Subject to Subsection R151-4-502(3) and Section R151-4-504, a party may obtain discovery of documents and tangible things otherwise discoverable under Subsection R151-4-502(1) and prepared in anticipation of litigation or for hearing by another party or for another party or by that party's representative or for that party's representative, including the party's attorney, consultant, insurer or other agent, only on a showing that the party seeking discovery:

- (i) has substantial need of the materials in the preparation of the case; and
- (ii) is unable without undue hardship to obtain the substantial equivalent of the materials by other means.

(b) In ordering discovery of materials described in Subsection R151-4-502(2)(a), the presiding officer shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney of a party.

(3) Discovery of facts known and opinions held by experts, otherwise discoverable under Subsection R151-4-502(1) and acquired or developed in anticipation of litigation or for hearing, may be obtained only through the disclosures required by Section R151-4-504.

R151-4-503. Initial Disclosures [~~Required by Prehearing Order~~].

(1) In the [~~prehearing~~]scheduling order the presiding officer [~~may~~]shall require each party to disclose in writing:

(a)(i) the name and, if known, the address and telephone number of each individual likely to have discoverable information supporting the party's claims or defenses; and

(ii) [~~identification~~]a clear and concise summary of the topic addressed in the information maintained by each individual; and

(b)(i) a copy of each discoverable document, data compilation, and tangible thing that:

(A) is in the party's possession, custody, or control; and

(B) supports the party's claims or defenses; or

(ii)(A) a description, by category and location, of the tangible things identified in Subsection R151-4-503(1)(b)(i); and

(B) reasonable access.

(2)[~~(a)~~] Initial disclosures do[~~The order may~~] not require disclosure of:

(a) expert testimony as governed by Section R151-4-504[-]; or

(b) [~~The order may not require the disclosure of~~]information regarding persons or things intended to be used solely for impeachment.

(3)(a) Each party shall make the initial disclosures required by Subsection R151-4-503(1) within 14 days after the [~~prehearing~~]scheduling order is issued.

(b) A party joined after the [~~prehearing~~]scheduling conference shall make [~~these~~]their initial disclosures within 30 days after being served.

(c) A party shall make initial disclosures based on the information then reasonably available and is not excused from making disclosures because:

(i) the party has not fully completed the investigation of the case;

(ii) the party challenges the sufficiency of another party's disclosures; or

(iii) another party has not made disclosures.

(4) [~~D~~]Initial disclosures [~~required under Section R151-4-503~~]shall be made in writing, signed, and served.

(5) A party who fails to file its required initial disclosures within the time frames in this section may be subject to sanctions as provided in Section R151-4-516.

R151-4-504. Expert Disclosures [~~Otherwise Required~~].

(1)(a) A party shall:

(i) disclose in writing the name, address and telephone number of any person who might be called as an expert witness at the hearing;

and

(ii) provide a written report signed by the expert that contains a complete statement of each opinion the expert will offer at the hearing and the basis and reasons for them.

(b) The expert may not testify in a party's case-in-chief concerning any matter not fairly disclosed in the report.

(c) The party offering the expert shall pay the costs for the report.

(d) Unless otherwise stipulated in writing by the parties or ordered in writing by the presiding officer, the expert disclosures [~~required by Subsection R151-4-504(1)~~]shall be made:

(i) within 30 days after the deadline for completion of discovery; or

(ii) if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Subsection R151-4-504(1)(a), within [~~60~~]30 days after the expert disclosure made by the other party.

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~~[(c) If either party fails to file its disclosure within the time frames in Subsection R151-4-504(1), the presiding officer:~~
~~(i) shall exclude the expert testimony from the proceeding; and~~
~~(ii) may not continue the hearing to allow additional time for the disclosures.~~
~~(2)(a) In addition to the disclosures required by Subsection R151-4-504(1), a party shall disclose information regarding evidence the party may present at hearing other than solely for impeachment purposes pursuant to the pretrial disclosures of Utah Rules of Civil Procedure, Rule 26.~~
~~(b)(i) The disclosures required by Subsection R151-4-504(2) shall be made at least 45 days before the hearing.~~
~~(ii) Within 14 days after service of the disclosures a party may serve and file an objection to the:~~
~~(A) use of a deposition designated by another party; and~~
~~(B) admissibility of materials identified under Subsection R151-4-504(2)(a).~~
~~(iii) An objection not timely made is waived.]~~
~~(2) Expert disclosures shall be made in writing, signed, and served.~~
~~(3) A party who fails to file its required expert disclosures within the time frames in this section may be subject to sanctions as provided in Section R151-4-516.~~

R151-4-504.5. Final Disclosures.

~~(1)(a) A party shall disclose information regarding witnesses and evidence the party may present at the hearing other than solely for impeachment purposes. Each party shall disclose in writing and include:~~
~~(i) the name and, if known, the address and telephone number of each individual who will testify;~~
~~(ii) a clear and concise summary of the topic addressed in the information the individual will testify to; and~~
~~(iii) a list, and if not already provided, a copy of each document, data compilation, and tangible thing that will be presented in evidence.~~
~~(b) The final disclosures required by this section shall be made at least 45 days before the hearing.~~
~~(2) If the grounds for the objection are apparent before the hearing, within 14 days after service of the final disclosures a party may serve and file an objection to the:~~
~~(a)(i) use of a deposition designated by another party; and~~
~~(ii) admissibility of materials identified under Subsection R151-4-504.5(1)(a).~~
~~(b) An objection not timely made is waived unless excused by the presiding officer for good cause.~~
~~(3) Final disclosures shall be made in writing, signed, and served.~~
~~(4) A party who fails to file its required final disclosures within the time frames in this section may be subject to sanctions as provided in Section R141-4-516.~~

R151-4-505. Other Discovery Methods.

Parties may obtain discovery by one or more of the following methods:

- (1) depositions upon oral examination;
- (2) production of documents or things;
- (3) permission to enter upon land or other property for inspection and other purposes; and
- (4) physical and mental examinations.

R151-4-506. Limits on Use of Discovery.

The presiding officer shall limit the frequency and extent of discovery regardless of whether either party files a motion to limit discovery if:

- (1) the discovery sought is unreasonably cumulative, duplicative, or is obtainable from some other source that is:
 - (a) more convenient;
 - (b) less burdensome; or
 - (c) less expensive;
- (2) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or
- (3) the discovery is burdensome or expensive, taking into account:
 - (a) the needs of the case;
 - (b) the amount in controversy;
 - (c) the limitations on the parties' resources; and
 - (d) the importance of the issues at stake in the litigation.

R151-4-507. Protective Orders.

(1) Upon motion by a party or by the person from whom discovery is sought the presiding officer may make an order that justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (a) that the discovery not be had;
- (b) that the discovery may be had only on specified terms and conditions, including a designation of the time or place;
- (c) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
- (d) that certain matters not be discovered, or that the scope of the discovery be limited to certain matters;
- (e) that discovery be conducted with no one present except persons designated by the presiding officer;

- (f) that a deposition after being sealed be opened only by order of the presiding officer;
 - (g) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; or
 - (h) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the presiding officer.
- (2) If the motion for a protective order is denied in whole or in part, the presiding officer may order that a party or person provide or permit discovery.

R151-4-508. Timing, Completion, and Sequence of Discovery.

- (1) Parties are encouraged to initiate appropriate discovery procedures in advance of the [~~prehearing~~]scheduling conference so that discovery disputes can be addressed at that conference to the extent possible.
- (2)(a) Discovery, except for [~~prehearing~~]initial disclosures governed by Section R151-4-504, shall be completed within 120 [~~calendar~~]calendar days after the day:
- (i) the notice of agency action was issued; or
 - (ii) the initial decision as to a request for agency action was issued.
- (b) Factors the presiding officer shall consider in determining whether to shorten this time period include:
- (i) whether a party's interests will be prejudiced if the time period is not shortened;
 - (ii) whether the relative simplicity or nonexistence of factual issues justifies a shortening of discovery time; and
 - (iii) whether the health, safety or welfare of the public will be prejudiced if the time period is not shortened.
- (c) Factors the presiding officer shall consider in determining whether a party has demonstrated good cause to extend this time period include, in addition to those set forth in Section R151-4-109:
- (i) whether the complexity of the case warrants additional discovery time; and
 - (ii) whether that party has made reasonable and prudent use of the discovery time that has already been available to the party since the proceeding commenced.
- (d) The presiding officer may not extend discovery in a way that prevents the hearing from taking place within the time frames established in Section R151-4-108.
- (3)(a) Unless the presiding officer orders otherwise for the convenience of parties and witnesses, and except as otherwise provided by this rule, discovery methods may be used in any sequence.
- (b) The fact that a party is conducting discovery may not operate to delay another party's discovery.

R151-4-509. Supplemented Disclosures and Amended Responses.

- (1) A party who has made a disclosure or responded to a request for discovery with a response that was complete when made shall supplement the disclosure or amend the response to include subsequent information if:
- (a) ordered by the presiding officer; or
 - (b) a circumstance described in Subsection (2) or (3) exists.
- (2)(a) A party shall supplement disclosures if:
- (i) the party learns that in some material respect the information disclosed is incomplete or incorrect; and
 - (ii) the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.
- (b) As to testimony of an expert from whom a report is required under Section R151-4-504:
- (i) the duty extends to information contained in the report; and
 - (ii) additions or other changes to this information shall be disclosed by the time the party's disclosures under Section R151-4-504 are due.
- (3) A party shall amend a prior response to a request for production:
- (a) within a reasonable time after the party learns that the response is in some material respect incomplete or incorrect; and
 - (b) if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

R151-4-510. Notice of Agency Action, Scheduling and Prehearing Conferences, [~~Scheduling the~~]Hearing Date.

- (1) Each notice of agency action or initial decision as to a request for agency action:
- (a) shall contain the time, date, and location of a [~~prehearing~~]scheduling conference, that shall be at least 45 [~~calendar~~]calendar days but not more than 60 [~~calendar~~]calendar days after the date of the notice of agency action or initial decision as to a request for agency action;
 - (b) shall contain a clear notice that failure to respond within 30 [~~calendar~~]calendar days after the mailing date of the notice may result in:
 - (i) cancellation of the [~~prehearing~~]scheduling conference; and
 - (ii) a default order; and
 - (c) may contain the date, consistent with Section R151-4-108, of the scheduled hearing.
- (2)(a) The [~~prehearing~~]scheduling conference may be in person or [~~telephonic~~]electronically by audio, video, or audio and video.
- (b) Each Party, or their counsel, shall participate in the scheduling conference.
- (c) The scheduling conference shall include discussion and scheduling of discovery, [~~prehearing~~]motions, and other necessary matters.
- (3) During the [~~prehearing~~]scheduling conference, the presiding officer shall issue a verbal order, and shall issue a written order to the same effect within two [~~business~~]calendar days after the conclusion of the conference, that shall address each of the following:

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- (a) ~~if necessary,~~ scheduling a ~~an additional~~ final prehearing conference;
 - (b) setting a deadline for the filing of ~~prehearing~~ motions and cross motions, including motions for summary judgment, allowing for motions to be submitted and ruled on before the hearing date;
 - (c) modifying, if appropriate, a deadline for disclosures;
 - (d) resolving discovery issues;
 - (e) establishing a schedule for briefing, discovery needs, expert witness reports, witness and exhibit lists, objections, and other necessary or appropriate ~~prehearing~~ matters;
 - (f) if not already scheduled, scheduling a hearing date in compliance with Section R151-4-108; and
 - (g) dealing with other necessary matters.
- (4) A party joined after the ~~prehearing~~ scheduling conference is bound by the order issued as a result of that scheduling conference unless the order is modified in writing pursuant to a stipulation or motion.
- (5)(a) The presiding officer shall schedule ~~prehearing~~ matters consistent with Section R151-4-108.
 - (b) The presiding officer may:
 - (i) adjust time frames as necessary to accommodate Section R151-4-108; and
 - (ii) schedule appropriate ~~prehearing~~ matters to occur concurrently.

R151-4-511. Signing of Disclosures, Discovery Requests, Responses, and Objections.

- (1)(a) Each disclosure shall:
 - (i) include the signature of:
 - (A) at least one attorney of record; or
 - (B) the party if not represented by an attorney; and
 - (ii) include the mailing address of the signer.
 - (b) The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the disclosure is complete and correct as of the time it was made.
- (2)(a) Each request for discovery or response, or objection to discovery shall:
- (i) be signed by:
 - (A) at least one attorney of record; or
 - (B) the party if not represented by an attorney; and
 - (ii) include the mailing address of the signer.
- (b) The signature of the attorney or party constitutes a certification that the signer has read the request, response, or objection, and that to the best of the signer's knowledge, information, and belief formed after a reasonable inquiry it is:
- (i) consistent with this rule and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;
 - (ii) not interposed for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and
 - (iii) not unreasonable or burdensome or expensive, given the needs of the case, the discovery already had in the case, and the importance of the issues at stake in the proceeding.
- (3)(a) If a request, response, or objection is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party making the request, response, or objection.
- (b) A party is not obligated to take an action as to a request, response, or objection until it is signed.

R151-4-512. Filing of Discovery Requests or Disclosures.

- (1) Unless otherwise ordered by the presiding officer:
 - (a) a party may not file a request for or response to discovery, but shall file only the original certificate of service stating that the request or response has been served on the other parties and the date of service;
 - (b) except as described in Subsection R151-4-512(1)(c), a party may not file any of the disclosures required by the prehearing order, but shall file only the original certificate of service stating that the disclosures have been served on the other parties and the date of service; and
 - (c) a party shall file the disclosures required by Section R151-4-504.
- (2) A party filing a motion for a protective order or a motion for an order compelling discovery shall attach to the motion a copy of the request or response at issue.

R151-4-513. Subpoenas.

- (1) Each subpoena:
 - (a) shall be issued and signed by the presiding officer;
 - (b) shall state the title of the action;
 - (c) shall command each person to whom it is directed to attend and give testimony at a hearing or deposition at a time and place specified;
 - (d) may command the person to whom it is directed to produce designated books, papers, or tangible things, and in the case of a subpoena for a deposition, may permit inspection and copying of the items; and
 - (e) shall limit its designation of books, papers, or tangible things to matters properly within the scope of discoverable information.
- (2) A subpoenaed individual shall receive the fee for attendance and mileage reimbursement required by law.

(3)(a) A subpoena commanding a person to appear at a hearing or a deposition in Utah may be served at any place in Utah.

(b) A person who resides in Utah may be required to appear at a deposition:

- (i) in the county where the person resides, is employed, or transacts business in person; or
- (ii) at any reasonable location as the presiding officer may order.

(c) A person who does not reside in this state may be required to appear at a deposition:

- (i) in the county in Utah where the person is served with a subpoena; or
- (ii) at any reasonable location as the presiding officer may order.

(4) A subpoena shall be served in accordance with the requirements of the jurisdiction where service is made.

(5) Upon a motion made promptly to quash or modify a subpoena, but no later than the time specified in the subpoena for compliance, the presiding officer may:

(a) quash or modify the subpoena, if it is shown to be unreasonable and oppressive; or

(b) conditionally deny the motion with the denial conditioned on the payment of the reasonable cost of producing the requested materials by the person on whose behalf the subpoena is issued.

(6)(a) In the case of a subpoena requiring the production of books, papers, or other tangible things at a deposition, the person to whom the subpoena is directed may, within 10 days after service or on or before the time specified in the subpoena for compliance if the time is less than 10 days after service, serve on the attorney designated in the subpoena a written objection to production, inspection, or copying of any of the designated materials.

(b) If an objection is made, the party serving the subpoena is not entitled to production, inspection, or copying of the materials except pursuant to a further order of the presiding officer who issued the subpoena.

R151-4-514. Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes.

(1) Upon approval by the presiding officer, a party may serve on another party a request:

(a) to produce and permit the party making the request to:

- (i) inspect and copy a data compilation from which information can be obtained and translated into a reasonably usable form; or
- (ii) inspect and copy, test, or sample a document or tangible thing that:

(A) constitutes or contains matters within the scope of Subsection R151-4-502(1); and

(B) are in the possession, custody or control of the party upon whom the request is served; or

(b) to permit, within the scope of Subsection R151-4-502(1), entry on designated land, property, object, or operation in the possession or control of the party upon whom the request is served for inspection, measuring, surveying, photographing, testing, or sampling.

(2)(a) Before permitting a party to serve a request for production of documents, the presiding officer shall first find that the requesting party has demonstrated the records have not already been provided.

(b) After approval by the presiding officer, the request may be served on a party.

(c) The request shall:

(i) set forth the items to be inspected either by individual item or by category;

(ii) describe each item and category with particularity; and

(iii) specify a reasonable time, place, and manner of making the inspection and performing the related acts.

(d)(i) The party upon whom the request is served shall serve a written response within 20 days after service of the request unless the presiding officer allows a shorter or longer time in a written order.

(ii) The response shall state, as to each specific item or category:

(A) that the party will permit inspection and related activities as requested; or

(B) an objection.

(iii) The party submitting the request may move for an order under Section R151-4-516 as to any:

(A) objection;

(B) failure to respond to any part of the request; or

(C) failure to permit inspection as requested.

(e) A party who produces documents for inspection shall:

(i) produce them as they are kept in the usual course of business; or

(ii) organize and label them to correspond with the categories in the request.

R151-4-515. Physical and Mental Examination of Persons.

(1)(a) When the mental or physical condition, including the blood group, of a party or of a person in the custody or under the legal control of a party is in controversy, the presiding officer may order the party or person to:

(i) submit to a physical or mental examination by a physician; or

(ii) produce for examination the person in the party's custody or legal control.

(b) The order:

(i) may be made only on motion for good cause shown and upon notice to the person to be examined and to each party; and

(ii) shall specify:

(A) the time, place, manner, conditions, and scope of the examination; and

(B) the person who shall conduct the examination.

(2)(a)(i) If requested by the party against whom an order is made under this rule or the person examined, the party causing the examination to be made shall deliver to the requester a copy of a detailed written report of the examining physician including findings, diagnoses, conclusions, test results, and reports of any earlier examination of the same condition.

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(ii)(A) After delivery, the party causing the examination may request to receive from the party against whom the order is made a report of an examination of the same condition unless, as to an examination of a person not a party, the party shows that the party cannot obtain it.

(B) The presiding officer on motion may order a party to deliver a report, and if a physician fails or refuses to make a report, the presiding officer may exclude the physician's testimony at the hearing.

(b) By requesting and obtaining an examination report or by taking the deposition of the examiner, the party examined waives any privilege regarding the testimony of any other person who has examined or may thereafter examine the party for the same mental or physical condition.

(c) Subsection R151-4-515(2):

(i) applies to any examination made by agreement of the parties unless the agreement expressly provides otherwise; and

(ii) does not preclude discovery of a report of an examining physician or the taking of a deposition of the physician under any other rule.

R151-4-516. Motion to Compel Discovery, Motion to Strike Evidence - Other Sanctions.

(1)(a) The discovering party may move for an order compelling discovery, an order to strike evidence, or other sanction if:

(i) a party fails to make disclosures required by ~~[a prehearing order]~~ Section R151-4-503;

(ii) a party fails to make the disclosures required by Section R151-4-504;

(iii) a party fails to make the disclosures required by Section R151-4-504.5;

~~[(iii)]~~ (iv) a deponent fails to answer a question;

~~[(iv)]~~ (v) a corporation or other entity named as a deponent fails to designate an individual to testify ~~[pursuant to Utah Rules of Civil Procedure, Rule 30]~~ under Subsection R151-4-603(1)(b); or

~~[(v)]~~ (vi) a party, in response to a request ~~[for inspection]~~ under Section R151-4-514, fails to produce documents, permit inspection, or permit entry ~~[respond that an inspection will be permitted as requested or fails to permit an inspection]~~ as requested.

(b) When taking a deposition, the proponent of a question may complete or adjourn the examination before applying for an order.

(c) If the presiding officer denies the motion in whole or in part, the presiding officer may make a protective order that otherwise would be authorized by Section R151-4-507.

(d) An evasive or incomplete answer is treated as a failure to answer.

(2)(a) If a party or other person fails to comply with a disclosure requirement or with an order compelling discovery:

(i) the department may seek civil enforcement in the district court under Section 63G-4-501; or

(ii) the presiding officer may, for good cause, issue an order:

(A) that the related matters and facts shall be taken to be established;

(B) refusing to allow the disobedient party to support or oppose designated claims or defenses; or

(C) prohibiting the disobedient party from introducing designated matters in evidence;

(D) striking out pleadings or motions, or portions of pleadings or motions;

(E) dismissing the proceeding or a portion of the proceeding; or

(F) rendering a judgment by default against the disobedient party.

(3) In determining the appropriate sanction for the failure to comply with a disclosure requirement or an order compelling discovery, the presiding officer may consider the following factors:

(a) the timeliness of the moving party's motion in relation to the scheduled hearing;

(b) the time lapsed since the disobedient party's deadline for proper compliance;

(c) the prejudice to the moving party if the evidence in question is not stricken; and

(d) any other factor the presiding officer determines to be relevant.

R151-4-601. Applicability - Scope.

(1) Sections R151-4-601 through R151-4-611, apply only to formal adjudicative proceedings.

(2)(a) Only as provided in this part and with a written order of the presiding officer, a party may take the testimony by deposition upon oral examination of certain persons, including parties, who know facts relevant to the claims or defenses of a party in the proceeding.

(b) The attendance of witnesses may be compelled by subpoena.

(c) A party may not depose an expert witness.

R151-4-602. General Provisions - Persons ~~[w]~~Who ~~[m]~~May ~~[b]~~Be Deposed - Persons Before Whom Depositions May Be Taken.

(1)(a) Before a party may request leave to take a person's deposition, the party shall first make efforts to obtain discovery from that person by an interview.

~~[(b) For purposes of this section, "i"]~~ (b) "Interview" means an unsworn, oral examination of a person with knowledge of facts relevant to the claims or defenses of a party in the proceeding, whether in person or by remote means.

(2) A party may not be granted leave to take a deposition unless the party, upon motion, demonstrates to the satisfaction of the presiding officer that the person has knowledge of facts relevant to the claims or defenses of a party in the proceeding and:

(a) has refused a reasonable request by the moving party for an interview;

(b) has failed to attend a scheduled interview;

(c) has failed to provide reasonable availability for an interview;

(d) has refused to answer reasonable questions propounded to the person by that party in an interview; or

(e) will be unavailable to testify at the hearing.

(3) In deciding whether to grant the motion, the presiding officer shall consider the probative value the testimony is likely to have in the proceeding and the complexity of the proceeding.

(4) The moving party has the burden of proof in a motion for leave to take a deposition.

(5) Any participant in an interview conducted ~~in accordance with~~ under this section may create an audio recording of the interview as long as the person recording the interview gives verbal notice to the other participants that the interview is being recorded. Any participant that creates an audio recording of the interview shall provide a copy of the recording to each party to the proceeding within 10 days of the interview.

(6) The parties to a proceeding may stipulate to take a deposition rather than conduct an interview, even if the requirements of this section have not been met.

(7) A party shall take depositions before an individual certified court reporter as defined by Title 58, Chapter 74, State Certification of Court Reporters Act.

R151-4-603. Notice of Deposition - Requirements.

(1) A party permitted to take a deposition shall give notice as provided in this subsection. ~~[pursuant to the notice requirements of Utah Rules of Civil Procedure, Rule 30.]~~

(a) The party deposing a witness shall give reasonable notice in writing to every other party.

(b)(i) The notice shall state the date, time, and place for the deposition and the name and address of each witness.

(ii) If the name of a witness is not known, the notice shall describe the witness sufficiently to identify the person or state the class or group to which the person belongs.

(c) The notice to a party deponent may be accompanied by a request in compliance with Section R151-4-514 for the production of documents and tangible things at the deposition.

(d) The notice shall designate the person who will conduct the deposition.

(2)(a) If a deponent is a public or private corporation, a partnership, an association, or a government agency, the notice shall:

(i) describe with reasonable particularity the matters on which questioning is requested;

(ii) direct the organization to designate one or more officers, directors, managing agents, or other persons to testify on its behalf; and

(iii) for each person designated, state the matters on which the person will testify.

(b) A subpoena shall advise a nonparty organization of its duty to make such a designation.

(c) The person so designated shall testify as to matters known or reasonably available to the organization.

~~[(2)](3)(a)~~ The parties may stipulate in writing or, upon motion, the presiding officer may order in writing that the testimony at a deposition be recorded by means other than stenographic means.

(b) The stipulation or order:

(i) shall designate the person before whom the deposition shall be taken;

(ii) shall designate the manner of recording, preserving and filing the deposition; and

(iii) may include other provisions to assure the recorded testimony will be accurate and trustworthy.

(c) A party may arrange to have a transcript made at the party's own expense.

(d) A deposition recorded by means other than stenographic means shall set forth in writing:

(i) any objections;

(ii) any changes made by the witness;

(iii) the signature of the witness identifying the deposition as the witness's own or the statement of the court reporter required if the witness does not sign; and

(iv) a ~~ny~~ certification ~~[required by Utah Rules of Civil Procedure, Rule 30]~~ by the court reporter that the witness was under oath or affirmation and that the record is a true record of the deposition.

~~[(3) The notice to a party deponent may be accompanied by a request in compliance with Section R151-4-514 for the production of documents and tangible things at the deposition.~~

~~(4) Utah Rules of Civil Procedure, Rule 30(b)(6), shall apply if a deponent is:~~

~~(a) a public or private corporation;~~

~~(b) a partnership;~~

~~(c) an association; or~~

~~(d) a government agency.~~

~~[(5)](4)~~ The parties may stipulate in writing or, upon motion, the presiding officer may order a deposition be taken ~~[by telephone]~~ electronically by audio, video, or audio and video.

R151-4-604. Examination and Cross Examination.

(1) Examination and cross examination of witnesses may proceed as permitted at a hearing under the Utah Administrative Procedures Act ~~[and Utah Rules of Civil Procedure, Rule 30].~~

(2) Any objection shall be recorded, but the questioning shall proceed, and the testimony taken subject to the objections.

(3) Any objection shall be stated concisely and in a non-argumentative and non-suggestive manner.

(4) A person may instruct a witness not to answer only to preserve a privilege, to enforce a limitation on evidence directed by the court, or to present a motion for a protective order under Section R151-4-507.

(5) Upon demand of the objecting party or witness, the deposition shall be suspended for the time necessary to make a motion.

(6) The party taking the deposition may complete or adjourn the deposition before moving for an order to compel discovery under Section R151-4-516.

R151-4-605. Motion to ~~Terminate or~~ Limit Examination.

~~[F]In an order permitting depositions, the presiding officer may order the court reporter conducting the examination to end the deposition of:~~

- ~~(1) may limit the scope and manner of taking the deposition; and~~
- ~~(2) shall limit the oral questioning of a nonparty to four hours, and oral questioning of a party to seven hours. [pursuant to Utah Rules of Civil Procedure, Rule 30.]~~

R151-4-606. Submission to Witness - Changes - Signing.

~~[A deposition shall be submitted to the witness, changed, and signed pursuant to Utah Rules of Civil Procedure, Rule 30.]~~ (1) Within 28 days after being notified by the court reporter that the transcript or recording is available, a witness may sign a statement of changes to the form or substance of the transcript or recording and the reasons for the changes.

(2) Any changes timely made by the witness shall be appended to the deposition.

R151-4-607. Certification - Delivery - Exhibits.

~~(1) [The transcript or recording of a deposition shall be certified and delivered pursuant to Utah Rules of Civil Procedure, Rule 30.]~~ The court reporter shall record the deposition.

(2) The court reporter shall sign a certificate to accompany the record, stating that the witness was under oath or affirmation, and that the record is a true record of the deposition.

(3)(a) The court reporter shall keep a copy of the record.

(b) The court reporter shall securely seal the record endorsed with the title of the action and marked "Deposition of (name). Do not open." and shall promptly send the sealed record to the attorney or the party who designated the recording method.

(c) An attorney or party receiving the record shall store it under conditions that will protect it against loss, destruction, tampering, or deterioration.

~~(2)~~ (4)(a) Exhibits shall be marked for identification, inspected, copied, and delivered pursuant to Utah Rules of Civil Procedure, Rule 30.] Each party may inspect and copy documents and things produced for inspection and shall have a fair opportunity to compare copies and originals.

(b)(i) Upon the request of a party, documents and things produced for inspection shall be marked for identification and added to the record.

(ii) If a witness wants to retain the originals, the witness shall offer the originals to be copied, marked for identification, and added to the record.

(5) Upon payment of reasonable charges, the court reporter shall furnish a copy of the record to any party or to the witness.

R151-4-608. Reserved. ~~Persons Before Whom Depositions May Be Taken.~~

~~[A party shall take depositions before an individual certified court reporter as defined by Title 58, Chapter 74, State Certification of Court Reporters Act.]~~ Reserved.

R151-4-609. Use of Depositions.

~~(1) [Pursuant to]~~ Under the other provisions of Section R151-4-609, a part of a deposition, if admissible under Rules 401 through 417 of the Utah Rules of Evidence applied as though the witness were present and testifying, may be used against a party who:

- (a) was present or represented at the taking of the deposition; or
- (b) had reasonable notice of the deposition.

(2) A party may use a deposition:

- (a) to contradict or impeach the testimony of the deponent as a witness; or
- (b) for another purpose permitted by the Utah Rules of Evidence.

(3) An adverse party may use a deposition for any purpose.

(4) A party may use the deposition of a witness, whether or not a party, for any purpose if the presiding officer finds that:

(a) the witness is dead;

(b) the witness is more than 100 miles from the hearing, unless it appears the absence of the witness was procured by the party offering the deposition;

(c) the witness cannot attend or testify because of age, illness, infirmity, or imprisonment; or

(d) the party offering the deposition has been unable to procure the attendance of the witness by subpoena.

(5) If part of a deposition is offered in evidence by a party, an adverse party may require introduction of any other part that ought, in fairness, to be considered with the part introduced.

(6) A deposition lawfully taken and filed in a court or another agency within Utah may be used as if originally taken in the pending proceeding.

(7) A deposition previously taken may otherwise be used as permitted by Rules 401 through 417 of the Utah Rules of Evidence.

R151-4-610. Objections to Admissibility.

A party may object at a hearing to receiving in evidence any part of a deposition for a reason that would require the exclusion of the evidence if the witness were present and testifying.

R151-4-611. Effect of Errors and Irregularities in Depositions.

(1) An error or irregularity in the notice for taking a deposition is waived unless a party promptly serves a written objection on the party giving the notice.

(2) An objection to taking a deposition because of disqualification of the court reporter before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(3) An objection to the competency of a witness or to the competency, relevancy, or materiality of testimony is not waived by failure to make it before or during the taking of the deposition, unless the basis of the objection is one that could have been obviated or removed if presented at that time.

(4) An error or irregularity occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and an error that might be obviated, removed, or cured if promptly presented, is waived unless an objection is made at the taking of the deposition.

(5) An error or irregularity in the manner that the testimony is transcribed or the deposition is prepared, signed, certified, sealed, endorsed, transmitted, filed, or otherwise dealt with is waived unless a motion to suppress is made with reasonable promptness after the defect is, or with due diligence should have been, discovered.

R151-4-701. Hearings Required or Permitted.

A hearing shall be held in an adjudicative proceeding if a hearing is:

- (1) required by statute or rule and not waived by the parties; or
- (2) permitted by statute or rule and timely requested.

R151-4-702. Time to Request Permissive Hearing.

A request for a hearing permitted by statute or rule shall be received no later than:

- (1) the time period for filing a response to a notice of agency action if a response is required or permitted;
- (2) twenty days following the issuance of a notice of agency action if a response is not required or permitted; or
- (3) the filing of the request for agency action.

R151-4-703. Hearings Open to Public - Exceptions.

~~(1)~~ A hearing in an adjudicative proceeding is open to the public unless closed by:

- ~~(a)~~ (1) the presiding officer conducting the hearing, ~~[pursuant to]~~ under Title 63G, Chapter 4, Administrative Procedures Act; or
- ~~(b)~~ (2) a presiding officer who is a public body, ~~[pursuant to]~~ under Title 52, Chapter 4, Open and Public Meetings Act.

~~(2)(a) The deliberative process of an adjudicative proceeding is a quasi-judicial function exempt from the Open and Public Meetings Act.~~

- ~~(b) Deliberations are closed to the public.~~

R151-4-704. Bifurcation of Hearing.

The presiding officer may, for good cause, order a hearing bifurcated into a findings phase and a sanctions phase.

R151-4-705. Order of Presentation in Hearings.

The order of presentation of evidence in hearings in formal adjudicative proceedings shall be as follows:

- (1) opening statement of the party with the burden of proof;
- (2) opening statement of the opposing party, unless the party reserves the opening statement until the presentation of its case-in-chief;
- (3) case-in-chief of the party with the burden of proof and cross examination of witnesses by the opposing party;
- (4) case-in-chief of the opposing party and cross examination of witnesses by the party with the burden of proof;
- (5) if the presiding officer finds it to be necessary, rebuttal evidence by the party that has the burden of proof;
- (6) if the presiding officer finds it to be necessary, rebuttal evidence by the opposing party;
- (7) closing argument by the party with the burden of proof;
- (8) closing argument by the opposing party; and
- (9) final argument by the party with the burden of proof.

R151-4-706. Testimony Under Oath.

Testimony presented at a hearing shall be given under oath administered by the presiding officer and under penalty of perjury.

R151-4-707. Electronic Testimony.

(1) As used in this section, electronic testimony means testimony by contemporaneous transmission from a different location including by telephone, or by other audio or video conferencing technology.

(2) For good cause and with appropriate safeguards, the presiding officer may permit electronic testimony in hearings in ~~[administrative]~~ formal proceedings.

(3) With appropriate safeguards, the presiding officer may permit electronic testimony ~~[is permissible]~~ in an informal proceeding ~~[on]~~ at the request of a party.

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R151-4-708. Standard of Proof.

Unless otherwise provided by statute or a rule applicable to a specific proceeding, the standard of proof in a proceeding under this rule, whether initiated by a notice of agency action or request for agency action, is a preponderance of the evidence.

R151-4-709. ~~Reserved.~~~~Burden of Proof.~~

~~Unless otherwise provided by statute:~~

- ~~(1) the department has the burden of proof in a proceeding initiated by a notice of agency action; and~~
~~(2) the party who seeks action from the department has the burden of proof in a proceeding initiated by a request for agency action.]~~
~~Reserved.~~

R151-4-710. Default Orders.

- (1) The presiding officer may enter a default order under Section 63G-4-209, with or without a motion from a party.
- (2) If a basis exists for a default order, the order may enter without notice to the defaulting party or a hearing.
- (3) A default order is not required to be accompanied by a separate order.

R151-4-711. Record of Hearing.

- (1) The presiding officer shall make a record of ~~any~~~~prehearing~~ conferences ~~[and hearings]~~~~or proceedings~~.
- (2)(a) The presiding officer shall make the record of a hearing in a formal proceeding by:
 - (i) a certified court reporter as defined by Title 58, Chapter 74, State Certification of Court Reporters Act; or
 - (ii) a digital audio ~~or video~~ recording in a commonly used file format.
- (b) The presiding officer shall make the record of ~~a hearing in~~ an informal proceeding by:
 - (i) a method required for a formal proceeding; or
 - (ii) the minutes of the proceeding or an order prepared or adopted by the presiding officer.
- (3) The department shall record a ~~hearing in an adjudicative~~ proceeding at its expense.
- (4)(a) If a party is required by Section R151-4-902 to obtain a transcript of a ~~hearing~~~~proceeding~~ for agency review, the party shall ensure that the record is transcribed:
 - (i) in a formal adjudicative proceeding, by a certified court reporter; or
 - (ii) in an informal adjudicative proceeding, by:
 - (A) a certified court reporter; or
 - (B) a person who is not a party in interest.
- (b) If a transcript is prepared by someone other than a certified court reporter, a party shall file an affidavit of the transcriber stating under penalty of perjury that the transcript is a correct and accurate transcription of the ~~hearing~~ record.
- (c) Pages and lines in a transcript shall be numbered for referencing purposes.
- (d) The party requesting the transcript shall bear the cost of the transcription.
- ~~(e)(i) The presiding officer may strike a transcript prepared by someone other than a certified court reporter if the presiding officer determines that the transcript contains significant errors.~~
- ~~(ii) Upon striking a transcript, the presiding officer may order the party to file a transcript prepared by a certified court reporter.~~
- (5) A party shall file the original transcript of a record of a ~~hearing~~~~proceeding~~ with the presiding officer.

R151-4-712. Fees.

- (1)(a) Witnesses appearing on the demand or at the request of a party may receive payment from that party of:
 - (i) \$18.50 for each day in attendance; and
 - (ii) if traveling more than 50 miles to attend and return from the hearing, 25 cents a mile for each mile actually and necessarily traveled.
- (b) A witness subpoenaed by a party other than the department may:
 - (i) demand one day's witness fee and mileage in advance; and
 - (ii) be excused from appearance unless the fee is provided.
- (2) Interpreters and translators may receive compensation for their services.
- (3) An officer or employee of the United States, the state of Utah, or a county, incorporated city, or town within the state of Utah, may not receive a witness fee unless the officer or employee is required to testify at a time other than during normal working hours.
- (4) A witness may not receive fees in more than one adjudicative proceeding on the same day.

R151-4-801. Requirements and Timeliness.

- (1) For default orders and orders issued after a default order, the requirements of Subsections 63G-4-203(1)(i)(iii), 63G-4-203(1)(i)(iv), and 63G-4-208(1)(e) through (g) are satisfied if the order includes a notice of the right to seek to set aside the order as provided in Subsection 63G-4-209(3).
- (2) Except as provided in Sections 63G-4-502 and R151-4-111, the presiding officer shall issue an order within 45 ~~calendar~~ days after the day the ~~hearing~~~~proceeding~~ concludes.
- (3) If the presiding officer permits the filing of post-~~hearing~~~~proceeding~~ documents, that filing shall be scheduled in a way that allows the presiding officer to issue an order within 45 ~~calendar~~ days after the day the ~~hearing~~~~proceeding~~ concludes.
- (4) The failure of the presiding officer to comply with the requirements of this section:
 - (a) is not a basis for dismissal of the matter; and

- (b) is not an automatic denial or grant of a motion.

R151-4-802. Effective Date.

The effective date of an order is 30 ~~[calendar]~~ days after its issuance unless otherwise provided in the order.

R151-4-803. Clerical Mistakes.

(1) The department may correct clerical mistakes in orders or other parts of the record and errors arising from oversight or omission on:

- (a) its own initiative; or
 - (b) the motion of a party.
- (2) The department may correct mistakes described in this section:
- (a) at any time before the docketing of a petition for judicial review; or
 - (b) as governed by Utah Rules of Appellate Procedure, Rule 11(h).

R151-4-901. Availability of Agency Review and Reconsideration.

(1)(a) Except as otherwise provided in Subsection 63G-4-209(3)(c), an aggrieved party may obtain agency review of a final order by filing a request with the ~~[executive director]~~ commissioner within 30 ~~[calendar]~~ days after the issuance of the order.

(b) This 30-day deadline is jurisdictional, the three-day mailing rule in Subsection R151-4-107(3) does not apply and does not extend the jurisdictional deadline.

(c) A motion to set aside a final order made to a division under Rule 60(b) of the Utah Rules of Civil Procedure does not toll the jurisdictional deadline to file a request for agency review.

~~(e)~~(d) ~~[Pursuant to]~~ Under Subsection 63G-4-102(9), the ~~[executive director]~~ commissioner may extend the deadline only for good cause shown.

~~(d)~~(c) Good cause to justify an extension means special circumstances beyond the control of the person requesting agency review that prevents a timely filing of the request.

~~(e)~~(f) A decision on a ~~[prehearing]~~ motion is not subject to interlocutory appeal or agency review until the division enters a final order.

(2)(a) Agency review is not available for an order or decision entered by the commissioner under:

- (i) ~~[the Utah Motor Vehicle Franchise Advisory Board]~~ Title 13, Chapter 14, New Automobile Franchise Act; or
- (ii) ~~[the Utah Powersport Vehicle Franchise Advisory Board]~~ Title 13, Chapter 35, Powersport Vehicle Franchise Act.

(b) Agency review is not available for an order or decision entered by the Division of Professional Licensing for:

- (i) Prelitigation proceedings under Title 78B, Chapter 3, the Utah Health Care Malpractice Act;
- (ii) a request for modification of a disciplinary order;
- (iii) a request under Title 58, Chapter 4a, for entry into the Utah Professionals Health Program;
- (iv) a petition to remove agency action from public access under Section 63G-4-107; or

~~(iv)~~(v) a determination made on an application for a division determination regarding criminal record ~~[in accordance with]~~ under Section 58-1-310.

(c) Agency review is not available for an order or decision entered by the Division of Corporations and Commercial Code for a:

- (i) refusal to file a document under the Utah Revised Business Corporations Act ~~[pursuant to]~~ under Section 16-10a-126;
- (ii) revocation of a foreign corporation's authority to transact business ~~[pursuant to]~~ under Section 16-10a-1532;
- (iii) refusal to file a document under the Utah Revised Limited Liability Company Act ~~[pursuant to]~~ under Section 48-3a-209; ~~[or]~~
- (iv) denial of reinstatement under the Uniform Limited Cooperative Association Act ~~[pursuant to]~~ under Section 16-16-1213; ~~or~~
- (v) rejection of a UCC financing statement filing under Sections 70A-9a-516 and 70A-9a-520, Uniform Commercial Code - Secured Transactions.

(d)(i) A party may request agency reconsideration ~~[pursuant to]~~ under Section 63G-4-302 for an order or decision exempt from agency review under Subsections R151-4-901(2)(a), R151-4-901(2)(b)(ii), and R151-4-901(2)(c).

(ii) ~~[Pursuant to]~~ Under Subsections 58-4a-105(5) and 78B-3-416(1)(c), agency reconsideration is not available for an order or decision exempt from agency review under Subsections R151-4-901(2)(b)(i) and R151-4-901(2)(b)(iii).

R151-4-902. Request for Agency Review - Transcript~~[of Hearing]~~ - Service.

(1) A request for agency review shall:

- (a) comply with Subsection 63G-4-301(1)(b) and this section; and
- (b) include a copy of the order that is the subject of the request.

(2) A party requesting agency review shall set forth any factual or legal basis in support of that request, including adequate supporting arguments and citation to:

- (a) appropriate legal authority; and
- (b) the relevant portions of the record.

(3)(a) If a party challenges a finding of fact, the party shall demonstrate, based on the entire record, that the finding is not supported by substantial evidence.

(b) A party challenging a finding of fact bears the burden to show that the finding is not supported by substantial evidence.

(c) A party challenging a legal conclusion shall support the argument with citation to:

NOTICES OF PROPOSED RULES

- (i) relevant authority; and
- (ii) the portions of the record relevant to the issue.

(4)(a) If the grounds for agency review include a challenge to a determination of fact or conclusion of law as unsupported by or contrary to the evidence, the party seeking agency review shall order and cause a transcript of the record relevant to the finding or conclusion to be prepared.

(b) When a transcript is required, the party seeking review shall:

- (i) certify that the transcript has been ordered;
- (ii) notify the department when the transcript will be available; and
- (iii) file the transcript with the ~~[executive director]~~commissioner in accordance with the time frame stated in the certification regarding transcript.

(c) The party seeking agency review bears the cost of the transcript.

(5) If a party's grounds for agency review include any legal argument, the party shall support the argument with specific citations to the transcript of the proceeding, indicating when the argument was raised and preserved in the proceeding. Examples of legal argument include:

- (a) an objection to a ruling of the presiding officer;
- (b) an argument regarding one or more procedures attendant to the proceeding; or
- (c) an argument as to the legal validity, including the constitutionality, of a statute or rule.

(6)(a) A party seeking agency review shall, in the manner described in Sections R151-4-401 and R151-4-402, file and serve on the parties copies of correspondence, pleadings, motions, and other submissions.

(b) If an attorney enters an appearance on behalf of a party, service shall be made on the attorney instead of the party.

R151-4-903. Stay Pending Agency Review.

(1)(a) With a timely filing of a request for agency review of an order, the party seeking review may file a motion for a stay of the order pending the completion of agency review.

(b) If a motion to stay is not timely filed and subsequently granted, the order subject to review shall remain in effect according to its terms.

(2)(a) The division that issued the order subject to review may oppose a motion for a stay in writing within ten days from the date the stay is requested.

(b) Failure to oppose a timely request for a stay shall result in an order granting the stay unless the ~~[executive director]~~commissioner determines that a stay would not be in the best interest of the public under Subsection R151-4-903(3)(a).

(c) If a division opposes a motion for a stay, the ~~[executive director]~~commissioner may permit a final response by the party requesting the stay.

(d) The ~~[executive director]~~commissioner may enter an interim order granting a stay pending a decision on the motion for a stay.

(3)(a) In determining whether to grant a request for a stay, the ~~[executive director]~~commissioner shall review the division's findings of fact, conclusions of law and order to determine whether granting a stay would, or might reasonably be expected to, pose a significant threat to the public health, safety, and welfare.

(b) The ~~[executive director]~~commissioner may issue:

- (i) an order granting the motion for a stay;
- (ii) a conditional stay imposing terms, conditions or restrictions on a party pending agency review;
- (iii) a partial stay; or
- (iv) an order denying the motion for a stay.

R151-4-904. Agency Review - Memoranda.

(1)(a) The department may order or permit the parties to file memoranda to assist in conducting agency review.

(b) Memoranda shall comply with:

- (i) this rule; and
- (ii) a scheduling order entered by the department.

(2)(a) If a transcript is necessary to conduct agency review, a memorandum supporting a request for agency review shall be concurrently filed with the request.

(b) If a transcript is necessary to conduct agency review, a party requesting agency review shall file a supporting memorandum no later than 15 days after the filing of the transcript with the department.

(3)(a) A response to a request for agency review and a memorandum supporting that response shall be filed no later than 30 days after the service of the memoranda supporting the request.

(b) A final reply memorandum shall be filed no later than 10 days after the service of a response to the request for agency review.

(4) If agency review involves more than two parties the department ~~[shall]~~may conduct a telephonic scheduling conference to address briefing deadlines.

R151-4-905. Agency Review - Standards of Review.

In both formal and informal adjudicative proceedings, the standards for agency review correspond to the standards for judicial review of formal adjudicative proceedings under Subsection 63G-4-403(~~[4]~~5).

R151-4-906. Agency Review - Type of Relief - Order on Review.

- (1) The type of relief available on agency review shall be the same as the type of relief available on judicial review under Subsection 63G-4-404(1)(b).
- (2) The order on review constitutes final agency action for purposes of Subsection 63G-4-401(1).

R151-4-907. Stay Pending Judicial Review.

- (1) A party seeking judicial review of an order may file with the ~~[executive director]~~ commissioner a motion for a stay of the order pending judicial review. The party filing the motion for a stay shall file the motion with the ~~[executive director]~~ commissioner on the same date that a timely petition for judicial review is filed with the court.
 - (2) Unless otherwise provided by statute, a motion for a stay of an order pending judicial review shall include:
 - (a) a statement of the reasons for the relief requested;
 - (b) a statement of the facts relied upon;
 - (c) affidavits or other sworn statements if the facts are subject to dispute;
 - (d) relevant portions of the record of the adjudicative proceeding and agency review;
 - (e) a memorandum of law identifying the issues to be presented on appeal and supporting the aggrieved party's position that those issues raise a substantial question of law or fact reasonably likely to result in reversal, remand for a new ~~[hearing]~~ proceeding, or relief from the order entered;
 - (f) clear and convincing evidence that if the ~~[executive director]~~ commissioner does not grant the requested stay, the aggrieved party will suffer irreparable injury;
 - (g) clear and convincing evidence that if the ~~[executive director]~~ commissioner grants the requested stay, it will not substantially harm other parties to the proceeding; and
 - (h) clear and convincing evidence that if the ~~[executive director]~~ commissioner grants the requested stay, the aggrieved party will not pose a significant danger to public health, safety, and welfare.
 - (3)(a) The division that issued the order subject to review may oppose a motion for a stay in writing within ten days from the date that the motion is filed.
 - (b) Failure to oppose a timely motion under this section shall result in an order granting the stay unless the ~~[executive director]~~ commissioner determines that a stay would not be in the public interest.
 - (c) If a division opposes a motion for a stay, the ~~[executive director]~~ commissioner may permit a final response by the party filing the motion.
 - (4) The ~~[executive director]~~ commissioner may grant a motion for a stay of an order pending judicial review if the party filing the motion meets the criteria in Subsections R151-4-907(1) and (2).

KEY: administrative procedures, adjudicative proceedings, government hearings
Date of Last Change: 2026[January 10, 2024]
Notice of Continuation: June 10, 2025
Authorizing, and Implemented or Interpreted Law: 13-1-6; 63G-4-102(6)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58021
Rule or section number:	R156-5a

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Larry Marx	801-530-6254	lmarx@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-5a. Podiatric Physician Licensing Act Rule
B. Purpose of the new rule or reason for the change:
The Division of Professional Licensing (Division) in collaboration with the Podiatry Board is filing these proposed amendments to clean up citations to statute and rule and align the rule with the Office of Administrative Rules (OAR) drafting requirements.
C. Summary of the new rule or change:
Section R156-5a-101 incorporates the language of Sections R156-5a-103 and R156-5a-104 to conform to the structure of other Division rules. As such, Sections R156-5a-103 and R156-5a-104 are removed from this rule.
Section R156-5a-302a is amended to update a citation due to a change in statute.
Section R156-5a-302b is amended to update a citation due to a change in statute and to conform to OAR drafting standards.
Section R156-5a-302c is amended to update citations due to a change in statute, conform the section to OAR drafting standards, and provide the correct name for an organization.
Section R156-5a-303 is amended to conform to the structure of other Division rules.
Sections R156-5a-304 and R156-5a-305 are amended to conform to the structure of other Division rules and OAR drafting standards.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Division does not anticipate any fiscal impact to the state budget because the proposed amendments merely clarify and update this rule to be current and accurate for licensees.
B. Local governments:
The Division does not anticipate any cost or savings to local governments from the proposed amendments because the proposed amendments do not apply to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
There are approximately 89 small businesses in Utah with podiatric physicians (NAICS 621391).
However, the proposed amendments are not expected to have any measurable impact on small business revenues or expenditures because the amendments merely update this rule to provide more utility and accuracy to licensees.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are approximately two non-small businesses in Utah with podiatric physicians (NAICS 621391).
However, the proposed amendments are not expected to have any measurable impact on small businesses' revenues or expenditures because the amendments merely update this rule to provide more utility and accuracy to licensees.
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>):
In Utah, there are 289 licensed podiatric physicians and 2 licensed volunteer podiatric physicians.

The Division does not anticipate any cost or savings from these proposed amendments to these persons or to additional persons other than small businesses, non-small businesses, the state, and local government entities because the amendments merely update this rule to provide more utility and accuracy to licensees.

The proposed amendments also will not create new obligations for other persons or increase the costs associated with any existing obligations for other persons.

F. Compliance costs for affected persons:

As described in Box 5E for other persons, no compliance costs are expected for affected persons.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-5a-101
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 07/15/2026

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time:	Place (physical address or URL):
07/02/2026	09:00 AM	Heber M. Wells Building, 160 E 300 S,

		Room 402, Salt Lake City, UT Google Meet joining info: Video call link: https://meet.google.com/fhq-dvoa-utv Or dial: (US) +1 478-239-2182 PIN: 814 571 309# More phone numbers: https://tel.meet/fhq-dvoa-utv? pin=2951401463843
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12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/22/2026
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13. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	Date:	04/30/2026
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R156. Commerce, ~~Occupational and~~ Professional Licensing.

R156-5a. Podiatric Physician Licensing Act Rule.

R156-5a-101. Title - Authority - Relationship to Rule R156-1.

(1) This rule is known as the "Podiatric Physician Licensing Act Rule."~~[-]~~

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 5a, Podiatric Physician Licensing Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-5a-102. Definitions.

~~[In addition to the definitions in Title 58, Chapters 1 and 5a, as used in Title 58, Chapters 1 and 5a or this rule]~~ Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and in Title 58, Chapter 5a, Podiatric Physician Licensing Act. In addition:

(1) "CPME" means the Council on Podiatric Medical Education.

(2) "Recognized school" as used in Subsection 58-5a-306(2) means a school that is accredited by the Council on Podiatric Medical Education.

~~**R156-5a-103. Authority - Purpose.**~~

~~This rule is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 5a.~~

~~**R156-5a-104. Organization - Relationship to Rule R156-1.**~~

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.~~

R156-5a-302a. Qualifications for Licensure - Education Requirements.

~~[In accordance with]~~ Under Subsections 58-5a-302(~~[5]~~4)(b)(ii) and (iii), an applicant shall complete and sign the affidavit of current Utah post-graduate resident training contained in the Division's podiatric physician license application, to satisfy the Division and board that the applicant:

(1) has been accepted in and is successfully participating in a CPME-approved progressive resident training program within Utah;

and

(2) has agreed to the required automatic revocation and surrender of the applicant's license if the applicant fails to continue in good standing in that program.

R156-5a-302b. Qualifications for Licensure - Examination Requirements.

~~[In accordance with]~~ Under Subsections 58-1-203(1) and 58-5a-302(~~[6]~~5), ~~[the]~~an applicant for licensure shall pass ~~[examinations required to be passed for licensure are]~~Part I, Part II written, Part II CSPE, and Part III of the American Podiatric Medical Licensing Examination (APMLE), developed by the National Board of Podiatric Medical Examiners ~~[examination]~~(NBPME).

R156-5a-302c. Qualifications for Licensure - Training Requirements.

(1) ~~[In accordance with]~~ Under Subsection 58-5a-103(~~[3]~~4)(b)(iii), acceptable documentation that the podiatric physician has

completed training and experience in standard or advanced midfoot, rearfoot, and ankle procedures ~~may include certification~~, ~~shall consist of verification~~ from the American Board of Podiatric Medicine, the Council on Podiatric Medical Education Residency and Fellowships, or a similar qualification approved by the Division in collaboration with the Board ~~[Foot and Ankle Surgery that the applicant is currently board qualified]~~.

(2) ~~[In accordance with]~~ Under Subsection 58-5a-103(~~[3]~~4)(c)(iii), acceptable documentation that the podiatric physician has completed training and experience in standard or advanced midfoot, rearfoot, and ankle procedures, ~~[shall consist of verification]~~ is of a fellowship in foot and ankle surgery from a program approved, at the time of completion, by the Council on Podiatric Medical Education.

R156-5a-303. ~~[Renewal Cycle]~~ License Term - Renewal and Reinstatement Procedures.

(1) ~~[In accordance with]~~ Under Subsection 58-1-308(1)(a), the renewal date for the two-year renewal cycle ~~[applicable to]~~ for licensees under Title 58, Chapter 5a, Podiatric Physician Licensing Act is established ~~[by rule]~~ in Section R156-1-308a.

(2) Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308c through R156-1-308l.

R156-5a-304. Continuing Education.

(1) ~~[In accordance with]~~ Under Section 58-5a-304, this section establishes a continuing professional education requirement ~~[is established]~~ for ~~[all]~~ individuals licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act.

(2) During each two-year period commencing on September 30 of each even-numbered year, a licensee shall ~~[be required to]~~ complete ~~[not less than]~~ at least 40 hours of qualified continuing professional education directly related to the licensee's professional clinical practice.

(3) ~~[The required number of hours of professional education for an individual who first becomes licensed during the two-year period shall be decreased in a pro-rata amount equal to any part of that two-year period preceding the license date.]~~ If a licensee first becomes licensed during the two-year renewal cycle, the licensee's required number of continuing professional education hours shall be decreased proportionately according to the date of licensure.

(4) Qualified continuing professional education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the program directly related to the practice of a podiatric physician;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well-organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience;

(e) have a competent method of registration of individuals who completed the program with records of registration and completion available for review; and

(f) be sponsored or approved by a combination of the following:

(i) one of the organizations listed in Subsection 58-5a-304(3);

(ii) the American Podiatric Medical Association; or

(iii) the Division ~~[of Occupational and Professional Licensing]~~.

(5) Credit for continuing professional education per two-year period may ~~[shall]~~ be recognized in accordance with the following:

(a) unlimited hours ~~[shall be recognized]~~ for professional education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences;

(b) a maximum of 40 hours ~~[per two-year period may be recognized]~~ for teaching in a college or university or teaching qualified professional education courses in the field of podiatry;

(c) a maximum of ten hours ~~[per two-year period may be recognized]~~ for clinical readings directly related to practice as a podiatric physician;

(d) a maximum of six hours ~~[per two-year period]~~ may come from the Division ~~[of Occupational and Professional Licensing]~~; and

(e) ~~[per]~~ under Section 58-13-3 ~~[concerning charity health care]~~, a maximum of 15% of the required hours ~~[per two-year period]~~ may come from providing volunteer services within the scope of license at a qualified location, with one hour of credit earned for every four hours of volunteer service.

(6) A licensee shall ~~[be responsible for]~~ maintain ~~[ing]~~ [competent] adequate records of completed qualified continuing professional education for a period of ~~[four]~~ two years after close of the two-year period to which the records pertain. ~~[It is the responsibility of t]~~ The licensee [to] shall demonstrate the professional education meets the requirements of this section.

(7) The Division may allow a licensee to defer or waive one or more continuing education requirements for a period of up to three years under Section R156-1-308d. ~~[If a licensee properly documents that the licensee is engaged in full-time activities or is subjected to circumstances which prevent that licensee from meeting the continuing professional education requirements established under this section, the licensee may be excused from the requirement for a period of up to three years.]~~

R156-5a-305. Radiology Course for Unlicensed Podiatric Assistants.

~~[In accordance with]~~ Under Subsection 58-5a-306(3), radiology courses for an unlicensed ~~[person]~~ individual performing services under the supervision of a podiatric physician shall include radiology theory consisting of the following:

(1) orientation of radiation technology;

(2) terminology;

(3) radiographic podiatric anatomy and pathology (cursory);

(4) radiation physics (basic);

NOTICES OF PROPOSED RULES

- (5) radiation protection to patient and operator;
- (6) radiation biology including interaction of ionizing radiation on cells, tissues and matter;
- (7) factors influencing biological response to cells and tissues to ionizing radiation and cumulative effects of x-radiation;
- (8) external radiographic techniques;
- (9) processing techniques including proper disposal of chemicals; and
- (10) infection control in podiatric radiology.

KEY: licensing, podiatrists, podiatric physician

Date of Last Change: ~~October 10, 2017~~ **2026**

Notice of Continuation: March 30, 2023

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-5a-101

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58014
Rule or section number:	R156-16a

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M.Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Larry Marx	801-530-6254	lmarx@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-16a. Optometry Practice Act Rule
B. Purpose of the new rule or reason for the change:
The Division of Professional Licensing (Division) in collaboration with the Optometry Board is filing these proposed amendments to clean up citations to statute and rule, remove the licensure by endorsement language that relates to language removed from statute in 2022, and align this rule with the Office of Administrative Rules (OAR) drafting requirements.
C. Summary of the new rule or change:
Section R156-16a-101 incorporates the language of Sections R156-16a-103 and R156-16a-04 to conform to the structure of other Division rules. As such, Sections R156-16a-103 and R156-16a-104 are removed from this rule.
Section R156-16a-102 is amended to update a citation due to a change in statute and to conform to OAR drafting standards and the structure of other Division rules.
Section R156-16a-302a is renumbered to Section R156-16a-302 and combined with the language from Section R156-16a-302b. As such, Section R156-16a-302b is removed from this rule. This section is then written to conform to statutory changes.
Section R156-16a-302c is removed from this rule because the enabling statutory language was removed by SB 43, passed in the 2022 General Session.
Section R156-16a-304 is rewritten to more clearly detail the continuing professional education requirements.
Section R156-16a-307 is removed as it no longer applies and is outdated.

Section R156-16a-502 is rewritten to more clearly articulate what actions are unprofessional conduct.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 301 (2026 General Session); SB 43 (2022 General Session)

5. Fiscal Information

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

A. State budget:

The Division does not anticipate any fiscal impact to the state budget because the proposed amendments merely clarify and update this rule to be current and accurate for licensees.

B. Local governments:

The Division does not anticipate any cost or savings to local governments from the proposed amendments because the proposed amendments do not apply to local governments.

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

There are approximately 214 small businesses in Utah with optometrists (NAICS 621320).
However, the proposed amendments are not expected to have any measurable impact on small businesses' revenues or expenditures because the amendments merely update this rule to provide more utility and accuracy to licensees.

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

There are approximately no non-small businesses in Utah with optometrists (NAICS 621320), so there is no expected impact on non-small businesses.
However, even if there are more non-small businesses than what is reflected by the NAICS data, the proposed amendments are not expected to have any measurable impact on revenues or expenditures because the amendments merely update this rule to provide more utility and accuracy to licensees.

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*):

In Utah, there are 701 licensed optometrists, 1 licensed diagnostic only optometrist, and 1 licensed volunteer optometrist.
The Division does not anticipate any cost or savings from these proposed amendments to these persons or to additional persons other than small businesses, non-small businesses, the state, and local government entities because the amendments merely update this rule to provide more utility and accuracy to licensees.
The proposed amendments also will not create new obligations for other persons or increase the costs associated with any existing obligations for other persons.

F. Compliance costs for affected persons:

As described in Box 4E for other persons, no compliance costs are expected for affected persons.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

NOTICES OF PROPOSED RULES

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-16a-101
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 07/15/2026

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time:	Place (physical address or URL):
07/09/2026	09:00 AM	Anchor Meeting Location: Heber M Wells Building Room 475 160 E 300 S Salt Lake City, UT Google Meet joining info: Video call link: https://meet.google.com/xjd-zjih-ppz Or dial: (US) +1 978-593-3700 PIN: 153 419 559# More phone numbers: https://tel.meet/xjd-zjih-ppz?pin=1524215527248

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/22/2026
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13. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	Date:	05/07/2026
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R156. Commerce, ~~Occupational and~~ Professional Licensing.**R156-16a. Utah Optometry Practice Act Rule.****R156-16a-101. Title -- Authority - Relationship to Rule R156-1.**

(1) This rule is known as the "Utah Optometry Practice Act Rule."^[7]

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 16a, Utah Optometry Practice Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-16a-102. Definitions.

~~[In addition to the definitions in Title 58, Chapters 1 and 16a, as used in Title 58, Chapters 1 and 16a or this rule]~~ Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act and Title 58, Chapter 16a, Utah Optometry Practice Act. In addition:

(1) "Practitioner" means an ~~any person or~~ individual licensed in ~~[this state]~~ Utah as a physician and surgeon, osteopathic physician and surgeon, physician assistant, nurse practitioner, or ~~an~~ optometric physician.

(2) "Verbal order" as used in Subsection 58-16a-102(3)(a)^[7] means that the attending optometrist ordered the contact lens prescription by telephone, or that an individual acting under the supervision and direction of the attending optometrist ordered the contact lens prescription by telephone.

~~R156-16a-103. Authority - Purpose.~~

~~This rule is adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 16a.~~

~~R156-16a-104. Organization - Relationship to Rule R156-1.~~

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.]~~

R156-16a-302[a]. Qualifications for Licensure - Education and Examination Requirements.

~~[In accordance with]~~ (1) Under Subsection 58-16a-302~~(1)(e)~~(3)(b), the course of study satisfactory to the ~~[d]~~ Division and the ~~[b]~~ Board shall consist of:

~~(1) 100 clock hours of General and Ocular Pharmacology in a recognized accredited optometry school;~~ and

~~(2) one of the following courses in Emergency Medical Care:~~

~~(a) Cardiopulmonary Resuscitation (CPR); or~~

~~(b) Basic Life Support (BCLS)].~~

(2) Under Subsection 58-16a-302(4), an applicant for licensure as an optometrist shall pass the following exams:

(a) the National Board of Examiners in Optometry examinations, including the following sections:

(i) Part I Applied Basic Science (ABS);

(ii) Part II Patient Assessment and Management (PAM); and

(iii) Part III Patient Encounters and Performance Skills (PEPS).

~~R156-16a-302b. Qualifications for Licensure - Examination Requirements.~~

~~In accordance with Subsection 58-16a-302(1)(f), the examinations which must be successfully passed by applicants for licensure as an optometrist are:~~

~~(1) the National Board of Examiners in Optometry examinations to include the following sections:~~

~~(a) Part I (Basic Science);~~

~~(b) Part II (Clinical Science and the Treatment and Management of Ocular Disease (TMOD));~~

~~(c) Part III (Patient Care); and~~

~~(d) The stand-alone TMOD if licensed prior to 1993.~~

R156-16a-302c. Licensure by Endorsement.

In accordance with Subsection 58-16a-302(2)(b), optometry practice that is "consistent with the legal practice of optometry in this state" means that the licensed optometrist has lawfully engaged in therapeutic optometry for not less than 3200 hours in the past two years.]

R156-16a-304. Continuing Education.

~~[In accordance with Section 58-16a-304, the standards for the 30 hours of qualified continuing professional education are as follows:~~

~~(1) Except for the special courses and volunteer hours described in Subsections R156-16a-304(2), (3) and (4), all qualified continuing professional education must be:~~

~~(a) courses approved by the Council on Professional Education (COPE); or~~

~~(b) optometry-related courses approved by the Council on Medical Education.~~

~~(2) A maximum of two hours of continuing professional education may be courses in certification or recertification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BCLS).~~

~~(3) A maximum of two hours of continuing professional education may come from the Division of Occupational and Professional Licensing for training regarding the use of the Utah Controlled Substance Database.~~

~~(4) Licensees may fulfill up to 15% of their continuing education requirement by providing volunteer services within the scope of their license at a qualified location, in accordance with Section 58-13-3. For every four documented hours of volunteer services, the licensee may earn one hour of continuing education.~~

~~(5) Qualified continuing professional education hours for licensees who have not been licensed for the entire two-year renewal cycle will be prorated from the date of licensure.~~

~~(6) A licensee shall maintain competent records of completed qualified continuing professional education for a period of four years after close of the two-year licensure period to which the records pertain. It is the responsibility of the licensee to demonstrate that their continuing professional education meets the requirements of this section.~~

~~(7) Hours in excess of the 30 hours obtained in one two-year licensure cycle cannot be transferred to the next renewal cycle.~~

~~(8) A licensee who has a serious health problem or who has left the United States for an extended period of time, which may prevent the licensee from being able to comply with the professional continuing education requirements established under this section, may be excused from completing some or all of the requirements established under this section by submitting a written request to the Division and receiving Division approval.~~

~~(9) Additional continuing professional education hours required for controlled substance prescribers shall be in accordance with Section 58-37-6.5 and Section R156-37-402.](1) Under Section 58-16a-304, the standards for the 30 hours of qualified continuing professional education required during each two-year licensure cycle are established in this section.~~

~~(2) Except as provided in Subsection R156-16a-304(3), continuing professional education shall consist of:~~

~~(a) courses approved by:~~

~~(i) the Council on Professional Education (COPE);~~

~~(ii) the American Optometry Association (AOA); or~~

~~(iii) the Optometry Licensing Board; or~~

~~(b) optometry-related courses approved by the Council on Medical Education.~~

~~(3) In addition to completing approved courses, a licensee may obtain continuing professional education hours as follows:~~

~~(a) up to two hours through courses in certification or recertification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BCLS);~~

~~(b) up to two hours through Division training regarding use of the Utah Controlled Substance Database; or~~

~~(c) up to 15% of the 30-hour requirement by providing volunteer health care services under Section 58-13-3, with one hour of credit for every four documented hours of volunteer services.~~

~~(4) A licensee may not carry over hours exceeding the 30-hour requirement from one licensure cycle to another licensure cycle.~~

~~(5) If a licensee first becomes licensed during the two-year licensure cycle, the licensee's required number of hours shall be decreased proportionately according to the date of licensure.~~

~~(6) The Division may defer or waive continuing professional education requirements for a licensee in accordance with Section R156-1-308d.~~

~~(7) A licensee who is a controlled substance prescriber shall obtain their controlled substance prescribing continuing education hours in accordance with Sections 58-37-303 and R156-37-402.~~

~~(8) A licensee shall maintain documentation sufficient to prove compliance with this section for two years after the end of the licensure cycle for which the continuing professional education is due.~~

~~[R156-16a-307. Licenses Held on Effective Date – Scope of Practice Defined.~~

~~(1) In accordance with Section 58-16a-307, the scope of practice for an individual holding a current license as an optometrist without certification on May 5, 1997 is clarified as follows:~~

~~(a) An optometrist without certification:~~

~~(i) shall not engage in the treatment of eye disease or injury, the administration or prescribing of diagnostic or therapeutic prescription drugs, or over the counter medicines, the removal of any foreign body from the eye, or treatment of any condition of the eye except those which can be corrected by the use of lenses, prisms, contact lenses, or ocular exercises; and~~

~~(ii) may use, dispense, or recommend over the counter contact lens solutions.~~

~~(iii) upon finding any eye disease or injury requiring therapeutic treatment, shall refer the patient to a qualified practitioner.~~

~~(2) In accordance with Section 58-16a-307, the scope of practice for an individual holding a current license as an optometrist with diagnostic certification on May 5, 1997 is clarified as follows:~~

~~(a) An optometrist with diagnostic certification:~~

- ~~_____ (i) shall not engage in the treatment of eye disease or injury, the administration or prescribing of therapeutic prescription drugs, or therapeutic over the counter medicines, the removal of any foreign body from the eye, or treatment of any condition of the eye except those which can be corrected by the use of lenses, prisms, contact lenses, or ocular exercises;~~
- ~~_____ (ii) may use, dispense, or recommend over the counter contact lens solutions;~~
- ~~_____ (iii) may administer diagnostic prescription drugs or over the counter medicines to include the categories of anesthetics, myotics, mydriatics, or cyclopegics; and~~
- ~~_____ (iv) upon finding any eye disease or injury requiring therapeutic treatment, shall refer the patient to a qualified practitioner.~~
- ~~_____ (3) In accordance with Section 58-16a-307, the scope of practice for an individual holding a current license as an optometrist with therapeutic certification on May 5, 1997 shall be consistent with the scope of practice set forth in Section 58-16a-601.]~~

R156-16a-502. Unprofessional Conduct.

[~~_____ In addition to Title 58, Chapters 1 and 16a, and in accordance with Subsection 58-1-203(5), unprofessional conduct is further defined to include:~~

- ~~_____ (1) engaging in optometry beyond the scope of practice pursuant to Section R156-16a-307 and Section 58-16a-601.]~~
- ~~_____ Under Subsection 58-1-203(5), "unprofessional conduct" includes, in addition to the definitions in Title 58, Chapter 1, Division of Professional Licensing Act and Title 58, Chapter 16a, Utah Optometry Practice Act, engaging in optometry beyond the scope of practice defined in Section 58-16a-307 or Section 58-16a-601.~~

KEY: optometrists, licensing

Date of Last Change: ~~February 21, 2017~~2026

Notice of Continuation: January 25, 2022

Authorizing, and Implemented or Interpreted Law: 58-16a-101; 58-1-106(1)(a); 58-1-202(1)(a)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58012
Rule or section number:	R156-40a

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Lisa Martin	801-530-7632	lmartin@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-40a. Athletic Trainer Licensing Act Rule
B. Purpose of the new rule or reason for the change:
The Division of Professional Licensing (Division) in collaboration with the Athletic Trainer Licensing Board is filing these proposed amendments to clean up citations to statute and rule and update documents incorporated by reference that have been revised since this rule was last amended.
The proposed amendments also align this rule with the Office of Administrative Rules (OAR) drafting requirements and reflect the requirements of the profession in the renewal requirements.

<p>C. Summary of the new rule or change:</p> <p>Section R156-40a-101 incorporates the language of Sections R156-40a-104 and R156-40a-105 to conform to the structure of other Division rules. As such, Sections R156-40a-104 and R156-40a-105 are removed from this rule.</p> <p>Section R156-40a-102 is amended to correct a citation error and conform this rule to the structure of Division rules and OAR drafting standards.</p> <p>Section R156-40a-302a is amended to reflect the revised title of the document incorporated by reference and update the effective date of that document.</p> <p>Section R156-40a-304 is amended to include in rule the requirement of BOC certification that already exists in the profession and is required in Division renewal forms.</p> <p>Section R156-40a-502 is amended to update the implementation date of the document incorporated by reference.</p>

4. Legislative Action Information

<p>A. Are any changes in this filing because of state legislative action?</p>	<p>Changes are because of legislative action.</p>
<p>B. If yes, any bill number and session:</p>	<p>SB 31 (2026 General Session)</p>

5. Fiscal Information

<p>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</p>
<p>A. State budget:</p> <p>The Division does not anticipate any fiscal impact to the state budget beyond that determined by the fiscal note for SB 31, passed in the 2026 General Session, and found at https://le.utah.gov/~2026/bills/static/SB0031.html, because the proposed amendments clarify and update this rule to be current and accurate for licensees.</p>
<p>B. Local governments:</p> <p>The Division does not anticipate any cost or savings to local governments from the proposed amendments because the proposed amendments do not apply to local governments.</p>
<p>C. Small businesses ("small business" means a business employing 1-49 persons):</p> <p>There are approximately 461 small businesses in Utah with athletic trainers (NAICS 621340) and other similar licensees and who may employ those engaged in athletic training (this NAICs code covers professions beyond athletic trainers as well).</p> <p>However, the proposed amendments are not expected to have any measurable impact on small businesses' revenues or expenditures because the amendments merely update this rule to provide more utility and accuracy to licensees.</p>
<p>D. Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>There are approximately 8 non-small businesses under NAICS 621340.</p> <p>However, the proposed amendments are not expected to have any measurable impact on non-small businesses' revenues or expenditures because the amendments merely update this rule to provide more utility and accuracy to licensees.</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>In Utah, there are 807 licensed athletic trainers.</p> <p>The Division does not anticipate any cost or savings from these proposed amendments to these persons or to additional persons other than small businesses, non-small businesses, the state, or local government entities because the amendments merely update this rule to provide more utility and accuracy to licensees.</p>

The proposed amendments also will not create new obligations for other persons or increase the costs associated with any existing obligations for other persons.

F. Compliance costs for affected persons:

As described in Box 5E for other persons, no compliance costs are expected for affected persons.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-40a-101
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10. Incorporation by Reference Information

Incorporation by Reference:	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	BOC Standards of Professional Practice
Publisher	Board of Certification for the Athletic Trainer
Issue Date	January 2024
Issue or Version	Version 3.5

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Standards and Procedures for Accreditation of Professional Programs in Athletic Training
Publisher	Commission on Accreditation of Athletic Training Education
Issue Date	January 2026

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/15/2026

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time:	Place (physical address or URL):
07/09/2026	10:00 AM	Anchor Meeting Location: Heber M Wells Building Room 474 160 E 300 S Salt Lake City, UT Google Meet joining info: Video call link: https://meet.google.com/mre-sxdz-cdu Or dial: (US) +1 413-728-2481 PIN: 290 447 344# More phone numbers: https://tel.meet/mre-sxdz-cdu? pin=8892350937457

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/22/2026
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13. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	Date:	05/12/2026
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R156. Commerce, ~~Occupational and~~ Professional Licensing.

R156-40a. Athletic Trainer Licensing Act Rule.

R156-40a-101. Title - Authority - Relationship to Rule R156-1.

(1) This rule is known as the "Athletic Trainer Licensing Act Rule."

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 40a, Athletic Trainer Licensing Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-40a-102. Definitions.

[In accordance with] Under Subsection 58-1-203(1)(e), the definition of unprofessional conduct in Title 58, Chapter[s] 1, Division of Professional Licensing Act and Title 58, Chapter 40a, Athletic Trainer Licensing Act is further defined in Section R156-40a-502.

~~[R156-40a-104. Authority - Purpose.~~

~~This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 40a.~~

~~R156-40a-105. Organization - Relationship to Rule R156-1.~~

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.]~~

R156-40a-302a. Qualifications for Licensure.

[In accordance with] Under Subsection 58-40a-302(1), the "athletic training curriculum requirement" shall be:

- (1) the curriculum program standard for accreditation set forth in the Standards and Procedures for [the] Accreditation of Professional Programs in Athletic Training [Entry Level Athletic Training Education Programs], [revised] effective January 2026 [June 8, 2006], published by the Commission on Accreditation of Athletic Training Education (CAATE), which is [hereby adopted and] incorporated by reference; or
- (2) a program of education, training, and experience approved by the Board of Certification, Inc. (BOC), or its successor.

R156-40a-304. [Renewal Cycle] Licensing Term - Renewal and Reinstatement Procedures.

(1) [In accordance with] Under Subsection 58-1-308(1) and Section 58-40a-304, the renewal date for the two-year renewal cycle [applicable to] for licensees under Title 58, Chapter 40a, Athletic Trainer Licensing Act is established [by rule] in S[ub]section R156-1-308a[+].

(2) Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308c through R156-1-308l.

(3) Under Subsection 58-1-203(1)(g), during each two-year renewal cycle, a licensee shall maintain:

(a) current and active BOC certification; or

(b) certification by a nationally recognized credentialing agency approved by the Division in collaboration with the Board.

R156-40a-502. Unprofessional Conduct.

"Unprofessional conduct" includes violating any provision of the Board of Certification Standards of Professional Practice, implemented January 2024 [1, 2006], which is [hereby adopted and] incorporated by reference.

KEY: licensing, occupational licensing, athletic trainers

Date of Last Change: [July 22, 2014] 2026

Notice of Continuation: October 19, 2021

Authorizing, and Implemented or Interpreted Law: 58-40a-101; 58-1-106(1)(a); 58-1-202(1)(a)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58033
Rule or section number:	R309-110-4

1. Agency Information

Title catchline:	Environmental Quality, Drinking Water
Building:	Multi-Agency State Office Buildings
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT6
Mailing address:	PO Box 144830
City, state and zip:	Salt Lake City, UT 84114-4830

2. Contact Persons

Name:	Phone:	Email:
Sarah Romero-Rivera	801-896-8255	sarahromero@utah.gov
Mimi Ujiie	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.

3. General Information

A. Rule or section catchline:
R309-110-4. Definitions
B. Purpose of the new rule or reason for the change:
The amendments to Section R309-110-4 are to align this rule with proposed amendments to Section R309-210-6, which directly affect the Section R309-110-4 "Action Level" definition.
See the amendment for Rule R309-210, specifically in Section R309-210-6 for the primacy application of 40 CFR 142 (2025) and 40 CFR 141 Subpart I (2025).

C. Summary of the new rule or change:
 The Division of Drinking Water (Division) is updating Section R309-110-4 to match the new lead exceedances proposed in Section R309-210-6.
 (EDITOR'S NOTE: The proposed amendments to Rule R309-210 is under ID 58027 in this issue, June 15, 2026, of the Bulletin.)

5. Fiscal Information

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

A. State budget:

There is no expected cost to the state budget as a direct result of the changes in this rule.
 The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis for that rule.

B. Local governments:

There is no expected cost to the local governments as a direct result of the changes in this rule.
 The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis for that rule.

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

There is no expected cost to small businesses as a direct result of the changes in this rule.
 The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis of that rule.

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

There is no expected cost to non-small businesses as a direct result of the changes in this rule.
 The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis for that rule.

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 expected cost to the persons other than small businesses, non-small businesses, state, or local government entities as a direct result of the changes in this rule.
 The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis for that rule.

F. Compliance costs for affected persons:

There is no expected compliance cost to the affected persons as a direct result of the changes in this rule.
 The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis for that rule.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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 19-4-104(1)	40 CFR142 (2025)	40 CFR 141 Subpart I (2025)
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 07/15/2026

12. Effective Date Information

This rule change MAY become effective on: 07/22/2026
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Tim Davis, Commissioner	Date:	06/01/2026
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R309. Environmental Quality, Drinking Water.

R309-110. Administration: Definitions.

R309-110-4. Definitions.

As used in R309:

"Action level" means the concentration of lead or copper in drinking water tap samples ~~[(0.015 mg/l for lead and 1.3 mg/l for copper)]~~ which determines requirements under Section R309-210-6. The copper action level is 1.3 mg/l. Until October 31, 2027, the lead action level is 0.015 mg/l, and starting November 1, 2027, the lead action level is 0.010 mg/L. ~~[in some cases, the corrosion treatment, public education and lead line replacement requirements that a water system is required to complete.]~~

"AF" means acre foot and is the volume of water required to cover an acre to a depth of one foot (one AF is equivalent to 325,851 gallons).

"Air gap" The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, catch basin, plumbing fixture or other device and the flood level rim of the receptacle. This distance shall be two times the diameter of the effective opening for openings greater than one inch in diameter where walls or obstructions are spaced from the

NOTICES OF PROPOSED RULES

nearest inside edge of the pipe opening a distance greater than three times the diameter of the effective openings for a single wall, or a distance greater than four times the diameter of the effective opening for two intersecting walls. This distance shall be three times the diameter of the effective opening where walls or obstructions are closer than the distances indicated above.

"ANSI/NSF" refers to the American National Standards Institute and NSF International. NSF International has prepared at least two health effect standards dealing with treatment chemicals added to drinking water and system components that will come into contact with drinking water, these being Standard 60 and Standard 61. The American National Standards Institute acts as a certifying agency, and determines which laboratories may certify to these standards.

"Approval" unless indicated otherwise, shall be taken to mean a written statement of acceptance from the Director.

"Approved" refers to a rating placed on a system by the Division and means that the public water system is operating in substantial compliance with all the Rules of R309.

"Average Yearly Demand" means the amount of water delivered to consumers by a public water system during a typical year, generally expressed in MG or AF.

"AWWA" refers to the American Water Works Association located at 6666 West Quincy Avenue, Denver, Colorado 80235. Reference within these rules is generally to a particular Standard prepared by AWWA and which has completed the ANSI approval process such as ANSI/AWWA Standard C651-92 (AWWA Standard for Disinfecting Water Mains).

"Backflow" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the potable water supply from any source. Also see backsiphonage, backpressure and cross-connection.

"Backpressure" means the phenomena that occurs when the customer's pressure is higher than the supply pressure. This could be caused by an unprotected cross connection between a drinking water supply and a pressurized irrigation system, a boiler, a pressurized industrial process, elevation differences, air or steam pressure, use of booster pumps or any other source of pressure. Also see backflow, backsiphonage and cross connection.

"Backsiphonage" means a form of backflow due to a reduction in system pressure which causes a subatmospheric or negative pressure to exist at a site or point in the water system. Also see backflow and cross-connection.

"Bag Filters" are pressure-driven separation devices that remove particle matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to outside.

"Bank Filtration" is a water treatment process that uses a well to recover surface water that has naturally infiltrated into ground water through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other well(s).

"Best Available Technology" (BAT) means the best technology, treatment techniques, or other means which the Director finds, after examination under field conditions and not solely under laboratory conditions, are available (taking cost into consideration). For the purposes of setting MCLs for synthetic organic chemicals, any BAT must be at least as effective as granular activated carbon for all these chemicals except vinyl chloride. Central treatment using packed tower aeration is also identified as BAT for synthetic organic chemicals.

"Board" means the Drinking Water Board.

"Body Politic" means the State or its agencies or any political subdivision of the State to include a county, city, town, improvement district, taxing district or any other governmental subdivision or public corporation of the State.

"Breakpoint Chlorination" means addition of chlorine to water until the chlorine demand has been satisfied. At this point, further addition of chlorine will result in a free residual chlorine that is directly proportional to the amount of chlorine added beyond the breakpoint.

"C" is short for "Residual Disinfectant Concentration."

"Capacity Development" means technical, managerial, and financial capabilities of the water system to plan for, achieve, and maintain compliance with applicable drinking water standards.

"Cartridge filters" are pressure-driven separation devices that remove particulate matter larger than 1 micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.

"cfs" means cubic feet per second and is one way of expressing flowrate (one cfs is equivalent to 448.8 gpm).

"Class" means the level of certification of Backflow Prevention Technician (Class I, II or III).

"Coagulation" is the process of destabilization of the charge (predominantly negative) on particulates and colloids suspended in water. Destabilization lessens the repelling character of particulates and colloids and allows them to become attached to other particles so that they may be removed in subsequent processes. The particulates in raw waters (which contribute to color and turbidity) are mainly clays, silt, viruses, bacteria, fulvic and humic acids, minerals (including asbestos, silicates, silica, and radioactive particles), and organic particulate.

"Collection area" means the area surrounding a ground-water source which is underlain by collection pipes, tile, tunnels, infiltration boxes, or other ground-water collection devices.

"Combined distribution system" is the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

"Commission" means the Operator Certification Commission.

"Community Water System" (CWS) means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar year cycle began January 1, 1993 and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011 and ends December 31, 2019.

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period ran from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998; and the third is from January 1, 1999 to December 31, 2001.

"Comprehensive Performance Evaluation" (CPE) is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purposes of compliance with these rules, the comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

"Confirmed SOC contamination area" means an area surrounding and including a plume of SOC contamination of the soil or water which previous monitoring results have confirmed. The area boundaries may be determined by measuring 3,000 feet horizontally from the outermost edges of the confirmed plume. The area includes deeper aquifers even though only the shallow aquifer is the one contaminated.

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion of the filtration area in which discrete bacterial colonies can not be distinguished.

"Consecutive system" is a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system or one or more consecutive systems.

"Contaminant" means any physical, chemical biological, or radiological substance or matter in water.

"Continuing Education Unit" (CEU) means ten contact hours of participation in, and successful completion of, an organized and approved continuing education experience under responsible sponsorship, capable direction, and qualified instruction. College credit in approved courses may be substituted for CEUs on an equivalency basis.

"Conventional Surface Water Treatment" means a series of processes including coagulation, flocculation, sedimentation, filtration and disinfection resulting in substantial particulate removal and inactivation of pathogens.

"Controls" means any codes, ordinances, rules, and regulations that a public water system can cite as currently in effect to regulate potential contamination sources; any physical conditions which may prevent contaminants from migrating off of a site and into surface or ground water; and any site with negligible quantities of contaminants.

"Corrective Action" refers to a rating placed on a system by the Division and means a provisional rating for a public water system not in compliance with the Rules of R309, but making all the necessary changes outlined by the Director to bring them into compliance.

"Corrosion inhibitor" means a substance capable of reducing the corrosiveness of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

"Credit Enhancement Agreement" means any agreement entered into between the Board, on behalf of the State, and an eligible water system for the purpose of providing methods and assistance to eligible water systems to improve the security for and marketability of drinking water project obligations.

"Criteria" means the conceptual standards that form the basis for DWSP area delineation to include distance, ground-water time of travel, aquifer boundaries, and ground-water divides.

"Criteria threshold" means a value or set of values selected to represent the limits above or below which a given criterion will cease to provide the desired degree of protection.

"Cross-Connection" means any actual or potential connection between a drinking (potable) water system and any other source or system through which it is possible to introduce into the public drinking water system any used water, industrial fluid, gas or substance other than the intended potable water. For example, if you have a pump moving non-potable water and hook into the drinking water system to supply water for the pump seal, a cross-connection or mixing may lead to contamination of the drinking water. Also see backsiphonage, backpressure and backflow.

"Cross Connection Control Program" means the program administered by the public water system in which cross connections are either eliminated or controlled.

"Cross Connection Control Commission" means the duly constituted advisory subcommittee appointed by the Board to advise the Board on Backflow Technician Certification and the Cross Connection Control Program of Utah.

"CT" or "CT_{calc}" is the product of "residual disinfectant concentration" (C) in mg/l determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes, i.e., "C" x "T." If a public water system applies disinfectant at more than one point prior to the first customer, the summation of each CT value for each disinfectant sequence before or at the first customer determines the total percent inactivation or "Total Inactivation Ratio." In determining the Total Inactivation Ratio, the public water system must determine the residual disinfectant concentration of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s).

"CT_{req'd}" is the CT value required when the log reduction credit given the filter is subtracted from the (3-log) inactivation requirement for *Giardia lamblia* or the (4-log) inactivation requirement for viruses.

"CT_{99.9}" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT_{99.9} for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1, and 3.1 of Section 141.74(b)(3) in the code of Federal Regulations (also available from the Division).

"Designated person" means the person appointed by a public water system to ensure that the requirements of their Drinking Water Source Protection Plan(s) for ground water sources and/or surface water sources are met.

"Desired Design Discharge Rate" means the discharge rate selected for the permanent pump installed in a public drinking water well source. This pumping rate is selected by the water system owner or engineer and can match or be the same rate utilized during the constant rate pump test required by R309-515 and R309-600 to determine delineated protection zones. For consideration of the number of permanent

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residential connections or ERC's that a well source can support (see Safe Yield) the Director will consider 2/3 of the test pumping rate as the safe yield.

"Detectable residual" means the minimum level of free chlorine in the water that the analysis method is capable of detecting and indicating positive confirmation.

"Direct Employment" means that the operator is directly compensated by the drinking water system to operate that drinking water system.

"Direct Filtration" means a series of processes including coagulation and filtration, but excluding sedimentation, resulting in substantial particulate removal.

"Direct Responsible Charge" means active on-site control and management of routine maintenance and operation duties. A person in direct responsible charge is generally an operator of a water treatment plant or distribution system who independently makes decisions during normal operation which can affect the sanitary quality, safety, and adequacy of water delivered to customers. In cases where only one operator is employed by the system, this operator shall be considered to be in direct responsible charge.

"Director" means the Director of the Division of Drinking Water.

"Disadvantaged Communities" are defined as those communities located in an area which has a median adjusted gross income which is less than or equal to 80% of the State's median adjusted gross income, as determined by the Utah State Tax commission from federal individual income tax returns excluding zero exemptions returns.

"Discipline" means type of certification (Distribution or Treatment).

"Disinfectant Contact Time" ("T" in CT calculations) means the time in minutes that it takes water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration ("C") is measured. Where only one "C" is measured, "T" is the time in minutes that it takes water to move from the point of disinfectant application to a point before or at where residual disinfectant concentration ("C") is measured. Where more than one "C" is measured, "T" is (a) for the first measurement of "C," the time in minutes that it takes water to move from the first or only point of disinfectant application to a point before or at the point where the first "C" is measured and (b) for subsequent measurements of "C," the time in minutes that it takes for water to move from the previous "C" measurement point to the "C" measurement point for which the particular "T" is being calculated. Disinfectant contact time in pipelines must be calculated by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe. Disinfectant contact time within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

"Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents (see also Primary Disinfection and Secondary Disinfection).

"Disinfection profile" is a summary of daily Giardia lamblia inactivation through the treatment plant.

"Distribution System" means the use of any spring or well source, distribution pipelines, appurtenances, and facilities which carry water for potable use to consumers through a public water supply. Systems which chlorinate groundwater are in this discipline.

"Distribution System Manager" means the individual responsible for all operations of a distribution system.

"Division" means the Utah Division of Drinking Water, who acts as staff to the Director and is also part of the Utah Department of Environmental Quality.

"Dose-monitoring Strategy" is the method by which a UV reactor maintains the required dose at or near some specified value by monitoring UV dose delivery. Such strategies must include, at a minimum, flow rate and UV intensity (measured via duty UV sensor) and lamp status. They sometimes include UVT and lamp power. Two common Dose-monitoring Strategies are the UV Intensity Setpoint Approach and the Calculated Dose Approach.

(1) The "UV Intensity Setpoint Approach" relies on one or more "setpoints" for UV intensity that are established during validation testing to determine UV dose. During operations, the UV intensity as measured by the UV sensors must meet or exceed the setpoint(s) to ensure delivery of the required dose. Reactors must also be operated within validated operation conditions for flow rates and lamp status. In the UV Intensity Setpoint Approach, UVT does not need to be monitored separately. Instead, the intensity readings by the sensors account for changes in UVT. The operating strategy can be with either a single setpoint (one UV intensity setpoint is used for all validated flow rates) or a variable setpoint (the UV intensity setpoint is determined using a lookup table or equation for a range of flow rates).

(2) The "Calculated Dose Approach" uses a dose-monitoring equation to estimate the UV dose based on operating conditions (typically flow rate, UV intensity, and UVT). The dose-monitoring equation may be developed by the UV manufacturers using numerical methods; or the systems use an empirical dose-monitoring equation developed through validation testing. During reactor operations, the UV reactor control system inputs the measured parameters into the dose-monitoring equation to produce a calculated dose. The system operator divides the calculated dose by the Validation Factor (see the 2006 Final UV Guidance Manual Chapter 5 for more details on the Validation Factor) and compares the resulting value to the required dose for the target pathogen and log inactivation level.

"Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission of Radiological Units and Measurements (ICRU).

"Drinking Water" means water that is fit for human consumption and meets the quality standards of R309-200. Common usage of terms such as culinary water, potable water or finished water are synonymous with drinking water.

"Drinking Water Project" means any work or facility necessary or desirable to provide water for human consumption and other domestic uses which has at least fifteen service connections or serves an average of twenty-five individuals daily for at least sixty days of the year and includes collection, treatment, storage, and distribution facilities under the control of the operator and used primarily with the system and collection, pretreatment or storage facilities used primarily in connection with the system but not under such control.

"Drinking Water Project Obligation" means any bond, note or other obligation issued to finance all or part of the cost of acquiring, constructing, expanding, upgrading or improving a drinking water project.

"Drinking Water Regional Planning" means a county wide water plan, administered locally by a coordinator, who facilitates the input of representatives of each public water system in the county with a selected consultant, to determine how each public water system will either collectively or individually comply with source protection, operator certification, monitoring (including consumer confidence reports), capacity development (including technical, financial and managerial aspects), environmental issues, available funding and related studies.

"Dual sample set" is a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other sample analyzed for HAA5. Dual sample sets are collected for the purposes of conducting an IDSE under R309-210-9 and determining compliance with the TTHM and HAA5 MCLs under R309-210-10.

"Duty UV Sensors (or Duty Sensors)" are on-line sensors installed in the UV reactor and continuously monitor UV intensity during UV equipment operations.

"DWSP Program" means the program to protect drinking water source protection zones and management areas from contaminants that may have an adverse effect on the health of persons.

"DWSP Zone" means the surface and subsurface area surrounding a ground-water or surface water source of drinking water supplying a PWS, over which or through which contaminants are reasonably likely to move toward and reach such water source.

"Emergency Storage" means that storage tank volume which provides water during emergency situations, such as pipeline failures, major trunk main failures, equipment failures, electrical power outages, water treatment facility failures, source water supply contamination, or natural disasters.

"Engineer" means a person licensed under the Professional Engineers and Land Surveyors Licensing Act, 58-22 of the Utah Code, as a "professional engineer" as defined therein.

"Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

"Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.

"Equalization Storage" means that storage tank volume which stores water during periods of low demand and releases the water under periods of high demand. Equalization storage provides a buffer between the sources and distribution for the varying daily water demands. Typically, water demands are high in the early morning or evening and relatively low in the middle of the night. A rule-of-thumb for equalization storage volume is that it should be equal to one average day's use.

"Equivalent Residential Connection" (ERC) is a term used to evaluate service connections to consumers other than the typical residential domicile. Public water system management is expected to review annual metered drinking water volumes delivered to non-residential connections and estimate the equivalent number of residential connections that these represent based upon the average of annual metered drinking water volumes delivered to true single family residential connections. This information is utilized in evaluation of the system's source and storage capacities (refer to R309-510).

"Existing ground-water source of drinking water" means a public supply ground-water source for which plans and specifications were submitted to the Division on or before July 26, 1993.

"Existing surface water source of drinking water" means a public supply surface water source for which plans and specifications were submitted to the Division on or before June 12, 2000.

"Filtration" means a process for removing particulate matter from water by passage through porous media.

"Filter profile" is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

"Financial Assistance" means a drinking water project loan, credit enhancement agreement, interest buy-down agreement or hardship grant.

"Finished water" is water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except as treatment necessary to maintain water quality in the distribution system (e.g., booster disinfection, addition of corrosion control chemicals).

"Fire Suppression Storage" means that storage tank volume allocated to fire suppression activities. It is generally determined by the requirements of the local fire marshal, expressed in gallons, and determined by the product of a minimum flowrate in gpm and required time expressed in minutes.

"First draw sample" means a one-liter sample of tap water, collected in accordance with an approved lead and copper sampling site plan, that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.

"Flash Mix" is the physical process of blending or dispersing a chemical additive into an unblended stream. Flash Mixing is used where an additive needs to be dispersed rapidly (within a period of one to ten seconds). Common usage of terms such as "rapid mix" or "initial mix" are synonymous with flash mix.

"Floc" means flocculated particles or agglomerated particles formed during the flocculation process. Flocculation enhances the agglomeration of destabilized particles and colloids toward settleable (or filterable) particles (flocs). Flocculated particles may be small (less than 0.1 mm diameter) micro flocs or large, visible flocs (0.1 to 3.0 mm diameter).

"Flocculation" means a process to enhance agglomeration of destabilized particles and colloids toward settleable (or filterable) particles (flocs). Flocculation begins immediately after destabilization in the zone of decaying mixing energy (downstream from the mixer) or as a result of the turbulence of transporting flow. Such incidental flocculation may be an adequate flocculation process in some instances. Normally flocculation involves an intentional and defined process of gentle stirring to enhance contact of destabilized particles and to build floc particles of optimum size, density, and strength to be subsequently removed by settling or filtration.

"Flowing stream" is a course of running water flowing in a definite channel.

"fps" means feet per second and is one way of expressing the velocity of water.

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"G" is used to express the energy required for mixing and for flocculation. It is a term which is used to compare velocity gradients or the relative number of contacts per unit volume per second made by suspended particles during the flocculation process. Velocity gradients G may be calculated from the following equation: $G = \text{square root of the value}(550 \text{ times } P \text{ divided by } u \text{ times } V)$. Where: P = applied horsepower, u = viscosity, and V = effective volume.

"GAC10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a best available technology for compliance with R309-210-10 MCLs under R309-200-5(3)(i)(A) shall be 120 days.

"GAC20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.

"Geologist" means a person licensed under the Professional Geologist Licensing Act, 58-76 of the Utah Code, as a "professional geologist" as defined therein.

"Geometric Mean" the geometric mean of a set of N numbers $X_1, X_2, X_3, \dots, X_N$ is the Nth root of the product of the numbers.

"gpd" means gallons per day and is one way of expressing average daily water demands experienced by public water systems.

"gpm" means gallons per minute and is one way of expressing flowrate.

"gpm/sf" means gallons per minute per square foot and is one way of expressing flowrate through a surface area.

"Grade" means any one of four possible steps within a certification discipline of either water distribution or water treatment. Grade I indicates knowledge and experience requirements for the smallest type of public water supply. Grade IV indicates knowledge and experience levels appropriate for the largest, most complex type of public water supply.

"Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

"Gross Beta Particle Activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

"ground water of high quality" means a well or spring producing water deemed by the Director to be of sufficiently high quality that no treatment is required. Such sources shall have been designed and constructed in conformance with these rules, have been tested to establish that all applicable drinking water quality standards (as given in rule R309-200) are reliably and consistently met, have been deemed not vulnerable to natural or man-caused contamination, and the public water system management have established adequate protection zones and management policies in accordance with rule R309-600.

"ground water of low quality" means a well or spring which, as determined by the Director, cannot reliably and consistently meet the drinking water quality standards described in R309-200. Such sources shall be deemed to be a low quality ground water source if any of the conditions outlined in subsection R309-505-8(1) exist. Ground water that is classified "UDI" is a subset of this definition and requires "conventional surface water treatment" or an acceptable alternative.

"Ground Water Source" means any well, spring, tunnel, adit, or other underground opening from or through which ground water flows or is pumped from subsurface water-bearing formations.

"Ground Water Under the Direct Influence of Surface Water" or "UDI" or "GWUDI" means any water beneath the surface of the ground with significant occurrence of insects or other macro organisms, algae, or large-diameter pathogens such as Giardia lamblia, or Cryptosporidium, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. Direct influence will be determined for individual sources in accordance with criteria established by the Director. The determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well or spring construction and geology with field evaluation.

"Haloacetic acids"(five) (HAA5) mean the sum of the concentrations in mg/L of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

"Hardship Grant" means a grant of monies to a political subdivision that meets the drinking water project loan considerations whose project is determined by the Board to not be economically feasible unless grant assistance is provided. A hardship grant may be authorized in the following forms:

(1) a Planning Advance which will be required to be repaid at a later date, to help meet project costs incident to planning to determine the economic, engineering and financial feasibility of a proposed project;

(2) a Design Advance which will be required to be repaid at a later date, to help meet project costs incident to design including, but not limited to, surveys, preparation of plans, working drawings, specifications, investigations and studies; or

(3) a Project Grant which will not be required to be repaid.

"Hardship Grant Assessment" means an assessment applied to loan recipients. The assessment shall be calculated as a percentage of principal. Hardship grant assessment funds shall be subject to the requirements of UAC R309-700 for hardship grants.

"Hotel, Motel or Resort" shall include tourist courts, motor hotels, resort camps, hostels, lodges, dormitories and similar facilities, and shall mean every building, or structure with all buildings and facilities in connection, kept, used, maintained as, advertised as, or held out to the public to be, a place where living accommodations are furnished to transient guests or to groups normally occupying such facilities on a seasonal or short term basis.

"Hydrogeologic methods" means the techniques used to translate selected criteria and criteria thresholds into mappable delineation boundaries. These methods include, but are not limited to, arbitrary fixed radii, analytical calculations and models, hydrogeologic mapping, and numerical flow models.

"Inactivation" means, in the context of UV disinfection, a process by which a microorganism is rendered unable to reproduce, thereby rendering it unable to infect a host.

"Initial compliance period" means the first full three-year compliance period which begins at least 18 months after promulgation, except for contaminants listed in R309-200-5(3)(a), Table 200-2 numbers 19 to 33; R309-200-5(3)(b), Table 200-3 numbers 19 to 21; and

R309-200-5(1)(c), Table 200-1 numbers 1, 5, 8, 11 and 18, initial compliance period means the first full three-year compliance after promulgation for systems with 150 or more service connections (January 1993-December 1995), and first full three-year compliance period after the effective date of the regulation (January 1996-December 1998) for systems having fewer than 150 service connections.

"Intake", for the purposes of surface water drinking water source protection, means the device used to divert surface water and also the conveyance to the point immediately preceding treatment, or, if no treatment is provided, at the entry point to the distribution system.

"Interest Buy-Down Agreement" means any agreement entered into between the Board, on behalf of the State, and a political subdivision, for the purpose of reducing the cost of financing incurred by a political subdivision on bonds issued by the subdivision for drinking water project costs.

"Labor Camp" shall mean one or more buildings, structures, or grounds set aside for use as living quarters for groups of migrant laborers or temporary housing facilities intended to accommodate construction, industrial, mining or demolition workers.

"Lake / reservoir" refers to a natural or man made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

"Land management strategies" means zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

"Land use agreement" means a written agreement, memoranda or contract wherein the owner(s) agrees not to locate or allow the location of uncontrolled potential contamination sources or pollution sources within zone one of new wells in protected aquifers or zone one of surface water sources. The owner(s) must also agree not to locate or allow the location of pollution sources within zone two of new wells in unprotected aquifers and new springs unless the pollution source agrees to install design standards which prevent contaminated discharges to ground water. This restriction must be binding on all heirs, successors, and assigns. Land use agreements must be recorded with the property description in the local county recorder's office. Refer to R309-600-13(2)(d).

Land use agreements for protection areas on publicly owned lands need not be recorded in the local county recorder office. However, a letter must be obtained from the Administrator of the land in question and meet the requirements described above.

"Large water system" for the purposes of R309-210-6 only, means a water system that serves more than 50,000 persons.

"Lead free" means, for the purposes of R309-210-6, when used with respect to solders and flux refers to solders and flux containing not more than 0.2 percent lead; when used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0 percent lead; and when used with respect to plumbing fittings and fixtures intended by the manufacturer to dispense water for human ingestion refers to fittings and fixtures that are in compliance with standards established in accordance with 42 U.S.C. 300 g-6(e).

"Lead service line" means a service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

"Level 1 assessment" means an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. It is conducted by the system operator or owner. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any State directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

"Level 2 assessment" means an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system (including the system's monitoring and operational practices) than does a Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by an individual approved by the State, which may include the system operator. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any State directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. The system must comply with any expedited actions or additional actions required by the State in the case of an E. coli MCL violation.

"Locational running annual average (LRAA)" is the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters.

"Major Bacteriological Routine Monitoring Violation" means that no routine bacteriological sample was taken as required by R309-210-5(1).

"Major Bacteriological Repeat Monitoring Violation" - means that no repeat bacteriological sample was taken as required by R309-210-5(2).

"Major Chemical Monitoring Violation" - means that no initial background chemical sample was taken as required in R309-515-4(5).

"Management area" means the area outside of zone one and within a two-mile radius where the Optional Two-mile Radius Delineation Procedure has been used to identify a protection area.

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For wells, land may be excluded from the DWSP management area at locations where it is more than 100 feet lower in elevation than the total drilled depth of the well.

For springs and tunnels, the DWSP management area is all land at elevation equal to or higher than, and within a two-mile radius, of the spring or tunnel collection area. The DWSP management area also includes all land lower in elevation than, and within 100 horizontal feet, of the spring or tunnel collection area. The elevation datum to be used is the point of water collection. Land may also be excluded from the DWSP management area at locations where it is separated from the ground water source by a surface drainage which is lower in elevation than the spring or tunnel collection area.

"Man-Made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, "NBS Handbook 69," except the daughter products of thorium-232, uranium-235 and uranium-238.

"Master Plan" (or "System Capacity and Expansion Report") means a organized plan addressing the present and future demands that will be placed on a public drinking water system by expanding into undeveloped areas or accepting additional service contracts. As a minimum a satisfactory master plan must contain the following elements:

(a) A listing of sources including: the source name, the source type (i.e., well, spring, reservoir, stream etc.) for both existing sources and additional sources identified as needed for system expansion, the minimum reliable flow of the source in gallons per minute, the status of the water right and the flow capacity of the water right.

(b) A listing of storage facilities including: the storage tank name, the type of material (i.e., steel, concrete etc.), the diameter, the total volume in gallons, and the elevation of the overflow, the lowest level (elevation) of the equalization volume, the fire suppression volume, and the emergency volume or the outlet.

(c) A listing of pump stations including: the pump station name and the pumping capacity in gallons per minute. Under this requirement one does not need to list well pump stations as they are provided in requirement (a) above.

(d) A listing of the various pipeline sizes within the distribution system with their associated pipe materials and, if readily available, the approximate length of pipe in each size and material category. A schematic of the distribution piping showing node points, elevations, length and size of lines, pressure zones, demands, and coefficients used for the hydraulic analysis required by (h) below will suffice.

(e) A listing by customer type (i.e., single family residence, 40 unit condominium complex, elementary school, junior high school, high school, hospital, post office, industry, commercial etc.) along with an assessment of their associated number of ERC'S.

(f) The number of connections along with their associated ERC value that the public drinking water system is committed to serve, but has not yet physically connected to the infrastructure.

(g) A description of the nature and extent of the area currently served by the water system and a plan of action to control addition of new service connections or expansion of the public drinking water system to serve new development(s). The plan shall include current number of service connections and water usage as well as land use projections and forecasts of future water usage.

(h) A hydraulic analysis of the existing distribution system along with any proposed distribution system expansion identified in (g) above.

(i) A description of potential alternatives to manage system growth, including interconnections with other existing public drinking water systems, developer responsibilities and requirements, water rights issues, source and storage capacity issues and distribution issues.

"Maximum Contaminant Level" (MCL) means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

"Maximum residual disinfectant level" (MRDL) means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a PWS is in compliance with the MRDL when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a PWS is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as MCLs pursuant to UT Code S 19-4-104. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in R309-200-5(3), operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections.

"Maximum residual disinfectant level goal" (MRDLG) means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are non-enforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

"Medium-size water system" for the purposes of R309-210-6 only, means a water system that serves greater than 3,300 and less than or equal to 50,000 persons.

"Membrane filtration" is a pressure or vacuum driven separation process in which particulate matter larger than 1 micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes that common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

"Metropolitan area sources" means all sources within a metropolitan area. A metropolitan area is further defined to contain at least 3,300 year round residents. A small water system which has sources within a metropolitan system's service area, may have those sources classified as a metropolitan area source.

"MG" means million gallons and is one way of expressing a volume of water.

"MGD" means million gallons per day and is one way of expressing average daily water demands experienced by public water systems or the capacity of a water treatment plant.

"mg/L" means milligrams per liter and is one way of expressing the concentration of a chemical in water. At small concentrations, mg/L is synonymous with "ppm" (parts per million).

"Minor Bacteriological Routine Monitoring Violation" means that not all of the routine bacteriological samples were taken as required by R309-210-5(1).

"Minor Bacteriological Repeat Monitoring Violation" means that not all of the repeat bacteriological samples were taken as required by R309-210-5(2).

"Minor Chemical Monitoring Violation" means that the required chemical sample(s) was not taken in accordance with R309-205 and R309-210.

"Modern Recreation Camp" means a campground accessible by any type of vehicular traffic. The camp is used wholly or in part for recreation, training or instruction, social, religious, or physical education activities or whose primary purpose is to provide an outdoor group living experience. The site is equipped with permanent buildings for the purpose of sleeping, a drinking water supply under pressure, food service facilities, and may be operated on a seasonal or short term basis. These types of camps shall include but are not limited to privately owned campgrounds such as youth camps, church camps, boy or girl scout camps, mixed age groups, family group camps, etc.

"Near the first service connection" means one of the service connections within the first 20 percent of all service connections that are nearest to the treatment facilities.

"Negative Interest" means a loan having loan terms with an interest rate at less than zero percent. The repayment schedule for loans having a negative interest rate will be prepared by the Board.

"New ground water source of drinking water" means a public supply ground water source of drinking water for which plans and specifications are submitted to the Division after July 26, 1993.

"New surface water source of drinking water" means a public supply surface water source of drinking water for which plans and specifications are submitted to the Division after June 12, 2000.

"New Water System" means a system that will become a community water system or non-transient, non-community water system on or after October 1, 1999.

"Non-Community Water System" (NCWS) means a public water system that is not a community water system. There are two types of NCWS's: transient and non-transient.

"Non-distribution system plumbing problem" means a coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which a coliform-positive sample was taken.

"Nonpoint source" means any diffuse source of contaminants or pollutants not otherwise defined as a point source.

"Non-Transient Non-Community Water System" (NTNCWS) means a public water system that regularly serves at least 25 of the same nonresident persons per day for more than six months per year. Examples of such systems are those serving the same individuals (industrial workers, school children, church members) by means of a separate system.

"Not Approved" refers to a rating placed on a system by the Division and means the water system does not fully comply with all the Rules of R309 as measured by R309-400.

"NTU" means Nephelometric Turbidity Units and is an acceptable method for measuring the clarity of water utilizing an electronic nephelometer (see "Standard Methods for Examination of Water and Wastewater").

"Off-specification" means a UV facility is operating outside of the validated operating conditions, for example, at a flow rate higher than the validated range or a UVT below the validated range).

"Operator" means a person who operates, repairs, maintains, and is directly employed by a public drinking water system.

"Operator Certification Commission" means the Commission appointed by the Board as an advisory Commission on public water system operator certification.

"Operating Permit" means written authorization from the Director to actually start utilizing a facility constructed as part of a public water system.

"Optimal corrosion control treatment" for the purposes of R309-210-6 only, means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while insuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

"Package Plants" refers to water treatment plants manufactured and supplied generally by one company which are reportedly complete and ready to hook to a raw water supply line. Caution, some plants do not completely comply with all requirements of these rules and will generally require additional equipment.

"PCBs" means a group of chemicals that contain polychlorinated biphenyl.

"Peak Day Demand" means the amount of water delivered to consumers by a public water system on the day of highest consumption, generally expressed in gpd or MGD. This peak day will likely occur during a particularly hot spell in the summer. In contrast, some systems associated with the skiing industry may experience their "Peak Day Demand" in the winter.

"Peak Hourly Flow" means the maximum hourly flow rate from a water treatment plant and utilized when the plant is preparing disinfection profiling as called for in R309-215-14(2).

"Peak Instantaneous Demand" means calculated or estimated highest flowrate that can be expected through any water mains of the distribution network of a public water system at any instant in time, generally expressed in gpm or cfs (refer to section R309-510-9).

"Person" means an individual, corporation, company, association, partnership; municipality; or State, Federal, or tribal agency.

"Picocurie" (pCi) means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

"Plan Approval" means written approval of contract plans and specifications for any public drinking water project which have been submitted for review prior to the start of construction pursuant to R309-105-6 and R309-500-6.

"Plant intake" refers to the works or structures at the head of a conduit through which water is diverted from a source (e.g., river or lake) into the treatment plant.

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"Plug Flow" is a term to describe when water flowing through a tank, basin or reactors moves as a plug of water without ever dispersing or mixing with the rest of the water flowing through the tank.

"Point of Disinfectant Application" is the point where the disinfectant is applied and water downstream of that point is not subject to re-contamination by surface water runoff.

"Point of Diversion"(POD) is the point at which water from a surface source enters a piped conveyance, storage tank, or is otherwise removed from open exposure prior to treatment.

"Point-of-Entry Treatment Device" means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

"Point-of-Use Treatment Device" means a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

"Point source" means any discernible, confined, and discrete source of pollutants or contaminants, including but not limited to any site, pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation with more than ten animal units, landfill, or vessel or other floating craft, from which pollutants are or may be discharged.

"Political Subdivision" means any county, city, town, improvement district, metropolitan water district, water conservancy district, special service district, drainage district, irrigation district, separate legal or administrative entity created under Title 11, Chapter 13, Interlocal Cooperation Act, or any other entity constituting a political subdivision under the laws of Utah.

"Pollution source" means point source discharges of contaminants to ground or surface water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units.

The following definitions are part of R309-600 and clarify the meaning of "pollution source:"

(1) "Animal feeding operation" means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(2) "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(3) "Extremely hazardous substances" means those substances which are identified in the Sec. 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 550-B-96-015). A copy of this document may be obtained from: NCEPI, PO Box 42419, Cincinnati, OH 45202. Online ordering is also available at <http://www.epa.gov/ncepihom/orderpub.html>.

"Potential contamination source" means any facility or site which employs an activity or procedure which may potentially contaminate ground or surface water. A pollution source is also a potential contamination source.

"ppm" means parts per million and is one way of expressing the concentration of a chemical in water. At small concentrations generally used, ppm is synonymous with "mg/l" (milligrams per liter).

"Practical Quantitation Level" (PQL) means the required analysis standard for laboratory certification to perform lead and copper analyses. The PQL for lead is .005 milligrams per liter and the PQL for copper is 0.050 milligrams per liter.

"Presedimentation" is a preliminary treatment process used to remove gravel, sand and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

"Primary Disinfection" means the adding of an acceptable primary disinfectant or ultraviolet light irradiation during the treatment process to provide adequate levels of inactivation of bacteria and pathogens. The effectiveness is measured through "CT" values, and the "Total Inactivation Ratio," and the ultraviolet light dose. Acceptable primary disinfectants are, chlorine, ozone, ultraviolet light, and chlorine dioxide (see also "CT" and "CT_{99.9}").

"Principal Forgiveness" means a loan wherein a portion of the loan amount is "forgiven" upon closing the loan. The terms for principal forgiveness will be as directed by R309-705-8, and by the Board.

"Project Costs" include the cost of acquiring and constructing any drinking water project including, without limitation: the cost of acquisition and construction of any facility or any modification, improvement, or extension of such facility; any cost incident to the acquisition of any necessary property, easement or right of way; engineering or architectural fees, legal fees, fiscal agent's and financial advisors' fees; any cost incurred for any preliminary planning to determine the economic and engineering feasibility of a proposed project; costs of economic investigations and studies, surveys, preparation of designs, plans, working drawings, specifications and the inspection and supervision of the construction of any facility; interest accruing on loans made under this program during acquisition and construction of the project; and any other cost incurred by the political subdivision, the Board or the Department of Environmental Quality, in connection with the issuance of obligation of the political subdivision to evidence any loan made to it under the law.

"Protected aquifer" means a producing aquifer in which the following conditions are met:

- (1) A naturally protective layer of clay, at least 30 feet in thickness, is present above the aquifer;
- (2) the PWS provides data to indicate the lateral continuity of the clay layer to the extent of zone two; and
- (3) the public supply well is grouted with a grout seal that extends from the ground surface down to at least 100 feet below the surface, and for a thickness of at least 30 feet through the protective clay layer.

"Public Drinking Water Project" means construction, addition to, or modification of any facility of a public water system which may affect the quality or quantity of the drinking water (see also section R309-500-6).

"Public Water System" (PWS) means a system, either publicly or privately owned, providing water through constructed conveyances for human consumption and other domestic uses, which has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days out of the year and includes collection, treatment, storage, or distribution facilities under the control of the operator and used primarily in connection with the system, or collection, pretreatment or storage facilities used primarily in connection with the system but not under his control (see 19-4-102 of the Utah Code Annotated). All public water systems are further categorized into three different types, community (CWS), non-transient non-community (NTNCWS), and transient non-community (TNCWS). These categories are important with respect to required monitoring and water quality testing found in R309-205 and R309-210 (see also definition of "water system").

"Raw Water" means water that is destined for some treatment process that will make it acceptable as drinking water. Common usage of terms such as lake or stream water, surface water or irrigation water are synonymous with raw water.

"Recreational Home Developments" are subdivision type developments wherein the dwellings are not intended as permanent domiciles.

"Recreational Vehicle Park" means any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters for individuals utilizing recreational vehicles. Such a park may be developed or owned by a private, public or non-profit organization catering to the general public or restricted to the organizational or institutional member and their guests only.

"Reference UV Sensors (or Reference Sensors)" are off-line calibrated UV sensors that are used to assess the duty UV sensors' performance and to determine UV sensor uncertainty.

"Regional Operator" means a certified operator who is in direct responsible charge of more than one public drinking water system.

"Regionalized Water System" means any combination of water systems which are physically connected or operated or managed as a single unit.

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem" (mrem) is 1/1000 of a rem.

"Renewal Course" means a course of instruction, approved by the Subcommittee, which is a prerequisite to the renewal of a Backflow Technician's Certificate.

"Repeat compliance period" means any subsequent compliance period after the initial compliance period.

"Replacement well" means a public supply well drilled for the sole purpose of replacing an existing public supply well which is impaired or made useless by structural difficulties and in which the following conditions are met:

- (1) the proposed well location shall be within a radius of 150 feet from an existing ground water supply well; and
- (2) the PWS provides a copy of the replacement application approved by the State Engineer (refer to Section 73-3-28 of the Utah Code).

"Required Dose" is the UV dose required for a certain level of log inactivation. Required doses are set forth by the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) and R309-215-15(19)(d)(i) Table 215-5 the UV Dose Table.

"Required reserve" means funds set aside to meet requirements set forth in a loan covenant/bond indenture.

"Residual Disinfectant Concentration" ("C" in CT calculations) means the concentration of disinfectant, measured in mg/L, in a representative sample of water.

"Restricted Certificate" means that the operator has qualified by passing an examination but is in a restricted certification status due to lack of experience as an operator.

"Roadway Rest Stop" shall mean any building, or buildings, or grounds, parking areas, including the necessary toilet, hand washing, water supply and wastewater facilities intended for the accommodation of people using such facilities while traveling on public roadways. It does not include scenic view or roadside picnic areas or other parking areas if these are properly identified

"Routine Chemical Monitoring Violation" means no routine chemical sample(s) was taken as required in R309-205, R309-210 and R309-215.

"Safe Yield" means the annual quantity of water that can be taken from a source of supply over a period of years without depleting the source beyond its ability to be replenished naturally in "wet years".

"Sanitary defect" means a defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.

"Sanitary Seal" means a cap that prevents contaminants from entering a well through the top of the casing.

"scfm/sf" means standard cubic foot per minute per square foot and is one way of expressing flowrate of air at standard density through a filter or duct area.

"Seasonal system" means a non-community water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season. "Secondary Disinfection" means the adding of an acceptable secondary disinfectant to assure that the quality of the water is maintained throughout the distribution system. The effectiveness is measured by maintaining detectable disinfectant residuals throughout the distribution system. Acceptable secondary disinfectants are chlorine, chloramine, and chlorine dioxide.

"Secondary Maximum Contaminant Level" means the advisable maximum level of contaminant in water which is delivered to any user of a public water system.

"Secretary to the Subcommittee" means that individual appointed by the Director to conduct the business of the Subcommittee.

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

"Semi-Developed Camp" means a campground accessible by any type of vehicular traffic. Facilities are provided for both protection of site and comfort of users. Roads, trails and campsites are defined and basic facilities (water, flush toilets and/or vault toilets, tables, fireplaces

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or tent pads) are provided. These camps include but are not limited to National Forest campgrounds, Bureau of Reclamation campgrounds, and youth camps.

"Service Connection" means the constructed conveyance by which a dwelling, commercial or industrial establishment, or other water user obtains water from the supplier's distribution system. Multiple dwelling units such as condominiums or apartments, shall be considered to have a single service connection, if fed by a single line, for the purpose of microbiological repeat sampling; but shall be evaluated by the supplier as multiple "equivalent residential connections" for the purpose of source and storage capacities.

"Service Factor" means a rating on a motor to indicate an increased horsepower capacity beyond nominal nameplate capacity for occasional overload conditions.

"Service line sample" means a one-liter sample of water collected in accordance with R309-210-6(3)(b)(iii), that has been standing for at least 6 hours in a service line.

"Significant deficiencies" means defects in design, operation, or maintenance, or a failure or defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the Director determines to be causing, or have potential for causing, the introduction of contamination into the water delivered to consumers.

"Single family structure" for the purposes of R309-210-6 only, means a building constructed as a single-family residence that is currently used as either a residence or a place of business.

"Small water system" means a public water system that serves 3,300 persons or fewer.

"Specialist" means a person who has successfully passed the written certification exam and meets the required experience, but who is not in direct employment with a Utah public drinking water system.

"Stabilized drawdown" means that there is less than 0.5 foot of change in water level measurements in a pumped well for a minimum period of six hours.

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

"SOCs" means synthetic organic chemicals.

"Stabilized Drawdown" means the drawdown measurements taken during a constant-rate yield and drawdown test as outlined in subsection R309-515-14(10)(b) are constant (no change).

"Stock Tight" means a type of fence that can prevent the passage of grazing livestock through its boundary. An example of such fencing is provided by design drawing 02838-3 titled "Cattle Enclosure" designed by the U.S. Department of the Interior, Bureau of Land Management, Division of Technical Services (copies available from the Division).

"Subcommittee" means the Cross Connection Control Subcommittee.

"Supplier of water" means any person who owns or operates a public water system.

"Surface Water" means all water which is open to the atmosphere and subject to surface runoff (see also section R309-515-5(1)). This includes conveyances such as ditches, canals and aqueducts, as well as natural features.

"Surface Water Systems" means public water systems using surface water or ground water under the direct influence of surface water as a source that are subject to filtration and disinfection (Federal SWTR subpart H) and the requirements of R309-215 "Monitoring and Water Quality: Treatment Plant Monitoring Requirements."

"Surface Water Systems (Large)" means public water systems using surface water or ground water under the direct influence of surface water as a source that are subject to filtration and disinfection and serve a population of 10,000 or greater (Federal SWTR subpart P and L) and the requirements of R309-215 "Monitoring and Water Quality: Treatment Plant Monitoring Requirements."

"Surface Water Systems (Small)" means public water systems using surface water or ground water under the direct influence of surface water as a source that are subject to filtration and disinfection and serve a population less than 10,000 (Federal SWTR subpart L, T and P (sanitary survey requirements)) and the requirements of R309-215 "Monitoring and Water Quality: Treatment Plant Monitoring Requirements."

"Susceptibility" means the potential for a PWS (as determined at the point immediately preceding treatment, or if no treatment is provided, at the entry point to the distribution system) to draw water contaminated above a demonstrated background water quality concentration through any overland or subsurface pathway. Such pathways may include cracks or fissures in or open areas of the surface water intake, and/or the wellhead, and/or the pipe/conveyance between the intake and the water distribution system or treatment.

"SUVA" means Specific Ultraviolet Absorption at 254 nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV_{254}) (in m^{-1}) by its concentration of dissolved organic carbon (DOC) (in mg/L).

"System with a single service connection" means a system which supplies drinking water to consumers via a single service line.

"T" is short for "Contact Time" and is generally used in conjunction with either the residual disinfectant concentration (C) in determining CT or the velocity gradient (G) in determining mixing energy GT.

"Target Log Inactivation" means the specific log inactivation the PWS wants to achieve for the target pathogen using UV disinfection. The target log inactivation is driven by requirements of the Surface Water Treatment Rule (SWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR), and the log removal/inactivation requirements in R309-215-15, and the Groundwater Rule.

"Ten State Standards" refers to the Recommended Standards For Water Works, 1997 by the Great Lakes Upper Mississippi River Board of State Public Health and Environmental Managers available from Health Education Services, A Division of Health Research Inc., P.O. Box 7126, Albany, New York 12224, (518)439-7286.

"Time of travel" means the time required for a particle of water to move in the producing aquifer from a specific point to a ground water source of drinking water. It also means the time required for a particle of water to travel from a specific point along a surface water body to an intake.

"Total Inactivation Ratio" is the sum of all the inactivation ratios calculated for a series of disinfection sequences, and is indicated or shown as: "Summation sign $(CT_{calc})/(CT_{req'd})$." A total inactivation ratio equal to or greater than 1.0 is assumed to provide the required inactivation of *Giardia lamblia* cysts. $CT_{calc}/CT_{99.9}$ equal to 1.0 provides 99.9 percent (3-log) inactivation, whereas CT_{calc}/CT_{90} equal to 1.0 only provides 90 percent (1-log) inactivation.

"Too numerous to count" (TNTC) means that the total number of bacterial colonies exceeds 200 on a 47 mm diameter membrane filter used for coliform detection.

"Total Organic Carbon" (TOC) means total organic carbon in mg/L measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

"Total Trihalomethanes" (TTHM) means the MCL for trihalomethanes. This is the sum of four of ten possible isomers of chlorine/bromine/methane compounds, all known as trihalomethanes (THM). TTHM is defined as the arithmetic sum of the concentrations in micro grams per liter of only four of these (chloroform, bromodichloromethane, dibromochloromethane, and bromoform) rounded to two significant figures. This measurement is made by samples which are "quenched," meaning that a chlorine neutralizing agent has been added, preventing further THM formation in the samples.

"Training Coordinating Committee" means the voluntary association of individuals responsible for environmental training in the state of Utah.

"Transient Non-Community Water System" (TNCWS) means a non-community public water system that does not serve 25 of the same nonresident persons per day for more than six months per year. Examples of such systems are those, RV park, diner or convenience store where the permanent nonresident staff number less than 25, but the number of people served exceeds 25.

"Treatment Plant" means those facilities capable of providing any treatment to any waterserving a public drinking water system. (Examples would include but not be limited to disinfection, conventional surface water treatment, alternative surface water treatment methods, corrosion control methods, aeration, softening, etc.).

"Treatment Plant Manager" means the individual responsible for all operations of a treatment plant.

"Trihalomethanes" (THM) means any one or all members of this class of organic compounds.

"Trihalomethane Formation Potential" (THMFP) - these samples are collected just following disinfection and measure the highest possible TTHM value to be expected in the water distribution system. The formation potential is measured by not neutralizing the disinfecting agent at the time of collection, but storing the sample seven days at 25 degrees C prior to analysis. A chlorine residual must be present in these samples at the end of the seven day period prior to analysis for the samples to be considered valid for this test. Samples without a residual at the end of this period must be resampled if this test is desired.

"Turbidity Unit" refers to NTU or Nephelometric Turbidity Unit.

"Two-stage lime softening" is a process in which chemical addition and hardness precipitation occur in each of two distinct unit clarification processes in series prior to filtration.

"UDI" means under direct influence (see also "Ground Water Under the Direct Influence of Surface Water").

"Uncovered finished water storage facility" is a tank, reservoir, or other facility used to store water that will undergo no further treatment to reduce microbial pathogens except residual disinfection and is directly open to the atmosphere.

"Unprotected aquifer" means any aquifer that does not meet the definition of a protected aquifer.

"Unregulated Contaminant" means a known or suspected disease causing contaminant for which no maximum contaminant level has been established.

"Unrestricted Certificate" means that a certificate of competency issued by the Director when the operator has passed the appropriate level written examination and has met all certification requirements at the discipline and grade stated on the certificate.

"UV Dose" means the UV energy per unit area incident on a surface, typically reported in units of mJ/cm^2 or J/m^2 . The UV dose received by a waterborne microorganism in a reactor vessel accounts for the effects on UV intensity of the absorbance of the water, absorbance of the quartz sleeves, reflection and refraction of light from the water surface and reactor walls, and the germicidal effectiveness of the UV wavelengths transmitted. The following terms are related to UV dose:

(1) "Reduction Equivalent Dose (RED)" means the UV dose derived by entering the log inactivation measured during full-scale reactor testing into the UV dose-response curve that was derived through collimated beam testing. RED values are always specific to the challenge microorganism used during experimental testing and the validation test conditions for full-scale reactor testing.

(2) "Required Dose" means the UV dose in units of mJ/cm^2 needed to achieve the target log inactivation for the target pathogen. The required dose is specified in the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR).

(3) "Validated Dose" means the UV dose in units of mJ/cm^2 delivered by the UV reactor as determined through validation testing. The validated dose is compared to the Required Dose to determine log inactivation credit.

(4) "Calculated Dose" - the RED calculated using the dose-monitoring equation that was developed through validation testing.

"UV Facility" means all of the components of the UV disinfection process, including (but not limited to) UV reactors, control systems, piping, valves, and building (if applicable).

"UV Intensity" means the UV power passing through a unit area perpendicular to the direction of propagation. UV intensity is used to describe the magnitude of UV light measured by UV sensors in a reactor or with a radiometer in bench-scale UV experiments.

"UV Reactor" means the vessel or chamber where exposure to UV light takes place, consisting of UV lamps, quartz sleeves, UV sensors, quartz sleeve cleaning systems, and baffles or other hydraulic controls. The UV reactor also includes additional hardware for monitoring UV dose delivery; typically comprised of (but not limited to): UV sensors and UVT monitors.

"UV Reactor Validation" is experimental testing to determine the operating conditions under which a UV reactor delivers the dose required for inactivation credit of *Cryptosporidium*, *Giardia lamblia*, and viruses.

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"UV Transmittance (UVT)" is a measure of the fraction of incident light transmitted through a material (e.g., water sample or quartz). The UVT is usually reported for a wavelength of 254 nm and a pathlength of 1-cm. If an alternate pathlength is used, it should be specified or converted to units of cm⁻¹.

"Validation Factor" - an uncertainty term that accounts for the bias and uncertainty associated with UV validation testing.

"Validated Operating Conditions" - the operating conditions under which the UV reactor is confirmed as delivering the dose required for LT2ESWTR inactivation credit. These operating conditions must include flow rate, UV intensity as measured by a UV sensor, and UV lamp status. The term "Validated Operating Conditions" is also commonly referred to as the "validated range" or the "validated limits."

"Virus" means a virus of fecal origin which is infectious to humans.

"Waterborne Disease Outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system, as determined by the appropriate local or State agency.

"Watershed" means the topographic boundary that is the perimeter of the catchment basin that contributes water through a surface source to the intake structure. For the purposes of surface water DWSP, if the topographic boundary intersects the state boundary, the state boundary becomes the boundary of the watershed.

"Water Supplier" means a person who owns or operates a public drinking water system.

"Water System" means all lands, property, rights, rights-of-way, easements and related facilities owned by a single entity, which are deemed necessary or convenient to deliver drinking water from source to the service connection of a consumer(s). This includes all water rights acquired in connection with the system, all means of conserving, controlling and distributing drinking water, including, but not limited to, diversion or collection works, springs, wells, treatment plants, pumps, lift stations, service meters, mains, hydrants, reservoirs, tanks and associated appurtenances within the property or easement boundaries under the control of or controlled by the entity owning the system.

In accordance with R309, certain water systems may be exempted from monitoring requirements, but such exemption does not extend to submittal of plans and specifications for any modifications considered a public drinking water project.

"Wellhead" means the physical structure, facility, or device at the land surface from or through which ground water flows or is pumped from subsurface, water-bearing formations.

"Wholesale system" is a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

"Zone of Influence" corresponds to area of the upper portion of the cone of depression as described in "Groundwater and Wells," second edition, by Fletcher G. Driscoll, Ph.D., and published by Johnson Division, St. Paul, Minnesota.

KEY: drinking water, definitions

Date of Last Change: ~~2026~~ ~~January 15, 2019~~

Notice of Continuation: February 10, 2025

Authorizing, and Implemented or Interpreted Law: 19-4-104

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58026
Rule or section number:	R309-200-5

1. Agency Information

Title catchline:	Environmental Quality, Drinking Water
Building:	Multi-Agency State Office Buildings
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 144830
City, state and zip:	Salt Lake City, UT 84114-4830

2. Contact Persons

Name:	Phone:	Email:
Sarah Romero-Rivera	801-896-8255	sarahromero@utah.gov
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Please address questions regarding information on this notice to the persons listed above.

3. General Information

A. Rule or section catchline:

R309-200-5. Primary Drinking Water Standards

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

The amendments to Subsection R309-200-5(2) are to align this rule's definition of "Action level" to changes being proposed to Section R309-210-6.

C. Summary of the new rule or change:

The Division of Drinking Water is updating Subsection R309-200-5 (2) to match the new lead exceedances proposed in Section R309-210-6.

(EDITOR'S NOTE: The proposed amendments to Rule R309-210 is under ID 58027 in this issue, June 15, 2026, of the Bulletin.)

5. Fiscal Information

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

A. State budget:

There is no expected cost to the state budget as a direct result of the changes in this rule.

The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis for that rule.

B. Local governments:

There is no expected cost to the local governments as a direct result of the changes in this rule.

The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis for that rule.

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

There is no expected cost to small businesses as a direct result of the changes in this rule.

The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis for that rule.

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

There is no expected cost to the non-small businesses as a direct result of the change in this rule.

The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis for that rule.

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 expected cost to persons other than small businesses, non-small businesses, state, or local government entities as a direct result of the changes in this rule.

The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis for that rule.

F. Compliance costs for affected persons:

There is no expected compliance cost to the affected persons as a direct result of the changes in this rule.

The amendments align this rule with Rule R309-210, and any possible cost or savings have already been captured within the fiscal analysis for that rule.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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 19-4-104(1)	40 CFR142 (2025)	40 CFR 141 Subpart I (2025)
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 07/15/2026

12. Effective Date Information

This rule change MAY become effective on: 07/22/2026
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Tim Davis, Commissioner	Date:	06/01/2026
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R309. Environmental Quality, Drinking Water.

R309-200. Monitoring and Water Quality: Drinking Water Standards.

R309-200-5. Primary Drinking Water Standards.

(1) Inorganic Contaminants.

(a) The maximum contaminant levels (MCLs) for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, sodium, thallium and total dissolved solids are applicable to community and non-transient non-community water systems.

(b) The MCLs for nitrate, nitrite, and total nitrate, nitrite and sulfate are applicable to community, non-transient non-community, and transient non-community water systems.

(c) The maximum contaminant levels for inorganic chemicals are listed in Table 200-1.

TABLE 200-1
PRIMARY INORGANIC CONTAMINANTS

Contaminant	Maximum Contaminant Level
1. Antimony	0.006 mg/L
2. Arsenic	0.010 mg/L
3. Asbestos	(see Note 5 below) 7 Million Fibers/liter (longer than 10 um)
4. Barium	2 mg/L
5. Beryllium	0.004 mg/L
6. Cadmium	0.005 mg/L
7. Chromium	0.1 mg/L
8. Cyanide (as free Cyanide)	0.2 mg/L
9. Fluoride	4.0 mg/L
10. Mercury	0.002 mg/L
11. Nickel	--- (see Note 1 below)
12. Nitrate	10 mg/l (as Nitrogen) (see Note 4 below)
13. Nitrite	1 mg/L (as Nitrogen)
14. Total Nitrate and Nitrite	10 mg/L (as Nitrogen)
15. Selenium	0.05 mg/L
16. Sodium	--- (see Note 1 below)
17. Sulfate	1000 mg/L (see Note 2 below)
18. Thallium	0.002 mg/L
19. Total Dissolved Solids	2000 mg/L (see Note 3 below)

NOTE:

(1) No maximum contaminant level has been established for nickel and sodium. However, these contaminant shall be monitored and reported in accordance with the requirements of R309-205-5(3).

(2) If the sulfate level of a public (community, NTNC and non-community) water system is greater than 500 mg/L, the supplier shall satisfactorily demonstrate that:

(a) No better quality water is available, and

(b) The water shall not be available for human consumption from commercial establishments.

In no case shall the Director allow the use of water having a sulfate level greater than 1000 mg/L.

(3) If TDS is greater than 1000 mg/L, the supplier shall satisfactorily demonstrate to the Director that no better water is available. The Director shall not allow the use of an inferior source of water if a better source of water (i.e. lower in TDS) is available.

(4) In the case of a non-community water systems which exceed the MCL for nitrate, the Director may allow, on a case-by-case basis, a nitrate level not to exceed 20 mg/L if the supplier can adequately demonstrate that:

(a) such water will not be available to children under 6 months of age as may be the case in hospitals, schools and day care centers; and

(b) there will be continuous posting of the fact that nitrate levels exceed 10 mg/L and the potential health effect of exposure in accordance with R309-220-12; and

(c) the water is analyzed in conformance to R309-205-5(4); and

(d) that no adverse health effects will result.

(5) The maximum contaminant level for arsenic is 0.05 mg/L until January 23, 2006. The MCL of 0.010 mg/L is effective for the purposes of compliance on January 23, 2006.

(2) The lead and copper action levels are defined as follows:~~[Lead and copper.]~~

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(a) ~~Until October 31, 2027, t[+]he lead action level is exceeded if the concentration of lead in more than 10%[-percent] of tap water samples collected during any monitoring period conducted in accordance with Section R309-210-6[(-)] is greater than 0.015 mg/L, as an example,[-(i.e.,)] if the "90th percentile" lead level is greater than 0.010[5] mg/L.[-]~~

~~(b) Starting on November 1, 2027, the lead action level is exceeded if the concentration of lead in more than 10% of tap water samples collected during any monitoring period conducted in accordance with Section R309-210-6 is greater than 0.010 mg/L, as an example, if the "90th percentile" lead level is greater than 0.010 mg/L.~~

~~(c)[(-)] The copper action level is exceeded if the concentration of copper in more than 10%[-percent] of tap water samples collected during any monitoring period conducted in accordance with Section R309-210-6[(-)] is greater than 1.3 mg/L, as an example,[-(i.e.,)] if the "90th percentile" copper level is greater than 1.3 mg/L.[-]~~

~~(d)[(-)] The 90th percentile lead and copper levels shall be computed [as follows:]per Section R309-210-6.~~

~~(i) The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.~~

~~(ii) The number of samples taken during the monitoring period shall be multiplied by 0.9.~~

~~(iii) The contaminant concentration in the numbered sample yielded by the calculation in paragraph (c)(ii) above is the 90th percentile contaminant level.~~

~~(iv) For water systems serving fewer than 100 people that collect 5 samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.~~

~~(v) For a public water system that has been allowed by the Director to collect fewer than five samples in accordance with R309-210-6(3)(c), the sample result with the highest concentration is considered the 90th percentile value.]~~

(3) Organic Contaminants.

The following are the maximum contaminant levels for organic chemicals. For the purposes of R309-100 through R309-R309-605, organic chemicals are divided into three categories: Pesticides/PCBs/SOCs, volatile organic contaminants (VOCs) and total trihalomethanes.

(a) Pesticides/PCBs/SOCs - The MCLs for organic contaminants listed in Table 200-2 are applicable to community water systems and non-transient, non-community water systems.

TABLE 200-2
PESTICIDE/PCB/SOC CONTAMINANTS

Contaminant	Maximum Contaminant Level
1. Alachlor	0.002 mg/L
2. Aldicarb	(see Note 1 below)
3. Aldicarb sulfoxide	(see Note 1 below)
4. Aldicarb sulfone	(see Note 1 below)
5. Atrazine	0.003 mg/L
6. Carbofuran	0.04 mg/L
7. Chlordane	0.002 mg/L
8. Dibromochloropropane	0.0002 mg/L
9. 2,4-D	0.07 mg/L
10. Ethylene dibromide	0.00005 mg/L
11. Heptachlor	0.0004 mg/L
12. Heptachlor epoxide	0.0002 mg/L
13. Lindane	0.0002 mg/L
14. Methoxychlor	0.04 mg/L
15. Polychlorinated biphenyls	0.0005 mg/L
16. Pentachlorophenol	0.001 mg/L
17. Toxaphene	0.003 mg/L
18. 2,4,5-TP	0.05 mg/L
19. Benzo(a)pyrene	0.0002 mg/L
20. Dalapon	0.2 mg/L
21. Di(2-ethylhexyl)adipate	0.4 mg/L
22. Di(2-ethylhexyl)phthalate	0.006 mg/L
23. Dinoseb	0.007 mg/L
24. Diquat	0.02 mg/L
25. Endothall	0.1 mg/L
26. Endrin	0.002 mg/L
27. Glyphosate	0.7 mg/L
28. Hexachlorobenzene	0.001 mg/L
29. Hexachlorocyclopentadiene	0.05 mg/L
30. Oxamyl (Vydate)	0.2 mg/L
31. Picloram	0.5 mg/L
32. Simazine	0.004 mg/L
33. 2,3,7,8-TCDD (Dioxin)	0.0000003 mg/L

Note 1: The MCL for this contaminant is under further review, however, this contaminant shall be monitored in accordance with R309-205-6(1).

(b) Volatile organic contaminants - The maximum contaminant levels for organic contaminants listed in Table 200-3 apply to community and non-transient non-community water systems.

TABLE 200-3
VOLATILE ORGANIC CONTAMINANTS

Contaminant	Maximum Contaminant Level
1. Vinyl chloride	0.002 mg/L
2. Benzene	0.005 mg/L
3. Carbon tetrachloride	0.005 mg/L
4. 1,2-Dichloroethane	0.005 mg/L
5. Trichloroethylene	0.005 mg/L
6. para-Dichlorobenzene	0.075 mg/L
7. 1,1-Dichloroethylene	0.007 mg/L
8. 1,1,1-Trichloroethane	0.2 mg/L
9. cis-1,2-Dichloroethylene	0.07 mg/L
10. 1,2-Dichloropropane	0.005 mg/L
11. Ethylbenzene	0.7 mg/L
12. Monochlorobenzene	0.1 mg/L
13. o-Dichlorobenzene	0.6 mg/L
14. Styrene	0.1 mg/L
15. Tetrachloroethylene	0.005 mg/L
16. Toluene	1 mg/L
17. trans-1,2-Dichloroethylene	0.1 mg/L
18. Xylenes (total)	10 mg/L
19. Dichloromethane	0.005 mg/L
20. 1,2,4-Trichlorobenzene	0.07 mg/L
21. 1,1,2-Trichloroethane	0.005 mg/L

(c) Disinfection Byproducts and Disinfectant Residuals:

(i) Community and Non-transient non-community water systems. Surface Water systems serving 10,000 or more persons shall comply with this section beginning January 1, 2002. Surface water systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water shall comply with this section beginning January 1, 2004.

(A) Compliance with the disinfection byproduct MCLs listed in Table 200-4 shall be determined by the procedures listed in R309-210-8(6) until the date specified by system size listed in R309-210-10(1)(c) at which time compliance shall be determined utilizing LRAA as specified in R309-210-10(1)(d).

(ii) Transient non-community water systems. Surface water systems serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant shall comply with the chlorine dioxide MRDL beginning January 1, 2002. Surface water systems serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant shall comply with the chlorine dioxide MRDL beginning January 1, 2004.

(iii) The maximum contaminant levels (MCLs) for disinfection byproducts are listed in Table 200-4.

TABLE 200-4
DISINFECTION BYPRODUCTS

DISINFECTION BYPRODUCT	MCL (mg/L)
Total trihalomethanes (TTHM)	0.080
Haloacetic acids (five) (HAA5)	0.060
Bromate	0.010
Chlorite	1.0

(iv) The maximum residual disinfectant levels (MRDLs) are listed in Table 200-5.

TABLE 200-5
MAXIMUM RESIDUAL DISINFECTANT LEVELS

DISINFECTANT RESIDUAL	MRDL (mg/L)
Chlorine	4.0 (as Cl ₂)
Chloramines	4.0 (as Cl ₂)
Chlorine dioxide	0.8 (as ClO ₂)

(v) Control of Disinfectant Residuals. Notwithstanding the MRDLs listed in Table 200-5, systems may increase residual disinfectant levels in the distribution system of chlorine or chloramines (but not chlorine dioxide) to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.

(vi) A system that is installing GAC or membrane technology to comply with this section may apply to the Director for an extension of up to 24 months past the dates in paragraph (c)(i) of this section, but not beyond December 31, 2003. In granting the extension, the Director shall set a schedule for compliance and may specify any interim measures that the system shall take. Failure to meet the schedule or interim treatment requirements constitutes a violation of Utah Public Drinking Water Rules.

(4) Radiologic Chemicals.

(a) Compliance dates. Compliance dates for combined radium-226 and -228, gross alpha particle activity, gross beta particle and photon radioactivity, and uranium: Community water systems shall comply with the MCLs listed in paragraphs (b), (c), (d), and (e) of this

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section beginning December 8, 2003 and compliance shall be determined in accordance with the requirements of this sub-section (4) and R309-205-7. Compliance with reporting requirements for the radionuclides under R309-220 and R309-225 is required on December 8, 2003.

(b) Combined radium-226 and -228. The maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/L. The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.

(c) Gross alpha particle activity (excluding radon and uranium). The maximum contaminant level for gross alpha particle activity (including radium-226 but excluding radon and uranium) is 15 pCi/L.

(d) The MCL for beta particle and photon radioactivity.

(i) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year (mrem/year).

(ii) Except for the radionuclides listed in Table 200-6, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents shall be calculated on the basis of 2 liters per day drinking water intake using the 168 hour data list in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NBS (National Bureau of Standards) Handbook 69 as amended August 1963, U.S. Department of Commerce. Copies of this document are available from the National Technical Information Service, NTIS ADA 280 282, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. The toll-free number is 800-553-6847. Copies may be inspected at the Division of Drinking Water offices. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 mrem/year.

TABLE 200-6
MAN-MADE RADIONUCLIDE CONTAMINANTS

Average Annual Concentrations Assumed to Produce:
A Total Body or Organ Dose of 4 mrem/yr

Radionuclide	Critical organ	pCi per liter
Tritium	Total body	20,000
Strontium-90	Bone Marrow	8

(e) The MCL for uranium. The maximum contaminant level for uranium is 30 ug/L.

(5) TURBIDITY

(a) All public water systems using surface water or ground water under the direct influence of surface water shall provide treatment consisting of both disinfection, as specified in R309-200-5(7)(a), and filtration treatment which complies with the requirements of paragraph (i), (ii) or (iii) of this section.

(i) Conventional filtration treatment or direct filtration.

(A) For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's combined filtered effluent water shall be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month, measured as specified in R309-200-4(3) and R309-215-9.

(B) The turbidity level of representative samples of a system's combined filtered effluent water shall at no time exceed 1.0 NTU, measured as specified in R309-200-4(3) and R309-215-9.

(C) A system that uses lime softening may acidify representative samples prior to analysis using a protocol approved by the Director.

(ii) Filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration. A public water system may use a filtration technology not listed in paragraph (i) or (iii) of this subsection if it demonstrates to the Director, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of R309-200-5(7), consistently achieves 99.9 percent removal and/or inactivation of Giardia lamblia cysts and 99.99 percent removal and/or inactivation of viruses, and 99 percent removal of Cryptosporidium oocysts, and the Director approves the use of the filtration technology. For each approval, the Director will set turbidity performance requirements that the system shall meet at least 95 percent of the time and that the system may not exceed at any time at a level that consistently achieves 99.9 percent removal and/or inactivation of Giardia lamblia cysts, 99.99 percent removal and/or inactivation of viruses, and 99 percent removal of Cryptosporidium oocysts. For alternative filtration technology using membrane filtration, the turbidity performance requirements shall be a turbidity level of less than or equal to 0.1 NTU in at least 95 percent of the measurements taken each month and that at no time exceeds 0.5 NTU, measured as specified in Subsection R309-200-4(3) and Section R309-215-9. For alternative filtration technology other than membrane filtration, the turbidity level of representative samples shall at no time exceed 5.0 NTU for any treatment technique, measured as specified in R309-215-9(1)(c) and (d).

(iii) The turbidity limit for slow sand filtration and diatomaceous earth filtration shall be less than or equal to 1.0 NTU in at least 95 percent of the measurements taken each month, measured as specified in R309-215-9(1)(c) and (d). For slow sand filtration only, if the Director determines that the system is capable of achieving 99.9 percent removal and inactivation of Giardia lamblia cysts at some turbidity level higher than 1.0 NTU in at least 95 percent of the measurements, the Director may substitute this higher turbidity limit for that system. The turbidity level of representative samples shall at no time exceed 5.0 NTU for any treatment technique, measured as specified in R309-215-9(1)(c) and (d).

(c) Ground water sources not under the direct influence of surface water:

(i) The following turbidity limit applies to community water systems only.

(ii) The limit for turbidity in drinking water from ground water sources not under the direct influence of surface sources is 5.0 NTU based on an average for two consecutive days pursuant to R309-205-8(3).

(6) MICROBIOLOGICAL QUALITY

(a) The maximum contaminant level (MCL) for microbiological contaminants for all public water systems is:

(i) For a system that collects at least 40 samples per month, if no more than 5.0 percent of the samples collected during a month are total coliform-positive, the system is in compliance with the MCL for total coliforms.

(ii) For a system that collects fewer than 40 samples per month, if no more than one sample collected during a month is total coliform-positive, the system is in compliance with the MCL for total coliforms.

(b) A system is in compliance with the MCL for E. coli for samples taken under the provisions of R309-211 unless any of the conditions identified in paragraphs (b)(i) through (b)(iv) of this section occur. For purposes of the public notification requirements in R309-220, violation of the MCL may pose an acute risk to health.

(i) The system has an E. coli-positive repeat sample following a total coliform-positive routine sample.

(ii) The system has a total coliform-positive repeat sample following an E. coli-positive routine sample.

(iii) The system fails to take all required repeat samples following an E. coli-positive routine sample.

(iv) The system fails to test for E. coli when any repeat sample tests positive for total coliform.

(c) A public water system must determine compliance with the MCL for E. coli in paragraph (b) of this section for each month in which it is required to monitor for total coliforms.

(7) DISINFECTION

Continuous disinfection is recommended for all water sources. It shall be required of all ground water sources which do not consistently meet standards of bacteriologic quality. Surface water sources or ground water sources under direct influence of surface water shall be disinfected and continuously monitored for disinfection residual during the course of required conventional complete treatment for systems serving greater than 3,300 people. Disinfection shall not be considered a substitute for inadequate collection or filtration facilities.

Successful disinfection assures 99.9 percent inactivation of Giardia lamblia cysts and 99.99 percent inactivation of enteric viruses. Both filtration and disinfection are considered treatment techniques to protect against the potential adverse health effects of exposure to Giardia lamblia, viruses, Legionella, and heterotrophic bacteria in water. Minimum disinfection levels are set by "CT" values as defined in R309-110.

(a) Each public water system that provides filtration treatment shall provide disinfection treatment as follows:

(i) The disinfection treatment shall be sufficient to ensure that the total treatment processes of the system achieve at least 99.9 percent (3-log) inactivation and/or removal of Giardia lamblia cysts and at least 99.99 percent (4-log) inactivation and/or removal of viruses, as determined by the Director.

(ii) The residual disinfectant concentration in the water entering the distribution system cannot be less than 0.2 mg/L for more than 4 hours.

(iii) The residual disinfectant concentration in the distribution system, measured as combined chlorine or chlorine dioxide, cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public. Water in the distribution system with a heterotrophic bacteria concentration less than or equal to 500/ml, measured as heterotrophic plate count (HPC) is deemed to have a detectable disinfectant residual for purposes of determining compliance with this requirement. Thus, the value "V" in the following formula cannot exceed 5 percent in one month, for any two consecutive months.

$$V = ((c + d + e) / (a + b)) \times 100 \text{ where:}$$

a = number of instances where the residual disinfectant concentration is measured;

b = number of instances where the residual disinfectant concentration is not measured but heterotrophic bacteria plate count (HPC) is measured;

c = number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;

d = number of instances where no residual disinfectant concentration is detected and where HPC is greater than 500/ml;

e = number of instances where the residual disinfectant concentration is not measured and HPC is greater than 500/ml.

(b) If the Director determines, based on site-specific considerations, that a system has no means for having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified in R309-200-4(3) and that the system is providing adequate disinfection in the distribution system, the requirements of R309-200-5(7)(a)(iii) do not apply.

(c) If a system utilizes a combination of sources, some surface water influenced (requiring filtration and disinfection treatment) and others deemed ground water (not requiring any treatment, even disinfection), the Director may, based on site-specific considerations, allow sampling for residual disinfectant or HPC at locations other than those specified by total coliform monitoring required by R309-211.

KEY: drinking water, quality standards, regulated contaminants

Date of Last Change: 2026[March 31, 2022]

Notice of Continuation: February 10, 2025

Authorizing, and Implemented or Interpreted Law: 19-4-104

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58027
Rule or section number:	R309-210

1. Agency Information

Title catchline:	Environmental Quality, Drinking Water
Building:	Multi-Agency State Office Buildings
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

2. Contact Persons

Name:	Phone:	Email:
Sarah Romero-Rivera	801-896-8255	sarahromero@utah.gov
Mimi Ujiie	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.

3. General Information

A. Rule or section catchline:
R309-210. Monitoring and Water Quality: Distribution System Monitoring Requirements
B. Purpose of the new rule or reason for the change:
Application for Primacy for EPA's Lead and Copper Rule Improvement (LCRI) Rule finalized on 11/01/2024 which establishes lead and copper exceedance levels, sampling requirements, education and notice requirements, service line inventory requirements, and service line replacement requirements. In order to maintain primacy, the Utah Division of Drinking Water (Division) must update this rule to reflect LCRI requirements.
C. Summary of the new rule or change:
Under the Safe Drinking Water Act, Subsection 19-4-104(1)(a)(ii) grants the Drinking Water Board the authority to establish and oversee Utah's drinking water program. This authority includes implementing new requirements under the Environmental Protection Agency's LCRI for community and non-transient non-community water systems. Key provisions of the updated Section R309-210-6 include: lower lead action level, expanded lead sampling requirements, new education and public notification requirements, and service line inventory and replacement. These requirements will be implemented as part of Utah's Safe Drinking Water Act (Title 19, Chapter 4). These amendments update this rule to include provisions of the LCRI by creating a new section, R309-210-6, that incorporates by reference the EPA's 11/01/2024 LCRI. 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.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no expected cost to the state budget as a direct result of this rule. Any labor-related expenses, such as compliance, program implementation, or technical assistance, are already accounted for within the existing budget and are being absorbed by the Division through the fee authority and federal grants being administered by the Division.
B. Local governments:
The LCRI is a federal rule, therefore, these costs will be incurred whether Utah adopts this rule and gets primacy. Below is the cost analysis.

The exact number of local governments that may experience a direct financial impact is currently unknown. The Division tracks the size of water systems but does not categorize them by ownership type.

The total estimated cost for addressing lead exceedances or replacing lead service lines for water systems owned by local governments spans a wide range, and cannot be determined due to the variation in system size, source of funding (federal grant/loans, self-pay, and other), variation in the number of water systems requiring remediation, variation in service line length, and variation in treatment types and costs.

Most public water systems owned by local governments (approximately 98 to 99%) will likely incur zero costs, as they are not anticipated to identify lead service lines or incur lead action level exceedances through their required monitoring.

For 1 to 2% of water systems that do identify lead service lines or require treatment due to lead action level exceedances, the expenses are influenced by lead service line replacement and corrosion control treatments.

For lead service line replacement, the estimated cost could be up to \$10,000 per service line which includes the service line from the main to the home. Costs can vary significantly based on length, depth, material, and the replacement method.

If corrosion control treatments are needed, the costs could vary widely depending on the size and complexity of the water system, the type of treatment chosen, and ongoing chemical costs.

The total estimated cost for completing a service line inventory, sampling, and meeting the education requirement for local governments spans a wide range, and cannot be determined due to the variation in system size, source of funding (federal grant/loans, self-pay, and other), unknown number of impacted systems (some water systems may have already completed all requirements).

Many public water systems owned by local governments have already fulfilled these requirements and will not incur further costs. For those still needing to complete them, the cost is highly dependent on the system's size and the extent of work already completed for their service line inventory and lead sampling.

Utah has notably become the first state to test 100% of K through 12 schools for lead in drinking water through the "Lead-Free Learning Initiative," with sampling being free for schools.

All Community and Non-Transient Non-Community public water systems owned by local governments were required to complete an initial service line inventory by 10/16/2024. While some of them have successfully identified all unknown service lines, many others still have work to do.

Identifying the remaining unknown lines will continue to be a cost over the next few years. Specific costs for local governments to conduct this inventory vary significantly based on the existing records, the need for field verification, and the size of the system. Most of them will not need to complete the most expensive method of excavation, and most will likely use less expensive methods such as record reviews, customer surveys, and looking at their meter box.

Water testing for lead typically costs between \$20 and \$49 per sample, and the costs for education requirements would generally involve outreach materials, public notices, and potentially community meetings.

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

The LCRI is a federal rule, therefore, these costs will be incurred whether Utah adopts this rule and gets primacy. Below is the cost analysis.

The Division estimates that fewer than five small businesses could incur any costs, but exact number is unknown.

The total estimated cost for addressing lead exceedances or replacing lead service lines for water systems owned by small businesses spans a wide range, and cannot be determined due to the variation in system size, source of funding (federal grant/loans, self-pay, and other), variation in the number of water systems requiring remediation, variation in service line length, and variation in treatment types and costs.

Most public water systems owned by small businesses will likely incur zero costs, as they are not anticipated to identify lead service lines or incur lead action level exceedances through their required monitoring.

For the small percentage of water systems that do identify lead service lines or require treatment due to lead action level exceedances, the expenses are influenced by lead service line replacement and corrosion control treatments.

For lead service line replacement, the estimated cost could be up to \$10,000 per service line which includes the service line from the main to the home. Costs can vary significantly based on length, depth, material, and the replacement method.

If corrosion control treatments are needed, the costs could vary widely depending on the size and complexity of the water system, the type of treatment chosen, and ongoing chemical costs.

The total estimated cost for completing a service line inventory, sampling, and meeting the education requirement for small businesses spans a wide range, and cannot be determined due to the variation in system size, source of funding (federal grant/loans, self-pay, and other), unknown number of impacted systems (some water systems may have already completed all requirements).

Many public water systems owned by small businesses have already fulfilled these requirements and will not incur further costs.

For those still needing to complete them, the cost is highly dependent on the system's size and the extent of work already completed for their service line inventory and lead sampling.

Utah has notably become the first state to test 100% of K through 12 schools for lead in drinking water through the "Lead-Free Learning Initiative," with sampling being free for schools.

All Community and Non-Transient Non-Community public water systems owned by small businesses were required to complete an initial service line inventory by 10/16/2024. While some of them have successfully identified all unknown service lines, many others still have work to do. Identifying the remaining unknown lines will continue to be a cost over the next few years.

Specific costs for small businesses to conduct this inventory vary significantly based on the existing records, the need for field verification, and the size of the system. Most of them will not need to complete the most expensive method of excavation, and most will likely use less expensive methods such as record reviews, customer surveys, and looking at their meter box.

Water testing for lead typically costs between \$20 and \$49 per sample, and the costs for education requirements would generally involve outreach materials, public notices, and potentially community meetings.

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

The LCRI is a federal rule, therefore, these costs will be incurred whether Utah adopts this rule and gets primacy. Below is the cost analysis.

The exact number of public water systems owned by non-small businesses that may experience a direct financial impact is currently unknown. The Division tracks the size of water systems by population served but does not categorize them by ownership type.

The total estimated cost for addressing lead exceedances or replacing lead service lines for water systems owned by non-small businesses spans a wide range, and cannot be determined due to the variation in system size, source of funding (federal grant/loans, self-pay, and other), variation in the number of water systems requiring remediation, variation in service line length, and variation in treatment types and costs.

Most public water systems owned by non-small businesses will likely incur zero costs, as they are not anticipated to identify lead service lines or incur lead action level exceedances through their required monitoring.

For the small percentage of water systems that do identify lead service lines or require treatment due to lead action level exceedances, the expenses are influenced by lead service line replacement and corrosion control treatments.

For lead service line replacement, the estimated cost could be up to \$10,000 per service line which includes the service line from the main to the home. Costs can vary significantly based on length, depth, material, and the replacement method.

If corrosion control treatments are needed, the costs could vary widely depending on the size and complexity of the water system, the type of treatment chosen, and ongoing chemical costs.

The total estimated cost for completing a service line inventory, sampling, and meeting the education requirement for non-small businesses spans a wide range, and cannot be determined due to the variation in system size, source of funding (federal grant/loans, self-pay, and other), unknown number of impacted systems (some water systems may have already completed all requirements).

Many public water systems owned by non-small businesses have already fulfilled these requirements and will not incur further costs.

For those still needing to complete them, the cost is highly dependent on the system's size and the extent of work already completed for their service line inventory and lead sampling.

Utah has notably become the first state to test 100% of K through 12 schools for lead in drinking water through the "Lead-Free Learning Initiative," with sampling being free for schools.

All Community and Non-Transient Non-Community public water systems owned by non-small businesses were required to complete an initial service line inventory by October 16, 2024. While some of them have successfully identified all unknown service lines, many others still have work to do.

Identifying the remaining unknown lines will continue to be a cost over the next few years. Specific costs for non-small businesses to conduct this inventory vary significantly based on the existing records, the need for field verification, and the size of the system.

Most of them will not need to complete the most expensive method of excavation, and most will likely use less expensive methods such as record reviews, customer surveys, and looking at their meter box.

Water testing for lead typically costs between \$20 and \$49 per sample, and the costs for education requirements would generally involve outreach materials, public notices, and potentially community meetings.

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 LCRI is a federal rule, therefore, these costs will be incurred whether Utah adopts the rule and gets primacy. Below is our cost analysis.

The exact number of public water systems that are owned by persons other than small businesses, non-small businesses, state, or local government entities is unknown as the Division does not track public water system ownership type; therefore, it is not possible to determine the aggregate cost.

However, the Division anticipates very few public water systems that are persons other than small businesses, non-small businesses, state, or local government entities will incur any costs.

The total estimated cost for addressing lead exceedances or replacing lead service lines for water systems owned by persons other than small businesses, non-small businesses, state, or local government entities spans a wide range, and cannot be determined due to the variation in system size, source of funding (federal grant/loans, self-pay, and other), variation in the number of water systems requiring remediation, variation in service line length, and variation in treatment types and costs.

Most public water systems owned by persons other than small businesses, non-small businesses, state, or local government entities will likely incur zero costs, as they are not anticipated to identify lead service lines or incur lead action level exceedances through their required monitoring.

For the small percentage of water systems that do identify lead service lines or require treatment due to lead action level exceedances, the expenses are influenced by lead service line replacement and corrosion control treatments.

For lead service line replacement, the estimated cost could be up to \$10,000 per service line which includes the service line from the main to the home. Costs can vary significantly based on length, depth, material, and the replacement method.

If corrosion control treatments are needed, the costs could vary widely depending on the size and complexity of the water system, the type of treatment chosen, and ongoing chemical costs.

The total estimated cost for completing a service line inventory, sampling, and meeting the education requirement for persons other than small businesses, non-small businesses, state, or local government entities spans a wide range, and cannot be determined due to the variation in system size, source of funding (federal grant/loans, self-pay, and other), unknown number of impacted systems (some water systems may have already completed all requirements).

Many public water systems owned by persons other than small businesses, non-small businesses, state, or local government entities have already fulfilled these requirements and will not incur further costs. For those still needing to complete them, the cost is highly dependent on the system's size and the extent of work already completed for their service line inventory and lead

sampling. Utah has notably become the first state to test 100% of K through 12 schools for lead in drinking water through the "Lead-Free Learning Initiative," with sampling being free for schools.

All Community and Non-Transient Non-Community public water systems owned by persons other than small businesses, non-small businesses, state, or local government entities were required to complete an initial service line inventory by 10/16/2024. While some of them have successfully identified all unknown service lines, many others still have work to do.

Identifying the remaining unknown lines will continue to be a cost over the next few years. Specific costs for persons other than small businesses, non-small businesses, state, or local government entities to conduct this inventory vary significantly based on the existing records, the need for field verification, and the size of the system. Most of them will not need to complete the most expensive method of excavation, and most will likely use less expensive methods such as record reviews, customer surveys, and looking at their meter box.

Water testing for lead typically costs between \$20 and \$49 per sample, and the costs for education requirements would generally involve outreach materials, public notices, and potentially community meetings.

F. Compliance costs for affected persons:

Complying costs for affected persons can vary significantly based on the methods used, the size of the system, and specific situational factors.

The cost of creating an inventory of service lines ranges from \$2.82 to \$2,190 per service line. This wide range is primarily due to the method of identification. A simple records review can be as low as \$2.82 per service line, while physically excavating a service line to identify it can be significantly more expensive, costing around \$2,190 per service line.

Sampling costs typically range between \$20 to \$49 per sample. The price is heavily influenced by laboratory charges.

Compliance costs to meet the educational requirements are anticipated to range from \$8.44 to \$41 per lead or unknown service lines. Various water systems will not incur these costs, and the total cost is dependent on how fast a public water system identifies all their service lines.

The costs associated with service line replacements is approximately \$10,000 per service line. Several factors influence this cost, including the method of replacement being used, the length of pipe being replaced, and landscaping considerations

Corrosion control expenses are highly variable dependent on treatment method, system size, and various other variables.

The cost for point-of-use treatment typically ranges between \$30 to \$80 per service line.

*The Division has provided multiple financial cost impact scenarios, including variables that may affect costs throughout this form. Because the Division has previously provided potential cost increments, a specific number will not be shown in the impact table and it will be shown as zero. Please refer to the previously described possible costs.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

B. Summary of reasonable alternatives or modifications:
 Not applicable since this is for primacy of the federal Safe Drinking Water Act.

9. Citation Information

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 19-4-104(1)	40 CFR142 (2025)	40 CFR 141 Subpart I (2025)
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10. Incorporation by Reference Information

Incorporation by Reference:	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	40 CFR 141 Subpart I
Publisher	Office of the Federal Register: Environmental Protection Agency
Issue Date	October 30, 2024

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.
A. Comments will be accepted until: 07/15/2026

12. Effective Date Information

This rule change MAY become effective on: 07/22/2026
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Tim Davis, Commissioner	Date:	05/29/2026
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R309. Environmental Quality, Drinking Water.
R309-210. Monitoring and Water Quality: Distribution System Monitoring Requirements.
R309-210-1. Purpose.

The purpose of this rule is to outline the monitoring, public education, inventory, replacement, and treatment requirements for each supplier[~~public water systems~~] with regard to its[~~their~~] distribution systems.

- ~~_____ R309-210-2. Authority.~~
- ~~_____ R309-210-3. Definitions.~~
- ~~_____ R309-210-4. General distribution system monitoring requirements.~~
- ~~_____ R309-210-5. Microbiological Monitoring.~~

NOTICES OF PROPOSED RULES

- ~~_____ R309-210-6. Lead and Copper Monitoring.~~
- ~~_____ R309-210-7. Asbestos Distribution System Monitoring.~~
- ~~_____ R309-210-8. Disinfection Byproducts – Stage 1 Requirements.~~
- ~~_____ R309-210-9. Disinfection Byproducts – Initial Distribution System Evaluations (IDSE).~~
- ~~_____ R309-210-10. Disinfection Byproducts – Stage 2 Requirements.]~~

R309-210-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Section 19-4-104 [Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code.] and in accordance with Title 63G, Chapter 3, [63G-3 of the same, known as the] Administrative Rulemaking Act.

R309-210-3. Definitions.

Until October 31, 2027, definitions for Section R309-210-6 are defined in Rule R309-110. Beginning on November 1, 2027, definitions for Section R309-210-6 are defined in 40 CFR 141.2 (2025). Definitions for all other sections in Rule R309-210 are defined in Rule R309-110. [Definitions for certain terms used in this rule are given in R309-110 but may be further clarified herein.]

R309-210-4. General.

(1) Each supplier shall [All public water systems are required to] monitor its [their] water to determine compliance [if they comply] with [the requirements for] water quality requirements [stated in] according to Rule R309-200. In exceptional circumstances the [D] director may modify the monitoring requirements [given] in Rule R309-210 [herein] as is deemed appropriate.

(2) The d[D]irector may determine compliance or initiate compliance actions based upon analytical results and other information compiled by authorized representatives, and a supplier must keep analytical records in their possession for a required length of time outlined in Section R309-105-17.

(3) If a supplier [the water] fails to meet minimum standards, it shall carry out [then] certain public notification procedures [must be carried out, as outlined in] outlined in Rule R309-220. [Water suppliers must also keep analytical records in their possession, for a required length of time, as outlined in R309-105-17.]

(4) A supplier [All samples] shall [be taken] take samples at representative sites as specified in Rule R309-210 [herein] for each contaminant or group of contaminants.

(5) [For the purpose of determining] To determine compliance, the division [samples] may only [be] consider [ed] samples if they have been analyzed by the State of Utah primacy laboratory or a laboratory certified by the Utah State Health Laboratory.

(6) Measurements for pH, temperature, turbidity and disinfectant residual may, under the direction of the direct responsible operator, be performed by any water supplier or water supplier's [their] representative.

(7) Each supplier [All samples] must [be] mark [ed] either: routine, repeat, check or investigative before submission of such samples to a certified laboratory. Each supplier shall consider r[R]outine, repeat, and check samples as [shall be considered] compliance purpose samples.

(8) Suppliers may send each [All] sample result [s can be sent] to the d[D]ivision [of Drinking Water] either electronically or in hard copy form.

(9) Unless otherwise required by the d[D]irector, each supplier shall [the effective dates on which required monitoring shall be] initiate [d] required monitoring [are] identical to the dates published in 40 CFR 141 on July 1, 20[01]25 [by the Office of the Federal Register].

(10) The division may grant an e[E]xemption[s] from monitoring requirements [shall] only [be granted] in accordance with Section R309-105-5.

R309-210-5. Bacteriological Monitoring.

Refer to Rule R309-211 for bacteriological monitoring requirements.

~~**R309-210-6. Lead and Copper Monitoring.**~~

- ~~_____ (1) General requirements.~~
- ~~_____ (a) Applicability and effective dates~~
 - ~~_____ (i) The requirements of R309-210-6, unless otherwise indicated, apply to community water systems and non-transient non-community water systems (hereinafter referred to as water systems or systems).~~
 - ~~_____ (b) R309-210-6 establishes a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps.~~
 - ~~_____ (c) Corrosion control treatment requirements~~
 - ~~_____ (i) All water systems shall install and operate optimal corrosion control treatment. However, any water system that complies with the applicable corrosion control treatment requirements specified by the Director under R309-210-6(2) and R309-210-6(4)(a) shall be deemed in compliance with this treatment requirement.~~
 - ~~_____ (d) Source water treatment requirements~~
 - ~~_____ Any system exceeding the lead or copper action level shall implement all applicable source water treatment requirements specified by the Director under R309-210-6(4)(b).~~
 - ~~_____ (e) Lead service line replacement requirements~~

~~Any system exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in R309-210-6(4)(c).~~

~~(f) Public education requirements~~

~~Pursuant to R309-210-6(7), all water systems must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested. Any system exceeding the lead action level shall implement the public education requirements.~~

~~(g) Monitoring and analytical requirements~~

~~Tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results shall be completed in compliance with R309-210-6(3), R309-210-6(5), R309-210-6(6) and R309-200-8.~~

~~(h) Reporting requirements~~

~~Systems shall report to the Director any information required by the treatment provisions of this subpart and R309-210-6(8).~~

~~(i) Recordkeeping requirements~~

~~Systems shall maintain records in accordance with R309-105-17(2).~~

~~(j) Violation of primary drinking water rules~~

~~Failure to comply with the applicable requirements of R309-210-6., including requirements established by the Director pursuant to these provisions, shall constitute a violation of the primary drinking water regulations for lead and/or copper.~~

~~(2) Applicability of corrosion control treatment steps to small, medium size and large water systems.~~

~~(a) Systems shall complete the applicable corrosion control treatment requirements described in R309-210-6(4)(a) by the deadlines established in this section.~~

~~(i) A large system (serving greater than 50,000 persons) shall complete the corrosion control treatment steps specified in R309-210-6(2)(d), unless it is deemed to have optimized corrosion control under R309-210-6(2)(b)(ii) or (b)(iii).~~

~~(ii) A small system (serving less than 3300 persons) and a medium size system (serving greater than 3,300 and less than 50,000 persons) shall complete the corrosion control treatment steps specified in R309-210-6(2)(e), unless it is deemed to have optimized corrosion control under R309-210-6(2)(b)(i), (b)(ii), or (b)(iii).~~

~~(b) A system is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this section if the system satisfies one of the criteria in paragraphs (b)(i) through (b)(iii) of this section. Any such system deemed to have optimized corrosion control under this paragraph, and which has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Director determines appropriate to ensure optimal corrosion control treatment is maintained.~~

~~(i) A small or medium size water system is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six month monitoring periods conducted in accordance with R309-210-6(3).~~

~~(ii) Any water system may be deemed by the Director to have optimized corrosion control treatment if the system demonstrates to the satisfaction of the Director that it has conducted activities equivalent to the corrosion control steps applicable to such system under this section. If the Director makes this determination, it shall provide the system with written notice explaining the basis for its decision and shall specify the water quality control parameters representing optimal corrosion control in accordance with R309-210-6(4)(a)(vi). Water systems deemed to have optimized corrosion control under this paragraph shall operate in compliance with the Director designated optimal water quality control parameters in accordance with R309-210-6(4)(a)(vii) and continue to conduct lead and copper tap and water quality parameter sampling in accordance with R309-210-6(3)(d)(iii) and R309-210-6(5)(d), respectively. A system shall provide the Director with the following information in order to support a determination under this paragraph:~~

~~(A) the results of all test samples collected for each of the water quality parameters in R309-210-6(4)(a)(iii)(C).~~

~~(B) a report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in R309-210-6(4)(a)(iii)(A), the results of all tests conducted, and the basis for the system's selection of optimal corrosion control treatment;~~

~~(C) a report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps; and~~

~~(D) the results of tap water samples collected in accordance with R309-210-6(3) at least once every six months for one year after corrosion control has been installed.~~

~~(iii) Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with R309-210-6(3) and source water monitoring conducted in accordance with R309-210-6(6) that demonstrates for two consecutive six month monitoring periods that the difference between the 90th percentile tap water lead level computed under R309-200-5(2)(e), and the highest source water lead concentration, is less than the Practical Quantitation Level (PQL) for lead as specified in R309-104-8.~~

~~(A) Those systems whose highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead level is less than or equal to the Practical Quantitation Level for lead for two consecutive 6 month monitoring periods.~~

~~(B) Any water system deemed to have optimized corrosion control in accordance with this paragraph shall continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in R309-210-6(3)(e) and collecting the samples at times and locations specified in R309-210-6(3)(d)(iv)(D). Any such system that has not conducted a round of monitoring pursuant to R309-210-6(3)(d) since September 30, 1997, shall complete a round of monitoring pursuant to this paragraph no later than September 30, 2000.~~

~~(C) Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the Director in writing pursuant to R309-210-6(8)(a)(iii) of any upcoming long term change in treatment or addition of a new source as described in that section. The Director must review and approve the addition of a new source or long term change in water treatment before it is implemented by the water~~

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system. The Director may require any such system to conduct additional monitoring or to take other action the Director deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.

(D) As of July 12, 2001, a system is not deemed to have optimized corrosion control under this paragraph, and shall implement corrosion control treatment pursuant to paragraph (b)(iii)(E) of this section unless it meets the copper action level.

(E) Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this paragraph shall implement corrosion control treatment in accordance with the deadlines in paragraph (e) of this section. Any such large system shall adhere to the schedule specified in that paragraph for medium-size systems, with the time periods for completing each step being triggered by the date the system is no longer deemed to have optimized corrosion control under this paragraph.

(e) Any small or medium-size water system that is required to complete the corrosion control steps due to its exceedance of the lead or copper action level may cease completing the treatment steps whenever the system meets both action levels during each of two consecutive monitoring periods conducted pursuant to R309-210-6(3) and submits the results to the Director. If any such water system thereafter exceeds the lead or copper action level during any monitoring period, the system (or the Director, as the case may be) shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The Director may require a system to repeat treatment steps previously completed by the system where the Director determines that this is necessary to implement properly the treatment requirements of this section. The Director shall notify the system in writing of such a determination and explain the basis for its decision. The requirement for any small or medium-size system to implement corrosion control treatment steps in accordance with paragraph (e) of this section (including systems deemed to have optimized corrosion control under paragraph (b)(i) of this section) is triggered whenever any small or medium-size system exceeds the lead or copper action level.

(d) Treatment steps and deadlines for large systems

Except as provided in R309-210-6(2)(b)(ii) and (b)(iii), large systems shall complete the following corrosion control treatment steps by the indicated dates:

(i) Step 1: The system shall conduct initial monitoring (R309-210-6(3)(d)(i) and R309-210-6(5)(b)) during two consecutive six-month monitoring periods by January 1, 1993.

(ii) Step 2: The system shall complete corrosion control studies (R309-210-6(4)(a)(iii)) by July 1, 1994.

(iii) Step 3: The Director shall designate optimal corrosion control treatment (R309-210-6(4)(a)(iv)) by January 1, 1995.

(iv) Step 4: The system shall install optimal corrosion control treatment (R309-210-6(4)(a)(v)) by January 1, 1997.

(v) Step 5: The system shall complete follow-up sampling (R309-210-6(3)(d)(ii) and R309-210-6(5)(e)) by January 1, 1998.

(vi) Step 6: The Director shall review installation of treatment and designate optimal water quality control parameters (R309-210-6(4)(a)(vi)) by July 1, 1998.

(vii) Step 7: The system shall operate in compliance with the Director specified optimal water quality control parameters (R309-210-6(4)(a)(vii)) and continue to conduct tap sampling (R309-210-6(3)(d)(iii) and R309-210-6(5)(d)).

(e) Treatment steps and deadlines for small and medium-size systems

Except as provided in R309-210-6(2)(b), small and medium-size systems shall complete the following corrosion control treatment steps by the indicated time periods:

(i) Step 1: The system shall conduct initial tap sampling (R309-210-6(3)(d)(i) and R309-210-6(5)(b)) until the system either exceeds the lead or copper action level or becomes eligible for reduced monitoring under R309-210-6(3)(d)(iv). A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment (R309-210-6(4)(a)) within six months after the end of the monitoring period during which it exceeds one of the action levels.

(ii) Step 2: Within 12 months after the end of the monitoring period during which a system exceeds the lead or copper action level, the Director may require the system to perform corrosion control studies (R309-210-6(4)(b)). If the Director does not require the system to perform such studies, the Director shall specify optimal corrosion control treatment (R309-210-6(4)(a)(iv)) within the following time frames:

(A) for medium-size systems, within 18 months after the end of the monitoring period during which such system exceeds the lead or copper action level;

(B) for small systems, within 24 months after the end of the monitoring period during which such system exceeds the lead or copper action level.

(iii) Step 3: If the Director requires a system to perform corrosion control studies under step 2, the system shall complete the studies (R309-210-6(4)(a)(iii)) within 18 months after the Director requires that such studies be conducted.

(iv) Step 4: If the system has performed corrosion control studies under step 2, the Director shall designate optimal corrosion control treatment (R309-210-6(4)(a)(iv)) within 6 months after completion of step 3.

(v) Step 5: The system shall install optimal corrosion control treatment (R309-210-6(4)(a)(v)) within 24 months after the Director designates such treatment.

(vi) Step 6: The system shall complete follow-up sampling (R309-210-6(3)(d)(ii) and R309-210-6(5)(e)) within 36 months after the Director designates optimal corrosion control treatment.

(vii) Step 7: The Director shall review the system's installation of treatment and designate optimal water quality control parameters (R309-210-6(4)(a)(vi)) within 6 months after completion of step 6.

(viii) Step 8: The system shall operate in compliance with the Director designated optimal water quality control parameters (R309-210-6(4)(a)(vii)) and continue to conduct tap sampling (R309-210-6(3)(d)(iii) and R309-210-6(5)(d)).

(3) Monitoring requirements for lead and copper in tap water.

(a) Sample site location

(i) By the applicable date for commencement of monitoring under R309-210-6(3)(d)(i), each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section, and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in R309-210-6(3)(c). All

sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point of use or point of entry treatment devices designed to remove inorganic contaminants.

~~(ii) A water system shall use the information on lead, copper, and galvanized steel when conducting a materials evaluation. When an evaluation of this information is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in R309-210-6(3)(a), the water system shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the system shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):~~

~~(A) all plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;~~

~~(B) all inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and~~

~~(C) all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.~~

~~(iii) The sampling sites selected for a community water system's sampling pool ("tier 1 sampling sites") shall consist of single family structures that:~~

~~(A) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or~~

~~(B) are served by a lead service line.~~

~~When multiple family residences comprise at least 20 percent of the structures served by a water system, the system may include these types of structures in its sampling pool.~~

~~(iv) Any community water system with insufficient tier 1 sampling sites shall complete its sampling pool with "tier 2 sampling sites", consisting of buildings, including multiple family residences that:~~

~~(A) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or~~

~~(B) are served by a lead service line.~~

~~(v) Any community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with "tier 3 sampling sites", consisting of single family structures that contain copper pipes with lead solder installed before 1983. A community water system with insufficient tier 1, tier 2 and tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.~~

~~(vi) The sampling sites selected for a non-transient non-community water system ("tier 1 sampling sites") shall consist of buildings that:~~

~~(A) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or~~

~~(B) are served by a lead service line.~~

~~(vii) A non-transient non-community water system with insufficient tier 1 sites that meet the targeting criteria in R309-210-6(3)(a)(vi) shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete its sampling pool, the non-transient non-community water system shall use representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.~~

~~(viii) Any water system whose distribution system contains lead service lines shall draw 50 percent of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of the samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by a lead service line shall collect first draw samples from all of the sites identified as being served by such lines.~~

~~(b) Sample collection methods~~

~~(i) All tap samples for lead and copper collected in accordance with this section, with the exception of lead service line samples collected under R309-210-6(4)(c)(iii) and samples collected under (b)(v) of this section, shall be first draw samples.~~

~~(ii) Each first draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold water kitchen tap or bathroom sink tap. First draw samples from a nonresidential building shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. Non first draw samples collected in lieu of first draw samples pursuant to paragraph (b)(v) of this section shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First draw samples may be collected by the system or the system may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems with residents handling nitric acid, acidification of first draw samples may be done up to fourteen days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in R309-200-4(3). If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.~~

~~(iii) Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six hours. Lead service line samples shall be collected in one of the following three ways:~~

~~(A) at the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;~~

~~(B) tapping directly into the lead service line; or~~

~~(C) if the sampling site is a building constructed as a single family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.~~

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(iv) A water system shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

(v) A non-transient non-community water system, or a community water system that meets the criteria for R309-210-6(7)(b)(vii), that does not have enough taps that can supply first draw samples, as defined in R309-110, may apply to the Director in writing to substitute non-first draw samples. Such systems must collect as many first draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites. The Director herein waives the requirement for prior Director approval of non-first draw samples sites selected by the system.

(c) Number of samples

Water systems shall collect at least one sample during each monitoring period specified in R309-210-6(3)(d) from the number of sites listed in the first column (standard monitoring) in Table 210-3. A system conducting reduced monitoring under R309-210-6(3)(d)(iv) may collect one sample from the number of sites specified in the second column (reduced monitoring) in Table 210-3 during each monitoring period specified in R309-210-6(3)(d)(iv). Such reduced monitoring sites shall be representative of the sites required for standard monitoring. A public water system that has fewer than five drinking water taps, that can be used for human consumption meeting the sample site criteria of R309-210-6(6)(a) to reach the required number of sample sites listed in paragraph (c) of this section, must collect at least one sample from each tap and then must collect additional samples from those taps on different days during the monitoring period to meet the required number of sites. Alternatively the Director may allow these public water systems to collect a number of samples less than the number of sites specified in paragraph (c) of this section, provided that 100 percent of all taps that can be used for human consumption are sampled. The Director must approve this reduction of the minimum number of samples in writing based on a request from the system or onsite verification by the Director. The Director may specify sampling locations when a system is conducting reduced monitoring to ensure that fewer number of sampling sites are representative of the risk to public health as outlined in R309-210-6(3)(a).

TABLE 210-3
NUMBER OF LEAD AND COPPER SAMPLING SITES

System Size (# People Served)	# of sites (Standard Monitoring)	# of sites (Reduced Monitoring)
Greater than 100,000	100	50
10,001 to 100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
100 or less	5	5

(d) Timing of monitoring

(i) Initial tap sampling

The first six month monitoring period for small, medium size and large systems shall begin on the following dates in Table 210-4:

TABLE 210-4
INITIAL LEAD AND COPPER MONITORING PERIODS

System Size (# People Served)	First six month Monitoring Period Begins On
Greater than 50,000	January 1, 1992
3,301 to 50,000	July 1, 1992
3,300 or less	July 1, 1993

(A) All large systems shall monitor during two consecutive six month periods.

(B) All small and medium size systems shall monitor during each six month monitoring period until:

(I) the system exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under R309-210-6(2), in which case the system shall continue monitoring in accordance with R309-210-6(3)(d)(ii), or

(II) the system meets the lead and copper action levels during two consecutive six month monitoring periods, in which case the system may reduce monitoring in accordance with R309-210-6(3)(d)(iv).

(ii) Monitoring after installation of corrosion control and source water treatment

(A) Any large system which installs optimal corrosion control treatment pursuant to R309-210-6(2)(d)(iv) shall monitor during two consecutive six month monitoring periods by the date specified in R309-210-6(2)(d)(v).

(B) Any small or medium size system which installs optimal corrosion control treatment pursuant to R309-210-6(2)(e)(v) shall monitor during two consecutive six month monitoring periods by the date specified in R309-210-6(2)(e)(vi).

(C) Any system which installs source water treatment pursuant to R309-210-6(4)(b)(i)(C) shall monitor during two consecutive six month monitoring periods by the date specified in R309-210-6(4)(b)(i)(D).

(iii) Monitoring after Director specifies water quality parameter values for optimal corrosion control

After the Director specifies the values for water quality control parameters under R309-210-6(4)(a)(vi), the system shall monitor during each subsequent six month monitoring period, with the first monitoring period to begin on the date the Director specifies the optimal values under R309-210-6(4)(a)(vi).

~~_____ (iv) Reduced monitoring~~

~~_____ (A) A small or medium size water system that meets the lead and copper action levels during each of two consecutive six month monitoring periods may reduce the number of samples in accordance with R309 210 6(3)(c), Table 210 3, and reduce the frequency of sampling to once per year. A small or medium water system collecting fewer than five samples as specified in paragraph (c) of this section, that meets the lead and copper action levels during each of two consecutive six month monitoring periods may reduce the frequency of sampling to once per year. In no case can the system reduce the number of samples required below the minimum of one sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive six month monitoring period.~~

~~_____ (B) Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Director under R309 210 6(4)(a)(vi) during each of two consecutive six month monitoring periods may reduce the frequency of monitoring to once per year and reduce the number of lead and copper samples in accordance with paragraph (c) of this section if it receives written approval from the Director. This sampling shall begin during the calendar year immediately following the end of the second consecutive six month monitoring period. The Director shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with R309 210 6(8), and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The Director shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.~~

~~_____ (C) A small or medium size water system that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Director under R309 210 6(4)(f) during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years if it receives written approval from the Director. Samples collected once every three years shall be collected no later than every third calendar year. The Director shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with R309 210 6(8), and shall notify the system in writing when it determines the system is eligible to reduce the frequency of monitoring to once every three years. The Director shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.~~

~~_____ (D) A water system that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in R309 210 6(3)(a). Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September unless the Director has approved a different sampling period in accordance with paragraph (d)(iv)(D)(I) of this section.~~

~~_____ (I) The Director, at its discretion, may approve a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period shall be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a non-transient non-community water system that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Director shall designate a period that represents a time of normal operation for the system. This sampling shall begin during the period approved or designated by the State in the calendar year immediately following the end of the second consecutive six month monitoring period for systems initiating annual monitoring and during the three year period following the end of the third consecutive calendar year of annual monitoring for systems initiating triennial monitoring.~~

~~_____ (II) Systems monitoring annually, that have been collecting samples during the months of June through September and that receive Director approval to alter their sample collection period under paragraph (d)(iv)(D)(I) of this section, must collect their next round of samples during a time period that ends no later than 21 months after the previous round of sampling. Systems monitoring triennially that have been collecting samples during the months of June through September, and receive Director approval to alter the sampling collection period as per (d)(iv)(D)(I) of this section, must collect their next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or triennially, as required by this section. Small systems with waivers, granted pursuant to paragraph (g) of this section, that have been collecting samples during the months of June through September and receive Director approval to alter their sample collection period under paragraph (d)(iv)(D)(I) of this section must collect their next round of samples before the end of the 9 year period.~~

~~_____ (E) Any water system that demonstrates for two consecutive 6 month monitoring periods that the tap water lead level computed under R309 200 5(2)(e) is less than or equal to 0.005 mg/L and the tap water copper level computed under R309 200 5(2)(e) is less than or equal to 0.65 mg/L may reduce the number of samples in accordance paragraph (c) of this section and reduce the frequency of sampling to once every three calendar years.~~

~~_____ (F)(I) A small or medium size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance R309 210 6(3)(d)(iii) and collect the number of samples specified for standard monitoring under R309 210 6(3)(c), Table 210 3. Such system shall also conduct water quality parameter monitoring in accordance with R309 210 6(5)(b), (c) or (d) (as appropriate) during the monitoring period in which it exceeded the action level. Any such system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (c) of this section after it has completed two subsequent consecutive six month rounds of monitoring that meet the criteria of paragraph (d)(iv)(A) of this section or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (d)(vi)(C) or (d)(iv)(D) of this section.~~

~~_____ (II) Any water system subject to the reduced monitoring frequency that fails to meet the lead action level during any four month monitoring period or that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Director under R309 210 6(4)(a)(vi) for more than nine days in any six month period specified in R309 210 6(5)(d) shall conduct tap water sampling for lead and copper at the frequency specified in paragraph (d)(iii) of this section, collect the number of samples specified for~~

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standard monitoring under paragraph (e) of this section, and shall resume monitoring for water quality parameters within the distribution system in accordance with R309-210-6(5)(d). This standard tap water sampling shall begin no later than the six-month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

(aa) The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (e) of this section after it has completed two subsequent six-month rounds of monitoring that meet the criteria of paragraph (d)(iv)(B) of this section and the system has received written approval from the Director that it is appropriate to resume reduced monitoring on an annual frequency. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

(bb) The system may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (d)(iv)(C) or (d)(iv)(E) of this section and the system has received written approval from the Director that it is appropriate to resume triennial monitoring.

(cc) The system may reduce the number of water quality parameter tap water samples required in accordance with R309-210-6(5)(e)(i) and the frequency with which it collects such samples in accordance with R309-210-6(5)(e)(ii). Such a system may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, in accordance with the requirements of R309-210-6(5)(e)(ii), that it has requalified for triennial monitoring.

(G) Any water system subject to a reduced monitoring frequency under paragraph (d)(iv) of this section shall notify the Director in writing in accordance with R309-210-6(8)(a)(iii) of any upcoming long-term change in treatment or addition of a new source as described in that section. The Director must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Director may require the system to resume sampling in accordance with paragraph (d)(iii) of this section and collect the number of samples specified for standard monitoring under paragraph (e) of this section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

(e) Additional monitoring by systems

The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Director in making any determinations (i.e., calculating the 90th percentile lead or copper level).

(f) Invalidation of lead or copper tap water samples. A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under Sec. 141.80 (e) (3) or toward meeting the minimum monitoring requirements of paragraph (e) of this section.

(i) The Director may invalidate a lead or copper tap water sample at least if one of the following conditions is met.

(A) The laboratory establishes that improper sample analysis caused erroneous results.

(B) The Director determines that the sample was taken from a site that did not meet the site selection criteria of this section.

(C) The sample container was damaged in transit.

(D) There is substantial reason to believe that the sample was subject to tampering.

(ii) The system must report the results of all samples to the Director and all supporting documentation for samples the system believes should be invalidated.

(iii) To invalidate a sample under paragraph (f)(i) of this section, the decision and the rationale for the decision must be documented in writing. The Director may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

(iv) The water system must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the system has too few samples to meet the minimum requirements of paragraph (e) of this section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Director invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

(g) Monitoring waivers for small systems. Any small system that meets the criteria of this paragraph may apply to the Director to reduce the frequency of monitoring for lead and copper under this section to once every nine years (i.e., a full waiver) if it meets all of the materials criteria specified in paragraph (g)(i) of this section and all of the monitoring criteria specified in paragraph (g)(ii) of this section. Any small system that meets the criteria in paragraphs (g)(i) and (ii) of this section only for lead, or only for copper, may apply to the Director for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a partial waiver).

(i) Materials criteria. The system must demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials and/or copper-containing materials, as those terms are defined in this paragraph, as follows:

(A) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a lead waiver), the water system must provide certification and supporting documentation to the Director that the system is free of all lead-containing materials, as follows:

(I) It contains no plastic pipes which contain lead plasticizers, or plastic service lines which contain lead plasticizers; and

(II) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of any standard established pursuant to 42 U.S.C. 300g-6(e) (SDWA section 1417 (e)).

_____ (B) Copper. To qualify for a full waiver, or waiver of the tap water monitoring requirements for copper (i.e., a copper waiver), the water system must provide certification and supporting documentation to the Director that the system contains no copper pipes or copper service lines.

_____ (ii) Monitoring criteria for waiver issuance. The system must have completed at least one 6 month round of standard tap water monitoring for lead and copper at sites approved by the Director and from the number of sites required by paragraph (e) of this section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria:

_____ (A) Lead levels. To qualify for a full waiver, or a lead waiver, the system must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.

_____ (B) Copper levels. To qualify for a full waiver, or a copper waiver, the system must demonstrate that the 90th percentile lead level does not exceed 0.65 mg/L.

_____ (iii) Director approval of waiver application. The Director shall notify the system of its waiver determination, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the Director may require the system to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system must continue monitoring for lead and copper at the tap as required by paragraphs (d) (i) through (d) (iv) of this section, as appropriate, until it receives written notification from the Director the waiver has been approved.

_____ (iv) Monitoring frequency for systems with waivers.

_____ (A) A system with a full waiver must conduct tap water monitoring for lead and copper in accordance with paragraph (d)(iv)(D) of this section at the reduced number of sampling sites identified in paragraph (e) of this section at least once every nine years and provide the materials certification specified in paragraph (g)(i) of this section for both lead and copper to the Director along with the monitoring results. Samples collected every nine years shall be collected no later than every ninth calendar year.

_____ (B) A system with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with paragraph (d)(iv)(D) of this section at the reduced number of sampling sites specified in paragraph (e) of this section at least once every nine years and provide the materials certification specified in paragraph (g)(i) of this section pertaining to the waived contaminant along with the monitoring results. Such a system also must continue to monitor for the non-waived contaminant in accordance with requirements of paragraph (d)(i) through (d)(iv) of this section, as appropriate.

_____ (C) Any water system with a full or partial waiver shall notify the Director in writing in accordance with R309-210-6(8)(a)(iii) of any upcoming long-term change in treatment or addition of a new source, as described in that section. The Director must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Director has the authority to require the system to add or modify waiver conditions (e.g., require recertification that the system is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.

_____ (D) If a system with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the system shall notify the Director in writing no later than 60 days after becoming aware of such a change.

_____ (v) Continued eligibility. If the system continues to satisfy the requirements of paragraph (g) (iv) of this section, the waiver will be renewed automatically, unless any of the conditions listed in paragraph (g)(v)(A) through (g)(v)(C) of this section occurs. A system whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of paragraphs (g)(i) and (g)(ii) of this section.

_____ (A) A system with a full waiver or lead waiver no longer satisfies the materials criteria of paragraph (g)(i)(A) of this section or has a 90th percentile lead level greater than 0.005 mg/L.

_____ (B) A system with a full waiver or a copper waiver no longer satisfies the materials criteria of paragraph (g)(i)(B) of this section or has a 90th percentile copper level greater than 0.65 mg/L.

_____ (C) The Director notifies the system, in writing, that the waiver has been revoked, setting forth the basis of its decision.

_____ (vi) Requirements following waiver revocation. A system whose full or partial waiver has been revoked by the Director is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:

_____ (A) If the system exceeds the lead and/or copper action level, the system must implement corrosion control treatment in accordance with the deadlines specified in R309-210-6(2)(e), and any other applicable requirements of this subpart.

_____ (B) If the system meets both the lead and the copper action level, the system must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in paragraph (e) of this section.

_____ (vii) Pre-existing waivers. Small system waivers approved by the Director in writing prior to April 11, 2000 shall remain in effect under the following conditions:

_____ (A) If the system has demonstrated that it is both free of lead-containing and copper-containing materials, as required by paragraph (g)(i) of this section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of paragraph (g)(ii) of this section, the waiver remains in effect so long as the system continues to meet the waiver eligibility criteria of paragraph (g)(v) of this section. The first round of tap water monitoring conducted pursuant to paragraph (g)(iv) of this section shall be completed no later than nine years after the last time the system has monitored for lead and copper at the tap.

_____ (B) If the system has met the materials criteria of paragraph (g)(i) of this section but has not met the monitoring criteria of paragraph (g)(ii) of this section, the system shall conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of paragraph (g)(ii) of this section no later than September 30, 2000. Thereafter, the waiver shall remain in effect as long as the system meets the

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continued eligibility criteria of paragraph (g)(v) of this section. The first round of tap water monitoring conducted pursuant to paragraph (g)(iv) of this section shall be completed no later than nine years after the round of monitoring conducted pursuant to paragraph (g)(ii) of this section.

~~(4) Corrosion Control for Control of Lead and Copper~~

~~(a) Description of corrosion control treatment requirements.~~

~~Each system shall complete the corrosion control treatment requirements described below which are applicable to such system under R309-210-6(2).~~

~~(i) System recommendation regarding corrosion control treatment~~

~~Based upon the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium size water systems exceeding the lead or copper action level shall recommend installation of one or more of the corrosion control treatments listed in R309-210-6(4)(a)(iii)(A) which the system believes constitutes optimal corrosion control for that system. The Director may require the system to conduct additional water quality parameter monitoring in accordance with R309-210-6(5)(b) to assist the Director in reviewing the system's recommendation.~~

~~(ii) Studies of corrosion control treatment required for small and medium size systems.~~

~~The Director may require any small or medium size system that exceeds the lead or copper action level to perform corrosion control studies under R309-210-6(4)(a)(iii) to identify optimal corrosion control treatment for the system.~~

~~(iii) Performance of corrosion control studies~~

~~(A) Any public water system performing corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that system:~~

~~(I) alkalinity and pH adjustment;~~

~~(II) calcium hardness adjustment; and~~

~~(III) the addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.~~

~~(B) The water system shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial system tests, or analyses based on documented analogous treatments with other systems of similar size, water chemistry and distribution system configuration.~~

~~(C) The water system shall measure the following water quality parameters in any tests conducted under this paragraph before and after evaluating the corrosion control treatments listed above:~~

~~(I) lead;~~

~~(II) copper;~~

~~(III) pH;~~

~~(IV) alkalinity;~~

~~(V) calcium;~~

~~(VI) conductivity;~~

~~(VII) orthophosphate (when an inhibitor containing a phosphate compound is used);~~

~~(VIII) silicate (when an inhibitor containing a silicate compound is used);~~

~~(IX) water temperature.~~

~~(D) The water system shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one of the following:~~

~~(I) data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another water system with comparable water quality characteristics; and/or~~

~~(II) data and documentation demonstrating that the water system has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.~~

~~(E) The water system shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.~~

~~(F) On the basis of an analysis of the data generated during each evaluation, the water system shall recommend to the Director in writing the treatment option that the corrosion control studies indicate constitutes optimal corrosion control treatment for that system. The water system shall provide a rationale for its recommendation along with all supporting documentation specified in R309-210-6(4)(a)(iii)(A) through R309-210-6(4)(a)(iii)(E).~~

~~(iv) Designation of optimal corrosion control treatment~~

~~(A) Based upon consideration of available information including, where applicable, studies performed under R309-210-6(4)(a)(iii) and a system's recommended treatment alternative, the Director shall either approve the corrosion control treatment option recommended by the system, or designate alternative corrosion control treatment(s) from among those listed in R309-210-6(4)(a)(iii)(A). When designating optimal treatment the Director shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.~~

~~(B) The Director shall notify the system of its decision on optimal corrosion control treatment in writing and explain the basis for this determination. If the Director requests additional information to aid its review, the water system shall provide the information.~~

~~(v) Installation of optimal corrosion control~~

~~Each system shall properly install and operate throughout its distribution system the optimal corrosion control treatment designated by the Director under R309-210-6(4)(a)(iv).~~

~~(vi) Review of treatment and specification of optimal water quality control parameters~~

~~The Director shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the water system and determine whether the system has properly installed and operated the optimal corrosion control treatment designated by the Director~~

in R309-210-6(4)(a)(iv). Upon reviewing the results of tap water and water quality parameter monitoring by the system, both before and after the system installs optimal corrosion control treatment, the Director shall designate:

- _____ (A) A minimum value or a range of values for pH measured at each entry point to the distribution system;
- _____ (B) A minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the Director determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the system to optimize corrosion control;
- _____ (C) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the Director determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;
- _____ (D) If alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;
- _____ (E) If calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.

The values for the applicable water quality control parameters listed above shall be those that the Director determines to reflect optimal corrosion control treatment for the system. The Director may designate values for additional water quality control parameters determined by the Director to reflect optimal corrosion control for the system. The Director shall notify the system in writing of these determinations and explain the basis for the decisions.

_____ (vii) Continued operation and monitoring. All systems optimizing corrosion control shall continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameters at or above minimum values or within ranges designated by the Director under paragraph (vi) of this section, in accordance with this paragraph for all samples collected under R309-210-6(5)(d) through (f). Compliance with the requirements of this paragraph shall be determined every six months, as specified under R309-210-6(5)(d). A water system is out of compliance with the requirements of this paragraph for a six-month period if it has excursions for any Director-specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the Director. Daily values are calculated as follows. The Director has discretion to delete results of obvious sampling errors from this calculation.

_____ (A) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the average of all results collected during the day regardless of whether they are collected through continuous monitoring, grab sampling, or combination of both.

_____ (B) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the result of that measurement.

_____ (C) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value shall be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

_____ (viii) Modification of treatment decisions

Upon its own initiative or in response to a request by a water system or other interested party, the Director may modify its determination of the optimal corrosion control treatment under R309-210-6(4)(a)(iv) or optimal water quality control parameters under R309-210-6(4)(a)(vi). A request for modification by a system or other interested party shall: be in writing, explain why the modification is appropriate, and provide supporting documentation. The Director may modify its determination where it concludes that such change is necessary to ensure that the system continues to optimize corrosion control treatment. A revised determination shall: be made in writing, set forth the new treatment requirements, explain the basis for the Director's decision, and provide an implementation schedule for completing the treatment modifications.

_____ (b) Source water treatment requirements.

Systems shall complete the applicable source water monitoring and treatment requirements (described in the referenced portions of R309-210-6(4)(b)(ii), and in R309-210-6(3), and R309-210-6(6)) by the following deadlines:

_____ (i) Deadlines for Completing Source Water Treatment Steps

_____ (A) Step 1: A system exceeding the lead or copper action level shall complete lead and copper source water monitoring (R309-210-6(6)(b)) and make a treatment recommendation to the Director (R309-210-6(4)(b)(i)) no later than 180 days after the end of the monitoring period during which the lead or copper action level was exceeded.

_____ (B) Step 2: The Director shall make a determination regarding source water treatment (R309-210-6(4)(b)(ii)(B)) within 6 months after submission of monitoring results under step 1.

_____ (C) Step 3: If the Director requires installation of source water treatment, the system shall install the treatment (R309-210-6(4)(b)(ii)(C)) within 24 months after completion of step 2.

_____ (D) Step 4: The system shall complete follow-up tap water monitoring (R309-210-6(3)(d)(ii)) and source water monitoring (R309-210-6(6)(e)) within 36 months after completion of step 2.

_____ (E) Step 5: The Director shall review the system's installation and operation of source water treatment and specify maximum permissible source water levels (R309-210-6(4)(b)(ii)(D)) within 6 months after completion of step 4.

_____ (F) Step 6: The system shall operate in compliance with the Director-specified maximum permissible lead and copper source water levels (R309-210-6(4)(b)(ii)(D)) and continue source water monitoring (R309-210-6(6)(d)).

_____ (ii) Description of Source Water Treatment Requirements

_____ (A) System treatment recommendation

Any system which exceeds the lead or copper action level shall recommend in writing to the Director the installation and operation of one of the source water treatments listed in R309-210-6(4)(b)(ii)(B). A system may recommend that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.

_____ (B) Determination regarding source water treatment

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~~_____ The Director shall complete an evaluation of the results of all source water samples submitted by the water system to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the Director determines that treatment is needed, the Director shall either require installation and operation of the source water treatment recommended by the system (if any) or require the installation and operation of another source water treatment from among the following: ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the Director requests additional information to aid in its review, the water system shall provide the information by the date specified by the Director in its request. The Director shall notify the system in writing of the determination and set forth the basis for the decision.~~

~~_____ (C) Installation of source water treatment~~

~~_____ Each system shall properly install and operate the source water treatment designated by the Director under R309-210-6(4)(b)(ii)(B).~~

~~_____ (D) Review of source water treatment and specification of maximum permissible source water levels~~

~~_____ The Director shall review the source water samples taken by the water system both before and after the system installs source water treatment, and determine whether the system has properly installed and operated the source water treatment designated by the Director. Based upon its review, the Director shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The Director shall notify the system in writing and explain the basis for the decision.~~

~~_____ (E) Continued operation and maintenance~~

~~_____ Each water system shall maintain lead and copper levels below the maximum permissible concentrations designated by the Director at each sampling point monitored in accordance with R309-210-6(6). The system is out of compliance with this paragraph if the level of lead or copper at any sampling point is greater than the maximum permissible concentration designated by the Director.~~

~~_____ (F) Modification of treatment decisions~~

~~_____ Upon its own initiative or in response to a request by a water system or other interested party, the Director may modify its determination of the source water treatment under R309-210-6(4)(b)(ii)(B), or maximum permissible lead and copper concentrations for finished water entering the distribution system under R309-210-6(4)(b)(ii)(D). A request for modification by a system or other interested party shall: be in writing, explain why the modification is appropriate, and provide supporting documentation. The Director may modify the determination where it concludes that such change is necessary to ensure that the system continues to minimize lead and copper concentrations in source water. A revised determination shall: be made in writing, set forth the new treatment requirements, explain the basis for the decision, and provide an implementation schedule for completing the treatment modifications.~~

~~_____ (c) Lead service line replacement requirements:~~

~~_____ (i)(A) Systems that fail to meet the lead action level in tap samples taken pursuant to R309-210-6(3)(d)(ii), after installing corrosion control and/or source water treatment (whichever sampling occurs later), shall replace lead service lines in accordance with the requirements of this section. If a system is in violation of R309-210-6(2) or R309-210-6(4)(b) for failure to install source water or corrosion control treatment, the Director may require the system to commence lead service line replacement under this section after the date by which the system was required to conduct monitoring under R309-104-4.2.3.d.2. has passed. The first year of lead service line replacement shall begin on the first day following the end of the monitoring period in which the action level was exceeded under paragraph (a) of this section. If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs. If the Director has established an alternate monitoring period, then the end of the monitoring period will be the last day of that period.~~

~~_____ (B) Any water system resuming a lead service line replacement program after the cessation of its lead service line replacement program as allowed by paragraph (f) of this section shall update its inventory of lead service lines to include those sites that were previously determined not to require replacement through the sampling provision under paragraph (e) of this section. The system will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (7 percent lead service line replacement is based on a 15-year replacement program, so, for example, systems resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by 13). For those systems that have completed a 15-year lead service line replacement program, the Director will determine a schedule for replacing or retesting lines that were previously tested out under the replacement program when the system re-exceeds the action level.~~

~~_____ (ii) A system shall replace annually at least 7 percent of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The system shall identify the initial number of lead service lines in its distribution system, including an identification of the portion(s) owned by the system, based upon a materials evaluation, including the evaluation required under R309-210-6(3)(a) and relevant legal authorities (e.g., contracts, local ordinances) regarding the portion owned by the system. The first year of lead service line replacement shall begin on the date the action level was exceeded in tap sampling referenced in R309-210-6(4)(c)(i).~~

~~_____ (iii) A system is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to R309-210-6(3)(b)(iii), is less than or equal to 0.015 mg/L.~~

~~_____ (iv) A water system shall replace that portion of the lead service line that it owns. In cases where the system does not own the entire lead service line, the system shall notify the owner of the line, or the owner's authorized agent, that the system will replace the portion of the service line that it owns and shall offer to replace the owner's portion of the line. A system is not required to bear the cost of replacing the privately owned portion of the line, nor is it required to replace the privately owned portion where the owner chooses not to pay the cost of replacing the privately owned portion of the line, or where replacing the privately owned portion would be precluded by State, local or common law. A water system that does not replace the entire length of the service line also shall complete the following tasks:~~

~~_____ (A) At least 45 days prior to commencing with the partial replacement of a lead service line, the water system shall provide notice to the resident(s) of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The Director may allow the water system to provide notice under the previous sentence less than 45 days prior to commencing partial lead service line replacement where such replacement~~

is in conjunction with emergency repairs. In addition, the water system shall inform the resident(s) served by the line that the system will, at the system's expense, collect a sample from each partially replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed under R309-210-6(3)(b)(iii), within 72 hours after the completion of the partial replacement of the service line. The system shall collect the sample and report the results of the analysis to the owner and the resident(s) served by the line within three business days of receiving the results. Mailed notices post marked within three business days of receiving the results shall be considered on time.

(B) The water system shall provide the information required by paragraph (c)(iv)(A) of this section to the residents of individual dwellings by mail or by other methods approved by the Director. In instances where multi-family dwellings are served by the line, the water system shall have the option to post the information at a conspicuous location.

(v) The Director shall require a system to replace lead service lines on a shorter schedule than that required by this section, taking into account the number of lead service lines in the system, where such a shorter replacement schedule is feasible. The Director shall make this determination in writing and notify the system of its finding within 6 months after the system is triggered into lead service line replacement based on monitoring referenced in R309-210-6(4)(c)(i).

(vi) Any system may cease replacing lead service lines whenever first draw samples collected pursuant to R309-210-6(3)(b)(ii) meet the lead action level during each of two consecutive monitoring periods and the system submits the results to the Director. If first draw tap samples collected in any such water system thereafter exceeds the lead action level, the system shall recommence replacing lead service lines, pursuant to R309-210-6(4)(c)(ii)(B).

(vii) To demonstrate compliance with R309-210-6(4)(c)(i) through R309-210-6(4)(c)(iv), a system shall report to the Director the information specified in R309-210-6(8)(e).

(5) Monitoring requirements for water quality parameters.

All large water systems and all small and medium size systems that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this section:

(a) General Requirements

(i) Sample collection methods

(A) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the system, and seasonal variability. Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under R309-210-6(3)(a).

(B) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(ii) Number of samples

(A) Systems shall collect two tap samples for applicable water quality parameters during each monitoring period specified under R309-210-6(5)(b) through R309-210-6(5)(e) from the following number of sites in Table 210-5.

TABLE 210-5
NUMBER OF WATER QUALITY PARAMETER SAMPLE SITES

System Size (# People Served)	# of Sites For Water Quality Parameters
Greater than 100,000	25
10,001 to 100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
100 or less	1

(B) Except as provided in paragraph (c)(iii) of this section, Systems shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in R309-210-6(5)(b). Systems shall collect one sample for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in R309-210-6(5)(c) through R309-210-6(5)(e).

(b) Initial Sampling

All large water systems shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six month monitoring period specified in R309-210-6(3)(d)(i). All small and medium size systems shall measure the applicable water quality parameters at the locations specified below during each six month monitoring period specified in R309-210-6(3)(d)(i) during which the system exceeds the lead or copper action level.

(i) At taps:

(A) pH;

(B) alkalinity;

(C) orthophosphate, when an inhibitor containing a phosphate compound is used;

(D) silica, when an inhibitor containing a silicate compound is used;

(E) calcium;

(F) conductivity; and

(G) water temperature.

(ii) At each entry point to the distribution system: all of the applicable parameters listed in R309-210-6(5)(b)(i).

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~~(e) Monitoring after installation of corrosion control~~
~~Any large system which installs optimal corrosion control treatment pursuant to R309-210-6(2)(d)(iv) shall measure the water quality parameters at the locations and frequencies specified below during each six-month monitoring period specified in R309-210-6(3)(d)(ii)(A). Any small or medium size system which installs optimal corrosion control treatment shall conduct such monitoring during each six-month monitoring period specified in R309-210-6(3)(d)(ii)(B) in which the system exceeds the lead or copper action level.~~

- ~~(i) At taps, two samples for:

 - ~~(A) pH;~~
 - ~~(B) alkalinity;~~
 - ~~(C) orthophosphate, when an inhibitor containing a phosphate compound is used;~~
 - ~~(D) silica, when an inhibitor containing a silicate compound is used;~~
 - ~~(E) calcium, when calcium carbonate stabilization is used as part of corrosion control.~~~~

~~(ii) Except as provided in Paragraph (e)(iii) of this section, at each entry point to the distribution system, at least on sample no less frequently than every two weeks (bi-weekly) for:~~

- ~~(A) pH;~~
- ~~(B) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and~~
- ~~(C) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).~~

~~(iii) Any ground water system can limit entry point sampling described in paragraph (e)(ii) of this section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated ground water sources mixes with water from treated ground water sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this paragraph, the system shall provide to the Director written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.~~

~~(d) Monitoring after Director specifies water quality parameter values for optimal corrosion control.~~

~~After the Director specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under R309-210-6(4)(a)(vi), all large systems shall measure the applicable water quality parameters in accordance with paragraph (e) of this section and determine compliance with the requirements of R309-210-6(4)(a)(vii) every six months with the first six-month period to begin on either January 1 or July 1, whichever comes first, after the Director specifies the optimal values under R309-210-6(4)(a)(vi). Any small or medium size system shall conduct such monitoring during each six-month period specified in this paragraph in which the system exceeds the lead or copper action level. For any such small and medium size system that is subject to a reduced monitoring frequency pursuant to R309-210-6(3)(d)(iv) at the time of the action level exceedance, the start of the applicable six-month monitoring period under this paragraph shall coincide with the start of the applicable monitoring period under R309-210-6(3)(d)(iv). Compliance with Director designated optimal water quality parameter values shall be determined as specified under R309-210-6(4)(a)(vii).~~

~~(e) Reduced monitoring~~

~~(i) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Director under R309-210-6(4)(a)(vi) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in this paragraph (e)(i) of this section from every six months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Director under R309-210-6(4)(a)(vi), during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in paragraph (e)(i) of this section from annually to every three years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.~~

TABLE 210-6
 REDUCED NUMBER OF WATER QUALITY PARAMETER SAMPLE SITES

System Size (# People Served)	Reduced # of Sites for Water Quality Parameters
Greater than 100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
100 or less	1

~~(ii)(A) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under R309-210-6(4)(a)(vi) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in this paragraph (e)(i) of this section from every six months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under R309-210-6(4)(a)(vi), during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality~~

parameters specified in paragraph (e)(i) of this section from annually to every three years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.

(B) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in paragraph (e)(i) of this section to every three years if it demonstrates during two consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in R309-200-4(3), that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in R309-200-5(2)(c), and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Director under R309-210-6(4)(a)(vi). Monitoring conducted every three years shall be done no later than every third calendar year.

(iii) A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

(iv) Any water system subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Director in R309-210-6(4)(a)(vi) for more than 9 days in any six month period specified in R309-210-6(4)(a)(vii) shall resume distribution system tap water sampling in accordance with the number and frequency requirements in paragraph (d) of this section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (e)(i) of this section after it has completed two subsequent consecutive six month rounds of monitoring that meet the criteria of that paragraph or may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (e)(ii)(A) or (e)(ii)(B) of this section.

(f) Additional monitoring by systems

The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Director in making any determinations (i.e., determining concentrations of water quality parameters) under this section or R309-210-6(4)(a).

(g) The Director has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected in accordance with this section and analyzed in accordance with R309-104-8.

(6) Monitoring requirements for lead and copper in source water.

(a) Sample location, collection methods, and number of samples

(i) A water system that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with R309-210-6(3) shall collect lead and copper source water samples in accordance with the following requirements regarding sample location, number of samples, and collection methods:

(A) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). The system shall take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(B) Surface water systems shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point). The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. For purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.

(C) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(D) The Director may reduce the total number of samples which must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then either:

(I) A follow up sample shall be taken and analyzed within 14 days at each sampling point included in the composite; or

(II) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the system may use these instead of resampling.

(ii) Where the results of sampling indicate an exceedance of maximum permissible source water levels established under R309-210-6(4)(b)(ii)(D), the Director may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL.

(b) Monitoring frequency after system exceeds tap water action level.

Any system which exceeds the lead or copper action level at the tap shall collect one source water sample from each entry point to the distribution system no later than six months after the end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the Director has established an alternate monitoring period, the last day of that period.

(c) Monitoring frequency after installation of source water treatment.

Any system which installs source water treatment pursuant to R309-210-6(4)(b)(i)(C) shall collect an additional source water sample from each entry point to the distribution system during two consecutive six month monitoring periods by the deadline specified in R309-210-6(4)(b)(i)(D).

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_____ (d) Monitoring frequency after Director specifies maximum permissible source water levels or determines that source water treatment is not needed

_____ (i) A system shall monitor at the frequency specified below in cases where the Director specifies maximum permissible source water levels under R309-210-6(4)(b)(ii)(D) or determines that the system is not required to install source water treatment under R309-210-6(4)(b)(ii)(B).

_____ (A) A water system using only groundwater shall collect samples once during the three year compliance period in effect when the applicable determination under R309-210-6(6)(d)(i) is made. Such systems shall collect samples once during each subsequent compliance period. Triennial samples shall be collected every third calendar year.

_____ (B) A water system using surface water (or a combination of surface and ground water) shall collect samples once during each calendar year, the first annual monitoring period to begin during the year in which the applicable Director determination is made under paragraph (d)(i) of this section.

_____ (ii) A system is not required to conduct source water sampling for lead and/or copper if the system meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the system under R309-210-6(6)(d)(i)(A) or (B).

_____ (e) Reduced monitoring frequency

_____ (i) A water system using only ground water may reduce the monitoring frequency for lead and copper in source water to once during each nine year compliance cycle (as that term is defined in R309-110-4) provided that the samples are collected no later than every ninth calendar year and if the system meets one of the following criteria:

_____ (A) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Director in R309-210-6(4)(b)(ii)(D) during at least three consecutive compliance periods under paragraph (d)(i) of this section; or

_____ (B) The Director has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under paragraph (d)(i) of this section, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

_____ (ii) A water system using surface water (or a combination of surface water and ground water) may reduce the monitoring frequency in paragraph (d)(i) of this section to once during each nine year compliance cycle (as that term is defined in R309-110-4) provided that the samples are collected no later than every ninth calendar year and if the system meets one of the following criteria:

_____ (A) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Director in R309-210-6(4)(b)(ii)(D) for at least three consecutive years; or

_____ (B) The Director has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

_____ (iii) A water system that uses a new source of water is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new source during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the Director in R309-210-6(4)(b)(i)(E).

_____ (iv) The Director has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected in accordance with this section and analyzed in accordance with R309-104-8.

_____ (7) Public education and supplemental monitoring requirements.

_____ All water systems must deliver a consumer notice of lead tap water monitoring results to persons served by the water system at sites that are tested, as specified in paragraph (d) of this section. A water system that exceeds the lead action level based on tap water samples collected in accordance with R309-210-6(3) shall deliver the public education materials contained in paragraph (a) of this section in accordance with the requirements in paragraph (b) of this section. Water systems that exceed the lead action level must sample the tap water of any customer who requests it in accordance with paragraph (c) of this section.

_____ (a) Content of written public education materials.

_____ (i) Community water systems and Non transient non community water systems. Water systems must include the following elements in printed materials (e.g., brochures and pamphlets) in the same order as listed below. In addition, paragraphs (a)(i)(A) through (B) and (a)(i)(F) must be included in the materials, exactly as written, except for the text in brackets in these paragraphs for which the water system must include system specific information. Any additional information presented by a water system must be consistent with the information below and be in plain language that can be understood by the general public. Water systems must submit all written public education materials to the Director prior to delivery. The Director may require the system to obtain approval of the content of written public materials prior to delivery.

_____ (A) IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER. (INSERT NAME OF WATER SYSTEM) found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water.

_____ (B) Health effects of lead. Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

_____ (C) Sources of Lead.

_____ (1) Explain what lead is.

- ~~_____ (II) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home/building plumbing materials and service lines that may contain lead.~~
- ~~_____ (III) Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).~~
- ~~_____ (D) Discuss the steps the consumer can take to reduce their exposure to lead in drinking water.~~
- ~~_____ (I) Encourage running the water to flush out the lead.~~
- ~~_____ (H) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.~~
- ~~_____ (III) Explain that boiling water does not reduce lead levels.~~
- ~~_____ (IV) Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.~~
- ~~_____ (V) Suggest that parents have their child's blood tested for lead.~~
- ~~_____ (E) Explain why there are elevated levels of lead in the system's drinking water (if known) and what the water system is doing to reduce the lead levels in homes/buildings in this area.~~
- ~~_____ (F) For more information, call us at (INSERT YOUR NUMBER) ((IF APPLICABLE), or visit our Web site at (INSERT YOUR WEB SITE HERE)). For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's Web site at "http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://www.epa.gov/lead" or contact your health care provider.~~
- ~~_____ (ii) Community water systems. In addition to including the elements specified in paragraph (a)(i) of this section, community water systems must:~~
 - ~~_____ (A) Tell consumers how to get their water tested.~~
 - ~~_____ (B) Discuss lead in plumbing components and the difference between low lead and lead free.~~
 - ~~_____ (b) Delivery of public education materials:~~
 - ~~_____ (i) For public water systems serving a large proportion of non-English speaking consumers, as determined by the Director, the public education materials must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the public education materials or to request assistance in the appropriate language.~~
 - ~~_____ (ii) A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with R309-210-6(3), and that is not already conducting public education tasks under this section, must conduct the public education tasks under this section within 60 days after the end of the monitoring period in which the exceedance occurred:~~
 - ~~_____ (A) Deliver printed materials meeting the content requirements of paragraph (a) of this section to all bill paying customers.~~
 - ~~_____ (B)(I) Contact customers who are most at risk by delivering education materials that meet the content requirements of paragraph (a) of this section to local public health agencies even if they are not located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users. The water system must contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community-based organizations serving target populations, which may include organizations outside the service area of the water system. If such lists are provided, systems must deliver education materials that meet the content requirements of paragraph (a) of this section to all organizations on the provided lists.~~
 - ~~_____ (II) Contact customers who are most at risk by delivering materials that meet the content requirements of paragraph (a) of this section to the following organizations listed in aa through ff that are located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users:~~
 - ~~_____ (aa) Public and private schools or school boards.~~
 - ~~_____ (bb) Women Infants and Children (WIC) and Head Start programs.~~
 - ~~_____ (cc) Public and private hospitals and medical clinics.~~
 - ~~_____ (dd) Pediatricians.~~
 - ~~_____ (ee) Family planning clinics.~~
 - ~~_____ (ff) Local welfare agencies.~~
 - ~~_____ (III) Make a good faith effort to locate the following organizations within the service area and deliver materials that meet the content requirements of paragraph (a) of this section to them, along with an informational notice that encourages distribution to all potentially affected customers or users. The good faith effort to contact at risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the water system's service area:~~
 - ~~_____ (aa) Licensed childcare centers.~~
 - ~~_____ (bb) Public and private preschools.~~
 - ~~_____ (cc) Obstetricians Gynecologists and Midwives.~~
 - ~~_____ (C) No less often than quarterly, provide information on or in each water bill as long as the system exceeds the action level for lead. The message on the water bill must include the following statement exactly as written except for the text in brackets for which the water system must include system specific information: (INSERT NAME OF WATER SYSTEM) found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call (INSERT NAME OF WATER SYSTEM) (or visit (INSERT YOUR WEB SITE HERE)). The message or delivery mechanism can be modified in consultation with the Director; specifically, the Director may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.~~
 - ~~_____ (D) Post material meeting the content requirements of paragraph (a) of this section on the water system's Web site if the system serves a population greater than 100,000.~~
 - ~~_____ (E) Submit a press release to newspaper, television and radio stations.~~

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- ~~_____ (F) In addition to paragraphs (b)(ii)(A) through (E) of this section, systems must implement at least three activities from one or more categories listed below. The educational content and selection of these activities must be determined in consultation with the Director.~~
- ~~_____ (I) Public Service Announcements.~~
- ~~_____ (II) Paid advertisements.~~
- ~~_____ (III) Public Area Information Displays.~~
- ~~_____ (IV) Emails to customers.~~
- ~~_____ (V) Public Meetings.~~
- ~~_____ (VI) Household Deliveries.~~
- ~~_____ (VII) Targeted Individual Customer Contact.~~
- ~~_____ (VIII) Direct material distribution to all multi-family homes and institutions.~~
- ~~_____ (VIIIH) Other methods approved by the Director.~~
- ~~_____ (G) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Director has established an alternate monitoring period, the last day of that period.~~
- ~~_____ (iii) As long as a community water system exceeds the action level, it must repeat the activities pursuant to paragraph (b)(ii) of this section as described in paragraphs (b)(iii)(A) through (D) of this section.~~
- ~~_____ (A) A community water system shall repeat the tasks contained in paragraphs (b)(ii)(A), (B) and (F) of this section every 12 months.~~
- ~~_____ (B) A community water system shall repeat tasks contained in paragraph (b)(ii)(C) of this section with each billing cycle.~~
- ~~_____ (C) A community water system serving a population greater than 100,000 shall post and retain material on a publicly accessible Web site pursuant to paragraph (b)(ii)(D) of this section.~~
- ~~_____ (D) The community water system shall repeat the task in paragraph (b)(ii)(E) of this section twice every 12 months on a schedule agreed upon with the Director. The Director can allow activities in paragraph (b)(ii) of this section to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the Director in advance of the 60-day deadline.~~
- ~~_____ (iv) Within 60 days after the end of the monitoring period in which the exceedance occurred (unless it already is repeating public education tasks pursuant to paragraph (b)(v) of this section), a non-transient non-community water system shall deliver the public education materials specified by paragraph (a) of this section as follows:~~
- ~~_____ (A) Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and~~
- ~~_____ (B) Distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the non-transient non-community water system. The Director may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.~~
- ~~_____ (C) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Director has established an alternate monitoring period, the last day of that period.~~
- ~~_____ (v) A non-transient non-community water system shall repeat the tasks contained in paragraph (b)(iv) of this section at least once during each calendar year in which the system exceeds the lead action level. The Director can allow activities in (b)(iv) of this section to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the Director in advance of the 60-day deadline.~~
- ~~_____ (vi) A water system may discontinue delivery of public education materials if the system has met the lead action level during the most recent six-month monitoring period conducted pursuant to R309-210-6(3). Such a system shall recommence public education in accordance with this section if it subsequently exceeds the lead action level during any monitoring period.~~
- ~~_____ (vii) A community water system may apply to the Director, in writing, (unless the Director has waived the requirement for prior Director approval) to use only the text specified in paragraph (a)(i) of this section in lieu of the text in paragraphs (a)(i) and (a)(ii) of this section and to perform the tasks listed in paragraphs (b)(iv) and (b)(v) of this section in lieu of the tasks in paragraphs (b)(ii) and (b)(iii) of this section if:~~
- ~~_____ (A) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point-of-use treatment devices; and~~
- ~~_____ (B) The system provides water as part of the cost of services provided and does not separately charge for water consumption.~~
- ~~_____ (viii) A community water system serving 3,300 or fewer people may limit certain aspects of their public education programs as follows:~~
- ~~_____ (A) With respect to the requirements of paragraph (b)(ii)(F) of this section, a system serving 3,300 or fewer must implement at least one of the activities listed in that paragraph.~~
- ~~_____ (B) With respect to the requirements of paragraph (b)(ii)(B) of this section, a system serving 3,300 or fewer people may limit the distribution of the public education materials required under that paragraph to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.~~
- ~~_____ (C) With respect to the requirements of paragraph (b)(ii)(E) of this section, the Director may waive this requirement for systems serving 3,300 or fewer persons as long as system distributes notices to every household served by the system.~~
- ~~_____ (e) Supplemental monitoring and notification of results. A water system that fails to meet the lead action level on the basis of tap samples collected in accordance with R309-210-6(3) shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample, nor is the system required to collect and analyze the sample itself.~~
- ~~_____ (d) Notification of results.~~

_____ (i) Reporting requirement. All water systems must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of R309-210-6(3) to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).

_____ (ii) Timing of notification. A water system must provide the consumer notice as soon as practical, but no later than 30 days after the system learns of the tap monitoring results.

_____ (iii) Content. The consumer notice must include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from R309-225-5(3).

_____ (iv) Delivery. The consumer notice must be provided to persons served at the tap that was tested, either by mail or by another method approved by the Director. For example, upon approval by the Director, a non-transient non-community water system could post the results on a bulletin board in the facility to allow users to review the information. The system must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.

_____ (8) Reporting requirements.

_____ All water systems shall report all of the following information to the Director in accordance with this section.

_____ (a) Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring

_____ (i) Except as provided in paragraph (a)(i)(H) of this section, a water system shall report the information specified below for all tap water samples specified in R309-210-6(3) and for all water quality parameter samples specified in R309-210-6(5) within the first 10 days following the end of each applicable monitoring period specified in R309-210-6(3) and (5) (i.e., every six months, annually, every 3 years, or every 9 years). For monitoring periods with a duration less than six months, the end of the monitoring period is the last date samples can be collected during that period as specified in R309-210-6(3) and R309-210-6(5).

_____ (A) the results of all tap samples for lead and copper including the location of each site and the criteria under R309-210-6(3)(a)(iii), (iv), (v), (vi), and (vii) under which the site was selected for the system's sampling pool;

_____ (B) Documentation for each tap water lead or copper sample for which the water system request invalidation pursuant to R309-210-6(3)(f)(ii);

_____ (D) the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period, (calculated in accordance with R309-200-5(2)(e)) unless the Director calculates the system's 90th percentile lead and copper levels under paragraph (h) of this section;

_____ (E) with the exception of initial tap sampling conducted pursuant to R309-210-6(3)(d)(i), the system shall designate any site which was not sampled during previous monitoring periods, and include an explanation of why sampling sites have changed;

_____ (F) the results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under R309-210-6(5)(b) through (e);

_____ (G) the results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under R309-210-6(5)(b) through (e);

_____ (H) A water system shall report the results of all water quality parameter samples collected under R309-210-6(5)(c) through (f) during each six-month monitoring period specified in R309-210-6(5)(d) within the first 10 days following the end of the monitoring period unless the Director has specified a more frequent reporting requirement.

_____ (ii) For a non-transient non-community water system, or a community water system meeting the criteria of R309-210-6(7)(b)(vii), that does not have enough taps that can provide first draw samples, the system must identify, in writing, each site that did not meet the six-hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to R309-210-6(3)(b)(v) and include this information with the lead and copper tap sample results required to be submitted pursuant to paragraph (a)(i)(A) of this section. The Director has waived prior Director approval of non-first draw samples sites selected by the system pursuant to R309-210-6(3)(b)(v).

_____ (iii) At a time specified by the Director, or if no specific time is designated by the Director, then as early as possible prior to the addition of a new source or any long-term change in water treatment, a water system deemed to have optimized corrosion control under R309-210-6(2)(b)(iii), a water system subject to reduced monitoring pursuant to R309-210-6(3)(d)(iv), or a water system subject to a monitoring waiver pursuant to R309-210-6(3)(g), shall submit written documentation to the Director describing the change or addition. The Director must review and approve the addition of a new source or long-term change in treatment before it is implemented by the water system. Examples of long-term treatment changes include the addition of a new treatment process or modification of an existing treatment process. Examples of modifications include switching secondary disinfectants, switching coagulants (e.g., alum to ferric chloride), and switching corrosion inhibitor products (e.g., orthophosphate to blended phosphate). Long-term changes can include dose changes to existing chemicals if the system is planning long-term changes to its finished water pH or residual inhibitor concentration. Long-term treatment changes would not include chemical dose fluctuations associated with daily raw water quality changes.

_____ (iv) Any small system applying for a monitoring waiver under R309-210-6(3)(g), or subject to a waiver granted pursuant to R309-210-6(3)(g)(iii), shall provide the following information to the Director in writing by the specified deadline:

_____ (A) By the start of the first applicable monitoring period in R309-210-6(3), any small system applying for a monitoring waiver shall provide the documentation required to demonstrate that it meets the waiver criteria of R309-210-6(3)(g)(i) and (ii).

_____ (B) No later than nine years after the monitoring previously conducted pursuant to R309-210-6(3)(g)(ii) or (g)(iv)(A), each small system desiring to maintain its monitoring waiver shall provide the information required by R309-210-6(3)(g)(iv)(A) and (B).

_____ (C) No later than 60 days after it becomes aware that it is no longer free of lead-containing or copper-containing material, as appropriate, each small system with a monitoring waiver shall provide written notification to the Director, setting forth the circumstances resulting in the lead-containing or copper-containing materials being introduced into the system and what corrective action, if any, the system plans to remove these materials

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~~_____ (D) By October 10, 2000, any small system with a waiver granted prior to April 11, 2000 and that has not previously met the requirements of R309-210-6(3)(g)(ii) shall provide the information required by that paragraph.~~

~~_____ (v) Each ground water system that limits water quality parameter monitoring to a subset of entry points under R309-210-6(5)(c)(iii) shall provide, by the commencement of such monitoring, written correspondence to the Director that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.~~

~~_____ (b) Source water monitoring reporting requirements~~

~~_____ (i) A water system shall report the sampling results for all source water samples collected in accordance with R309-210-6(6) within the first 10 days following the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in R309-210-6(6).~~

~~_____ (ii) With the exception of the first round of source water sampling conducted pursuant to R309-210-6(6)(b), the system shall specify any site which was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.~~

~~_____ (c) Corrosion control treatment reporting requirements~~

~~By the applicable dates under R309-210-6(2), systems shall report the following information:~~

~~_____ (i) for systems demonstrating that they have already optimized corrosion control, information required in R309-210-6(2)(b)(ii) or R309-210-6(2)(b)(iii).~~

~~_____ (ii) for systems required to optimize corrosion control, their recommendation regarding optimal corrosion control treatment under R309-210-6(4)(a)(i).~~

~~_____ (iii) for systems required to evaluate the effectiveness of corrosion control treatments under R309-210-6(4)(a)(iii), the information required by that paragraph.~~

~~_____ (iv) for systems required to install optimal corrosion control designated by the Director under R309-210-6(4)(a)(iv), a letter certifying that the system has completed installing that treatment.~~

~~_____ (d) Source water treatment reporting requirements~~

~~By the applicable dates in R309-210-6(4)(b), systems shall provide the following information to the Director:~~

~~_____ (i) if required under R309-210-6(4)(b)(ii)(A), their recommendation regarding source water treatment;~~

~~_____ (ii) for systems required to install source water treatment under R309-210-6(4)(b)(ii)(B), a letter certifying that the system has completed installing the treatment designated by the Director within 24 months after the Director designated the treatment.~~

~~_____ (e) Lead service line replacement reporting requirements~~

~~Systems shall report the following information to the Director to demonstrate compliance with the requirements of R309-210-6(4)(e):~~

~~_____ (i) No later than 12 months after the end of a monitoring period in which a system exceeds the lead action level in sampling referred to in R309-210-6(4)(c)(i), the system must submit written documentation to the Director of the material evaluation conducted as required in R309-210-6(3)(a), identify the initial number of lead service lines in its distribution system at the time the system exceeds the lead action level, and provide the system's schedule for annually replacing at least 7 percent of the initial number of lead service lines in its distribution system.~~

~~_____ (ii) No later than 12 months after the end of a monitoring period in which a system exceeds the lead action level in sampling referred to in R309-210-6(4)(c)(i), and every 12 months thereafter, the system shall demonstrate to the Director in writing that the system has either:~~

~~_____ (A) replaced in the previous 12 months at least 7 percent of the initial lead service lines (or a greater number of lines specified by the Director under R309-210-6(4)(e)(v)) in its distribution system, or~~

~~_____ (B) conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to R309-210-6(3)(b)(iii), is less than or equal to 0.015 mg/L. In such cases, the total number of lines replaced and/or which meet the criteria in R309-210-6(4)(e)(iii) shall equal at least 7 percent of the initial number of lead lines identified under paragraph (e)(i) of this section (or the percentage specified by the Director under R309-210-6(4)(e)(v)).~~

~~_____ (iii) The annual letter submitted to the Director under R309-210-6(8)(e)(ii) shall contain the following information:~~

~~_____ (A) the number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule;~~

~~_____ (B) the number and location of each lead service line replaced during the previous year of the system's replacement schedule;~~

~~_____ (C) if measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.~~

~~_____ (iv) Systems shall also report any additional information as specified by the Director, and in a time and manner prescribed by the Director, to verify that all partial lead service line replacement activities have taken place.~~

~~_____ (f) Public education program reporting requirements~~

~~_____ (i) Any water system that is subject to the public education requirements in R309-210-6(7) shall, within ten days after the end of each period in which the system is required to perform public education in accordance with R309-210-6(7)(b), send written documentation to the Director that contains:~~

~~_____ (A) A demonstration that the system has delivered the public education materials that meet the content requirements in R309-210-6(7)(a) and the delivery requirements in R309-210-6(7)(b); and~~

~~_____ (B) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the system delivered public education materials during the period in which the system was required to perform public education tasks.~~

~~_____ (ii) Unless required by the Director, a system that previously has submitted the information required by paragraph (f)(i)(B) of this section, as long as there have been no changes in the distribution list and the system certifies that the public education materials were distributed to the same list submitted previously:~~

~~_____ (iii) No later than 3 months following the end of the monitoring period, each system must mail a sample copy of the consumer notification of tap results to the Director along with a certification that the notification has been distributed in a manner consistent with the requirements of R309-210-6(7)(d).~~

~~_____ (g) Reporting of additional monitoring data~~

Any system which collects sampling data in addition to that required by this subpart shall report the results to the Director within the first ten day following the end of the applicable monitoring period under R309-210-6(3), R309-210-6(5) and R309-210-6(6) during which the samples are collected.

(h) Reporting of 90th percentile lead and copper concentrations where the Director calculates a system's 90th percentile concentrations. A water system is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples during each monitoring period, as required by paragraph (a)(i)(D) of this section if:

(i) The Director has previously notified the water system that it will calculate the water system's 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to paragraph (h)(ii)(A) of this section, and has specified a date before the end of the applicable monitoring period by which the system must provide the results of lead and copper tap water samples;

(ii) The system has provided the following information to the Director by the date specified in paragraph (h)(i) of this section:

(A) The results of all tap samples for lead and copper including the location of each site and the criteria under R309-210-6(3)(a)(iii), (iv), (v), (vi), and/or (vii) under which the site was selected for the system's sampling pool, pursuant to paragraph (a)(i)(A) of this section; and

(B) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and

(iii) The Director has provided the results of the 90th percentile lead and copper calculations, in writing, to the water system before the end of the monitoring period.]

R309-210-6. Lead and Copper Monitoring and Service Line Inventory and Replacement.

(1) The requirements of Section R309-210-6 and the lead and copper requirements of 40 CFR 141 Subpart I (2025), unless otherwise indicated, apply to community water systems and non-transient non-community water systems.

(2) This section incorporates by reference 40 CFR 141 Subpart I (2025), with the following modifications:

(a) the phrases "the State, States, State, or the applicable State," are replaced with "the Division".

(b) the following sections are exempted from the changes listed in Subsection (a):

(i) 40 CFR 141.85(a)(1)(iv)(G);

(ii) 40 CFR 141.85(i);

(iii) 40 CFR 141.86(a)(4)(iv);

(iv) 40 CFR 141.87(b)(4)(iv);

(v) 40 CFR 141.90(i)(3)(vi);

(vi) 40 CFR 141.92(a)(1)(i);

(vii) 40 CFR 141.92(g)(1)(ii); and

(viii) wherever the term "State health agency", "State health agencies", "State or local law" or "a State" is used.

(c) The phrase "State-approved" is replaced with "Division-approved".

(d) the Division does not incorporate by reference the lead and copper analysis requirement under 40 CFR 141.89(a)(1).

(3) Each supplier shall complete tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results shall be completed in compliance with Section R309-200-8.

KEY: drinking water, distribution system monitoring, compliance determinations

Date of Last Change: 2026[January 15, 2019]

Notice of Continuation: February 10, 2025

Authorizing, and Implemented or Interpreted Law: 19-4-104

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal	Filing ID: 58019
Rule or section number:	R590-272

1. Agency Information

Title catchline:	Insurance, Administration
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorville, UT
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

2. 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.

3. General Information

A. Rule or section catchline:
R590-272. Commission Compensation Reporting
B. Purpose of the new rule or reason for the change:
The authorizing statute was repealed by HB 58 during the 2026 General Session.
C. Summary of the new rule or change:
The filing repeals the rule in its entirety.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 58 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated cost or savings to the state budget. This rule requires an insurance producer to create an annual accounting of compensation received for selling or placing a health benefit plan to a large customer. It does not require this accounting to be filed with the Department of Insurance (Department), but rather requires that it be made available upon the request of the insurance commissioner. Any request by the insurance commissioner would involve an examination or investigation already in progress and would not require any extra cost or effort to integrate the requested accounting into the current workload.
B. Local governments:
There is no anticipated cost or savings to local governments. This rule governs the relationship between the Department and its licensees and does not involve local governments in any way.
C. Small businesses ("small business" means a business employing 1-49 persons):
An individual insurance producer or small agency insurance producer that regularly sells or places health benefits with a large customer could see some minor savings by no longer being required to create the accounting in this rule. However, the Department cannot know the aggregate anticipated savings because it would rely on business factors that vary from entity to entity.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
A large agency insurance producer that regularly sells or places health benefits with a large customer could see some minor savings by no longer being required to create the accounting in this rule. However, the Department cannot know the aggregate anticipated savings because it would rely on business factors that vary from entity to entity.
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 cost or savings to any other person.

This rule governs the relationship between the Department and its licensees and does not involve other persons in any way.

F. Compliance costs for affected persons:

There is no compliance cost for any affected persons.

This rule is being repealed.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	Inestimable	Inestimable	Inestimable	Inestimable	Inestimable
Non-Small Businesses	Inestimable	Inestimable	Inestimable	Inestimable	Inestimable
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	Inestimable	Inestimable	Inestimable	Inestimable	Inestimable
Non-Small Businesses	Inestimable	Inestimable	Inestimable	Inestimable	Inestimable
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

The Commissioner of the Insurance Department, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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 31A-2-201 Section 31A-23a-501

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 07/15/2026

12. Effective Date Information

This rule change MAY become effective on: 07/22/2026
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title: Steve Gooch, Public Information Officer **Date:** 05/26/2026

R590. Insurance, Administration.
~~**R590-272. Commission Compensation Reporting.**~~
~~**R590-272-1. Authority.**~~

~~This rule is promulgated by the commissioner pursuant to Sections 31A-2-201 and 31A-23a-501.~~

~~**R590-272-2. Purpose and Scope.**~~

- ~~(1) The purpose of this rule is to create a format to provide an annual report of commission compensation from an insurer or a third-party administrator associated with the sale or placement of a health benefit plan to a large customer.~~
~~(2) This rule applies to a producer selling or placing a health benefit plan to a large customer.~~

~~**R590-272-3. Definitions.**~~

~~Terms used in this rule are defined in Sections 31A-1-301 and 31A-23a-501.~~

~~**R590-272-4. Annual Accounting of Compensation for Sale or Placement of Insurance to a Large Customer.**~~

- ~~(1) Any producer selling or placing a health benefit plan to a large customer shall provide the large customer an annual accounting of all commission compensation that has been received or shall be received from an insurer or third-party administrator as the result of a sale or placement.~~
~~(2) The accounting shall be provided before the last day of the seventh month after the plan year ends.~~
~~(3) A copy of this annual accounting shall be kept on file from inception until three years after the completion of the contract and shall be made available upon request of the commissioner.~~
~~(4) The annual accounting shall include, at minimum, one of the following:~~
~~(a) a completed Department of the Treasury Internal Revenue Form 5500, Annual Return / Report of Employee Benefit Plan, and its relevant attachments for the applicable plan year; or~~
~~(b) the following:~~
~~(i) the plan sponsor;~~
~~(ii) the name of the plan;~~
~~(iii) the name and address of the plan administrator;~~
~~(iv) the name of the insurance company;~~
~~(v) the effective date of the plan;~~
~~(vi) the number of active participants at beginning of the plan year;~~
~~(vii) the total commission compensation paid or due during the plan year, and shall include on separate reporting lines:~~
~~(A) commissions;~~
~~(B) overrides;~~
~~(C) bonuses;~~
~~(D) contingent bonuses or commissions; and~~
~~(E) the name and address of each producer to whom a commission is paid or due; and~~
~~(viii) signature lines for the plan administrator and the employer or plan sponsor for each producer declaration.~~
~~(5) Each item listed in Subsection R590-272-4(4)(b)(vii) shall be separately identified in the report.~~
~~(6) A sample form, The Large Customer Compensation Disclosure Form, is available on the department's website, <https://insurance.utah.gov>.~~

~~**R590-272-5. Severability.**~~

~~If any provision of this rule, Rule R590-272, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.~~

~~**KEY: agency compensation, agent compensation, insurance, producer compensation**~~
~~**Date of Last Change: January 10, 2023**~~
~~**Authorizing, and Implemented or Interpreted Law: 31A-2-201(3); 31A-23a-501(4)**~~

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58007
Rule or section number:	R652-20

1. Agency Information

Title catchline:	Natural Resources; Forestry, Fire and State Lands
Building:	North Temple Office Building
Street address:	1594 W North Temple

City, state:	Salt Lake City, UT
Mailing address:	1594 W North Temple
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Jake Alexander	801-385-2928	jhalexander@utah.gov

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

3. General Information

A. Rule or section catchline:
R652-20. Mineral Resources
B. Purpose of the new rule or reason for the change:
This rule change is being submitted after the Division of Forestry, Fire and State Lands (Division) realized that references were left out to other agencies with regulatory authority over Geothermal operations. This initiated a review of the entire rule where the Division decided to make other changes to add clarity to this rule.
C. Summary of the new rule or change:
The amendments fix a few typographical areas, clarify the bidding process for sovereign lands and clarify the role of the Division of Water Rights in the permitting of Geothermal operations.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to affect the state budget. It merely clarifies procedures already in place.
B. Local governments:
This rule change will not affect local governments as this rule does not regulate them.
C. Small businesses ("small business" means a business employing 1-49 persons):
The rule establishes expectations for operators when they wish to nominate and bid on state lands. It will reduce the need for business to enter lengthy and costly negotiations with the state on total acreage. It is likely to have a negligible effect on small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The rule establishes expectations for operators when they wish to nominate and bid on state lands. It will reduce the need for business to enter lengthy and costly negotiations with the state on total acreage. It is likely to have a negligible effect on non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This group will not be affected by the rule change as they are not regulated by this rule.

F. Compliance costs for affected persons:

The rule change is expected to provide cost clarity for operators.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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 65A-6-2	Subsection 65A-6-4(3)	
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 07/15/2026

12. Effective Date Information

This rule change MAY become effective on: 07/22/2026
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title: Jamie Barnes, Division Director and State Forester
Date: 05/19/2026

R652. Natural Resources; Forestry, Fire and State Lands.**R652-20. Mineral Resources.****R652-20-100. Authority.**

This rule implements Section 65A-6-2 which authorizes the Division of Forestry, Fire and State Lands to establish rules for the issuance of mineral leases and management of state owned lands and mineral resources.

R652-20-200. Classifications of Mineral Resource Lease Types.

Applications are made for and the Division shall issue separate mineral leases on the following resources classifications:

1. Oil, Gas and Hydrocarbons shall include: oil, natural gas, and related other hydrocarbons, whether the same be found in solid, semi-solid, liquid, vaporous, or any other form, including tar, bitumen, asphaltum, condensate, and other gases. The oil, gas and hydrocarbon category shall not include coal, oil shale, tar sands, or gilsonite.

2. Mineral-rich Brines shall include: any element in any form contained in aqueous solutions in the subsurface.

3. Industrial and Metallic Minerals:

a. Industrial Minerals shall include: naturally occurring solid deposits of potash, phosphate, magnesium, sodium chloride (salt), lithium, beryllium, fluor spar, clay minerals, building stone and limestone, gypsum, volcanic materials, industrial sands, and others.

b. Metallic Minerals shall include: naturally occurring solid deposits of aluminum, antimony, arsenic, bismuth, chromium, cadmium, cerium, columbium, cobalt, copper, gallium, gold, germanium, hafnium, iron, indium, lead, mercury, manganese, molybdenum, nickel, platinum group metals, radium, ~~rare earth elements, rhenium,~~ silver, selenium, scandium, ~~[rare earth elements, rhenium,]~~ tantalum, tin, thorium, tungsten, thallium, tellurium, vanadium, uranium, ytterbium, and zinc.

4. Geothermal Resources shall include: the energy, in whatever form, including pressure, present in, resulting from, created by, or which may be extracted from the natural heat, directly or through a material medium, derived from the natural heat of the earth at temperatures greater than -248F (120C), as defined in the Utah Geothermal Resource Conservation Act or traditional hydrothermal steam power produced on state lands. A separate agreement is required for any non-energy material or element or mineral or product produced from the Geothermal Resource. ~~See [R652-20-3400; R655-1].~~

5. Other Energy Resources shall include: coal, oil shale, tar sands, and gilsonite.

6. Gemstones and Fossils shall include: any mineral specimens valued for their beauty, rarity, and durability or their use in jewelry or art rather than industrial purposes and any fossils valued for their scientific significance, aesthetic appeal, or market desirability.

7. Great Salt Lake Elements and Minerals: a metalliferous mineral, metal, or, chloride compound, potash or salt, mined or extracted from the brine water of the Great Salt Lake or contained within precipitated minerals on the lakebed. Rules for Great Salt Lake Elements and Minerals are prescribed in Rule R652-21, Section R652-20-3100, and Section R652-20-3200.

R652-20-300. Non-Classified Minerals.

A person may apply to nominate mineral resources and the Division may issue leases covering other resources not included in Section R652-20-200 classifications. These leases are on terms and conditions as the Division finds to be in the best interest of the state.

R652-20-400. Close Association Minerals.

A lease issued for a specific mineral resource classification shall include other minerals found in a close association with the expressly leased minerals when the expressly leased minerals cannot reasonably be mined or removed separately. Closely associated minerals extracted from the leased mineral estate are subject to the royalty rates prescribed in rule and may require a separate royalty agreement if not expressly leased or returned to their source. Separate lease shall be required for any mineral production associated with a Geothermal Lease.

R652-20-500. No Waste or Stockpiling Provision.

All minerals extracted in paying quantities shall be sold in a commercially reasonable time and manner and the resulting royalty paid to the state. Produced minerals shall not be held in suspense of processing, stockpiled, or stored in any way to gain or reduce value in detriment to the state.

R652-20-600. Bed of Navigable River.

A mineral lease for the bed of any navigable river will only be issued inclusive of all river bed lands available for lease within the associated section. The nominated acres shall be leased to not result in any unleaseable, stranded tract of land.

R652-20-601. Bed of Navigable Lake.

A mineral lease for the bed of any navigable lake will only be issued inclusive of all beds within a section, as if the lands were surveyed in the Public Land Survey System. The nominated acres shall be leased to not result in any unleaseable, stranded tract of land.

R652-20[4]-602. Non-Sovereign Parcels.

The state owns parcels within its sovereign boundaries that are administered and managed by a variety of state agencies. The state has delegated the management of mineral resources owned by it to the Division. A mineral lease on any section of land in which the state owns the mineral estate, excluding State and Institutional Trust Lands, shall be administered and managed by the Division on behalf of the state agency with surface management authority. These mineral resources may be leased on behalf of the state after approval by the state agency with surface management authority.

NOTICES OF PROPOSED RULES

R652-20-700. Non-Contiguous Tracts.

A separate application for nomination is filed for each non-contiguous tract of land sought to be leased, unless all the tracts sought to be leased fall entirely within a single township or section, at the sole discretion of the Division. This rule shall not apply to mineral salt leases within Great Salt Lake.

R652-20-800. Size of Leasable Tract.

Except for good cause shown, no mineral lease is issued for a tract less than a quarter-quarter section or surveyed lot, except where the land owned by the state within any quarter-quarter section or surveyed lot is less than the whole thereof, in which case the lease will be issued only on the entire area owned and available for lease by the state within the quarter-quarter section or surveyed lot. Nominated Lands may no result in any unleaseable, stranded tracts of land.

R652-20-900. Lease Acreage Limitations.

Except for leases made pursuant to Section R652-20-3100, mineral leases are limited to no more than 2,560 acres or four sections. The acreage limitation shall not apply to mineral salt leases within Great Salt Lake, which are covered by [(~~R~~R652-20-3100)].

R652-20-1000. Rentals and Royalties.

1. Rentals and Payment Provisions. The Division is obligated to receive full value for the resources leased to persons of profit. This obligation includes obtaining a fair rental for the lands being used for mineral extraction.

(a) Minimum Rental rates are established in the Division fee schedule. The rental rate will be established within the terms of the mineral lease, and based on the use and fair market value of the leased state lands. Annual rental due dates shall be 30 days before the anniversary date of the effective date of the lease.

(b) Any overpayment of advance rental occurring from mineral lease applicant's incorrect listing of acreage of lands described in the application may be credited toward the applicant's rental account.

(c) Minimum annual rental on any mineral lease is \$40.

(d) The Division shall accept payments made by any party, but the acceptance of payments shall not be a recognition of any interest of the payee in the lease or royalty agreement.

(e) No rental credits are allowed.

2. Royalty Provisions

Royalty rates for production shall apply to all mineral leases and royalty agreements, as classified in Section R652-20-200, issued on or after the effective date of the applicable adjusted royalty rate. Mineral leases entered into before the effective date of adjusted royalty rates shall retain the royalty rate as specified in the lease agreement.

(a) Royalty rates on substances under Classification 1 Oil, Gas and Hydrocarbons.

TABLE 1 ⁽¹⁾	
Oil 16-2/3%	Gas 16-2/3%
Sulfur 12-1/2%	Other hydrocarbon substances 6-1/4%
(1) Notwithstanding the terms of oil, gas, and hydrocarbon lease agreements, gas and natural gas liquid reports, and their required royalty payments, are required to be received by the Division on or before the last day of the second month succeeding the month of production. This extension of payment and reporting time for gas and NGL does not alter the payment and reporting time for oil and condensate royalty which must be received by the Division on or before the last day of the calendar month succeeding the month of production, as currently provided in the lease form.	

(b) Royalty rates on any element or mineral or resource in any form produced under Classification 2 Mineral-rich Brine shall follow the rate as prescribed elsewhere in rule except for lithium resources. Adjusted royalty rates are exclusive of Great Salt Lake Elements and Minerals.

TABLE 2
Lithium 2-1/2 to 5% ⁽¹⁾
(1) Lithium royalty scale: Mkt Price <=\$15/kg 2.5%, Mkt Price <=\$25/kg 3%, Mkt Price <=\$35/kg 3.5%, Mkt Price <=\$45/kg 4%, Mkt Price <=\$55/kg 4.5%, Mkt Price >\$55/kg 5%

(c) Royalty rates on Classification 3 Industrial and Metallic Minerals shall follow the rates ~~below~~ described in Table 3.1 and 3.2.

TABLE 3.1	
Potash and associated minerals 5%	Phosphate 5%
Magnesium 1-1/2%	Salt (sodium chloride) ⁽¹⁾ \$0.50/dry ton
Clay Minerals 5%	Gypsum 5%
Industrial Sands 5%	Building Stone and Limestone 5% (except 2% for calcined lime)
Volcanic Materials 5%	Other Industrial Minerals 5%

(1) Beginning January 1, 2001, the royalty rate per ton will be adjusted annually by the Producer Price Index for Industrial Commodities as provided under Subsection R652-20-1000(g) using 1997 as the base year.

TABLE 3.2	
Fissionable Met. Minerals 8%	Non-Fissionable Met. Minerals 4%

(d) Royalty rate for Classification 4 Geothermal Resources shall follow the rates ~~below~~ described in Table 4.

TABLE 4	
Geothermal Direct-Power (first 5 years) 1-3/4%	Geothermal Direct-Power (after 5 years) 3-1/2%
Geothermal Steam 10%	

(e) Royalty rates for Classification 5 Other Energy Resources shall follow the rates ~~below~~ described in Table 5.

TABLE 5	
Coal 8%	Oil Shale ⁽¹⁾ 5%
Gilsonite (uintaite) 10%	Asphaltic/Bituminous Sands ⁽²⁾ 7%
(1) 5% during the first five years of production and increasing annually thereafter at the rate of 1% to a maximum of 12-1/2%	
(2) May be escalated after the first five years of production at the rate of 1% each year to a maximum of 12-1/2%	

(f) Royalty rates for Classification 6 Gemstones and Fossils shall follow the rates ~~below~~ described in Table 6.

TABLE 6	
Gemstones (1) 10%	Fossils ⁽¹⁾ 10%
(1) Requires payment of minimum annual rental of \$5 per acre.	

([e]g) Effective January 1, 2001 or the date on which the royalty paid by a lessee reaches \$0.50 per dry ton, whichever is later, the royalty rate for sodium chloride will be adjusted annually by the Producer Price Index for Industrial Commodities using the following formula: \$.50 times the Producer [p]Price [i]Index for Industrial Commodities for the previous year divided by the Producer Price Index for Industrial Commodities for 1997. The adjusted royalty rate will be calculated, then rounded up to the third decimal place. If the previous year's Producer Price Index for Industrial Commodities is in preliminary form at the end of the first quarter, March 31, the lessee shall use the preliminary year end average for that quarter and then shall use the finalized year end average for the remainder of the year.

R652-20-1100. Newly Acquired Lands.

Lands transferred to the state by the federal government or any entity, public or private shall be called newly acquired lands. If these transferred lands are encumbered by a mineral lease, the state shall honor the terms of that encumbrance however any unencumbered minerals or elements or energy resources shall immediately be available for nomination and leasing.

R652-20-1200. Record of Application and Deficient Applications.

For the Division to enter into an agreement, lease, or contract for the exploration or extraction of the state's mineral resources, and to ensure fair market value for the opportunity to enter into such agreement, the Division requires all nominations for mineral lease to follow a competitive bidding process.

1. The nomination of a specific tract, or tracts, of state land for the exploration and extraction of a mineral or element or energy resource shall be considered complete and will only be accepted if the following criteria are met:

(a) Nominations are received for filing in the office of the Division during office hours on the nomination application form approved by the Division. Except as provided, all applications received, whether by U.S. Mail or by personal delivery over the counter, are immediately stamped with the time and date of filing. If an application is determined to be deficient, it is returned via certified mail to the applicant with instructions for its amendment or completion;

(b) Deficient applications may be resubmitted in satisfactory form within 15 days of the date of the receipt of the instructions, it shall retain its original filing time and date. If the application is resubmitted at any later time, it is deemed filed at the time of resubmission;

(c) Applicants shall certify they are qualified to do business in the state;

(d) Applicants shall certify that they have no outstanding balances to the Division.

R652-20-1300. Simultaneous Filing.

The term "simultaneous filing" shall be defined as the process in which entities bid for the opportunity to enter a mineral lease on lands that have been nominated with the Division.

NOTICES OF PROPOSED RULES

1. All lands for which a mineral lease nomination has been accepted by the Division shall be available for simultaneous filing.
2. Notice of simultaneous filing shall be provided to the nominator and the public before the simultaneous filing opens.

R652-20-1400. Rental Rates and Example Leases.

The Division shall prescribe the rental rate for the nominated lands before the simultaneous filing opens. The Division may provide an example lease to present the bidders with common terms to be offered for the nominated lands.

R652-20-1500. Minimum Bid.

The bid shall at least equal the annual rental for the mineral resource lease type to be leased and shall be the rental for the first year of the lease.

R652-20-1600. Posting Dates.

Notices of the offering of lands for simultaneous filing will run for 15 business days and are posted at times to [i]ensure that all bid openings are on the last Monday of that month, or on the first business day following the last Monday of that month, if the last Monday falls on a legal state holiday.

R652-20-1700. Sealed Envelopes.

Bids shall be submitted in sealed envelopes marked for simultaneous filing. The sealed envelope shall include a complete simultaneous filing bid form, a check for the filing fee, and a check for the bid.

R652-20-~~20~~1900. Bid Withdrawal Under Simultaneous Filing.

Applicants desiring to withdraw a bid which has been filed under the simultaneous filing procedure, must make a written request. If the request is received before sealed bids have been opened, all money tendered by the applicant, except the filing fee, shall be returned. If the request is received after sealed bids have been opened, and if the applicant's bid is high, then unless the applicant accepts the offered lease, all money tendered is forfeited to the state.

R652-20-2000. Bid Award Under Simultaneous Filing.

The applicant who submits the highest monetary bid is the winning bidder. The winning bidder shall determine the entirety of the Sovereign Lands mineral estate that will be leased by completing the title work necessary to make that determination. The mineral acres attributable to the Sovereign Land mineral estate shall be made in consultation with the Division, using title examination methods approved by the Division. Should the winning bidder elect not to perform the title work necessary to establish the Sovereign Land mineral estate to be leased, which may not exceed 3 months following the bid award, the winning bid may be considered withdrawn at the Division's discretion, and all the money tendered by the applicant, except for the filing fee, shall be returned within 30 calendar days.

R652-20-2100. Failure of State's Title.

Should it be found necessary to reject a bid or to terminate an existing lease due to failure of state's land title, then only advance rental paid for the year in which title failure is discovered is refunded.

R652-20-2200. General Lease Provisions.

To affect the purposes of development of mineral resources owned by the state, the following provisions, terms and conditions shall apply to all mineral lessees or leases:

1. Preference Rights for Unleased Minerals--Any state mineral lessee who discovers any minerals on lands leased from the state of Utah which are not included within their lease shall have a preference right to a state mineral lease covering these unleased minerals, provided the unleased minerals at the time of discovery are not included within a mineral lease or mineral lease nomination of another party. The preference right lease is issued upon a lease form in current use by the state. The preference right lease is subject to the rental, royalty, and development requirements as provided in the lease form. The preference right shall not extend to any unleased minerals on state lands which have been withdrawn from mineral leasing. The preference right shall continue for a period of 60 days after the discovery of unleased minerals, provided the applicant notifies the Division within the ten days after the discovery and makes application to lease the unleased minerals within 60 days after the date of discovery.

2. Lease Term Exclusion, Diligent Operations, Land-Blocking Lease Exclusion.

(a) Definitions.

(i) Lease Term is the contractual length granted to the lessee to perform mineral resource extraction.

(ii) Operations is production that results in a net mineral royalty paid to the state or exploration with financial expenditure performed on or beneath the leased area or negotiation that results in an agreement with adjacent leaseholders to pool, communitize, or enter a joint operating agreement to develop the mineral estate as part of a larger extractive operation.

(iii) Land-blocking is entering into a lease agreement with the Division with the intent to directly or indirectly prevent the development of the mineral estate, or reduce competition by securing mineral resource rights with no intent to develop the mineral estate, or speculative holding of acreage that is not actively being utilized.

(b) If operations are being diligently pursued on the leased premises at the end of the primary term, including any valid extension of any lease with no production before the end of the primary term, the term of the lease may be extended for a term of length at the sole discretion of the Division. Upon written application by lessee and satisfactory showing of due diligence in prosecution of operations, at the sole discretion

of the Division, an extension rider may be issued by the Division. Application for extension rider shall be filed by the lessee 30 days before expiration of the fixed term of any valid extension of the lease.

(c) If operations are not being diligently pursued on the leased premises at the end of the primary term, and lessee does not enter negotiations with the Division at least 30 days before expiration of the primary term of any mineral lease, the lease expires under its own term.

(d) Notwithstanding a valid mineral lease extension, or a negotiated extension with the Division in lieu of production, the Division requires that leased substances be produced in paying quantities by the end of the primary term. Diligent and continuous exploration, development, and production of the leased mineral resources shall be required. No land-blocking leases shall be allowed.

3. Cultural, Paleontological, and Biological Resources--The Division may require the lessee to:

(a) provide a cultural, paleontological or biological survey on lands encumbered by a mineral lease; and

(b) be responsible for reasonable mitigative actions as specified by the Division. Surveys conducted in performance for another state or federal agency may be submitted to the Division when the survey is also required by the Division.

4. Geologic Data--Lessee or operator shall keep a log of geologic data accumulated or acquired by lessee within the land area described in the lease. This log shall show the formations encountered and any other geologic information reasonably required by lessor and shall be available upon request by the Division. A copy of any logs, as well as any data related to exploration drill holes, shall be deposited with the Division upon termination of the lease.

5. Assignments, Subleases and Overriding Royalties

(a) Definitions

(i) A total assignment is an assignment of undivided total interest.

(ii) An interest assignment is an assignment of any working interest less than the undivided total, except overriding royalty interests.

(iii) A partial assignment is an assignment of part of the lands in a lease and a segregation of the assigned lands into a separate lease.

(b) Any lease may be assigned or subleased as to all or part of the acreage, to any person, firm, association, or corporation qualified to hold a state lease, provided, however, that all assignments and subleases are approved by the Division. No assignment or sublease is effective until approval is given. Any assignment or sublease made without approval is void.

(c) Unless otherwise authorized by the Division, an assignment of a portion of a lease covering less than a quarter-quarter section, a surveyed lot, an assignment of a separate zone, or a separate deposit is not approved.

(d) An assignment or sublease shall take effect the first day of the month following the approval of the assignment or sublease by the Division. The assignor or sublessor or surety, if any, shall continue to be responsible for performance of any obligations as if no assignment or sublease had been executed until the effective date of the assignment or sublease. After the effective date of any assignment or sublease, the assignee or sublessee is bound by the terms of the lease to the same extent as if the assignee or sublessee were the original lessee, any conditions in the assignment to the contrary notwithstanding.

(e) A partial assignment of any lease shall segregate the assigned or retained portions thereof and, after the effective date, release or discharge the assignor from any obligation thereafter accruing with respect to the assigned lands. Segregated leases shall continue in full force and effect for the primary term of the original lease or as further extended pursuant to the terms of the lease.

(f) An assignment or transfer of a lease, or interest, or of an overriding royalty must be a good and sufficient legal instrument, properly executed and acknowledged, and should clearly set forth the serial number of the lease, the land involved, and the name and address of the assignee, and the interest transferred. Any assignment, sublease, or overriding royalty shall be executed on the form provided by the Division.

(g) An assignment must affect or concern only one lease or a portion thereof, except for good cause shown.

(h) Any assignment which would create a cumulative overriding royalty in excess of the production royalty payable to the state as landowner of the state mineral lease will not be approved by the Division. Any agreement to create or any assignment creating overriding royalties or payments out of production removed or sold from the leased lands is subject to the Division, after notice and hearing, to require the proper parties thereto to suspend or modify the royalties or payments out of production in such a manner as may be reasonable when and during such period as they may constitute any undue economic burden upon the reasonable operations of this lease.

~~6.~~(+) Assignment instructions are as follows:

~~(a)~~(++) Prepare and execute the assignments in duplicate, complete with acknowledgments.

~~(b)~~(++) Each copy of the assignment shall have attached thereto an acceptance of assignment executed by the assignee.

~~(c)~~(++) All assignments forwarded to or deposited with the Division must be accompanied by the prescribed fee.

~~(d)~~(++) No assignment is effective until authorization by the Division on the assignment form provided by the Division.

~~6~~7. Lease Amendments--When the Division approves the amendment of existing mineral leases by substituting a new lease form for the existing forms, the amended lease will retain the effective date of the original lease.

~~7~~8. Events of Default---If a lessee violates any provision in a lease, the Division may cancel the mineral lease after 30 days' notice by registered or certified return receipt mail, unless the lessee:

(a) Remedies the violation;

(b) Rectifies the condition; or

(c) Requests a hearing within:

(i) the 30 days; or

(ii) any extension of time the Division grants.

(d) Examples of events of default may include:

(i) Failure of lessee to provide an accounting of any payment, simultaneous with the payment, required under any agreement as it applies to any lease or royalty agreement, on the form approved by the Division.

(ii) Failure of lessee to pay annual rent.

(iii) Failure of lessee to pay a minimum royalty and show due diligence in operations outside of primary term.

NOTICES OF PROPOSED RULES

(iv) Failure to file with the Division, and obtain authorization from the Division, a name-change, assignment, or transfer of the lease before executing said action.

R652-20-2300. Lessee Rights.

Mineral exploration, oil and gas drilling, or other operations which disturb the surface of lands contained within or above state mineral lease lands require surface rehabilitation of the disturbed area as approved by the Division, and as required by the laws administered by the Utah Division of Oil, Gas and Mining or the Utah Division of Water Rights.

R652-20-2400. Operations Notification Period.

1. At least 60 days before the commencement of mineral resource exploration, mining or other operations which disturb the surface of lands contained within or above a state mineral lease, lessee shall submit plans for operations to the Division. The Division shall review and make an environmental assessment and endorse or stipulate changes in lessee's plan of operation within the review period. Where feasible, the Division's review shall be conducted concurrently with those of other agencies. Review by another state or federal agency may be accepted by the Division in lieu of a separate Division review. Following review, the Division may require the lessee to adopt a special rehabilitation program required by lessor for the particular property in question. Lessee shall not commence operations upon the land without a plan of operation approved by the Division.

2. Before any operator or lessee may begin actual drilling operations of any well or before commencing any surface disturbance associated with the activity on lands contained within a state mineral lease, the operator or lessee shall simultaneously file with the Division a legible copy of the application for permit to drill (APD), as is filed with the Division of Oil, Gas, and Mining or the Division of Water Rights.

3. The Division will review any request for drilling operation or any surface disturbance associated with the activity on lands contained within a state lease and will grant approval, providing that the contemplated location and operations are not in violation of any rules, order, or policy. Division approval of the application for a permit to drill on mineral resources administered by the Division is required before ~~to~~ approval by the Division of Oil, Gas, and Mining or the Division of Water Rights. Notice of approval by the Division of Forestry, Fire and State Lands will be given in an expeditious manner to the Division of Oil, Gas, and Mining or the Division of Water Rights.

4. All lessees or designated operators under state mineral leases have responsibility to be aware of notification requirements and operating rules promulgated by the Division of Oil, Gas and Mining with regard to mineral exploration, mining, or oil and gas drilling on lands within the state. Lessees or operators shall fully comply with all the rules or requirements and provide timely to the Division notifications, mine plans, well completion reports, or other information as may be requested.

R652-20-2500. Multiple Mineral Development (MMD) Area Designation.

1. The Division may designate any state land under its authority as a multiple mineral development area. In designated multiple mineral development areas the Division may require, in addition to all other terms and conditions of the mineral lease, that the lessee furnish a bond or evidence of financial responsibility as specified by the Division, to assure that the state and other mineral lessees shall be indemnified and held harmless from and against unreasonable and all unnecessary damage to mineral deposits or improvements caused by the conduct of the lessee on state lands. Written notice shall be given to all mineral lessees holding a mineral lease within the multiple mineral development area. Thereafter, to preserve the value of mineral resources the Division may impose any reasonable requirements upon any mineral lessee who intends to conduct any mineral activity within the multiple mineral development area. The lessee shall submit advance written notice of any activities to occur within the multiple mineral development area to the Division and any other information that the Division may request. All activities within the multiple mineral development area are to be deferred until the Division has specified the terms and conditions under which the mineral activity is to occur and has granted specific permission to conduct the activity. The Division may hold public meetings regarding the mineral development within the multiple mineral development area.

2. The Division may grant a mineral lease extension under a multiple mineral development area designation, providing that the mineral lessee or operator requests an extension before the lease expiration date, and that the lessee or operator would have otherwise been able to request a lease extension as provided in Subsection 65A-6-4(4).

R652-20-2600. Term of Oil Gas and Hydrocarbons Lease -- Unitization or Communitization Agreement.

The term of all oil, gas and hydrocarbons leases included in any communitization or unitization plan of oil and gas development or operation in which the Division has joined, or may later join, shall be extended automatically for the term of the unitization or communitization agreement. Rentals on leases so extended shall be at the rate specified in the lease, subject to the change in rates as may be demanded by the lessor on any lease readjustment date as authorized by the lease.

R652-20-2700. Lease Continuation -- Unitization or Communitization Agreement.

Any lease which is eliminated from any such communitization or unitization plan of development or operation, or any lease which is in effect at the termination of the cooperative or unit plan of development or operation, unless relinquished, shall continue in effect for the fixed term of the lease, or for two years after its elimination from the plan or agreement or the termination thereof, whichever is longer, and so long thereafter as the leased substances are produced in paying quantities. Rentals under the lease shall continue at the rate specified in the lease.

R652-20-2800. Bonding.

1. Before commencement of any operations on a state mineral lease, the lessee or designated operator shall post with the Division a bond in the form and amount as may be determined by the Division to assure compliance with all terms and conditions of the lease.

2. The bond required for an oil and gas, geothermal, or minerals exploration or extraction project may be deemed by the Division to be sufficient if the bond is accepted and held by the appropriate agency or agencies with statutory authority over the operator developing the resource and a copy of the bond is filed with the Division.

3. Any lessee or designated operator forfeiting a bond is denied approval of any future exploration or mining on state lands, except by compensating the state for previous defaults and posting the full bond amount estimated for reclamation or lease performance and reclamation on subsequent operations.

4. Bonds may be increased at any time pursuant to the authority of the relevant agency or agencies with statutory authority that holds the bonds.

R652-20-3000. Mineral Lease Nomination--Lake or Stream Bed.

1. Nominations for mineral leases for lands within the bed of a lake or stream will be rejected unless:

(a) the lake or stream has been judicially determined to have been navigable at the time of statehood or was, in the reasonable judgment of the Division, navigable at the time; or

(b) the issuance to the bid winner of a lease on the navigable lake or navigable stream bed would serve to protect the bid winner as the owner, or holder of mineral rights, on abutting riparian uplands.

2. Any lessee or operator proposing, or conducting, exploration or mining operations within the bed of a navigable lake or stream shall, before the commencement of operations, file the notification and obtain such permits as may legally be required by local, state, or federal governmental agencies, having jurisdiction over these activities. In no event will the lessee or operator cause pollution or salinity in any navigable lake or stream to exceed these limits which are set by ordinance, law or inter-governmental treaty.

R652-20-3100. Great Salt Lake--Salt and Other Mineral Resources--Royalty Agreements.

1. Salts and other minerals in the brine waters of Great Salt Lake are reserved to the state and shall be sold only upon a royalty basis and under the terms and provisions as specified in the royalty agreement as provided for in this rule and all other terms and conditions as the Division deems necessary in the best interest of the state or per Rule R652-21.

2. The term "salts and other minerals" as used in this rule shall include all salts and other minerals contained in solution or suspension in the brine waters of Great Salt Lake, and shall not include salts or other minerals that have precipitated out or have settled on the bottom of the lake.

3. Royalty agreement applications shall be made upon forms provided by the Division and shall be in accordance with the laws and rules governing applicant qualifications, application and lease form.

4. Royalty agreements for salts and other minerals contained in brine waters of Great Salt Lake, shall require the following advance royalty payment which may be applied against royalties which may thereafter accrue during the same calendar year for which the advance royalty is paid.

(a) \$10,000 each year for all royalty agreements in which the lessee therein also obtains a lease of land within Great Salt Lake.

(b) \$5,000 each year for all royalty agreements in which the lessee therein does not obtain a surface or mineral lease of state lands within Great Salt Lake.

5. Royalties shall be paid upon a calendar year basis. The minimum royalty for the balance of the calendar [-]year in which the agreement is executed shall be prorated in proportion to the time remaining.

6. The gross market value of the products shipped, upon which the royalty payments are to be paid, shall not include amounts expended for bags, boxes, receptacles, or other costs directly related to or necessary in the shipping of any product. No deductions shall be allowed.

7. Royalty agreements shall contain provisions necessary to effect the purpose of this rule, including: the rights of the vendee; the term of the royalty agreement; annual rental and royalties; rights reserved to the vendor; bonds; reporting of technical data; operation requirements; vendees consent to suit in any dispute arising under the terms of the royalty agreement or as a result of operations carried on under the royalty agreement; procedures for notification; transfers of interest by vendee; establishment of water rights and water usage; discovery of other minerals; terms and conditions of royalty agreement forfeiture; protection of the state from liability from all actions of the vendee; and all other provisions that the Division deems necessary to protect the interest of the state and to fulfill the purpose of this rule.

R652-20-3200. Lake Bed Mineral Salts Within Great Salt Lake--Leases.

1. Mineral leases for mineral salts on land within Great Salt Lake, shall be issued pursuant to this rule, and other applicable laws and rules governing the issuance of mineral leases on state owned lands or mineral resources or per Rule R652-21.

2. Definitions: The term "state land within Great Salt Lake", as used in this section, shall include all state lands lying within the exterior boundary lines of the meander-line around the lake as surveyed by the United States. The term "salts", as used in this section, shall mean, chlorides, sulphates, carbonates, borates, silicates, oxides, nitrates and associated minerals existing at the surface and to the extent of their continuous depth, but shall not include the salts and other minerals contained in solution or suspension in the brine waters of Great Salt Lake as defined in Section R652-20-3100.

3. All mineral lessees granted a mineral salts lease under this section must have a royalty agreement as provided under Section R640-20-3100. This royalty agreement shall contain a minimum royalty of \$10,000.

4. Leases issued pursuant to this rule shall grant the lessee the right to mine, extract, or remove salts from the surface of the lands covered thereby, together with the reasonable use of the surface as is necessary for all purposes incident to the extraction of salts and other minerals from brines of Great Salt Lake or the surface of the lands covered by the lease.

5. Leases shall provide for a rental using rates established in the Division fee schedule and shall be coterminous with Section R652-20-3100. Minimum rental rate for the Great Salt Lake Mineral Salt Leases is \$100 per acre.

NOTICES OF PROPOSED RULES

6. Leases issued pursuant to this rule shall contain provisions necessary to affect the purpose of this rule, including, the following provisions: the rights of the lessee; the term of the lease; annual rental and royalties; rights reserved to the lessor; bonds; reporting of technical data; operation requirements; lessees consent to suit in any dispute arising under the terms of this lease or as a result of operations carried on under this lease; procedures for notification; transfers of interest by lessee; establishment of water rights and water usage; discovery of other minerals; terms and conditions of lease forfeiture; protection of the state from liability from all actions of the lessee; and all other provisions that the Division deems necessary to protect the interest of the state and to fulfill the purpose of this rule.

R652-20-3400. Geothermal Leases.

Leases for geothermal resources contained in or under lands of the state are reserved to the state and shall be sold only upon a lease and royalty basis. Nominations shall be made upon forms provided by the Division and shall be subject to all applicable minerals management statutes and rules.

R652-20-3600. Special Lease Agreement--Documentation.

1. Nomination for Special Lease Agreements for mineral lease on state lands held by other state agencies shall be in accordance with mineral rules applying to lands held by the Division, provided however, that Special Lease Agreement nominations shall be accompanied by the following documentation to be submitted by the applicant at the time of application for each tract of land contained in the application:

- (a) A complete chain of title indicating all conveyances and mineral reservations.
- (b) A plat map showing the exact location, dimensions, and legal description by metes and bounds of the land.
- (c) Identification of the state agency using or holding the land.

2. Special Lease Agreement - Forms

Special Lease Agreements issued for mineral lease on state lands held by other state agencies shall be on forms approved by the Division, provided however, that the state agency holding these lands may stipulate special terms and conditions to be added to the lease to mitigate impact of the lease or lessee's operations upon that state agency's land.

R652-20-4000. Readjustment Rule.

1. Any lease, except an oil, gas and hydrocarbons lease, which is subject to a readjustment provision may be readjusted as follows:

- (a) Any term or condition of a lease may be readjusted including the rent, royalty, minimum rental, or minimum royalty provisions of the lease.
- (b) The Division shall give notice to the lessee at least one year readjustment. Failure to give notice before a date a lease is eligible for readjustment shall not waive or prejudice the right of the Division to readjust the lease at a later date.
- (c) The readjusted terms shall become effective on the date specified by the Division when the readjusted terms are sent to the lessee.
- (d) Failure of the lessee to accept the terms of any readjustment shall be considered a violation of the provisions of the lease and shall subject the lease to forfeiture.

2. In the event of a conflict between this section and the terms of a readjustment provision in a lease, the lease terms shall supersede to the extent of the conflict.

KEY: royalties, salt, primary term, administrative procedures

Date of Last Change: [January 7,] 2026

Notice of Continuation: March 2, 2022

Authorizing, and Implemented or Interpreted Law: 65A-6-2; 65A-6-4(3)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: New	Filing ID: 58011
Rule or section number:	R652-151

1. Agency Information

Title catchline:	Natural Resources; Forestry, Fire and State Lands
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 3520
City, state:	Salt Lake City, UT
Mailing address:	PO Box 145703
City, state and zip:	Salt Lake City, UT 84114-5703

2. Contact Persons

Name:	Phone:	Email:
Amos Frye	801-574-1186	afrye@utah.gov

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

3. General Information

A. Rule or section catchline:
R652-151. Utah Bioprospecting Act
B. Purpose of the new rule or reason for the change:
The five-year review process on Rule R652-150 was missed and the rule expired. The Division of Forestry, Fire and State Lands (Division) is resubmitting this rule to make it effective again. The rule is important to create procedures to allow bioprospecting on state lands.
C. Summary of the new rule or change:
This is readopting the previous Rule R652-150 as Rule R652-151, and there is only minor typographical changes that were suggested in this rule review process. This rule establishes the registration process and requirements for bioprospecting on state lands in the State of Utah.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Division will incur minimal costs for the processing of the registration, but any costs incurred will be covered by the registration fee.
B. Local governments:
The proposed rule will not result in direct, measurable costs or benefits for local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
There may be a cost to small businesses if the business engages in the act of bioprospecting, as they would be required to register with the Division and pay the registration fee. The fee is currently \$50. The Division typically receives a total of five applications a year, dispersed across small and non-small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There may be a cost to non-small businesses if the business engages in the act of bioprospecting, as they would be required to register with the Division and pay the registration fee. The fee is currently \$50. The Division typically receives a total of five applications a year, dispersed across small and 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>):
A person who engages in bioprospecting will be required to register with the division and pay a registration fee. The Division does not track if an applicant is a small business, non-small business, or "other" so the aggregate below encompasses the average amount of registration fees the Division receives from all registrants.
F. Compliance costs for affected persons:
Affected persons will need to pay a registration fee to the Division in the amount of \$50.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

NOTICES OF PROPOSED RULES

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$250	\$250	\$250	\$250	\$250
Total Fiscal Cost	\$250	\$250	\$250	\$250	\$250
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$250	\$250	\$250	\$250	\$250
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$250	\$250	\$250	\$250	\$250
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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 65A-14-104

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 07/15/2026

12. Effective Date Information

This rule change MAY become effective on: 07/22/2026
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Jamie Barnes, Division Director and State Forester	Date:	06/10/2026
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R652. Natural Resources; Forestry, Fire and State Lands.

R652-151. Utah Bioprospecting Act.

R652-151-100. Authority and Purpose.

This rule is adopted pursuant to the authority of Subsection 65A-1-4(2), which requires the Division to promulgate rules, and by Title 65A, Chapter 14, Utah Bioprospecting Act, to clarify the procedure through which operators must register with the Division and notify the Division of the intent to conduct bioprospecting activities. The state recognizes that due to the microenvironments present on state lands, there is a potential for unique organisms to have evolved that represent a valuable resource for the residents of the state. This Bioprospecting rule has been enacted to foster the discovery and evaluation of these resources in a way that benefits the citizens of Utah. By registration of Bioprospecting the state reserves the right for the citizens to share in any future economic value of these resources.

R652-151-200. Definitions.

1. Bioprospecting: the removal from a natural environment for research or commercial use of a naturally occurring microorganism, plant, or fungus; or information concerning a naturally occurring microorganism's, plant's, or fungus's physical or genetic properties.
2. Nonfederal public land: land within the state that:
 - (a) is not owned, controlled, or held in trust by the federal government; and
 - (b)(i) is owned or controlled by:
 - (A) the state;
 - (B) a county, city, or town; or
 - (C) a governmental entity other than the federal government; or
 - (ii) is school and institutional trust lands, as defined in Section 53C-1-103.
3. Bioprospector: a person who engages in bioprospecting.
4. Person means:
 - (a) an individual;
 - (b) a nonprofit or profit corporation;
 - (c) a partnership;
 - (d) a sole proprietorship;
 - (e) other type of business organization; or
 - (f) any combination acting in concert with one another.

R652-151-300. Exceptions.

For purposes of Chapter Title 65A, Chapter 14, Utah Bioprospecting Act, and this rule, the following entities or activities are exempt from the requirements of this rule:

1. horticultural cultivation, except for horticultural genetic engineering conducted in a manner otherwise constituting bioprospecting;
2. an agricultural enterprise;
3. a forest and range management practice;
4. invasive weed management;
5. Christmas tree and related sales; and
6. incidental removal of a microorganism, plant, or fungus while engaged in bona fide research or commercial enterprises.

This rule does not modify or replace any other requirement under federal, state, or local law related to an act that under Title 65A, Chapter 14, Utah Bioprospecting Act, is considered bioprospecting, including any requirement to obtain the permission of a landowner. In addition, this rule applies only to bioprospecting activities occurring on nonfederal public land.

R652-151-400. Procedures for Registration.

1. Registration Form. To register for bioprospecting activities, a person or entity shall complete and submit a registration form provided by the Division as specified in Rule R652-3.
2. Time of Filing. The registration form shall be submitted to the Division's headquarter office, at 1594 West North Temple, Suite 3520, PO Box 145703, Salt Lake City, UT 84114-5703 during office hours. Except as provided, all applications received, whether by U.S. Mail or delivery over the counter, shall be immediately stamped with the exact date of filing.
3. Non-refundable Registration Fees. All registration forms shall be accompanied with a non-refundable registration fee, to be determined by the Division, as specified in Rule R652-4.
4. Registration Form Review. Upon receipt of the registration form, the Division will review the form for completeness. If the registration form is deemed complete, the Division will acknowledge receipt and approval of requested registration by providing the person or entity a written correspondence to include a registration number, the date of registration expiration and a copy of the processed registration form included as an attachment.

R652-151-500. Term of Registration.

Registration shall be valid until June 30 of the current fiscal year. A registrant must renew the registration with the Division for any continuing activities into the new fiscal year by submitting a completed registration form to the Division as specified in Section R652-151-400.

R652-151-600. Reservation of Economic Interest.

1. The right of a person to engage in an act of bioprospecting is subject to the state's reservation of any right the state may have to an economic benefit derived from:
 - (a) the act of bioprospecting;
 - (b) a microorganism, plant, or fungus removed from a natural environment in the state; or
 - (c) information concerning a microorganism's, plant's, or fungus's physical or genetic properties removed from a natural environment in the state.
2. A person may not engage in an act of bioprospecting in this state if the person, as part of the registration required under Section 65A-14-201, does not agree in writing to negotiate in good faith with the state if the state asserts an economic interest described in Subsection R652-151-600(1).
3. Registrants shall record GPS coordinates of the sites where samples are gathered and provide those coordinates to the Division and include those coordinates in any publications resulting from the bioprospecting.

R652-151-700. Economic Benefits of Bioprospecting Denied.

1. A person who engages in an act of bioprospecting in violation of Title 65A, Chapter 14, Utah Bioprospecting Act and this rule is guilty of criminal trespass punishable in accordance with Section 76-6-206.

2. If found guilty of a violation under Title 65A, Chapter 14, Utah Bioprospecting Act, or this rule, a court may in addition to a penalty imposed under Section 76-6-206, order restitution that is proportional to the economic interests the state may have under Section 65A-14-202.

KEY: registration, notification, bioprospecting

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 65A-14

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New	Filing ID: 58013
Rule or section number:	R805-7

1. Agency Information

Title catchline:	Higher Education (Utah Board of), University of Utah, Administration
Building:	Park Building, Room 309
Street address:	201 Presidents Circle
City, state:	Salt Lake City, UT 84112

2. Contact Persons

Name:	Phone:	Email:
Rebekah Bradway	801-585-7002	rebekah.bradway@legal.utah.edu

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

3. General Information

A. Rule or section catchline:
R805-7. Graduate Student Due Process
B. Purpose of the new rule or reason for the change:
The University of Utah is filing this new rule in accordance with direction from the Utah Board of Higher Education under the process described in Section 53H-7-303.
C. Summary of the new rule or change:
This rule formalizes minimum standards of procedural due process for a graduate student's suspension or dismissal from a graduate program, including by incorporating by reference certain existing University of Utah policies and guidelines.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
Because this rule formalizes already-existing processes at the University of Utah, there is no anticipated cost or savings to the state budget.
B. Local governments:
Because this rule formalizes already-existing processes at the University of Utah, there is no anticipated cost or savings to local governments.

C. Small businesses ("small business" means a business employing 1-49 persons):
 Because this rule formalizes already-existing processes at the University of Utah, there is no anticipated cost or savings to small businesses.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
 Because this rule formalizes already-existing processes at the University of Utah, there is no anticipated 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**):
 Because this rule formalizes already-existing processes at the University of Utah, there is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:
 Because this rule formalizes already-existing processes at the University of Utah, there are no new anticipated compliance costs for affected persons.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

The President of the University of Utah, Taylor Randall, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:

9. Citation Information

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 53H-7-302	Section 53H-7-303	
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10. Incorporation by Reference Information

Incorporation by Reference:	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Policy 6-100, Instruction and Evaluation
Publisher	University of Utah
Issue Date	July 1, 2024

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Policy 6-410, Student Academic Performance, Academic Conduct, and Professional and Ethical Conduct
Publisher	University of Utah
Issue Date	August 15, 2023

C. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Graduate Academic Standing, Performance, and Probation Guidelines
Publisher	University of Utah
Issue Date	April 7, 2026

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	08/03/2026
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13. Agency Authorization Information

Agency head or designee and title:	Mitzi Montoya, Executive Vice President for Academic Affairs	Date:	05/18/2026
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R805. Higher Education (Utah Board of), University of Utah, Administration.

R805-7. Graduate Student Due Process.

R805-7-1. Purpose.

The purpose of this rule is to establish minimum standards of procedural due process for a graduate student's suspension or dismissal from a graduate program.

R805-7-2. Authority.

This rule is authorized by Sections 53H-7-302 and 53H-7-303.

R805-7-3. Due Process for Suspension or Dismissal.

(1) A University of Utah graduate student is entitled to due process before suspension or dismissal from a graduate program. These due process rights include notice of academic deficiencies, an opportunity to correct the deficiencies before suspension or dismissal, and the opportunity to engage in a neutral unbiased hearing process to challenge a suspension or dismissal after one is imposed.

(2) The following University of Utah policies and guidelines establish minimum standards of procedural due process for a graduate student's suspension or dismissal from a graduate program and are incorporated by reference within this rule, including any amendments:

(a) Policy 6-100: Instruction and Evaluation, July 1, 2024, as it relates to an appeal of an academic action that is a suspension or dismissal from a graduate program;

(b) Policy 6-410: Student Academic Performance, Academic Conduct, and Professional and Ethical Conduct, August 15, 2023, as it relates to academic misconduct; and

(c) Graduate Academic Standing, Performance, and Probation Guidelines approved by the University of Utah Graduate Council, April 7, 2026.

(3) A University of Utah college or department may create graduate student policies or handbooks that address a graduate student's suspension or dismissal from the college or department's academic programs. Any such policy or handbook must meet minimum due process standards established in the policies and guidelines described in Subsection (2).

KEY: Graduate Student Due Process

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 53H-7-302; 53H-7-303

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at 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:	R17-9	Filing ID: 53483
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Effective date:	05/27/2026
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1. Agency Information

Title catchline:	Government Operations, Archives and Records Service
Building:	Rio Grande Building
Street address:	346 S Rio Grande St
City, state:	Salt Lake City, UT

2. Contact Persons

Name:	Phone:	Email:
Rebekkah Shaw	385-386-1955	rshaw@utah.gov
Kendra Yates	801-531-3856	kendrayates@utah.gov

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

3. General Information

A. Rule catchline:	R17-9. Electronic Participation at Meetings
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B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 63A-12-104	Authority is granted to the state archivist to make rules governing the collection, access, and management of records.
Section 63A-12-113	The state archivist provides staff and support for the Records Management Committee.
Section 52-4-207(2)	The requirement for a rule for the Records Management Committee to meet electronically is found here in the Open Public Meetings Act.

C. 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.

D. 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 allow the Records Management Committee to meet electronically regarding the preservation and management of records. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Kenneth Williams, Director	Date:	05/26/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-55b	Filing ID:	57162
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Effective date:	05/26/2026
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1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Matt Johnson	801-530-6720	mmjohnson@utah.gov

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

3. General Information

A. Rule catchline:
R156-55b. Electricians Licensing Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 58-1-106(1)(a)	The duties, functions, and responsibilities of the Division of Professional Licensing includes prescribing, adopting, and enforcing rules to administer this Title 58.
Subsection 58-1-202(1)(a)	The duties, functions, and responsibilities of Boards established under Title 58 include recommending appropriate rules to improve the health, safety, and financial welfare of the public.
Subsection 58-55-308(1)	The duties of the Construction Services Commission includes adoption reasonable rules to define and limit the scope of practice and operating standards of the classifications and subclassifications licensed under Title 58, Chapter 55.

C. 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.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The purpose of this rule is to implement the provisions of Title 58, Chapter 55, that concern the licensing and qualification of electricians. This statute continues to be in force and administrative rulemaking is required by the statute. This rule is also instrumental in protecting the life and property of Utahns by providing for the orderly licensing and regulation of electricians. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Adam Watson, Assistant Director	Date:	05/26/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-55c	Filing ID:	57661
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Effective date:	05/26/2026
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1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Matt Johnson	801-530-6720	mmjohnson@utah.gov

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

3. General Information

A. Rule catchline:
R156-55c. Plumber Licensing Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 58-1-106(1)(a)	The duties, functions, and responsibilities of the Division of Professional Licensing includes prescribing, adopting, and enforcing rules to administer this Title 58.
Subsection 58-1-202(1)(a)	The duties, functions, and responsibilities of Boards established under Title 58 include recommending appropriate rules to improve the health, safety, and financial welfare of the public.
Subsection 58-55-201(3)(a)	The duties, functions, and responsibilities of the Electrician and Plumbers Licensing Board include recommending to the commission appropriate rules relating to the profession.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 58-55-103(1)(b)(i)	The duties, functions, and responsibilities the Construction Services Commission includes making reasonable rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with the concurrence of the director.
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C. 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 supporting or opposing this rule have been received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The purpose of this rule is to implement the provisions of Title 58, Chapter 55, that concern the licensing and qualification of plumbers. This statute continues to be in force and administrative rulemaking is required by the statute. This rule is also instrumental in protecting the life and property of Utahns by providing for the orderly licensing and regulation of plumbers. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Adam Watson, Assistant Director	Date:	05/26/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-70a	Filing ID: 53945
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Effective date:	05/19/2026
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1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S.
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84111-6741

2. Contact Persons

Name:	Phone:	Email:
Larry Marx	801-530-6254	lmarx@utah.gov

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

3. General Information

A. Rule catchline:
R156-70a. Physician Assistant Practice Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 58-70a-101 et seq.	Title 58, Chapter 70a, Physician Assistant Practice Act, provides for the licensure and regulation of physician assistants.
Subsection 58-1-106(1)(a)	This subsection establishes that it is a duty of the Division of Professional Licensing to prescribe, adopt, and enforce rules to administer Title 58, Occupations and Professions.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 58-1-202(1)(a)	This subsection establishes that it is a duty of each board established under Title 58 to recommend appropriate rules and statutory changes to improve the health, safety, and financial welfare of the public, including changes to remove regulations that are no longer necessary or effective in protecting the public and enhancing commerce.
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C. 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.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary as it provides a mechanism to inform potential licensees of the specific requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 70a.

This rule is also necessary as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, minimum standards of practice, and ethical standards relating to the profession. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	Date:	05/19/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-86	Filing ID: 50317
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Effective date:	05/29/2026
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1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Matt Johnson	801-530-6628	mmjohnson@utah.gov

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

3. General Information

A. Rule catchline:

R156-86. State Certification of Commercial Interior Designers Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 58-1-106(1)(a)	The Division of Professional Licensing (Division) is empowered to prescribe, adopt, and enforce rules to administer professions under Title 58.
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Section 58-86-103	The Division's must exercise rulemaking under this chapter according to the procedures in Title 63G, Chapter 3, Utah Administrative Rulemaking Act
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C. 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.

D. 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 regulates Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, which is still in force. This rule is necessary and should remain in effect. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Adam Watson, Assistant Division Director	Date:	05/13/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R590-206	Filing ID: 55805
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Effective date:	05/19/2026
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1. Agency Information

Title catchline:	Insurance, Administration
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorville, UT
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

2. 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.

3. General Information

A. Rule catchline:

R590-206. Privacy of Consumer Financial and Health Information Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-23a-417	Authorizes the insurance commissioner to adopt rules implementing the requirements of Title V, Section 501(b) of the Gramm-Leach-Bliley Act of 1999 (15 U.S.C. 6801 through 6820).
15 U.S.C. Sec. 6801 through 6820	Title V, Section 505 (15 U.S.C. 6805) empowers the Insurance Commissioner to enforce Subtitle A of Title V of the Gramm-Leach-Bliley Act of 1999 (15 U.S.C. 6801 through 6820). Title V, Section 505 (15 U.S.C. 6805 (b)(2)) authorizes the Insurance Commissioner to issue rules to implement the requirements of Title V, Section 501(b) of the federal act.

C. 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.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Federal law requires states to comply with the privacy laws and to implement them by rule. This rule governs the treatment of nonpublic personal health and financial information about individuals by all licensees of the Insurance Department. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	05/19/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R590-261	Filing ID: 57379
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Effective date:	05/19/2026
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1. Agency Information

Title catchline:	Insurance, Administration
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorville, UT
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

2. 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.

3. General Information

A. Rule catchline:
R590-261. Health Benefit Plan Adverse Benefit Determinations

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-2-212	Requires the insurance commissioner to require compliance with the Patient Protection and Affordable Care Act and administrative rules adopted by the Insurance Commissioner related to regulation of health benefit plans.
Section 31A-22-629	Requires the insurance commissioner to adopt rules that establish standards for independent reviews.

C. 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 Insurance Department (Department) received one comment from a member of industry requesting that a citation be updated to be more specific to eliminate ambiguity. The Department agreed and filed a nonsubstantive change after this rule went into effect.

D. 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 implements standards that are required by the Patient Protection and Affordable Care Act. It provides a uniform standard for the establishment and maintenance of an independent review procedure to ensure that a claimant has the opportunity for an independent review of a final adverse benefit determination. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	05/19/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R590-272	Filing ID: 55094
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Effective date:	05/19/2026
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1. Agency Information

Title catchline:	Insurance, Administration
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorville, UT
Mailing address:	PO Box 146901
City, state and zip:	Salt Lake City, UT 84114-6901

2. 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.

3. General Information

A. Rule catchline:
R590-272. Commission Compensation Reporting

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-23a-501	Requires that an insurance producer provide a compensation disclosure to a large customer and requires the producer to provide a copy of such disclosures to the Insurance Department (Department) upon request. This provision was repealed by HB 58, passed in the 2026 General Session.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

C. 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.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The authorizing statute for this rule, Section 31A-23a-501, was repealed as part of HB 58 (2026). Therefore, this rule must be repealed.

The Department will file a repeal following submission of this five-year review to continue this rule until the repeal goes through the process. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	05/19/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R600-2	Filing ID:	54138
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Effective date:	05/27/2026
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1. Agency Information

Title catchline:	Labor Commission, Administration
Building:	Heber M Wells Building
Street address:	160 E 300 S, 3rd Floor
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146600
City, state and zip:	Salt Lake City, UT 84114-6600

2. Contact Persons

Name:	Phone:	Email:
Chris Hill	801-530-3113	chill@utah.gov

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

3. General Information

A. Rule catchline:
R600-2. Operations

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 34A-1-104	<p>This section authorizes the Labor Commission (Commission) to adopt rules necessary to administer the Workers' Compensation Act, The Occupational Disease Act, the Antidiscrimination Act, and the Occupational Safety and Health Act.</p> <p>Pursuant to that authority and in order to provide for the orderly conduct of Commission business, the Commission has adopted Rule R600-2, which establishes the Commission's regular business hours.</p>
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C. 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 during the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

As part of its duty to administer the various statutes identified above, the Commission is required to establish standards for conduct on Commission business, including rules for hours of business and filing of business documents. This rule is necessary for those purposes. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Jacson R. Maughan, Commissioner	Date:	05/27/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R926-15	Filing ID: 52143
Effective date:	05/26/2026	

Agency Information

1. Title catchline:	Transportation, Program Development
Building:	Calvin Rampton
Street address:	4501 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 148455
City, state and zip:	Salt Lake City, UT 84114-8455

Contact persons:		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@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 catchline:
R926-15. Designated Scenic Backways

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 72-4-303(4)	This subsection, in part, authorizes the Department of Transportation (department) to identify the highways within the state designated as scenic byways.
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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:

The statute still authorizes this rule, and the department feels that it is still achieving its purpose of identifying scenic backways and clarifying jurisdiction and limitations regarding scenic backways. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Commissioner UDOT	Date:	05/26/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R933-5	Filing ID:	52160
Effective date:	05/18/2026		

Agency Information

1. Title catchline:	Transportation, Preconstruction, Right of Way Acquisition		
Building:	Calvin Rampton		
Street address:	4501 S 2700 W		
City, state:	Taylorsville, UT		
Mailing address:	PO Box 148455		
City, state and zip:	Salt Lake City, UT 84114-8455		
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 catchline:	
R933-5. Utah-Federal Agreement for the Control of Outdoor Advertising	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 72-7-501	This provision approves and ratifies an agreement between the governor of Utah and the Secretary of Transportation of the United States, entered into on 01/18/1968, regarding the size, lighting, and spacing of outdoor advertising which may be erected and maintained within areas adjacent to the interstate, and national highway systems highways which are zoned commercial or industrial or in other unzoned commercial or industrial areas as defined pursuant to the terms of the agreement.
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:	
The agreement contained in this rule is still agreed upon and ratified in Section 72-7-501, and the Department of Transportation has determined its continuation is justified. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Commissioner UDOT	Date:	05/18/2026
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Alcoholic Beverage Services

Administration

No. 57878 (Amendment) R82-4: Criminal Offenses and Procedure

Published: 04/15/2026

Effective: 06/05/2026

Attorney General

Administration

No. 57874 (Amendment) R105-1: Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services

Published: 04/15/2026

Effective: 06/01/2026

Commerce

Professional Licensing

No. 57656 (Amendment) R156-60e: Mental Health Professional Practice Act Rule

Published: 12/01/2025

Effective: 05/26/2026

No. 57656 (Change in Proposed Rule) R156-60e: Mental Health Professional Practice Act Rule

Published: 04/15/2026

Effective: 05/26/2026

County Recorder Standards

Administration

No. 57898 (New Rule) R255-30: County Recorder Standards Rule

Published: 05/01/2026

Effective: 06/08/2026

Education

Administration

No. 57894 (Amendment) R277-102: Adjudicative Proceedings

Published: 05/01/2026

Effective: 06/08/2026

NOTICES OF RULE EFFECTIVE DATES

No. 57895 (Amendment) R277-309: Appropriate Licensing and Assignment of Teachers
Published: 05/01/2026
Effective: 06/08/2026

Health and Human Services

Administration

No. 57873 (Amendment) R380-350: Community Health Worker Certification
Published: 04/15/2026
Effective: 06/16/2026

Child Care Center Licensing

No. 57869 (Amendment) R381-70: Out-of-School-Time Child Care Programs
Published: 04/15/2026
Effective: 06/05/2026

Population Health, Environmental Epidemiology

No. 57823 (Repeal and Reenact) R386-702: Communicable Disease Rule
Published: 03/15/2026
Effective: 06/01/2026

Population Health, Environmental Health

No. 57816 (Amendment) R392-302-38: Special Purpose Pools: Cold Plunge Pools
Published: 03/15/2026
Effective: 05/26/2026

Residential Child Care Licensing

No. 57870 (Amendment) R430-50: Residential Certificate Child Care
Published: 04/15/2026
Effective: 06/05/2026

No. 57871 (Amendment) R430-90: Licensed Family Child Care

Published: 04/15/2026
Effective: 06/05/2026

Health Care Facility Licensing

No. 57644 (Amendment) R432-100: General Hospital Stand
Published: 12/01/2025
Effective: 06/05/2026

No. 57644 (Change in Proposed Rule) R432-100: General Hospital Stand

Published: 04/15/2026
Effective: 06/05/2026

No. 57643 (Amendment) R432-950: Mammography Quality Assurance

Published: 12/01/2025
Effective: 06/05/2026

No. 57643 (Change in Proposed Rule) R432-950: Mammography Quality Assurance

Published: 04/15/2026
Effective: 06/05/2026

Higher Education (Utah Board of)

Administration

No. 57900 (Repeal) R765-119: Utah Board of Higher Education Qualifications
Published: 05/01/2026
Effective: 06/10/2026

No. 57884 (Amendment) R765-256: Student Disciplinary Processes

Published: 05/01/2026
Effective: 06/09/2026

No. 57880 (Amendment) R765-607: PRIME Program Grant
Published: 04/15/2026
Effective: 05/28/2026

No. 57875 (Amendment) R765-621: Terrell H. Bell Education Scholarship Program
Published: 04/15/2026
Effective: 05/28/2026

No. 57876 (Amendment) R765-622: Career and Technical Education Scholarship Program
Published: 04/15/2026
Effective: 05/28/2026

Housing Corporation

Administration

No. 57825 (Amendment) R460-3-7: Condominium Construction Loan Program
Published: 03/15/2026
Effective: 05/20/2026

Labor Commission

Occupational Safety and Health

No. 57863 (Amendment) R614-1-4: Incorporation of Federal Standards
Published: 04/15/2026
Effective: 05/22/2026

Boiler, Elevator and Coal Mine Safety

No. 57864 (Amendment) R616-3-3: Safety Codes for Elevators
Published: 04/15/2026
Effective: 05/22/2026

Natural Resources

Water Resources

No. 57872 (Amendment) R653-11: Water Conservation Requirements and Incentives
Published: 04/15/2026
Effective: 05/26/2026

No. 57877 (New Rule) R653-17: Regional Water Conservation Goals
Published: 04/15/2026
Effective: 05/26/2026

End of the Notices of Rule Effective Dates Section