

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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SPECIAL NOTICES

DEPARTMENT OF INSURANCE

PUBLIC HEARING ON PROPOSED FEES FOR SERVICES PROVIDED AND COSTS INCURRED BY THE DEPARTMENT OF INSURANCE DURING FISCAL YEAR 2000

The Department of Insurance will hold a hearing on Wednesday, February 10, 1999, at 9:00 a.m. at the State Office Building (behind the State Capitol), Room 3112, Salt Lake City, Utah.

The purpose of the hearing is to obtain public comment on proposed fees to be assessed for services provided and costs incurred by the Department during Fiscal Year 2000. Subsection 63-38-3(2)(a) of the Budgetary Procedures Act provides that an agency shall conduct a public hearing.

Background: Various divisions of the Department assess fees for licensure; registration; or certification of individuals, agencies, and companies to engage in the business of insurance. Many existing fees are unchanged in the proposed fee schedule which has been prepared for consideration by the Legislature during its 1999 General Session. Copies of those schedules will be distributed at the February 10, 1999, hearing.

For further information, please contact Jilene Whitby at (801) 538-3803.

ENVIRONMENTAL QUALITY AIR QUALITY

PUBLIC NOTICE

EXTENDING THE COMMENT PERIOD ON PROPOSED RULE R307-343 ENTITLED "DAVIS AND SALT LAKE COUNTIES AND OZONE NONATTAINMENT AREAS: EMISSIONS STANDARDS FOR WOOD FURNITURE MANUFACTURING OPERATIONS"

The Division of Air Quality is extending the comment period for R307-343, a proposed new rule affecting approximately six wood furniture manufacturing operations which emit 25 tons or more per year of volatile organic compound, and are located in Salt Lake or Davis Counties. The proposed new rule was published in the December 15, 1998, issue of the *Utah State Bulletin* (No. 98-24) under DAR No. 21727. Comments will be accepted if postmarked by February 12, 1999.

Comments should be mailed to: Ursula K. Trueman, Director; Division of Air Quality; Box 144820; Salt Lake City, UT, 84114-4820; RE: Wood Furniture Manufacturing. Comments can also be sent by electronic mail to: JMILLER@DEQ.STATE.UT.US (reference DAR No. 21727).

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between January 1, 1999, 12:00 a.m., and January 15, 1999, 11:59 p.m., are included in this, the February 1, 1999, 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 (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least March 3, 1999. The agency may accept comment beyond this date and will list 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 to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through June 1, 1999, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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 *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Environmental Quality, Air Quality

R307-101-2

Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21782

FILED: 01/14/1999, 17:19

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To bring the definitions of "significant" and "volatile organic compound" into alignment with the federal definition.

SUMMARY OF THE RULE OR CHANGE: First, 40 CFR 51.166 has been amended to establish significance levels for 4 pollutants emitted from municipal waste combustors and solid waste landfills. The significance level is used to determine the scope of review needed for an application to increase emissions for sources which are covered by the Prevention of Significant Deterioration (PSD) requirements of R307-405. Utah municipal landfills are not subject to R307-405 and will not be affected by changing the definition. Wasatch Energy Systems is the only Utah municipal waste combustor and is subject to R307-405. It will be subject to PSD review if future changes in their operation result in emission increases above the significant level. Second, 40 CFR 51.100(s)(1) has been amended to delete methyl acetate from the list of compounds defined as volatile organic compounds which contribute to formation of ground-level ozone. This change will allow methyl acetate to replace other compounds which do contribute to ozone formation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-108(2)

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 51.166, and 40 CFR 51.100(s)(1)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 51, July 1998

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No change in costs--any review costs are paid by the applicant.

❖LOCAL GOVERNMENTS: The only source affected by the change in the definition of "significant" is a local service district operating a municipal waste combustor which is supported by user fees.

❖OTHER PERSONS: Changing the definition of "significant" will cause a savings if the affected source seeks a modification to their existing approval order and if their anticipated emission increase is less than the levels set in this definition. The amount of the savings is not known. The change in the definition of "volatile organic compounds" does not require any costs for sources.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Without this change in the definition of "significant", any increase in emissions of the affected substances by the source would

trigger a review under R307-405, the PSD rules. With this change, very small emission increases will not trigger a PSD review. The change in the definition of "volatile organic compounds" does not require any costs for sources, but provides an alternative substance to be used to reduce contributions to ozone formation.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no cost unless changes are made in emissions--Dianne R. Nielson

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

Environmental Quality
Air Quality
150 North 1950 West
Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 02/23/1999, 1:30 p.m., Department of Environmental Quality, Room 201, 168 North 1950 West, Salt Lake City.

THIS RULE MAY BECOME EFFECTIVE ON: 04/08/1999

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-101. General Requirements.

R307-101-2. Definitions.

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

"Actual Area of Nonattainment" means an area which is shown by monitored data or modeling actually to exceed the National Ambient Air Quality Standards (Boundaries are established in the Utah State Implementation Plan).

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

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

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

(3) For any source which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the source on that date.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents - Biological Exposure Indices, pages 15 - 40 (1997)."

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

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

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

"Air Quality Related Values" means, as used in analyses under R307-401-4(1), Public Notice, those special attributes of a Class I area, assigned by a federal Land Manager, that are adversely affected by air quality.

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-6.

"Ambient Air" means the surrounding or outside air (Section 19-2-102(4)).

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

"Asphalt or Asphalt Cement" means the dark brown to black cementitious material (solid, semisolid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

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

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

"Baseline Date":

(1) Major source baseline date means:

(a) In the case of particulate matter and sulfur dioxide, January 6, 1975, and

(b) In the case of nitrogen dioxide, February 8, 1988.

(2) Minor source baseline date means the earliest date after the trigger date on which the first complete application under 40 CFR 52.21 or R307-405 is submitted by a major source or major

modification subject to the requirements of 40 CFR 52.21 or R307-405. The minor source baseline is the date after which emissions from all new or modified sources consume or expand increment, including emissions from major and minor sources as well as any or all general commercial, residential, industrial, and other growth. The trigger date is:

(a) In the case of particulate matter and sulfur dioxide, August 7, 1977, and

(b) In the case of nitrogen dioxide, February 8, 1988.

"Best Available Control Technology (BACT)" means an emission limitation and/or other controls to include design, equipment, work practice, operation standard or combination thereof, based on the maximum degree or reduction of each pollutant subject to regulation under the Clean Air Act and/or the Utah Air Conservation Act emitted from or which results from any emitting installation, which the Air Quality Board, on a case-by-case basis taking into account energy, environmental and economic impacts and other costs, determines is achievable for such installation through application of production processes and available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall applications of BACT result in emissions of any pollutants which will exceed the emissions allowed by Section 111 or 112 of the Clean Air Act.

"Board" means Air Quality Board. See Section 19-2-102(6)(a).

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

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

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

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

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents - Biological Exposure Indices, pages 15 - 40 (1997)."

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents - Biological Exposure Indices, pages 15 - 40 (1997)."

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

"Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is calculated by the National Weather Service from daily measurements of temperature lapse rates and wind speeds from ground level to 10,000 feet. The State has been divided into three separate air quality areas for purposes of the clearing index system:

(1) Area 1 includes those valleys below 6500 feet above sea level and west of the Wasatch Mountain Range and extending south through the Wasatch and Aquarius Plateaus to the Arizona border. Included are the Salt Lake, Utah, Skull and Escalante Valleys and valleys of the Sevier River Drainage.

(2) Area 2 includes those valleys below 6500 feet above sea level and east of the Wasatch Mountain Range. Included are Cache Valley, the Uintah Basin, Castle Valley and valleys of the Green, Colorado, and San Juan Rivers.

(3) Area 3 includes all valleys and areas above 6500 feet above sea level.

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

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

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

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

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

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

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

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

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

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

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

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

of the device, installation, or operation constituting the source operation).

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

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

"EPA" means Environmental Protection Agency.

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

"Executive Secretary" means the Executive Secretary of the Board.

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

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

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

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

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

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

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

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

"Heavy Fuel Oil" means a petroleum product or similar material with a boiling range higher than that of diesel fuel.

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

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

"Indirect Source" means a building, structure or installation which attracts or may attract mobile source activity that results in emission of a pollutant for which there is a national standard.

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

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

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

- (1) routine maintenance, repair and replacement;
- (2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;
- (4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- (5) use of an alternative fuel or raw material by a source:
 - (a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or
 - (b) which the source is otherwise approved to use;
- (6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;
- (7) any change in ownership at a source.

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

- (1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or
 - (a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or
 - (b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or

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

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

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

- (a) Coal cleaning plants (with thermal dryers);
- (b) Kraft pulp mills;
- (c) Portland cement plants;
- (d) Primary zinc smelters;
- (e) Iron and steel mills;
- (f) Primary aluminum or reduction plants;
- (g) Primary copper smelters;
- (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
 - (i) Hydrofluoric, sulfuric, or nitric acid plants;
 - (j) Petroleum refineries;
 - (k) Lime plants;
 - (l) Phosphate rock processing plants;
 - (m) Coke oven batteries;
 - (n) Sulfur recovery plants;
 - (o) Carbon black plants (furnace process);
 - (p) Primary lead smelters;
 - (q) Fuel conversion plants;
 - (r) Sintering plants;
 - (s) Secondary metal production plants;
 - (t) Chemical process plants;
 - (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;
 - (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (w) Taconite ore processing plants;
 - (x) Glass fiber processing plants;
 - (y) Charcoal production plants;
 - (z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;
 - (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

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

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

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

- (1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and
- (2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are

otherwise creditable. For purposes of determining a "net emissions increase":

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

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

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

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

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

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

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

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

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

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

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

"Nonattainment Area" means for any pollutant, "an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Administrator, EPA to be reliable) to exceed any National Ambient Air Quality Standard for such pollutant" (Section 171, Clean Air Act). Such term includes any area designated as nonattainment under Section 107, Clean Air Act.

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

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

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

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

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

"PM10 Nonattainment Area" means Salt Lake County, Utah County, or Ogden City.

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

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

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

"Peak Ozone Season" means June 1 through August 31, inclusive.

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

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

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

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

"Production Equipment Exhaust System" means a device for collecting and directing out of the work area VOC fugitive emissions from reactor openings, centrifuge openings, and other vessel openings for the purpose of protecting employees from excessive VOC exposure.

"Reactor" means any vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions.

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

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

"Regulated air pollutant" means any of the following:

(a) Nitrogen oxides or any volatile organic compound;

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

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

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

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

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

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

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

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

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

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

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

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

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

"Significant" means:

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

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy;

Sulfur dioxide: 40 tpy;

PM10 Particulate matter: 15 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.

(2) For purposes of R307-405 it shall also additionally mean for:

(a) A rate of emissions that would equal or exceed any of the following rates:

Asbestos: 0.007 tpy;

Beryllium: 0.0004 tpy;

Mercury: 0.1 tpy;

Vinyl Chloride: 1 tpy;

Fluorides: 3 tpy;

Sulfuric acid mist: 7 tpy;

Hydrogen Sulfide: 10 tpy;

Total reduced sulfur (including H₂S): 10 tpy;

Reduced sulfur compounds (including H₂S): 10 tpy;

Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2 grams per year (3.5 x 10⁻⁶ tons per year);

Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year);

Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year);

Municipal solid waste landfill emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year);

(b) In reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the Clean Air Act not listed in (1) and (2) above, any emission rate.

(c) Notwithstanding the rates listed in (1) and (2) above, any emissions rate or any net emissions increase associated with a major source or major modification, which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 ug/cubic meter, (24-hour average).

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

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

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have

the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

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

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

"State" means Utah State.

"Synthesized Pharmaceutical Manufacturing" means the manufacture of pharmaceutical products by chemical synthesis.

"Temporary" means not more than 180 calendar days.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents - Biological Exposure Indices (1997), pages 15 - 40."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents - Biological Exposure Indices (1997), pages 15 - 40."

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

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

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

"Vertically Restricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed in a downward or horizontal direction due to the alignment of the opening or a physical obstruction placed beyond the opening, or at a height which is less than 1.3 times the height of an adjacent building or structure, as measured from ground level.

"Vertically Unrestricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed upward without any physical obstruction placed beyond the opening, and at a height which is at least 1.3 times the height of an adjacent building or structure, as measured from ground level.

"Volatile Organic Compound (VOC)" as defined in 40 CFR Subsection 51.100(s)(1), as [~~amended on September 24, 1997, and published at 62 Fed. Reg. 164 (August 25, 1997)] published on July 1, 1998, is hereby adopted and incorporated by reference.~~

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

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

KEY: air pollution, definitions*
199[8]2

19-2-104

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Environmental Quality, Solid and Hazardous Waste **R315-301-2** Definitions

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 21783

FILED: 01/15/1999, 09:27

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Recent changes in both State and Federal rules require the citations to these rules to be changed in two definitions. Also, the term "State" is defined to avoid confusion.

SUMMARY OF THE RULE OR CHANGE: The citation to the Federal rule regulating the management of Polychlorinated Biphenyl (PCB) containing wastes and the citation to the established ground water protection standard for landfills are changed to reflect recent changes in these two rules. Also, a definition of the term "State" is proposed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105, 19-6-108, and 19-6-109

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 258, 1998 ed.

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 761 (1997)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Since the changes in the rule do not affect state entities and the enforcement of the rule will not change, there will be no cost or savings impact.

❖ **LOCAL GOVERNMENTS:** Since the changes in the rule are updates or clarifications and the actual requirements of the rule are not changed, there will be no cost or savings impact.

❖ **OTHER PERSONS:** Since the changes in the rule are updates or clarifications and the actual requirements of the rule are not changed, there will be no cost or savings impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the actual requirements of the rule are not changed, there will be no change in compliance costs for affected persons beyond the current statutory and regulatory impact.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in this rule have no fiscal impact on businesses beyond the current statutory and regulatory impact--Dianne R. Nielson, Ph.D.

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

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.

R315-301. Solid Waste Authority, Definitions, and General Requirements.

R315-301-2. Definitions.

Terms used in Rules R315-301 through R315-320 are defined in Sections 19-1-103 and 19-6-102. In addition, for the purpose of ~~[these rules]~~ Rules R315-301 through 320, the following definitions apply.

(1) "Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being conducted.

(2) "Airport" means a public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(3) "Aquifer" means a geological formation, group of formations, or portion of a formation that contains sufficiently saturated permeable material to yield useable quantities of ground water to wells or springs.

(4) "Areas susceptible to mass movement" means those areas of influence, characterized as having an active or substantial possibility of mass movement, where the movement of earth material at, beneath, or adjacent to the landfill unit, because of natural or human-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include landslides, avalanches, debris slides and flows, soil fluctuation, block sliding, and rock falls.

(5) "Asbestos Waste" means friable asbestos, which is any material containing more than 1% asbestos as determined using the method specified in Appendix A, 40 CFR Part 763.1, 1991 ed., which is adopted and incorporated by reference, that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

(6) "Background concentration" means the concentration of a contaminant in ground water upgradient or a lateral hydraulically equivalent point from a facility, practice, or activity, and which has not been affected by that facility, practice, or activity.

(7) "Class I landfill" means a municipal landfill or a commercial landfill solely under contract with a local government taking municipal waste generated within the boundaries of the local government and receiving, on a yearly average, over 20 tons of solid waste per day.

(8) "Class II landfill" means a municipal landfill or a commercial landfill solely under contract with a local government taking municipal waste generated within the boundaries of the local government and receiving, on a yearly average, 20 tons, or less, of solid waste per day.

(9) "Class III landfill" means a non-commercial landfill that is to receive only industrial solid waste, but excluding farms and ranches.

(10) "Class IV landfill" means a landfill that is to receive only construction/demolition waste, yard waste, inert waste, dead animals, or upon meeting the requirements of Section 26-32a-103.5 and Subsection R315-320-3(9), waste tires and materials derived from waste tires.

(11) "Class V landfill" means a commercial landfill which receives any nonhazardous solid waste for disposal. Class V landfill does not include a landfill that is solely under contract with a local government within the state to dispose of nonhazardous solid waste generated within the boundaries of the local government.

(12) "Closed facility" means any facility that no longer receives solid waste and has completed an approved closure plan, and any landfill on which an approved final cover has been installed.

(13) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding household waste and industrial wastes.

(14) "Composite liner" means a liner system consisting of two components: the upper component consisting of a synthetic flexible membrane liner, and the lower component consisting of a layer of compacted soil. The composite liner must have the synthetic flexible membrane liner installed in direct and uniform contact with the compacted soil component and be constructed of specified materials and compaction to meet specified permeabilities.

(15) "Composting" means a method of solid waste management whereby the organic component of the waste stream is biologically decomposed under controlled conditions to a state in which the end product or compost can be safely handled, stored, or applied to the land without adversely affecting human health or the environment.

(16) "Construction/demolition waste" means waste from building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures. Such waste may include: bricks, concrete, other masonry materials, soil, asphalt, rock, untreated lumber, rebar, and tree stumps. It does not include asbestos, contaminated soils or tanks resulting from remediation or clean-up at any release or spill, waste paints, solvents, sealers, adhesives or similar hazardous or potentially hazardous materials.

(17) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water or soil which is a result of human activity.

(18) "Displaced or displacement" means the relative movement of any two sides of a fault measured in any direction.

(19) "Drop box facility" means a facility used for the placement of a large detachable container or drop box for the collection of solid waste for transport to a solid waste disposal facility. The facility includes the area adjacent to the containers for necessary entrance, exit, unloading, and turn-around areas. Drop box facilities normally serve the general public with uncompacted loads and receive waste from off-site. Drop box facilities do not include residential or commercial waste containers on the site of waste generation.

(20) "Energy recovery" means the recovery of energy in a useable form from incineration, burning, or any other means of using the heat of combustion of solid waste that involves high temperature (above 1200 degrees Fahrenheit) processing.

(21) "Existing facility" means any facility that was receiving solid waste on or before July 15, 1993.

(22) "Expansion of a solid waste disposal facility" means any lateral or vertical expansion beyond or above the boundaries outlined in the initial permit application. Where no boundaries were designated in the disposal facility permit, expansion shall apply to all new land purchased or acquired after the effective date of these rules.

(23) "Facility" means all contiguous land, structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal operational units, e.g., one or more incinerators, landfills, container storage areas, or combinations of them.

(24) "Floodplain" means the land which has been or may be hereafter covered by flood water which has a 1% chance of occurring any given year. The flood is also referred to as the base flood or 100-year flood.

(25) "Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure or as determined by EPA test method 9095 (Paint Filter Liquids Test) as provided in EPA Report SW-846 "Test Methods for Evaluating Solid Waste" third edition, November 1986, as revised December 1987 which is adopted and incorporated by reference.

(26) "Garbage" means discarded animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, and of such a character and proportion as to be capable of attracting or providing food for vectors. Garbage does not include sewage and sewage sludge.

(27) "Ground water" means subsurface water which is in the zone of saturation including perched ground water.

(28) "Ground water quality standard" means a standard for maximum allowable contamination in ground water as set by Section ~~[R317-6-2]~~R315-308-4.

(29) "Hazardous waste" means hazardous waste as defined by Subsection 19-6-102(9) and Section R315-2-3.

(30) "Holocene fault" means a fracture or zone of fractures along which rocks on one side of the fracture have been displaced with respect to those on the other side, which has occurred in the most recent epoch of the Quaternary period extending from the end of the Pleistocene, approximately 11,000 years ago, to the present.

(31) "Household size" means a container for a material or product that is normally and reasonably associated with households

or household activities. The containers are of a size and design to hold materials or products generally for immediate use and not for storage, five gallons or less in size.

(32) "Household waste" means any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households including single and multiple residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

(33) "Incineration" means a controlled thermal process by which solid wastes are physically or chemically altered to gas, liquid, or solid residues which are also regulated solid wastes. Incineration does not include smelting operations where metals are reprocessed or the refining, processing, or the burning of used oil for energy recovery as described in Rule R315-15.

(34) "Industrial solid waste" means any solid waste generated at a manufacturing or other industrial facility that is not a hazardous waste. Industrial solid waste includes waste resulting from the following manufacturing processes and associated activities: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing or foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste; oil and gas waste; or other waste excluded by Subsection 19-6-102(17)(b).

(35) "Industrial solid waste facility" means a facility which receives only industrial solid waste from on-site or off-site sources for disposal.

(36) "Inert waste" means noncombustible, nonhazardous solid wastes that retain ~~[its]~~their physical and chemical structure under expected conditions of disposal, including resistance to biological or chemical attack.

(37) "Landfill" means a disposal facility where solid waste is placed in or on the land and which is not a landtreatment facility or surface impoundment.

(38) "Landtreatment, landfarming, or landspreading facility" means a facility or part of a facility where solid waste is applied onto or incorporated into the soil surface for the purpose of biodegradation.

(39) "Lateral expansion of a solid waste disposal facility" means any horizontal expansion of the waste boundaries of an existing landfill cell, module, or unit or expansions not consistent with past normal operating practices.

(40) "Lateral hydraulically equivalent point" means a point located hydraulically equal to a facility and in the same ground water with similar geochemistry such that the ground water at that point has not been affected by the facility.

(41) "Leachate" means a liquid that has passed through or emerged from solid waste and may contain soluble, suspended, miscible, or immiscible materials removed from such waste.

(42) "Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include human-made materials, such as fill, concrete and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

(43) "Lower explosive limit" means the lowest percentage by volume of a mixture of explosive gases which will propagate a flame in air at 25 degrees Celsius (77 degrees Fahrenheit) and atmospheric pressure.

(44) "Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90% or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on site specific seismic risk assessment.

(45) "Municipal landfill" means a landfill that is not for profit and is either owned and operated by a local government or a government entity such as a city, town, county, service district, or an entity created by interlocal agreement of local governments, or is solely under contract with a local government or government entity. The landfill accepts, for disposal, the nonhazardous solid waste, including municipal solid waste, generated within the jurisdictional boundaries of the local government or government entity.

(46) "Municipal solid waste" means household waste, commercial solid waste, non-hazardous sludge, and exempt small quantity generator waste.

(47) "New facility" means any facility that begins receiving solid waste after July 15, 1993.

(48) "Off-site" means any site which is not on-site.

(49) "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing, as opposed to going along the right-of-way. Property separated by a private right-of-way, which the site owner or operator controls, and to which the public does not have access, is also considered on-site property.

(50) "Operator" means the person, as defined by Subsection 19-1-103(4), responsible for the overall operation of a facility.

(51) "Owner" means the person, as defined by Subsection 19-1-103(4), who owns a facility or part of a facility.

(52) "PCB and PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of materials which contain such substances [~~and is regulated under 40 CFR Part 761, 1995 ed~~].

(53) "Permeability" means the ease with which a porous material allows water and the solutes contained therein to flow through it. This is usually expressed in units of centimeters per second (cm/sec) and termed hydraulic conductivity. Soils and synthetic liners with a permeability for water of 1×10^{-7} cm/sec or less may be considered impermeable.

(54) "Permit" means the plan approval as required by Subsection 19-6-108(3)(a), or equivalent control document issued by the Executive Secretary to implement the requirements of the Utah Solid and Hazardous Waste Act.

(55) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

(56) "Poor foundation conditions" means those areas where features exist which indicate that a natural or human-induced event may result in inadequate foundation support for the structural components of a landfill unit.

(57) "Putrescible" means organic material subject to decomposition by microorganisms.

(58) "Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certification, or completion of accredited university programs that enable that individual to make sound professional judgements regarding ground water monitoring, contaminant fate and transport, and corrective action.

(59) "Recycling" means extracting valuable materials from the waste stream and transforming or remanufacturing them into usable materials that have a demonstrated or potential market.

(a) Recycling does not include processes that generate such volumes of material that no market exists for the material.

(b) Any part of the waste stream entering a recycling facility and subsequently returned to a waste stream or disposed has the same regulatory designation as the original waste.

(c) Recycling includes the substitution of nonhazardous solid waste fuels for conventional fuels (such as coal, natural gas, and petroleum products) for the purpose of generating the heat necessary to manufacture a product.

(60) "Recyclable materials" means those solid wastes that can be recovered from or otherwise diverted from the waste stream for the purpose of recycling, such as metals, paper, glass, and plastics.

(61) "Run-off" means any rainwater, leachate, or other liquid that has contacted solid waste and drains over land from any part of a facility.

(62) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto the active area of a facility.

(63) "Scavenging" means the uncontrolled removal of solid waste from a facility.

(64) "Seismic impact zone" means an area with a 10% or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in 250 years.

(65) "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from septic tank systems.

(66) "Sharps" means any discarded or contaminated article or instrument from a health facility that may cause puncture or cuts. Such waste may include needles, syringes, blades, needles with attached tubing, pipettes, pasteurs, broken glass, and blood vials.

(67) "Sludge" means any solid, semisolid, or liquid waste, including grit and screenings generated from a:

(a) municipal, commercial, or industrial waste water treatment plant;

(b) water supply treatment plant;

(c) car wash facility;

(d) air pollution control facility; or

(e) any other such waste having similar characteristics.

(68) "Solid waste disposal facility" means a facility or part of a facility at which solid waste is received from on-site or off-site sources and intentionally placed into or on land and at which waste, if allowed by permit, may remain after closure. Solid waste disposal facilities include landfills, incinerators, and land treatment areas.

(69) "Solid waste incinerator facility" means a facility at which solid waste is received from on-site or off-site sources and is subjected to the incineration process. An incinerator facility that

incinerates solid waste for any reason, including energy recovery, volume reduction, or to render it non-infectious, is a solid waste incinerator facility and is subject to Rules R315-301 through 320 [the Utah Solid Waste Permitting and Management Rules].

(70) "Special waste" means discarded materials which may require special handling or may pose a threat to public safety, human health, or the environment. Special waste may include ash, automobile bodies, furniture and appliances, infectious waste, tires, dead animals, asbestos, industrial waste, wastes exempt from the hazardous waste classifications under the Federal Resource Conservation and Recovery Act, U.S.C., Section 6901, et seq., PCBs, and sludge.

(71) "State" means the State of Utah.

(72) "Structural components" means liners, leachate collection systems, final covers, run-on or run-off systems, and any other component used in the construction and operation of a landfill that is necessary for the protection of human health and the environment.

(73) "Surface impoundment or impoundment" means a facility or part of a facility which is a natural topographic depression, human-made excavation, or diked area formed primarily of earthen materials, although it may be lined with synthetic materials, which is designed to hold an accumulation of liquid waste or waste containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

(74) "Transfer station" means a permanent, fixed, supplemental collection and transportation facility used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling or disposal facility.

(75) "Transport vehicle" means a vehicle capable of hauling large amounts of solid waste such as a truck, packer, or trailer that may be used by refuse haulers to transport solid waste from the point of generation to a transfer station or a disposal facility.

(76) "Twenty-five year storm" means a 24-hour storm of such intensity that it has a 4% probability of being equalled or exceeded any given year. The storm could result in what is referred to as a 25-year flood.

(77) "Unit boundary" means a vertical surface located at the hydraulically downgradient limit of a landfill unit or other solid waste disposal facility unit which is required to monitor ground water. This vertical surface extends down into the ground water.

(78) "Unstable area" means a location that is susceptible to natural or human induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a facility. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terrains.

(79) "Vadose zone" means the zone of aeration including soil and capillary water. The zone is bound above by the land surface and below by the water table.

(80) "Vector" means a living animal including insect or other arthropod which is capable of transmitting an infectious disease from one organism to another.

(81) "Washout" means the carrying away of solid waste by waters of a base or 100-year flood.

(82) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

(83) "Yard waste" means vegetative matter resulting from landscaping, land maintenance, and land clearing operations including grass clippings, prunings, and other discarded material generated from yards, gardens, parks, and similar types of facilities. Yard waste does not include garbage, paper, plastic, sludge, septage, or manure.

KEY: solid waste management, waste disposal
1999 **19-6-105**
Notice of Continuation April 2, 1998 **19-6-108**
19-6-109
40 CFR 258

◆ ————— ◆

Environmental Quality, Solid and Hazardous Waste

R315-303

Landfilling Standards

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 21784
 FILED: 01/15/1999, 09:27
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes in the rule are proposed for the following reasons: since the monitoring of explosive gases at a landfill may also be regulated by other state or federal agencies, exemptions from gas monitoring at certain landfills is clarified; for the protection of human health and the environment, an intermediate soil cover is specified for areas of municipal landfills that are to remain inactive for more than 30 days; and the program to inspect loads of waste to prevent the disposal of waste containing PCBs is changed to implement recent changes in federal rules (63 FR 124, June 29, 1998).

SUMMARY OF THE RULE OR CHANGE: The following changes in the rule are proposed: landfills that accept no municipal waste are exempt from the explosive gas monitoring requirements of the Solid Waste Rules; an intermediate cover consisting of 18 inches of soil must be placed on waste in areas of municipal landfill that will remain inactive for more than 30 days; and the program to inspect loads of waste to prevent the disposal of waste containing Polychlorinated Biphenyls (PCBs) is changed to implement recent changes in federal rules.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104, 19-6-105, and 19-6-108
 FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 258, 1998 ed.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Since the rule changes do not affect state entities and the enforcement of the rule will not change, there will be no cost or savings impact on the state budget.

❖LOCAL GOVERNMENTS: Owners of municipal landfills may experience a slight increase in operating costs if they are not already providing intermediate cover on areas of their landfills that are to remain inactive for over 30 days.

❖OTHER PERSONS: Owners of landfills that receive municipal waste may experience a slight increase in operating costs if they are not already providing intermediate cover on areas of their landfills that are to remain inactive for over 30 days. It is not possible to give an estimate of aggregate costs due to the variations in operational practices and sizes of the active areas at individual landfills.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The owners or operators of most landfills currently provide intermediate cover on inactive areas of their landfills. Owners and operators of landfills who do not provide intermediate cover may experience a slight increase in operating costs. If soil is available on-site, the cost for the placement of intermediate cover is estimated to be in a range of \$1 to \$3 per cubic yard. If the soil has to be purchased, the cost could increase to as much as \$10 per cubic yard. The total cost to provide intermediate cover depends on the size of area to be covered. Affected persons should experience no change in compliance costs beyond that currently required by existing statutes or rules as a result of the other proposed changes in the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Corporations who own or operate landfills that accept municipal waste and do not currently provide intermediate cover on inactive areas of their landfills may experience the costs as estimated under "Compliance costs for affected persons." The other proposed changes in the rule will have no fiscal impact on business beyond that currently required by existing statutes or rules--Dianne R. Nielson, Ph.D.

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

Environmental Quality
 Solid and Hazardous Waste
 Cannon Health Building
 288 North 1460 West
 PO Box 144880
 Salt Lake City, UT 84114-4880, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.

R315-303. Landfilling Standards.

R315-303-3. Standards for Design.

(1) Minimizing Liquids. An owner or operator of a landfill shall minimize liquids admitted to active areas by:

(a) covering according to Subsection R315-303-4(4);

(b) prohibiting the disposal of containerized liquids larger than household size, noncontainerized liquids, sludge containing free liquids, or any waste containing free liquids in containers larger than household size;

(c) designing the landfill to prevent run-on of all surface waters resulting from a maximum flow of a 25-year storm into the active area of the landfill; and

(d) designing the landfill to collect and treat the run-off of surface waters and other liquids resulting from a 25-year storm from the active area of the landfill.

(e) If the owner or operator of a landfill has received a storm water permit as issued by the Utah Division of Water Quality and is meeting the requirements of the permit, the landfill may be exempt, upon approval of the Executive Secretary, from the run-on and run-off control requirements of Subsections R315-303-3(1)(c) and (d).

(2) Leachate Collection Systems.

(a) An owner or operator of a landfill required to install liners shall:

(i) install a leachate collection system sized according to water balance calculations or using other accepted engineering methods either of which shall be approved by the Executive Secretary;

(ii) install a leachate collection system so as to prevent no more than one foot depth of leachate developing at any point in the bottom of the landfill unit; and

(iii) install a leachate treatment system or a pretreatment system, if necessary, in the case of discharge to a municipal water treatment plant.

(b) The returning of leachate to the landfill or the recirculation of leachate in the landfill may be done only in landfills that have a composite liner system or an approved equivalent liner system.

(3) Liner Designs. An owner or operator of a new landfill or a landfill seeking lateral expansion shall use liners of one of the following designs:

(a) Standard Design. The design shall have a composite liner system consisting of two liners and the associated liner protection layers and a drainage system for leachate collection:

(i) an upper liner made of synthetic material with a thickness of a least 60 mils; and

(ii) a lower liner of at least two feet thickness of recompacted clay or other soil material with a permeability of no more than 1×10^{-7} cm/sec having the bottom liner sloped no less than 2% and the

side liners sloped no more than 33%, except where construction and operational integrity can be demonstrated at steeper slopes, with the synthetic liner installed in direct and uniform contact with the compacted soil component; or

(b) Alternative Design.

(i) The Executive Secretary may approve an alternative liner design, on a site specific basis, if it can be documented that, under the conditions of location and hydrogeology, the performance standard of Subsection R315-303-2(1) can be met. When approving an alternative liner design, the Executive Secretary shall consider the following factors:

(A) the hydrogeologic characteristics of the facility and surrounding land;

(B) the climatic factors of the area; and

(C) the volume and physical and chemical characteristics of the leachate.

(ii) The liner shall be constructed of at least a three feet thick layer of recompacted clay or other material with a permeability of no greater than 1×10^{-7} cm/sec having the bottom liner sloped no less than 2% and the side liners sloped no more than 33%, except where construction and operational integrity can be demonstrated at steeper slopes; or

(c) Equivalent Design.

(i) The owner or operator may use, as approved by the Executive Secretary, alternative design, operating practices, and location characteristics which will minimize the migration of solid waste constituents or leachate into the ground or surface water which are at least as effective as the liners of Subsections R315-303-3(3)(a) or (b).

(ii) The owner or operator must demonstrate that the standard of Subsection R315-303-2(1) can be met. The demonstration must be approved by the Executive Secretary, and must be based upon:

(A) the hydrogeologic characteristics of the facility and the surrounding land;

(B) the climatic factors of the area;

(C) the volume and physical and chemical characteristics of the leachate;

(D) predictions of contaminate fate and transport in the subsurface that maximize contaminant migration and consider impacts on human health and the environment; or

(d) Stringent Design. When conditions of location, hydrogeology, or waste stream justify, the Executive Secretary may require that the liner of a landfill be constructed to meet standards more stringent than the liner designs of Subsection R315-303-3(3)(a).

(e) Small Landfill Design. Subject to the location standards of Section R315-302-1 and the performance standards of Section R315-303-2, a Class II Landfill may be exempt from the liner, leachate collection system, and ground water monitoring requirements of Rule R315-303.

(i) A Class II Landfill will be approved only if:

(A) there is no evidence of existing ground water contamination; and

(B) the landfill serves a community that has no practicable waste management alternative as determined by the Executive Secretary; and

(C) the landfill is located in an area which receives less than 25 inches of annual precipitation.

(ii) A Class II Landfill may lose the exemption of the small landfill design if at anytime the landfill receives more than 20 tons of solid waste per day, based on an annual average, or has caused ground water contamination.

(f) Design of a Landfill that Accepts No Municipal Waste. Subject to the performance standards of Section R315-303-2:

(i) a landfill that accepts no municipal waste, no conditionally exempt small quantity generator hazardous waste as defined by Section R315-2-5, or no other hazardous waste that is exempt from Section R315-2-4, may be exempt from the liner, leachate collection system, ground water monitoring, and closure requirements of Rule R315-303; or

(ii) a landfill that accepts no municipal waste but accepts conditionally exempt small quantity generator hazardous waste or other exempt hazardous waste, may be exempt from the liner and the leachate collection system requirements of Rule 315-303.

(4) Closure. An owner or operator shall design the landfill so, that at closure, the final cover shall be:

(a) a layer to minimize infiltration, consisting of at least 18 inches of compacted soil, or equivalent with a permeability of 1×10^{-5} cm/sec or less, or equivalent, shall be placed upon the final lifts:

(i) synthetic liners may cover the compacted soil layer, provided that a minimum of either 20 mils reinforced or 40 mils non-reinforced thickness is used;

(ii) in no case shall the cover of the final lifts be more permeable than the bottom liner system or natural subsoils present in the unit; and

(iii) the grade of surface slopes shall not be less than 2%, nor the grade of side slopes more than 33%, except where construction integrity and the integrity of erosion control can be demonstrated at steeper slopes; and

(b) a layer to minimize erosion, consisting of:

(i) at least 6 inches of soil capable of sustaining vegetative growth placed over the compacted soil cover or the artificial liner and seeded with grass, other shallow rooted vegetation or other native vegetation; or

(ii) other suitable material, approved by the Executive Secretary.

(c) The Executive Secretary may approve an alternative final cover design, on a site specific basis, if it can be documented that:

(i) the infiltration layer achieves an equivalent reduction in infiltration as the infiltration layer specified in Subsection R315-303-3(4)(a); and

(ii) the erosion layer provides equivalent protection from wind and water erosion as the erosion layer specified in Subsection R315-303-3(4)(b).

(5) Gas Control.

(a) An owner or operator shall design each landfill so that explosive gases are monitored quarterly.

(b) If the concentration of these gases ever exceed the standard set in Subsection R315-303-2(2)(a), the owner or operator must:

(i) immediately take all necessary steps to ensure protection of human health and, within 24 hours or the next business day, notify the Executive Secretary;

(ii) within seven days of detection, place in the operating record the explosive gas levels detected and a description of the steps taken to protect human health; and

(iii) within 60 days of detection, implement a remediation plan, that has been approved by the Executive Secretary, for the explosive gas release, place a copy of the plan in the operating record, and notify the Executive Secretary that the plan has been implemented.

(c) Collection and handling of explosive gases shall not be required if it can be shown that the explosive gases will not support combustion.

(d) The Executive Secretary may, on a site specific basis, waive the requirement of monitoring explosive gases at a Class II Landfill. The waiver may be granted after:

(i) considering the characteristics of the landfill and the waste stream accepted;

(ii) taking into account climatic and hydrogeologic conditions of the site; and

(iii) completing a public comment period as specified by Section R315-311-3.

(iv) The Executive Secretary may revoke any waiver from the requirement of monitoring explosive gases if the lack of monitoring explosive gases at the landfill presents a threat to human health or the environment.

(v) The requirement to monitor explosive gases inside buildings at a landfill may not be waived.

(e) A landfill that accepts no municipal waste is exempt from the gas monitoring requirement of Subsection R315-303-3(5)(a)[monitoring explosive gases].

(6) Other Requirements. An owner or operator shall design each landfill to provide for:

(a) fencing at the property or unit boundary or the use of other artificial or natural barriers to impede entry by the public and large animals. A lockable gate shall be required at the entry to the landfill;

(b) monitoring ground water according to Rule R315-308 using a design approved by the Executive Secretary. The Executive Secretary may also require monitoring of:

(i) surface waters, including run-off;

(ii) leachate; and

(iii) subsurface landfill gas movement and ambient air;

(c) weighing or estimating the tonnage of all incoming waste and recording the tonnage in the facility's operation record;

(d) erecting a sign at the facility entrance that identifies at least the name of the facility, the hours during which the facility is open for public use, unacceptable materials, and an emergency telephone number. Other pertinent information may also be included;

(e) adequate fire protection to control any fires that may occur at the facility. This may be accomplished by on-site equipment or by arrangement made with the nearest fire department;

(f) preventing potential harborage in buildings, facilities, and active areas of rat and other vectors, such as insects, birds, and burrowing animals;

(g) minimizing the size of the unloading area and working face as much as possible, consistent with good traffic patterns and safe operation;

(h) approach and exit roads of all-weather construction, with traffic separation and traffic control on-site and at the site entrance; and

(i) communication, such as telephone or radio, between employees working at the landfill and management offices on-site and off-site to handle emergencies.

R315-303-4. Standards for Maintenance and Operation.

(1) Plan of Operation. An owner or operator of a landfill shall maintain and operate the facility to conform to the approved plan of operation.

(2) Operating Details. An owner or operator of a landfill shall operate the facility to:

(a) control fugitive dust generated from roads, construction, general operations, and covering the waste;

(b) allow no open burning;

(c) collect scattered litter as necessary to avoid a fire hazard or an aesthetic nuisance;

(d) prohibit scavenging;

(e) conduct on-site reclamation in an orderly sanitary manner and in a way that does not interfere with the disposal site operation;

(f) ensure that landfill personnel, trained in landfill operations, are on-site when the site is open to the public;

(i) at least one person on-site for landfills that receive, on an average annual basis, less than 15,000 tons per year; and

(ii) at least two persons on-site, with one person at the active face, for each landfill that receives, on an average annual basis, more than 15,000 tons per year.

(g) control insects, rodents, and other vectors; and

(h) ensure that reserve operational equipment will be available to maintain and meet these standards.

(3) Boundary Posts. An owner or operator of a landfill shall clearly mark the active area boundaries authorized in the permit with permanent posts or using an equivalent method clearly visible for inspection purposes.

(4) Daily and Intermediate Cover.

(a) An owner or operator of a landfill shall, at the close of each day of operation, completely cover the waste with at least six inches of soil or other suitable material approved by the Executive Secretary that will control vectors, fires, odor, blowing litter, and scavenging without presenting a threat to human health or the environment.

(b) The Executive Secretary may, on a site specific basis, waive the requirement for daily cover of the waste at a landfill[; ~~including a Class III Landfill;~~] that accepts no municipal waste if the owner or operator demonstrates that an alternative schedule for covering the waste does not present a threat to human health or the environment. The demonstration from the owner or operator of the landfill must include at least the following:

(i) certification that the landfill accepts no municipal waste;

(ii) a detailed list of the waste types accepted by the landfill;

(iii) the alternative schedule on which the waste will be covered; and

(iv) any other operational practices that may reduce the threat to human health or the environment if an alternative schedule for covering the waste is followed.

(v) In granting any waiver from the daily cover requirement, the Executive Secretary may place conditions on the owner or operator of the landfill as to the frequency of covering, depth of the cover, or type of material used as cover that will minimize the threat to human health or the environment.

(vi) The Executive Secretary may revoke any waiver from the daily cover requirement if any condition is not met or if the alternative schedule for covering the waste presents a threat to human health or the environment.

(c) If an area of the working face of a landfill that accepts municipal waste will not receive waste for a period longer than 30 days, the owner or operator shall cover the area with a minimum of 18 inches of soil as an intermediate cover or an alternative intermediate cover as approved by the Executive Secretary.

(5) Monitoring Systems. An owner or operator of a landfill shall maintain the monitoring systems required in Subsection R315-303-3(6)(b).

(6) Recycling Required.

(a) An owner or operator of a landfill at which the general public delivers household solid waste shall provide containers in which the general public may place recyclable materials for which a market exists that are brought to the site:

- (i) during the normal hours of operation; and
- (ii) at a location convenient to the public, i.e., near the entrance gate.

(b) An owner or operator may demonstrate alternative means to providing an opportunity for the general public to recycle household solid waste.

(7) Disposal of ~~[Regulated]~~Hazardous Waste and~~[Regulated]~~ Waste Containing PCBs~~[Prohibited]~~.

(a) An owner or operator of a ~~[landfill]~~solid waste disposal facility shall not knowingly dispose, treat, store, or otherwise handle hazardous waste or waste containing PCBs except under the following conditions:

(i) hazardous waste:

~~[(i)](A) [if]the waste meets the conditions specified in Subsections R315-2-4; or~~

~~[(ii)](B) [if]the waste meets the conditions specified in 40 CFR 261.5 (1996) as incorporated by reference in Section R315-2-5; or~~

(ii) waste containing PCB's:

(A) the facility meets the requirements specified in Subsection R315-315-6(3)(a); or

(B) the waste meets the requirements specified in Subsections R315-315-6(2) or (3)(b).]

~~—(iii) if the waste meets the conditions specified in 40 CFR 761.60 (1996) for disposal other than incineration, specified in 40 CFR 761.70 (1996), or chemical landfill, specified in 40 CFR 761.75 (1996).]~~

(b) An owner or operator of a ~~[landfill]~~solid waste disposal facility shall include and implement, as part of the plan of operation, a plan that will inspect loads or take other steps as approved by the Executive Secretary that will prevent the disposal of ~~[regulated]~~prohibited hazardous waste ~~[or—regulated]~~and prohibited waste containing PCBs, including:

(i) inspection frequency and inspection of loads suspected of containing ~~[regulated]~~prohibited hazardous waste or ~~[regulated]~~prohibited waste containing PCBs;

(ii) inspection in a designated area or at a designated point in the disposal process;

(iii) a training program for the facility employees in identification of ~~[regulated]~~prohibited hazardous waste and ~~[regulated]~~prohibited waste containing PCBs; and

(iv) maintaining written records of all inspections, signed by the inspector.

(c) If the receipt of ~~[regulated]~~prohibited hazardous waste or ~~[regulated]~~prohibited waste containing PCBs is discovered, the owner or operator of the ~~[landfill]~~facility shall:

- (i) notify the Executive Secretary, the hauler, and the generator within 24 hours;
- (ii) restrict the inspection area from public access and from facility personnel; and
- (iii) assure proper cleanup, transport, and disposal of the waste.]

~~—(d) A landfill that is permitted to accept waste containing PCBs under the Toxic Substances Control Act may receive waste containing PCBs but shall exclude hazardous waste.]~~

KEY: solid waste management, waste disposal

~~[1998]~~1999

Notice of Continuation April 2, 1998

19-6-104
19-6-105
19-6-108
40 CFR 258



Environmental Quality, Solid and Hazardous Waste R315-305-5 Requirements for Operation

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21785

FILED: 01/15/1999, 09:27

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: For the protection of human health and the environment and for a more efficient landfill operation, the rule is changed to require Class IV Landfill operators to minimize the size of the active working face.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to require operators of Class IV Landfills to minimize the size of the unloading area and working face at their landfills as much as possible, consistent with good traffic patterns and safe operation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104, 19-6-105, 19-6-108, and 19-6-109
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 257, 1998 ed.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Since the rule change does not affect state entities and the enforcement of the rule will not change, there will be no cost or savings impact to the state budget.

❖LOCAL GOVERNMENTS: A local government that owns or operates a Class IV Landfill may experience a slight decrease in operating costs.

❖OTHER PERSONS: Other persons who own or operate a Class IV Landfill may experience a slight decrease in operating costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since a smaller unloading area and working face at a landfill generally requires less working time for personnel and equipment to compact and cover and reduces the amount of windblown litter, Class IV Landfill operators may experience a slight decrease in operating costs. However, these costs cannot be estimated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Corporations that own or operate a Class IV Landfill may experience a slight decrease in operating costs--Dianne R. Neilson, Ph.D.

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

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.

R315-305. Class IV Landfill Requirements.

R315-305-5. Requirements for Operation.

(1) ~~The~~An owner or operator of a Class IV Landfill shall not accept any other form of waste except construction/demolition waste, yard waste, inert waste, dead animals, or upon meeting the requirements of Section 26-32a-103.5 and Subsections R315-320-3(1) or (2), waste tires and material derived from waste tires.

(2) ~~The~~An owner or operator of a Class IV Landfill shall prevent the disposal of unauthorized waste by ensuring that at least one person is on site during hours of operation and shall prevent unauthorized disposal during off-hours by controlling entry, i.e., lockable gate or barrier, when the facility is not open.

(3) ~~The~~An owner or operator of a Class IV Landfill shall:

(a) minimize the size of the working face as required by Subsection R315-303-3(6)(g); and

(b) employ measures to prevent emission of fugitive dusts, when weather conditions or climate indicate that transport of dust off-site is liable to create a nuisance.~~Preventative measures include watering of roads and covering the waste with soil.~~

(4) The owner or operator of a Class IV Landfill shall cover timbers~~Timbers~~, wood, and other combustible waste~~shall be covered~~ with a minimum of six inches of soil, or equivalent, as needed to avoid a fire hazard.

(5) The owner or operator of a Class IV Landfill shall meet the applicable general requirements of closure and post-closure care of Section R315-302-3 as determined by the Executive Secretary.

(a) The owner or operator of a Class IVa Landfill shall meet the specific closure requirements of Subsection R315-303-3(4).

(b) The owner or operator of a Class IVb Landfill shall close the facility by:

(i) leveling the waste to the extent practicable;

(ii) covering the waste with a minimum of two feet of soil, including six inches of topsoil;

(iii) contouring the cover as specified in R315-303-3(4)(a)(iii); and

(iv) seeding the cover with grass, other shallow rooted vegetation, or other native vegetation or covering in another manner approved by the Executive Secretary to minimize erosion.

KEY: solid waste management, waste disposal

[1998]1999 **19-6-104**
Notice of Continuation April 2, 1998 **19-6-105**
19-6-108
19-6-109
40 CFR 257

**Environmental Quality, Solid and
Hazardous Waste
R315-315-6
PCB Containing Waste**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21786

FILED: 01/15/1999, 09:27

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes in the rule are proposed to implement recent changes in the federal rules regulating PCB containing waste (63 FR 124, June 29, 1998).

SUMMARY OF THE RULE OR CHANGE: A new section is proposed for Rule R315-315 that identifies different Polychlorinated Biphenyl (PCB) containing wastes and specifies which solid waste disposal facilities may accept these wastes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-105
 FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 761, 1997, as amended by 63 FR 124, June 29, 1998

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 761, as amended by 63 FR 124, June 29, 1998

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: Since the rule change will not affect state entities and the enforcement of the rule will not change, there will be no cost or savings impact on the state budget.
- ❖LOCAL GOVERNMENTS: Since the rule change implements current statutory and regulatory requirements, there will be no cost or savings impact to local governments beyond that already required.
- ❖OTHER PERSONS: Since the rule change implements current statutory and regulatory requirements, there will be no cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since the rule change implements current statutory and regulatory requirements, there will be no change in the fiscal impact on businesses--Dianne R. Nielson, Ph.D.

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

Environmental Quality
 Solid and Hazardous Waste
 Cannon Health Building
 288 North 1460 West
 PO Box 144880
 Salt Lake City, UT 84114-4880, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.
R315-315. Special Waste Requirements.
R315-315-6. PCB Containing Waste.

(1) Any facility that disposes of nonhazardous waste containing PCBs is regulated by Rules R315-301 through 320.

(2) The following waste containing PCBs may be disposed in a permitted Class I, II, III, IV, or V Landfill or in a permitted incinerator or energy recovery facility:

(a) waste containing PCBs at concentrations less than 50 ppm;
(b) PCB household waste as defined by 40 CFR 761.3 (1997), as amended by 63 FR 35436-35474; and

(c) small quantities of intact, non-leaking small PCB capacitors from fluorescent lights.

(3) Waste containing PCBs at concentrations of 50 ppm, or higher, are prohibited from disposal in a landfill, incinerator, or energy recovery facility that is regulated by Rules R315-301 through 320 except:

(a) the following facilities may receive waste containing PCBs at concentrations of 50 ppm or higher:

(i) an existing facility, as defined by Subsection R315-301-2(21), that is permitted under 40 CFR 761.70 or .75 (1997), as amended by 63 FR 35436-35474 to accept waste containing PCBs;
or

(ii) a new facility, as defined by Subsection R315-301-2(47), that is permitted under 40 CFR 761.70, .71, .72, or .75 (1997), as amended by 63 FR 35436-35474 to accept waste containing PCBs, which facility must also receive approval under Rules R315-301 through 320; and

(b) when approved by the Executive Secretary, the following wastes may be disposed at a permitted landfill or at an incinerator that meets the requirements of Subsection R315-315-6(3)(a):

(i) PCB bulk products regulated by 40 CFR 761.62(b) (1997), as amended by 63 FR 35436-35474;

(ii) drained PCB contaminated equipment as defined by 40 CFR 761.3, (1997), as amended by 63 FR 35436-35474;

(iii) drained PCB articles as defined by 40 CFR 761.3 (1997), as amended by 63 FR 35436-35474;

(iv) non-liquid cleaning materials remediation wastes containing PCB's regulated by 40 CFR 761.61(a)(5)(v)(A) (1997), as amended by 63 FR 35436-35474;

(v) PCB containing manufactured products regulated by 40 CFR 761.62(b)(1)(i) and (ii) (1997), as amended by 63 FR 35436-35474; or

(vi) non-liquid PCB containing waste, initially generated as a non-liquid waste, generated as a result of research and development regulated by 40 CFR 761.64(b)(2) (1997), as amended by 63 FR 35436-35474.

KEY: solid waste management, waste disposal

[1998]1999

19-6-105

Notice of Continuation April 28, 1998



Environmental Quality, Solid and
 Hazardous Waste
R315-317
 Other Processes, Variances, and
 Violations

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 21787
FILED: 01/15/1999, 09:27
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to clarify references to the Solid Waste Permitting and Management Rules and to clarify how a request for a hearing is made.

SUMMARY OF THE RULE OR CHANGE: The term "this rule" is changed to "Rules R315-301 through 320" and the term "this section" is changed to "Section R315-317-2." Also, the rule is changed to require that a request for a hearing be made in writing.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105, 19-6-108, 19-6-109, and 19-6-111

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The actual requirements of the rule are not changed, therefore, there will be no cost or savings impact.

❖LOCAL GOVERNMENTS: The actual requirements of the rule are not changed, therefore, there will be no cost or savings impact.

❖OTHER PERSONS: The actual requirements of the rule are not changed, therefore, there will be no cost or savings impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the requirements of the rule are not changed, there will be no change in compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on businesses since the actual requirements of the rule are not changed--Dianne R. Neilson, Ph.D.

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

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadswor@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste. R315-317. Other Processes, Variances, and Violations. R315-317-2. Variances.

(1) Variances will be granted by the Board only to the extent allowed under Federal law.

(2) Any owner or operator of a solid waste facility may apply to the Board for a variance from any portion of Rules R315-301 through 320 except as specified in Subsection R315-317-2(1). The application shall be accompanied by such information as the Executive Secretary may require. All applications for a variance shall be subject to the public comment requirements of Subsection R315-311-3. The Board may grant such variance, if it finds that:

(a) the solid waste handling practices or location do not endanger public health, safety, or the environment; and

(b) the application of, or compliance with, any requirement of ~~the rule~~ Rules R315-301 through 320 would cause undue or unreasonable hardship to any person; and

(c) circumstances of the solid waste disposal site location, operating procedures, or other conditions indicate that the purpose and intent of ~~the rule~~ Rules R315-301 through 320 as well as other state and federal regulations can be achieved without strict adherence to all of the requirements.

(3) If a variance is granted by the Board under ~~this section~~ Section R315-317-2 for a period longer than one year, the variance shall contain a timetable for coming into compliance and shall be conditioned on adherence to that timetable.

R315-317-3. Violations, Orders, and Hearings.

(1) Whenever the Executive Secretary or his duly appointed representative, determines that any person is in violation of any applicable approved solid waste operation plan or permit or the requirements of Rules R315-301 through 320, the Executive Secretary may cause written notice of violation to be served upon the alleged violators. The notice shall specify the provisions of the plan, permit, or rules alleged to have been violated and the facts alleged to constitute the violation. The Executive Secretary may issue an order that necessary corrective action be taken within a reasonable time or may request the attorney general or the county attorney in the county in which the violation takes place to bring a civil action for injunctive relief and enforcement of the permit requirements or ~~the rule~~ the requirements of Rules R315-301 through 320.

(2) Any order issued pursuant to Subsection R315-317-3(1) shall become final unless, within 30 days after the order is served, the persons specified therein request, in writing, a hearing. Title 63, Chapter 46b and Rule R315-12 shall govern the conduct of hearings before the Board.

KEY: solid waste management, waste disposal
~~[1998]~~1999

Notice of Continuation April 28, 1998
19-6-105
19-6-108
19-6-109
19-6-111
19-6-112



Environmental Quality, Solid and
Hazardous Waste
R315-318
Permit by Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21788

FILED: 01/15/1999, 09:27

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to clarify the requirements for permit by rule for existing and new solid waste disposal facilities.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to grant a permit by rule to certain existing solid waste disposal facilities and to require approval of the Executive Secretary prior to granting a permit by rule to all new solid waste disposal facilities that qualify.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-104, 19-6-105, and 19-6-108

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Since the changes in the rule do not affect state entities and the enforcement of the rule will not change, there will be no cost or savings impact.

❖LOCAL GOVERNMENTS: Owners of new solid waste disposal facilities desiring a permit by rule will experience no real change in costs other than completing a letter to request a permit by rule.

❖OTHER PERSONS: Owners of new solid waste disposal facilities desiring a permit by rule will experience no real change in costs other than completing a letter to request a permit by rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Owners or operators of new solid waste disposal facilities who desire a permit by rule will experience no real change in compliance cost other than the preparation of a letter requesting a permit by rule and, in some cases, the documentation that the requirements for a permit by rule are met. A permit by rule continues to offer a significant cost savings over the costs of a full permit application.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Corporations that begin operation of a new solid waste disposal facility that may be permitted by rule may experience a very slight increase in costs associated with the preparation of a letter requesting a permit by rule and, if necessary, the documentation that the requirements for a permit by rule will be met. The actual costs for this process cannot be estimated. However, a permit by rule continues to be a significant cost savings over the costs for the preparation of a full permit application--
Dianne R. Nielson, Ph.D.

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

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carl E. Wadsworth at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at eqshw.cwadsworth@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

**R315. Environmental Quality, Solid and Hazardous Waste.
R315-318. Permit by Rule.**

R315-318-1. General Requirements.

(1) Any facility that disposes of solid waste, including incinerators, and is regulated by Federal or state agencies which have regulations or rules as stringent as, or more stringent than, Rules R315-301 through R315-~~317~~320, as determined by the Executive Secretary, may be permitted by rule.

(2) No permit by rule may be granted to a new facility, as defined by Subsection R315-301-2(47), without application to the Executive Secretary.

~~(2)~~(3) Any facility permitted by rule is not required to obtain a permit or comply with any other provisions of Rules R315-301 through R315-~~317~~320 except where operation of the facility may endanger human health or the environment or otherwise violate the provisions of the Solid and Hazardous Waste Act:

R315-318-2. Facilities Permitted by Rule.

The following existing facilities, as defined by Subsection R315-301-2(21), are permitted by rule:

(1) solid waste disposal and incineration facilities which are required to operate under the conditions of a state or Federal hazardous waste permit or plan approval;

(2) disposal operations or activities which are required to operate under the conditions of a Utah Division of Oil, Gas, and Mining permit or plan approval;

(3) non-commercial underground injection facilities regulated by the Utah Division of Water Quality; and

(4) disposal operations or activities which accept only radioactive waste and are required to operate under the conditions of a Utah Division of Radiation Control permit or plan approval.

KEY: solid waste management, waste disposal
[1993]1999

19-6-104
19-6-105
19-6-108



Insurance, Administration
R590-165
Health Benefit Plans

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 21790
FILED: 01/15/1999, 16:59
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being updated to comply with the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Mental Health Parity Act (MHPA) of 1996.

SUMMARY OF THE RULE OR CHANGE: (1) Due to the Health Insurance Portability and Accountability Act (HIPAA), the maternity services requirement and definition of "preexisting condition" was changed in all three incorporated plans. (2) Due to the Mental Health Parity Act (MHPA), the mental health coverage was changed on the traditional and the preferred provider organization (ppo) incorporated plans. (3) We removed the exemption to R590-126 which was incorrectly put into the rule originally.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-22-613.5

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: In compliance with the HIPAA and MHPA law, insurers changed their rates and forms and as a result were required, by state law, to file these changes with the Insurance Department which brought in \$15 per form filing from health insurers writing major medical coverage.

❖LOCAL GOVERNMENTS: This change would not have affected local government since they do not regulate insurers.

❖OTHER PERSONS: Insurers selling health insurance affected by the HIPAA and MHPA federal law would need to make changes to some of their policy forms. These changes would then need to be filed with the Insurance Department which would cost the insurer \$15 per filing. We do not have a list of the insurers that are actively selling major medical insurance nor do we have a list of the different types of major medical policies each company sells. There are around 700 insurers licensed to sell health insurance in Utah. Not all are actively marketing insurance here.

COMPLIANCE COSTS FOR AFFECTED PERSONS: In regards to this rule specifically, and its requirements, there should be no fiscal impact on the consumer. Health insurers that would

have needed to file rate and filings with the Department would have been impacted by a \$15 fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The financial impact of this rule on the public is expected to be nil. The impact on health insurers and the state will be negligible.

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 02/23/1999, 10:00 a.m., 1112 State Office Building (behind the Capitol), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-165. Health Benefit Plans.

.....

R590-165-2. Scope and Purpose.

A. This rule applies to all insurers marketing health insurance policies of any of the following types:

- (1) traditional major medical coverage;
- (2) preferred provider organization, [({}PPO{)}], coverage; or
- (3) health maintenance organization, [({}HMO{)}], coverage.

B. The commissioner has adopted these three types of health care plans, each with a high and a low option. Insurers marketing these types of health insurance policies within the State of Utah are required to quote and offer for sale to the public, at the request of a potential buyer, each of the plans of the same types that the insurer otherwise markets at both the high and low options of those plans.

C. The purpose of this rule is to set standards for these health benefit plans as required by Section 31A-22-613.5. The three types of plans are designed to facilitate price and value comparisons of health insurance disability policies by consumers. An insurer offering the designated benefit plans may also offer plans that provide more or less coverage than the designated benefit plans.

[—These plans are not subject to Rule R590-126, Individual and Franchise Disability Minimum Standards.]

D. If a company markets none of these three types of plans, they are exempt from this rule.

R590-165-3. Definitions.

A. The following definitions shall be used in each of the adopted health care plans:

(1) "Complications of pregnancy" means an illness, distinct from pregnancy, affecting the mother and occurring during pregnancy and requiring separate and specific medical or surgical services for which separate and additional charges are incurred.

(2) Cost Sharing terms.

(a) For the traditional major medical and PPO plans, the terms applicable to amounts payable by insureds for covered services are deductible, coinsurance, and copayment. These terms are to be defined in PPO and major medical plans, in these words or in words of similar meaning, as follows:

(i) "Deductible" is the amount of covered charges incurred during a specific time period payable by the insured before benefits are provided under the plan.

(ii) "Coinsurance" is the insured's cost-sharing amount expressed as a percentage of covered charges.

(iii) "Copayment" is the insured's cost-sharing amount expressed as a fixed dollar amount payable by the insured each time a specified covered service is received.

(b) For the HMO plan, the term applicable to amounts payable by insureds for covered services is "copayment." This term is used for both percentage amounts and fixed dollar amounts payable by the insured. The term may be defined in the insurer's HMO plan.

(3) "Custodial care" means:

(a) institutional care, consisting mainly of room and board, which is for the primary purpose of controlling the covered person's environment; and

(b) professional or personal care, consisting mainly of non-skilled nursing services with or without medical supervision, which is for the primary purpose of managing the covered person's disability or maintaining the covered person's degree of recovery already attained without reasonable expectation of significant further recovery.

(4) "Investigative/experimental technology" means treatment, procedure, facility, equipment, drug, device or supply, [f]"technology" [g], which does not, as determined by the company on a case by case basis, meet all of the following criteria:

(a) The technology must have final approval from all appropriate governmental regulatory bodies, if applicable.

(b) The technology must be available in significant number outside the clinical trial or research setting.

(c) The available research regarding the technology must be substantial. For purposes of this definition, "substantial" means sufficient to allow the company to conclude that:

(i) the technology is both medically necessary and appropriate for the covered person's treatment;

(ii) the technology is safe and efficacious; and

(iii) more likely than not, the technology will be beneficial to the covered person's health.

(d) [t]The technology must be generally recognized as appropriate by the regional medical community as a whole.

R590-165-4. General Requirements.

A. Each insurer may use its own language to present covered services, limitations and exclusions[-], however, these same services must be covered, limited or excluded by all plans.

B. Each plan must contain a description of the basis for its payments and a statement relative to whether the consumer will be required to pay amounts in excess of the insurer's allowable charges, usual and customary charges, fee schedule amounts, etc.

C. Each insurer's plan must contain a statement relative to whether providers are employed by the insurer or under contract with the insurer and, if so, whether the consumer will be required to pay the full amount or a different amount for services by providers not employed or under contract.

D. Each insurer is to include its usual contracting provisions in its plan: submission of claims, coordination of benefits, eligibility and coverage termination, grievance procedures, general terms and conditions, etc.

E. Each insurer may apply its own "takeover" criteria on group business.

F. If an insurer does not offer an HMO plan, a PPO plan, or a traditional major medical plan, the insurer is not required to offer the designated plan of that type. If the insurer does not offer coverage to either groups or individuals, the insurer is not required to offer the designated plan[~~(s)~~]or plans for any group or individual, respectively.

G. Samples of these three plans: "Designated Health Benefit Plan Revision Traditional Major Medical Coverage" effective 1-12-99, "Designated Health Benefit Plan Revision to Preferred Provider Organization Coverage" effective 1-12-99, and "Designated Health Benefit Plan Revision to Health Maintenance Organization Coverage" effective 1-12-99, with their high and low options, These plans are incorporated herein and~~attached or~~ may be obtained from the Insurance Department. They~~and~~ are to be followed taking into consideration the guidelines of this rule.

H. Forms are to be filed with the department before use.

.....

KEY: insurance
~~[March 15, 1995]~~1999

31A-2-201
31A-22-613.5



Insurance, Administration
R590-167
Individual and Small Employer Health
Insurance Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21791

FILED: 01/15/1999, 16:59

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being updated to eliminate outdated provisions and to allow the Department to capture new data from insurers regulated by Title 31A, Chapter 30.

SUMMARY OF THE RULE OR CHANGE: (1) Changed filing date for new carriers in Section R590-167-10. (2) Removed restoration of coverage in Section R590-167-11. (3) Updated and added new reporting requirements. (4) Changed filing date for filing manuals in new Section R590-167-11. (5) Provided insurers with filing format as requested by them.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-30-106

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No new filings or filing fees are resulting from these changes. No additional people will need to be hired by the department to handle changes made in the rule.

❖LOCAL GOVERNMENTS: This change would not have affected local government since they do not regulate insurers.

❖OTHER PERSONS: Insurers will have to capture new data which may increase computer programming costs. These would be minimal costs to the insurer and most probably not passed onto the consumer. Companies may already be capturing this data.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no impact on consumers. We do not believe that it will have any impact on insurers do not already collect the data required by this rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The individual and overall financial impact of this rule on the insurance industry will be minimal. We do not believe that it will have any impact on the Utah consumer or Utah government.

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

Insurance Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 02/23/1999, 10:00 a.m., 1112 State Office Building (behind the Capitol), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-167. Individual and Small Employer Health Insurance Rule.

.....

R590-167-3. Applicability and Scope.

A. This rule shall apply to any health benefit plan which:

(1) meets one or more of the conditions set forth in 31A-30-104(1);

(2) provides coverage to a covered insured located in this state, without regard to whether the policy or certificate was issued in this state; and

(3) [is] in effect on or after the effective date of this rule.

B. The provisions of this rule shall apply to a health benefit plan provided to an individual, a small employer or to the employees of a small employer without regard to whether the health benefit plan is offered under or provided through a group policy or trust arrangement of any size sponsored by an association or discretionary group.

C.(1)(a) If a small employer has employees in more than one state, the provisions of the Act and this rule shall apply to a health benefit plan issued to the small employer if:

(i) the majority of eligible employees of such small employer are employed in this state; or

(ii) if no state contains a majority of the eligible employees of the small employer, the primary business location of the small employer is in this state.

(b) In determining whether the laws of this state or another state apply to a health benefit plan issued to a small employer described in Subparagraph (a), the provisions of the paragraph shall be applied as of the date the health benefit plan was issued to the small employer for the period that the health benefit plan remains in effect.

(2) If a health benefit plan is subject to the Act and this rule, the provisions of the Act and this rule shall apply to all individuals covered under the health benefit plan, whether they reside in this state or in another state.

D. A carrier that is not operating as a covered carrier in this state may not become subject to the provisions of the Act and this rule solely because an individual or a small employer that was issued a health benefit plan in another state by that carrier moves to this state.

.....

R590-167-6. Restrictions Relating to Premium Rates.

A.(1) A covered carrier shall develop a separate rate manual for each class of business. Base premium rates and new business premium rates charged to individuals and small employers by the covered carrier shall be computed solely from the applicable rate manual developed pursuant to this subsection. To the extent that a portion of the premium rates charged by a covered carrier is based on the carrier's discretion, the manual shall specify the criteria and factors considered by the carrier in exercising such discretion.

(2)(a) A covered carrier may not modify the rating method used in the rate manual for a class of business until the change has been approved as provided in this paragraph. The commissioner may approve a change to a rating method if the commissioner finds that the change is reasonable, actuarially appropriate, and consistent with the purposes of the Act and this rule.

(b) A carrier may modify the rating method for a class of business only after filing an actuarial certification. The filing shall contain at least the following information:

- (i) the reasons the change in rating method is being requested;
- (ii) a complete description of each of the proposed modifications to the rating method;
- (iii) a description of how the change in rating method would affect the premium rates currently charged to individuals and small employers in the class of business, including an estimate from a qualified actuary of the number of groups or individuals, and a description of the types of groups or individuals, whose premium rates may change by more than 10% due to the proposed change in rating method, not including general increases in premium rates applicable to all individuals and small employers in a health benefit plan;
- (iv) a certification from a qualified actuary that the new rating method would be based on objective and credible data and would be actuarially sound and appropriate; and
- (v) a certification from a qualified actuary that the proposed change in rating method would not produce premium rates for individuals and small employers that would be in violation of Section 31A-30-106.

(c) For the purpose of this section a change in rating method shall mean:

- (i) a change in the number of case characteristics used by a covered carrier to determine premium rates for health benefit plans in a class of business;
- (ii) change in the manner or procedures by which insureds are assigned into categories for the purpose of applying a case characteristic to determine premium rates for health benefit plans in a class of business;
- (iii) change in the method of allocating expenses among health benefit plans in a class of business; or
- (iv) change in a rating factor with respect to any case characteristic if the change would produce a change in premium for any individual or small employer that exceeds 10%.

A change in a rating factor shall mean the cumulative change with respect to such factor considered over a 12 month period. If a covered carrier changes rating factors with respect to more than one case characteristic in a 12 month period, the carrier shall consider the cumulative effect of all such changes in applying the 10% test.

B.(1) The rate manual developed pursuant to Subsection A shall specify the case characteristics and rate factors to be applied by the covered carrier in establishing premium rates for the class of business.

(2) A covered carrier may not use case characteristics other than those specified in 31A-30-106(1)(j) without the prior approval of the commissioner. A covered carrier seeking such an approval shall make a filing with the commissioner for a change in rating method under Subsection A(2).

(3) A covered carrier shall use the same case characteristics in establishing premium rates for each health benefit plan in a class of

business and shall apply them in the same manner in establishing premium rates for each such health benefit plan. Case characteristics shall be applied without regard to the risk characteristics of an individual or small employer.

(4) The rate manual developed pursuant to Subsection A shall clearly illustrate the relationship among the base premium rates charged for each health benefit plan in the class of business. If the new business premium rate is different than the base premium rate for a health benefit plan, the rate manual shall illustrate the difference.

(5) Differences among base premium rates for health benefit plans shall be based solely on the reasonable and objective differences in the design and benefits of the health benefit plans and may not be based in any way on the nature of the small employer groups that choose or are expected to choose a particular health benefit plan. A covered carrier shall apply case characteristics and rate factors within a class of business in a manner that assures that premium differences among health benefit plans for identical individuals or small employer groups vary only due to reasonable and objective differences in the design and benefits of the health benefit plans and are not due to the nature of the individuals or small employer groups that choose or are expected to choose a particular health benefit plan.

(6) The rate manual developed pursuant to Subsection A shall provide for premium rates to be developed in a two step process. In the first step, a base premium rate shall be developed for the individual or small employer group without regard to any risk characteristics of the group. In the second step, the resulting base premium rate may be adjusted by a risk load, subject to the provisions of 31A-30-106, to reflect the risk characteristics of the group.

(7)(a) Except as provided in Subparagraph (b), a premium charged to an individual or small employer for a health benefit plan may not include a separate application fee, underwriting fee, or any other separate fee or charge.

(b) A carrier may charge a separate fee with respect a health benefit plan, but only one fee with respect to such plan, provided the fee is no more than \$5 per month per employee and is applied in a uniform manner to each health benefit plan in a class of business.

(8) Each rate manual developed pursuant to Subsection A shall be maintained by the carrier for a period of six years. Updates and changes to the manual shall be maintained with the manual.

C. If group size is used as a case characteristic by a covered carrier, the highest rate factor associated with a group size classification may not exceed the lowest rate factor associated with such a classification by more than 20% without prior approval of the commissioner.

D. The restrictions related to changes in premium rates in 31A-30-106(1)(c) and 31A-30-106(1)(h) shall be applied as follows:

(1) A covered carrier shall revise its rate manual each rating period to reflect changes in base premium rates and changes in new business premium rates.

(2)(a) If, for any health benefit plan with respect to any rating period, the percentage change in the new business premium rate is less than or the same as the percentage change in the base premium rate, the change in the new business premium rate shall be deemed

to be the change in the base premium rate for the purposes of 31A-30-106(1)(c) and 31A-30-106(1)(h).

(b) If, for any health benefit plan with respect to any rating period, the percentage change in the new business premium rate exceeds the percentage change in the base premium rate, the health benefit plan shall be considered a health benefit plan into which the covered carrier is no longer enrolling new individuals or small employers for the purposes of 31A-30-106(1)(c) and 31A-30-106(1)(h).

(3) If, for any rating period, the change in the new business premium rate for a health benefit plan differs from the change in the new business premium rate for any other health benefit plan in the same class of business by more than 20%, the carrier shall make a filing with the commissioner containing a complete explanation of how the respective changes in new business premium rates were established and the reason for the difference. The filing shall be made ~~within~~ 30 days ~~of~~ before the beginning of the rating period.

(4) A covered carrier shall keep on file for a period of at least six years the calculations used to determine the change in base premium rates and new business premium rates for each health benefit plan for each rating period.

E.(1) Except as provided in Subsections (E)(2) through (4), a change in premium rate for an individual or small employer shall produce a revised premium rate that is no more than the following:

(a) the base premium rate for the individual or small employer, as shown in the rate manual as revised for the rating period, multiplied by:

- (b) one plus the sum of:
 - (i) the risk load applicable to the individual or small employer during the previous rating period; and
 - (ii) 15% prorated for periods of less than one year.

(2) In the case of a health benefit plan into which a covered carrier is no longer enrolling new individuals or small employers, a change in premium rate for an individual or small employer shall produce a revised premium rate that is no more than the following:

(a) the base premium rate for the individual or small employer, given its present composition and as shown in the rate manual in effect for the individual or small employer at the beginning of the previous rating period, multiplied by:

- (b) one plus the lesser of:
 - (i) the change in the base rate; or
 - (ii) the percentage change in the new business premium for the most similar health benefit plan into which the covered carrier is enrolling new individuals or small employers, multiplied by:

(c) one plus the sum of:

- (i) the risk load applicable to the individual or small employer during the previous rating period; and
- (ii) 15%, prorated for periods of less than one year.

(3) In the case of a health benefit plan described in 31A-30-106(1)(f), if the current premium rate for the health benefit plan exceeds the ranges set forth in 31A-30-106(1), the formulae set forth in Subsections (E)(1) and (2) will be applied as if the 15% adjustment provided in Subsection (E)(1)(b) and Subsection (E)(2) were a 0% adjustment.

(4) Notwithstanding the provisions of Subsections (E)(1) and (2), a change in premium rate for an individual or small employer may not produce a revised premium rate that would exceed the limitations on rates provided in 31A-30-106(1)(b).

F.(1) A representative of a Taft Hartley trust, including a carrier upon the written request of such a trust, may file in writing with the commissioner a request for the waiver of application of the provisions of 31A-30-106(1) with respect to such trust.

(2) A request made under Subsection (F)(1) shall identify the provisions for which the trust is seeking the waiver and shall describe, with respect to each provision, the extent to which application of such provision would:

- (a) adversely affect the participants and beneficiaries of the trust; and
- (b) require modifications to one or more of the collective bargaining agreements under or pursuant to which the trust was or is established or maintained.

(3) A waiver granted under 31A-30-104(3) may not apply to an individual who participates in the trust because the individual is an associate member of an employee organization or the beneficiary of such an individual.

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R590-167-10. Status of Carriers as Covered Carriers.

~~[A.(1) By January 31, 1996, each carrier providing]~~ A. Prior to marketing a health benefit [plans in this state] plan, a carrier shall make a filing with the commissioner indicating whether the carrier intends to operate as a covered carrier in this state under the terms of the Act and of this rule. Such filing will indicate if the covered carrier intends to market to individuals, small employers or both. [—(2) Carriers who have previously filed to be a small employer carrier must refile under Subsection R590-167-11.A(1)-]

B. Subject to Subsection C, a carrier may not offer health benefit plans to individuals and small employers, or continue to provide coverage under health benefit plans previously issued to individuals and small employers in this state, unless the filing provided pursuant to Subsection A indicates that the carrier intends to operate as a covered carrier in this state.

C. If the filing made pursuant Subsection A indicates that a carrier does not intend to operate as a covered carrier in this state, the carrier may continue to provide coverage under health benefit plans previously issued to individuals and small employers in this state only if the carrier complies with the following provisions:

- (1) the carrier complies with the requirements of the Act with respect to each of the health benefit plans previously issued to individuals and small employers by the carrier;
- (2) the carrier provides coverage to each new entrant to a health benefit plan previously issued to an individual or small employer by the carrier; and

(3) the carrier complies with the requirements of 31A-30-106(1)(k)(iii) and Sections 9 and 12 of this rule as they apply to individuals and small employers whose coverage has been terminated by the carrier and to individuals and small employers whose coverage has been limited or restricted by the carrier.

D. If the filing made pursuant Subsection A indicates that a carrier does not intend to operate as a covered carrier in this state, the carrier shall be precluded from operating as a covered carrier in this state, except as provided for in Subsection C, for a period of five years from the date of the filing. Upon a written request from such a carrier, the commissioner may reduce the period provided for in the previous sentence if the commissioner finds that permitting

the carrier to operate as a covered carrier would be in the best interests of the individuals and small employers in the state.

R590-167-11. [Restoration of Coverage:

~~—A.(1) Except as provided in Subsection (A)(2), a covered carrier shall, as a condition of continuing to transact business in this state with individuals and small employers, offer to provide a health benefit plan as described in Subsection C to any small employer whose coverage was terminated or not renewed by such covered carrier after January 1, 1994 and any individual coverage was terminated or not renewed by such covered carrier after January 1, 1995.~~

~~—(2) The offer required under Subsection (A)(1) may not be required with respect to a health benefit plan that was not renewed if:~~

~~—(a) the health benefit plan was not renewed for reasons permitted in 31A-30-107(1)(a) through (e); or~~

~~—(b) the nonrenewal was a result of the individual or small employer voluntarily electing coverage under a different health benefit plan.~~

~~—B. The offer made under Subsection A shall occur no later than 30 days after a carrier indicates its intention to operate as a covered carrier in this state pursuant to Section 11-A. An individual or small employer shall be given at least 60 days to accept an offer made pursuant to Subsection A.~~

~~—C. A health benefit plan provided pursuant to Subsection A shall meet the following conditions:~~

~~—(1) The health benefit plan shall contain benefits that are identical to the benefits in the health benefit plan that was terminated or nonrenewed.~~

~~—(2) The health benefit plan may not be subject to any waiting periods, including exclusion periods for preexisting conditions, or other limitations on coverage that exceed those contained in the health benefit plan that was terminated or nonrenewed. In applying such exclusions or limitations, the health benefit plan shall be treated as if it were continuously in force from the date it was originally issued to the date that it is restored pursuant to this section and 31A-30-106(1)(k)(iii).~~

~~—(3) The health benefit plan may not be subject to any provision that restricts or excludes coverage or benefits for specific diseases, medical conditions or services otherwise covered by the plan.~~

~~—(4) The health benefit plan shall provide coverage to all employees who are eligible employees as of the date the plan is restored. The carrier shall offer coverage to each dependent of such eligible employees.~~

~~—(5) The premium rate for the health benefit plan shall be no more than the premium rate charged to the individual or small employer on the date the health benefit plan was terminated or nonrenewed; provided that, if the number or case characteristics of the eligible employees, or their dependents, of the individual or small employer has changed between the date the health benefit plan was terminated or nonrenewed and the date that it is restored, the carrier may adjust the premium rates to reflect any changes in case characteristics of the individual or small employer. If the carrier has increased premium rates for other similar groups with similar coverage to reflect general increases in health care costs and utilization, the premium rate may further be adjusted to reflect the lowest such increase given to a similar group. The premium rate for~~

~~the health benefit plan may not be increased to reflect any changes in risk characteristics of the individual or small employer group until one year after the date of health benefit plan is restored. Any such increase shall be subject to the provisions of 31A-30-106.~~

R590-167-12.—]Actuarial Certification and Additional Filing Requirements.

A. The actuarial certification shall meet the following requirements:

(1) The actuarial certification shall be a written statement that meets the requirements of 31A-30, R590-167, and the Actuarial Standards Board including the provisions of Interpretative Opinion 3: Professional Communications of Actuaries regarding Actuarial Reports.

(2) The actuary must state that he or she meets the qualifications of 31A-30-103(1).

(3) The actuarial certification shall contain the following statement: "I, (name), certify that (name of covered carrier) is in compliance with the provisions of Section 31A-30-106, based upon the examination of (name of covered carrier), including review of the appropriate records and of the actuarial assumptions and methods utilized by (name of covered carrier) in establishing premium rates for applicable health benefit plans."

(4) The actuarial certification shall list and describe each written demonstration used by the actuary to establish compliance with Title 31A Chapter 30 and R590-167.

(5) The information described in Subsection A shall be filed no later than March 15 of each year.

B. For every health benefit plan subject to this rule, the carrier shall file with the commissioner the following:

(1) a copy of the applicable rating manual~~[- and], which includes a complete and detailed description of how the final premium, including any fees, is calculated from the rating manual. This description shall include both new business and renewal rates; and~~

(2) ~~all changes and updates, which includes~~ a complete and detailed description of how the final premium, including any fees, is calculated from the rating manual. This description shall include both new business and renewal rates.

(3) The information described in Subsection B shall be filed ~~[no later than February 15, 1996]~~ 30 days prior to use.

C. The carrier shall file with the commissioner the following:

(1) a list of every policy form to which the rule applies~~[-A], that includes a description of how to find the applicable information in Subsection (B)(1) and (2) for each policy form[- and],~~

~~[(2) new policy forms, group certificates and individual outlines of coverage or amending endorsements. All said forms, certificates and endorsements shall comply with renewal and pre-existing provision requirements of 31A-30-107.~~

~~(3)](2) The information described in Subsection C shall be filed no later than March 15 of each year.~~

D. A covered carrier shall file annually the following information with the commissioner related to health benefit plans issued by the covered carrier to individuals or small employers in this state:

(1) the number of individuals and small employers that were issued health benefit plans in the previous calendar year, separated as to newly issued plans and renewals;

(2) the number of individuals and small employers that were not issued due to underwriting rules;

(3) the number of individual and small employer health benefit plans in force in each zip code of the state as of December 31 of the previous calendar year;

(4) the number of individual and small employer health benefit plans that were voluntarily not renewed by individuals and small employers in the previous calendar year, including termination for non-payment of the required premium;

(5) the number of individual market health benefit plans and small employer market health benefit plans terminated or nonrenewed, for reasons other than nonpayment of premium, by the carrier in the previous calendar year categorized as:

- (a) fraud or misrepresentation of the employer or insureds;
- (b) noncompliance with the carrier's minimum participation requirements;
- (c) noncompliance with the carrier's employer contribution requirements;
- (d) misuse of a provider network provision; or
- (e) election to nonrenew all health benefit plans issued to individuals and small employers in this state.

(6) The number of individual and small employer health benefit plans that were issued to individuals and small employers that were uninsured for at least the three months prior to issue.

(7) Total number of natural covered lives, including the insured, spouse and dependents, for individual market health benefit plans and small employer market health benefit plans as of December 31 of the previous calendar year.

(8) The information described in Subsection D. shall be filed no later than March 15 of each year in the format provided in Appendix I, Statistical Report, published 1-12-99. This appendix is available at the Insurance Department and is incorporated herein.

E. A covered carrier shall file by August 15 of each year, the total number of natural covered lives, including the insured, spouse and dependents, for individual market health benefit plans and small employer market health benefit plans as of June 30 of the current calendar year.

R590-167-~~113~~12. Severability.

A. If any provision of this rule or the application of it to any person or circumstance is, for any reason, held to be invalid, the remainder of the rule and the application of the provision to other persons or circumstances will not be affected by the invalid provision.

KEY: insurance
[May 6, 1996]1999

31A-30-106



Insurance, Administration
R590-175
Basic Health Care Plan Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21792

FILED: 01/15/1999, 16:59

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being updated to comply with the federal laws, Health Insurance Portability and Accountability Act (HIPAA) of 1996, and to clarify Section 31A-22-708 at the request of insurers.

SUMMARY OF THE RULE OR CHANGE: Due to the Health Insurance Portability and Accountability Act (HIPAA), the maternity services requirement was changed and Subsection R590-175-3(J) was added at the request of insurers to provide clarification regarding conversion coverage.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201, 31A-613.5, and 31A-22-708

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** In compliance with the HIPAA law, insurers changed their rates and forms and as a result were required, by state law, to file these changes with the Insurance Department which brought in \$15 per form filing from health insurers writing major medical coverage.

❖**LOCAL GOVERNMENTS:** These changes would not have affected local governments since they do not regulate insurers.

❖**OTHER PERSONS:** Insurers selling major medical insurance would have needed to change some of their policy forms to comply with the HIPAA Act. These changes would then need to be filed with the Insurance Department which would cost the insurer \$15 per filing. We do not have a list of the insurers that are actively selling major medical insurance nor do we have a list of the different types of major medical policies each company sells. There are around 700 insurers licensed to sell health insurance in Utah. Not all are actively marketing insurance here.

COMPLIANCE COSTS FOR AFFECTED PERSONS: In regards to this rule specifically, and its requirements, there should be no fiscal impact on the consumer. Health insurers that would have needed to file rate and filings with the Department would have been impacted by a \$15 fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The financial impact of this rule on the public is expected to be nil. The impact on health insurers and the state will be negligible.

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 02/23/1999, 10:00 a.m., 1112 State Office Building (behind the Capitol), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

non-contracting providers' services may be reduced in accordance with [Utah Code]Section 31A-22-617.

G. Each insurer is to include its usual contracting provisions in its specified plan including submission of claims, coordination of benefits, eligibility and coverage termination, grievance procedures general terms and conditions, etc.

H. The Basic Health Care Plan may be obtained from the Insurance Department.

I. The specified plan is to be filed with the department before use.

J. Conversion coverage provided pursuant to Section 31A-22-708, may provide additional benefits in addition to the Basic Health Care Plan.

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KEY: insurance [January 1, 1996]1999 31A-22-613.5

R590. Insurance, Administration. R590-175. Basic Health Care Plan Rule. R590-175-1. Authority.

This rule is issued pursuant to the general rulemaking authority vested in the commissioner by Section 31A-2-201. Section 31A-22-613.5[(6)](8) requires that the commissioner adopt a Basic Health Care Plan.

R590-175-2. Statement of Purpose and Scope.

The purpose of the rule is to set standards for the Basic Health Care Plan which will be offered under the open enrollment provisions of Chapter 30. The commissioner has adopted the Basic Health Care Plan pursuant to [Section]Subsection 31A-22-613.5[(6)](8) to be offered under those provisions. This rule applies to all insurers marketing health insurance policies subject to the open enrollment provisions of Chapter 30.

R590-175-3. General Requirements.

A. Each insurer who is required to offer a health care plan under the open enrollment provisions of Chapter 30 shall file with the department at least one health plan which is specified by the insurer as complying with the provisions of this rule and which must be offered for sale to [an un-insurable small employer group]anyone qualifying for open enrollment under Chapter 30.

B. The specified plan may offer additional services or provide a greater level of benefits than the Basic Health Care Plan. However, the specified plan must contain at least those benefits set forth in the Basic Health Care Plan.

C. The specified plan shall not be designed or marketed in a manner which may tend to discourage its purchase by anyone purchasing under the open enrollment provisions of Chapter 30.

D. A plan having actuarial equivalence may be considered, at the sole discretion of the commissioner.

E. Each insurer may use its own language to present covered services, limitations and exclusions; however, any plan offered in compliance with the open enrollment provisions of Chapter 30 must contain at least the benefits set forth in the Basic Health Care Plan as adopted by the commissioner. The specified plan is to be offered as a package, in its entirety, and is mutually exclusive of and not comparable on a line by line basis to a carrier's other plans.

F. When the specified plan is offered by a preferred provider organization, [(PPO)], the benefit levels shown in the Basic Health Care Plan are for contracting providers; benefit levels for

Insurance, Administration R590-191 Unfair Life Insurance Claims Settlement Practices Rule

NOTICE OF PROPOSED RULE (New)

DAR FILE NO.: 21781 FILED: 01/14/1999, 16:57 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule sets forth minimum standards for the investigation and disposition of life insurance claims arising under policies or certificates issued to residents of the State of Utah.

SUMMARY OF THE RULE OR CHANGE: The department currently has a rule, R590-89, that sets the standards for investigation and disposition of all types of insurance claims, life, health and accident, property, and liability. This new rule focuses only on life insurance claims settlement practices. It closely follows the most current model rule established by the National Association of Insurance Commissioners. The various provisions of this rule are intended to define procedures and practices which constitute unfair claims settlement practices. R590-89 will be repealed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201, 31A-2-204, 31A-2-308, 31A-21-312, 31A-26-301, and 31A-26-303

ANTICIPATED COST OR SAVINGS TO: THE STATE BUDGET: There will be no change to the state budget since the claims handling standards will remain

essentially the same as they are under the current rule. No new fees will be required or old fees eliminated.

❖LOCAL GOVERNMENTS: This rule does not affect local government. Licensing fees and fines all go to the state.

❖OTHER PERSONS: Since the standards for handling claims is essentially the same as the rule currently in effect, there should be no additional cost to insurers, agents, or their insureds.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the standards for handling claims is essentially the same as rule currently in effect, there should be no additional cost to insurers, agents or their insureds.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The current Unfair Claims Practices rule (R590-89) is being rewritten into three different rules. Each will focus on a particular line of insurance: health; life; and property and casualty insurance. The standard claim settlement practices of insurers should not change as a result of the rewriting of this rule. Therefore, no additional costs or cost savings are anticipated.

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at jdmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 02/25/1999, 11:00 a.m., 5112 State Office Building (behind the Capitol), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 03/05/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-191. Unfair Life Insurance Claims Settlement Practices Rule.

R590-191-1. Authority.

This rule is promulgated pursuant to Subsections 31A-2-201(1) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce this title and to make rules to implement the provisions of this title. Further authority to provide for timely payment of claims is provided by Subsection 31A-26-301(1). Matters relating to proof and notice of loss are promulgated pursuant to Section 31A-26-301 and Subsection 31A-21-312(5). Authority to promulgate rules defining unfair claims settlement practices or acts is provided in Subsection 31A-26-303(4). The

authority to require a timely response to the Insurance Department is provided by Section 31A-2-204.

R590-191-2. Purpose.

This rule sets forth minimum standards for the investigation and disposition of life insurance claims arising under policies or certificates issued to residents of the State of Utah. These standards include fair and rapid settlement of claims, protecting claimants under insurance policies from unfair claims settlement practices and promoting the professional competence of those engaged in processing claims. The various provisions of this rule are intended to define procedures and practices which constitute unfair claim settlement practices. This rule is regulatory in nature and is not intended to create a private right of action.

R590-191-3. Definitions.

For the purpose of this rule the Commissioner adopts the definitions as set forth in Section 31A-1-301, and the following:

(1) "Beneficiary" means the party entitled to receive the proceeds or benefits occurring under the policy.

(2) "Claim File" means any record either in its original form or as recorded by any process which can accurately and reliably reproduce the original material regarding the claim, its investigation, adjustment and settlement.

(3) "Claim Representative" means any individual, corporation, association, organization, partnership, or other legal entity authorized to represent an insurer with respect to a claim.

(4) "Claimant" means a person making a claim under a policy, including an insured, policyholder, beneficiary, or the claimant's legal representative, including a member of the claimant's immediate family.

(5) "Days" means calendar days.

(6) "Documentation" includes, but is not limited to, all written and electronic communication records, transactions, notes, work papers, claim forms, and explanation of benefits forms relative to the claim.

(7) "Investigation" means all activities of an insurer related to the determination of liabilities under coverages afforded by an insurance policy or insurance contract.

(8) "Notice of Loss" means any notification, whether in writing or other means acceptable under the terms of an insurance policy to an insurer or its representative, by a claimant, which reasonably apprises the insurer of the facts pertinent to a claim.

(9) "Proof of Loss" means written proofs, such as claim forms, medical authorizations or other reasonable evidence of the claim that is ordinarily required of all claimants submitting claims.

R590-191-4. Minimum Standards for Prompt, Fair and Equitable Claim Handling Processes and Communications.

(1) Notice of loss to an insurer, if required, shall be considered timely if made according to the terms of the policy, subject to the definitions and provisions of this rule, and the provisions of Section 31A-21-312.

(2) Notice of loss may be given to the insurer or its representative unless the insurer clearly directs otherwise in accordance with policy provisions or in a separate written notice mailed or delivered to the claimant.

(3) Subject to policy provisions, a requirement of any notice of loss may be waived by an authorized representative of the insurer.

(4) Insurance policies may not require notice of loss to be given in a manner which is inconsistent with the actual practice of the insurer. For example, if the practice of the insurer is to accept notice of loss by telephone, the policy shall reflect that practice, and not require that the claimant furnish "immediate written notice" of loss.

(5) Within 15 days of receipt of notice of loss from a claimant, the insurer shall provide necessary claim forms, instructions, and reasonable assistance so the claimant can properly comply with company requirements for filing a claim.

(6) Proof of loss to an insurer, if required, shall be considered timely if made according to the terms of the policy, subject to the definitions and provisions of this rule, and the provisions of Section 31A-21-312. Proof of loss requirements may not be unreasonable and should consider all of the circumstance surrounding a given claim.

(7) Within 15 days of receipt of proof of loss from a claimant, the insurer shall:

(a) provide written acknowledgment of the receipt of the proof of loss;

(b) request any necessary additional information from claimant; and

(c) commence any necessary investigation of the claim, including requesting additional information from other parties having documentation or information relating to the claim; or

(d) provide the claim settlement and a written explanation of benefits to the claimant if no additional information or investigation is necessary.

(8) Within 15 days of receipt of any communications relating to a claim which reasonably suggests that a response is expected, the insurer shall substantively respond to such communication.

(9) Within 30 days of receipt of proof of loss from the claimant, the insurer shall complete the investigation of a claim, unless such investigation cannot reasonably be completed within such time. It shall be the burden of the insurer to establish, by adequate records, that the investigation could not be completed within 30 days of its receipt of proof of loss. If the investigation cannot be completed within 30 days, the insurer shall communicate to the claimant a written explanation as to the reasons for the delay and shall continue to so communicate at least every 30 days until the claim is either settled or denied.

(10) Within 15 days of completion of the investigation, the insurer shall either:

(a) provide the claim settlement and a written explanation of benefits to the claimant; or

(b) provide, in writing, a denial of the claim and an explanation to the claimant as to the reasons for the denial.

(11) Closing a claim file without settlement is considered a denial and must be so communicated in writing to the claimant and according to the provisions of the policy.

(12) If recalculation/revision of a claim becomes necessary subsequent to either denial or settlement, the insurer shall again comply with the initial claim handling process requirements as described in this section.

(13) Upon receipt of an inquiry from the Insurance Department regarding a claim, every licensee shall furnish a

substantive response to the Insurance Department within the time period specified in the inquiry.

R590-191-5. Unfair Claims Settlement Practices.

The following are hereby defined as unfair claims settlement practices, the commission of which are violations of this rule:

(1) Concealing from or failing to fully disclose to a claimant any benefits, limitations, exclusions, coverages, or other relevant provisions of an insurance policy or insurance contract under which a claim is presented.

(2) Denying or threatening the denial of a claim for any reason which is not clearly described in the policy.

(3) Refusing to settle claims without conducting a reasonable and complete investigation.

(4) Refusing to provide a written basis for the denial of a claim upon demand of the claimant.

(5) Failing to provide the claimant with a written explanation of the evidence of any investigation or file materials giving rise to the denial of a claim based on misrepresentation or fraud on an insurance application, when such misrepresentation is the basis for the denial.

(6) Compensation by an insurer of its employees, agents or contractors of any amounts which are based on savings to the insurer as a result of reducing or denying claims.

(7) Making a claim settlement to the claimant not accompanied by a statement or explanation of benefits setting forth the coverage under which the settlement is being made and how the settlement amount was calculated.

(8) Failing to settle a claim following receipt of proof of loss when liability is reasonably clear in order to influence other claim settlements under other portions of the insurance policy coverage or under other policies of insurance.

(9) Advising a claimant not to obtain the services of an attorney or other advocate or suggesting the claimant will receive less money if an attorney is used to pursue or advise on the merits of a claim.

(10) Misleading a claimant as to the applicable statute of limitations.

(11) Issuing a check or draft in partial settlement of a loss or a claim under a specified coverage when such check or draft contains language which purports to release the insurer from total liability.

(12) Refusal to pay reasonably incurred expenses to the claimant when such expenses resulted from a delay, as prohibited by these rules.

(13) Failure to pay interest at the legal rate, as provided in Title 15 of the Utah Code upon amounts that are overdue under these rules. A claim shall be considered overdue if not settled within 15 days of completion of the investigation.

(14) Failing to deliver a copy of the insurer's guidelines for prompt investigation of claims to the Insurance Department when requested to do so.

R590-191-6. File and Record Documentation.

Each insurer's claim files for policies or certificates are subject to examination by the Commissioner of Insurance or by the Commissioner's duly appointed designees. To aid in such examination:

(1) The insurer shall maintain accessible and retrievable claim file data for examination. The insurer shall be able to provide the policy number, certificate number if any, duplicate of the policy as issued, date of loss, date notice of loss was received, date proof of loss was received, date any investigation commenced, date the investigation was completed, date of settlement or denial of the claim or date the claim was closed without settlement, documentation as to how the claim was settled and how any payments were calculated, and any other documentation relied upon for claim settlement by the insurer.

(2) Detailed documentation shall be contained in each claim file in order to permit reconstruction of the insurer's activities relative to each claim.

(3) Each document within the claim file shall be noted as to date received, date processed or date mailed.

(4) The claim file records must be maintained either in hard copy files, or some other format that has the capability of duplication to hard copy.

R590-191-7. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: insurance law
1999

31A-2-201
31A-2-204
31A-2-308
31A-21-312
31A-26-301
31A-26-303



Public Safety, Administration
R698-4
Certification of the Law Enforcement
Agency of a Private College or
University

NOTICE OF PROPOSED RULE
(New)

DAR File No.: 21779
FILED: 01/13/1999, 13:52
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish the criteria that the law enforcement agency of a private college or university must meet in order to be certified by the commissioner of public safety as a law enforcement agency.

SUMMARY OF THE RULE OR CHANGE: In addition to establishing the criteria the law enforcement agency of a private college or university must meet in order to be certified, this rule addresses the process for denying certification and appealing such denial.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-13-103(1)(b)(xi)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Costs to the state are nominal. Observing the certification criteria established by this rule will not increase department costs, and any costs associated with providing a hearing can easily be absorbed by using the department's existing administrative law judge and procedure.

❖LOCAL GOVERNMENTS: None--the rule does not apply to local government. The rule applies to private colleges and universities.

❖OTHER PERSONS: The thirteen and one-half-week Basic Training Course at Peace Officer Standards and Training (POST) costs \$2,550 for trainees who commute, and \$2,920 for trainees who stay in the dormitories at POST. The only private college or university in Utah which currently has functioning law enforcement officers is Brigham Young University (BYU). BYU already requires its officers to attend the thirteen and one-half-week Basic Training Course offered by POST and therefore, will experience no new costs because of this rule. We are not aware of any other private college or university in Utah which has functioning law enforcement officers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The thirteen and one-half-week Basic Training Course at POST costs \$2,550 for trainees who commute, and \$2,920 for trainees who stay in the dormitories at POST. The only private college or university in Utah which currently has functioning law enforcement officers is BYU. BYU already requires its officers to attend the thirteen and one-half-week Basic Training Course offered by POST, and therefore, will experience no new costs because of this rule. We are not aware of any other private college or university in Utah which has functioning law enforcement officers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses because it does not apply to businesses.

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

Public Safety
Administration
First Floor, Calvin L. Rampton Complex
4501 South 2700 West
Box 141775
Salt Lake City, UT 84114-1775, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 J. Francis Valerga at the above address, by phone at (801) 965-4463, by FAX at (801) 965-4608, or by Internet E-mail at psdomain.psmain.jfvalerga@email.state.us.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: Craig L. Dearden, Commissioner

R698. Public Safety, Administration.
R698-4. Certification of the Law Enforcement Agency of a Private College or University.
R698-4-1. Purpose.

Subsection 53-13-103(1)(b)(xi) provides that the members of a law enforcement agency of a private college or university may be law enforcement officers provided the law enforcement agency of the college or university has been certified by the commissioner of public safety in accordance with rules of the Department of Public Safety (department). The purpose of this rule is to establish the criteria the law enforcement agency of a private college or university must meet in order to be certified.

R698-4-2. Authority.
This rule is authorized by Subsection 53-13-103(1)(b)(xi).

R698-4-3. Application for Certification.
The law enforcement agency of a private university or college wishing to be certified shall make written application for certification to the commissioner of public safety.

R698-4-4. Criteria for Certification.
The following criteria must be met in order for the law enforcement agency of a private college or university to be eligible for certification:

- (1) In accordance with Subsections 53-6-202(4)(a) and 53-6-205(1)(a), the law enforcement agency's officers must successfully complete the basic course at a certified academy, or successfully pass a state certification examination prior to exercising peace officer authority.
- (2) The law enforcement agency must pay for the cost of the basic course training received by its officers.
- (3) In accordance with Subsection 53-6-202(4)(a), the law enforcement agency's officers must satisfactorily complete annual certified training of not less than 40 hours.
- (4) The law enforcement agency's officers shall be subject to all of the requirements of Title 53, Chapter 6, Part 2.
- (5) The law enforcement agency's officers may exercise peace officer authority beyond the geographical limits of the private college or university only in accordance with Section 77-9-3.
- (6) The law enforcement agency's policy and procedure manual shall include a provision requiring its officers to comply with Section 77-9-3.
- (7) The law enforcement agency's policy and procedure manual shall include a provision requiring its officers to comply

with the Law Enforcement Code of Ethics as published by the International Association of Chiefs of Police in the "Police Chief Magazine" (1992).

(8) The law enforcement agency shall comply with the reporting requirements of the statewide crime reporting system established by the department pursuant to Subsection 53-5-203(2).

(9) The private college or university sponsoring the law enforcement agency must be currently accredited by an appropriate accreditation agency recognized by the United States Department of Education.

R698-4-5. Denial or Revocation of Certification Status.
(1) Certification of the law enforcement agency of a private college or university may be denied or revoked for failure to meet the certification criteria set forth in this rule.

(2) Action to deny or revoke a certification shall be considered a formal adjudicative proceeding in accordance with the Administrative Procedures Act, Title 63, Chapter 46b.

(3) A private college or university which is denied certification, or which is notified that the commissioner of public safety intends to revoke its certification, is entitled to a formal hearing before the commissioner or the commissioner's designee.

KEY: colleges, law enforcement officer certification 1999 53-13-103(1)(b)(xi)



Public Service Commission,
 Administration
R746-100
 Practice and Procedure Governing
 Formal Hearings

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 21793
 FILED: 01/15/1999, 17:46
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To reflect statutory changes relating to motor carriers, remove inconsistencies between existing rule and the Utah Administrative Procedures Act, accommodate actual practice before the Commission, and remove extraneous provisions.

SUMMARY OF THE RULE OR CHANGE: Remove material in existing rule relating to motor carriers, over which the Commission no longer provides supervision. Provide information in pleadings to assist the Commission in managing its case load. Make stylistic changes and eliminate or modify existing provisions to track actual practice and procedures which participants have followed in Commission proceedings.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-46a-3, 63-46b-6, and 63-46b-7

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--the changes remove reference and provisions in the existing rule for proceedings involving motor carriers, which are no longer regulated by the Public Service Commission. Other changes reflect actual practice before the Public Service Commission, so there will be no change (increase or decrease) in expenses.

❖LOCAL GOVERNMENTS: None--the rule has no application to local governments.

❖OTHER PERSONS: It is difficult to aggregate the total actual change in costs for all parties which will now file a floppy disk containing their exhibits. The Public Service Commission does not control the number or extent of filings made by utilities. That is driven by their business and operational decisions. However, it would be very unusual for the total amount to exceed \$500 for all utilities. This estimate is based on the following: 1) all large utilities are already filing their material in electronic format, so there will be no change for them; 2) small utilities probably have the capability to provide the material in electronic format (if they used a computer to prepare the document they can make it themselves, if they used out-side consultants, the consultants can provide a copy on disk), so the cost will be limited to the cost of a floppy disk or scanning the document and handling; and 3) it is a rare year that small companies, in total, make over 150 Public Service Commission requests for agency action filings within the year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: One amendment requires all filed exhibits to be provided in an electronic version. Currently, almost every participant in Commission proceedings has been filing electronic versions of their exhibits. For those participants which have not filed such exhibits, the amendment will result in an additional cost, the amount determined by the number of exhibits which a party files and the number of proceedings in which the party participates. The Commission estimates that this will average one 3.5-inch floppy disk per proceeding, less than \$1.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Motor carriers are no longer subject to Commission regulation. Some of the proposed amendments remove provisions which related to motor carrier regulation, there are no costs associated with these changes. Other proposed changes make or amend provisions to follow parties' actual practice before the Commission. As the proposed changes attempt to track the procedures that parties are following in Commission proceedings, there is no anticipated increase in expenses or costs. As noted under "Compliance costs for affected persons," there may be some small cost increase for a very small number of individuals, who have previously only provided paper versions of their exhibits. This increase in costs will be offset by participants' ability to reduce their photocopy expenses by being able to use electronic versions of filed exhibits.

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

Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: Barbara Stroud, Paralegal

R746. Public Service Commission, Administration.

R746-100. Practice and Procedure Governing Formal Hearings.

R746-100-1. General Provisions and Authorization.

A. Procedure Governed -- Sections 1 through 14 of this rule shall govern the formal hearing procedures before the Public Service Commission of Utah, [~~except those involving motor carriers.~~] Sections 15 and 16 shall govern rulemaking proceedings before the Commission.

B. Consumer Complaints -- Consumer complaints are designated as informal proceedings.

C. No Provision in Rules -- In situations for which there is no provision in these rules, the Utah Rules of Civil Procedure shall govern, unless the Commission considers them to be unworkable or inappropriate.

D. Words Denoting Number and Gender -- In interpreting these rules, unless the context indicates otherwise, the singular includes the plural, the plural includes the singular, the present or perfect tenses include future tenses, and the words of one gender include the other gender. Headings are for convenience only, and they shall not be used in construing any meaning.

E. Authorization -- This rule is authorized pursuant to Section 54-1-1 which requires the Commission to exercise its rulemaking powers and Subsection 54-1-2.5 which establishes the requirements for Commission procedure, including Hearings, Practice and Procedure, Chapter 7 of Title 54.

R746-100-2. Definitions.

A. "Applicant" is a party applying for a license, right, or authority from the Commission.

B. "Commission" is the Public Service Commission of Utah. In appropriate context, it may include administrative law judges in the Commission's employ.

C. "Committee" is the Committee of Consumer Services, Department of Commerce.

D. "Complainant" is a person who complains to the Commission of an act or omission of a person in violation of law, the rules, or an order of the Commission.

E. "Consumer complaint" is a complaint of a retail customer against a public utility.

F. [~~"Contested On-the-Record Proceeding" is a proceeding required by constitution, statute, published Commission rule, or order in a particular case, to be decided on the basis of its record, and in which a protest or notice to intervene has been filed.~~

~~G.] "Division" is the Division of Public Utilities, Utah State Department of Commerce.~~

[H]G. "Ex Parte Communication" means an oral or written communication with a member of the Commission, administrative law judge, or Commission employee who is, or may be reasonably expected to be, involved in the decision-making process, relative to the merits of a matter under adjudication unless notice and an opportunity to be heard are given to each party. It shall not, however, include requests for status reports on a proceeding covered by these rules.

[F]H. "Formal proceeding" is a proceeding before the Commission not designated informal by rule, pursuant to Section 63-46b-4.

[F]I. "Informal proceeding" is a proceeding so designated in these rules.

[K]J. "Party" is a participant in a proceeding defined by Subsection 63-46b-2(1)(f).

[E]K. "Interested person" is a person who may be affected by a proceeding before the Commission, but who does not seek [format] intervention. An interested person may not participate in the proceedings except as a public witness, but shall receive copies of notices and orders in the proceeding.

[M]L. "Intervenor" is a person permitted to intervene in a proceeding before the Commission.

[N]M. "Person" means an individual, corporation, partnership, association, governmental subdivision, or governmental agency.

[O]N. "Petitioner" is a person seeking relief other than the issuance of a license, right, or authority from the Commission.

[P]O. "Presiding officer" is a person conducting an adjudicative hearing, pursuant to Subsection 63-46b-2(1)(h), and may be the entire Commission, one or more commissioners acting on the Commission's behalf, or an administrative law judge appointed by the Commission. It may also include the Secretary of the Commission when performing duties identified in Section 54-1-7.

[Q]P. "Proceeding" or "adjudicative proceeding" is an action before the Commission initiated by a notice of agency action, or request for agency action, pursuant to Section 63-46b-3. It is not an informal or preliminary inquiry or investigation undertaken by the Commission to determine whether a proceeding is warranted; nor is it a rulemaking action pursuant to Title 63, Chapter 46a, the Administrative Rulemaking Act.

[R]Q. "Public witness" is a person expressing interest in an issue before the Commission but not entitled or not wishing to participate as a party.

[S]R. "Respondent" is a person against whom a notice of agency action or request for agency action is directed.

[F]S. "Staff" is the Commission staff. Staff participation in proceedings shall be limited pursuant to Section 54-1-6.

R746-100-3. Pleadings.

A. Pleadings Enumerated -- Applications, petitions, complaints, orders to show cause, and other traditional initiatory pleadings may be filed with the Commission. Traditional pleadings will be considered requests for agency action, pursuant to Section 63-46b-3, concerning adjudicative proceedings. Answers, [petitions to intervene,] protests, and other traditional responsive pleadings may be filed with the Commission and will be considered responses, subject to the requirements of Section 63-46b-6.

1. The following filings are not requests for agency action or responses, pursuant to Sections 63-46b-3 and 63-46b-6:

a. motions, oppositions, and similar filings in existing Commission proceedings;

b. informational filings which do not request or require affirmative action, such as Commission approval.

B. Docket Number and Title --

1. Docket number -- Upon the filing of an initiatory pleading, or upon initiation of a generic proceeding, the Commission shall assign a docket number to the proceeding which shall consist of the year in which the pleading was filed, a code identifying the public utility appearing as applicant, petitioner, or respondent, or generic code designation and another number showing its numerical position among the filings involving the utility or generic proceeding filed during the year.

2. Headings and titles -- Pleadings shall bear a heading substantially as follows:

TABLE

Name of Attorney preparing or Signer of Pleading
Address
Telephone Number
Date Submitted

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the)
Application, petition,) Docket Number
etc.-- for complaints,)
names of both complainant) Type of pleading
and respondent should)
appear)

C. Form of Pleadings -- With the exception of consumer complaints, pleadings shall be double-spaced and typewritten, which may include a computer or word processor, if the type is easily legible and in the equivalent of at least 12 pitch elite type. Pleadings shall be presented on paper 8-1/2 x 11 inches, shall include the docket number, if known, and shall be dated and time stamped upon receipt by the Commission. Pleadings shall also be presented as an electronic word processing document, an exact copy of the paper version filed, and may be on a [5-1/4" or] 3-1/2" floppy disk, using [WordPerfect, MS Word, or ASCII, unless prior approval for another format is obtained from the Commission] a Commission-approved format. Pleadings over five pages shall be double sided and three-hole punched [with the holes being 5/16" or larger].

D. Amendments to Pleadings -- The Commission may allow pleadings to be amended or corrected at any time. Initiatory pleadings may be amended without leave of the Commission at any

time before a responsive pleading has been filed or the time for filing the pleading has expired. Defects in pleadings which do not affect substantial rights of the parties shall be disregarded.

E. Signing of Pleadings -- Pleadings shall be signed by the party, or by the party's attorney or other authorized representative if the party is represented by an attorney or other authorized representative, and shall show the signer's address. The signature shall be considered a certification by the signer that he has read the pleading and that, to the best of his knowledge and belief, there is good ground to support it.

F. Consumer Complaints --

1. Alternative dispute resolution, informal procedures -- Before a proceeding on a consumer complaint is initiated before the Commission, the Commission shall try to resolve the matter through referral first to the customer relations department, if any, of the public utility complained of and then to the Division for investigation and mediation. Only after these resolution efforts have failed will the Commission entertain a proceeding on the matter.

2. Request for agency action -- Persons requesting Commission action shall be required to file a complaint in writing, requesting agency action. The Commission shall not act on illegible or incomplete complaints and shall return those complaints to the complainant with instructions for correction or completion.

G. Content of Pleadings --

1. Pleadings filed with the Commission shall include the following information as applicable:

a. if known, the reference numbers, docket numbers, or other identifying symbols of relevant tariffs, rates, schedules, contracts, applications, rules, or similar matter or material;

b. the name of each participant for whom the filing is made or, if the filing is made for a group of participants, the name of the group, if the name of each member of the group is set forth in a previously filed document which is identified in the filing being made;

c. if statute, rule, regulation, or other authority requires the Commission to act within a specific time period for a matter at issue, a specific section of the pleading, located after the heading or caption, entitled "Proceeding Time Period," which shall include: reference or citation to the statute, rule, regulation, or other authority; identification of the time period; and the expiration date of the time period identified by day, month, and year

d. the specific authorization or relief sought;

[d]e. copies of, or references to, tariff or rate sheets relevant to the pleading;

[e]f. the name and address of each person against whom the complaint is directed;

[f]g. the relevant facts, if not set forth in a previously filed document which is identified in the filing being made;

[g]h. the position taken by the participant filing a pleading, to the extent known when the pleading is filed, and the basis in fact and law for the position;

[h]i. the name, address, and telephone number of an individual who, with respect to a matter contained in the filing, represents the person for whom the filing is made;

[i]j. additional information required to be included by Section 63-46b-3, concerning commencement of adjudicative proceedings, or other statute, rule, or order.

H. Motions -- Motions may be submitted for the Commission's decision on either written or oral argument, and the filing of affidavits in support or contravention of the motion is permitted. If oral argument is sought, the party seeking oral argument shall place the matter on the Commission's Law and Motion calendar and provide at least five days written notice to affected parties.

I. Responsive Pleadings -- Responsive pleadings shall be filed in formal proceedings in accordance with Section 63-46b-6.

R746-100-4. Filing and Service.

A. Filing of Pleadings -- Originals of pleadings shall be filed with the Commission in the format described in R746-100-3(C), together with the number of copies designated by the secretary of the Commission.

B. Notice -- Notice shall be given in conformance with Section 63-46b-3.

C. Required Public Notice -- When applying for original authority or rate increase, the party seeking authority or requesting Commission action shall publish notice of the filing or action requested, in the form and within the times as the Commission may order, in a newspaper of general circulation in the area of the state in which the parties most likely to be interested are located.

D. Times for Filing -- Responsive pleadings to ~~[complaints or orders to show cause]~~ requests for agency action shall be filed with the Commission and served upon opposing parties within 30 days after service of the ~~[complaint or order to show cause]~~ request for agency action or notice of request for agency action, which ever was first received. Motions directed toward initiatory pleadings shall be filed before a responsive pleading is due; otherwise objections shall be raised in responsive pleadings. Motions directed toward responsive pleadings shall be filed within ten days of the service of the responsive pleading.

E. Computation of Time -- The time within which an act shall be done shall be computed by excluding the first day and including the last, unless the last day is Saturday, Sunday, or a state holiday, and then it is excluded and the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday.

R746-100-5. Participation.

~~[A.—Generally—]~~Parties to a proceeding before the Commission, as defined in Section 63-46b-2, ~~[shall have full rights to]~~ may participate in a proceeding including the right to present evidence, cross-examine witnesses, make argument, written and oral, submit motions, and otherwise participate as determined by the Commission. The Division and Committee shall be given full participation rights in any case.~~[Interested persons and parties denominated amicus curiae shall be given limited participations rights as the Commission shall determine.~~

~~—B.—Classification—~~ Participants in a proceeding shall be designated "petitioners," "respondents," "intervenor," or "amici curiae" according to the nature of the proceeding and the relation of the parties thereto.]

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R746-100-8. Discovery.

A. Informal discovery -- The Commission encourages parties to exchange information informally. Informational queries termed

"data requests" which have been typically used by parties practicing before the Commission may include written interrogatories and requests for production as those terms are used in the Utah Rules of Civil Procedure. Informal discovery is appropriate particularly with respect to the clarification of pre-filed testimony and exhibits before hearing so as to avoid unnecessary on-the-record cross-examination. The Commission may require an informal exchange of information as it judges appropriate. The Commission, on its own motion or the motion of a party, may require the parties to participate in an informal meeting to exchange information informally and otherwise simplify issues and expedite the proceeding.

B. Formal Discovery -- Discovery shall be made in accordance with Rules 26 through 37, Utah Rules of Civil Procedure, with the following exceptions and modifications.

C. Exceptions and Modifications --

1. If no responsive pleading is required in a proceeding, parties may begin discovery immediately upon the filing and service of an initiatory pleading [~~if protestants and intervenors have filed and served the requisite notices of intervention or protest before they begin discovery~~]. If a responsive pleading is required, discovery shall not begin until ten days after the time limit for filing the responsive pleading.

2. Rule 26(b)(4) restricting discovery shall not apply, and the opinions, conclusions, and data developed by experts engaged by parties shall be freely discoverable.

3. At any stage of a proceeding, the Commission may, on its own motion or that of a party, convene a conference of the parties to establish times for completion of discovery, the scope of, necessity for, and terms of, protective orders, and other matters related to discovery.

4. Formal discovery shall be initiated by an appropriate [~~notice filed with the Commission and~~]discovery request served on the party or person from whom discovery is sought. [~~These notices shall provide a reasonable time for the affected party or person to comply or appear, as the case may be.~~] Discovery requests, regardless of how denominated, responses to, and transcripts of depositions shall not be filed with the Commission unless the Commission orders otherwise.

5. In the applicable Rules of Civil Procedure, reference to "the court" shall be considered reference to the Commission.

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R746-100-10. Hearing Procedure.

A. Time and Place -- When a matter is at issue, the Commission shall set a time and place for hearing. Notice of the hearing shall be served in conformance with Sections 63-46b-3(2)(b) and 63-46b-3(3)(e) at least five days before the date of the hearing.

B. Continuance -- Continuances may be granted upon good cause shown. The Commission may impose the costs in connection with the continuance as it judges appropriate.

C. Failure to Appear -- A party's default shall be entered and disposed of in accordance with Section 63-46b-11.

D. Subpoenas and Attendance of Witnesses -- Commissioners, the secretary to the Commission, and administrative law judges employed by the Commission are delegated the authority to sign and issue subpoenas. Parties desiring the issuance of subpoenas shall submit them to the Commission. The parties at whose behest

the subpoena is issued shall be responsible for service and paying the person summoned the statutory mileage and witness fees. Failure to obey the Commission's subpoena shall be considered contempt.

E. Conduct of the Hearing --

1. Generally -- Hearings may be held before the full Commission, one or more commissioners, or administrative law judges employed by the Commission as provided by law and as the Commission shall direct. Hearings shall be open to the public, except where the Commission closes a hearing for the presentation of proprietary or trade secret material. Failure to obey the rulings and orders of the presiding officer may be considered contempt.

2. Before commissioner or administrative law judge -- When a hearing is conducted before less than the full Commission or before an administrative law judge, the presiding officer shall ensure that the taking of evidence and subsequent matters proceed as expeditiously as practicable. The presiding officer shall prepare and certify a recommended decision to the Commission. Except as otherwise ordered by the Commission or provided by law, the presiding officer may schedule and otherwise regulate the course of the hearing; recess, reconvene, postpone, or adjourn the hearing; administer oaths; rule on and receive evidence; cause discovery to be conducted; issue subpoenas; hold conferences of the participants; rule on, and dispose of, procedural matters, including oral or written motions; summarily dispose of a proceeding or part of a proceeding; certify a question to the Commission; permit or deny appeal to the Commission of an interlocutory ruling; and separate an issue or group of issues from other issues in a proceeding and treat the issue or group of issues as a separate phase of the proceeding. The presiding officer may maintain order as follows:

a. ensure that disregard by a person of rulings on matters of order and procedure is noted on the record or, if appropriate, is made the subject of a special written report to the Commission;

b. if a person engages in disrespectful, disorderly, or contumacious language or conduct in connection with the hearing, recess the hearing for the time necessary to regain order;

c. request that the Commission take appropriate action, including removal from the proceeding, against a participant or counsel, if necessary to maintain order.

3. Before full Commission -- In hearings before the full Commission, the Commission shall exercise the above powers and any others available to it and convenient or necessary to an orderly, just, and expeditious hearing.

F. Evidence --

1. Generally -- The Commission is not bound by the technical rules of evidence and may receive any oral or documentary evidence; except that no finding may be predicated solely on hearsay or otherwise incompetent evidence. Further, the Commission may exclude non-probative, irrelevant, or unduly repetitious evidence. Testimony shall be under oath and subject to cross-examination except that of public witnesses.

2. Exhibits --

a. Except as to oral testimony and items administratively noticed, material offered into evidence shall be in the form of an exhibit. Exhibits shall be premarked and parties offering exhibits shall, before the hearing begins, provide copies of their exhibits to the presiding officer, other participants or their representatives, and the original to the reporter, if there is one, otherwise to the presiding officer. If documents contain information the offering participant

does not wish to include, the offering party shall mark out, excise, or otherwise exclude the extraneous portion on the original. Additions to exhibits shall be dealt with in the same manner.

b. Exhibits shall be premarked, by the offering party, in the upper right corner of each page by identifying the party, the witness, docket number, and a number reflecting the order in which the offering party will introduce the exhibit.

c. Exhibits~~[, if over five pages,]~~ shall conform to the format described in R746-100-3(C) and be double sided and three-hole punched~~[, with the holes being 5/16 of an inch or larger]~~. They shall also be adequately footnoted and if appropriate, accompanied by either narrative or testimony which adequately explains the following: Explicit and detailed sources of the information contained in the exhibit; methods used in statistical compilations, including explanations and justifications; assumptions, estimates and judgments, together with the bases, justifications and results; formulas or algorithms used for calculations, together with explanations of inputs or variables used in the calculations. An exhibit offered by a witness shall also be presented as electronic document, an exact copy of the paper version, filed on a 3-1/2" floppy disk, using a format previously approved by the Commission.

3. Administrative notice -- The presiding officer may take administrative or official notice of a matter in conformance with Section 63-46b-8(1)(b)(iv).

4. Stipulations -- Participants in a proceeding may stipulate to relevant matters of fact or the authenticity of relevant documents. Stipulations may be received in evidence, and if received, are binding on the participants with respect to any matter stipulated. Stipulations may be written or made orally at the hearing.

5. Settlements --

a. Cases may be resolved by a settlement of the parties if approved by the Commission. Issues so resolved are not binding precedent in future cases involving similar issues.

b. Before accepting an offer of settlement, the Commission may require the parties offering the settlement to show that each party has been notified of, and allowed to participate in, settlement negotiations. Parties not adhering to settlement agreements shall be entitled to oppose the agreements in a manner directed by the Commission.

G. Prefiled Testimony -- If a witness's testimony has been reduced to writing and filed with the Commission before the hearing, in conformance with R746-100-3(C), at the discretion of the Commission, the testimony may be placed on the record without being read into the record; if adverse parties shall have been served with, or otherwise have had access to, the prefiled, written testimony for a reasonable time before it is presented. Except upon a finding of good cause, a reasonable amount of time shall be at least ten days. The testimony shall have line numbers inserted at the left margin and shall be authenticated by affidavit of the witness. If admitted, the testimony shall be marked and incorporated into the record as an exhibit. Parties shall have full opportunity to cross-examine the witness on the testimony. Unless the Commission orders otherwise, parties shall have witnesses present summaries of prefiled testimony orally at the hearing. Witnesses shall reduce their summaries to writing and either file them with their prefiled testimony or ~~[serve]~~deliver them ~~[on]~~to parties of record ~~[not less than 48 hours]~~before or at the hearing. At the hearing, witnesses shall read their summaries into the record. Opposing parties may

cross-examine both on the original prefiled testimony and the summaries.

H. Rate Case Joint Exhibits -- Both narrative and numerical joint exhibits, detailing each party's position on each issue, shall be filed with the Commission before the hearing. These joint exhibits shall:

a. be updated throughout the hearing;

b. depict the final positions of each party on each issue at the end of the hearing; and

c. be in conformance with R746-100-3(C).

I. Recording of Hearing and Transcript -- Hearings shall be recorded by a shorthand reporter licensed in Utah; except that in non-contested matters, or by agreement of the parties, hearings may be recorded electronically.

J. Order of Presentation of Evidence -- Unless the presiding officer orders otherwise, applicants or petitioners, including petitioners for an order to show cause, shall first present their case in chief, followed by ~~[opponents, intervenors, and the Division]~~other parties, in the order designated by the presiding officer, followed by the proposing party's rebuttal.

K. Cross-Examination -- The Commission may require written cross-examination and may limit the time given parties to present evidence and cross-examine witnesses. The presiding officer may exclude friendly cross-examination. The Commission discourages and may prohibit parties from making their cases through cross-examination.

L. Procedure at Conclusion of Hearing -- At the conclusion of proceedings, the presiding officer may direct a party to submit written proposed findings of fact and conclusions of law. The presiding officer may order proposed findings and conclusions in other matters as judged appropriate. The presiding officer may also order parties to present further matter in the form of oral argument or written memoranda.

R746-100-11. Decisions and Orders.

A. Generally -- Decisions and orders may be drafted by the Commission or by parties as the Commission may direct. Draft or proposed ~~[O]~~orders shall contain a heading similar to that of pleadings and bear at the top the name, address, and telephone number of the persons preparing them. Final orders shall have a concise summary of the case containing the salient facts, the issues considered by the Commission, and the Commission's disposition of them. Parties preparing final orders shall be responsible for preparing and filing the abstract~~[, and final orders shall not be complete without the abstract]~~.

B. Recommended Orders -- If a case has been heard by less than the full Commission, or by an administrative law judge, the official hearing the case shall submit to the Commission a recommended report containing proposed findings of fact, conclusions of law, and an order based thereon.

C. Final Orders of Commission -- If a case has been heard by the full Commission, it shall confer following the hearing. Upon reaching its decision, the Commission shall draft or direct the drafting of a report and order, which upon signature of at least two Commissioners shall become the order of the Commission. Dissenting and concurring opinions of individual Commissioners may be filed with the order of the Commission.

D. Deliberations -- Deliberations of the Commission shall be in closed chambers.

E. Effective Date -- Copies of the Commission's final report and order shall be served upon the parties of record. Orders shall be effective the date of issuance unless otherwise stated in the order. Upon petition of a party, and for good cause shown, the Commission may extend the time for compliance fixed in an order.

F. Review or Rehearing -- Petitions for review or rehearing shall be filed within 20 days of the issuance date of the order in accordance with Section 63-46b-13 and served on other parties of record. Following the filing of a petition for review, opposing parties may file responsive memoranda or pleadings within 10 days. Other proceedings on review shall be in accordance with Section 54-7-17.

R746-100-12. Appeals.

Appeals from final orders of the Commission shall be to ~~[the Supreme Court of Utah]~~ a court of appropriate jurisdiction.

R746-100-13. Ex Parte Communications.

A. Ex Parte Communications Prohibited -- To avoid prejudice, real or perceived, to the public interest and persons involved in proceedings pending before the Commission:

B. Persons Affected -- Except as permitted in R746-100-13(C), no person who is a party~~[to on-the-record proceedings]~~, or the party's counsel, agent, or other person acting on the party's behalf, shall engage in ex parte~~[off-the-record]~~ communications with a commissioner, administrative law judge, or any other employee of the Commission who is or may reasonably be expected to be involved in the decision-making process, regarding a matter pending before the Commission~~[in the contested on-the-record proceeding]~~. No commissioner, administrative law judge, or other employee of the Commission who is or may reasonably be expected to be involved in the decision-making process, shall request or entertain ex parte~~[off-the-record]~~ communications.

C. Exceptions -- The prohibitions contained in R746-100-13(B) do not apply to a communication:

1. from an interceder who is a local, state, or federal agency which has no official interest in the outcome and whose official duties are not affected by the outcome of the on-the-record proceedings before the Commission to which the communication relates;
2. from a party, or the party's counsel, agent, or other person acting on the party's behalf~~[in an on-the-record proceeding]~~, if the communication relates to matters of procedure only;
3. from a person when otherwise authorized by law;
4. related to routine safety, construction, and operational inspections of project works by Commission employees undertaken to investigate or study a matter pending before the Commission~~[in an on-the-record proceeding]~~;
5. related to routine field audits of the accounts or the books or records of a company subject to the Commission's accounting requirements not undertaken to investigate or study a matter pending in issue before the Commission in a~~[n on-the-record]~~ proceeding;
6. related solely to a request for supplemental information or data necessary for an understanding of factual materials contained in documents filed with the Commission in a proceeding covered by these rules and which is made in the presence of or after coordination with counsel.

D. Records of Ex Parte Communications -- Written communications prohibited by R746-100-13(B), sworn statements reciting the substance of oral communications, and written responses and sworn statements reciting the substance of oral responses to prohibited communications shall be delivered to the secretary of the Commission who shall place the communication in the case file, but separate from the material upon which the Commission can rely in reaching its decision. The secretary shall serve copies of the communications upon parties to the proceeding and serve copies of the sworn statement to the communicator and allow him a reasonable time to file a response.

F. Treatment of Ex Parte Communications -- A commissioner, administrative law judge, or an employee of the Commission who receives an oral offer of a communication prohibited by R746-100-13(B) shall decline to hear the communication and explain that the matter is pending for determination. If unsuccessful in preventing the communication, the recipient shall advise the communicator that the communication will not be considered. The recipient shall, within two days, prepare a statement setting forth the substance of the communication and the circumstances of its receipt and deliver it to the secretary of the Commission for filing. The secretary shall forward copies of the statement to the parties.

G. Rebuttal -- Requests for an opportunity to rebut on the record matters contained in an ex parte communication which the secretary has associated with the record may be filed in writing with the Commission. The Commission may grant the requests only if it determines that fairness so requires. If the communication contains assertions of fact not a part of the record and of which the Commission cannot take administrative notice, the Commission, in lieu of receiving rebuttal material, normally will direct that the alleged factual assertion on proposed rebuttal be disregarded in arriving at a decision. The Commission will not normally permit a rebuttal of ex parte endorsements or oppositions by civic or other organizations by the submission of counter endorsements or oppositions.

H. Sanctions -- Upon receipt of a communication knowingly made in violation of R746-100-13(B), the presiding officer may require the communicator, to the extent consistent with the public interest, to show cause why the communicator's interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected because of the violation.

I. Time When Prohibitions Apply -- The prohibitions contained in this rule shall apply from the time at which a proceeding is noticed for hearing or the person responsible for the communication has knowledge that it will be noticed for hearing or when a protest or a ~~[motion or notice]~~request to intervene in opposition to requested Commission action has been filed, whichever occurs first.

R746-100-14. Law and Motion Calendar.

There shall be a Law and Motion Calendar~~[excluding transportation matters]~~, on Tuesdays commencing at 9:00 a.m., or as otherwise established and announced by the Commission, for the disposition of motions and like matters. It shall be the responsibility of parties filing law and motion matters to have them placed on the Commission's Law and Motion Calendar and to notify parties of record by written notice, or as otherwise directed by the Commission, of the time and place of hearings not fewer than five days before the hearings.

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KEY: [~~rules and procedures, public utilities,~~]government hearings, public utilities, rules and procedures [February 1, 1996]1999 Notice of Continuation December 8, 1997

54-1-6
54-4-1
54-7-17
63-46b



Public Service Commission, Administration
R746-200
Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 21794
FILED: 01/15/1999, 17:46
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To incorporate changes to existing provisions suggested by utilities, consumer advocates and state agencies and resulting from past Commission proceedings.

SUMMARY OF THE RULE OR CHANGE: These changes eliminate irrelevant language, include rule provisions for the resolutions made in past informal consumer complaint proceedings and accommodate occasional delays in service termination. (Note: Please identify comments using Docket 98-R200-02.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-3-1, 54-4-1, and 54-4-7

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--the changes implement prior Public Service Commission rulings made in individual complaint proceedings involving various utilities. There will be no change in agency activity.
❖LOCAL GOVERNMENTS: None--the rule does not apply to local governments.
❖OTHER PERSONS: None--the changes implement prior resolutions or suggestions for practice submitted by interested parties.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are anticipated as the changes place into rule provisions the same results as the final resolution of past informal complaint proceedings or procedures which have been agreed to or which are followed by the utilities involved.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Companies have already incorporated these provisions into their operations due to past Commission resolutions in informal consumer complaint proceedings, by past agreement with state regulatory agencies or a company's own practice.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: Barbara Stroud, Paralegal

R746. Public Service Commission, Administration.
R746-200. Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities.
R746-200-1. General Provisions.

A. Title -- These rules shall be known and may be cited as the Residential Utility Service Rules.

B. Purpose -- The purpose of these Rules is to establish and enforce uniform residential utility service practices and procedures governing eligibility, deposits, account billing, termination, and deferred payment agreements.

C. Policy --

1. The policy of these rules is to assure the adequate provision of residential utility service, to restrict unreasonable termination of or refusal to provide residential utility service, to provide functional alternatives to termination or refusal to provide residential utility service, and to establish and enforce fair and equitable procedures governing eligibility, deposits, account billing, termination, and deferred payment agreements.

2. Nondiscrimination -- Residential utility service shall be provided to qualified persons without regard to employment, occupation, race, handicap, creed, sex, national origin, marital status, or number of dependents.

D. Requirement of Good Faith -- Each agreement or obligation within these rules imposes an obligation of good faith, honesty, and fair dealings in its performance and enforcement.

E. Customer Information -- [At the time that]When residential service is extended to an account holder, a public utility shall provide the consumer with a consumer information pamphlet

approved by the Commission which clearly describes and summarizes the substance of these rules. The utility shall mail or deliver a copy of this pamphlet, or a summarized version approved by the Commission, to its residential customers annually in September or October. Copies of this pamphlet shall be prominently displayed in the business offices maintained by the utility and furnished to consumers upon request. The utility has a continuing obligation to inform its consumers of significant amendments to these rules. Each utility with over 10,000 customers receiving service shall print and make available upon request a Spanish edition of a consumer information pamphlet. The English edition of the pamphlet shall contain a prominent notice, written in Spanish and English, that the utility has a Spanish edition of its pamphlet and whether or not it has qualified personnel available to help Spanish-speaking customers. ~~[For the purposes of]~~In this section, utilities with fewer than 10,000 users may use the pamphlets printed by the Division of Public Utilities for the distribution and availability requirements.

F. Scope --

1. These rules shall apply to gas, water, sewer, and electric utilities that are subject to the regulatory authority of the Commission. Except as provided in R746-200-6(G)(4), Notice of Proposed Termination, these rules do not apply to master metered apartment dwellings.~~[Motor carriers, railroad corporations and telecommunications corporations, are excluded from the requirements of these rules.]~~ Commercial, industrial, government accounts and special contracts are also excluded from the requirements of these rules.

2. Upon a showing that specified portions of these rules impose an undue hardship and provide limited benefit to its customers, a utility may petition the Commission for an exemption from specified portions of these rules.

G. Customer's Statement of Rights and Responsibilities --

When utility service is extended to an account holder, annually, and upon first notice of an impending service disconnection, a public utility shall provide a copy of the "Customer's Statement of Rights and Responsibilities" as approved by the Commission. The Statement of Rights and Responsibilities shall be a single page document. It shall be prominently displayed in each customer service center.

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R746-200-3. Deposits, ~~and~~ Eligibility for Service, and Shared Meter or Appliance.

A. Deposits and Guarantees --

1. Each utility shall submit security deposit policies and procedures to the Commission for its approval before the implementation and use of those policies and procedures. Each utility shall submit third-party guarantor policies and procedures to the Commission.

2. Each utility collecting security deposits shall pay interest thereon at a rate as established by the Commission. For electric cooperatives and electric service districts, interest rates shall be determined by the governing board of directors of the cooperative or district and filed with the Commission and shall be deemed approved by the Commission unless ten percent or more of the customers file a request for agency action requesting an investigation and hearing. The deposit paid, plus accrued interest,

is eligible for return to the customer after the customer has paid the bill on time for 12 consecutive months.

3. A residential customer shall have the right to pay a security deposit in at least three equal monthly installments if the first installment is paid ~~[at the time]~~when the deposit is required.

B. Eligibility for Service --

1. Residential utility service is to be conditioned upon payment of deposits, where required, and of any outstanding debts for past utility service which are owed by the applicant to that public utility, subject to Subsections R746-200-3(B)(2), and R746-200-6(B)(2), Reasons for Termination. Service may be denied when unsafe conditions exist, when the applicant has furnished false information to get utility service, or when the customer has tampered with utility-owned equipment, such as meters and lines. An applicant is ineligible for service if at the time of application, the applicant is cohabiting with a delinquent account holder, whose utility service was previously ~~terminated~~disconnected for non-payment, and the applicant and delinquent account holder also cohabited while the delinquent account holder received the utility's service, whether the service was received at the applicants present address or another address.

2. When an applicant cannot pay an outstanding debt in full, residential utility service shall be provided upon execution of a written, deferred payment agreement as set forth in Section R746-200-5.

C. Shared Meter or Appliance - In rental property where one meter provides service to more than one unit or where appliances provide service to more than one unit or to other occupants at the premises, and this situation is known to the utility, the utility will recommend that service be in the property owner's name and the property owner be responsible for the service. However, a qualifying applicant will be allowed to put service in their own name provided the applicant acknowledges that the request for services is entered into willingly and he has knowledge of the account responsibility.

R746-200-4. Account Billing.

A. Billing Cycle -- Each gas, electric, sewer and water utility shall use a billing cycle that has an interval between regular periodic billing statements of ~~[about one or]~~not greater than two months. This section applies to permanent continuous service customers, not to seasonal customers.

B. Estimated Billing --

1. A gas, electric, sewer or water public utility using an estimated billing procedure shall try to make an actual meter reading at least once in a two-month period and ~~[render]~~give a bill for the appropriate charge determined from that reading. When weather conditions prevent regular meter readings, or when customers are served on a seasonal tariff, the utility will make arrangements with the customer to get meter reads at acceptable intervals.

2. If a meter reader cannot gain access to a meter to make an actual reading, the public utility shall take appropriate additional measures in an effort to get an actual meter reading. These measures shall include, but are not limited to, scheduling of a meter reading at other than normal business hours, making an appointment for meter reading, or providing a prepaid postal card with a notice of instruction upon which an account holder may record a meter reading. If after two regular route visits, access has

not been achieved, the utility will notify the customer that he must make arrangements to have the meter read as a condition of continuing service.

3. If, after compliance with Subsection R746-200-4(B)(2), a public utility cannot make an actual meter reading it may ~~render~~give an estimated bill for the current billing cycle in accordance with Subsection R746-200-6(B)(1)(f), Reasons for Termination.

C. Periodic Billing Statement -- Except when a residential utility service account is considered uncollectible or when collection or termination procedures have been started, a public utility shall mail or deliver an accurate bill to the account holder for each billing cycle at the end of which there is an outstanding debit balance for current service, a statement which the account holder may ~~retain~~keep, setting forth each of the following disclosures to the extent applicable:

1. the outstanding balance in the account at the beginning of the current billing cycle using a term such as "previous balance";
2. the amount of charges debited to the account during the current billing cycle using a term such as "current service";
3. the amount of payments made to the account during the current billing cycle using a term such as "payments";
4. the amount of credits other than payments to the account during the current billing cycle using a term such as "credits";
5. the amount of late payment charges debited to the account during the current billing cycle using a term such as "late charge";
6. the closing date of the current billing cycle and the outstanding balance in the account on that date using a term such as "amount due";
7. a listing of the statement due date by which payment of the new balance must be made to avoid assessment of a late charge;
8. a statement that a late charge, expressed as an annual percentage rate and a periodic rate, may be assessed against the account for late payment;
9. the following notice: "If you have any questions about this bill, please call the Company."

D. Late Charge --

1. Commencing not sooner than the end of the first billing cycle after the statement due date, a late charge of a periodic rate as established by the Commission may be assessed against an unpaid balance in excess of new charges debited to the account during the current billing cycle. The Commission may change the rate of interest.

2. No other charge, whether described as a finance charge, service charge, discount, net or gross charge may be applied to an account for failure to pay an outstanding bill by the statement due date. This section does not apply to reconnection charges or return check service charges.

E. Statement Due Date -- An account holder shall have not less than 20 days from the date the current bill was prepared to pay the new balance, which date shall be the statement due date.

F. Disputed Bill --

1. In disputing a periodic billing statement, an account holder shall first try to resolve the issue by discussion with the public utility's collections personnel.

2. When an account holder has proceeded pursuant to Subsection R746-200-4(F)(1), the public utility's collections personnel shall investigate the disputed issue and shall try to resolve that issue by negotiation.

3. If the negotiation does not resolve the dispute, the account holder may obtain informal and formal review of the dispute as set forth in Section R746-200-7, Informal Review, and R746-200-8, Formal Review.

4. While an account holder is proceeding with either informal or formal review of a dispute, no termination of service shall be permitted if amounts not disputed are paid when due.

G. Unpaid Bills - Utilities transferring unpaid bills from inactive or past accounts to active or current accounts shall follow these limitations:

1. A utility company may only transfer bills between similar classes of service, such as residential to residential, not commercial to residential.

2. Unpaid amounts for billing cycles older than four years before the time of transfer cannot be transferred to an active or current account.

3. The customer shall be provided with an explanation of the transferred amounts from earlier billing cycles and informed of the customer's ability to dispute the transferred amount.

4. The customer may dispute the transferred amount pursuant to R746-200-4(F).

R746-200-5. Deferred Payment Agreement.

A. Deferred Payment Agreement --

1. An applicant or account holder who cannot pay a delinquent account balance on demand shall have the right to receive residential utility service under a deferred payment agreement subject to R746-200-5(B), Breach.

2. Gas and electric utilities shall have personnel available 24 hours each day to reconnect utility service, if, before reconnection, the account holder agrees to negotiate and execute a deferred payment agreement and to pay the first installment by visiting the utility's business office within 48 hours after service has been reconnected. A water utility shall have personnel available so that service can be restored before 6:00 p.m. on the next generally recognized business day.

3. The applicant or account holder shall have the right to set the amount of the equal monthly installment of a deferred payment agreement, if the full amount of the delinquent balance plus interest shall be paid within 12 months and if the account holder agrees to make an initial payment not less than the amount of the monthly installment. The account holder shall have the right to pre-pay the outstanding balance due under a deferred payment agreement at any time during the term of the agreement. The account holder also has the option, when negotiating a deferred payment agreement, to include the amount of the current month's bill plus the reconnection charges in the total amount to be paid over the term of the deferred payment agreement.

4. If a utility has a budget billing or equal payment plan available, it shall offer the account holder the option of agreeing to pay the current bills for residential utility service plus the monthly installment necessary to liquidate the delinquent bill or of agreeing to pay a budget billing amount set by the utility plus the monthly deferred payment installment. When negotiating a deferred payment agreement with a utility that does not offer a budget billing plan, the account holder shall agree to pay the current bills for residential utility service plus the monthly installment necessary to liquidate the delinquent bill.

5. The terms of the deferred payment agreement shall be set forth in a written agreement, a copy of which shall be provided to the customer.

6. A deferred payment agreement may include a finance charge as established by the Commission. If a finance charge is assessed, the deferred payment agreement shall contain notice of the charge.

B. Breach -- If an applicant or account holder breaches a condition or term of a deferred payment agreement, the public utility may treat that breach as a delinquent account and shall have the right to ~~terminate~~disconnect service pursuant to these rules, subject to the right of the customer to seek review of the alleged breach by the Commission, and the account holder shall not have the right to a renewal of the deferred payment agreement. Renewal of deferred payment agreements after the breach shall be at the utility's option.

R746-200-6. Termination of Service.

A. Delinquent Account --

1. A residential utility service bill which has remained unpaid beyond the statement due date is a delinquent account.

2. When an account is a delinquent account, a public utility, before termination of service, shall issue a written late notice to inform the account holder of the delinquent status. A late notice or reminder notice must include the following information:

a. A statement that the account is a delinquent account and should be paid promptly;

b. A statement that the account holder should communicate with the public utility's collection department, by calling the company, if he has a question concerning the account;

c. A statement of the delinquent account balance, using a term such as "delinquent account balance."

3. When the account holder responds to a late notice or reminder notice the public utility's collections personnel shall investigate disputed issues and shall try to resolve the issues by negotiation. During this investigation and negotiation no other action shall be taken to ~~terminate~~disconnect the residential utility service if the account holder pays the undisputed portion of the account subject to the utility's right to terminate utility service pursuant to R746-200-6(F), Termination of Service Without Notice.

4. A copy of the "Statement of Customer Rights and Responsibilities" referred to in Subsection R746-200-1(G) of these rules shall be issued to the account holder with the first notice of impending service disconnection.

B. Reasons for Termination of Service --

1. Residential utility service may be terminated for the following reasons:

a. Nonpayment of a delinquent account;

b. Nonpayment of a deposit when required;

c. Failure to comply with the terms of a deferred payment agreement or Commission order;

d. Unauthorized use of, or diversion of, residential utility service or tampering with wires, pipes, meters, or other equipment;

e. Subterfuge or deliberately furnishing false information; or

f. Failure to provide access to meter during the regular route visit to the premises following proper notification and opportunity to make arrangements in accordance with R746-200-4(B), Estimated Billing, Subsection (2).

2. The following shall be insufficient grounds for termination of service:

a. A delinquent account, accrued before a divorce or separate maintenance action in the courts, in the name of a former spouse, cannot be the basis for termination of the current account holder's service;

b. Cohabitation of a current account holder with a delinquent account holder whose utility service was previously terminated for non-payment, unless the current and delinquent account holders also cohabited while the delinquent account holder received the utility's service, whether the service was received at the current account holder's present address or another address;

c. When the delinquent account balance is less than \$25.00, unless no payment has been made for two months;

d. Failure to pay an amount in bona fide dispute before the Commission;

e. Payment delinquency for third party services billed by the regulated utility company, unless prior approval is obtained from the Commission.

C. Restrictions upon Termination of Service During Serious Illness --

1. Residential gas, water, sewer and electric utility service may not be terminated and will be restored if terminated when the termination of service will cause or aggravate a serious illness or infirmity of a person living in the residence. Utility service will be restored or continue for one month or less as stated in Subsection R746-200-6(C)(2).

2. Upon receipt of a physician's statement, either on a form obtained from the utility or on the physician's letterhead stationery, identifying the health infirmity or potential health hazard, a public utility will continue or restore residential utility service for the period set forth in the physician's statement or one month, whichever is less; however, the person whose health is threatened or illness aggravated may petition the Commission for an extension of time.

3. During the period of continued service, the account holder is liable for the cost of residential utility service. No action to terminate the service may be undertaken, however, until the end of the period of continued service.

D. Restrictions upon Termination of Service to Residences with Life-Supporting Equipment -- No public utility shall terminate service to a residence in which the account holder or a resident is known by the utility to be using an iron lung, respirator, dialysis machine, or other life-supporting equipment, without specific prior approval by the Commission. Account holders eligible for this protection can get it by filing a written notice with the utility. Thereupon, a public utility shall mark and identify applicable meter boxes when this equipment is used.

E. Payments for HEAT, Home Energy Assistance Target, Program -- The Commission approves the provision of the Department of Human Service's standard contract with public utility suppliers in Utah that suppliers will not discontinue utility service to a low-income household for at least 30 days after receipt of utility payment from the state program on behalf of the low-income household.

F. Termination of Service Without Notice -- Any provision contained in these rules notwithstanding, a public utility may terminate residential utility service without notice when, in its judgment, a clear emergency or serious health or safety hazard

exists for so long as the conditions exist, or when there is unauthorized use or diversion of residential utility service or tampering with wires, pipes, meters, or other equipment owned by the utility. The utility shall immediately try to notify the customer of the termination of service and the reasons therefor.

G. Notice of Proposed Termination of Service --

1. At least 10 calendar days before a proposed termination of residential utility service, a public utility shall give written notice of disconnection for nonpayment to the account holder. The 10-day time period is computed from the date the bill is postmarked. The notice shall be given by first class mail or delivery to the premises and shall contain a summary of the following information:

a. a Statement of Customer Rights and Responsibilities under existing state law and Commission rules;

b. the Commission-approved policy on termination of service for that utility;

c. the availability of deferred payment agreements and sources of possible financial assistance including but not limited to state and federal energy assistance programs;

d. informal and formal procedures to dispute bills and to appeal adverse decisions, including the Commission's address and telephone number;

e. specific steps, printed in a conspicuous fashion, that may be taken by the consumer to avoid termination of service;

f. the date on which payment arrangements must be made to avoid termination of service; and

g. subject to the provision of Subsection R746-200-1(E), Customer Information, a conspicuous statement, in Spanish, that the notice is a termination of service notice and that the utility has a Spanish edition of its customer information pamphlet and whether it has personnel available during regular business hours to communicate with Spanish-speaking customers.

2. At least 48 hours before termination of service is scheduled, the utility shall make good faith efforts to notify the account holder or an adult member of the household, by mail, by telephone or by a personal visit to the residence. If personal notification has not been made either directly by the utility or by the customer in response to a mailed notice, the utility shall leave a written termination of service notice at the residence. Personal notification, such as a visit to the residence or telephone conversation with the ~~[termination party]~~customer, is required only during the winter months, October 1 through March 31. Other months of the year, the mailed 48-hour notice can be the final notice before the termination of service.

If termination of service is not accomplished within 15 days following the 48-hour notice, the utility company will follow the same procedures for another 48-hour notice.

3. A public utility shall send duplicate copies of 10-day termination of service notices to a third party designated by the account holder and shall make reasonable efforts to personally contact the third party designated by the account holder before termination of service occurs, if the third party resides within its service area. A utility shall inform its account holders of the third-party notification procedure at the time of application for service and at least once each year.

4. ~~[For residential premises when a person other than the occupant]~~In rental property situations where the tenant is not the account holder and that fact is known to the utility, the utility shall post a notice of proposed termination of service on the premises in

a conspicuous place and shall make reasonable efforts to give actual notice to the occupants by personal visits or other appropriate means at least five calendar days before the proposed termination of service. The posted notice shall contain the information ~~[specified]~~listed in Subsection R746-200-6(G)(1). This notice provision applies to residential premises when the account holder has requested termination of service or the account holder has a delinquent bill. If nonpayment is the basis for the termination of service, the utility shall also advise the tenants that they may continue to receive utility service for an additional 30 days by paying the charges due for the 30-day period just past.

H. Termination of Service -- Upon expiration of the notice of proposed termination of service, the public utility may terminate residential utility service. Except for service diversion or for safety considerations, utility service shall not be disconnected between Thursday at 4:00 p.m. and Monday at 9:00 a.m. or on legal holidays recognized by Utah, or other times the utility's business offices are not open for business. Service may be disconnected only between the hours of 9:00 a.m. and 4:00 p.m.

I. Customer-Requested Termination of Service --

1. A customer shall advise a public utility at least three days in advance of the day on which he wants service disconnected to his residence. The public utility shall disconnect the service within four working days of the requested disconnect date. The customer shall not be liable for the services rendered to or at the address or location after the four days, unless access to the meter has been delayed by the customer.

2. A customer who is not an occupant at the residence for which termination of service is requested shall advise the public utility at least 10 days in advance of the day on which he wants service disconnected and sign an affidavit that he is not requesting termination of service as a means of evicting his tenants. Alternatively, the customer may sign an affidavit that there are no occupants at the residence for which termination of service is requested and thereupon the disconnection may occur within four days of the requested disconnection date.

J. Restrictions Upon Termination of Service Practices -- A public utility shall not use termination of service practices other than those set forth in these rules. A utility shall have the right to use or pursue legal methods to ensure collections of obligations due it.

K. Policy Statement Regarding Elderly and Handicapped -- The state recognizes that the elderly and handicapped may be seriously affected by termination of utility service. In addition, the risk of inappropriate termination of service may be greater for the elderly and handicapped due to communication barriers which may exist by reason of age or infirmity. Therefore, this section is specifically intended to prevent inappropriate terminations of service which may be hazardous to these individuals. In particular, Subsection R746-200-6(G), requiring adequate notice of impending terminations of service, including notification to third parties upon the request of the account holder, Subsection R746-200-6(C), restricting termination of service when the termination of service will cause or aggravate a serious illness or infirmity of a person living in the residence, and Subsection R746-200-6(D), restricting terminations of service to residences when life-supporting equipment is in use, are intended to meet the special needs of elderly and handicapped persons, as well as those of the public in general.

L. Load Limiter as a Substitute for Termination of Service, Electric Utilities --

1. An electric utility may, but only with the customer's consent, install a load limiter as an alternative to terminating electric service for non-payment of a delinquent account or for failure to comply with the terms of a deferred payment agreement or Commission order. Conditions precedent to the termination of electric service must be met before the installation of a load limiter.

2. Disputes about the level of load limitation are subject to the informal review procedure of Subsection R746-200-7.

3. Electric utilities shall submit load limiter policies and procedures to the Commission for their review before the implementation and use ~~thereof~~ of those policies.

R746-200-7. Informal Review.

Subject to ~~the provisions of~~ Subsection R746-100-3(F)(1), Consumer Complaints, a person who cannot resolve a dispute with the utility concerning a matter addressed in these rules may obtain informal review of the dispute by a designated employee within the Division of Public Utilities. This employee shall investigate the dispute, try to resolve it, and inform both the utility and the consumer of his findings within five business days from receipt of the informal review request. The Division of Public Utilities shall inform the consumer of his right to petition the Commission for a formal review of the dispute, and shall make available to the consumer a standardized complaint form with instructions approved by the Commission. While an account holder is proceeding with an informal or a formal review of a dispute, no termination of service shall be permitted, provided any amounts not disputed are paid when due, subject to the utility's right to terminate service pursuant to R746-200-6(F), Termination of Service Without Notice.

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R746-200-9. Penalties.

A. A residential account holder who claims that a regulated utility has violated a provision of these customer service rules, other Commission rules, company tariff, or other approved company practices may ~~utilize~~ use the informal and formal grievance procedures. If ~~deemed~~ considered appropriate, the Commission may assess a penalty pursuant to Section 54-7-25.

B. Fines collected shall be used to assist low income Utahns to meet their basic energy needs.

KEY: public utilities, rules, utility service shutoff*
[March 14, 1997]1999

54-4-1
54-4-7
54-7-9
54-7-25



Tax Commission, Property Tax
R884-24P-53
1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21789

FILED: 01/15/1999, 14:26

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Tax Commission has recently discovered an error in the last rule amendment filed. The changes in several tables were not amended according to the 1999 valuation guides. This error must be corrected to ensure that the farmland in question is taxed at a uniform and equal rate.

(DAR Note: The last rule amendment was published in the November 1, 1998, issue of the *Utah State Bulletin*, under DAR No. 21557, and was made effective on 12/18/98.)

SUMMARY OF THE RULE OR CHANGE: The amendment corrects the 1999 assessment values for the following classes of property: Irrigated III, Irrigated IV, Fruit Orchards, Dry III, and Dry IV.

(DAR Note: A corresponding 120-day (emergency) rule, effective as of January 12, 1999, is found under DAR No. 21777 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-514

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting for the uniform school fund based on increased or decreased property valuation, including property on "greenbelt." Property valuation changes have been recommended by class and by county. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1998, and a listing of property no longer qualifying which is removed from greenbelt during 1998. However, it is estimated that the overall change is minimal due to this amendment.

❖LOCAL GOVERNMENTS: The amount of savings or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation, including property on "greenbelt." Property valuation changes have been recommended by class and by county. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1998, and a listing of property no longer qualifying which is removed from greenbelt during 1998. However, it is estimated that the overall change is new value indicators into their computer systems to be applied against the acreage for individual property. This input process is easily done and represents no significant cost in time or money to the assessors' offices.

❖OTHER PERSONS: Each property owner with property subject to assessment under the Farmland Assessment Act may see a change in value, depending on property class and situs county. The affect on the property owner will be an increase, decrease or no change depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1998, and a listing of property no longer qualifying which is removed from greenbelt during 1998. In addition, the compliance cost will further be altered by changes to the local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each property owner with property subject to assessment under the Farmland Assessment Act may see a change in value, depending on property class and situs county. The affect on the property owner will be an increase, decrease or no change depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1998, and a listing of property no longer qualifying which is removed from greenbelt during 1998. In addition, the compliance cost will further be altered by changes to the local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated above, the fiscal impact to businesses will vary depending on the county and property classification. In the aggregate, the fiscal impact is estimated to be minimal.

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

Tax Commission
 Property Tax
 Tax Commission Building
 210 North 1950 West
 Salt Lake City, UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/14/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-53. 1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.

A. Each year the Property Tax Division shall update and publish schedules to determine the taxable value for land subject to the Farmland Assessment Act on a per acre basis.

1. The schedules shall be based on the productivity of the various types of agricultural land as determined through crop budgets and net rents.

2. Proposed schedules shall be transmitted by the Property Tax Division to county assessors for comment before adoption.

3. County assessors may not deviate from the schedules.

B. All property defined as farmland pursuant to Section 59-2-501 shall be assessed on a per acre basis as follows:

1. Irrigated farmland shall be assessed under the following classifications.

a) Irrigated I. The following counties shall assess Irrigated I property based upon the per acre values listed below:

TABLE 1
 Irrigated I

1) Box Elder	700
2) Cache	625
3) Carbon	550
4) Davis	725
5) Emery	450
6) Iron	675
7) Kane	400
8) Millard	700
9) Salt Lake	650
10) Utah	650
11) Washington	650
12) Weber	725

(Note: Some counties do not have Irrigated I property.)

b) Irrigated II. The following counties shall assess Irrigated II property based upon the per acre values listed below:

TABLE 2
 Irrigated II

1) Box Elder	600
2) Cache	525
3) Carbon	450
4) Davis	625

5) Duchesne	475
6) Emery	350
7) Grand	375
8) Iron	575
9) Juab	425
10) Kane	300
11) Millard	600
12) Salt Lake	500
13) Sanpete	475
14) Sevier	525
15) Summit	450
16) Tooele	425
17) Utah	550
18) Wasatch	450
19) Washington	550
20) Weber	625

12) Juab	[150] 175
13) Kane	[75] 50
14) Millard	[300] 350
15) Morgan	[225] 275
16) Piute	250
17) Rich	[150] 175
18) Salt Lake	[200] 250
19) San Juan	[50] 75
20) Sanpete	225
21) Sevier	275
22) Summit	[150] 200
23) Tooele	[125] 150
24) Uintah	[150] 250
25) Utah	[225] 300
26) Wasatch	[175] 200
27) Washington	[250] 300
28) Wayne	[100] 125
29) Weber	[325] 375

(Note: Some counties do not have Irrigated II property.)

c) Irrigated III. The following counties shall assess Irrigated III property based upon the per acre values listed below:

2. Fruit orchards shall be assessed per acre based upon the following schedule:

TABLE 3
Irrigated III

TABLE 5
Fruit Orchards

1) Beaver	425
2) Box Elder	450
3) Cache	375
4) Carbon	300
5) Davis	475
6) Duchesne	325
7) Emery	200
8) Garfield	150
9) Grand	225
10) Iron	425
11) Juab	275
12) Kane	150
13) Millard	450
14) Morgan	375
15) Piute	350
16) Rich	225
17) Salt Lake	350
18) San Juan	175
19) Sanpete	325
20) Sevier	375
21) Summit	300
22) Tooele	400
23) Uintah	350
24) Utah	400
25) Wasatch	300
26) Washington	400
27) Wayne	[200] 225
28) Weber	[425] 475

a) Box Elder	[560] 570
b) Cache	[650] 630
c) Davis	[630] 620
d) Utah	[510] 525
e) Washington	[755] 750
f) Weber	[605] 610
g) All other counties	[500] 575

3. Meadow IV property shall be assessed per acre based upon the following schedule:

TABLE 6
Meadow IV

(Note: Daggett County does not have Irrigated III property.)

1) Beaver	160
2) Box Elder	165
3) Cache	210
4) Carbon	115
5) Daggett	140
6) Davis	210
7) Duchesne	140
8) Emery	115
9) Garfield	110
10) Grand	110
11) Iron	160
12) Juab	115
13) Kane	110
14) Millard	115
15) Morgan	140
16) Piute	135
17) Rich	115
18) Salt Lake	165
19) Sanpete	165
20) Sevier	165
21) Summit	165
22) Tooele	165
23) Uintah	140
24) Utah	165
25) Wasatch	165
26) Washington	160
27) Wayne	135
28) Weber	210

d) Irrigated IV. The following counties shall assess Irrigated IV property based upon the per acre values listed below:

(San Juan county does not have any Meadow IV property.)

TABLE 4
Irrigated IV

1) Beaver	[275] 325
2) Box Elder	[325] 350
3) Cache	[250] 275
4) Carbon	[125] 200
5) Daggett	[200] 250
6) Davis	[300] 375
7) Duchesne	[175] 225
8) Emery	100
9) Garfield	[75] 50
10) Grand	[150] 125
11) Iron	[225] 325

4. Dry land shall be classified as one of the following two categories and shall be assessed on a per acre basis as follows:

a) Dry III. The following counties shall assess Dry III property based upon the per acre values listed below:

1) Beaver	[90] 70
2) Box Elder	[125] 100
3) Cache	[250] 210
4) Carbon	[90] 75
5) Daggett	[90] 75
6) Davis	[100] 140
7) Duchesne	[125] 100
8) Emery	[100] 80
9) Garfield	[90] 75
10) Grand	[90] 75
11) Iron	[130] 105
12) Juab	[135] 110
13) Kane	[90] 75
14) Millard	[160] 135
15) Morgan	[250] 195
16) Piute	[90] 75
17) Rich	[165] 140
18) Salt Lake	[110] 90
19) San Juan	[60] 55
20) Sanpete	[120] 100
21) Sevier	[100] 80
22) Summit	[100] 80
23) Tooele	[125] 100
24) Uintah	[140] 115
25) Utah	[100] 80
26) Wasatch	[100] 80
27) Washington	[80] 65
28) Wayne	[100] 80
29) Weber	[225] 185

[a]b) Dry IV. The following counties shall assess Dry IV property based upon the per acre values listed below:

1) Beaver	[55] 35
2) Box Elder	[90] 65
3) Cache	[215] 175
4) Carbon	[55] 40
5) Daggett	[55] 40
6) Davis	[145] 105
7) Duchesne	[90] 65
8) Emery	[65] 45
9) Garfield	[55] 40
10) Grand	[55] 40
11) Iron	[95] 70
12) Juab	[100] 75
13) Kane	[55] 40
14) Millard	[125] 100
15) Morgan	[215] 160
16) Piute	[55] 40
17) Rich	[130] 105
18) Salt Lake	[75] 55
19) San Juan	[25] 20
20) Sanpete	[85] 65
21) Sevier	[65] 45
22) Summit	[65] 45
23) Tooele	[90] 65
24) Uintah	[105] 80
25) Utah	[65] 45
26) Wasatch	[65] 45
27) Washington	[45] 30
28) Wayne	[65] 45
29) Weber	[190] 150

5. Grazing land shall be classified as one of the following four categories and shall be assessed on a per acre basis as follows:

a) Graze I	
1) All Counties	40
b) Graze II	
2) All Counties	12
c) Graze III	
3) All Counties	8
d) Graze IV	
4) All Counties	4

6. Land classified as nonproductive shall be assessed as follows on a per acre basis:

a) Nonproductive Land	
1) All Counties	4

KEY: taxation, personal property, property tax, appraisal
~~December 18, 1998~~ **1999** **59-2-515**
Notice of Continuation May 8, 1997

◆ ————— ◆

Transportation, Motor Carrier **R909-75** Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 21780
 FILED: 01/14/1999, 15:44
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To correct editorial errors, minor regulatory changes, and improve the clarity of certain provisions to the Hazardous Materials Regulations. Also, to enhance accuracy and make minor changes. This rule does not impose new requirements.

SUMMARY OF THE RULE OR CHANGE: "Marine pollutant" is revised by adding a reference to sec. 171.4; "self defense spray" non pressurized containing not more than 2 percent tear gas substance, "class 9,171.18 is amended to remove an obsolete section (reserved); 171.19 is revised by terminating all remaining approvals other than those made under part 179. special provision BOE 128, containing a Hazard communication requirement, is added for packaging groups ii and iii; Special Provision a37 new provision applying only to a material meeting "self-defense spray, non-

pressurized"; 173.32c(j) allows monolithic (non-flowable) solid materials to be loaded into IM portable tanks to a density less than 80 percent by volume; 173.32c(m) reference to sec. 177.834(h) for unloading of an IM portable tank; 173.40(d)(1)(a) a strong outside box does not need to meet UN standard; 173.56(b)(1)(i)(ii)(iii) persons performing examinations must be assigned an EX number, have at least 10 years experience, and is not financially dependent on any entity that manufactures or markets explosives; 173.56(i) allows RSPA to identify material or device without prior examination when adequate data is available; 173.156(b)1 no markings required on cages carts boxes in accordance with subpart d part 172 provided it contains ORM-D materials; 173.308(b) when transporting up to 1,500 cigarette lighters on one motor vehicle by highway the only part 172 provisions that do not apply are the Hazard communications requirements in Subpart C through G Special Provision N10 applies also the outer package must be marked to identify total numbers of devices contained in package; 173.469(a)(4)(i) is amended to read 1.3×10^{-4} correct printing error; 177.834(h) relax provision to allow to permit IM portable tank to unload while remaining on transport vehicle with power unit attached; 177.834(o) permit IM portable tanks to be unloaded without being removed from the motor vehicle if outlet and attendance requirements are met; 177.848(f) Table 1 groups B and D are not compatible however a domestic exception (4) is allowed for detonators when transported in accordance with restrictions in sec. 177.835 (g). Replacing entry "4" with the entry " 10^{-4} "; 178.352 through 178.364 specification packaging requirements for Radioactive materials contain obsolete section references. RSPA is updating these section references in this final rule; Appendix B IIA.2 sentence revised to read "if a carrier's vehicle OOS rate is less than 34 percent, the initial factor rating will be satisfactory"; Appendix BIIA. replaces "0" with "1" on the third line of the first column; Section III B. of Appendix is being revised to read "the proposed safety rating will become the final safety rating 45 days after you receive this notice"; 107.503(a)(3) revised to remove an obsolete section reference; 107.606(a)(5) revised to update a 49 CFR reference; in the second column, a reference to "173.63" as added immediately before "177.835". 171.8 a minor editorial change is made to "Marine Pollutant" to enhance its clarity; 171.8 Reportable Quantity" definition, a reference to "column 3" is corrected to read "column 2"; 171.14(c)(1) authorization allowing a fiber drum with a removable head to be used for a liquid HM in PGIII that is not PIH expired on September 30, 1997; 172.101(c)(11) is corrected to read "173.54"; 172.101 hm table reference to anhydrous ammonia, compressed gases, Dichlorodifluoromethane are corrected; 172.102 Special Provision 114b is corrected by removing "US006" and replacing with "US1" 172.203(m)(1) editorial change; 172.504 section reference corrected; 173.6(c)(2) referencing Class 9 material to be marked accordance with 172.332(b)(c); 173.33(a)(3) revised to correct section reference 173.58(a) correcting title of reference document; 173.62(c) printing errors corrected; 173.247 adding 120 tank car specification; 173.422(b)(1) revised section reference; 173.427(a)(3) replace obsolete sections; 173.461(a)(b) are revised to remove obsolete; 177.835(g) editorial; 177.841; 177.842(a)

revision clarify that groups up to 50 TI are separated by at least 6 meters any Class 7 materials total index number does not exceed 50; 177843(c) section reference corrected; 177.854 unnecessary paragraph is removed; 178.338 heading is amended; 180.403 adding reference; 180.417(a)(3)(ii) clarifying data report; 180.509(c)(3)(ii) adding explanation to formula that was omitted; 180.515(b) adding the word "pressure."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-103

FEDERAL REQUIREMENT FOR THIS RULE: 49 CFR 350

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 170-178 and 49 CFR 180-181, as published by Regulations Management Corporation, 10/98

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is determined that there is no fiscal impact since these requirements are already in place under federal guidelines. By incorporating them it will allow state agencies to continue investigating compliance with these regulations.

❖LOCAL GOVERNMENTS: It is determined that there is no fiscal impact since these requirements are already in place under the federal guidelines. By incorporating them it will allow state agencies to continue investigating compliance with these regulations.

❖OTHER PERSONS: It is determined that there is no fiscal impact since these requirements are already in place under federal guidelines. By incorporating them it will allow state agencies to continue investigating compliance with these regulations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since motor carriers are required to comply with these regulations under the federal guidelines, adopting this will not cause an additional burden to them, but will allow agents of the department of transportation access to these files.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact is anticipated.

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

Transportation
Motor Carrier
Calvin Rampton
4501 South 2700 West
Box 148240
Salt Lake City, UT 84114-8240, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dennis Pennington at the above address, by phone at (801) 965-4262, by FAX at (801) 965-4847, or by Internet E-mail at dpenning@dot.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/17/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/18/1999

AUTHORIZED BY: Dennis Pennington, Transportation Safety Investigator

**R909. Transportation, Motor Carrier.
R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.
R909-75-1. Adoption of Federal Regulations.**

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes, 49 CFR, Sub-Chapter C, [~~through February 1, 1998;~~] of the October 1, [~~1997~~]1998, edition as printed in the Regulations Management Corporation Service, are incorporated by reference. In addition, amendments to the same edition, which appear [~~March 1, 1998, April 1, 1998, May 1, 1998 and June 1, 1998;~~]November 1998 and December 1998 are incorporated by reference within this rule. This applies to all private, common, and contract carriers by highway in commerce.

KEY: hazardous materials transportation, hazardous substances, hazardous waste, safety regulation
[~~September 1, 1998~~]March 18, 1999 72-9-103[~~27-17-103~~]
Notice of Continuation April 22, 1997 72-9-104[~~27-17-104~~]



**Workforce Services , Workforce
Information and Payment Services
R994-600
Dislocated Workers**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 21770
FILED: 01/04/1999, 12:56
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule change incorporates changes that are mandated by the Job Training Partnership Act (JTPA) and its corresponding federal regulations. The definitions for specific terms as outlined in the Act that relate to Title III of the JTPA.

SUMMARY OF THE RULE OR CHANGE: This amendment changes incorrect definitions of "dislocated worker," "substantial layoff," and "closure," and defines the conditions that identify an individual as a dislocated worker.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 35A-1-104(4) and 35A-4-502(1)(b)
FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 102-367 - cited as The Job Training Partnership Act, 20 CFR 631

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This proposed rule change does not involve any additional staff duties or time nor does it add any costs or allow for any savings to the state budget. As described in "Summary of the rule or change," the changes are made to define terms of a dislocated worker, and the terms of dislocation.

❖LOCAL GOVERNMENTS: This proposed rule change does not involve any additional staff duties or time nor does it add any costs or allow for any savings to the Local Government budget. As described in "Summary of the rule or change," the changes are made to define terms of a dislocated worker, and the terms of dislocation.

❖OTHER PERSONS: This proposed rule change does not increase any costs or allow for a savings to any other persons. As described in "Summary of the rule or change," the changes are made to define terms of a dislocated worker, and the terms of dislocation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change, as proposed, will allow for an identification of a dislocated worker. The change will not affect any corporation, individual, public or private corporation ability to profit nor will it incur any costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will address and correct definitions as defined in the Job Training Partnership Act - Title II - "Employment and Training Assistance for Dislocated Workers," which purpose is to establish programs that will assist workers and employers who are facing downsizing efforts by offering employment and training services that will result in increased employment and earnings, increased educational and occupational skills, improve the quality of the work force and enhance the productivity and competitiveness of Utah's businesses and its workers.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Workforce Services
Workforce Information and Payment Services
Fourth Floor
140 East 300 South
PO Box 45277
Salt Lake City, UT 84145-0277, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Christopher Love at the above address, by phone at (801) 526-9291, by FAX at (801) 526-9394, or by Internet E-mail at wsadmpo.clove@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: Robert C. Gross, Executive Director

R994. Workforce Services, Workforce Information and Payment Services.**R994-600. Dislocated Workers.****R994-600-101. Authority.**

(1) This rule adopts and incorporates by reference:

~~[(a) Title 55, Chapter 17, "Job Training Coordination Act";]~~

~~[(b)a] "Job Training Partnership Act" (JTPA) 29 USC 1501 et seq.~~

~~[(e)b] "Economic Dislocation and Worker Adjustment Assistance Act" (EDWAA) 29 USC 1621 et seq.~~

~~[(d)c] [Public Law 100-379, August 4, 1988;]"Worker Adjustment and Retraining Notification Act" (WARN) 29 USC 2101.~~

~~[(e)d] Federal regulations 20 CFR parts 626, 627, 628, 629, 630, and 631, 1990; which apply to programs under the Job Training Partnership Act and the Economic Dislocation and Worker Adjustment Assistance Act.~~

~~[(f)e] Federal regulation 20 CFR part 639, 1990; which applies to the Worker Adjustment and Retraining Notification Act.~~

R994-600-102. Definitions.

(1) Definitions that clarify the criteria used to verify dislocated worker status are:

(a) The term "terminated", ~~[is defined in WARN]~~means an individual has experienced an employment loss sometime during the 104 weeks (2 yrs) prior to issuance of the Certificate of Continuing Eligibility (CCE), and has been involuntarily separated or has received individual notice of layoff.

(b) The term "eligible for or have exhausted their entitlement to unemployment compensation" ~~means[includes any] the individual's [whose] wages would be considered in determining eligibility for unemployment compensation under federal or state unemployment insurance laws.~~

(c) The term "unlikely to return to their previous industry or occupation" means that:

~~—(i) ~~F~~ the individual does not plan to return to his previous industry or occupation[; and~~

~~—(ii) Available labor market information shows limited opportunities for the individual to return to the affected industry or occupation earning at least 80% of his former average weekly wage].~~

(d) The term "[~~permanent~~]closure" means a closure [~~affecting 50 or more employees~~] of a plant, facility or enterprise, or an operating unit within a single site of employment. [~~who regularly work more than 20 hours per week]~~

(e) The term "substantial layoff" ~~[is defined in WARN;](for participant eligibility) means any reduction-in-force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30-day period, which includes only those employees working more than 20 hours a week for:~~

(i) (A) at least 33 percent of the employees and

(B) at least 50 employees; or

(ii) at least 500 employees.

(f) The term "long-term unemployed" ~~[refers to an individual who has been available for and actively seeking work for at least 15 weeks;]means an individual who has been unemployed for 15 or more of the 26 weeks prior to the issuance of the CCE and was~~

employed sometime during the 104 weeks prior to the issuance of the CCE.

~~(g) [The term "limited opportunities for employment or reemployment" means that the individual has been unable to obtain employment in the same or similar occupation in the locale paying at least 80% of his former average weekly wage:~~

~~—(h) "Exceptional circumstances" for purposes of rapid response may include the following: Economic/Community impact based on tax base, local business (trickle down effect), required services: schools, hospitals, emergency medical services, fire protection, law enforcement, individual and family economy including alternate sources of income, local labor market; transferable skills of dislocated workers based on local job market or relocation; or combining several layoff or closures to provide rapid response service:~~

~~—(i) "Public announcement" of a closure, for the purposes of providing rapid response assistance and basic readjustment services to eligible dislocated workers who have not received a specific notification, means any mass media notification of a planned closure made by the company that indicates a planned closure date for that company or facility.~~

~~[(j)h] "DWS" means the Department of Workforce Services.~~

~~(i) The term "involuntarily separated" means the worker did not voluntarily leave his/her employment, involuntary also includes a person who has been fired.~~

R994-600-103. Certification of Dislocated Workers.

(1) Eligibility criteria and certification requirements for dislocated workers are different from the criteria and requirements for JTPA Title II clients. The following is a list of documentation required:

(a) Proof of United States citizenship or authorization papers to work in the United States [~~if the dislocated worker is an eligible noncitizen];~~

(b) Proof of registration with the Selective Service if applicable; and

(c) A Certificate of Continuing Eligibility.

(2) A [~~substate grantee~~] regional area may cross-certify individuals among titles. However, a dislocated worker who refuses to submit documentation that is not required for certification under EDWAA cannot be denied EDWAA certification.

R994-600-104. Dislocated Worker Criteria.

(1) DWS will verify dislocated worker status and issue the Certificate of Continuing Eligibility (CCE) on DWS [~~letterhead~~] form 865.

(2) DWS shall not mandate that individuals file for unemployment compensation. However, they may use the unemployment insurance process to verify dislocated worker status when questioning a discharge for cause, voluntary departure, or retirement. This process is used only to validate the employment termination, and does not require drawing unemployment insurance benefits. Use of the unemployment insurance process to determine an employment termination will be left to the professional judgment of the certifier.

(3) To document the test for unemployment insurance a copy of the UI record or monetary eligibility wage record showing the individual worked for a covered employer must be in the file.

(4) DWS may provide a displaced homemaker with a Certificate of Continuing Eligibility. Therefore, ~~[substate grantees]regional areas~~ must be aware of and verify the criteria ~~[DWS]~~ used to identify an individual as a dislocated worker. This will prevent inappropriately enrolling an individual in EDWAA before the ~~[substate]regional~~ area has received approval to enroll displaced homemakers.

(5) A ~~[substate]regional~~ area that is not expending its funds may get approval from DWS to serve displaced homemakers if they can demonstrate that such services would not adversely affect services to eligible dislocated workers. Approval must be granted before serving displaced homemakers. Serving displaced homemakers will jeopardize the state's opportunity to receive Department Of Labor National Reserve grants.

(6) If a ~~[substate]regional~~ area receives approval to serve displaced homemakers with EDWAA funds, the following will apply:

(a) The individual is a homemaker for a period of two or more years without significant gainful employment outside the home, and whose primary occupation during that period of time was the provision of unpaid household services for family members.

(b) The individual has found it necessary to enter the job market, but is not reasonably capable of obtaining employment sufficient to provide self-support or necessary support for dependents, due to lack of marketable job skills or other skills necessary for self-sufficiency.

R994-600-105. Certificate of Continuing Eligibility (CCE).

(1) A Certificate of Continuing Eligibility will be issued by DWS to those individuals who are ~~[verified]identified~~ as dislocated workers~~[-. It shall be filled out completely and accurately. A sample CCE is available at DWS and is incorporated here by reference.]~~ using one of the terms below:

- ~~(a) Unlikely to return to previous industry or occupation;~~
- ~~(b) Substantial layoff or plant closure;~~
- ~~(c) Long-term unemployed; or~~
- ~~(d) Self-employed.~~

(2) ~~[DWS must document and keep records of the criteria and rationale used to establish dislocated worker status. These records must be monitored to ensure CCEs are issued appropriately.]~~The CCE establishes the dislocation event. The regional area must determine program service eligibility separately. A CCE does not by itself indicate that services are necessary and reasonable.

(3) ~~[The CCE establishes program eligibility. The substate area must determine program service eligibility separately. A CCE does not by itself indicate that services are necessary and reasonable.]~~The Individual Readjustment Plan must reflect any facts relating to the dislocation event which occur after the CCE is issued. This includes validating grant specific eligibility for National Reserve Discretionary Grants.

(4) ~~[The Individual Readjustment Plan must reflect any facts relating to the dislocation event which occur after the CCE is issued. The CCE can be issued prior to a layoff. This includes validating grant specific eligibility for National Reserve Discretionary Grants.]~~Except for Discretionary Grant-specific requirements, attempts to verify required information may be documented, then a CCE may be issued based on self declaration.

(5) ~~[Except for Discretionary Grant-specific requirements, attempts to verify required information may be documented, then a~~

~~CCE may be issued based on self declaration.]~~CCE documents used to verify the dislocation event is listed in DRU-bulletin 904 which is available for review at DWS.

~~[(6) Required CCE Documentation is listed in JTPA Administrative Directive #95-08 which is available for review at DWS.]~~

R994-600-106. Allotment of EDWAA Governor's Reserve 40% Funds.

(1) This section establishes the procedure used to award governor's reserve 40% funds under EDWAA~~[-Sections 302 and 303].~~

(2) Those 40% funds not necessary for rapid response functions will be awarded to the ~~[substate grantees]regional areas~~ submitting application under the following guidelines~~[-]:~~

(a) ~~[Substate grantees]~~a regional area may request 40% funds when:

(i) Workers are dislocated by a plant closing or lay off of substantial size;

(ii) All 60% EDWAA formula funds have been ~~[totally]~~ obligated;

(iii) An Application For 40% Funds has been completed~~[- and fully documented, including participant information on the Survey Form for the participants that may be served by these funds],~~ submitted and approved by the Direct Response Unit (DRU);

(iv) The ~~[substate grantee]regional area~~ may be requested to provide any other information that might substantiate their need for these funds.

(b) ~~The DRU~~ will not act on requests submitted:

(i) Prior to the receipt and review of prior year close-out-packages and year end management information system information,

(ii) when a Department of Labor Secretary's National Reserve grant application is in process for those workers affected by the closing or lay off.

(c) The EDWAA Governor's 40% funds that are released to a ~~[Substate area must have participants enrolled and funds fully obligated, according to the approved grant application, 30 days from the date of approval. Funds not obligated will be recaptured at the state level. Copies of enrollment forms or an onsite visit may be required for verification of obligation.]~~regional area are subject to:

(i) the regional area must have participants enrolled and funds fully obligated, according to the approved grant application, 30 days from the date of approval;

(ii) Funds that are not obligated may be recaptured at the administrative level;

(iii) An intervention plan developed as to the role, services, and facilities to be used in addressing the dislocation event;

(iv) funding emphasis will be given to eligible dislocated workers involved in plant closures or substantial layoffs who received rapid response services.

(v) Projects serving workers affected by multi-state or industry-wide dislocations and to areas of special need in manner that efficiently targets resources to areas of most need, encourages a direct response to economic dislocations, and promotes the effective use of funds;

(vi) dislocations where the company in cooperation with the DRU has formulated a labor-management/workforce reduction committee to provide assistance to impacted workers;

(vii) where an initial assessment of worker needs has been conducted during rapid response activities.

During times that additional increases of dislocation does not occur, an allocation of funds may be necessary.

R994-600-107. Criteria For Waiver Of 50% Retraining Expenditures.

(1) This subsection prescribes those criteria for the waiver of the 50% retraining requirement.~~[to be]~~

It must be demonstrated that dislocated workers will be prepared for employment in occupations or industries with long-term potential and one of the following criteria must be met:

(a) There is a need for additional basic readjustment or supportive services.

(b) There are insufficient training opportunities available within the ~~[substate]~~regional area (indicating a need for more relocation or out of area job search, etc.).

(c) Other significant justification.

R994-600-108. The State Dislocated Worker Unit.

(1) The unit shall coordinate rapid response activities conducted within the regional area to ensure the services initiated by the rapid response team will continue and expand as funding allows.

~~(1) shall coordinate rapid response activities conducted in a substate area with the substate grantee to assure the services initiated by the rapid response team will continue and expand as funding allows.~~

~~—(2) The unit [S]shall [enter a joint agreement]develop an intervention plan with the [the substate grantee]assigned regional staff when there is a rapid response commitment for services not already included in the [SSA biannual plan]regional area's plan of service. This [agreement]intervention plan may also constitute a modification to the [biannual]regional area's plan.~~

(3) Shall be notified by the ~~[substate grantee]~~regional area of any current or projected permanent closures or substantial layoffs.

KEY: training programs, employment, unemployed workers, unemployment

~~[July 1, 1997]~~March 4, 1999

~~35A-1-104(4)[55-17]~~

35A-4-502(1)(b)

◆ ————— ◆

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends March 3, 1999. At its option, the agency may hold public hearings.

From the end of the waiting period through June 1, 1999, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Commerce, Occupational and
Professional Licensing

R156-24a

Physical Therapist Practice Act Rules

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21716
FILED: 01/14/1999, 15:20
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After a public hearing was held and the Division received further public comment, two additional changes are being made in the rule.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-24a-302a(2), a portion of the section is reworded to change a "physical therapy assistant" to a "physical therapist assistant." In Subsection R156-24a-302a(3), the International Credentialing Associates, Inc. company is being deleted as one of the two approved credential agencies. The Physical Therapist Licensing Board was unanimous in their recommendation to go with only one credential agency to promote uniformity and consistency in the evaluation process.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the December 15, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-24a-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Amendments being made will have no cost or savings impact on the state budget because the changes being made will only affect applicants applying for licensure as a physical therapist.

❖LOCAL GOVERNMENTS: Amendments being made will have no cost or savings impact on local governments because the changes being made will only affect applicants applying for licensure as a physical therapist.

❖OTHER PERSONS: No cost or savings are anticipated for applicants applying for licensure as a physical therapist with only one credentialing agency for foreign trained physical therapists. The costs for the evaluation, which are paid by the applicant, will not change. The costs charged by the two different agencies were essentially the same.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost or savings are anticipated for applicants applying for licensure as a physical therapist with only one credentialing agency for foreign trained physical therapists. The costs for the evaluation, which are paid by the applicant, will not change. The costs charged by the two different agencies were essentially the same.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The first proposed amendment is a nonsubstantive change for the purpose of identifying the named professional as a "physical therapist assistant" rather than as a "physical therapy assistant." The second proposed amendment is intended to promote consistency and uniformity by having only one credentialing agency for the evaluation of foreign applicants for licensure. The agency designated for this purpose was established by the Federation of State Licensing Boards of Physical Therapy and is the creator of the evaluation tool utilized for determining the qualification equivalencies of foreign applicants. Additionally, the chosen agency deals only with physical therapist evaluations while the credentialing agency being eliminated evaluated foreign applicants for professional licensure in a large number of disparate fields. These amendments will have no effect on the state budget and will not impact on local governments. Since the evaluation fees charged by both currently recognized credentialing agencies are essentially the same, the elimination of one of the two will have neither a favorable nor unfavorable financial impact on license applicants--Douglas C. Borba.

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dfairhur@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-24a. Physical Therapist Practice Act Rules.
R156-24a-302a. Qualifications for Licensure - Education Requirements.**

(1) In accordance with Subsection 58-24a-109(2)(b), the accredited school of physical therapy for a physical therapist shall be accredited by CAPTE.

(2) In accordance with Subsection 58-24a-102(5), [~~the accredited school of physical therapy for a physical therapy assistant shall be~~] a physical therapist assistant shall complete a physical therapy assistant program accredited by CAPTE.

(3) In accordance with Section 58-1-302, an applicant who has been licensed in a foreign country whose degree was not accredited by CAPTE shall document that his education is equal to a CAPTE accredited degree by submitting to the Division a credential evaluation from ~~either the International Credentialing Associates, Inc. or~~ the Foreign Credentialing Commission on Physical Therapy which shall use the approved course work evaluation tool. Educational deficiencies may be corrected by completing college level credits in the deficient areas or by passing the College Level Examination Program (CLEP) demonstrating proficiency in the deficient areas.

KEY: licensing, physical therapy
[March 6, 1997]1999
Notice of Continuation May 12, 1997

58-24a-101
58-1-106(1)
58-1-202(1)



Environmental Quality, Air Quality
R307-150
Emission Inventories

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21591
 FILED: 01/14/1999, 17:19
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are made in response to public comments.

SUMMARY OF THE RULE OR CHANGE: First, in Subsection R307-150-1(1)(b), delete the reference to sulfur dioxide because it is a regulated air pollutant; including it here is redundant. Second, add a new Section R307-150-2, "Definitions," in order to define the terms "Acute contaminant," "Carcinogenic Contaminant," and "Chronic Contaminant" as used by the American Conference of Governmental Industrial Hygienists, and to define "Dioxins" and "Furans"; re-number the following sections. Third, in Subsection R307-150-3(2), clarify that the data to be submitted is emissions information, and add a new Subsection R307-150-3(3) to set a de minimis level below which certain regulated pollutants need not be reported. The former subsection R307-150-3(3) is re-numbered to Subsection R307-150-3(4) and rewritten to clarify that information not required for an operating permit application must be submitted in the inventory. Finally, in Subsection R307-150-4(4)(c), delete the list of counties so that all temporary sources must submit an inventory, as the existing rule requires.

(DAR Note: The original proposed new rule upon which this change in proposed rule is based was published in the November 15, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(c)(ii)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: A small savings in costs of processing by exempting certain regulated pollutants from the inventory.
 - ❖LOCAL GOVERNMENTS: No change in costs from the original proposed new rule.
 - ❖OTHER PERSONS: A small savings in cost for collecting and submitting less inventory information. The number of affected sources is not known.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: A small savings in cost for collecting and submitting less inventory information.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be small savings for sources who will not need to report some substances--Dianne R. Nielson.

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

Environmental Quality
 Air Quality
 150 North 1950 West
 Box 144820
 Salt Lake City, UT 84114-4820, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-150. Emission Inventories.
R307-150-1. General Applicability.

- (1) The following sources shall submit an emission inventory report:
 - (a) any Part 70 source;
 - (b) any source that emits or is allowed under R307 to emit 100 ton per year or more of ~~sulfur oxides or~~ any regulated air pollutant;
 - (c) any source located in Davis, Salt Lake, Utah or Weber County that emits or is allowed under R307 to emit 25 tons per year or more of a combination of PM10, sulfur oxides, or oxides of nitrogen;
 - (d) any source located in Davis, Salt Lake, Utah or Weber County that emits or is allowed under R307 to emit 10 tons per year or more of volatile organic compounds;
 - (e) any source that emits or is allowed under R307 to emit 5 tons per year or more of lead;
 - (f) any source that emits or is allowed under R307 to emit 10 tons or more per year of ammonia;
 - (g) any source that is allowed under R307 to emit between 90 and 100 tons per year of any regulated air pollutant;
 - (h) any source that the executive secretary requires to submit an inventory for any full or partial year on reasonable notice.

R307-150-2. Definitions.

The following additional definitions apply to R307-150:

"Acute Contaminant" means any noncarcinogenic air contaminant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents - Biological Exposure Indices, pages 15 - 40 (1997)."

"Carcinogenic Contaminant" means any air contaminant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents - Biological Exposure Indices, pages 15 - 40 (1997)."

"Chronic Contaminant" means any noncarcinogenic air contaminant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents - Biological Exposure Indices, pages 15 - 40 (1997)."

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

R307-150-[2]3. What to Report.

(1) The requirements of R307-150 replace any annual inventory reporting requirements in approval orders issued prior to April 1, 1998.

(2) The emission inventory report shall include the information the Board deems necessary to determine whether the source is in compliance with R307 and federal regulations and standards. The data shall include ~~information concerning~~ emissions of ammonia and all regulated air pollutants not exempted in (3) below that are not hazardous air pollutants that are emitted at a source. Data shall include the rate and period of emission, excess or breakdown emissions, startup and shut down emissions, specific installation which is the source of the air pollution, composition of air contaminant, type and efficiency of the air pollution control equipment and other information necessary to quantify operation and emissions, and to evaluate pollution control. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

(3) Regulated air pollutants that are not PM10, sulfur oxides, oxides of nitrogen, carbon monoxide, PM2.5, ozone, volatile organic compounds, dioxins, furans, or hazardous air pollutants are exempt from being reported if they are emitted in an amount less than the smaller of the following:

(a) 500 pounds per year; or

(b) an annual emission level calculated to be the applicable threshold limit value - time weighted average (TLV-TWA) or the threshold limit value - ceiling (TLV-C) multiplied by the appropriate emission threshold factor in cubic meter pounds per milligram year. For an acute contaminant, the factor is 15.81; for a chronic contaminant, the factor is 21.22; for a carcinogenic contaminant, the factor is 7.07.

([3]4) In addition, any owner or operator of a source that is required by R307-150-1 to submit an inventory shall ~~include in that inventory an estimate of all emissions from each activity not~~

~~required by R307-1401 to obtain an approval order, using appropriate emission factors and estimating techniques.]use appropriate emission factors and estimating techniques to estimate all emissions from each activity not required by R307-401 or R307-415 to be included in a notice of intent or operating permit application. The estimates shall be included in the inventory.~~

R307-150-[3]4. Timing of Submittals.

(1) A report is required for 1998, 1999, and for every third year after 1999 for any source which actually emits or is allowed under R307 to emit 10 tons or more per year of ammonia.

(2) Report Every Third Year. The owner or operator of each of the following sources is required to submit a report of emissions every third year. The first report shall be due in 2000 for calendar year 1999 for:

(a) any Part 70 source located in Davis, Salt Lake, Utah or Weber Counties;

(b) any Part 70 temporary source;

(c) any Part 70 source located outside Davis, Salt Lake, Utah or Weber Counties with 25 tons per year or more of combined allowable emissions of PM10, sulfur oxides, oxides of nitrogen, volatile organic compounds or carbon monoxide; or

(d) any stationary source:

(i) located in Davis, Salt Lake, Utah or Weber County that emits or is allowed under R307 to emit a combination of PM10, sulfur oxides, or oxides of nitrogen of 25 tons per year or more;

(ii) located in Davis, Salt Lake, Utah or Weber County that emits or is allowed under R307 to emit 10 tons per year or more of volatile organic compounds;

(iii) located in Davis, Salt Lake, Weber, or Utah County that emits or is allowed under R307 to emit 100 tons per year or more of carbon monoxide;

(iv) that emits 100 tons per year or more of any regulated air pollutant; or

(v) that emits or is allowed to emit 5 tons per year or more of lead;

(e) any source that is allowed under R307 to emit between 90 and 100 tons per year of any regulated air pollutant.

(3) Report Every Sixth Year. Any Part 70 source not included in R307-150-3(2) shall submit an emissions inventory every sixth year. The inventory for calendar year 1996 suffices as the first inventory.

(4) Additional Reports of Emissions Required Under Specified Circumstances. This subsection is applicable to all sources identified in R307-150-1.

(a) A source that initially achieves compliance at any time with any requirement of an applicable state implementation plan shall submit an inventory for the calendar year in which compliance is achieved.

(b) A source that emits or is allowed under R307 to emit 100 or more tons per year of any regulated air pollutant and whose emissions of any of these pollutants increase or decrease by five percent or more from the most recently submitted inventory shall submit an inventory for the calendar year in which the increase or decrease occurred.

(c) A source operating temporarily ~~in Davis, Salt Lake, Utah or Weber County]~~ shall submit an inventory for the calendar year in which the source operated ~~in those counties].~~

(d) A source that is not a temporary source, is required to submit an inventory, and ceases operations shall submit a report of emissions for the partial year and a report for the previous calendar year, if not already submitted.

(e) A new or modified source that is not a temporary source, is required to submit an inventory, and receives approval to construct or begins operating shall submit a report for the initial partial year of operation and a report for the subsequent calendar year.

(5) In addition to the required inventories, any source may choose to submit an inventory for any calendar year. The executive secretary may require at any time a full or partial year inventory on reasonable notice to affected sources.

(6) Due Date. Emission inventories shall be submitted on or before April 15 of each calendar year following any calendar year in which an inventory is required.

R307-150-[4]5. Recordkeeping Requirements.

(1) Each owner or operator of a stationary source subject to this rule shall maintain a copy of the emission inventory submitted to the Division of Air Quality and records indicating how the information submitted in the inventory was determined, including any calculations, data, measurements, and estimates used. The records shall be kept for a period of at least five years from the due date of each emission statement or until the next inventory is due, whichever is longer.

(2) Upon the request of the executive secretary, the owner or operator of the stationary source shall make these records available at the stationary source for inspection by any representative of the Division of Air Quality during normal business hours.

**KEY: air pollution, reports, inventories
1999**

19-2-104(1)(c)



**Environmental Quality, Air Quality
R307-155
Hazardous Air Pollutant Inventory**

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21593
FILED: 01/14/1999, 17:19
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are made in response to public comments.

SUMMARY OF THE RULE OR CHANGE: First, amend Subsection R307-155-1(1) to require that sources subject to 40 CFR 70, the Operating Permit Program, must submit a hazardous air pollutant (HAP) inventory, instead of submitting only when requested by the Division of Air Quality. Also, correct the citation to the federal Clean Air Act. The requirement that sources not subject to 40 CFR 70 and not a MAJOR SOURCE as defined in the Clean Air Act Section 112 submit

a HAP inventory at the request of the Division of Air Quality is moved to a new Subsection R307-155-1(2) and the following subsection is re-numbered. Second, Subsection R307-155-1(3) is amended by specifying in the rule the emission factors for certain pollutants below which emissions information need not be included in the HAP inventory; the original proposal called for the factors to be provided in the Division's instructions for submittal. Third, Subsection R307-155-2(1) is added to require that the HAP inventory is due at the same time as other inventories required under R307-150, and the former Section R307-155-2 is re-numbered. Fourth, in Section R307-155-3, clarify that the existing requirement of Section R307-155-2 is not being changed by returning to the existing language.

(DAR Note: The original proposed new rule upon which this change in proposed rule is based was published in the November 15, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(c)(ii)
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 70, 42 U.S.C. 7412

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No change from the original proposed new rule.

❖LOCAL GOVERNMENTS: Local governments presently do not have any emissions which require submittal of HAP information.

❖OTHER PERSONS: It is not expected that there are more than six sources who are not presently paying for their HAP emissions. \$8,328.69 per source X 68 sources = \$49,972.14 total cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Any source subject to 40 CFR 70, the Operating Permit Program, which previously has not been requested to submit a HAP inventory, will now have a positive duty to submit and will be required to pay operating permit fees based on those emissions. The fee is \$29.43 per ton for fiscal year 2000 and the average amount of HAP emissions per source is 283 tons per year, or \$8,328.69.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change ensures that the Division has an accurate inventory of hazardous air pollutants from all large sources--Dianne R. Nielson.

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

Environmental Quality
Air Quality
150 North 1950 West
Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-155. Hazardous Air Pollutant Inventory.
R307-155-1. General Applicability.

(1) The owner or operator of a Part 70 stationary source, either "major source" or "area source" as defined in the ~~[Federal]~~ Clean Air Act ~~[(Title I, Part A,)]~~ Section 112 ~~[§]~~ (42 U.S.C. 7412), that emits one or more hazardous air pollutants shall submit ~~[at the request of the executive secretary, but not more than once per year,]~~ a ~~[H]hazardous [A]air [P]pollutant [I]inventory.~~

(2) The owner or operator of a source which is not a Part 70 stationary source or a "major source" as defined in the Clean Air Act Section 112 (42 U.S.C. 7412) that emits one or more hazardous air pollutants shall submit a hazardous air pollutant inventory at the request of the executive secretary but not more often than once per year.

(3) Inventory data is not required for each hazardous air pollutant that has a threshold limit value and is emitted in an amount less than the smaller of the following:

- (a) 500 pounds per year; ~~and]or~~
- (b) ~~[the emission threshold value calculated as explained in the instructions provided by the executive secretary for filing the report required by R307-155-1(1):]an annual emission level calculated to be the applicable threshold limit value - time weighted average (TLV-TWA) expressed in milligrams per cubic meter, or the threshold limit value - ceiling (TLV-C) expressed in milligrams per cubic meter multiplied by the appropriate emission threshold factor in cubic meter pounds per milligram year in Table 1 below.~~

TABLE 1

CONTAMINANT	FACTOR
	(in cubic meter pounds per milligram year)
Arsenic	21.22
Benzene	21.22
Beryllium	21.22
Ethylene oxide	21.22
Formaldehyde	15.81
All other acute hazardous air pollutants	15.81
All other chronic hazardous air pollutants	21.22
All other carcinogenic hazardous air pollutants	7.07

R307-155-2. Timing of Submittals.

(1) A source's hazardous air pollutant inventory shall be submitted at the same time as the inventory required by R307-150.

(2) The inventory shall be submitted no later than April 15 of each year following any calendar year for which the hazardous air pollutant inventory is required.

R307-155-3. What to Report.

The inventory shall include information for each hazardous air pollutant not excluded by R307-155-1(2). The inventory shall report the rate and period of emission, excess or breakdown emissions, the specific plant source of the emissions, the

composition of the emission, the type and efficiency of air pollution control equipment, and any other information determined necessary by the executive secretary ~~[- The information shall be sufficient]~~ for the issuance of permits, the verification of compliance, and the determination of the effectiveness of control technology.

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KEY: air pollution, hazardous air pollutant, inventories 1999 19-2-104(1)(c)



Environmental Quality, Air Quality
R307-158
Emission Statement Inventory

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21594
 FILED: 01/14/1999, 17:19
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are made in response to public comments.

SUMMARY OF THE RULE OR CHANGE: First, amend Sections R307-158-1 and R307-158-3 to correct an error; the original proposal specified reporting 25 tons or more of volatile organic compounds or oxides of nitrogen. The federal requirement is that emissions of 10 tons or more of volatile organic compounds must be reported. Second, amend Subsection R307-158-2(7) to clarify that the requirement applies only to volatile organic compounds and nitrogen oxides, and to clarify which previous inventory is intended.

(DAR Note: The original proposed new rule upon which this change in proposed rule is based was published in the November 15, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(c)(ii)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Volatile organic compounds (VOCs) are presently reported in amounts of 10 tons or more per year, so there is no change for correcting this rule. Applying Subsection R307-158-2(7) only to sources of VOCs and NOx instead of all regulated pollutants will reduce the number of reports to be processed; again, this brings the proposed rule into alignment with the present rule and therefore will not change costs from the present.

❖LOCAL GOVERNMENTS: No change from the original proposed new rule.

❖OTHER PERSONS: The changes bring the proposal into alignment with present practices, so the costs to sources will not change from the present.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes bring the proposal into alignment with present practices, so the costs to sources will not change from the present.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes correct the text and balance the burden of reporting with the Division's need for information to understand the formation of ozone--Dianne R. Nielson.

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

Environmental Quality
Air Quality
150 North 1950 West
Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: Rick Sprout, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-158. Emission Statement Inventory.

R307-158-1. Applicability.

The owner or operator of a stationary source emitting either volatile organic compounds or oxides of nitrogen that is located in Salt Lake, Davis, Weber, or Utah Counties or a nonattainment area for ozone and that emits or has the potential to emit 10 tons or more per year of volatile organic compounds or 25 tons or more per year of ~~either volatile organic compounds or~~ oxides of nitrogen is required to submit an emission statement for the emissions released directly or indirectly into the outdoor atmosphere in the calendar years specified in R307-158-2.

R307-158-2. Timing of Submittals.

- (1) An emission statement shall be submitted for calendar year 1999 and every third year thereafter.
- (2) A report shall be submitted for any additional calendar year for which the executive secretary requests submittal.
- (3) A source that is not a temporary source that ceases operations shall submit a report for the partial year of operations and a report for the previous calendar year.
- (4) A new or modified source that is not a temporary source that receives approval to construct or begins operating during the reporting period shall submit a report for the initial partial year of operation and the subsequent calendar year.
- (5) A temporary source shall submit an inventory for the calendar year in which the source operated in Salt Lake, Davis, Weber, or Utah Counties or a nonattainment area for ozone.
- (6) Emission statements shall be submitted on or before April 15 of each calendar year following any calendar year in which the source is subject to this rule.

(7) Each source required under R307-158-1 to file an emission statement inventory, and that emits or is allowed under R307 to emit 100 or more tons per year of volatile organic compounds or oxides of nitrogen~~[any regulated air pollutant]~~, and whose emissions of any of these pollutants increase or decrease by five percent or more from the most recent~~[ty submitted]~~ inventory submitted under R307-150 shall submit an emission statement inventory for the calendar year in which the increase or decrease occurred.

R307-158-3. What to Report.

(1) The emission statement shall include information concerning both volatile organic compounds and oxides of nitrogen even if the source's emissions or its potential to emit equaled or exceeded the reporting level in R307-158-1 for only one of the pollutants~~[25 tons per year for either volatile organic compounds or oxides of nitrogen]~~. Compliance with the emission statement requirements does not relieve any owner or operator of a source from the responsibility to comply with any other applicable reporting requirements set forth in any federal or state law or in the conditions of approval of any order or certificate in effect.

(2) Emission statements shall be submitted to the Division of Air Quality on a form obtainable from the Division of Air Quality.

(3) Required contents of an emission statement. Any person who submits an emission statement shall include, as an integral part of the report:

(a) Certification, signed by the highest ranking individual with direct knowledge and overall responsibility for the information contained in the certified documents, that the information provided is true, accurate and complete. Such certification should be submitted with the understanding that submittal of false, inaccurate or incomplete information is subject to civil and criminal penalties.

(b) The date of the signature of certification and the telephone number of the certifying individual shall be included.

(4) The following source identification information shall be included:

- (a) full name of the source;
- (b) parent company name, if applicable;
- (c) physical location of the source (i.e., the street address);
- (d) mailing address of the source;
- (e) SIC code(s) of the source;
- (f) UTM coordinates or latitude and longitude of the source;

and

(g) the calendar year of the emissions.

(5) The following operating data for each source operation which has the potential to emit volatile organic compounds or oxides of nitrogen shall be included:

- (a) annual and peak ozone season throughput;
- (b) average days of operation per week;
- (c) average hours of operation per day; and
- (d) total hours of operation for the year.

(6) The following information at the process level for oxides of nitrogen (expressed as molecular weight of nitrogen dioxide) and volatile organic compounds shall be included:

- (a) Emissions information, including:
 - (i) the actual emissions of volatile organic compounds and oxides of nitrogen in tons per year;

(ii) the average emissions of volatile organic compounds and oxides of nitrogen in pounds per day of operation during the peak ozone season;

(iii) the estimated emissions method code for the method used to quantify the emissions as required by 42 U.S.C. 7512a(a)(1)(as included in the instructions provided by the executive secretary for filing the report required by R307-158-2(1)); and

(iv) any emission factor used to determine emissions.

(b) Control apparatus information, including current primary and secondary control apparatus identification codes as required by 42 U.S.C. 7512a(a)(1)(as included in the instructions provided by the executive secretary for filing the report required by R307-158-2(1); and the actual control efficiency achieved by the control apparatus. If the actual control efficiency is unavailable, the control apparatus design efficiency shall be used.

(c) Process rate data, including the annual process rate and the average process rate per day of operation during the peak ozone season.

(7) In place of the information required in R307-158-3(4) and R307-158-3(5), any source which has the potential to emit less than one ton per year of either volatile organic compounds or nitrogen oxides but that is subject to this rule shall include:

(a) a description of each source operation and emissions of each air contaminant emitted from each source operation shall be estimated at one ton per year, or

(b) a description of each source operation; estimated emission in tons per year; the estimated emissions method code for the method used to quantify the emissions as required by 42 U.S.C. 7512a(a)(1) (as included in the instructions provided by the executive secretary for filing the report required by R307-158-2(1)); and any emission factor used to determine emissions.

(8) Emission statements shall include cumulative total fugitive emissions for the stationary source for all fugitive emissions that cannot be reported in the information pursuant to R307-158-3(4) through R307-158-3(6) above. Such fugitive emissions shall be expressed in tons per year and in average pounds per day of operation during the peak ozone season.

(9) The method used for quantifying emissions for a source operation for use in preparing emission information required in R307-158-3(5)(a) or 158-3(6)(b) above shall be the method which is reasonably available and that best estimates the emissions from the source operation.

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**KEY: air pollution, ozone, inventories
1999**

19-2-104(1)(c)



**Insurance, Administration
R590-170
Fiduciary and Trust Account
Obligations**

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21725
FILED: 01/14/1999, 14:49
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to set minimum standards that shall be followed for fiduciary and trust account obligations pursuant to Section 31A-23-310. Due to comments received during the first comment period, additional changes are being proposed to the rule.

SUMMARY OF THE RULE OR CHANGE: (1) Changes to Subsection R590-170-5(6) allow for the use of "designated funds" in a trust account. (2) Subsection R590-170-5(7) has a change in the wording regarding the statutory rate for financed premiums. The new wording allows agents to charge more than the statutory rate. (3) Originally, Subsection R590-170-6(2) required a separate report of receivables over 60 days old. That has now been changed to 90 days. (4) Subsection R590-170-6(5) eliminates the word "trail" at the end of the subsection.

(DAR Note: The original proposed new rule upon which this change in proposed rule is based was published in the December 15, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201, 31A-23-312, and 31A-25-305

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: No impact since there are no additional fees or fines required as a result of these changes.
- ❖LOCAL GOVERNMENTS: No impact since the regulation of agent trust accounts has always been a state function.
- ❖OTHER PERSONS: These changes do not impact fees or fines on agents, agencies, or companies or create additional work for them. As a result, no costs will be transferred to the insurance consumer.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These changes do not impact fees or fines on agents, agencies, or companies or create additional work for them.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule that are noted in this form and the rule text will create no additional cost or savings to the state, the insurance consumer or the insurance industry doing business here.

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at ldmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 03/03/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-170. Fiduciary and Trust Account Obligations.

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R590-170-5. Maintaining the Trust Account.

(1) Funds deposited into a trust account shall only include: premiums which may include commissions; return premiums; fees paid with premiums; financed premiums; funds held pursuant to a third party administrator contract; funds deposited with a title insurance agent in connection with any escrow settlement or closing, amounts necessary to cover bank charges on the trust account; and interest on the trust account, except as provided under Section 31A-23-307(2)(b).

(2) Disbursements from a trust account shall only include: premiums paid to insurers; return premiums to policyholders; transfer of commissions and fees; funds paid pursuant to a third party administrator contract; funds disbursed by a title insurance agent in connection with any escrow settlement or closing; and the transfer of accrued interest.

(3) Personal or business expenses may not be paid from a trust account, even if sufficient commissions exist in the account to cover these expenses.

(4) Commissions may not be disbursed from a trust account prior to the beginning of the policy period for which the premium has been collected.

(5) Commissions attributed to premiums and fees collected must be disbursed from a trust account on a date not later than the first business day of the calendar quarter after the end of the policy period for which the funds were collected.

(6) Premiums due insurers may not be paid from a trust account unless the premiums directly relating to the amount due have been deposited into, and are being held in, the trust account, or unless funds have been retained in the trust account consistent with Subsection 5 above, or placed by a licensee into the trust account to finance premiums on behalf of insureds.

(7) Premiums financed by a licensee must be accounted for as a loan with interest charged at no less than the statutory rate for any loan exceeding 90 days, pursuant to Section 31A-23-304.

R590-170-6. Accounting Records to be Maintained.

(1) Bank statements for trust accounts must be reconciled monthly.

(2) An accounts receivable report showing credits and debits must be maintained and reconciled monthly. This report must list, at a minimum, the account name and the amount and date due for each receivable. The sum of all receivables must be shown on the report. Receivables that are over ~~60~~90 days old and their sums must be shown separately on the report.

(3) An accounts payable report showing the status of each account must be maintained and reconciled monthly.

(4) Adequate records shall be maintained to establish ownership of all funds in the trust account, from whom they were received and for whom they are held.

(5) All other accounting records relating to the business of insurance must be maintained in a manner that facilitates an audit[*trait*].

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KEY: insurance
1999

31A-2-201
31A-23-312
31A-25-305



**End of the Notices of Changes
in Proposed Rules Section**

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a 120-DAY (EMERGENCY) RULE when it finds that the regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (*Utah Code* Subsection 63-46a-7(1) (1996)).

As with a PROPOSED RULE, a 120-DAY RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the 120-DAY RULE including the name of a contact person, justification for filing a 120-DAY RULE, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A 120-DAY RULE is effective for 120 days or until it is superseded by a permanent rule.

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (1996); and *Utah Administrative Code* Section R15-4-8.

Tax Commission, Property Tax

R884-24P-53

1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 21777
FILED: 01/12/1999, 16:59
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Tax Commission has recently discovered an error in the last rule amendment filed. The changes in several tables were not amended according to the 1999 valuation guides. This error must be corrected to ensure that the farmland in question is taxed at a uniform and equal rate.

(DAR Note: The last rule amendment was published in the November 1, 1998, issue of the *Utah State Bulletin*, under DAR No. 21557, and was made effective on 12/18/98.)

SUMMARY OF THE RULE OR CHANGE: The amendment corrects the 1999 assessment values for the following classes of property: Irrigated III, Irrigated IV, Fruit Orchards, Dry III, and Dry IV.

(DAR Note: A corresponding proposed amendment is found under DAR No. 21789 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-514

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting for the uniform school fund based on increased or decreased property valuation, including property on "greenbelt." Property valuation changes have been recommended by class and by county. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1998, and a listing of property no longer qualifying which is removed from greenbelt during 1998. However, it is estimated that the overall change is minimal due to this amendment.

❖LOCAL GOVERNMENTS: The amount of savings or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation, including property on "greenbelt." Property valuation changes have been recommended by class and by county. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1998, and a listing of property no longer qualifying which is removed from greenbelt during 1998. However, it is estimated that the overall change is new value indicators into their computer systems to be applied against the acreage for individual property. This input process is easily done and represents no significant cost in time or money to the assessors' offices.

❖OTHER PERSONS: Each property owner with property subject to assessment under the Farmland Assessment Act may see a change in value, depending on property class and situs

county. The affect on the property owner will be an increase, decrease or no change depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1998, and a listing of property no longer qualifying which is removed from greenbelt during 1998. In addition, the compliance cost will further be altered by changes to the local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each property owner with property subject to assessment under the Farmland Assessment Act may see a change in value, depending on property class and situs county. The affect on the property owner will be an increase, decrease or no change depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 1998, and a listing of property no longer qualifying which is removed from greenbelt during 1998. In addition, the compliance cost will further be altered by changes to the local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated above, the fiscal impact to businesses will vary depending on the county and property classification. In the aggregate, the fiscal impact is estimated to be minimal.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

Without this amendment certain farmlands will not meet state constitutional requirement that tangible property be taxed at a uniform and equal rate.

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

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

THIS RULE IS EFFECTIVE ON: 01/12/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-53. 1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.

A. Each year the Property Tax Division shall update and publish schedules to determine the taxable value for land subject to the Farmland Assessment Act on a per acre basis.

1. The schedules shall be based on the productivity of the various types of agricultural land as determined through crop budgets and net rents.

2. Proposed schedules shall be transmitted by the Property Tax Division to county assessors for comment before adoption.

3. County assessors may not deviate from the schedules.

B. All property defined as farmland pursuant to Section 59-2-501 shall be assessed on a per acre basis as follows:

1. Irrigated farmland shall be assessed under the following classifications.

a) Irrigated I. The following counties shall assess Irrigated I property based upon the per acre values listed below:

TABLE 1
Irrigated I

1) Box Elder	700
2) Cache	625
3) Carbon	550
4) Davis	725
5) Emery	450
6) Iron	675
7) Kane	400
8) Millard	700
9) Salt Lake	650
10) Utah	650
11) Washington	650
12) Weber	725

(Note: Some counties do not have Irrigated I property.)

b) Irrigated II. The following counties shall assess Irrigated II property based upon the per acre values listed below:

TABLE 2
Irrigated II

1) Box Elder	600
2) Cache	525
3) Carbon	450
4) Davis	625
5) Duchesne	475
6) Emery	350
7) Grand	375
8) Iron	575
9) Juab	425
10) Kane	300
11) Millard	600
12) Salt Lake	500
13) Sanpete	475
14) Sevier	525
15) Summit	450
16) Tooele	425
17) Utah	550
18) Wasatch	450
19) Washington	550
20) Weber	625

(Note: Some counties do not have Irrigated II property.)

c) Irrigated III. The following counties shall assess Irrigated III property based upon the per acre values listed below:

TABLE 3
Irrigated III

1) Beaver	425
2) Box Elder	450
3) Cache	375
4) Carbon	300
5) Davis	475
6) Duchesne	325
7) Emery	200
8) Garfield	150
9) Grand	225
10) Iron	425
11) Juab	275
12) Kane	150
13) Millard	450
14) Morgan	375
15) Piute	350
16) Rich	225
17) Salt Lake	350
18) San Juan	175
19) Sanpete	325
20) Sevier	375
21) Summit	300
22) Tooele	400
23) Uintah	350
24) Utah	400
25) Wasatch	300
26) Washington	400
27) Wayne	[200] 225
28) Weber	[425] 475

(Note: Daggett County does not have Irrigated III property.)

d) Irrigated IV. The following counties shall assess Irrigated IV property based upon the per acre values listed below:

TABLE 4
Irrigated IV

1) Beaver	[275] 325
2) Box Elder	[325] 350
3) Cache	[250] 275
4) Carbon	[125] 200
5) Daggett	[200] 250
6) Davis	[300] 375
7) Duchesne	[175] 225
8) Emery	100
9) Garfield	[75] 50
10) Grand	[150] 125
11) Iron	[225] 325
12) Juab	[150] 175
13) Kane	[75] 50
14) Millard	[300] 350
15) Morgan	[225] 275
16) Piute	250
17) Rich	[150] 175
18) Salt Lake	[200] 250
19) San Juan	[50] 75
20) Sanpete	225
21) Sevier	275
22) Summit	[150] 200
23) Tooele	[125] 150
24) Uintah	[150] 250
25) Utah	[225] 300
26) Wasatch	[175] 200
27) Washington	[250] 300
28) Wayne	[100] 125
29) Weber	[325] 375

2. Fruit orchards shall be assessed per acre based upon the following schedule:

TABLE 5
Fruit Orchards

a) Box Elder	[560] 570
b) Cache	[650] 630
c) Davis	[630] 620
d) Utah	[510] 525
e) Washington	[755] 750
f) Weber	[605] 610
g) All other counties	[500] 575

3. Meadow IV property shall be assessed per acre based upon the following schedule:

TABLE 6
Meadow IV

1) Beaver	160
2) Box Elder	165
3) Cache	210
4) Carbon	115
5) Daggett	140
6) Davis	210
7) Duchesne	140
8) Emery	115
9) Garfield	110
10) Grand	110
11) Iron	160
12) Juab	115
13) Kane	110
14) Millard	115
15) Morgan	140
16) Piute	135
17) Rich	115
18) Salt Lake	165
19) Sanpete	165
20) Sevier	165
21) Summit	165
22) Tooele	165
23) Uintah	140
24) Utah	165
25) Wasatch	165
26) Washington	160
27) Wayne	135
28) Weber	210

(San Juan county does not have any Meadow IV property.)

4. Dry land shall be classified as one of the following two categories and shall be assessed on a per acre basis as follows:

a) Dry III. The following counties shall assess Dry III property based upon the per acre values listed below:

TABLE 7
Dry III

1) Beaver	[90] 70
2) Box Elder	[125] 100
3) Cache	[250] 210
4) Carbon	[90] 75
5) Daggett	[90] 75
6) Davis	[100] 140
7) Duchesne	[125] 100
8) Emery	[100] 80
9) Garfield	[90] 75
10) Grand	[90] 75
11) Iron	[130] 105

12) Juab	[135] <u>110</u>
13) Kane	[90] <u>75</u>
14) Millard	[160] <u>135</u>
15) Morgan	[250] <u>195</u>
16) Piute	[90] <u>75</u>
17) Rich	[165] <u>140</u>
18) Salt Lake	[110] <u>90</u>
19) San Juan	[60] <u>55</u>
20) Sanpete	[120] <u>100</u>
21) Sevier	[100] <u>80</u>
22) Summit	[100] <u>80</u>
23) Tooele	[125] <u>100</u>
24) Uintah	[140] <u>115</u>
25) Utah	[100] <u>80</u>
26) Wasatch	[100] <u>80</u>
27) Washington	[80] <u>65</u>
28) Wayne	[100] <u>80</u>
29) Weber	[225] <u>185</u>

TABLE 10
Nonproductive Land

a) Nonproductive Land	
1) All Counties	4

KEY: taxation, personal property, property tax, appraisal
January 12, 1999 **59-2-515**
Notice of Continuation May 8, 1997



[a)]b) Dry IV. The following counties shall assess Dry IV property based upon the per acre values listed below:

TABLE 8
Dry IV

1) Beaver	[55] <u>35</u>
2) Box Elder	[90] <u>65</u>
3) Cache	[215] <u>175</u>
4) Carbon	[55] <u>40</u>
5) Daggett	[55] <u>40</u>
6) Davis	[145] <u>105</u>
7) Duchesne	[90] <u>65</u>
8) Emery	[65] <u>45</u>
9) Garfield	[55] <u>40</u>
10) Grand	[55] <u>40</u>
11) Iron	[95] <u>70</u>
12) Juab	[100] <u>75</u>
13) Kane	[55] <u>40</u>
14) Millard	[125] <u>100</u>
15) Morgan	[215] <u>160</u>
16) Piute	[55] <u>40</u>
17) Rich	[130] <u>105</u>
18) Salt Lake	[75] <u>55</u>
19) San Juan	[25] <u>20</u>
20) Sanpete	[85] <u>65</u>
21) Sevier	[65] <u>45</u>
22) Summit	[65] <u>45</u>
23) Tooele	[90] <u>65</u>
24) Uintah	[105] <u>80</u>
25) Utah	[65] <u>45</u>
26) Wasatch	[65] <u>45</u>
27) Washington	[45] <u>30</u>
28) Wayne	[65] <u>45</u>
29) Weber	[190] <u>150</u>

**End of the Notices of 120-Day
(Emergency) Rules Section**

5. Grazing land shall be classified as one of the following four categories and shall be assessed on a per acre basis as follows:

TABLE 9
Grazing Land

a) Graze I	
1) All Counties	40
b) Graze II	
2) All Counties	12
c) Graze III	
3) All Counties	8
d) Graze IV	
4) All Counties	4

6. Land classified as nonproductive shall be assessed as follows on a per acre basis:

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 responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Health, Health Systems Improvement, Health Facility Licensure **R432-2** General Licensing Provisions

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 21775
FILED: 01/11/1999, 16:59
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 26, Chapter 21, the Health Facility Inspection Act, requires the department to adopt rules for facilities and agencies to obtain a license to provide health care services in the State.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received to modify this rule in the past five years or at the present. The health facility committee reviewed this rule November 20, 1998, and has agreed to the continuation.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The agency agrees with the need to continue this rule to ensure that the Department and Provider communities understand the how to complete an application, what information is required on the application, how to report changes in the license (administrator, licensed capacity or category), how to close a program voluntarily, the definition of a provisional, conditional and standard license and instructions on how to obtain a variance to a license rule.

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

Health
Health Systems Improvement,
Health Facility Licensure
Cannon Health Building
288 North 1460 West
PO Box 142003
Salt Lake City, UT 84114-2003, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop-Green at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or Internet E-mail at dwynkoop@doh.state.ut.us.

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 01/11/1999



Health, Health Systems Improvement, Health Facility Licensure **R432-3** General Health Care Facility Rules Inspection and Enforcement

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 21776
FILED: 01/11/1999, 16:59
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 26,

Chapter 21, the Health Facility Inspection Act, requires the department to adopt rules to ensure that the Department of Health enforces the rules governing licensed health care facilities and agencies and to ensure that the providers know the process of inspection and enforcement which is followed to enforce those rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This rule was last modified in May 1998, Section R432-3-9 identifies the relationship that the Bureau of Licensing adopts the survey findings of the medicaid/medicare survey agency in lieu of doing a licensing survey independently. The decision for issuing a license is based on the other state agency findings. No other comments have been received regarding opposition to this rule. The health facility committee reviewed this rule November 20, 1998 and has agreed to the need to continue to identify the inspection and enforcement practices.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The agency agrees with the need to continue this rule to ensure that the Department and Provider communities understand how to request deemed status, the definition and time lines for issuing a statement of findings, the contents of the plan of correction, sanction actions which the department may take against the provider who is not in substantial compliance, process to follow to immediately close a facility, process to follow to require mandatory license revocations, and how the Bureau of Licensing adopts the medicaid/medicare certification findings.

**End of the Five-Year Notices of Review
and Statements of Continuation**

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

Health
Health Systems Improvement,
Health Facility Licensure
Cannon Health Building
288 North 1460 West
PO Box 142003
Salt Lake City, UT 84114-2003, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop-Green at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or Internet E-mail at dwynkoop@doh.state.ut.us.

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 01/11/1999

◆ ————— ◆

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal and Reenact

REP = Repeal

Agriculture and Food

Plant Industry

No. 21701 (AMD): R68-15. Quarantine Pertaining to Japanese Beetle, (*Popillia Japonica*).

Published: December 15, 1998

Effective: January 15, 1999

Education

Administration

No. 21677 (NEW): R277-437. Student Enrollment Options.

Published: December 1, 1998

Effective: January 5, 1999

No. 21678 (NEW): R277-735. Standards and Procedures for Corrections Education Programs Serving Inmates of the Utah Department of Corrections.

Published: December 1, 1998

Effective: January 5, 1999

Applied Technology Education (Board for), Rehabilitation

No. 21679 (NEW): R280-201. USOR ADA Complaint Procedure.

Published: December 1, 1998

Effective: January 5, 1999

No. 21680 (NEW): R280-202. USOR Procedures for Individuals with the Most Severe Disabilities.

Published: December 1, 1998

Effective: January 5, 1999

Environmental Quality

Air Quality

No. 21588 (AMD): R307-101-2. Definitions.

Published: November 15, 1998

Effective: January 7, 1999

No. 21595 (AMD): R307-221. Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills.

Published: November 15, 1998

Effective: January 7, 1999

No. 21570 (AMD): R307-302-2. No-Burn Periods for PM10.

Published: November 15, 1998

Effective: January 7, 1999

No. 21589 (AMD): R307-415-3. Definitions.

Published: November 15, 1998

Effective: January 7, 1999

Drinking Water

No. 21553 (AMD): R309-104. Monitoring, Reporting and Public Notification.

Published: November 1, 1998

Effective: January 15, 1999

No. 21554 (AMD): R309-113. Drinking Water Source Protection.

Published: November 1, 1998

Effective: January 15, 1999

Radiation Control

No. 21535 (AMD): R313-16. General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines.

Published: November 1, 1998

Effective: January 15, 1999

Solid and Hazardous Waste

No. 21439 (CPR): R315-304. Industrial Solid Waste Landfill Requirements.

Published: December 1, 1998

Effective: January 5, 1999

Health

Children's Health Insurance Program

No. 21669 (AMD): R382-10. Eligibility.

Published: December 1, 1998

Effective: January 7, 1999

Health Care Financing

No. 21668 (AMD): R410-14. Division of Health Care Financing Administrative Hearing Procedures for Medicaid/UMAP Applicants, Recipients and Providers, and Non-Medicaid/UMAP Nursing Home Residents as per "OBRA" Preadmission Screening and Annual Resident Review (PASARR) Determinations/Resident Rights Requirements.

Published: December 1, 1998

Effective: January 7, 1999

Health Care Financing, Coverage and Reimbursement Policy

No. 21529 (AMD): R414-303. Coverage Groups.
Published: November 1, 1998
Effective: January 5, 1999

Health Systems Improvement, Emergency Medical Services

No. 21649 (AMD): R426-1-8. Maximum Licensed Services Transportation Rates and Charges.
Published: December 1, 1998
Effective: January 7, 1999

Health Systems Improvement, Health Facility Licensure

No. 21561 (R&R): R432-300. Residential Health Care Facility - Limited Capacity - Type N.
Published: November 15, 1998
Effective: January 11, 1999

No. 21562 (AMD): R432-650. End Stage Renal Disease Facility Rules.
Published: November 15, 1998
Effective: January 11, 1999

Health Systems Improvement, Primary Care and Rural Health

No. 21666 (NEW): R434-20. Special Population Health Care Provider Financial Assistance Program.
Published: December 1, 1998
Effective: January 7, 1999

Human Services

Recovery Services

No. 21675 (AMD): R527-200. Administrative Procedures.
Published: December 1, 1998
Effective: January 4, 1999

No. 21726 (AMD): R527-378. Garnishment of Social Security Benefits.
Published: December 15, 1998
Effective: January 15, 1999

Natural Resources

Forestry, Fire and State Lands

No. 21672 (AMD): R652-70-2300. Management of Bear Lake Sovereign Lands.
Published: December 1, 1998
Effective: January 14, 1999

Wildlife Resources

No. 21717 (AMD): R657-5. Taking Big Game.
Published: December 15, 1998
Effective: January 15, 1999

No. 21719 (AMD): R657-38. Dedicated Hunter Program.
Published: December 15, 1998
Effective: January 15, 1999

No. 21720 (AMD): R657-42. Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits.

Published: December 15, 1998
Effective: January 15, 1999

No. 21721 (AMD): R657-43. Landowner Permits.

Published: December 15, 1998
Effective: January 15, 1999

Public Safety

Fire Marshal

No. 21708 (AMD): R710-1. Concerns Servicing Portable Fire Extinguishers.

Published: December 15, 1998
Effective: January 15, 1999

No. 21709 (AMD): R710-3. Assisted Living Facilities.

Published: December 15, 1998
Effective: January 15, 1999

No. 21710 (AMD): R710-4. Buildings Under the Jurisdiction of the State Fire Prevention Board.

Published: December 15, 1998
Effective: January 15, 1999

Public Service Commission

Administration

No. 20997 (CPR): R746-365. Inter-carrier Service Quality.

Published: September 15, 1998
Effective: January 13, 1999

Regents (Board of)

Administration

No. 21673 (NEW): R765-607. Utah Higher Education Tuition Assistance Program.

Published: December 1, 1998
Effective: January 4, 1999

No. 21674 (AMD): R765-685. Utah Educational Savings Plan Trust.

Published: December 1, 1998
Effective: January 4, 1999

Tax Commission

Property Tax

No. 21326 (CPR): R884-24P-52. Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103.

Published: December 1, 1998
Effective: January 12, 1999

**1998
RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)**

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1998, through January 1, 1999. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

DAR Note: The complete 1998 Rules Index - by Agency (Code Number) was printed in the January 15, 1999, issue of the *Utah State Bulletin*. The 1998 Rules Index - by Keyword (Subject) is as follows:

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ABRASIVE BLASTING</u>					
Environmental Quality, Air Quality	21128	R307-206	NEW	09/15/98	98-11/123
<u>ACCESS TO INFORMATION</u>					
Administrative Services, Administration	20537	R13-2	NSC	01/06/98	Not Printed
<u>ACCREDITATION</u>					
Education, Administration	21468	R277-410	AMD	11/03/98	98-19/4
	20780	R277-504	AMD	04/07/98	98-5/10
	20657	R277-516	5YR	01/14/98	98-3/89
	20904	R277-912	5YR	03/13/98	98-7/75
	21077	R277-912	NSC	05/07/98	Not Printed
<u>ACID RAIN</u>					
Environmental Quality, Air Quality	21115	R307-16 (Changed to R307-215)	AMD	09/15/98	98-11/99
	21115	R307-16 (Changed to R307-417)	AMD	09/15/98	98-11/99

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ACQUIT</u>					
Pardons (Board of), Administration	21616	R671-519	NEW	01/01/99	98-22/111
<u>ACUPUNCTURE</u>					
Commerce, Occupational and Professional Licensing	21149	R156-72	AMD	07/07/98	98-11/29
<u>ADJUDICATIVE PROCEDURES</u>					
Community and Economic Development, Community Development, Library	21090	R223-1	5YR	05/01/98	98-11/201
Regents (Board of), Administration	20980	R765-134	5YR	04/13/98	98-9/72
<u>ADJUDICATIVE PROCEEDINGS</u>					
Public Safety, Driver License	20632	R708-14	AMD	03/04/98	98-3/76
<u>ADMINISTRATIVE LAW</u>					
Administrative Services, Administrative Rules	20976	R15-4	AMD	07/01/98	98-9/3
	20952	R15-4-3	AMD	07/01/98	98-8/2
	21393	R15-5	5YR	08/21/98	98-18/49
	21394	R15-5	NSC	10/17/98	Not Printed
Human Services, Recovery Services	21424	R527-200	NSC	10/20/98	Not Printed
	21243	R527-253	AMD	08/17/98	98-14/73
<u>ADMINISTRATIVE PROCEDURES</u>					
Administrative Services, Administration	21435	R13-1	5YR	09/11/98	98-19/104
Administrative Services, Administrative Rules	21393	R15-5	5YR	08/21/98	98-18/49
	21394	R15-5	NSC	10/17/98	Not Printed
Commerce, Corporations and Commercial Code	21658	R154-100	5YR	11/10/98	98-23/48
Community and Economic Development, Community Development, Library	21090	R223-1	5YR	05/01/98	98-11/201
Environmental Quality, Air Quality	21120	R307-102	NEW	09/15/98	98-11/110
Human Resource Management, Administration	21065	R477-4	NSC	06/27/98	Not Printed
	21307	R477-12	AMD	10/02/98	98-16/22
	21309	R477-15	AMD	10/02/98	98-16/25
Human Services, Administration, Administrative Hearings	20248	R497-100	AMD	01/26/98	97-24/88
	21417	R497-100	NSC	10/20/98	Not Printed
Labor Commission, Industrial Accidents	21470	R612-1-9	NSC	10/22/98	Not Printed
Lieutenant Governor, Administration	21560	R622-1	5YR	10/19/98	98-22/142
Natural Resources, Energy	20718	R636-2	EXD	02/01/98	98-4/136
	20720	R636-5	EXD	02/01/98	98-4/136
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	21042	R641-101	5YR	05/01/98	98-10/159
	21043	R641-102	5YR	05/01/98	98-10/159
	21044	R641-103	5YR	05/01/98	98-10/160
	21045	R641-104	5YR	05/01/98	98-10/160

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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	21047	R641-106	5YR	05/01/98	98-10/161
	21048	R641-107	5YR	05/01/98	98-10/161
	21049	R641-108	5YR	05/01/98	98-10/162
	21050	R641-109	5YR	05/01/98	98-10/162
	21051	R641-110	5YR	05/01/98	98-10/163
	21052	R641-111	5YR	05/01/98	98-10/163
	21053	R641-112	5YR	05/01/98	98-10/164
	21054	R641-113	5YR	05/01/98	98-10/164
	21055	R641-114	5YR	05/01/98	98-10/164
	21056	R641-115	5YR	05/01/98	98-10/165
	21057	R641-116	5YR	05/01/98	98-10/165
	21058	R641-117	5YR	05/01/98	98-10/166
	21059	R641-118	5YR	05/01/98	98-10/166
	21060	R641-119	5YR	05/01/98	98-10/167
Natural Resources; Forestry, Fire and State Lands	21508	R652-7	5YR	10/02/98	98-21/100
Natural Resources, Water Resources	20554	R653-7	AMD	02/18/98	98-2/63
School and Institutional Trust Lands, Administration	21517	R850-5-500	NSC	10/22/98	Not Printed
	21242	R850-50-700	NSC	07/07/98	Not Printed
	20395	R850-80	AMD	02/03/98	98-1/108
	21320	R850-80-550	NSC	08/05/98	Not Printed
	21184	R850-80-600	AMD	07/16/98	98-12/20
Workers' Compensation Fund, Administration	21214	R980-1	REP	08/07/98	98-13/28
<u>ADMINISTRATIVE RESPONSIBILITY</u>					
Human Resource Management, Administration	21064	R477-3	NSC	06/27/98	Not Printed
	21635	R477-3	AMD	12/16/98	98-22/90
<u>ADMINISTRATIVE RULES</u>					
Human Resource Management, Administration	21073	R477-13	NSC	06/27/98	Not Printed
<u>ADOPTION</u>					
Human Services, Child and Family Services	20245	R512-2	AMD	02/01/98	97-24/90
<u>ADOPTION ASSISTANCE</u>					
Workforce Services, Employment Development	20855	R986-222	NSC	04/01/98	Not Printed
<u>ADULT EDUCATION</u>					
Education, Administration	20666	R277-702	5YR	01/14/98	98-3/93
Workforce Services, Employment Development	20867	R986-501	NSC	04/01/98	Not Printed
<u>ADVERTISING</u>					
Public Service Commission, Administration	21351	R746-406	5YR	08/11/98	98-17/63

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Workforce Services, Employment Development	20846	R986-212	NSC	04/01/98	Not Printed
	20847	R986-213	NSC	04/01/98	Not Printed
<u>AFDC APPLICATIONS</u>					
Workforce Services, Employment Development	20848	R986-214	NSC	04/01/98	Not Printed
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Agriculture and Food, Animal Industry	20279	R58-19	NEW	01/15/98	97-24/12
Agriculture and Food, Plant Industry	20280	R68-19	NEW	01/15/98	97-24/13
	20813	R68-19-4	AMD	04/15/98	98-6/16
Agriculture and Food, Regulatory Services	20281	R70-201	NEW	01/15/98	97-24/14
	20814	R70-201-4	AMD	04/15/98	98-6/16
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Public Safety, Highway Patrol	20908	R714-210	R&R	05/05/98	98-7/59
<u>AIR POLLUTION</u>					
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	21587	R307-1	NSC	11/12/98	Not Printed
	20096	R307-1-1	AMD	01/08/98	97-21/4
	20202	R307-1-1	AMD	01/08/98	97-23/10
	20736	R307-1-1	AMD	04/22/98	98-5/16
	21015	R307-1-2	AMD	08/13/98	98-10/26
	20219	R307-1-3	AMD	02/05/98	97-23/20
	20740	R307-1-3	NSC	02/05/98	Not Printed
	21104	R307-1-5 (Changed to R307-105)	AMD	09/15/98	98-11/37
	21105	R307-1-6 (Changed to R307-120)	AMD	09/15/98	98-11/39
	21105	R307-1-6 (Changed to R307-121)	AMD	09/15/98	98-11/39
	21105	R307-1-6 (Changed to R307-122)	AMD	09/15/98	98-11/39
	21106	R307-1-8 (Changed to R307-801)	AMD	09/15/98	98-11/43
	21107	R307-2 (Changed to R307-110)	AMD	09/15/98	98-11/55
	20099	R307-2-12	AMD	01/08/98	97-21/14
	21280	R307-2-12	NSC	07/27/98	Not Printed
	21031	R307-2-13	AMD	see CPR	98-10/28
	21031	R307-2-13	CPR	11/02/98	98-19/93
	21108	R307-3 (Changed to R307-342)	AMD	09/15/98	98-11/58
	21109	R307-4 (Changed to R307-130)	AMD	09/15/98	98-11/61
	21109	R307-4 (Changed to R307-135)	AMD	09/15/98	98-11/61

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	21563	R307-7-3	NSC	11/12/98	Not Printed
	20100	R307-8-3	AMD	01/08/98	97-21/15
	21111	R307-10 (Changed to R307-214)	AMD	09/15/98	98-11/74
	20737	R307-10-2	AMD	06/26/98	98-5/34
	21112	R307-11 (Changed to R307-320)	AMD	09/15/98	98-11/75
	21113	R307-13 (Changed to R307-170)	AMD	09/15/98	98-11/78
	21102	R307-14	REP	09/15/98	98-11/82
	21114	R307-15 (Changed to R307-415)	AMD	09/15/98	98-11/83
	21103	R307-17	REP	09/15/98	98-11/100
	21011	R307-18 (Changed to R307-210)	AMD	08/13/98	98-10/32
	21116	R307-19 (Changed to R307-115)	AMD	09/15/98	98-11/101
	21117	R307-20 (Changed to R307-220)	AMD	09/15/98	98-11/101
	21118	R307-21 (Changed to R307-221)	AMD	09/15/98	98-11/102
	21119	R307-101	NEW	09/15/98	98-11/104
	21120	R307-102	NEW	09/15/98	98-11/110
	21121	R307-107	NEW	09/15/98	98-11/112
	21564	R307-110-27	NSC	11/12/98	Not Printed
	21272	R307-110-31	AMD	11/20/98	98-15/4
	21565	R307-121-2	NSC	11/12/98	Not Printed
	21123	R307-155	NEW	09/15/98	98-11/114
	21124	R307-165	NEW	09/15/98	98-11/117
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	21126	R307-202	NEW	09/15/98	98-11/119
	21127	R307-203	NEW	09/15/98	98-11/121
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	21566	R307-220	NSC	11/12/98	Not Printed
	21671	R307-220	NSC	11/25/98	Not Printed
	21455	R307-220-3	AMD	11/25/98	98-19/6
	21456	R307-222	NEW	11/25/98	98-19/7
	21129	R307-302	NEW	09/15/98	98-11/124
	21130	R307-305	NEW	09/15/98	98-11/126
	21131	R307-307	NEW	09/15/98	98-11/128
	21273	R307-307-3	NSC	09/15/98	Not Printed
	21132	R307-325	NEW	09/15/98	98-11/129
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	21134	R307-327	NEW	09/15/98	98-11/133
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	21138	R307-340	NEW	09/15/98	98-11/143
	21139	R307-341	NEW	09/15/98	98-11/150
	21140	R307-401	NEW	09/15/98	98-11/151
	21274	R307-401-2	NSC	09/15/98	Not Printed
	21141	R307-403	NEW	09/15/98	98-11/154
	21142	R307-405	NEW	09/15/98	98-11/157
	21143	R307-406	NEW	09/15/98	98-11/162
	21144	R307-410	NEW	09/15/98	98-11/163
	21395	R307-410-3	NSC	09/15/98	Not Printed
	21146	R307-414	NEW	09/15/98	98-11/170
	21568	R307-415	NSC	11/12/98	Not Printed
	21016	R307-840	NEW	08/13/98	98-10/36
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Environmental Quality, Air Quality	20771	R307-8	AMD	04/22/98	98-5/26
	21110	R307-8 (Changed to R307-301)	AMD	09/15/98	98-11/66
	21567	R307-301-11	NSC	11/12/98	Not Printed
<u>AIR QUALITY</u>					
Environmental Quality, Air Quality	21009	R307-6	REP	08/13/98	98-10/29
	21115	R307-16 (Changed to R307-215)	AMD	09/15/98	98-11/99
	21115	R307-16 (Changed to R307-417)	AMD	09/15/98	98-11/99
<u>AIR TRAVEL</u>					
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	21627	R25-7	AMD	12/29/98	98-22/4
<u>ALARM COMPANY</u>					
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	21681	R156-65-502	NSC	12/30/98	Not Printed
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	20698	R714-550	AMD	03/24/98	98-4/104
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Alcoholic Beverage Control, Administration	21033	R81-1-6	AMD	07/01/98	98-10/3
	21032	R81-1-18	AMD	07/01/98	98-10/5
	21266	R81-1-18	NSC	07/29/98	Not Printed
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<u>ALTERNATIVES</u>					
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<u>ANTIPOVERTY PROGRAMS</u>					
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Workforce Services, Workforce Information and Payment Services	21211	R994-508	5YR	06/12/98	98-13/35
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Natural Resources, Water Rights	20955	R655-5	NEW	05/18/98	98-8/40
<u>APPLIED TECHNOLOGY EDUCATION</u>					
Education, Administration	21161	R277-907	NEW	07/02/98	98-11/34
	20904	R277-912	5YR	03/13/98	98-7/75
	21077	R277-912	NSC	05/07/98	Not Printed
Workforce Services, Employment Development	20867	R986-501	NSC	04/01/98	Not Printed
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	20394	R884-24P-24	AMD	02/24/98	98-1/114
	21639	R884-24P-24	AMD	12/18/98	98-22/127
	21357	R884-24P-33	AMD	10/14/98	98-17/43
	21556	R884-24P-33	AMD	12/18/98	98-21/81
	21501	R884-24P-46	AMD	12/18/98	98-20/26
	21526	R884-24P-53	EMR	10/06/98	98-21/92
	21557	R884-24P-53	AMD	12/18/98	98-21/88
	20203	R884-24P-58	AMD	02/24/98	97-23/96
	21502	R884-24P-60	AMD	12/18/98	98-20/27
	21503	R884-24P-61	AMD	12/18/98	98-20/29
	21640	R884-24P-62	AMD	12/18/98	98-22/129
<u>APPROVAL</u>					
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<u>APPROVAL FOR CORRECTIONAL BASIC COURSE</u>					
Public Safety, Peace Officer Standards and Training	20786	R728-406	NSC	02/23/98	Not Printed
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Public Safety, Peace Officer Standards and Training	20786	R728-406	NSC	02/23/98	Not Printed

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Environmental Quality, Air Quality	21140	R307-401	NEW	09/15/98	98-11/151
	21274	R307-401-2	NSC	09/15/98	Not Printed
<u>ARCHITECTS</u>					
Commerce, Occupational and Professional Licensing	20200	R156-3a	AMD	see CPR	97-23/4
	20200	R156-3a	CPR	02/18/98	98-2/79
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<u>ART IN PUBLIC PLACES</u>					
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	20812	R207-2	5YR	02/25/98	98-6/77
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Community and Economic Development, Community Development, Fine Arts	21175	R207-2	AMD	09/03/98	98-12/10
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Community and Economic Development, Community Development, Fine Arts	20812	R207-2	5YR	02/25/98	98-6/77
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<u>ASBESTOS</u>					
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	21109	R307-4 (Changed to R307-135)	AMD	09/15/98	98-11/61
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Environmental Quality, Air Quality	21122	R307-150	NEW	09/15/98	98-11/113
<u>AUXILIARY OFFICERS</u>					
Public Safety, Peace Officer Standards and Training	20831	R728-408	5YR	03/04/98	98-7/77
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Human Services, Mental Health, State Hospital	20890	R525-5	NEW	05/25/98	98-7/43
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	21530	R527-928	NSC	10/23/98	Not Printed
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Natural Resources, Wildlife Resources	20929	R657-33	EMR	03/19/98	98-8/58
	20938	R657-33	5YR	03/24/98	98-8/65
	20939	R657-33	AMD	05/18/98	98-8/43
<u>BENEFITS</u>					
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Human Services, Administration (Changed to Community and Economic Development, Community Development, Community Services)	21522	R495-605 (Changed to R202-205)	NSC	10/23/98	Not Printed
	21524	R495-607 (Changed to R202-207)	NSC	10/23/98	Not Printed
Labor Commission, Industrial Accidents	21217	R612-3	5YR	06/15/98	98-13/33
Workforce Services, Employment Development	20224	R986-302	AMD	01/02/98	97-23/97
	20744	R986-302	5YR	02/06/98	98-5/70
	20860	R986-415	NSC	04/01/98	Not Printed
	20208	R986-417	AMD	see CPR	97-23/100
	20208	R986-417	CPR	02/03/98	98-1/120
	20862	R986-417	NSC	04/01/98	Not Printed

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	20863	R986-418	NSC	04/01/98	Not Printed
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	21185	R657-5	AMD	07/16/98	98-12/14
	21414	R657-5	AMD	10/16/98	98-18/23
	20700	R657-43	AMD	03/18/98	98-4/90
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	21400	R657-9	AMD	10/16/98	98-18/26
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Administrative Services, Finance	21623	R25-5	5YR	10/30/98	98-22/140
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	21493	R651-206	AMD	12/01/98	98-20/17
	21407	R651-211	NSC	10/20/98	Not Printed
	21408	R651-213	NSC	10/20/98	Not Printed
	21664	R651-215	AMD	01/01/99	98-23/35
	21410	R651-216	NSC	10/20/98	Not Printed
	21411	R651-217	NSC	10/20/98	Not Printed
	21412	R651-219	NSC	10/20/98	Not Printed
	21494	R651-224	AMD	12/01/98	98-20/20
	21413	R651-225-4	NSC	10/20/98	Not Printed
	21495	R651-227	NEW	12/01/98	98-20/21
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	21549	R614-6-2	AMD	12/04/98	98-21/72
	21550	R614-6-4	AMD	12/04/98	98-21/73
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	20829	R313-32	NSC	04/01/98	Not Printed
	21088	R313-32	AMD	08/11/98	98-10/40
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Public Safety, Highway Patrol	20912	R714-300	R&R	05/05/98	98-7/63
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	20738	R986-304	EMR	02/12/98	98-5/60
	20739	R986-304	AMD	04/01/98	98-5/49
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	21572	R156-56	AMD	01/01/99	98-22/16
	21754	R156-56	NSC	01/01/99	Not Printed
	20883	R156-56-302	AMD	05/04/98	98-7/28
	21573	R156-56-704	AMD	01/01/99	98-22/30
	21574	R156-56-704	AMD	01/01/99	98-22/34
	20990	R156-56-706	AMD	07/01/98	98-9/24
	20989	R156-56-706	AMD	07/01/98	98-9/23
	20991	R156-56-706	AMD	07/01/98	98-9/25
	21203	R156-56-706	NSC	07/01/98	Not Printed
	21575	R156-56-706	AMD	01/01/99	98-22/38
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	21572	R156-56	AMD	01/01/99	98-22/16
	21754	R156-56	NSC	01/01/99	Not Printed
	20883	R156-56-302	AMD	05/04/98	98-7/28
	21573	R156-56-704	AMD	01/01/99	98-22/30
	21574	R156-56-704	AMD	01/01/99	98-22/34
	20990	R156-56-706	AMD	07/01/98	98-9/24
	20989	R156-56-706	AMD	07/01/98	98-9/23
	20991	R156-56-706	AMD	07/01/98	98-9/25
	21203	R156-56-706	NSC	07/01/98	Not Printed
	21575	R156-56-706	AMD	01/01/99	98-22/38
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	20709	R23-11	5YR	01/28/98	98-4/131
	20711	R23-24	5YR	01/28/98	98-4/132

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	21208	R23-29	AMD	10/29/98	98-13/10
<u>BURGLAR ALARMS</u>					
Commerce, Occupational and Professional Licensing	21481	R156-65-502	AMD	11/17/98	98-20/4
	21681	R156-65-502	NSC	12/30/98	Not Printed
<u>BUSES</u>					
Transportation, Preconstruction, Right- of-Way Acquisition	21177	R933-4	NEW	07/16/98	98-12/21
<u>BUSINESS</u>					
Administrative Services, Finance	21633	R25-12	REP	12/29/98	98-22/12
<u>BUSLINES</u>					
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<u>BUS SHELTERS</u>					
Transportation, Preconstruction, Right- of-Way Acquisition	21177	R933-4	NEW	07/16/98	98-12/21
<u>CAPACITY DEVELOPMENT</u>					
Environmental Quality, Drinking Water	21027	R309-352	NEW	06/19/98	98-10/38
<u>CAPITAL PUNISHMENT</u>					
Pardons (Board of), Administration	20486	R671-205	AMD	02/18/98	98-1/76
	21300	R671-205	EXD	07/15/98	98-16/96
	21310	R671-205	EMR	07/17/98	98-16/81
	21311	R671-205	NEW	12/09/98	98-16/48
	20489	R671-312	AMD	02/18/98	98-1/87
	21301	R671-312	EXD	07/15/98	98-16/96
	21312	R671-312	EMR	07/17/98	98-16/82
	21313	R671-312	NEW	09/15/98	98-16/49
	21428	R671-312	NSC	09/15/98	Not Printed
<u>CAREER DEVELOPMENT COURSES</u>					
Public Safety, Peace Officer Standards and Training	21539	R728-501	5YR	10/14/98	98-21/101
<u>CAREER EDUCATION</u>					
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<u>CARRYOVER FUNDING</u>					
Human Services, Aging and Adult Services	20635	R510-101	5YR	01/08/98	98-3/99
<u>CASH OUT</u>					
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	21288	R986-709	REP	10/01/98	98-15/78
<u>CENTENNIAL</u>					
Statehood Centennial Commission (Utah), Administration	20924	R855-1	EXD	03/17/98	98-8/67
	20925	R855-2	EXD	03/17/98	98-8/67
	20926	R855-3	EXD	03/17/98	98-8/67
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<u>CERTIFIED NURSE MIDWIFE</u>					
Commerce, Occupational and Professional Licensing	21405	R156-44a	AMD	10/22/98	98-18/4
<u>CHARTER SCHOOLS</u>					
Education, Administration	21469	R277-470	NEW	11/03/98	98-19/4
<u>CHILD ABUSE</u>					
Human Services, Child and Family Services	21226	R512-25	EMR	06/16/98	98-14/99
	21336	R512-25	NEW	09/15/98	98-16/26
<u>CHILD CARE</u>					
Workforce Services, Employment Development	20754	R986-701	5YR	02/06/98	98-5/75
	20870	R986-701	NSC	04/01/98	Not Printed
	21283	R986-701	AMD	10/01/98	98-15/71
	20755	R986-702	5YR	02/06/98	98-5/76
	20871	R986-702	NSC	04/01/98	Not Printed
	21284	R986-702	AMD	10/01/98	98-15/73
	20756	R986-703	5YR	02/06/98	98-5/77
	20872	R986-703	NSC	04/01/98	Not Printed
	21285	R986-703	AMD	10/01/98	98-15/74
	20757	R986-704	5YR	02/06/98	98-5/77
	20873	R986-704	NSC	04/01/98	Not Printed
	20758	R986-705	5YR	02/06/98	98-5/78
	20874	R986-705	NSC	04/01/98	Not Printed
	20759	R986-706	5YR	02/06/98	98-5/78
	20875	R986-706	NSC	04/01/98	Not Printed
	21286	R986-706	AMD	10/01/98	98-15/75
	20760	R986-707	5YR	02/06/98	98-5/79
	20876	R986-707	NSC	04/01/98	Not Printed
	21287	R986-707	AMD	10/01/98	98-15/77
<u>CHILD CARE FACILITIES</u>					
Health, Health Systems Improvement, Child Care Licensing	20264	R430-2	NEW	02/04/98	97-24/66
	20265	R430-3	NEW	01/21/98	97-24/69
	21235	R430-4	NEW	08/20/98	98-14/51
	20266	R430-5	NEW	02/05/98	97-24/71
	21392	R430-5	REP	10/28/98	98-18/14
	20267	R430-6	NEW	01/20/98	97-24/75
	21245	R430-6	AMD	08/20/98	98-14/53
	20645	R430-10	EMR	01/09/98	98-3/86
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	20268	R430-30	NEW	01/21/98	97-24/79

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	21472	R430-50	NSC	10/19/98	Not Printed
	21276	R430-60	NEW	09/10/98	98-15/5
	21246	R430-90	NEW	08/20/98	98-14/58
	21473	R430-90	NSC	10/22/98	Not Printed
	20269	R430-100	NEW	02/05/98	97-24/79
	21277	R430-100	AMD	09/10/98	98-15/10
<u>CHILD PLACING</u>					
Human Services, Administration, Administrative Services, Licensing	21415	R501-7	EMR	09/02/98	98-19/94
	21391	R501-7	AMD	10/16/98	98-18/21
<u>CHILDREN</u>					
Workforce Services, Employment Development	20754	R986-701	5YR	02/06/98	98-5/75
	20870	R986-701	NSC	04/01/98	Not Printed
	21283	R986-701	AMD	10/01/98	98-15/71
	20755	R986-702	5YR	02/06/98	98-5/76
	20871	R986-702	NSC	04/01/98	Not Printed
	21284	R986-702	AMD	10/01/98	98-15/73
<u>CHILDREN'S HEALTH BENEFITS</u>					
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	21154	R382-10	NEW	07/14/98	98-11/173
	21187	R382-10-10	AMD	07/17/98	98-12/11
	21155	R382-20	NEW	07/14/98	98-11/178
	21237	R382-20	NSC	07/22/98	Not Printed
<u>CHILD SUPPORT</u>					
Human Services, Recovery Services	20647	R527-3	5YR	01/12/98	98-3/104
	20240	R527-5	AMD	01/05/98	97-23/83
	20522	R527-39	NEW	02/05/98	98-1/67
	20978	R527-56	5YR	04/13/98	98-9/69
	20979	R527-56	NSC	04/20/98	Not Printed
	21018	R527-100	NEW	06/16/98	98-10/129
	21424	R527-200	NSC	10/20/98	Not Printed
	21352	R527-201	AMD	see CPR	98-17/34
	21352	R527-201	CPR	10/16/98	98-18/38
	21638	R527-201	AMD	12/17/98	98-22/93
	21243	R527-253	AMD	08/17/98	98-14/73
	20723	R527-300	AMD	03/18/98	98-4/77
	21006	R527-300	AMD	06/16/98	98-10/130
	21488	R527-300	NSC	10/22/98	Not Printed
	20724	R527-301	AMD	03/18/98	98-4/80
	21427	R527-301	5YR	09/04/98	98-19/106
	21017	R527-305	NEW	06/16/98	98-10/131
	20523	R527-430	NEW	02/05/98	98-1/68
	20725	R527-475	AMD	03/18/98	98-4/82

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	21226	R512-25	EMR	06/16/98	98-14/99
	21336	R512-25	NEW	09/15/98	98-16/26
	20288	R512-31	AMD	04/01/98	97-24/91
Workforce Services, Employment Development	20846	R986-212	NSC	04/01/98	Not Printed
<u>CHILD WELFARE POLICY</u>					
Human Services, Child and Family Services	21466	R512-3	NEW	11/05/98	98-19/77
<u>CITIZENSHIP</u>					
Workforce Services, Employment Development	20861	R986-416	NSC	04/01/98	Not Printed
<u>CIVIL RIGHTS</u>					
Natural Resources, Administration	20256	R634-1	NEW	01/15/98	97-24/92
<u>CLASS I AREA</u>					
Environmental Quality, Air Quality	21142	R307-405	NEW	09/15/98	98-11/157
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Workforce Services, Employment Development	20755	R986-702	5YR	02/06/98	98-5/76
	20871	R986-702	NSC	04/01/98	Not Printed
	21284	R986-702	AMD	10/01/98	98-15/73
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Human Services, Administration (Changed to Community and Economic Development, Community Development, Community Services)	21518	R495-601 (Changed to R202-201)	NSC	10/23/98	Not Printed
Workforce Services, Employment Development	20743	R986-301	5YR	02/06/98	98-5/70
	20856	R986-411	NSC	04/01/98	Not Printed
Workforce Services, Employment Development (Changed to Health, Health Care Financing, Coverage and Reimbursement Policy)	21164	R986-301 (Changed to R414-301)	NSC	06/01/98	Not Printed
<u>CLOTHING ALLOWANCE</u>					
Administrative Services, Finance	21622	R25-4	REP	12/29/98	98-22/2
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	21327	R645-102	5YR	07/27/98	98-16/91
	20190	R645-301-500	AMD	03/15/98	97-22/38
	21663	R645-301-500	NSC	12/01/98	Not Printed
	20191	R645-301-700	AMD	03/15/98	97-22/59
	21334	R645-301-700	AMD	09/30/98	98-16/36
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	20981	R765-555	5YR	04/13/98	98-9/73

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	20982	R765-993	5YR	04/13/98	98-9/73
	20985	R765-993	NSC	05/01/98	Not Printed
<u>COMMERCE</u>					
Commerce, Corporations and Commercial Code	21533	R154-10	AMD	12/02/98	98-21/2
	21586	R154-10	NSC	12/02/98	Not Printed
	21699	R154-10	NSC	12/30/98	Not Printed
<u>COMMUNICATIONS</u>					
Public Service Commission, Administration	20592	R746-356-2	NSC	01/06/98	Not Printed
<u>COMMUNITY ACTION PROGRAMS</u>					
Community and Economic Development, Community Development, Community Services	20282	R202-100	AMD	01/15/98	97-24/17
<u>COMMUNITY HEALTH SERVICES</u>					
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<u>COMMUNITY SCHOOLS</u>					
Education, Administration	20674	R277-732	5YR	01/14/98	98-3/97
<u>COMMUNITY SERVICE</u>					
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	21198	R251-307	REP	09/01/98	98-13/12
<u>COMPENSATORY TIME</u>					
Human Resource Management, Administration	21264	R477-8	EMR	07/01/98	98-14/94
	21306	R477-8	AMD	10/02/98	98-16/17
	21636	R477-8	AMD	12/16/98	98-22/91
<u>COMPLAINT PROCEDURES</u>					
Corrections, Administration	20841	R251-112	5YR	03/06/98	98-7/72
	20842	R251-112	AMD	06/15/98	98-7/32
	20986	R251-112	NSC	06/15/98	Not Printed
<u>COMPLAINTS</u>					
Education, Administration	21191	R277-104	5YR	06/04/98	98-13/30
Education, Applied Technology Education (Board for), Rehabilitation	21643	R280-201	EXD	11/01/98	98-22/144
Human Services, Mental Health, State Hospital	20892	R525-7	NEW	05/25/98	98-7/45
Public Service Commission, Administration	21341	R746-500	5YR	08/05/98	98-17/64
<u>COMPULSORY EDUCATION</u>					
Education, Administration	21160	R277-616	AMD	07/02/98	98-11/32
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Human Services, Mental Health, State Hospital	20892	R525-7	NEW	05/25/98	98-7/45
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Commerce, Real Estate	21151	R162-106	AMD	07/14/98	98-11/30
	20625	R162-107	NEW	03/04/98	98-2/22
Professional Practices Advisory Commission, Administration	20524	R686-100	NEW	02/09/98	98-1/99
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Human Services, Recovery Services	20240	R527-5	AMD	01/05/98	97-23/83
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Administrative Services, Administration	20537	R13-2	NSC	01/06/98	Not Printed
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Human Services, Administration (Changed to Community and Economic Development, Community Development, Community Services)	21518	R495-601 (Changed to R202-201)	NSC	10/23/98	Not Printed
Natural Resources, Energy	20719	R636-4	EXD	02/01/98	98-4/136
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<u>CONSTRUCTION</u>					
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	21213	R23-4	AMD	10/29/98	98-13/7
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	20953	R313-15	NSC	04/04/98	Not Printed

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	21271	R313-15	NSC	07/22/98	Not Printed
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	20875	R986-706	NSC	04/01/98	Not Printed
	21286	R986-706	AMD	10/01/98	98-15/75
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	21019	R156-38	CPR	08/20/98	98-14/88
	20650	R156-55a	AMD	03/05/98	98-3/23
	20836	R156-55a-302b	NSC	03/17/98	Not Printed
	21275	R156-55a-302b	NSC	07/22/98	Not Printed
	21542	R156-55b	AMD	12/03/98	98-21/9
	21729	R156-55b-102	NSC	12/30/98	Not Printed
	20987	R156-56	AMD	07/01/98	98-9/6
	21572	R156-56	AMD	01/01/99	98-22/16
	21754	R156-56	NSC	01/01/99	Not Printed
	20883	R156-56-302	AMD	05/04/98	98-7/28
	21573	R156-56-704	AMD	01/01/99	98-22/30
	21574	R156-56-704	AMD	01/01/99	98-22/34
	20990	R156-56-706	AMD	07/01/98	98-9/24
	20989	R156-56-706	AMD	07/01/98	98-9/23
	20991	R156-56-706	AMD	07/01/98	98-9/25
	21203	R156-56-706	NSC	07/01/98	Not Printed
	21575	R156-56-706	AMD	01/01/99	98-22/38
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	20702	R23-4	5YR	01/28/98	98-4/128
	21213	R23-4	AMD	10/29/98	98-13/7
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	20844	R251-304	AMD	06/15/98	98-7/34
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	21092	R156-37	NSC	05/21/98	Not Printed
	20941	R156-37-605	AMD	05/19/98	98-8/8
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Governor, Planning and Budget, Information Technology Coordinator (Changed to Governor, Planning and Budget, Chief Information Officer)	21429	R365-3	NSC	09/10/98	Not Printed
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	20843	R251-304	5YR	03/06/98	98-7/73
	20844	R251-304	AMD	06/15/98	98-7/34
	21207	R251-307	5YR	06/11/98	98-13/34
	21198	R251-307	REP	09/01/98	98-13/12
	20198	R251-707	AMD	01/15/98	97-23/8
	20379	R251-710	AMD	03/15/98	98-1/14
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	21479	R331-22	AMD	11/17/98	98-20/14
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	21401	R657-10	AMD	10/16/98	98-18/29
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	21577	R982-301	NSC	11/12/98	Not Printed
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Commerce, Occupational and Professional Licensing	20359	R156-60c	AMD	02/03/98	98-1/6
	21008	R156-60c	AMD	06/16/98	98-10/20
	21230	R156-60c-302a	AMD	08/20/98	98-14/40
	20728	R156-60c-502	NSC	02/19/98	Not Printed

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	20319	R986-303-301	AMD	02/03/98	98-1/116
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	20439	R671-207	AMD	02/18/98	98-1/78
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	21346	R722-2	R&R	see CPR	98-17/40
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	21744	R722-2	5YR	12/16/98	99-2/93
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	20664	R277-700	5YR	01/14/98	98-3/92
	20665	R277-701	5YR	01/14/98	98-3/93
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	21073	R477-13	NSC	06/27/98	Not Printed
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	21145	R307-413	AMD	09/15/98	98-11/167
	21354	R307-413	NSC	09/15/98	Not Printed
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Workforce Services, Employment Development	20742	R986-221	5YR	02/06/98	98-5/69
	20854	R986-221	NSC	04/01/98	Not Printed
	20752	R986-310	5YR	02/06/98	98-5/74
	20753	R986-421	5YR	02/06/98	98-5/75
	20866	R986-421	NSC	04/01/98	Not Printed
	21423	R986-421	EMR	10/01/98	98-19/102
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<u>DENTISTS</u>					
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	20842	R251-112	AMD	06/15/98	98-7/32
	20986	R251-112	NSC	06/15/98	Not Printed
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	21159	R277-436	AMD	07/02/98	98-11/31
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	20291	R309-107	REP	03/01/98	97-24/33
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	20294	R309-110	REP	03/01/98	97-24/56
	20295	R309-111	REP	03/01/98	97-24/60
	20296	R309-112	REP	03/01/98	97-24/63
	20977	R309-113	AMD	06/15/98	98-9/31
	20693	R309-114	NEW	see CPR	98-4/76
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	21302	R309-211	AMD	11/01/98	98-16/6
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	20665	R277-701	5YR	01/14/98	98-3/93
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	21345	R277-452	NEW	10/05/98	98-17/7
	21260	R277-458	AMD	08/15/98	98-14/43
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	21260	R277-458	AMD	08/15/98	98-14/43
	20900	R277-740	5YR	03/13/98	98-7/74
	21161	R277-907	NEW	07/02/98	98-11/34
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	21699	R154-10	NSC	12/30/98	Not Printed
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	20871	R986-702	NSC	04/01/98	Not Printed
	21284	R986-702	AMD	10/01/98	98-15/73
	20757	R986-704	5YR	02/06/98	98-5/77
	20873	R986-704	NSC	04/01/98	Not Printed
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	21372	R426-1	NSC	10/17/98	Not Printed
	21152	R426-1-8	AMD	07/06/98	98-11/185
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	21373	R426-3	NSC	10/19/98	Not Printed
	21028	R426-4	AMD	06/23/98	98-10/58
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	20651	R156-59	CPR	05/04/98	98-7/71
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	21252	R982-501	5YR	06/29/98	98-14/105
Workforce Services, Employment Development	21253	R986-601	5YR	06/29/98	98-14/106
	20868	R986-602	NSC	04/01/98	Not Printed
	21254	R986-602	5YR	06/29/98	98-14/106
	20869	R986-603	NSC	04/01/98	Not Printed
	21255	R986-603	5YR	06/29/98	98-14/106
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	21520	R495-603 (Changed to R202-203)	NSC	10/23/98	Not Printed
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	21524	R495-607 (Changed to R202-207)	NSC	10/23/98	Not Printed
	21525	R495-608 (Changed to R202-208)	NSC	10/23/98	Not Printed
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	20940	R156-22	CPR	07/16/98	98-12/29
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	21641	R277-437	EXD	11/01/98	98-22/144
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	20290	R309-106	REP	03/01/98	97-24/26
	20295	R309-111	REP	03/01/98	97-24/60
	20296	R309-112	REP	03/01/98	97-24/63
	20977	R309-113	AMD	06/15/98	98-9/31
	20693	R309-114	NEW	see CPR	98-4/76
	20693	R309-114	CPR	06/15/98	98-9/60
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	21280	R307-2-12	NSC	07/27/98	Not Printed
	21031	R307-2-13	AMD	see CPR	98-10/28
	21031	R307-2-13	CPR	11/02/98	98-19/93
	21114	R307-15 (Changed to R307-415)	AMD	09/15/98	98-11/83
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	21566	R307-220	NSC	11/12/98	Not Printed
	21662	R307-220	NSC	11/25/98	Not Printed
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	21703	R671-517	NSC	01/01/99	Not Printed
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Environmental Quality, Radiation Control	20234	R313-12	AMD	see CPR	97-23/115
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	20661	R277-606	5YR	01/14/98	98-3/91
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	21451	R612-2-3	AMD	11/03/98	98-19/80
	21452	R612-2-5	AMD	11/03/98	98-19/82
	21662	R612-2-5	NSC	12/01/98	Not Printed
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	20793	R651-611	AMD	07/06/98	98-6/44
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Agriculture and Food, Plant Industry	21389	R68-3	AMD	10/16/98	98-18/13
	21559	R68-3-2	NSC	11/12/98	Not Printed
<u>FILINGS DEADLINES</u>					
Labor Commission, Industrial Accidents	21470	R612-1-9	NSC	10/22/98	Not Printed
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	21624	R25-6	5YR	10/30/98	98-22/140
	21625	R25-6	AMD	12/29/98	98-22/2
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Workforce Services, Employment Development	20847	R986-213	NSC	04/01/98	Not Printed
	20746	R986-304	5YR	02/06/98	98-5/71
	20738	R986-304	EMR	02/12/98	98-5/60
	20739	R986-304	AMD	04/01/98	98-5/49
Workforce Services, Employment Development (Changed to Health, Health Care Financing, Coverage and Reimbursement Policy)	21167	R986-304 (Changed to R414-304)	NSC	06/01/98	Not Printed
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	21426	R331-20	NSC	10/17/98	Not Printed
	21474	R331-21	5YR	09/16/98	98-20/37
	21475	R331-21	NSC	10/17/98	Not Printed
	20879	R331-22	AMD	05/04/98	98-7/35
	21479	R331-22	AMD	11/17/98	98-20/14
	21430	R331-24	5YR	09/10/98	98-19/106
	21431	R331-24	AMD	11/03/98	98-19/75
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	21103	R307-17	REP	09/15/98	98-11/100
	21125	R307-201	NEW	09/15/98	98-11/118
	21129	R307-302	NEW	09/15/98	98-11/124
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	20714	R710-4	AMD	03/18/98	98-4/96
	21291	R710-4	AMD	09/01/98	98-15/46
	20277	R710-7	AMD	01/15/98	97-24/108
	21293	R710-7	AMD	09/01/98	98-15/53
	21711	R710-7	NSC	12/30/98	Not Printed
	20716	R710-8	AMD	03/18/98	98-4/103
	21294	R710-8	AMD	09/01/98	98-15/55
	21742	R710-8	EMR	12/16/98	99-2/90
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	21295	R710-9	AMD	09/01/98	98-15/57
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<u>FISHING</u>					
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	20672	R277-722	5YR	01/14/98	98-3/96
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	21496	R986-413	EMR	10/01/98	98-20/35
	20860	R986-415	NSC	04/01/98	Not Printed
	20861	R986-416	NSC	04/01/98	Not Printed
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	21420	R986-417	EMR	10/01/98	98-19/48
	20863	R986-418	NSC	04/01/98	Not Printed
	20209	R986-419	AMD	01/02/98	97-23/102
	20864	R986-419	NSC	04/01/98	Not Printed
	21421	R986-419	EMR	10/01/98	98-19/99
	20210	R986-420	AMD	01/02/98	97-23/102
	20865	R986-420	NSC	04/01/98	Not Printed
	21422	R986-420	EMR	10/01/98	98-19/101
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	20288	R512-31	AMD	04/01/98	97-24/91
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	21530	R527-928	NSC	10/23/98	Not Printed
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	20984	R765-555	NSC	05/01/98	Not Printed
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Tax Commission, Auditing	20392	R865-4D-2	AMD	02/24/98	98-1/112
	21193	R865-4D-2	NSC	06/17/98	Not Printed
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	21185	R657-5	AMD	07/16/98	98-12/14
	21414	R657-5	AMD	10/16/98	98-18/23
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	20929	R657-33	EMR	03/19/98	98-8/58
	20938	R657-33	5YR	03/24/98	98-8/65
	20939	R657-33	AMD	05/18/98	98-8/43
	21500	R657-34	5YR	10/01/98	98-20/38
	21499	R657-34	AMD	11/19/98	98-20/25
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Education, Administration	21192	R277-436	5YR	06/04/98	98-13/31
	21159	R277-436	AMD	07/02/98	98-11/31
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Environmental Quality, Air Quality	20771	R307-8	AMD	04/22/98	98-5/26
	21110	R307-8 (Changed to R307-301)	AMD	09/15/98	98-11/66
	20100	R307-8-3	AMD	01/08/98	97-21/15
	21102	R307-14	REP	09/15/98	98-11/82
	21567	R307-301-11	NSC	11/12/98	Not Printed
	21133	R307-326	NEW	09/15/98	98-11/131
	21134	R307-327	NEW	09/15/98	98-11/133
	21136	R307-332	NEW	09/15/98	98-11/137
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Environmental Quality, Air Quality	21108	R307-3 (Changed to R307-342)	AMD	09/15/98	98-11/58
	21135	R307-328	NEW	09/15/98	98-11/135
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Environmental Quality, Air Quality	21116	R307-19 (Changed to to R307-115)	AMD	09/15/98	98-11/101
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	20870	R986-701	NSC	04/01/98	Not Printed
	21283	R986-701	AMD	10/01/98	98-15/71
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	21541	R495-810-2	AMD	12/07/98	98-21/58
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	21426	R331-20	NSC	10/17/98	Not Printed
Human Services, Administration, Administrative Services, Management Services	20895	R503-5	5YR	03/13/98	98-7/76
	20896	R503-5	REP	05/02/98	98-7/37
Pardons (Board of), Administration	20486	R671-205	AMD	02/18/98	98-1/76
	21300	R671-205	EXD	07/15/98	98-16/96
	21310	R671-205	EMR	07/17/98	98-16/81
	21311	R671-205	NEW	12/09/98	98-16/48
	20449	R671-304	AMD	02/18/98	98-1/83
	20487	R671-305	AMD	02/18/98	98-1/83
	20465	R671-317	AMD	02/18/98	98-1/91
	21201	R671-317	NSC	06/17/98	Not Printed
	20490	R671-403	AMD	02/18/98	98-1/92
	21645	R671-403	EXD	11/01/98	98-22/144
	21665	R671-403	NEW	01/01/99	98-23/37
	20475	R671-503	AMD	02/18/98	98-1/95
	21600	R671-503	REP	01/01/99	98-22/97
	20477	R671-504	AMD	02/18/98	98-1/95
	21601	R671-504	REP	01/01/99	98-22/98
	20479	R671-505	AMD	02/18/98	98-1/96
	21602	R671-505	REP	01/01/99	98-22/99
	20483	R671-508	AMD	02/18/98	98-1/98
	21605	R671-508	REP	01/01/99	98-22/100
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	20794	R425-1	AMD	see CPR	98-6/34
	20794	R425-1	CPR	06/03/98	98-9/61
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	21532	R434-10	AMD	12/14/98	98-21/51
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	20819	R861-1A-24	AMD	05/04/98	98-6/56
	20820	R861-1A-25	AMD	05/04/98	98-6/57
	20821	R861-1A-26	AMD	05/04/98	98-6/57
	20822	R861-1A-27	AMD	05/04/98	98-6/59
	20823	R861-1A-28	AMD	05/04/98	98-6/59
	20824	R861-1A-32	AMD	05/04/98	98-6/60
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	21307	R477-12	AMD	10/02/98	98-16/22
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	20737	R307-10-2	AMD	06/26/98	98-5/34
	21144	R307-410	NEW	09/15/98	98-11/163
	21395	R307-410-3	NSC	09/15/98	Not Printed
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	21282	R909-75	AMD	09/01/98	98-15/70
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Transportation, Motor Carrier	20676	R909-75	NSC	01/21/98	Not Printed
	20918	R909-75	AMD	05/28/98	98-7/67
	21282	R909-75	AMD	09/01/98	98-15/70
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	20383	R315-2	AMD	02/20/98	98-1/17
	20733	R315-2-17	NSC	02/18/98	Not Printed
	20384	R315-3	AMD	02/20/98	98-1/27
	20795	R315-3	NSC	03/05/98	Not Printed
	21460	R315-3	AMD	12/15/98	98-19/22
	20385	R315-4	AMD	02/20/98	98-1/35
	20797	R315-4-4	NSC	03/06/98	Not Printed
	20538	R315-6-7	AMD	02/20/98	98-2/24
	20386	R315-7	AMD	02/20/98	98-1/36
	21461	R315-7	AMD	12/15/98	98-19/24
	20734	R315-7-17	NSC	02/18/98	Not Printed
	21731	R315-7-21	NSC	12/30/98	Not Printed
	20387	R315-8	AMD	02/20/98	98-1/38
	21462	R315-8	AMD	12/15/98	98-19/29
	21732	R315-8-6	NSC	12/30/98	Not Printed
	20388	R315-13	AMD	02/20/98	98-1/39
	20796	R315-13	NSC	03/05/98	Not Printed
	21463	R315-13	AMD	12/15/98	98-19/34
	20389	R315-14-7	AMD	02/20/98	98-1/40
	21026	R315-15-11	AMD	06/17/98	98-10/41
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	20391	R315-50	AMD	02/20/98	98-1/50
21464	R315-50	AMD	12/15/98	98-19/35	
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	21158	R428-13	AMD	07/22/98	98-11/189
	21637	R428-13	AMD	12/24/98	98-22/71
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	21036	R432-100	AMD	see CPR	98-10/60
	21036	R432-100	CPR	10/01/98	98-16/61
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	20808	R432-1-4	AMD	05/28/98	98-6/38
	20830	R432-3-9	AMD	05/07/98	98-7/36
	21296	R432-6	R&R	09/14/98	98-15/20
	21482	R432-12	NSC	10/19/98	Not Printed
	20582	R432-16	NEW	03/04/98	98-2/27
	21505	R432-101	NSC	10/19/98	Not Printed
	20558	R432-102	AMD	02/24/98	98-2/31
	21005	R432-102-14	AMD	06/26/98	98-10/93
	20607	R432-103	NSC	01/06/98	Not Printed
	21483	R432-150	NSC	10/19/98	Not Printed
	20685	R432-151	5YR	01/20/98	98-4/134
	21506	R432-151	NSC	10/19/98	Not Printed
	21484	R432-152	NSC	10/19/98	Not Printed
	21485	R432-200	NSC	10/19/98	Not Printed
	20559	R432-550	AMD	02/24/98	98-2/34
	20560	R432-600	AMD	02/24/98	98-2/39
	20561	R432-700	AMD	02/24/98	98-2/42
	20562	R432-750	AMD	03/04/98	98-2/49
	21486	R432-750	NSC	10/19/98	Not Printed
	21487	R432-950	NSC	10/19/98	Not Printed
<u>HEALTH FACILITY ADMINISTRATORS</u>					
Commerce, Occupational and Professional Licensing	20894	R156-15-302d	AMD	05/05/98	98-7/8
<u>HEALTH INSURANCE</u>					
Human Services, Recovery Services	21352	R527-201	AMD	see CPR	98-17/34
	21352	R527-201	CPR	10/16/98	98-18/38
	21638	R527-201	AMD	12/17/98	98-22/93
<u>HEALTH PLANNING</u>					
Health, Health Data Analysis	20192	R428-11	NEW	03/15/98	97-22/21
	21157	R428-11	AMD	07/22/98	98-11/187
	20731	R428-13	NEW	04/05/98	98-5/40
	21158	R428-13	AMD	07/22/98	98-11/189
	21637	R428-13	AMD	12/24/98	98-22/71

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	21158	R428-13	AMD	07/22/98	98-11/189
	21637	R428-13	AMD	12/24/98	98-22/71
<u>HEARINGS</u>					
Environmental Quality, Air Quality	21120	R307-102	NEW	09/15/98	98-11/110
Human Services, Administration (Changed to Community and Economic Development, Community Development, Community Services)	21518	R495-601 (Changed to R202-201)	NSC	10/23/98	Not Printed
Pardons (Board of), Administration	21610	R671-513	NEW	01/01/99	98-22/105
	21613	R671-516	NEW	01/01/99	98-22/108
	21614	R671-517	NEW	01/01/99	98-22/109
	21703	R671-517	NSC	01/01/99	Not Printed
	21616	R671-519	NEW	01/01/99	98-22/111
	21617	R671-520	NEW	01/01/99	98-22/112
	21618	R671-521	NEW	01/01/99	98-22/113
	21704	R671-521	NSC	01/01/99	Not Printed
	21619	R671-522	NEW	01/01/99	98-22/114
Professional Practices Advisory Commission, Administration	20524	R686-100	NEW	02/09/98	98-1/99
<u>HIGHER EDUCATION</u>					
Regents (Board of), Administration	20980	R765-134	5YR	04/13/98	98-9/72
	20981	R765-555	5YR	04/13/98	98-9/73
	20984	R765-555	NSC	05/01/98	Not Printed
	21163	R765-605	NEW	07/02/98	98-11/194
	21396	R765-610	AMD	10/26/98	98-18/34
	21397	R765-612	AMD	10/26/98	98-18/35
	20982	R765-993	5YR	04/13/98	98-9/73
	20985	R765-993	NSC	05/01/98	Not Printed
Regents (Board of), University of Utah, Administration	21227	R805-2	5YR	06/17/98	98-14/104
<u>HIGHWAY CONSTRUCTION</u>					
Transportation, Operations, Maintenance	20628	R918-2-3	NSC	01/21/98	Not Printed
<u>HIGHWAY PLANNING</u>					
Transportation, Program Development	20942	R926-2	AMD	05/29/98	98-8/47
<u>HIRING PRACTICES</u>					
Human Resource Management, Administration	21304	R477-5	AMD	10/02/98	98-16/13
<u>HOME CARE SERVICES</u>					
Human Services, Aging and Adult Services	20644	R510-400	5YR	01/08/98	98-3/103
<u>HONORARIUMS</u>					
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	21157	R428-11	AMD	07/22/98	98-11/187
<u>HOSPITALS</u>					
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Human Resource Management, Administration	21309	R477-15	AMD	10/02/98	98-16/25
<u>HOUSING FINANCE</u>					
Housing Finance Agency, Administration	21659	R460-8	5YR	11/10/98	98-23/49
	21660	R460-8	NSC	12/01/98	Not Printed
<u>HUMAN SERVICES</u>					
Human Services, Administration, Administrative Services, Licensing	21388	R501-1	AMD	10/16/98	98-18/17
	21540	R501-1	NSC	10/16/98	Not Printed
	21646	R501-1	NSC	12/01/98	Not Printed
	21083	R501-2	EMR	05/04/98	98-10/139
	21084	R501-2	AMD	07/02/98	98-10/120
	21647	R501-2	NSC	12/01/98	Not Printed
	21655	R501-3	NSC	12/01/98	Not Printed
	21415	R501-7	EMR	09/02/98	98-19/94
	21391	R501-7	AMD	10/16/98	98-18/21
	21258	R501-12	AMD	08/17/98	98-14/66
	21081	R501-14	EMR	05/04/98	98-10/140
	21085	R501-14	AMD	06/16/98	98-10/121
	21039	R501-15	EXD	05/01/98	98-10/168
	20179	R501-17	NEW	03/15/98	97-22/24
	20286	R501-17	NSC	03/15/98	Not Printed
	20880	R501-17	NSC	03/17/98	Not Printed
	21082	R501-18	EMR	05/04/98	98-10/145
	21086	R501-18	NEW	06/16/98	98-10/126
Workforce Services, Employment Development	20743	R986-301	5YR	02/06/98	98-5/70
	20856	R986-411	NSC	04/01/98	Not Printed
Workforce Services, Employment Development (Changed to Health, Health Care Financing, Coverage and Reimbursement Policy)	21164	R986-301 (Changed to R414-301)	NSC	06/01/98	Not Printed
<u>HUNTING</u>					
Natural Resources, Wildlife Resources	20244	R657-38	AMD	01/15/98	97-24/105
<u>HUNTING AND FISHING LICENSES</u>					
Natural Resources, Wildlife Resources	21718	R657-17	NSC	12/30/98	Not Printed
<u>HUNTING CLOSURES</u>					
Natural Resources, Wildlife Resources	21500	R657-34	5YR	10/01/98	98-20/38
	21499	R657-34	AMD	11/19/98	98-20/25

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<u>IMMUNIZATION</u>					
Health, Community Health Services, Epidemiology	20958	R386-704	REP	08/12/98	98-8/10
Health, Family Health Services, Child Health	20959	R396-100	NEW	see CPR	98-8/15
	20959	R396-100	CPR	08/12/98	98-12/32
<u>IMPAIRMENT RATINGS</u>					
Labor Commission, Industrial Accidents	21268	R612-6	5YR	07/06/98	98-15/80
<u>INCIDENT</u>					
Pardons (Board of), Administration	21606	R671-509	NEW	01/01/99	98-22/102
<u>INCINERATORS</u>					
Environmental Quality, Air Quality	21455	R307-220-3	AMD	11/25/98	98-19/6
<u>INCOME</u>					
Human Services, Administration (Changed to Community and Economic Development, Community Development, Community Services)	21520	R495-603 (Changed to R202-203)	NSC	10/23/98	Not Printed
Human Services, Recovery Services	20723	R527-300	AMD	03/18/98	98-4/77
	21006	R527-300	AMD	06/16/98	98-10/130
	21488	R527-300	NSC	10/22/98	Not Printed
Workforce Services, Employment Development	20847	R986-213	NSC	04/01/98	Not Printed
	20742	R986-221	5YR	02/06/98	98-5/69
	20854	R986-221	NSC	04/01/98	Not Printed
	20855	R986-222	NSC	04/01/98	Not Printed
	20224	R986-302	AMD	01/02/98	97-23/97
	20744	R986-302	5YR	02/06/98	98-5/70
	20745	R986-303	5YR	02/06/98	98-5/71
	20319	R986-303-301	AMD	02/03/98	98-1/116
	20746	R986-304	5YR	02/06/98	98-5/71
	20738	R986-304	EMR	02/12/98	98-5/60
	20739	R986-304	AMD	04/01/98	98-5/49
	20752	R986-310	5YR	02/06/98	98-5/74
	20207	R986-414	AMD	01/02/98	97-23/99
	20859	R986-414	NSC	04/01/98	Not Printed
	21419	R986-414	EMR	10/01/98	98-19/97
	20211	R986-421	AMD	01/02/98	97-23/103
	20753	R986-421	5YR	02/06/98	98-5/75
	21423	R986-421	EMR	10/01/98	98-19/102
	20866	R986-421	NSC	04/01/98	Not Printed
	20757	R986-704	5YR	02/06/98	98-5/77
	20873	R986-704	NSC	04/01/98	Not Printed

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	21166	R986-303 (Changed to R414-303)	NSC	06/01/98	Not Printed
	21167	R986-304 (Changed to R414-304)	NSC	06/01/98	Not Printed
	21173	R986-310 (Changed to R414-310)	NSC	06/01/98	Not Printed
<u>INCOME DISREGARDS</u>					
Workforce Services, Employment Development	20853	R986-220	NSC	04/01/98	Not Printed
	21013	R986-220	AMD	06/25/98	98-10/134
<u>INCOME ELIGIBILITY</u>					
Human Services, Administration (Changed to Community and Economic Development, Community Development, Community Services)	21520	R495-603 (Changed to R202-203)	NSC	10/23/98	Not Printed
<u>INDUSTRY</u>					
Environmental Quality, Radiation Control	21095	R313-36-3	NSC	05/02/98	Not Printed
<u>INFECTIOUS WASTE</u>					
Environmental Quality, Air Quality	21456	R307-222	NEW	11/25/98	98-19/7
<u>INFORMAL PROCEDURES</u>					
Community and Economic Development, Community Development, Library	21090	R223-1	5YR	05/01/98	98-11/201
<u>INFORMATION TECHNOLOGY</u>					
Governor, Planning and Budget, Information Technology Coordinator (Changed to Governor, Planning and Budget, Chief Information Officer)	19943	R365-4	NSC	09/10/98	Not Printed
Governor, Planning and Budget, Chief Information Officer	21491	R365-4	NSC	09/28/98	Not Printed
<u>INJURY</u>					
Health, Community Health Services, Epidemiology	20898	R386-703	NSC	03/18/98	Not Printed
<u>INMATES</u>					
Education, Administration	21642	R277-735	EXD	11/01/98	98-22/144
Pardons (Board of), Administration	20429	R671-201	AMD	02/18/98	98-1/73
	21199	R671-201	NSC	06/17/98	Not Printed
	20431	R671-202	AMD	02/18/98	98-1/74
	20435	R671-204	AMD	02/18/98	98-1/76
	21596	R671-204	REP	01/01/99	98-22/95
	20441	R671-208	AMD	02/18/98	98-1/79
	20443	R671-301	AMD	02/18/98	98-1/79
	20447	R671-303	AMD	02/18/98	98-1/82
	20453	R671-308	AMD	02/18/98	98-1/84
	20455	R671-309	AMD	02/18/98	98-1/85
	20457	R671-310	AMD	02/18/98	98-1/86

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	20459	R671-311	AMD	02/18/98	98-1/87
	21200	R671-311	NSC	06/17/98	Not Printed
	20463	R671-316	AMD	02/18/98	98-1/90
	20465	R671-317	AMD	02/18/98	98-1/91
	21201	R671-317	NSC	06/17/98	Not Printed
<u>INMATES' RIGHTS</u>					
Pardons (Board of), Administration	20447	R671-303	AMD	02/18/98	98-1/82
<u>IN-SERVICE TRAINING</u>					
Public Safety, Peace Officer Standards and Training	21539	R728-501	5YR	10/14/98	98-21/101
	20833	R728-502	5YR	03/04/98	98-7/78
	20834	R728-504	5YR	03/04/98	98-7/78
<u>INSPECTIONS</u>					
Agriculture and Food, Animal Industry	21182	R58-18-9	AMD	07/16/98	98-12/10
Agriculture and Food, Plant Industry	21509	R68-5	5YR	10/05/98	98-21/98
Agriculture and Food, Regulatory Services	21620	R70-510	REP	12/16/98	98-22/13
	21621	R70-520	REP	12/16/98	98-22/14
	20721	R70-530	R&R	05/16/98	98-4/10
	21231	R70-530	AMD	09/15/98	98-14/4
Environmental Quality, Radiation Control	20234	R313-12	AMD	see CPR	97-23/115
	20234	R313-12	CPR	03/20/98	98-4/115
	20236	R313-18	AMD	01/23/98	97-23/61
Public Safety, Highway Patrol	20906	R714-158	R&R	05/05/98	98-7/48
	21176	R714-158	AMD	07/30/98	98-12/17
<u>INSTRUCTIONAL MATERIALS</u>					
Education, Administration	20779	R277-469	NEW	04/07/98	98-5/7
<u>INSTRUCTOR CERTIFICATION</u>					
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<u>INSURANCE</u>					
Human Resource Management, Administration	21305	R477-7	AMD	see CPR	98-16/15
	21305	R477-7	CPR	10/02/98	98-17/59
Insurance, Administration	21340	R590-125	REP	09/25/1998	98-16/29
	20826	R590-141	AMD	05/01/98	98-6/42
	21087	R590-141	NSC	05/07/98	Not Printed
	21205	R590-154	5YR	06/10/98	98-13/31
	20943	R590-155	5YR	03/27/98	98-8/63
	20944	R590-157	5YR	03/27/98	98-8/64
	21713	R590-161	5YR	12/01/98	98-24/127
	21714	R590-162	5YR	12/01/98	98-24/128
	21715	R590-163	5YR	12/01/98	98-24/128
	21162	R590-186	NEW	see CPR	98-11/190
	21162	R590-186	CPR	09/25/98	98-16/76

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	21204	R590-187	CPR	09/25/98	98-16/79
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<u>INSURANCE COMPANIES</u>					
Insurance, Administration	20816	R590-124	5YR	02/26/98	98-6/78
	20817	R590-128	AMD	see CPR	98-6/41
	20817	R590-128	CPR	06/16/98	98-10/138
<u>INSURANCE LAW</u>					
Insurance, Administration	21696	R590-79	NSC	12/30/98	Not Printed
	20815	R590-79-4	AMD	05/01/98	98-6/39
	21338	R590-94	5YR	07/31/98	98-16/90
	18730	R590-132	AMD	see CPR (First)	97-7/36
	18730	R590-132	CPR (First)	see CPR (Second)	97-15/102
	18730	R590-132	CPR (Second)	03/01/98	97-22/105
	20590	R590-132-3	NSC	03/01/98	Not Printed
<u>INTERSTATE</u>					
Human Services, Recovery Services	21018	R527-100	NEW	06/16/98	98-10/129
	21017	R527-305	NEW	06/16/98	98-10/131
<u>INTOXILYZER</u>					
Public Safety, Highway Patrol	21279	R714-500	R&R	09/25/98	98-15/59
<u>INVENTORIES</u>					
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	21123	R307-155	NEW	09/15/98	98-11/114
<u>INVESTIGATIONS</u>					
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<u>JOB DESCRIPTIONS</u>					
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<u>JUDGES</u>					
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	21353	R595-1-9	AMD	10/02/98	98-17/38
	20527	R595-1-10	AMD	02/20/98	98-2/57
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	21353	R595-1-9	AMD	10/02/98	98-17/38
	20527	R595-1-10	AMD	02/20/98	98-2/57
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	21037	R444-14	NSC	05/07/98	Not Printed
<u>LABOR COMMISSION</u>					
Labor Commission, Administration	21215	R600-1	5YR	06/15/98	98-13/32
<u>LANDFILLS</u>					
Environmental Quality, Air Quality	21117	R307-20 (Changed to R307-220)	AMD	09/15/98	98-11/101
	21566	R307-220	NSC	11/12/98	Not Printed
	21671	R307-220	NSC	11/25/98	Not Printed
	21455	R307-220-3	AMD	11/25/98	98-19/6
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Natural Resources, Wildlife Resources	20700	R657-43	AMD	03/18/98	98-4/90
<u>LANDSCAPE ARCHITECTS</u>					
Commerce, Occupational and Professional Licensing	21148	R156-53	AMD	07/07/98	98-11/27
	21318	R156-53	5YR	07/23/98	98-16/89
<u>LAND USE</u>					
Natural Resources; Forestry, Fire and State Lands	21536	R652-110	5YR	10/13/98	98-21/100
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<u>LAW</u>					
Public Safety, Fire Marshal	20278	R710-9	AMD	01/15/98	97-24/109
	21295	R710-9	AMD	09/01/98	98-15/57
<u>LAW ENFORCEMENT</u>					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing	21316	R724-7	5YR	07/21/98	98-16/95
<u>LAW ENFORCEMENT OFFICERS</u>					
Public Safety, Peace Officer Standards and Training	20782	R728-401	NSC	02/23/98	Not Printed
	20783	R728-402	NSC	02/23/98	Not Printed
	20784	R728-403	NSC	02/23/98	Not Printed
	20810	R728-404	AMD	04/15/98	98-6/52
	20786	R728-406	NSC	02/23/98	Not Printed
	20787	R728-407	NSC	02/23/98	Not Printed
	20831	R728-408	5YR	03/04/98	98-7/77
	20995	R728-409	AMD	06/02/98	98-9/41
	20788	R728-410	NSC	02/23/98	Not Printed
	21539	R728-501	5YR	10/14/98	98-21/101
	20833	R728-502	5YR	03/04/98	98-7/78
	20834	R728-504	5YR	03/04/98	98-7/78

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<u>LEASING SERVICES</u>					
Administrative Services, Facilities Construction and Management	20710	R23-21	5YR	01/28/98	98-4/132
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Human Resource Management, Administration	21264	R477-8	EMR	07/01/98	98-14/94
	21306	R477-8	AMD	10/02/98	98-16/17
	21636	R477-8	AMD	12/16/98	98-22/91
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Corrections, Administration	20198	R251-707	AMD	01/15/98	97-23/8
<u>LIBERTIES</u>					
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	20200	R156-3a	CPR	02/18/98	98-2/79
	20894	R156-15-302d	AMD	05/05/98	98-7/8
	20778	R156-16a	AMD	04/01/98	98-5/4
	20492	R156-17a	AMD	02/24/98	98-1/3
	21555	R156-17a	AMD	12/03/98	98-21/6
	21029	R156-31	REP	07/01/98	98-10/7
	21030	R156-31b	NEW	07/01/98	98-10/8
	21234	R156-31b	AMD	08/20/98	98-14/36
	21278	R156-31b-102	AMD	09/01/98	98-15/3
	20878	R156-37	AMD	05/04/98	98-7/8
	21092	R156-37	NSC	05/21/98	Not Printed
	20941	R156-37-605	AMD	05/19/98	98-8/8
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	21390	R156-49	AMD	10/19/98	98-18/9
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	20650	R156-55a	AMD	03/05/98	98-3/23
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	21542	R156-55b	AMD	12/03/98	98-21/9
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	20987	R156-56	AMD	07/01/98	98-9/6
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	21754	R156-56	NSC	01/01/99	Not Printed
	20883	R156-56-302	AMD	05/04/98	98-7/28
	21573	R156-56-704	AMD	01/01/99	98-22/30
	21574	R156-56-704	AMD	01/01/99	98-22/34
	20990	R156-56-706	AMD	07/01/98	98-9/24
	20989	R156-56-706	AMD	07/01/98	98-9/23
	20991	R156-56-706	AMD	07/01/98	98-9/25
	21203	R156-56-706	NSC	07/01/98	Not Printed
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	20728	R156-60c-502	NSC	02/19/98	Not Printed
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	21481	R156-65-502	AMD	11/17/98	98-20/4
	21681	R156-65-502	NSC	12/30/98	Not Printed
	20974	R156-67-302d	AMD	06/04/98	98-9/29
	21319	R156-68	5YR	07/23/98	98-16/89
	20975	R156-68-302b	AMD	06/04/98	98-9/30
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	21646	R501-1	NSC	12/01/98	Not Printed
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	21084	R501-2	AMD	07/02/98	98-10/120
	21647	R501-2	NSC	12/01/98	Not Printed
	21655	R501-3	NSC	12/01/98	Not Printed
	21415	R501-7	EMR	09/02/98	98-19/94
	21391	R501-7	AMD	10/16/98	98-18/21
	21258	R501-12	AMD	08/17/98	98-14/66
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	20612	R414-10X	REP	02/20/98	98-2/26
	20762	R414-12	5YR	02/09/98	98-5/66
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	21567	R307-301-11	NSC	11/12/98	Not Printed
	21136	R307-332	NEW	09/15/98	98-11/137
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	21108	R307-3 (Changed to R307-342)	AMD	09/15/98	98-11/58
	21564	R307-110-27	NSC	11/12/98	Not Printed
	21272	R307-110-31	AMD	11/20/98	98-15/4
	21132	R307-325	NEW	09/15/98	98-11/129
	21133	R307-326	NEW	09/15/98	98-11/131
	21134	R307-327	NEW	09/15/98	98-11/133
	21135	R307-328	NEW	09/15/98	98-11/135
	21136	R307-332	NEW	09/15/98	98-11/137
	21137	R307-335	NEW	09/15/98	98-11/141
	21138	R307-340	NEW	09/15/98	98-11/143
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	20461	R671-315	AMD	02/18/98	98-1/89
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	21206	R23-12	REP	10/29/98	98-13/9
	21150	R23-13	5YR	05/15/98	98-11/200
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	20793	R651-611	AMD	07/06/98	98-6/44
<u>PAROLE</u>					
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	21199	R671-201	NSC	06/17/98	Not Printed
	20431	R671-202	AMD	02/18/98	98-1/74
	20435	R671-204	AMD	02/18/98	98-1/76
	21596	R671-204	REP	01/01/99	98-22/95
	20486	R671-205	AMD	02/18/98	98-1/76
	21300	R671-205	EXD	07/15/98	98-16/97
	21310	R671-205	EMR	07/17/98	98-16/81
	21311	R671-205	NEW	12/09/98	98-16/48
	20441	R671-208	AMD	02/18/98	98-1/79
	20443	R671-301	AMD	02/18/98	98-1/79
	20447	R671-303	AMD	02/18/98	98-1/82
	20451	R671-307	AMD	02/18/98	98-1/84
	20453	R671-308	AMD	02/18/98	98-1/84
	20455	R671-309	AMD	02/18/98	98-1/85
	20457	R671-310	AMD	02/18/98	98-1/86
	20459	R671-311	AMD	02/18/98	98-1/87
	21200	R671-311	NSC	06/17/98	Not Printed
	20463	R671-316	AMD	02/18/98	98-1/90
	20465	R671-317	AMD	02/18/98	98-1/91
	21201	R671-317	NSC	06/17/98	Not Printed
	21597	R671-401	REP	01/01/99	98-22/95
	20469	R671-402	AMD	02/18/98	98-1/91
	21202	R671-402	NSC	06/17/98	Not Printed
	20490	R671-403	AMD	02/18/98	98-1/92
	21645	R671-403	EXD	11/01/98	98-22/144
	21665	R671-403	NEW	01/01/99	98-23/37
	20471	R671-405	AMD	02/18/98	98-1/93
	20475	R671-503	AMD	02/18/98	98-1/95
	21600	R671-503	REP	01/01/99	98-22/97
	20477	R671-504	AMD	02/18/98	98-1/95
	21601	R671-504	REP	01/01/99	98-22/98
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	20481	R671-507	AMD	02/18/98	98-1/98
	21604	R671-507	REP	01/01/99	98-22/100
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	21605	R671-508	REP	01/01/99	98-22/100
	21606	R671-509	NEW	01/01/99	98-22/102
	21607	R671-510	NEW	01/01/99	98-22/102
	21608	R671-511	NEW	01/01/99	98-22/103
	21702	R671-511	NSC	01/01/99	Not Printed
	21609	R671-512	NEW	01/01/99	98-22/104
	21610	R671-513	NEW	01/01/99	98-22/105
	21611	R671-514	NEW	01/01/99	98-22/106
	21612	R671-515	NEW	01/01/99	98-22/107
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	21614	R671-517	NEW	01/01/99	98-22/109
	21703	R671-517	NSC	01/01/99	Not Printed
	21615	R671-518	NEW	01/01/99	98-22/110
	21616	R671-519	NEW	01/01/99	98-22/111
	21617	R671-520	NEW	01/01/99	98-22/112
	21618	R671-521	NEW	01/01/99	98-22/113
	21704	R671-521	NSC	01/01/99	Not Printed
	21619	R671-522	NEW	01/01/99	98-22/114
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	21273	R307-307-3	NSC	09/15/98	Not Printed
<u>PARTICULATE MATTER</u>					
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	20099	R307-2-12	AMD	01/08/98	97-21/14
	21280	R307-2-12	NSC	07/27/98	Not Printed
	21031	R307-2-13	AMD	see CPR	98-10/28
	21031	R307-2-13	CPR	11/02/98	98-19/93
	21564	R307-110-27	NSC	11/12/98	Not Printed
	21272	R307-110-31	AMD	11/20/98	98-15/4
	21130	R307-305	NEW	09/15/98	98-11/126
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	21347	R920-50	AMD	10/02/98	98-17/51
	21476	R920-50	NSC	10/21/98	Not Printed
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Public Safety, Peace Officer Standards and Training	20782	R728-401	NSC	02/23/98	Not Printed
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	21563	R307-7-3	NSC	11/12/98	Not Printed
	21140	R307-401	NEW	09/15/98	98-11/151
	21274	R307-401-2	NSC	09/15/98	Not Printed
	21143	R307-406	NEW	09/15/98	98-11/162
	21010	R307-413	NEW	08/13/98	98-10/35
	21145	R307-413	AMD	09/15/98	98-11/167
	21354	R307-413	NSC	09/15/98	Not Printed
Natural Resources; Forestry, Fire and State Lands	21536	R652-110	5YR	10/13/98	98-21/100
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	21241	R657-45	NEW	08/19/98	98-14/83
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	21557	R884-24P-53	AMD	12/18/98	98-21/88
	20203	R884-24P-58	AMD	02/24/98	97-23/96
	21502	R884-24P-60	AMD	12/18/98	98-20/27
	21503	R884-24P-61	AMD	12/18/98	98-20/29
	21640	R884-24P-62	AMD	12/18/98	98-22/129
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	21064	R477-3	NSC	06/27/98	Not Printed
	21635	R477-3	AMD	12/16/98	98-22/90
	21305	R477-7	AMD	see CPR	98-16/15
	21305	R477-7	CPR	10/02/98	98-17/59
	21073	R477-13	NSC	06/27/98	Not Printed
	21308	R477-14	AMD	10/02/98	98-16/24
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	21110	R307-8 (Changed to R307-301)	AMD	09/15/98	98-11/66
	20100	R307-8-3	AMD	01/08/98	97-21/15
	21567	R307-301-11	NSC	11/12/98	Not Printed
	21134	R307-327	NEW	09/15/98	98-11/133
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	21361	R311-204	AMD	10/09/98	98-17/15
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	21366	R311-210	AMD	10/09/98	98-17/30
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	21555	R156-17a	AMD	12/03/98	98-21/6
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	21532	R434-10	AMD	12/14/98	98-21/51
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	21288	R986-709	REP	10/01/98	98-15/78
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	20832	R728-411	5YR	03/04/98	98-7/77
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	20379	R251-710	AMD	03/15/98	98-1/14
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	21702	R671-511	NSC	01/01/99	Not Printed
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	21353	R595-1-9	AMD	10/02/98	98-17/38
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	20657	R277-516	5YR	01/14/98	98-3/89
	20899	R277-508	5YR	03/13/98	98-7/73
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	21230	R156-60c-302a	AMD	08/20/98	98-14/40
	20728	R156-60c-502	NSC	02/19/98	Not Printed
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	20777	R986-306	AMD	04/01/98	98-5/57
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	20872	R986-703	NSC	04/01/98	Not Printed
	21285	R986-703	AMD	10/01/98	98-15/74
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	21513	R65-5	5YR	10/05/98	98-21/98
	20699	R65-11	NEW	03/19/98	98-4/8
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	21556	R884-24P-33	AMD	12/18/98	98-21/81
	21501	R884-24P-46	AMD	12/18/98	98-20/26
	21526	R884-24P-53	EMR	10/06/98	98-21/92
	21557	R884-24P-53	AMD	12/18/98	98-21/88
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	20916	R525-4	EXD	03/15/98	98-7/80
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Workforce Services, Employment Development	20845	R986-211	NSC	04/01/98	Not Printed
	20850	R986-216	NSC	04/01/98	Not Printed
	20851	R986-218	NSC	04/01/98	Not Printed
	20852	R986-219	NSC	04/01/98	Not Printed
	20749	R986-307	5YR	02/06/98	98-5/73
	20774	R986-307	AMD	04/01/98	98-5/58
	20750	R986-308	5YR	02/06/98	98-5/73
Workforce Services, Employment Development (Changed to Health, Health Care Financing, Coverage and Reimbursement Policy)	21170	R986-307 (Changed to R414-307)	NSC	06/01/98	Not Printed
	21171	R986-308 (Changed to R414-308)	NSC	06/01/98	Not Printed
<u>PUBLIC BUILDINGS</u>					
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	20706	R23-8	5YR	01/28/98	98-4/130
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	21291	R710-4	AMD	09/01/98	98-15/46
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Education, Administration	21343	R277-437	AMD	10/05/98	98-17/4
	21641	R277-437	EXD	11/01/98	98-22/144
	21369	R277-438	NSC	08/20/98	Not Printed
	20669	R277-716	5YR	01/14/98	98-3/94
	21642	R277-735	EXD	11/01/98	98-22/144
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	20963	R392-200-6	CPR	09/10/98	98-14/90
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Transportation, Administration	21661	R907-40	5YR	11/10/98	98-23/50
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Career Service Review Board, Administration	21265	R137-2	5YR	07/01/98	98-14/101
Governor, Administration	20923	R355-1-1	NSC	03/27/98	Not Printed
Natural Resources; Oil, Gas and Mining; Administration	21750	R642-200	5YR	12/17/98	99-2/93
Natural Resources, Parks and Recreation	21314	R651-102	5YR	07/21/98	98-16/94
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Transportation, Operations, Traffic and Safety	21489	R920-7	NEW	12/02/98	98-20/31
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	21159	R277-436	AMD	07/02/98	98-11/31
	21403	R277-460	5YR	09/01/98	98-18/49
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Public Service Commission, Administration	21248	R746-110	5YR	06/26/98	98-14/102
	20957	R746-330	5YR	03/31/98	98-8/65
	20626	R746-331	EMR	01/05/98	98-3/87
	20627	R746-331	NEW	04/06/98	98-3/78
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	20956	R746-360	EMR	03/31/98	98-8/59
	21317	R746-360	EMR	07/28/98	98-16/84
	21450	R746-360	NEW	11/25/98	98-19/87
	20971	R746-402	5YR	04/03/98	98-9/71
	21350	R746-404	5YR	08/11/98	98-17/63
	20972	R746-405	5YR	04/03/98	98-9/72
	21351	R746-406	5YR	08/11/98	98-17/63
	21458	R746-600	5YR	09/15/98	98-19/107
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	20838	R68-15	5YR	03/05/98	98-7/72
	20962	R68-15	AMD	05/16/98	98-8/2
	21471	R68-15-1	NSC	10/17/98	Not Printed
	21096	R68-15-3	AMD	07/02/98	98-11/24
	21432	R68-16	5YR	09/11/98	98-19/104
	21433	R68-17	5YR	09/11/98	98-19/105
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	20953	R313-15	NSC	04/04/98	Not Printed
	21038	R313-15	5YR	04/30/98	98-10/149
	21271	R313-15	NSC	07/22/98	Not Printed
	20236	R313-18	AMD	01/23/98	97-23/61
	20961	R313-22-37	NSC	04/01/98	Not Printed
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	20954	R313-25	NSC	04/03/98	Not Printed
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	20173	R156-54	CPR	02/03/98	98/1/199
<u>RADIOLOGY TECHNOLOGIST</u>					
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	20829	R313-32	NSC	04/01/98	Not Printed
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<u>RAILROADS</u>					
Transportation, Preconstruction	20544	R930-5	R&R	03/11/98	98-2/69
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	21629	R25-8	AMD	12/29/98	98-22/8
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<u>REAL ESTATE APPRAISAL</u>					
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	20625	R162-107	NEW	03/04/98	98-2/22
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	20800	R162-3	AMD	04/23/98	98-6/21
	20801	R162-4	AMD	04/23/98	98-6/23
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	21327	R645-102	5YR	07/27/98	98-16/91
	20190	R645-301-500	AMD	03/15/98	97-22/38
	21663	R645-301-500	NSC	12/01/98	Not Printed
	20191	R645-301-700	AMD	03/15/98	97-22/59
	21334	R645-301-700	AMD	09/30/98	98-16/36
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Workforce Services, Employment Development	20750	R986-308	5YR	02/06/98	98-5/73
Workforce Services, Employment Development (Changed to Health, Health Care Financing, Coverage and Reimbursement Policy)	21171	R986-308 (Changed to R414-308)	NSC	06/01/98	Not Printed
<u>RECORDS ACCESS</u>					
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Career Service Review Board, Administration	21265	R137-2	5YR	07/01/98	98-14/101
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	20985	R765-993	NSC	05/01/98	Not Printed
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	20985	R765-993	NSC	05/01/98	Not Printed
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	21078	R280-200	NSC	05/07/98	Not Printed
	21256	R280-200	NSC	07/07/98	Not Printed
	21644	R280-202	EXD	11/01/98	98-22/144
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	21628	R25-8	5YR	10/30/98	98-22/141
	21629	R25-8	AMD	12/29/98	98-22/8
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	20758	R986-705	5YR	02/06/98	98-5/78
	20874	R986-705	NSC	04/01/98	Not Printed
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	21665	R671-403	NEW	01/01/99	98-23/37
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	21273	R307-307-3	NSC	09/15/98	Not Printed
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	20958	R386-704	REP	08/12/98	98-8/10
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	20959	R396-100	CPR	08/12/98	98-12/65
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	21634	R477-1	AMD	12/16/98	98-22/86
	21073	R477-13	NSC	06/27/98	Not Printed
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	20970	R746-342	5YR	04/03/98	98-9/71
	21348	R746-344	5YR	08/11/98	98-17/62
	21349	R746-345	5YR	08/11/98	98-17/62
	20971	R746-402	5YR	04/03/98	98-9/71
	21350	R746-404	5YR	08/11/98	98-17/63
	20972	R746-405	5YR	04/03/98	98-9/72
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	20235	R313-15	CPR	03/20/98	98-4/120
	20953	R313-15	NSC	04/04/98	Not Printed
	21038	R313-15	5YR	04/30/98	98-10/149
	21271	R313-15	NSC	07/22/98	Not Printed
Labor Commission, Occupational Safety and Health	20633	R614-1-4	NSC	01/21/98	Not Printed
	20835	R614-1-4	AMD	05/04/98	98-7/45
	21453	R614-1-4	AMD	12/02/98	98-19/83
	21543	R614-1-5	AMD	12/04/98	98-21/60
	21544	R614-1-6	AMD	12/04/98	98-21/63
	21387	R614-1-8	NSC	10/20/98	Not Printed
	21545	R614-2-3	AMD	12/04/98	98-21/64
	21546	R614-2-12	AMD	12/04/98	98-21/67
	21547	R614-3-11	AMD	12/04/98	98-21/69
	21094	R614-6-7	NSC	05/22/98	Not Printed
	21551	R614-7-1	AMD	12/04/98	98-21/78
	21552	R614-7-2	AMD	12/04/98	98-21/80
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School and Institutional Trust Lands, Administration	20395	R850-80	AMD	02/03/98	98-1/108
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	21184	R850-80-600	AMD	07/16/98	98-12/20
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Tax Commission, Auditing	21323	R865-19S-20	AMD	10/14/98	98-16/55
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	21353	R595-1-9	AMD	10/02/98	98-17/38
	20527	R595-1-10	AMD	02/20/98	98-2/57
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	20794	R425-1	CPR	06/03/98	98-9/61
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	21532	R434-10	AMD	12/14/98	98-21/51
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<u>SCHOOL ENROLLMENT</u>					
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<u>SCHOOL PERSONNEL</u>					
Education, Administration	20657	R277-516	5YR	01/14/98	98-3/89
	20899	R277-508	5YR	03/13/98	98-7/73
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	21109	R307-4 (Changed to R307-135)	AMD	09/15/98	98-11/61
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	21174	R156-63-502	NSC	06/03/98	Not Printed
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	21280	R307-2-12	NSC	07/27/98	Not Printed
	21031	R307-2-13	AMD	see CPR	98-10/28
	21031	R307-2-13	CPR	11/02/98	98-19/93
	21564	R307-110-27	NSC	11/12/98	Not Printed
	21272	R307-110-31	AMD	11/20/98	98-15/4
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	20857	R986-412	NSC	04/01/98	Not Printed
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	21417	R497-100	NSC	10/20/98	Not Printed
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	20249	R315-301-2	NSC	01/05/98	Not Printed
	20686	R315-301-2	NSC	02/03/98	Not Printed
	21093	R315-301-2	NSC	05/20/98	Not Printed
	20966	R315-302	5YR	04/02/98	98-9/66
	21437	R315-302	AMD	11/16/98	98-19/41
	20761	R315-302-2	NSC	02/18/98	Not Printed
	20967	R315-303	5YR	04/02/98	98-9/67
	21438	R315-303	AMD	11/16/98	98-19/46
	20933	R315-303-3	NSC	03/27/98	Not Printed
	20968	R315-305	5YR	04/02/98	98-9/68
	21440	R315-305-5	AMD	11/16/98	98-19/53
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	21443	R315-309	AMD	11/16/98	98-19/59
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	21020	R315-313	5YR	04/28/98	98-10/154
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	21691	R315-314-1	NSC	12/30/98	Not Printed
	20690	R315-315	NSC	02/03/98	Not Printed
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	21446	R315-315	AMD	11/16/98	98-19/67
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	21267	R315-316-1	NSC	07/22/98	Not Printed
	21024	R315-317	5YR	04/28/98	98-10/157
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	20818	R861-1A-23	AMD	05/04/98	98-6/55
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Tax Commission, Auditing	20392	R865-4D-2	AMD	02/24/98	98-1/112
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	21357	R884-24P-33	AMD	10/14/98	98-17/43
	21556	R884-24P-33	AMD	12/18/98	98-21/81
	21501	R884-24P-46	AMD	12/18/98	98-20/26
	21526	R884-24P-53	EMR	10/06/98	98-21/92
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	20204	R884-24P-59	AMD	02/24/98	97-23/96
	21222	R884-24P-60	AMD	08/11/98	98-13/25
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	21223	R884-24P-61	AMD	08/11/98	98-13/26
	21503	R884-24P-61	AMD	12/18/98	98-20/29
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	21105	R307-1-6 (Changed to R307-121)	AMD	09/15/98	98-11/39
	21105	R307-1-6 (Changed to R307-122)	AMD	09/15/98	98-11/39
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	20781	R277-514	R&R	04/07/98	98-5/13
	20658	R277-518	5YR	01/14/98	98-3/90
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	20970	R746-342	5YR	04/03/98	98-9/71
	21348	R746-344	5YR	08/11/98	98-17/62
	21349	R746-345	5YR	08/11/98	98-17/62
	20592	R746-356-2	NSC	01/06/98	Not Printed
	20956	R746-360	EMR	03/31/98	98-8/59
	21317	R746-360	EMR	07/28/98	98-16/84
	21450	R746-360	NEW	11/25/98	98-19/87
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	21007	R156-60b	AMD	06/16/98	98-10/17
	21229	R156-60b-302a	AMD	08/20/98	98-14/39
	20790	R156-60b-502	NSC	02/19/98	Not Printed
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	21254	R986-602	5YR	06/29/98	98-14/106
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	21255	R986-603	5YR	06/29/98	98-14/106
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	21206	R23-12	REP	10/29/98	98-13/9
	21150	R23-13	5YR	05/15/98	98-11/200
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	20827	R909-1	AMD	05/01/98	98-6/62
	21089	R909-1	AMD	06/16/98	98-10/132
	21281	R909-1	AMD	09/01/98	98-15/69
	21497	R909-1	NSC	10/22/98	Not Printed

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	20827	R909-1	AMD	05/01/98	98-6/62
	21089	R909-1	AMD	06/16/98	98-10/132
	21281	R909-1	AMD	09/01/98	98-15/69
	21497	R909-1	NSC	10/22/98	Not Printed
	20271	R909-4-11	AMD	02/27/98	97-24/112
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	21475	R331-21	NSC	10/17/98	Not Printed
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	20726	R986-305	EMR	02/12/98	98-4/123
	20770	R986-305	AMD	04/01/98	98-5/55
	20675	R986-305	AMD	05/28/98	98-3/84
	21168	R986-305 (Changed to R414-305)	NSC	06/01/98	Not Printed
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	20732	R986-309-901	EMR	02/12/98	98-5/62
	20960	R986-309-901	AMD	05/18/98	98-8/50
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	21074	R311-210	NSC	05/06/98	Not Printed
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	21254	R986-602	5YR	06/29/98	98-14/106
	20869	R986-603	NSC	04/01/98	Not Printed
	21255	R986-603	5YR	06/29/98	98-14/106
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Workforce Services, Employment Development	20868	R986-602	NSC	04/01/98	Not Printed
	21254	R986-602	5YR	06/29/98	98-14/106
	20869	R986-603	NSC	04/01/98	Not Printed
	21255	R986-603	5YR	06/29/98	98-14/106
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	21228	R270-1	NSC	07/22/98	Not Printed
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	21228	R270-1	NSC	07/22/98	Not Printed
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	21078	R280-200	NSC	05/07/98	Not Printed
	21256	R280-200	NSC	07/07/98	Not Printed
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	21006	R527-300	AMD	06/16/98	98-10/130
	21488	R527-300	NSC	10/22/98	Not Printed
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	21702	R671-511	NSC	01/01/99	Not Printed
	21609	R671-512	NEW	01/01/99	98-22/104
	21610	R671-513	NEW	01/01/98	98-22/105
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	19876	R315-301-2	AMD	see CPR	97-19/23
	19876	R315-301-2	CPR	01/05/98	97-23/111
	20249	R315-301-2	NSC	01/05/98	Not Printed
	20686	R315-301-2	NSC	02/03/98	Not Printed
	21093	R315-301-2	NSC	05/20/98	Not Printed
	20966	R315-302	5YR	04/02/98	98-9/66
	21437	R315-302	AMD	11/16/98	98-19/41
	20761	R315-302-2	NSC	02/18/98	Not Printed
	20967	R315-303	5YR	04/02/98	98-9/67
	21438	R315-303	AMD	11/16/98	98-19/46
	20933	R315-303-3	NSC	03/27/98	Not Printed
	20968	R315-305	5YR	04/02/98	98-9/68
	21440	R315-305-5	AMD	11/16/98	98-19/53
	21689	R315-305-5	NSC	12/30/98	Not Printed
	20969	R315-306	5YR	04/02/98	98-9/69
	21441	R315-306	AMD	11/16/98	98-19/54
	20687	R315-306-2	NSC	02/03/98	Not Printed
	21690	R315-306-2	NSC	12/30/98	Not Printed
	20999	R315-307	5YR	04/20/98	98-10/150
	21000	R315-308	5YR	04/20/98	98-10/150
	21442	R315-308	AMD	11/16/98	98-19/56
	21001	R315-309	5YR	04/20/98	98-10/151
	21443	R315-309	AMD	11/16/98	98-19/59
	20688	R315-309-3	NSC	02/03/98	Not Printed
	21002	R315-310	5YR	04/20/98	98-10/152
	20689	R315-310-7	NSC	02/03/98	Not Printed
	21003	R315-311	5YR	04/20/98	98-10/153
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	21444	R315-312-1	AMD	11/16/98	98-19/65
	21021	R315-314	5YR	04/28/98	98-10/155
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	21691	R315-314-1	NSC	12/30/98	Not Printed
	20690	R315-315	NSC	02/03/98	Not Printed
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	21010	R307-413	NEW	08/13/98	98-10/35
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	21238	R657-6	AMD	08/19/98	98-14/74
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The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1999, including notices of effective date received through January 15, 1999, the effective dates of which are no later than February 1, 1999. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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R315-304	Industrial Solid Waste Landfill Requirements	21439	CPR	01/05/99	98-23/45
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R432-3	General Health Care Facility Rules Inspection and Enforcement	21776	5YR	01/11/99	99-3/68
R432-300	Residential Health Care Facility - Limited Capacity - Type N	21561	R&R	01/11/99	98-22/73
R432-650	End Stage Renal Disease Facility Rules	21562	AMD	01/11/99	98-22/82

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R657-38	Dedicated Hunter Program	21719	AMD	01/15/99	98-24/107
R657-42	Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	21720	AMD	01/15/99	98-24/109
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R746-365	Intercarrier Service Quality	20997	CPR	01/13/99	98-18/39
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R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	AMD	see CPR	98-16/58
R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	CPR	01/12/99	98-23/46

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R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21777	EMR	01/12/99	99-3/64

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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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	21595	R307-221	AMD	01/07/99	98-22/66
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	21680	R280-202	NEW	01/05/99	98-23/10
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	21554	R309-113	AMD	01/15/99	98-21/20
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	21776	R432-3	5YR	01/11/99	99-3/68
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	21562	R432-650	AMD	01/11/99	98-22/82
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	21674	R765-685	AMD	01/04/99	98-23/40
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