

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Sunnie Burningham, Managing Editor

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

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

The *Utah State Digest* summarizes the contents of the *Utah State Bulletin* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between June 02, 2021, 12:00 a.m., and June 15, 2021, 11:59 p.m. are included in this, the July 01, 2021, issue of the *Utah State Digest*.

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.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least August 02, 2021. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through October 29, 2021, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

PROPOSED RULES are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-28	Filing ID 53566

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Cody James	801-982-2376	codyjames@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R68-28. Cannabis Processing
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Changes are needed to make the rule consistent with S.B. 192 passed during the 2021 General Session, and to address issues that have arisen related to management of the program.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The definition of board is added, consistent with the statutory changes. Requirements are added to allow for the transfer of a cannabis cultivation license. Logo requirements are added for signage outside of a cannabis production establishment, as required by S.B. 192 (2021). Labeling requirements are clarified to ensure only the most necessary information is required to be on a product label. Purity requirements are added for products with synthetic or derivative cannabinoids, consistent with S.B. 192 (2021).

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There are no anticipated costs or savings to the state budget. These changes clarify existing rule. Fees charged by the Department of Agriculture and Food and compliance requirements are not changing.
B) Local governments:
There are no anticipated costs or savings to local governments because they do not regulate or operate as cannabis cultivation licensees.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are no anticipated costs or savings to small businesses. The licensing fees and regulatory requirements for cannabis processing are not changing.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no anticipated costs or savings to non-small businesses. The licensing fees and regulatory requirements for cannabis processing are not changing.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
There are no anticipated costs or savings to other persons because they do not regulate cannabis processing or operate as processing licensees.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
The compliance costs for affected persons will not change. The regulatory and fee requirements for cannabis processing licensees are not changing with these changes.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
This rule will not have any fiscal impact on businesses in Utah. Craig W. Buttars, Commissioner
6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Commissioner of the Department of Agriculture and Food, Craig W. Buttars, has reviewed and approves the regulatory impact analysis.			

Citation Information

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

Subsection 4-41a-103(5)	Subsection 4-41a-302(3)(b)(ii)	Subsection 4-41a-404(3)
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Public Notice Information

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

A) Comments will be accepted until:	08/02/2021
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10. This rule change MAY become effective on:	08/09/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	06/04/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R68-29	Filing ID 53567

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	Phone:	Email:
Amber Brown	801-982-2204	ambermbrown@utah.gov
Cody James	801-982-2376	Codyjames@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R68-29. Quality Assurance Testing on Cannabis
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Changes are needed to clarify this rule, add definitions, and make it consistent with changes passed in S.B. 192 during the 2021 General Session.

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

Definitions are added and clarified to make this rule consistent with the current statute. Definitions and requirements are added for synthetic and derivative cannabinoids. In Section R68-29-3, changes are added to clarify testing requirements consistent with S.B. 192 (2021), including the allowance of propagation of results. Changes are also added to address testing requirements for industrial hemp waste.

Fiscal Information

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

A) State budget:

There are no anticipated costs or savings to the state budget. These changes provide clarifications to the existing program but do not add significant additional cost or change the amount of revenue that is brought in by the Department of Agriculture and Food (Department).

B) Local governments:

There are no anticipated costs or savings to local governments because they do not regulate medical cannabis and are not licensed under this program.

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

There are no anticipated costs or savings to small businesses because the fees charged by the Department and compliance required will not change. This rule is merely being clarified.

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

There are no anticipated costs or savings to non-small businesses because the fees charged by the Department and compliance required will not change. This rule is merely being clarified.

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

There are no anticipated costs or savings to other persons because the fees charged by the Department and compliance required will not change. This rule is merely being clarified.

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

The compliance costs for affected persons will not change. The changes just clarify the requirements of this rule.

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

These rule changes will not have a fiscal impact on businesses. Craig W. Buttars, Commissioner

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

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

B) Department head approval of regulatory impact analysis:

The Commissioner of the Department of Agriculture and Food, Craig W. Buttars, has reviewed and approves the regulatory impact analysis.

Citation Information

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

Subsection 4-41a-701(3)		
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Public Notice Information

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

A) Comments will be accepted until:	08/02/2021
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10. This rule change MAY become effective on:	08/09/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	06/04/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R68-32	Filing ID	53565
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Agency Information

1. Department:	Agriculture and Food		
Agency:	Plant Industry		
Street address:	350 N Redwood Road		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 146500		
City, state and zip:	Salt Lake City, UT 84114-6500		
Contact person(s):			
Name:	Phone:	Email:	
Amber Brown	801-982-2204	ambermbrown@utah.gov	

Cody James	801-982-2376	codyjames@utah.gov
Kely Pehrson	801-982-2202	kwpehrson@utah.gov

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

General Information

2. Rule or section catchline:

R68-32. Sale and Transfer of Industrial Hemp Waste to Medical Cannabis Cultivators

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

Clarifications in the rule are needed to help the Department of Agriculture and Food (Department) improve management of the industrial hemp and medical cannabis programs. The need for these changes has become evident as the Department has implemented the allowance of the sale of industrial hemp to medical cannabis cultivators.

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

A definition for cannabinoid extract is added and the definition of industrial hemp waste is clarified. A requirement is added that a certificate of analysis or other verification of testing be shared with the Department prior to the sale of industrial hemp waste. Section R68-32-5 is removed as no longer needed. The requirements of transportation of industrial hemp waste are clarified. A violation is added regarding recordkeeping.

Fiscal Information

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

A) State budget:

There are no anticipated costs or savings to the state budget. These changes provide clarifications to the existing program but do not add significant additional cost or change the amount of revenue that is brought in by the Department.

B) Local governments:

There are no anticipated costs or savings to local governments because they do not regulate industrial hemp or medical cannabis and are not licensed under either program.

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

There are no anticipated costs or savings to small businesses because the fees charged by the Department and compliance required will not change. This rule is merely being clarified.

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

There are no anticipated costs or savings to non-small businesses because the fees charged by the Department and compliance required will not change. This rule is merely being clarified.

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

There are no anticipated costs or savings to other persons because the fees charged by the Department and compliance required will not change. This rule is merely being clarified.

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

The compliance costs for affected persons will not change. The changes just clarify the requirements of this rule.

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

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

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Section 4-41a-102	Subsection 4-2-103(1)(i)	Subsection 4-41a-603(3)
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Public Notice Information

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

A) Comments will be accepted until:	08/02/2021
--	------------

10. This rule change MAY become effective on:	08/09/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Craig W. Buttars, Commissioner	Date:	06/04/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-309	Filing ID 53595

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	Angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-309. Appropriate Licensing and Assignment of Teachers
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended to clarify endorsement requirements for some special education licensees.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This filing amends the endorsement requirements for licensed educators working with special education students.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impacts on state government revenues or expenditures. The amendments impact only local education agencies (LEAs).

B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendments provide additional clarity on how LEAs can comply with federal law regarding special education.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. The amendments impact only LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments impact only LEAs.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no independent compliance costs for affected persons. The amendments provide additional clarity on how LEAs can comply with federal law regarding special education.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impacts on small

NOTICES OF PROPOSED RULES

businesses. Sydnee Dickson, State Superintendent of the Utah State Board of Education.

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Article X, Section 3	Subsection 53E-6-201(2)(a)	Subsection 53E-3-401(4)
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Public Notice Information

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

A) Comments will be accepted until: 08/02/2021

10. This rule change MAY become effective on: 08/09/2021

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/14/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R277-328	Filing ID	53596
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	Angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
R277-328. Educational Equity in Schools

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

During the March 2021 Utah Board of Education - Standards and Assessment Committee meeting, staff presented the current professional learning opportunities regarding equity that are currently being facilitated, including the introduction of the Training Resource Protocol. The Committee recommended that a new Board rule be implemented outlining options for professional learning to be offered regarding diversity, equity, and inclusion.

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

The summary of the new rule is to provide local education agencies (LEAs) with the standards for educators and LEAs regarding professional learning, and guidelines and requirements for curriculum, and classroom instruction on educational equity.

Fiscal Information

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

A) State budget:

This rule change may have fiscal impacts on state government revenues or expenditures. It requires Utah State Board of Education (USBE) to establish and deliver a model for professional learning that complies with the rule and to provide LEAs with technical assistance regarding the rule's implementation.

B) Local governments:

This rule change will likely have fiscal impact on local governments' revenues or expenditures. It requires LEAs to provide educators with professional learning regarding educational equity, inclusion and other issues identified in the rule and to make this professional learning available to parents upon request. The costs to LEAs to comply with these requirements depend upon local implementation decisions and are not directly measurable.

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

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

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and

Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

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

There are no compliance costs for affected persons. This rule directly impacts only USBE and LEAs.

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

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

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

NOTICES OF PROPOSED RULES

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

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

Subsection 53E-3-501(1)(c)(iv)	Article X, Section 3	Subsection 53E-3-502(8)
Subsection 53E-3-401(4)		

Public Notice Information

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

A) Comments will be accepted until:	08/02/2021
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10. This rule change MAY become effective on:	08/09/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/14/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-601	Filing ID 53597

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	Angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-601. Standards for Utah School Buses and Operations
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The rule is being amended to update the incorporation by reference manual.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The changes to the manual include clarifying that dual rear wheels and tires must be provided on all school buses and updating certain bus driver qualification criteria.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The updated manual directly impacts only local education agencies (LEAs).
B) Local governments:
This rule change may have some fiscal impact on local governments' revenues or expenditures. Certain changes to the manual regarding bus driver qualifications may impact costs for school district transportation programs but these impacts are not directly measurable. The updates to the manual were thoroughly vetted with the Utah Department of Transportation and school district transportation directors.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. The updated manual directly impacts only LEAs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The updated manual directly impacts only LEAs.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons. The updated manual directly impacts only LEAs.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

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

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 53E-3-501(1)(d)	Article X, Section 3	Subsection 53E-3-401(4)

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references	
	First Incorporation
Official Title of Materials Incorporated (from title page)	Standards for Utah School Buses and Operation
Publisher	Utah State Board of Education
Date Issued	2020
Issue, or version	2

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/02/2021

10. This rule change MAY become effective on:	08/09/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/14/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-607	Filing ID 53598

Agency Information

1. Department:	Education
Agency:	Administration

Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	Angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-607. Absenteeism and Truancy Prevention
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended due to changes created to the absenteeism statute under in H.B. 81, Mental Health Days for Students, passed in the 2021 General Session.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The changes include definitions for "mental health" and "behavioral health." The changes also include an additional component for local education agencies' (LEA) absenteeism policies to ensure behavioral health-related absences do not get used to circumvent federal laws for special education students.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The amendments to this rule are due to H.B. 81 (2021).
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The amendments to this rule are due to H.B. 81 (2021).

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The amendments to this rule are due to H.B. 81 (2021).

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

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments to this rule are due to H.B. 81 (2021).

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

There are no independent compliance costs for affected persons. The amendments to this rule are due to H.B. 81 (2021).

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

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

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Article X, Section 3	Section 53G-6-206	Subsection 53E-3-401(4)
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Public Notice Information

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

A) Comments will be accepted until: 08/02/2021

10. This rule change MAY become effective on: 08/09/2021

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/14/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R277-700	Filing ID	53599
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	Angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:

R277-700. The Elementary and Secondary School General Core

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

The rule is being amended to update outdated references in this rule and update terminology.

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

The changes include updating definitions, terminology and clarifying middle school and high school requirements.

Fiscal Information

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

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. The amendments provide clarifying and technical changes to better align this rule with current practices and procedures within the field and should not meaningfully impact processes within local education agencies (LEA).

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The amendments provide clarifying and technical changes to better align this rule with current practices and procedures within the field and should not meaningfully impact processes within LEAs.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. The amendments provide clarifying and technical changes to better align this rule with current practices and procedures within the field and should not meaningfully impact processes within LEAs.

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

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

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments provide clarifying and technical changes to better align this rule with current practices and procedures within the field and should not meaningfully impact processes within LEAs.

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

There are no significant compliance costs for affected persons. The amendments provide clarifying and technical changes to better align this rule with current practices and procedures within the field and should not meaningfully impact processes within LEAs.

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

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

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Article X, Section 3	Section 53E-4-202	Section 53E-3-501
Subsection 53E-3-401(4)		

Public Notice Information

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

A) Comments will be accepted until:	08/02/2021
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10. This rule change MAY become effective on: 08/09/2021

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/14/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-920	Filing ID 53600

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	Angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-920. School Improvement - Implementation of the School Turnaround and Leadership Development Act
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The rule is being amended to allow a school eligible to be considered for exit at the conclusion of the applicable year to elect to remain in the turnaround program an additional year; and to allow the Superintendent to provide funding to a school that remains in the turnaround program beyond the school's identified exit year.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The changes include new language stating that the Board of Education Superintendent may provide funding to a school that remains in the turnaround program beyond the school's identified exit year and provides updated options for schools eligible to exit school turnaround in a year with statewide assessment system irregularities.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. There would be no independent impact to either the Utah State Board of Education (USBE) or local education agencies (LEAs) because staying an extra year within the program is dependent on LEA request and USBE approval.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. There would be no independent impact to either USBE or LEAs because staying an extra year within the program is dependent on LEA request and USBE approval.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. These amendments pertain only to USBE and LEAs with schools within the school turnaround program.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have independent fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. These amendments pertain only to USBE and LEAs with schools within the school turnaround program.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no independent compliance costs for affected persons. There would be no independent impacts to either USBE or LEAs because staying an extra year within the

program is dependent on LEA request and USBE approval.

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

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

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

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

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

A) Comments will be accepted until:	08/02/2021
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10. This rule change MAY become effective on:	08/09/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/14/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-925	Filing ID 53601

Agency Information

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

Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	Angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-925. Effective Teachers in High Poverty Schools Incentive Program
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The rule is being amended to update the data used for identifying high poverty schools to capture more accurate data.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The rule changes update the date used for identifying high poverty schools.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The amendments will not impact Utah State Board of Education (USBE) processes or procedures.
B) Local governments:
This rule change may have some small fiscal impact on local governments' revenues or expenditures. Utilizing end of year data to identify high-poverty schools more accurately could change slightly which schools qualify for the program but these impacts are not directly measurable.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. The amendments only impact local education agencies (LEAs) within the state.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

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

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. These amendments pertain only to USBE and LEAs with schools within the school turnaround program.

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

There are no compliance costs for affected persons. The amendments only impact LEAs within the state.

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

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

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Article X, Section 3	Subsection 53E-3-401(4)	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/02/2021
10. This rule change MAY become effective on:	08/09/2021

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/14/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R307-840	Filing ID 53562

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov

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

General Information

2. Rule or section catchline:
R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Environmental Protection Agency (EPA) amended the definition of "clearance levels" and "dust-lead hazard". In order to maintain EPA-authorization, our program must implement these rule changes within two years from the date they were enacted. The definition of "elevated blood lead level" was also changed to accurately reflect the definition used by the Center of Disease Control.

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

The new definition of clearance levels specifies that values below the clearance levels must be met to achieve clearance. Dust-lead hazard standards have been reduced from 40 µg/ft² and 250 µg/ft² to 10 µg/ft² and 100 µg/ft² on floors and windowsills, respectively. To be considered an elevated blood lead level, the concentration of lead in whole blood has changed from ≥20 ug/dl to ≥5 ug/dl.

A public hearing is set for Tuesday, August 3, 2021. Further details may be found below. The hearing will be cancelled should no request for one be made by Monday, August 2, at 10:00AM MDT. The final status of the public hearing will be posted on Monday, August 2, 2021, after 10:00AM MDT. The status of the public hearing may be checked at the following website location under the corresponding rule.

<https://deq.utah.gov/public-notice-archive/air-quality-rule-plan-changes-open-public-comment>

Fiscal Information

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

A) State budget:

There are no anticipated costs or savings to the state budget because the program administered is not changing.

B) Local governments:

There are no anticipated costs or savings to local governments because this rulemaking is not applicable to them.

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

Small businesses will have to be more thorough with post-abatement cleaning in order to meet new dust-lead clearance levels. This could lead to slightly longer cleanup times and the increase of cleaning product use.

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

Non-small businesses will have to be more thorough with post-abatement cleaning in order to meet new dust-lead clearance levels. This could lead to slightly longer cleanup times and the increase of cleaning product use.

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

There are no anticipated costs or savings for persons other than small businesses, non-small businesses, state, or local governments.

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

There are no anticipated compliance costs for affected persons outside of the previously stated minor impacts on small and non-small businesses.

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

This rulemaking is not anticipated to have measurable fiscal impact on businesses. The only impact to businesses may be in marginally longer clean-up times that may require the use of more cleaning products. Kimberly D. Shelley, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

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

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved of this impact analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 19-2-104(1)(i)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until:	08/03/2021	
B) A public hearing (optional) will be held:		
On:	At:	At:
08/03/2021	10:00 AM MDT	meet.google.com/phs-bges-gjs or by phone: +1 617-675-4444 PIN: 783 369 570 5377#

10. This rule change MAY become effective on:	08/10/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Bryce C. Bird, Director	Date:	05/18/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R307-841	Filing ID 53563

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R307-841. Residential Property and Child-Occupied Facility Renovation
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
On-site inspections have shown that remodel, repair, and painting workers are not always trained in a language workers can comprehend.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendment ensures that workers doing remodel, repair, and painting work are trained in a language they can comprehend.
A public hearing is set for Tuesday, August 3, 2021. Further details may be found below. The hearing will be cancelled should no request for one be made by Monday, August 2, at 10:00AM MDT. The final status of the public hearing will be posted on Monday, August 2, 2021, after 10:00AM MDT. The status of the public hearing may be checked at the following website location under the corresponding rule.
https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

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

A) State budget:

There are no anticipated costs or savings to the state budget because the rule amendments do not impact the state government.

B) Local governments:

There are no anticipated costs or savings to local governments because the rule amendments do not apply to them.

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

There are no anticipated costs or savings to small businesses because the amendment does not incur fiscal impact, as training is already a requirement.

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

There are no anticipated costs or savings to non-small businesses because the amendment does not incur fiscal impact, as training is already a requirement.

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

There are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities due to this rule amendment because it does not apply to them.

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

There are no anticipated compliance costs for affected persons as a result of this rulemaking because the amendments are only specifying existing requirements, not making further requirements.

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

The rule amendments to Rule R307-841 are not anticipated to have fiscal impact on businesses because training is already required, and these amendments are only specifying. Kimberly D. Shelley, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Subsection 19-2-104(1)(i)		
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Public Notice Information

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

A) Comments will be accepted until:	08/03/2021
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B) A public hearing (optional) will be held:		
On:	At:	At:
08/03/2021	10:00 AM MDT	meet.google.com/phs-bges-gjs or by phone: +1 617-675-4444 PIN: 783 369 570 5377#

10. This rule change MAY become effective on:	08/10/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Bryce C. Bird, Director	Date:	05/18/2021
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NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R307-842	Filing ID	53564

Agency Information

1. Department:	Environmental Quality		
Agency:	Air Quality		
Building:	Multi-Agency State Office Building		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144820		
City, state and zip:	Salt Lake City, UT 84114-4820		
Contact person(s):			
Name:	Phone:	Email:	
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov	

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

General Information

2. Rule or section catchline:
R307-842. Lead-Based Paint Activities
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The Environmental Protection Agency (EPA) lowered dust-lead hazard standards and dust-lead clearance levels. In order to maintain EPA-authorization, our program must implement these rule changes by January 6, 2022. Specific language was added to the previously vague language regarding lead-based paint abatement. There was also language added to prevent training course providers from combining different lead-based paint discipline courses, as they should be taught separately.

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

Dust-lead hazard standards and dust-lead clearance levels have been reduced from 40 microgram/ft² and 250 microgram/ft² to 10 microgram/ft² and 100 microgram/ft² on floors and windowsills, respectively. Language concerning containment of the work area, waste storage and disposal, and occupant safety during a lead-based paint abatement has been added. The new rule also specifies that training courses cannot be combined for any portion of the course and must be taught completely separately.

A public hearing is set for Tuesday, August 3, 2021. Further details may be found below. The hearing will be cancelled should no request for one be made by Monday, August 2, at 10:00AM MDT. The final status of the public hearing will be posted on Monday, August 2, 2021, after 10:00AM MDT. The status of the public hearing may be checked at the following website location under the corresponding rule.

<https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment>

Fiscal Information

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

A) State budget:

There are no anticipated costs or savings to the state budget because the rule amendment does not impact the state government.

B) Local governments:

There are no anticipated costs or savings to local governments because the rule amendment does not apply to them.

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

Small businesses will have to be more thorough with post-abatement cleaning in order to meet new dust-lead clearance levels. This could lead to slightly longer cleanup times and the increase of cleaning product use.

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

Non-small businesses will have to be more thorough with post-abatement cleaning in order to meet new dust-lead clearance levels. This could lead to slightly longer cleanup times and the increase of cleaning product use.

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

There are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities due to this rule amendment because it does not apply to them.

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

There are no anticipated compliance costs for affected persons as a result of this rulemaking because the amendments are merely clarifications and specifications to existing requirements.

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

The rule amendments in Rule R307-842 are not expected to result in fiscal impacts on businesses other than the minimal impacts discussed above. Beyond longer clean-up times and the potential for using more cleaning products, there are no other anticipated costs. Kimberly D. Shelley, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Subsection 19-2-104(1)(i)		
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Public Notice Information

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

A) Comments will be accepted until: 08/03/2021

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

On:	At:	At:
08/03/2021	10:00 AM MDT	meet.google.com/phs-bges-gjs or by phone: +1 617-675-4444 PIN: 783 369 570 5377#

10. This rule change MAY become effective on: 08/10/2021

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

Agency Authorization Information

Agency head or designee, and title:	Bryce C. Bird, Director	Date:	05/18/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R311-200	Filing ID 53576

Agency Information

1. Department:	Environmental Quality		
Agency:	Environmental Response and Remediation		
Building:	Multi Agency State Office Building		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144840		
City, state and zip:	Salt Lake City, UT 84114-4840		
Contact person(s):			
Name:	Phone:	Email:	
David Wilson	385-251-0893	djwilson@utah.gov	
Lauran Ortman	801-536-4177	lortman@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R311-200. Underground Storage Tanks: Definitions
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Several definitions in this rule are no longer necessary due to changes in the federal underground storage tank (UST) regulations or the Utah UST rules, or are redundant, because they are now part of the federal UST regulations.
Adds definition "Certified sampler" to reflect the sampling of other media as well as groundwater and soil.
Adds definition "Claimant" to clarify who is eligible to make reimbursement claims against the Petroleum Storage Tank Trust Fund.
Adds definition "Cost Guidelines" to simplify reference to the "Cost Guidelines for Utah Underground Storage Tank Sites document, dated June 3, 2021".

Moves definition "Related parties" from Section R311-207-4 to a more relevant location, Underground Storage Tanks: Definitions.
Modifies UST testing to include exempt USTs or aboveground storage tanks that voluntarily participate in the Environmental Assurance Program.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
In Subsection R311-200-1(2), removes definitions that are no longer needed, due to changes in the federal UST regulations or changes in the state UST rules.
In Subsection R311-200-1(2)(f), adds definition "Certified sampler."
In Subsection R311-200-1(2)(i), adds definition "Claimant."
In Subsection R311-200-1(2)(m), adds definition "Cost Guidelines."
In Subsection R311-200-1(2)(mm), adds definition "Related parties."
In Subsection R311-200-1(2)(hhh)(D), modifies the definition of UST Testing to include any testing requirements for exempt USTs or aboveground storage tanks that voluntarily participate in the Environmental Assurance Program.
Updates this rule and ACT references, as applicable.
Updates punctuation, capitalization, structure, and word selection to better reflect rule writing standards recommended by the Office of Administrative Rules. These changes do not alter the essence of this rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have any fiscal impact on state government revenues or expenditures because all proposed changes are minor corrections and clarifications and do not change the business practices of any of the affected parties. Any fiscal impact pertaining to defined terms will be addressed in the relevant rule.
B) Local governments:
This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because all proposed changes are minor corrections and clarifications and do not change the business practices of

NOTICES OF PROPOSED RULES

any of the affected parties. Any fiscal impact pertaining to defined terms will be addressed in the relevant rule.

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

This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and do not change the business practices of any of the affected parties. Any fiscal impact pertaining to defined terms will be addressed in the relevant rule.

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

This rule change is not expected to have any fiscal impacts non-small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and do not change the business practices of any of the affected parties. Any fiscal impact pertaining to defined terms will be addressed in the relevant rule.

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

This rule change is not expected to have any fiscal impact on other persons revenues or expenditures because all proposed changes are minor corrections and clarifications and do not change the business practices of any of the affected parties. Any fiscal impact pertaining to defined terms will be addressed in the relevant rule.

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

Any cost or benefits to affected persons relating to the defined terms in this rule will be addressed in the relevant rule.

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

No fiscal impacts on businesses are expected. Any impact would be found in the other rules to which the definitions apply. Kim Shelley, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0

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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kim Shelly, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 19-6-105	Section 19-6-403	
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Public Notice Information

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

A) Comments will be accepted until:	08/02/2021
B) A public hearing (optional) will be held:	
On:	At:
07/15/2021	2:00 PM
	MASOB, 195 N 1950 W, Salt Lake City, UT in Room 1015

10. This rule change MAY become effective on:	10/29/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Brent Everett, Division Director	Date:	06/10/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R311-201	Filing ID 53577

Agency Information

1. Department:	Environmental Quality		
Agency:	Environmental Response and Remediation		
Building:	Multi Agency State Office Building		
Street address:	195 North 1950 West		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144840		
City, state and zip:	Salt Lake City, UT 84114-4840		
Contact person(s):			
Name:	Phone:	Email:	
David Wilson	385-251-0893	djwilson@utah.gov	
Lauran Ortman	801-536-4177	lortman@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R311-201. Underground Storage Tanks: Certification Programs and UST Operator Training
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Clarifies that services provided by a certified underground storage tank (UST) consultant applies to petroleum tanks and not hazardous substance tanks.

Provides a limited form of UST inspector certification for individuals who only need to do certain types of UST inspections.
Changes title of "groundwater and soil certification" to "certified sampler".
Changes "groundwater and soil" to "environmental media" to reflect sampling of other media, such as vapors.
Audits will be conducted based on random selection and at the discretion of the director to ensure accuracy and consistency of charges submitted for reimbursement.
Incorporate by reference "UST and LUST Performance Definitions as of October 2018" to replace outdated "EPA Release Prevention Compliance Measures Matrix and Release Detection Compliance Measures Matrix," which will be removed from incorporated by reference in Subsection R311-206-11(b)(1).
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
In Section R311-201-2, rewords certification requirements for clarity.
In Subsection R311-201-2(1), specifies that releases from hazardous substance USTs do not require a certified UST consultant.
In Subsection R311-201-2(2), adds limits to types of UST inspections that an applicant can perform. This limited certification may be issued by the director.
In Subsection R311-201-2(4), changes the title "groundwater and soil certification" to "certified sampler" to reflect sampling of other media. Changes "groundwater and soil" to "environmental media." Discussed in definitions Section R311-200-1.
In Sections R311-201-3 and R311-201-4, reorders requirements for "Application for Certification" and "Eligibility for Certification" for process clarity.
In Subsection R311-201-6(2), allows the director to audit records which support eligibility for certification, or performance of work for which certification is granted.
In Subsection R311-201-12(10), allows for operator training and registration, incorporate by reference the updated document "UST and LUST Performance Definitions as of October 2018" for documenting compliance.
Updates this rule and ACT references, as applicable.
Updates punctuation, capitalization, structure, and word selection to better reflect rule writing standards

recommended by the Office of Administrative Rules. These changes do not change the essence of this rule.

Fiscal Information

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

A) State budget:

The change to Section R311-201-2 is not expected to have any fiscal impact on state government revenues or expenditures because this is a clarification.

The change to Subsection R311-201-2(1) is not expected to have any fiscal impact on state government revenues or expenditures because this is a clarification.

The changes to Subsection R311-201-2(2), for the Department of Environmental Quality (DEQ) UST Inspectors, are approximately \$200 to \$400 a year. It will be easier for some state inspectors to get trained. The changes also eliminate the cost for taking training course which will save approximately \$200 per person. Only one to two state UST (DEQ) inspectors a year will take advantage of this.

The change to Subsection R311-201-2(4) is not expected to have any fiscal impact on state government revenues or expenditures because it reflects the common practice of sampling other media, such as vapors, groundwater, and soil.

The change to Sections R311-201-3 and 201-4 is not expected to have any fiscal impact on state government revenues or expenditures because the reordering of sections is only for process clarity.

In the change to Subsection R311-201-6(2), the DEQ auditor will be a fiscal cost to the Division. DEQ Auditor's time charged for performing audits. Ensure accuracy and consistency of charges submitted and reimbursed. The fiscal cost will be inestimable. Audits will be conducted based on random selection and at the discretion of the Director. Audits are to ensure accuracy and consistency of charges submitted and reimbursed.

In the change to Subsection R311-201-12(10), the fiscal cost is inestimable. If a Class A and/or Class B operator requires re-training the cost per person would be \$50 registration fee and approximately \$150 to re-take course. Over the last four years no one employed by state government needed to retrain. It is not possible to predict how these new compliance standards will affect the number of individuals needing to be retrained in the future.

B) Local governments:

The change to Subsection R311-201-2(1) is not expected to have any fiscal impact on local governments revenues or expenditures because this is a clarification.

In the changes to Subsection R311-201-2(2), for local health department UST Inspectors, the fiscal benefit is approximately \$200 to \$400 a year. The changes simplify training process for state inspectors; and eliminates cost of training course, which will save approximately \$200 per person. Approximately one to two local health department UST inspectors a year will take advantage of this.

The change to Subsection R311-201-2(4) is not expected to have any fiscal impact on local governments' revenues or expenditures because it reflects the common practice of sampling other media, such as vapors, groundwater, and soil.

The change to Sections R311-201-3 and 201-4 is not expected to have any fiscal impact on local governments' revenues or expenditures because the reordering of sections is for process clarity.

In the change to Subsection R311-201-6(2), the fiscal cost is inestimable. Audits will be conducted based on random selection and at the discretion of the director. Audits are to ensure accuracy and consistency of charges submitted for reimbursement.

In the change to Subsection R311-201-12(10), the fiscal cost is inestimable. If a Class A and/or Class B operator requires re-training, the cost per person will be \$50 registration fee and approximately \$150 to retake course. Over the past four years, no local government employees required retraining. It is not possible to predict how these new compliance standards will affect the number of individuals requiring retraining.

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

The change to Subsection R311-201-2(1) is not expected to have any fiscal impacts on small businesses' revenues or expenditures because this is a clarification.

The change to Subsection R311-201-2(2) is not expected to have any fiscal impact on small businesses' revenues or expenditures because only employees of DEQ and local health departments can apply to become UST inspectors.

The change to Subsection R311-201-2(4) is not expected to have any fiscal impact on small businesses' revenues or expenditures because it reflects the common practice of sampling other media, such as vapors, groundwater, and soil.

The change to Sections R311-201-3 and 201-4 is not expected to have any fiscal impact on small businesses' revenues or expenditures because the reordering of sections is only for process clarity.

The change to Subsection R311-201-6(2) is inestimable for fiscal cost. Audits will be conducted based on random selection, and at the discretion of the director. Audits are to ensure accuracy and consistency of charges submitted for reimbursement.

The change to Subsection R311-201-12(10) is inestimable for fiscal cost. If a Class A and/or Class B operator requires re-training, the cost per person will be \$50 registration fee and approximately \$150 to retake course. Over the past four years, only three people employed by small businesses required retraining. It is not possible to predict how these new compliance standards will affect the number of individuals requiring retraining.

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

The change to Subsection R311-201-2(1) is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because this is a clarification.

The change to Subsection R311-201-2(2) is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because only employees of DEQ and local health departments can apply to become UST inspectors.

The change to Subsection R311-201-2(4) is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because it reflects the common practice of sampling other media, such as vapors, groundwater, and soil.

The change to Sections R311-201-3 and 201-4 is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because the reordering of sections is only for process clarity.

In the change to Subsection R311-201-6(2), the fiscal cost is inestimable. Audits will be conducted based on random selection, and at the discretion of the director. Audits are to ensure accuracy and consistency of charges submitted for reimbursement.

In the change to Subsection R311-201-12(10), the fiscal cost is inestimable. If a Class A and/or Class B operator requires re-training, the cost per person will be \$50 registration fee and approximately \$150 to retake course. Over the past four years, no one employed by non-small businesses required retraining. It is not possible to predict how these new compliance standards will affect the number of individuals requiring retraining.

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

The change to Subsection R311-201-2(1) is not expected to have any fiscal impact on other persons' revenues or expenditures because this is a clarification.

The change to Subsection R311-201-2(2) is not expected to have any fiscal impact on other persons' revenues or

expenditures because only employees of DEQ and local health departments can apply to become UST inspectors.

The change to Subsection R311-201-2(3) will not affect persons other than UST owners/operators.

The change to Subsection R311-201-2(4) is not expected to have any fiscal impact on other persons' revenues or expenditures because it reflects the common practice of sampling other media, such as vapors, groundwater, and soil.

The change to Sections R311-201-3 and 201-4 is not expected to have any fiscal impact on other persons' revenues or expenditures because the reordering of sections is only for process clarity.

The change to Subsection R311-201-6(2) is not expected to have any fiscal impact on other persons' revenues or expenditures because it applies to those with certifications.

The change to Subsection R311-201-12(10) is not expected to affect persons other than the owner/operators of USTs.

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

The change to Subsection R311-201-2(2) will be a benefit for certified inspectors because it allows a limited form of UST inspector certification for individuals who only need to do certain types of UST inspections.

In the change to Subsection R311-201-6(2), the fiscal cost is inestimable. Audits will be conducted based on random selection, and at the discretion of the director. Audits are to ensure accuracy and consistency of charges submitted for reimbursement.

In the change to Subsection R311-201-12(10), the fiscal cost is inestimable. If a Class A and/or Class B operator requires re-training, the cost per person will be \$50 registration fee and approximately \$150 to retake course. Over the past four years, only three people employed by small businesses required retraining. It is not possible to predict how these new compliance standards will affect the number of individuals requiring retraining.

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

State and local health department UST Inspectors will benefit from not having to complete all the training needed to become an UST Inspector if they are only doing certain types of UST Inspections. Some Class A and/or Class B operators may incur a cost if they are unable to meet the new compliance standards, but this cost is inestimable. Kim Shelley, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, Kim Shelley, has reviewed and approved this fiscal analysis.			

Citation Information

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

Section 19-1-301	Section 19-6-403	Section 63G-4-503
Section 19-6-105	Section 63G-4-102	Section 19-6-402

Sections 63G-4-201 through 63G-4-205		
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Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	UST and LUST Performance Definitions as of October 2018
Publisher	US EPA
Date Issued	April 10, 2018
Issue, or version	https://www.epa.gov/ust/ust-performance-measures

Public Notice Information

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

A) Comments will be accepted until:	08/02/2021	
B) A public hearing (optional) will be held:		
On:	At:	At:
07/15/2021	02:00 PM	MASOB, 195 N 1950 W, Salt Lake City, UT in Room 1015

10. This rule change MAY become effective on: 10/29/2021

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

Agency Authorization Information

Agency head or designee, and title:	Brent Everett, Division Director	Date:	06/10/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R311-203	Filing ID 53580

Agency Information

1. Department:	Environmental Quality	
Agency:	Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact person(s):		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Lauran Ortman	801-536-4177	lortman@utah.gov

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

General Information

2. Rule or section catchline:
R311-203. Underground Storage Tanks: Technical Standards
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Clarifies that an installation permit fee will increase based on additional number of tanks being installed under that permit. Removes the "EPA Significant Operational Compliance" document and update rules to reflect the current "EPA Technical Compliance Rate" document, which was developed for owner/operators to use to comply with rules enacted in 2018. Updates requirements for reporting overfill testing results, automatic tank gauges, and line leak detectors on PEI RP-1200 forms. This will provide consistency in reporting test results, but still allow some latitude to develop or use different forms as approved by the director. Changes the title "responsible person" to "trained operator" and clarifies that it is the trained operator that is responsible person on site.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The change to Subsection R311-203-3(5) clarifies that the installation permit fee will increase based on additional number of tanks being installed under that permit.

The change to Subsection R311-203-4(6) updates the reference to current "EPA Technical Compliance Rate".

The change to Subsection R311-203-5(7) certifies individuals who test overfill, automatic tank gauges, and line leak detectors must use the forms found in PEI RP1200 appendices or other forms approved by the director.

The changes to Subsection R311-203-8(1) change the title "responsible person" to "trained operator" and clarifies that it is the trained operator that is responsible person on site.

The change updates this rule and ACT references, as applicable.

The change updates punctuation, capitalization, structure, and word selection to better reflect rulewriting standards recommended by the Office of Administrative Rules. These changes do not change the essence of this rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The change to Subsection R311-203-3 (5) is not expected to have any fiscal impact on state government revenues or expenditures related to -owned underground storage tanks (USTs) because this is a clarification and the installation permit fees are currently being collected this way. In Subsection R311-203-4(6), rules enacted in 2018 affect the Technical Compliance Rate and as facilities work to meet that compliance standard, more may be out of compliance than would have been under the former standard (SOC) guidelines. The obligation to maintain compliance already exists for owner/operators. In general, the operates and maintains its USTs in compliance with these regulations, therefore no significant impact is anticipated. If the state changes their compliance practices so that they were out of compliance for 6 months or more, it will cost them an additional \$190 in UST registration fees per tank. Since the Division of Environmental Response and Remediation (Division) cannot predict behavior, the actual cost to the state is inestimable. The change to Subsection R311-203-5(7) is not expected to have any fiscal impact on state government revenues or expenditures because PEI-RP-100 forms are free and available to certified individuals. Most certified individuals already use these forms. Additionally, this rule allows for an alternative form to be submitted if approved by the director. All other changes only update and clarify language to reflect current regulations.

B) Local governments:

The change to Subsection R311-203-3 (5) is not expected to have any fiscal impact on local governments' revenues or expenditures related to local government-owned USTs, because this is a clarification and the installation permit fees are currently being collected this way.

In Subsection R311-203-4(6), rules enacted in 2018 affect the Technical Compliance Rate and as facilities work to meet that compliance standard, more may be out of compliance than would have been under the former standard (SOC) guidelines. The obligation to maintain compliance already exists for owner/operators. In general, local governments operate and maintain their USTs in compliance with these regulations, therefore no significant impact is anticipated. If local governments change their compliance practices so that they were out of compliance for 6 months or more, it will cost them an additional \$190 in UST registration fees per tank. Since the Division cannot predict behavior, the actual cost to local governments is inestimable.

The change to Subsection R311-203-5(7) is not expected to have any fiscal impact on local governments' revenues or expenditures related to local government-owned USTs, because PEI-RP-100 forms are free and available to certified individuals. Most certified individuals already use these forms. Additionally, this rule allows for an alternative form to be submitted if approved by the director.

All other changes only update and clarify language to reflect current regulations.

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

The change to Subsection R311-203-3 (5) is not expected to have any fiscal impact on small businesses' revenues or expenditures because this is a clarification and the installation permit fees are currently being collected this way.

In Subsection R311-203-4(6), rules enacted in 2018 affect the Technical Compliance Rate and as facilities work to meet that compliance standard, more may be out of compliance than would have been under the former standard (SOC) guidelines. By choosing to be out of compliance, they choose to pay a higher fee. For small business-owned tanks with a 6-month period of non-compliance, it would cost the small businesses \$190 in UST registration fees per tank for the USTs on the PST fund and \$80 per tank for those businesses with an alternate form of financial assurance. This higher rate is already charged to UST owners and operators and the Division doesn't anticipate a change in the number of facilities to be charged this fee and the Division is willing to work with owners and operators of these facilities to reach compliance. For three years the Division has delayed making a change to this definition, to allow businesses time to come into compliance with previously adopted legislation. Since the Division cannot predict

behavior, the actual cost to small businesses is inestimable.

The change to Subsection R311-203-5(7) is not expected to have any fiscal impact on small businesses' revenues or expenditures related to small business-owned USTs, because PEI-RP-100 forms are free and available to certified individuals. Most certified individuals already use these forms. Additionally, this rule allows for an alternative form to be submitted if approved by the director.

All other changes only update and clarify language to reflect current regulations.

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

The change to Subsection R311-203-3 (5) is not expected to have any fiscal impact on non-small businesses' revenues or expenditures related to non-small business-owned USTs, because this is a clarification and the installation permit fees are currently being collected this way.

In Subsection R311-203-4(6), the rules enacted in 2018 affect the Technical Compliance Rate and as facilities work to meet that compliance standard, more may be out of compliance than would have been under the former standard (SOC) guidelines. By choosing to be out of compliance, they choose to pay a higher fee. For non-small business-owned tanks with a 6-month period of non-compliance, it would cost the non-small businesses \$190 in UST registration fees per tank for the USTs on the PST fund and \$80 per tank for those businesses with an alternate form of financial assurance. This higher rate is already charged to UST owners and operators and the Division doesn't anticipate a change in the number of facilities to be charged this fee and the Division is willing to work with owners and operators of these facilities to reach compliance. For three years the Division delayed making a change to this definition, to allow businesses time to come into compliance with previously adopted legislation. Since the Division cannot predict behavior, the actual cost to non-small businesses is inestimable.

The change to Subsection R311-203-5(7) is not expected to have any fiscal impacts on non-small businesses' revenues or expenditures related to non-small business owned USTs, because PEI-RP-100 forms are free and available to certified individuals. Most certified individuals already use these forms. Additionally, this rule allows for an alternative form to be submitted if approved by the director.

All other changes only update and clarify language to reflect current regulations.

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

The change to Subsection R311-203-3 (5) is not expected to have any fiscal impact on other persons' revenues or expenditures related to persons who own USTs, because this is a clarification and the installation permit fees are currently being collected this way

In Subsection R311-203-4(6), the rules enacted in 2018 affect the Technical Compliance Rate and as facilities work to meet that compliance standard, more may be out of compliance than would have been under the former standard (SOC) guidelines. By choosing to be out of compliance they choose to pay a higher fee. For persons who own tanks with a 6-month period of non-compliance, it would cost the person \$190 in UST registration fees per tank for the USTs on the PST fund and \$80 per tank for those persons with an alternate form of financial assurance. This higher rate is already charged to UST owners and operators and the Division doesn't anticipate a change in the number of facilities to be charged this fee and the Division is willing to work with owners and operators of these facilities to reach compliance. Since the Division cannot predict behavior, the actual cost to other persons is inestimable.

The change to Subsection R311-203-5(7) is not expected to have any fiscal impact on other persons' revenues or expenditures related to other person-owned USTs, because PEI-RP-100 forms are free and available to certified individuals. Most certified individuals already use these forms. Additionally, this rule allows for an alternative form to be submitted if approved by the director.

All other changes only update and clarify language to reflect current regulations.

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

Only those who choose to not come back into compliance within six months will be affected. Based on improved compliance rates over the past three years, it is anticipated that the number of facilities subject to this fee will be similar to the number subject to it under the prior definition.

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

There would not be a direct fiscal cost imposed by this rule because the obligation to maintain compliance already exists for owners and operators, and the higher rate is already charged to owners and operators with a six months period of non-compliance. Kim Shelley, Executive Director

Underground storage tank testing forms are free and available to certified individuals. Additionally, this rule allows for an alternative form to be submitted if approved by the director.

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kim Shelly, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 19-6-105	Section 19-6-408	Section 19-6-403
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Public Notice Information

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

NOTICES OF PROPOSED RULES

A) Comments will be accepted until:		08/02/2021
B) A public hearing (optional) will be held:		
On:	At:	At:
07/15/2021	02:00 PM	MASOB, 195 N 1950 W, Salt Lake City, UT in Room 1015

10. This rule change MAY become effective on:	10/29/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Brent Everett, Division Director	Date:	06/10/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R311-204	Filing ID 53581

Agency Information

1. Department:	Environmental Quality		
Agency:	Environmental Response and Remediation		
Building:	Multi Agency State Office Building		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144840		
City, state and zip:	Salt Lake City, UT 84114-4840		
Contact person(s):			
Name:	Phone:	Email:	
David Wilson	385-251-0893	djwilson@utah.gov	
Lauran Ortman	801-536-4177	lortman@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:

R311-204. Underground Storage Tanks: Closure and Remediation
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Removes redundancies regarding tank disposal.
Clarifies that the 72-hour notification requirement means three business days.
Changes the labeling requirement for tank disposal to indicate "substance contained" instead of "contained petroleum" because substances other than petroleum are also regulated.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The change to Subsection R311-204-2(3) removes "tank disposal" from list of items addressed in closure plan because it's addressed in Section R311-204-3.
The change to Subsection R311-204-2(8) clarifies that the 72-hour notification requirement means three business days.
The change to Subsection R311-204-3(1) changes "contained petroleum" to "substance contained" because the tank may have contained a non-petroleum product that would be regulated by the UST program.
All other changes are updating punctuation, capitalization, structure, and word selection to better reflect rulewriting standards recommended by the Office of Administrative Rules. These changes do not alter the essence of this rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have any fiscal impact on state government revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.
B) Local governments:
This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on other persons revenues or expenditures because all proposed changes are minor corrections and clarifications.

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

No compliance costs are anticipated to affected persons because all proposed changes are minor corrections and clarifications.

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

The changes would not have a fiscal impact on businesses. All proposed changes to this rule are minor corrections and clarifications. Kim Shelley, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Section 19-6-105	Section 19-6-403	Section 19-6-402
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Public Notice Information

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

A) Comments will be accepted until: 08/02/2021

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

On:	At:	At:
07/15/2021	02:00 PM	MASOB, 195 N 1950 W, Salt Lake City, UT in Room 1015

10. This rule change MAY become effective on: 10/29/2021

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

Agency Authorization Information

Agency head or designee, and title:	Brent Everett, Division Director	Date:	06/10/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R311-205	Filing ID	53582
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Agency Information

1. Department:	Environmental Quality		
Agency:	Environmental Response and Remediation		
Building:	Multi Agency State Office Building		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144840		
City, state and zip:	Salt Lake City, UT 84114-4840		
Contact person(s):			
Name:	Phone:	Email:	
David Wilson	385-251-0893	djwilson@utah.gov	
Lauran Ortman	801-536-4177	lortman@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:
R311-205. Underground Storage Tanks: Site Assessment Protocol
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Removes obsolete references and incorporate sampling standards that are available to the public.
Clarifies that vapor samples are included in environmental media.

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

The change to Section R311-205-2 removes outdated or not easily accessible documents incorporated by reference. Incorporates by reference the "Utah Petroleum Storage Tank Environmental Media Sampling Handbook, dated June 1, 2021".

The change to Section R311-205-2 changes "environmental samples" to "environmental media samples".

The change to Subsection R311-205-2(c) changes the "Petroleum Storage Tank Trust Fund" to "Environmental Assurance Program" for clarification.

The change to Subsection R311-205-2(d) adds vapor sampling to types of environmental media.

The change updates this rule and ACT references, as applicable.

The changes update punctuation, capitalization, structure, and word selection to better reflect rulewriting standards recommended by the Office of Administrative Rules. These changes do not alter the essence of this rule.

Fiscal Information

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

A) State budget:
This rule change is not expected to have any fiscal impact on state government revenues or expenditures because all proposed changes are minor corrections and clarifications, and does not change the business practices of any of the affected parties.

B) Local governments:
This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on other individuals revenues or expenditures because all proposed changes are minor corrections and clarifications.

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

There is no anticipated cost to affected persons; however, there is a potential time savings because of an increase in efficiency in locating guidance documents.

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

The changes would not have a fiscal impact on businesses. All proposed changes to this rule are minor corrections and clarifications. Kim Shelley, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Section 19-6-105	Section 19-6-413	Section 19-6-403
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Incorporations by Reference Information

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	Utah Petroleum Storage Tank Environmental Media Sampling Handbook
Publisher	Division of Environmental Response and Remediation, UST Branch
Date Issued	June 1, 2021

Public Notice Information

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

A) Comments will be accepted until: 08/02/2021

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

On:	At:	At:
07/15/2021	02:00 PM	MASOB, 195 N 1950 W, Salt Lake City, UT in Room 1015

10. This rule change MAY become effective on: 10/29/2021

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

effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Brent Everett, Division Director	Date:	06/10/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R311-206	Filing ID	53583
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Agency Information

1. Department:	Environmental Quality		
Agency:	Environmental Response and Remediation		
Building:	Multi Agency State Office Building		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144840		
City, state and zip:	Salt Lake City, UT 84114-4840		
Contact person(s):			
Name:	Phone:	Email:	
David Wilson	385-251-0893	djwilson@utah.gov	
Lauran Ortman	801-536-4177	lortman@utah.gov	

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

General Information

2. Rule or section catchline:

R311-206. Underground Storage Tanks: Certificate of Compliance and Financial Assurance Mechanisms

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

Removes the requirement for testing secondary containment interstitial space of tanks and piping for the purpose of risk calculation in applying for an Environmental Assurance Fee Rebate. This language was added to this rule in anticipation that this testing would be required by the October 13, 2015, federal underground storage tank regulations. This testing was not required by federal regulation.

Clarifies the requirements and timeline for facilities that participates in the Environmental Assurance Program and are sold to a company with facilities that do not participate in the Program.

Removes the document "EPA Release Prevention Compliance Measures Matrix and Release Detection Compliance Measures Matrix" that is incorporated by reference. This document was replaced by "UST and LUST Performance Definitions as of October 2018" which contains the "EPA UST Technical Compliance Rate" document, which is incorporated by reference in Subsection R311-201-12(10).

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

The change to Section R311-206 changes "the Fund" to "the Environmental Assurance Program".

The change to Subsection R311-206-4(3) deletes outdated rule verbiage.

The change to Subsection R311-206-4(4) moves the requirement for the owner or operator to submit an independent audit to demonstrate net worth for self-insurance, for clarification.

The change to Subsection R311-206-4(5) moves the language regarding requirement for submission of an independent audit, for clarification.

The change to Subsection R311-206-9(4) adds a requirement that for any facility that participates in the Environmental Assurance Program and is sold to a company with facilities that do not participate in the Program, the date of termination of coverage is the closing date for the real estate transaction. The purchaser shall provide documentation of the closing date to the director within 30 days of closing.

The change to Subsection R311-206-10(2) updates compliance status determination using the "EPA UST Technical Compliance Rate" and removes the document incorporated by reference "EPA Release Prevention Compliance Measures Matrix and Release Detection Compliance Measures Matrix".

The change to Subsection R311-206-11(3) removes the requirement for testing secondary containment interstitial space of tanks and piping for the purpose of risk calculation in applying for an Environmental Assurance Fee Rebate.

The change to Subsection R311-206-11(4) removes secondary containment interstitial space testing requirement for piping for purpose of risk calculation in applying for an Environmental Assurance Fee Rebate.

The change to Subsection R311-206-11(5) removes secondary containment interstitial space testing requirement for piping containment sumps and under-dispenser containment for purpose of risk calculation in applying for an Environmental Assurance Fee Rebate.

The change updates this rule and ACT references, as applicable.

The change updates punctuation, capitalization, structure, and word selection to better reflect rulewriting standards recommended by the Office of Administrative Rules. These changes do not alter the essence of this rule.

Fiscal Information

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

A) State budget:

The change to Subsection R311-206-9(4) is not expected to have any fiscal impact on state government revenues or expenditures because all state-owned facilities are required by statute to participate in the Environmental Assurance Program.

The change to Subsection R311-206-10(2) is not expected to have any fiscal impact on state government revenues or expenditures because it only updates the document used for determining compliance and removes an outdated document, which was incorporated by reference.

In the change to Subsections R311-206-11(3), (4), and (5), there is a direct fiscal benefit to state-owned facilities with underground storage tanks (USTs). The 73 state-owned UST sites could see an approximate total combined benefit of \$3,700 per year, by being qualified as secondarily contained without having to test double walled tanks and lines. This estimate was reached using data from calendar year 2020 and assumes a one-tier improvement, resulting in a 15% rebate of the Environmental Assurance fee for eligible facilities. The rebates will reduce annual revenue collected into the Environmental Assurance Program by this amount as intended by the statute.

All other changes in this rule are not expected to have any fiscal impact on state government revenues or expenditures because these proposed changes are minor corrections and clarifications and do not change the business practices of any of the affected parties.

B) Local governments:

The change to Subsection R311-206-9(4) is not expected to have any fiscal impact on local governments' revenues or expenditures because it clarifies an existing requirement and defines a timeline.

The change to Subsection R311-206-10(2) is not expected to have any fiscal impact on local governments' revenues

or expenditures because it only updates the document used for determining compliance and removes an outdated document which was incorporated by reference.

In the change to Subsections R311-206-11(3), (4), and (5), there is a direct fiscal benefit to local government-owned facilities with USTs. There are approximately 33 sites owned by local governments that are qualified as secondarily contained and will not have to test the double walled tanks and lines. The approximate total benefit for all these facilities combined is \$2,800 per year. This estimate was reached using data from calendar year 2020 and assumes a one-tier improvement, resulting in a 15% rebate of the Environmental Assurance fee for eligible facilities. The rebates will reduce annual revenue collected into the Environmental Assurance Program by this amount as intended by the statute.

All other changes in this rule are not expected to have any fiscal impact on local governments' revenues or expenditures because these proposed changes are minor corrections and clarifications and do not change the business practices of any of the affected parties.

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

The change to Subsection R311-206-9(4) is not expected to have any fiscal impact on small businesses' revenues or expenditures because it clarifies an existing requirement and defines a timeline.

The change to R311-206-10(2) is not expected to have any fiscal impact on small businesses' revenues or expenditures because it only updates the document used for determining compliance and removes an older document which was incorporated by reference.

In the change to Subsections R311-206-11(3), (4), and (5), there is a direct fiscal benefit to small business-owned facilities with USTs. There are approximately 176 small business-owned sites that are qualified as secondarily contained and will not have to test double walled tanks and lines. The approximate total benefit for all these facilities combined is \$136,700 per year. This estimate was reached using data from calendar year 2020 and assumes a one-tier improvement, resulting in a 15% rebate of the Environmental Assurance fee for eligible facilities. The rebates will reduce annual revenue collected into the Environmental Assurance Program by this amount as intended by the statute.

All other changes in this rule are not expected to have any fiscal impact on small businesses' revenues or expenditures because these proposed changes are minor corrections and clarifications and do not change the business practices of any of the affected parties.

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

The change to Subsection R311-206-9(4) is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because it clarifies an existing requirement and defines a timeline.

The change to Subsection R311-206-10(2) is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because it only updates the document used for determining compliance and removes an outdated document which was incorporated by reference.

In the change to Subsections R311-206-11(3), (4), and (5), there is a direct fiscal benefit to non-small business-owned facilities with USTs. There are approximately 332 non-small business-owned sites that are qualified as secondarily contained and will not have to test double walled tanks and lines. The approximate total benefit for all these facilities combined is \$271,500 per year. This estimate was reached using data from calendar year 2020 and assumes a one-tier improvement, resulting in a 15% rebate of the Environmental Assurance fee for eligible facilities. The rebates will reduce annual revenue collected into the Environmental Assurance Program by this amount as intended by the statute.

All other changes in this rule are not expected to have any fiscal impact on non-small businesses' revenues or expenditures because these proposed changes are minor corrections and clarifications and do not change the business practices of any of the affected parties.

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

The change to Subsection R311-206-9(4) is not expected to have any fiscal impact on other individual's revenues or expenditures because it clarifies an existing requirement and defines a timeline.

The change to Subsection R311-206-10(2) is not expected to have any fiscal impact on other person's revenues or expenditures because it only updates the document used for determining compliance and removes an outdated document which was incorporated by reference.

In the change to Subsections R311-206-11(3), (4), and (5), there is a direct fiscal benefit to other person-owned facilities with USTs. There are three other person-owned sites that are qualified as secondarily contained and will not have to test double walled tanks and lines. The approximate total benefit for all these facilities combined is \$1,100 per year. This estimate was reached using data from calendar year 2020 and assumes a one-tier improvement, resulting in a 15% rebate of the Environmental Assurance fee for eligible facilities. The rebates will reduce annual revenue collected into the Environmental Assurance Program by this amount as intended by the statute.

All other changes in this rule are not expected to have any fiscal impact on other person's revenues or expenditures because these proposed changes are minor corrections and clarifications and do not change the business practices of any of the affected parties.

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

No compliance costs are anticipated. The proposed changes are a benefit to owners of USTs who previously did not qualify for a rebate from the Environmental Assurance fee. The other proposed changes are for clarification and document updates and have no compliance costs.

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

Underground storage tanks owners and operators will see a direct fiscal benefit from the rule change by not having to test their secondary containment to qualify for a rebate of the environmental assurance fee for eligible facilities. Kim Shelley, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$3,700	\$3,700	\$3,700
Local Governments	\$2,800	\$2,800	\$2,800
Small Businesses	\$136,700	\$136,700	\$136,700
Non-Small Businesses	\$271,500	\$271,500	\$271,500

Other Persons	\$1,100	\$1,100	\$1,100
Total Fiscal Benefits	\$415,800	\$415,800	\$415,800
Net Fiscal Benefits	\$415,800	\$415,800	\$415,800
B) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, Kim Shelly, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 19-6-105	Section 19-6-428	Section 19-6-410.5
Section 19-6-403		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until:	08/02/2021	
B) A public hearing (optional) will be held:		
On:	At:	At:
07/15/2021	02:00 PM	MASOB, 195 N 1950 W, Salt Lake City, UT in Room 1015

10. This rule change MAY become effective on:	10/29/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Brent Everett, Division Director	Date:	06/10/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R311-207	Filing ID 53584

Agency Information

1. Department:	Environmental Quality	
Agency:	Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact person(s):		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Lauran Ortman	801-536-4177	lortman@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R311-207. Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Board and the director of the Division of Environmental Response and Remediation (DERR) are tasked with making rules and administering the UST program. Several years ago, as legislation regarding the Petroleum Storage Tank (PST) Trust Fund was under consideration by the legislature, the Division received direction from the Legislature to review the Environmental Assurance Program reimbursement process. In 2018, the Division conducted an internal audit of several PST Trust Fund claim reimbursement submissions. One major finding was that similar common tasks were being submitted for reimbursement from the PST Trust Fund with high variability in hours, costs, and the level of personnel completing the tasks. Some tasks' variability ranged as high as four times that of other similar submissions. This audit led to the development of the "Cost Guidelines for Utah Underground Storage Tank Sites" document. This document establishes the framework for a standardized and consistent approach for work done by state contractors and for petroleum storage tank (PST) Trust Fund reimbursements.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The change to Subsection R311-207-3(8) clarifies the eligibility determination process.

The change to Section R311-207-4 removes pay for performance reimbursement to claimants.

The change to Subsection R311-207-4(2)(a) clarifies the signature requirement for reimbursement from the PST Trust Fund.

The change to Subsection R311-207-4(8)(a)(i) moves the definition "Related parties" to a more relevant location, Underground Storage Tanks: Definitions.

The change to Subsection R311-207-4(8)(a)(ii) incorporates by reference the "Cost Guidelines for Underground Storage Tank Sites" document, dated June 3, 2021.

The change to Subsection R311-207-4(8)(a) removes yearly approval of competitive bid schedule for frequently used services.

The change to Subsection R311-207-4(8)(b) removes sole source justification for analytical laboratories and replace it with the Cost Guidelines document.

The change to Section R311-207-5 removes the document "TABLE OF UTAH PETROLEUM STORAGE TANK TRUST FUND TIME AND MATERIAL REIMBURSEMENT STANDARDS" and "UTAH PETROLEUM STORAGE TANK FUND, MAXIMUM ALLOWABLE RATE LIST FOR EQUIPMENT AND SUPPLIES" that is incorporated by reference and replaces it with the Cost Guidelines document.

The change to Subsection R311-207-5(2) adds the Cost Guidelines document for reimbursement of claims.

The change to Subsection R311-207-5(4) adds the Cost Guidelines document.

The change to Subsection R311-207-5(6) incorporates the director's ability to request audits of PST Trust Fund reimbursable work and records.

The change to Section R311-207-7 removes the document "CONSULTANT PERSONNEL QUALIFICATIONS AND TASK DESCRIPTIONS" table that is incorporated by reference and replaces it with the requirements found in the Cost Guidelines document; and removes language referring to fee schedules for reimbursement by the PST Trust Fund and replaces it with the Cost Guidelines document.

The change to Subsection R311-207-9(1)(b) removes the requirement for approved PST Trust Fund labor rates and refers to the Cost Guidelines document.

The change updates this rule and ACT references, as applicable.

The change updates punctuation, capitalization, structure, and word selection to better reflect rulewriting standards recommended by the Office of Administrative Rules. These changes do not alter the essence of this rule.

Fiscal Information

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

A) State budget:

The change to Subsection R311-207-3(8) is not expected to have any fiscal impact because it is a process clarification.

The change to Subsection R311-207-4(2)(a) is not expected to have any fiscal impact because it is a requirement clarification.

The change to Subsection R311-207-4 is not expected to have any fiscal impact because it removed an option that is outdated and no longer utilized.

The change to Subsection R311-207-4(8)(a)(i) is not expected to have any fiscal impact because it moved the definition "Related parties" to a more relevant location, Underground Storage Tanks: Definitions.

The change to Subsection R311-207-4(8)(a)(ii), DERR personnel and PST Trust Fund, the fiscal cost is inestimable and the relevant data is unavailable. Standardize costs and rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of leaking petroleum storage tank costs. The change also eliminates the need to review and approve rates for statement of qualifications.

In the change to Subsection R311-207-4(8)(b), PST Trust Fund, the fiscal cost is inestimable. Relevant data is unavailable. Laboratory reimbursement rates are being standardized with the Cost Guidelines document.

In the change to Section R311-207-5, PST Trust Fund, State Lead LUST Trust, and Responsible Party LUST, the fiscal cost is inestimable and the relevant data is unavailable. Standardize costs and rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of leaking petroleum storage tank costs. The change also eliminates the need to review and approve rates for statement of qualifications.

In the change to Subsection R311-207-5(2), PST Trust Fund, the fiscal cost is inestimable and the relevant data is unavailable. Use of the Cost Guidelines document standardizes costs, rates, and common equipment to be reimbursed on claims.

The change to Subsection R311-207-5(4) is not expected to have any fiscal impact because it is clarification and updates with added Cost Guidelines for clarity.

In the change to Subsection R311-207-5(6), the fiscal cost to the Division is anticipated for use of DEQ Auditor. DEQ Auditor's time is charged for performing audits. The change also ensures accuracy and consistency of charges submitted and reimbursed.

In the change to Section R311-207-7, PST Trust Fund, State Lead LUST Trust, and Responsible Party LUST, the fiscal cost is inestimable and the relevant data is unavailable. Standardize labor rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of leaking petroleum storage tank costs. Costs are fixed to current market rates for a two-year term and updated based on the Federal Consumer Price Index, removing the need for yearly bidding by contractors.

In the change to Subsection R311-207-9(1)(b), the fiscal cost is inestimable and the relevant data is unavailable. Standardize costs and rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of leaking petroleum storage tank costs. The change also eliminates the need to review and approve yearly rates for statement of qualifications.

B) Local governments:

This rule change is not expected to have any significant fiscal impact on local governments' revenues or expenditures because it is clarification and standardization of the process and is not anticipated to change the business practices of the local governments.

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

The change to Subsection R311-207-3(8) is not expected to have any fiscal impact because it is a process clarification.

In the change to Subsection R311-207-4(8)(a), the fiscal cost is inestimable and the relevant data is not available. Cost of yearly bidding is not reported but is anticipated to be a cost savings.

In the change to Subsection R311-207-4(8)(a)(i), is not expected to have any fiscal impact because it moved the definition "Related parties" to a more relevant location, Underground Storage Tanks: Definitions.

In the change to Subsection R311-207-4(8)(b), the fiscal cost is inestimable and the relevant data is unavailable. Laboratory reimbursement rates are being standardized with the Cost Guidelines document.

In the change to Section R311-207-5, contractors for UST owners and operators, the fiscal cost is inestimable and the relevant data is unavailable. Standardize costs and rates to help reduce variability in similar work and to establish a consistent framework for approval, submission,

and reimbursement of leaking petroleum storage tank costs. It also eliminates the need to review and approve rates for statement of qualifications.

In the change to Subsection R311-207-5(2), PST Trust Fund, the fiscal cost is inestimable and the relevant data is unavailable. Use of the Cost Guidelines document helps standardize costs, rates, and common equipment to be reimbursed on claims.

In the change to Subsection R311-207-5(4), contractors for UST owners and operators, the fiscal cost is inestimable and the relevant data is unavailable. Standardize costs and rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of eligible leaking petroleum storage tank costs. The change also eliminates the need to review and approve rates for statement of qualifications.

In the change to Subsection R311-207-5(6), contractors for UST owners and operators, the fiscal cost is inestimable. Audits will be conducted based on random selection and at the discretion of the director. Audits are to ensure accuracy and consistency of charges submitted and reimbursed.

In the change to Section R311-207-7, contractors for UST owners and operators, the fiscal cost is inestimable and the relevant data is unavailable. Standardize labor rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of leaking petroleum storage tank costs. Costs are fixed to current market rates for a two-year term and updated based on the Federal Consumer Price Index, removing the need of yearly bidding by contractors.

In the change to Subsection R311-207-9(1)(b), contractors for UST owners and operators, the fiscal cost is inestimable and the relevant data is unavailable. Standardize costs and rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of leaking petroleum storage tank costs. The change also eliminates the need to review and approve yearly rates for statement of qualifications.

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

In the change to Subsection R311-207-4(8)(a), contractors for UST owners and operators, the fiscal cost is inestimable and the relevant data is not available. Cost of yearly bidding is not reported but is anticipated to be a cost savings.

The change to Subsection R311-207-4(8)(a)(i) is not expected to have any fiscal impact because it moved the definition "Related parties" to a more relevant location, Underground Storage Tanks: Definitions.

In the change to Subsection R311-207-4(8)(b), contractors for UST owners and operators, the fiscal cost is inestimable and the relevant data is unavailable. Laboratory reimbursement rates are being standardized with the Cost Guidelines document.

In the change to Section R311-207-5, contractors for UST owners and operators, the fiscal cost is inestimable and the relevant data is unavailable. Standardize costs and rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of leaking petroleum storage tank costs. The change also eliminates the need to review and approve rates for statement of qualifications.

In the change to Subsection R311-207-5(4), contractors for UST owners and operators, the fiscal cost is inestimable and the relevant data is unavailable. Standardize costs and rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of eligible leaking petroleum storage tank costs. The change also eliminates the need to review and approve rates for statement of qualifications.

In the change to Subsection R311-207-5(6), contractors for UST owners and operators, the fiscal cost is inestimable. Audits will be conducted based on random selection and at the discretion of the director. Audits are to ensure accuracy and consistency of charges submitted and reimbursed.

In the change to Section R311-207-7, contractors for UST owners and operators, the fiscal cost is inestimable and the relevant data is unavailable. Standardize labor rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of leaking petroleum storage tank costs. Costs are fixed to current market rates for a two-year term and updated based on the Federal Consumer Price Index, removing the need for yearly bidding by contractors.

In the change to Subsection R311-207-9(1)(b), contractors for UST owners and operators, the fiscal cost is inestimable and the relevant data is unavailable. Standardize costs and rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of leaking petroleum storage tank costs. The change also eliminates the need to review and approve yearly rates for statement of qualifications.

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

In the change to Subsection R311-207-4(8)(a), contractors for UST owners and operators, the fiscal cost is inestimable and the relevant data is not available. Cost of yearly bidding is not reported but is anticipated to be a cost savings.

In the change to Section R311-207-7, DERR Personnel, the fiscal savings are inestimable and the relevant data is unavailable. Standardize labor rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of leaking petroleum storage tank costs. Costs are fixed to current market rates for a two-year term and updated based on the Federal Consumer Price Index, removing the need for yearly bidding.

In the change to Subsection R311-207-9(1)(b), contractors for UST owners and operators, the fiscal cost is inestimable. Analysis will be prohibitively expensive. Standardize costs replacing individual company approved rates and simplifying processes. Overall net change is expected to be small but variability in work and contractors selected by owners and operators is different each year. Standardize labor rates to help reduce variability in similar work and to establish a consistent framework for approval, submission, and reimbursement of leaking petroleum storage tank costs. Costs are fixed to current market rates for a two-year term and updated based on the Federal Consumer Price Index, removing the need for yearly bidding.

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

Audits of records for reimbursement are not expected to add a significant cost outside of the state government because the maintenance of these records is already required. Additional costs will be incurred by the PST Trust Fund for the hours billed by the Department of Environmental Quality Auditor when conducting these audits. The audits may be determined by random selection or for verification of accuracy of records submitted for reimbursement. The cost incurred by these audits to the PST Trust Fund cannot be calculated because of the variability in the time required and volume of the records.

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

These changes are to clarify existing rules and provide a standardized and consistent framework for common work requirements and reimbursement amounts. Most fiscal impacts are not available because of the variability of the work each year in the number of reported releases, the owner's selection of a consultant, and the necessary cleanup work for each release. Kim Shelley, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$4,000	\$4,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$4,000	\$4,000
Fiscal Benefits			
State Government	\$9,408	\$5,408	\$5,408
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$4,000	\$4,000
Total Fiscal Benefits	\$9,408	\$9,408	\$9,408
Net Fiscal Benefits	\$9,408	\$5,408	\$5,408
B) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, Kim Shelley, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 19-6-403	Section 19-6-419	Section 19-6-409
Section 19-6-404	40 CFR Part 280, Subpart H	

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:	
	First Incorporation
Official Title of Materials Incorporated (from title page)	Cost Guidelines for Underground Storage Tank Sites

Publisher	Division of Environmental Response and Remediation, UST Branch
Date Issued	June 3, 2021

Public Notice Information

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

A) Comments will be accepted until: 08/02/2021

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

On:	At:	At:
07/15/2021	02:00 PM	MASOB, 195 N 1950 W, Salt Lake City, UT in Room 1015

10. This rule change MAY become effective on: 10/29/2021

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

Agency Authorization Information

Agency head or designee, and title:	Brent Everett, Division Director	Date:	06/10/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R311-208	Filing ID 53585

Agency Information

1. Department:	Environmental Quality
Agency:	Environmental Response and Remediation
Building:	Multi Agency State Office Building
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144840
City, state and zip:	Salt Lake City, UT 84114-4840

Contact person(s):		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Lauran Ortman	801-536-4177	lortman@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R311-208. Underground Storage Tank Penalty Guidance
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The amendment combines two sentences in order to clarify intent.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The change to Subsection R311-208-5(2)(b)(i) changes "Good faith takes into account" to "taking into account" to clarify intent.
The changes update this rule and ACT references, as applicable.
The changes update punctuation, capitalization, structure, and word selection to better reflect rulewriting standards recommended by the Office of Administrative Rules. These changes do not alter the essence of this rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have any fiscal impact on state government revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.
B) Local governments:
This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

C) Small businesses ("small business" means a business employing 1-49 persons):												
This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.												
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):												
This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.												
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):												
This rule change is not expected to have any fiscal impact on other individuals' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.												
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):												
This rule change is not expected to have any fiscal impact on revenues or expenditures of affected persons because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.												
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):												
The changes would not have a fiscal impact on businesses. All proposed changes to this rule are minor corrections and clarifications. Kim Shelley, Executive Director												
6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)												
Regulatory Impact Table												
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2022</th> <th>FY2023</th> <th>FY2024</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2022	FY2023	FY2024	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0
Fiscal Cost	FY2022	FY2023	FY2024									
State Government	\$0	\$0	\$0									
Local Governments	\$0	\$0	\$0									

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, Kim Shelly, has reviewed and approved this fiscal analysis.			

Citation Information

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

Section 19-6-403	Section 19-6-425	Section 19-6-404
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Public Notice Information

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

A) Comments will be accepted until:	08/02/2021	
B) A public hearing (optional) will be held:		
On:	At:	At:
07/15/2021	02:00 PM	MASOB, 195 N 1950 W, Salt Lake City, UT in Room 1015

10. This rule change MAY become effective on:	10/29/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Brent Everett, Division Director	Date:	06/10/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R311-209	Filing ID	53586
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Agency Information

1. Department:	Environmental Quality		
Agency:	Environmental	Response and	Remediation
Building:	Multi Agency State Office Building		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144840		
City, state and zip:	Salt Lake City, UT 84114-4840		
Contact person(s):			
Name:	Phone:	Email:	
David Wilson	385-251-0893	djwilson@utah.gov	
Lauran Ortman	801-536-4177	lortman@utah.gov	

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

General Information

2. Rule or section catchline:
R311-209. Petroleum Storage Tank Cleanup Fund and State Cleanup Appropriation
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This amendment updates this rule to match statute and corrects rule and statute references.

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

The change to Subsection R311-209-2(1) removes language specifying release requirement pertaining to regulated UST. Statute change according to Section 19-6-405.7 allows funds to be used to conduct investigation of suspected releases.

This change updates this rule and ACT references, as applicable.

This change updates punctuation, capitalization, structure, and word selection to better reflect rulewriting standards recommended by the Office of Administrative Rules. These changes do not alter the essence of this rule.

Fiscal Information

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

A) State budget:

This rule change is not expected to have any fiscal impact on state government revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

B) Local governments:

This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on other individuals' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on revenues or expenditures of affected persons because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

These changes are updates to the rule references, punctuation, capitalization, structure and word selection to better reflect rulewriting standards recommended by the Office of Administrative Rules. These changes do not alter the essence of this rule. Kim Shelley, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

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

Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Environmental Quality, Kim Shelly, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 19-6-403	Section 19-6-420	Section 19-6-409
Section 19-6-404		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until:	08/02/2021	
B) A public hearing (optional) will be held:		
On:	At:	At:
07/15/2021	02:00 PM	MASOB, 195 N 1950 W, Salt Lake City, UT in Room 1015

10. This rule change MAY become effective on:	10/29/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Brent Everett, Division Director	Date:	06/20/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R311-212	Filing ID 53586

Agency Information

1. Department:	Environmental Quality
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Agency:	Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact person(s):		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Lauran Ortman	801-536-4177	lortman@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R311-212. Administration of the Petroleum Storage Tank Loan Program
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This amendment changes "Petroleum Storage Tank Trust Fund" to "Fund" which is consistent with the Underground Storage Tanks: Definitions; and clarifies the meaning of "replacing USTs" by adding the word "petroleum" to align with the statute.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The change to Subsection R311-212-2(4) deletes "Petroleum Storage Tank Trust" and refers to it as "Fund" because Fund is defined in Subsection R311-200-1(b)(36) as Petroleum Storage Tank Trust; and changes "Underground Storage Tank" to "UST".
The change to Subsection R311-212-3(4) clarifies that the replacement refers to installing and replacing "petroleum" USTs. Changes are also made so that this rule matches the statute.
The change updates this rule and ACT references, as applicable.
The change updates punctuation, capitalization, structure, and word selection to better reflect rulewriting standards recommended by the Office of Administrative Rules. These changes do not alter the essence of this rule.

Fiscal Information

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

A) State budget:

This rule change is not expected to have any fiscal impact on state government revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

B) Local governments:

This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because all proposed changes are minor corrections and clarifications and does not change the business practices of any of the affected parties.

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

This rule change is not expected to have any fiscal impact on other individuals' revenues or expenditures because all proposed changes are minor corrections and clarifications.

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

No compliance costs are anticipated because all proposed changes are minor corrections and clarifications.

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

The changes would not have a fiscal impact on businesses. All proposed changes to this rule are minor corrections and clarifications. Kim Shelley, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

B) Department head approval of regulatory impact analysis:

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

Citation Information

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

Section 19-6-105 | Section 19-6-409 | Section 19-6-403

Public Notice Information

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

A) Comments will be accepted until:		08/02/2021
B) A public hearing (optional) will be held:		
On:	At:	At:
07/15/2021	02:00 PM	MASOB, 195 N 1950 W, Salt Lake City, UT in Room 1015

10. This rule change MAY become effective on:	10/29/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Brent Everett, Division Director	Date:	06/10/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R414-1-31	Filing ID 53604

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R414-1-31. Withholding of Payments

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this change is to implement by rule the provisions of Section 6032 of the Deficit Reduction Act.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This amendment requires Medicaid providers to implement policies and procedures for detecting and preventing fraud, waste, and abuse in accordance with the Deficit Reduction Act. It also allows employee protections for whistleblowers.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no impact to the state budget as this change only clarifies current Medicaid policy. It neither affects member services nor provider reimbursement.
B) Local governments:
There is no impact on local governments because they neither reimburse nor monitor Medicaid providers.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as this change only implements Medicaid policy by rule.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no impact on non-small businesses as this change only implements Medicaid policy by rule.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
There is no impact on Medicaid providers and Medicaid members as this change only implements Medicaid policy by rule.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There is no impact on a single Medicaid provider or Medicaid member as this change only implements Medicaid policy by rule.

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

Businesses will see neither costs nor revenue as this change only implements Medicaid policy by rule. Richard G. Saunders, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 26-1-5	Section 26-18-3	Section 6032 of the Deficit Reduction Act
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Public Notice Information

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

A) Comments will be accepted until: 08/02/2021

10. This rule change MAY become effective on: 08/09/2021

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

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	06/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R414-2A-7	Filing ID 53579

Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov

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

General Information

2. Rule or section catchline:
R414-2A-7. Limitations
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this change is to clarify Medicaid policy on deconditioning in inpatient hospital intensive physical rehabilitation facilities.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This amendment clarifies that Medicaid does not cover admission for deconditioning in inpatient hospital intensive physical rehabilitation facilities.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no impact to the state budget as this change only clarifies current Medicaid policy. It neither affects member services nor provider reimbursement.
B) Local governments:
There is no impact on local governments because they neither fund nor provide deconditioning services under the Medicaid program.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as this change only clarifies current Medicaid policy. It neither affects member services nor provider reimbursement.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no impact on non-small businesses as this change only clarifies current Medicaid policy. It neither affects member services nor provider reimbursement.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There is no impact on Medicaid providers and Medicaid members as this change only clarifies current policy. It neither affects member services nor provider reimbursement.

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

There are no compliance costs to a single Medicaid provider or Medicaid member as this change only clarifies current policy. It neither affects member services nor provider reimbursement.

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

Businesses will see neither revenue nor cost as this change only clarifies current Medicaid policy. Richard G. Saunders, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

B) Department head approval of regulatory impact analysis:

Richard G. Saunders, Executive Director

Citation Information

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

Section 26-1-5	Section 26-18-3	
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Public Notice Information

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

A) Comments will be accepted until:	08/02/2021
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10. This rule change MAY become effective on:	08/09/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	06/09/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R426-4-200	Filing ID 53578

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Emergency Medical Services	
Room no.:	404	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 142004	
City, state and zip:	Salt Lake City, UT 84004-2004	
Contact person(s):		
Name:	Phone:	Email:
Guy Dansie	801-560-1544	gdansie@utah.gov

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

General Information

2. Rule or section catchline:

R426-4-200. Licensed Ground Ambulance, Designated QRU, and Designated Nonemergency Secured Behavioral Health Transport Staffing

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

Amendments change and clarify operational staffing requirements for licensed and designated Emergency Medical Services (EMS) providers.

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

The proposed rule amendments require licensed ground ambulance protocols for providers to respond to a patient scene with at least one person licensed at the EMS agency license or designation level, and one other person licensed at the EMS agency licensed or designation level or at a lower level. The amendment also clarifies the operational requirements for licensed ground ambulance protocols for providers that choose to implement lower level responses.

Fiscal Information

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

A) State budget:

No fiscal impact to the state budget. The amendments only impact licensed ground ambulance providers.

B) Local governments:

A slight fiscal impact to local governments that hold licenses for ground ambulances. The impact would be a slight cost savings for local governments that are able to reduce the number of required paramedics at a patient scene. Currently, there are 1,794 employed paramedics in urban areas where the two paramedics are required on a patient scene. The change could theoretically reduce the number required to 897. The paramedics could be replaced by Advanced Emergency Medical Technicians (AEMTs) or Emergency Medical Technicians (EMTs). The average pay of a Utah paramedic is approximately \$43,000. The average pay for an AEMT is approximately \$36,000, so an estimated cost savings could be as much as 897 x \$7,000 = \$6,279,000. It is unlikely that EMS ground ambulance providers will replace existing paramedics due to the amendments since the current supply of available paramedics are not meeting the current demand.

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

No fiscal impact to small businesses. The only small business owned and operated ground licensed ambulance provider currently has a staffing waiver that allows them to operate at the level in the proposed amendments.

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

A slight fiscal impact to non-small businesses that hold licenses for ground ambulances. The impact would be a slight cost savings if non-small businesses choose to reduce the number of paramedics at a patient scene. Most non-small businesses have staffing waivers that allow them to operate at the level proposed in the amendments. Currently, there is one non-small business that does not have a staffing waiver. Currently, there are 58 employed paramedics where the two paramedics are required on a patient scene. The change could theoretically reduce the number required to 29. The paramedics could be replaced by AEMTs or EMTs. The average pay of a Utah paramedic is approximately \$43,000. The average pay for an AEMT is approximately \$36,000, so an estimated cost savings could be as much as 29 x \$7,000 = \$203,000. It is unlikely that EMS ground ambulance providers will replace existing paramedics due to the amendments since the current supply of available paramedics are not meeting the current demand.

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

Slight fiscal impacts to persons other than small businesses, non-small businesses, state, or local government entities. The impact would be a slight cost savings to them if they choose to reduce the number of required paramedics on a patient scene. The cost savings would be the typical pay difference between a paramedic compared to an AEMT or EMT. Typically, a paramedic is paid more than AEMTs or EMTs. There currently are no ground ambulance services in Utah that are in this category that are currently required to operate with two paramedics on scene.

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

There are no impacts to compliance costs for affected persons. This does not impact ambulance rates or other EMS fees for service.

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

There may be a minimum fiscal benefit to non-small businesses. Richard G. Saunders, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$6,279,000	\$6,279,000	\$6,279,000
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$203,000	\$203,000	\$203,000
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$6,482,000	\$6,482,000	\$6,482,000
Net Fiscal Benefits	\$6,482,000	\$6,482,000	\$6,482,000

B) Department head approval of regulatory impact analysis:

The Executive Director of Utah Department of Health, Richard G. Saunders has reviewed and approved this fiscal analysis.

Citation Information

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

Title 26, Chapter 8a		
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Public Notice Information

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

A) Comments will be accepted until:	08/02/2021
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10. This rule change MAY become effective on:	08/09/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	06/09/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R432-30	Filing ID 53605

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Licensing	
Room no.:	4th Floor	
Building:	Cannon	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144103	
City, state and zip:	Salt Lake City, UT 84114-4103	
Contact person(s):		
Name:	Phone:	Email:
Kristi Grimes	385-214-9187	kristigrimes@utah.gov
Joel Hoffman	801-273-2804	jhoffman@utah.gov

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

General Information

2. Rule or section catchline:
R432-30. Adjudicative Procedure

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

The purpose of this amendment is to change the adjudicative process from a formal hearing to an informal hearing. The process will be less restrictive for applicants and easier for providers to discuss concerns/issues with the Department of Health.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
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This amendment will change the adjudicative process from a formal hearing to an informal hearing. This is accomplished by adding informal proceeding language to the rule and removing sections that pertained only to formal proceedings.

Fiscal Information

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

State government adjudicative procedure process was thoroughly reviewed. This change will not impact the current process, other than to make it informal. No change to the state budget is expected.

B) Local governments:

Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures. The adjudicative process is regulated by the state health department and not local governments. There will be no change in local business licensing or any other item(s) with which local government is involved.

C) Small businesses ("small business" means a business employing 1-49 persons):
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After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for small businesses which may be participating in the adjudicative process. The services provided remain the same, only informal, instead of the current formal process.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
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After conducting a thorough analysis, it was determined that this rule amendment should not impact costs for non-small businesses which may be participating in the adjudicative process. The services provided remain the same, only informal, instead of the current formal process.

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

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to persons other than small business, non-small businesses, state, or local government entities because this amendment modifies the formality of the adjudicative process and therefore, would not add cost for persons, businesses, or local government entities.

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

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to affected persons because this amendment modifies the formality of the adjudicative process and therefore, would not add cost for persons, businesses, or local government entities.

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

After conducting a thorough analysis, it was determined that this amendment will not result in fiscal impact to businesses. Richard G. Saunders, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Richard G. Saunders, has reviewed and approved this fiscal analysis.

Citation Information

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

Title 26, Chapter 21		
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Public Notice Information

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

A) Comments will be accepted until:	08/02/2021
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10. This rule change MAY become effective on:	08/09/2021
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	06/15/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R657-6	Filing ID 53588

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R657-6. Taking Upland Game
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to the take of Upland Game.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The proposed amendments to this rule: 1) add Utah Lake Wetland Preserve to the list for Nontoxic shot use; 2) add Utah Lake Wetland Preserve to the list of Waterfowl Management area with firearm, crossbow, and archery tackle restrictions; and 3) add Utah Lake Wetland Preserve to the list of Waterfowl Management areas with dog restrictions.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed rule amendments add Utah Lake Wetland Preserve to the already established list of Waterfowl Management areas with weapon and dog restrictions these changes can be initiated within the current workload and resources of the DWR, therefore, DWR has determined that these amendments do not create a cost

or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed amendments add an area to an already established list of Waterfowl Management areas with restrictions. This filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in taking upland game on waterfowl management units in the state because there is not a cost or service required of them.

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

DWR has determined that this amendment will not create additional costs for those participating in the taking of Upland game in Utah because there is not a cost or service required with the implementation of this rule revision.

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Brian Steed, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 23-14-18	Section 23-14-19	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/02/2021

10. This rule change MAY become effective on:	08/09/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Rory Reynolds, Division Director	Date:	06/14/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R657-39	Filing ID	53589

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	2110	
Building:	Natural Resources Salt Lake Complex	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing Address:	PO Box 146301	
City, state and zip	Salt Lake City, UT 84114-6301	
Contact person(s):		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

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

General Information

2. Rule or section catchline:
R657-39. Wildlife Board and Regional Advisory Councils
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to public meetings.

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

The proposed amendments to this rule establish a format for electronic meeting participation for Wildlife Board Members, Regional Advisory Council Members, DWR staff, and the public.

Fiscal Information

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

A) State budget:

The proposed rule amendments allow for the use of an electronic meeting format to aid in conducting public meetings for the purpose of wildlife management. These changes can be initiated within the current workload and resources of the DWR, therefore, DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed amendments add an electronic element to an already established public input process, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in the public input process for wildlife management in the state as a service or monetary fee is not connected with the rule revision.

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

DWR has determined that this amendment will not create additional costs for those participating in the public meeting process in Utah because a service or monetary fee is not required.

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Brian Steed, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 23-14-2	Subsection 23-14-2.6(7)	Section 12-14-3
Section 23-14-19		

Public Notice Information

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

A) Comments will be accepted until: 08/02/2021

10. This rule change MAY become effective on: 08/09/2021

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

Agency Authorization Information

Agency head or designee, and title:	Rory Reynolds, Division Director	Date:	06/14/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R714-560	Filing ID	53610
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Agency Information

1. Department:	Public Safety
Agency:	Highway Patrol
Building:	Calvin Rampton Complex
Street address:	4501 S 2700 W
City, state and zip:	Salt Lake City, UT 84129-5994
Mailing address:	PO Box 141100
City, state and zip:	Salt Lake City, UT 84114-1100

Contact person(s):

Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov

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

General Information

2. Rule or section catchline:

R714-560. Technology and Equipment for Officer-Involved Critical Incident Investigation

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

This rule filing is being submitted as a result of the passage of S.B. 68 during the 2021 General Session. The purpose of this rule is to create a program to assist law enforcement agencies through monetary grants to purchase technology and equipment to assist in the investigation of officer-involved critical incidents involving a firearm in accordance with Section 53-1-121.

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

This rule:

- 1) establishes the Technology and Equipment for Officer-Involved Critical Incident Investigation Committee, which shall be responsible for assisting the Department of Public Safety in awarding funds to purchase equipment in accordance with Section 53-1-12;
- 2) requires that the committee meet at least quarterly to review and approve applications from law enforcement for matching grant funding for the purchase of technology or equipment;
- 3) establishes criteria for evaluation of equipment to determine eligibility for reimbursement of funds to law enforcement agencies;
- 4) establishes a process for law enforcement agencies to apply for matching funds for the purchase of equipment and technology in compliance with Section 53-1-121; and
- 5) outlines accountability requirements for law enforcement agencies that are awarded funds.

Fiscal Information

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

A) State budget:

The Highway Patrol anticipates a cost of \$40,000 to the state in administrative costs associated with the review of grant funding applications from local law enforcement entities, and the awarding of grant funding for the purchase of approved equipment and technology.

The Utah Legislature appropriated \$460,000 to provide matching grant funding for law enforcement entities for the purchase of qualifying equipment or technology as outlined in Section 53-1-121 to assist in the investigation of officer-involved critical incidents involving a firearm. In addition, \$40,000 was appropriated to cover the costs of administering the grant program through the Department of Public Safety.

B) Local governments:

The Highway Patrol anticipates a cost savings of \$460,000 to local governments. Local law enforcement entities will have the ability to apply for matching funding from the \$460,000 appropriation in order to obtain reimbursement for costs associated with the purchase of equipment or technology to assist in the investigation of officer-involved critical incidents involving a firearm. Local law enforcement entities will submit an application for approval of grant funding awards, and once approved will pay the costs for purchases up front, and will be reimbursed for 50% of the total amount paid for approved equipment or technology.

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

The Highway Patrol anticipates that there are two small businesses that either have, or will have in the very near future, equipment and technology available that will meet the requirements outlined in Section 53-1-121. Under the grant program created in Section 53-1-121, these businesses will have a potential to sell qualifying technology and equipment to law enforcement entities in the amount of \$920,000 with the combination of the \$460,000 in grant funding appropriated by the legislature, and the matching funding of \$460,000 provided by the law enforcement entities.

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

There is no anticipated cost or savings to non-small businesses because the Highway Patrol is not aware of any non-small businesses that have, or will have, equipment and technology available that will meet the requirements outlined in Section 53-1-121.

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

There is no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because this rule identifies the process for a law enforcement entity to seek grant matching funding for the purchase of technology or equipment to assist in the investigation of officer-involved critical incidents involving a firearm.

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

There are no compliance costs for affected persons because this rule identifies the process for a law enforcement entity to seek grant matching funding for the purchase of technology or equipment to assist in the investigation of officer-involved critical incidents involving a firearm.

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

Businesses that produce technology and equipment to assist in the investigation of officer-involved critical incidents involving a firearm as specified under Section 53-1-121 will have the ability to receive up to \$460,000 in grant funds and \$460,000 in matching law enforcement entity funds, for a total of \$920,000, for the sale of approved technology and equipment. Jess L. Anderson, Commissioner

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$40,000	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$460,000	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$40,000	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$460,000	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$500,000	\$0	\$0

Net Benefits	Fiscal	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:				
The Commissioner of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this fiscal analysis.				

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
Section 53-1-121

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 08/02/2021

10. This rule change MAY become effective on: 08/09/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title: Mike Rapich, Colonel UHP	Date: 06/15/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.): R765-209	Filing ID 53590	

Agency Information

1. Department:	Higher Education (Utah Board of)
Agency:	Administration
Building:	Board of Regents Building, The Gateway
Street address:	60 S 400 W
City, state and zip:	Salt Lake City, UT 84101

Contact person(s):		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R765-209. Institutional Civil Liberties Policy Review
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This new rule is based on Rule R945-2 and is needed as a result of S.B. 111 passed in the 2020 General Session.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This new rule is similar to Rule R945-2, except that the label for the agency is changed from "UTech Board of Trustees" to "Higher Education (Utah Board of)." In addition, this new rule changes Rule R945-2 to be consistent with the changes that were made to the UTech Board as a result of S.B. 111 (2020).

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Enactment of this rule likely will not materially impact state revenue because this rule applies only to students in the state system of higher education.
B) Local governments:
Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

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

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect non-small businesses.

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

Enactment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities who are not students in the state system of higher education. For students in the state system of higher education, this rule provides a process that a student may follow to challenge an institution's policies. This rule does not impose a regulatory burden on the student.

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

This rule does not create any compliance costs for affected persons since it makes this rule consistent throughout the state system of higher education.

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

This rule affects students in the state system of higher education and has no fiscal impact on businesses. David R. Woolstenhulme, Commissioner

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Commissioner of Higher Education, David R. Woolstenhulme, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 53B-27-303		
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Public Notice Information

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

A) Comments will be accepted until:	08/02/2021
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10. This rule change MAY become effective on:

08/09/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Kevin V. Olsen, Designee and Assistant Attorney General	Date:	06/14/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R765-431	Filing ID 53603

Agency Information

1. Department:	Higher Education (Utah Board of)	
Agency:	Administration	
Building:	Board of Regents Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R765-431. State Authorization Reciprocity Agreement Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The reason for filing this amendment is to add two additional requirements for institutions that desire to participate in the State Authorization Reciprocity Agreement (SARA) administered by NC-SARA. In addition, the label of the agency needs to be renamed in the Utah Administrative Code to comply with S.B. 111 passed in the 2020 General Session.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendment requires institutions to provide the following additional evidence: 1) evidence that the institution has disaster recovery protocols for protection of student records; and 2) evidence of tuition assurance funds, surety bonds, teach-out provisions, or other assurances to meet the institutions obligations to its students. In addition, the reference to "Regents (Board of)" is changed to "Higher Education (Utah Board of)." Further, there are several other technical changes, including the renumbering of subsections.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Enactment of this amendment likely will not materially impact state revenue because this rule applies only to institutions that register to participate in SARA.
B) Local governments:
Enactment of this amendment likely will not materially impact local governments' revenue because this rule applies only to institutions that register to participate in SARA.
C) Small businesses ("small business" means a business employing 1-49 persons):
Enactment of this amendment likely will not result in direct expenditures from tax or fee changes for small businesses. This rule applies only to institutions that register to participate in SARA and any additional burden that may result is inestimable.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Enactment of this amendment likely will not result in direct expenditures from tax or fee changes for non-small businesses. This rule applies only to institutions that register to participate in SARA and any additional burden that may result is inestimable.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
Enactment of this amendment likely will not result in direct expenditures from tax or fee changes for persons other than small businesses, non-small businesses, state, or local government entities because this rule applies only to institutions that register to participate in SARA.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
The amendment requires the institutions that register to participate in SARA to provide the commissioner's office with additional evidence of their fiscal and operations strength. The cost of providing this additional documentation depends on the institution's operations and is inestimable.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
The amendment affects only the institutions that register with the Commissioner's Office to participate in SARA and

NOTICES OF PROPOSED RULES

has no fiscal impact on other businesses. David R. Woostenhulme, Commissioner

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

B) Department head approval of regulatory impact analysis:

The Commissioner of Higher Education, David R. Woostenhulme, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 53B-16-109		
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Public Notice Information

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

A) Comments will be accepted until: 08/02/2021

10. This rule change MAY become effective on: 08/09/2021

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

Agency Authorization Information

Agency head or designee, and title:	Kevin V. Olsen, Designee and Assistant Attorney General	Date:	06/15/2021
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R765-605	Filing ID	53591
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Agency Information

1. Department:	Higher Education (Utah Board of)		
Agency:	Administration		
Building:	Board of Regents Building, The Gateway		
Street address:	60 S 400 W		
City, state and zip:	Salt Lake City, UT 84101		
Contact person(s):			
Name:	Phone:	Email:	
Ashley Reyes	801-321-7211	areyes@utahsbr.edu	
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov	
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu	

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

General Information

2. Rule or section catchline:
R765-605. Higher Education Success Stipend Program

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The reason for filing this amendment is to require applicants of the Higher Education Success Stipend Program to complete the Free Application for Federal Student Aid as required by Subsection 53B-13b-104(3)(b). In addition, the label of the agency needs to be renamed in the Utah Administrative Code to comply with S.B. 111 passed in the 2020 General Session.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendment provides an additional requirement for applicants of the Higher Education Success Stipend Program to complete the Free Application for Federal Student Aid, with the ability to opt out due to financial and privacy concerns. In addition, the reference to "Regents (Board of)" is changed to "Higher Education (Utah Board of)." Further, there are several other technical changes, including the renumbering of subsections.

Fiscal Information

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

A) State budget:
Enactment of this amendment likely will not materially impact state revenue because this rule applies only to students who apply under the Higher Education Success Stipend Program.

B) Local governments:
Enactment of this amendment likely will not materially impact local government entities revenue because this rule applies only to students who apply under the Higher Education Success Stipend Program.

C) Small businesses ("small business" means a business employing 1-49 persons):
Enactment of this amendment likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Enactment of this amendment likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
Enactment of this amendment likely will not result in direct expenditures from tax or fee changes for persons other than small businesses, non-small businesses, state, or local government entities because this rule applies only to institutions that register to participate in SARA.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons since the Higher Education Success Stipend Program is voluntary.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
This rule affects the Higher Education Success Stipend Program that is administered by Utah Higher Education Assistance Authority and has no fiscal impact on businesses. David R. Woolstenhulme, Commissioner

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

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Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Commissioner of Higher Education, David R. Woolstenhulme, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 53B-13a-104(10)	Subsection 53B-13a-104(3)(b)	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/02/2021

10. This rule change MAY become effective on:	08/09/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Kevin V. Olsen, Designee and Assistant Attorney General	Date:	06/14/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R765-613	Filing ID 53592

Agency Information

1. Department:	Higher Education (Utah Board of)
Agency:	Administration

Building:	Board of Regents Building, The Gateway	
Street address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Ashley Reyes	801-321-7211	areyes@utahsbr.edu
Kevin V. Olsen	801-556-3461	kvolsen@agutah.gov
Geoffrey T. Landward	801-321-7136	glandward@ushe.edu
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R765-613. Public Safety Officer Career Advancement Reimbursement (POSCAR)
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The reason for filing this amendment is to change the name of the agency in the Utah Administrative Code to comply with S.B. 111 passed in the 2020 General Session.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The amendment changes the name of the agency from "Regents (Board of)" to "Higher Education (Utah Board of)." In addition, the amendment adds an additional requirement for eligibility and clarifies that the Commissioner's decision in any agency action is the agency's final decision. Further, there are several technical changes, including the renumbering of subsections.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
Enactment of this amendment likely will not materially impact state revenue because this rule applies only to students who apply under the Public Safety Officer Career Advancement Reimbursement (POSCAR) Program.

B) Local governments:
Enactment of this amendment likely will not materially impact local governments' revenue because this rule applies only to students who apply under the POSCAR Program.
C) Small businesses ("small business" means a business employing 1-49 persons):
Enactment of this amendment likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Enactment of this amendment likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
Enactment of this amendment likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities who are not students of the state system of higher education. For students in the state system of higher education, this rule applies only to those who apply under the POSCAR Program. The program is voluntary, and this rule does not impose a regulatory burden.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs for affected persons since the POSCAR Program is voluntary.
G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
This rule affects the POSCAR Program that is administered by Utah Higher Education Assistance Authority and has no fiscal impact on businesses. David R. Woolstenhulme, Commissioner
6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
B) Department head approval of regulatory impact analysis:			
The Commissioner of Higher Education, David R. Woolstenhulme, has reviewed and approved this fiscal analysis.			

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 53B-8-112(6)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/02/2021

10. This rule change MAY become effective on:	08/09/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

Agency Authorization Information

Agency head or designee, and title:	Kevin V. Olsen, Designee and Assistant Attorney General	Date:	06/14/2021
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R994-204-405	Filing ID 53602

Agency Information

1. Department:	Workforce Services	
Agency:	Unemployment Insurance	
Building:	Olene Walker Building	
Street address:	140 E Broadway (300 S)	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact person(s):		
Name:	Phone:	Email:
Amanda McPeck	801-517-4709	ampeck@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R994-204-405. Remote Service Marketplace Platforms
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of the new section of this rule is to clarify that pursuant to the Federal Unemployment Tax Act, 26 U.S.C. Subsection 3304(a)(6)(A), and for purposes of Title 35A, Chapter 4, Employment Security Act (unemployment insurance), covered employment includes remote services performed for a governmental entity, federally recognized Indian tribe, or non-profit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The Federal Unemployment Tax Act, 26 USC Subsection 3304(a)(6)(A), provides that remote services performed for a governmental entity, federally recognized Indian tribe, or non-profit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code must be considered covered employment under the state unemployment insurance program, notwithstanding the provisions Title 34, Chapter 53a, Remote Service Marketplace Platforms Act.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have any fiscal impact on state government revenues or expenditures as it merely clarifies existing practice and procedure.
B) Local governments:
This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because the program does not rely on local governments for funding, administration, or enforcement.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have any fiscal impact on small businesses since the Department of Workforce Services (Department) is merely changing this rule to reflect current law and practice. This rule change will not change the current covered or non-covered status of any employee and thus will not impact any employer's unemployment insurance contribution rate.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule change is not expected to have any fiscal impact on non-small businesses since the Department is merely changing this rule to reflect current law and practice. This rule change will not change the current covered or non-covered status of any employee and thus will not impact any employer's unemployment insurance contribution rate.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have any fiscal impact on other persons since the Department is merely changing this rule to reflect current law and practice. This rule

change will not change the current covered or non-covered status of any employee and thus will not impact any employer's unemployment insurance contribution rate.

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

There are no compliance costs for affected persons beyond unemployment insurance contributions that businesses were already required to pay. This rule change will not change the current covered or non-covered status of any employee and thus will not impact any employer's unemployment insurance contribution rate.

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

After a thorough analysis, it was determined that these proposed rule changes will result in a fiscal benefit to businesses. Casey Cameron, Executive Director

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

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

Businesses			
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Workforce Services, Casey Cameron, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 35A-4-204	26 USC Subsection 3304(a)(6)(A)	
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Public Notice Information

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

A) Comments will be accepted until: 08/02/2021

10. This rule change MAY become effective on: 08/09/2021

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

Agency Authorization Information

Agency head or designee, and title:	Casey Cameron, Executive Director	Date:	06/15/2021
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End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <https://rules.utah.gov/>. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-309	Filing ID: 52803

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-309. Appropriate Licensing and Assignment of Teachers
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) which allows the Board to make rules to execute

the Board's duties and responsibilities under the Utah Constitution and state law; and Subsection 53E-6-201(2)(a) which authorizes the Board to rank, endorse, or classify licenses.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no written comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule continues to be necessary because it provides criteria for local school boards to employ educators in appropriate assignments; the Board to provide state funding to local school boards for appropriately qualified and assigned staff; and the Board and local school boards to satisfy the requirements of ESEA for local school boards to receive federal funds. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/07/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-530	Filing ID: 53401

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-530. Utah Effective Educator Standards
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Subsections 53E-3-501(1)(a)(i) and (ii) which require the Board to establish rules and minimum standards for the qualification and certification of educators and for required school administrative and supervisory services.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because it establishes statewide effective teaching standards for Utah public education teachers; statewide educational leadership standards for Utah public education administrators; and statewide educational school counselor standards for Utah public education school counselors. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/07/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-531	Filing ID: 50491

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-531. Public Educator Evaluation Requirements (PEER)
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; Subsections 53E-3-501(1)(a)(i) and (ii) which require the Board to establish rules and minimum standards for the qualification and certification of educators and for required school administrative and supervisory services; and Section 53G-11-504 which directs that the Board adopt rules to guide school district employee evaluations.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule continues to be necessary because it provides a statewide educator evaluation system framework that includes required Board directed expectations and components and additional school district determined components and procedures to ensure the availability of data about educator effectiveness. The process shall focus on the improvement of high quality instruction and improved student achievement; include common data that can be aggregated and disaggregated to inform Board and school district decisions about retention, preparation, recruitment, and improved professional learning practices; and ensure school districts engage in a consistent process statewide of educator evaluation. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/07/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-600	Filing ID: 53395
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Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-600. Student Transportation Standards and Procedures

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public schools in the Board; Subsection 53E-3-501(1)(d) which directs the Board to establish rules for bus routes, bus safety and other transportation needs; Sections 53F-2-402 and 53F-2-403 which provide for distribution of funds for transportation of public school students; Section 53F-2-417 which directs the Board to make rules to implement rural school district transportation grants; and Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no written comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule continues to be necessary because it specifies the standards under which school districts may qualify for and receive state transportation funds. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/07/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-601	Filing ID: 52497
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Agency Information

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

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

General Information

2. Rule catchline:
R277-601. Standards for Utah School Buses and Operations

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision of the public education in the Board; Subsection 53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities; and Subsection 53E-3-501(1)(d) which directs the Board to adopt rules for state reimbursed bus routes, bus safety and operational requirements, and other transportation needs.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no written comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule continues to be necessary because it specifies standards for state student transportation funds, school buses, and school bus drivers utilized by school districts. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/07/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R277-607	Filing ID:	52860
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Agency Information

1. Department:	Education
Agency:	Administration

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

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

General Information

2. Rule catchline:
R277-607. Absenteeism and Truancy Prevention

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state; and Section 53G-6-206 which directs educational entities and parents working on behalf of children to make efforts to resolve school attendance problems of school-age minors who are or who should be enrolled in a local education agency (LEA).

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no written comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule continues to be necessary because it directs an LEA to create policies for truancy procedures and compulsory education. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/07/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-700	Filing ID: 53188

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-700. Student Mastery and Assessment of Core Standards
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; Section 53E-3-501, which directs the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements; Section 53E-4-202 which directs: (i) the Board to establish Core Standards in consultation with LEA boards and superintendents; and (ii) LEA boards to adopt local curriculum and to design programs to help students master the General Core; Title 53E, Chapter 4, Part 2, Career and College Readiness Mathematics Competency which directs the Board to establish college and career mathematics competency standards; and Section 53E-4-205 which requires the Board to provide rules related to a basic civics test.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because it specifies the minimum Core Standards and General Core requirements for the public schools, and to establish responsibility for mastery of Core Standard requirements. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/07/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-920	Filing ID: 53277

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-920. School Improvement - Implementation of the School Turnaround and Leadership Development Act
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development Act

which requires the Board to make rules to establish: an appeal process for the denial of a school turnaround plan; provisions regarding funding distributed to a low performing school; criteria for granting an extension to a low performing school; criteria for exiting a school that has demonstrated sufficient improvement; criteria for approving a teacher recruitment and retention plan; implications for a low performing school; and eligibility criteria, application procedures, selection criteria, and procedures for awarding incentive pay for the School Leadership Development Program.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no written comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule continues to be necessary because it enacts provisions governing school improvement efforts; and implement and administer the School Turnaround and Leadership Development Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/07/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R277-925	Filing ID: 53030

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-925. Effective Teachers in High Poverty Schools Incentive Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4) which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Subsection 53F-2-513(2)(b) which requires the Board to make rules for the administration of the Effective Teachers in High Poverty Schools Incentive Program.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because it provides standards and procedures for the administration of the Effective Teachers in High Poverty Schools Incentive Program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	06/07/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R388-804	Filing ID: 52332

Agency Information

1. Department:	Health
Agency:	Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 142104

City, state and zip:	Salt Lake City, UT 84114-2104	
Contact person(s):		
Name:	Phone:	Email:
Hayder Allkhenfr	385-259-5204	hallkhenfr@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R388-804. Special Measures for the Control of Tuberculosis
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule establishes standards for the control and prevention of tuberculosis (TB) as required by Section 26-6-4, Section 26-6-6, Section 26-6-7, Section 26-6-8, and Section 26-6-9 of the Utah Communicable Disease Control Act and Title 26, Chapter 6b, Communicable Diseases-Treatment, Isolation and Quarantine Procedures. The purpose of this rule is to focus the efforts of TB control on disease elimination. The standards outlined in this rule constitute the minimum expectations in the care and treatment of individuals diagnosed with, suspected to have, or exposed to TB.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no comments received in opposition to the continuation of Rule R388-804.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The Department of Health (Health) recommends the continuation of Rule R388-804 to maintain progress towards national and international objectives of controlling TB. The Center for Disease Control (CDC) has a national strategic TB plan, and in 2015, the U.S. government released an action plan specifically addressing drug-resistant TB. This rule establishes procedures for the control and prevention of TB, and it maintains the essential TB program elements needed in Utah. These measures and standards allow the state and public health jurisdictions to control and prevent TB and pave the way towards TB elimination in the US. The Department received no comments in opposition to the continuation of Rule R388-804.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R414-505	Filing ID: 53270
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Agency Information

1. Department:	Health	
Agency:	Health Care Financing, Coverage and Reimbursement Policy	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact person(s):		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R414-505. Participation in the Nursing Facility Non-State Government-Owned Upper Payment Limit Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 26-18-3 requires the Department of Health (Department) to implement the Medicaid program through administrative rules while Section 26-1-5 authorizes the Department to adopt rules as necessary for program implementation.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department did not receive any written comments regarding this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Department will continue this rule because it sets forth requirements for nursing facilities to participate in the Nursing Facility Non-State Government-Owned Upper Payment Limit program.

Agency Authorization Information

Agency head or designee, and title:	Richard G. Saunders, Executive Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R590-206	Filing ID: 51402
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Agency Information

1. Department:	Insurance		
Agency:	Administration		
Room no.:	Suite 2300		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 146901		
City, state and zip:	Salt Lake City, UT 84114-6901		
Contact person(s):			
Name:	Phone:	Email:	
Steve Gooch	801-957-9322	sgooch@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R590-206. Privacy of Consumer Financial and Health Information Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Sections 31A-2-201 and 31A-2-202 authorize the Insurance Commissioner to administer, enforce, and perform duties imposed by the provisions of Title 31A, Insurance Code. Title V, Section 505 (15 United States Code 6805) empowers the Insurance Commissioner to enforce Subtitle A of Title V of the Gramm-Leach-Bliley Act

of 1999 (15 U.S.C. 6801 through 6820). Title V, Section 505 (15 U.S.C. 6805 (b)(2)) authorizes the Insurance Commissioner to issue rules to implement the requirements of Title V, Section 501(b) of the federal act. Subsection 31A-23a-417(3) authorizes the Insurance Commissioner to adopt rules implementing the requirements of Title V, Section 501(b) of the federal act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Insurance Department (Department) received two written comments regarding this rule during the past five years. Both were supportive. One suggested a technical change and removal of a redundant section; the Department agreed and made both changes in a CPR.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Federal law requires states to comply with the privacy laws and to implement them by rule. This rule governs the treatment of nonpublic personal health and financial information about individuals by all licensees of the Department. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	06/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R590-261	Filing ID: 51444
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Agency Information

1. Department:	Insurance		
Agency:	Administration		
Room no.:	Suite 2300		
Building:	Taylorsville State Office Building		
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Mailing address:	PO Box 146901		
City, state and zip:	Salt Lake City, UT 84114-6901		
Contact person(s):			
Name:	Phone:	Email:	
Steve Gooch	801-957-9322	sgooch@utah.gov	

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

General Information

2. Rule catchline:

R590-261. Health Benefit Plan Adverse Benefit Determinations

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 31A-2-201(3)(a) authorizes the Insurance Commissioner to make rules to implement the provisions of Title 31A, Insurance Code. Subsection 31A-2-212(5)(b) requires the Insurance Commissioner to require compliance with the Patient Protection and Affordable Care Act and administrative rules adopted by the Insurance Commissioner related to regulation of health benefit plans. Subsection 31A-22-629(4) requires the Insurance Commissioner to adopt rules that establish standards for independent reviews.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Insurance Department has received no written comments regarding this rule during the past five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule must be continued because it implements standards that are required by the Patient Protection and Affordable Care Act. It provides a uniform standard for the establishment and maintenance of an independent review procedure to assure that a claimant has the opportunity for an independent review of a final adverse benefit determination.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	06/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R590-272	Filing ID:	51455
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Agency Information

1. Department:	Insurance
Agency:	Administration

Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

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

General Information

2. Rule catchline:

R590-272. Commission Compensation Reporting

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 31A-2-201(3) authorizes the Insurance Commissioner to implement the provisions of Title 31A, Insurance Code. Subsection 31A-23a-501(4) requires that an insurance producer provide a compensation disclosure to a large customer and requires the producer to provide a copy of such disclosures to the Insurance Department (Department) upon request.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department has received no written comments regarding this rule during the past five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule must be continued because insurance producers are still required by statute to provide a compensation disclosure to their large customers when they place a health benefit plan with them. This helps customers know how their insurance producers are being compensated.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	06/08/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R592-11	Filing ID: 51472

Agency Information

1. Department:	Insurance	
Agency:	Title and Escrow Commission	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R592-11. Title Insurance Producer Annual Reports
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 31A-2-404(2)(a) requires the Title and Escrow Commission to make rules related to title insurance. Section 31A-23a-413 requires the annual filing of a report by each title insurance producer, as defined in Section R592-11-3. This rule currently references Subsection 31A-23a-406(1)(g), but the reference will be updated in a future amendment to Subsection (i), which requires title licensees to maintain a physical office in Utah for the processing of escrow.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Insurance Department has received no written comments regarding this rule during the past five years.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is needed to establish the form and filing deadline for the Title Insurance Producer Annual Report required by Section 31A-23a-413. Therefore, this rule must be continued. The Title and Escrow Commission voted at its

June 14, 2021, meeting to continue this rule by a vote of 4 - 0.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	06/14/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R643-870	Filing ID: 51556

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Abandoned Mine Reclamation	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R643-870. Abandoned Mine Reclamation Regulation Definitions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act. Rule R643-870 defines the terms used throughout Title R643.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. In addition, there is ongoing operational activity and rules are required to establish appropriate standards to ensure there is minimal damage to the environment and productivity of soil, as well as to protect the health and safety of the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R643-872	Filing ID: 51558
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Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Abandoned Mine Reclamation	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R643-872. Abandoned Mine Reclamation Fund
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act. Rule R643-872 establishes the Abandoned Mine Reclamation Fund.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes the Abandoned Mine Reclamation Fund to provide monies to the Abandoned Mine Reclamation Program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R643-874	Filing ID: 51561
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Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Abandoned Mine Reclamation	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R643-874. General Reclamation Requirements
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes reclamation objectives and priorities and gives reclamation contractor responsibility. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R643-875	Filing ID: 51565
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Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Abandoned Mine Reclamation	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R643-875. Noncoal Reclamation
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering

a program under the federal Surface Mining Control and Reclamation Act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes eligibility requirements for noncoal reclamation work to be completed by the Utah Abandoned Mine Reclamation Program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R643-877	Filing ID: 51559
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Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Abandoned Mine Reclamation	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R643-877. Rights of Entry
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes procedures for entry on lands or property by Division staff for reclamation purposes. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R643-879	Filing ID:	51568
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Agency Information

1. Department:	Natural Resources		
Agency:	Oil, Gas and Mining; Abandoned Mine Reclamation		
Building:	Department of Natural Resources		
Street address:	1594 W North Temple, Suite 1210		
City, state and zip:	Salt Lake City, UT 84114		
Contact person(s):			
Name:	Phone:	Email:	
Natasha Ballif	801-538-5328	natashaballif@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R643-879. Acquisition, Management, and Disposition of Lands and Water

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes procedures for acquisition of eligible land and water resources for emergency and reclamation purposes by the Division. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R643-882	Filing ID:	51564
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Agency Information

1. Department:	Natural Resources		
Agency:	Oil, Gas and Mining; Abandoned Mine Reclamation		
Building:	Department of Natural Resources		
Street address:	1594 W North Temple, Suite 1210		
City, state and zip:	Salt Lake City, UT 84114		
Contact person(s):			
Name:	Phone:	Email:	
Natasha Ballif	801-538-5328	natashaballif@utah.gov	
Please address questions regarding information on this notice to the agency.			

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

General Information

2. Rule catchline:
R643-882. Reclamation on Private Land
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule authorizes reclamation on private land and establishes procedures for recovery of the cost of reclamation activities. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R643-884	Filing ID: 51566

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Abandoned Mine Reclamation	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov

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

General Information

2. Rule catchline:
R643-884. State Reclamation Plan
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes procedures and requirements for the preparation, submission, and approval of the Reclamation Plan. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R643-886	Filing ID: 51567

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining; Abandoned Mine Reclamation
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R643-886. State Reclamation Grants
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes procedures for grants to the Division for reclamation of eligible lands. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-100	Filing ID: 51575

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining; Coal
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210

City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R645-100. Administrative: Introduction
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes procedures for the Division to implement provisions relating to the Coal Mining Reclamation Act of 1979. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-103	Filing ID: 51570

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining; Coal
Building:	Department of Natural Resources

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R645-103. Areas Unsuitable for Coal Mining and Reclamation Operations
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes procedures for designating lands unsuitable for all or certain types of coal mining and reclamation operations. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-200	Filing ID: 51573

Agency Information

1. Department:	Natural Resources
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Agency:	Oil, Gas and Mining; Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R645-200. Coal Exploration: Introduction
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes responsibilities that apply to the Division and to any person who conducts or seeks to conduct coal exploration in Utah. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-201	Filing ID: 51580

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R645-201. Coal Exploration: Requirements for Exploration Approval
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes Coal Exploration Plan Reviews and directs the Division to work with other agencies to reduce the duplication of work and operator effort. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-202	Filing ID: 51576

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R645-202. Coal Exploration: Compliance Duties
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes performance standards for persons exploring for Coal and requires that, while in the exploration area, a copy of the Notice of Intention must be available upon request. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-203	Filing ID: 51577

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R645-203. Coal Exploration: Public Availability of Information
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes that all information will be made available for public inspection unless the person submitting it requests in writing, at the time of submission, that it not be disclosed. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-300	Filing ID: 51578

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R645-300. Coal Mine Permitting: Administrative Procedures
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes broad and effective public participation in the review of applications and the issuance or denial of coal mine permits. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-301	Filing ID: 51592

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R645-301. Coal Mine Permitting: Permit Application Requirements
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule presents the requirements for each permit application, including general contents, soils, biology, land use and air quality,

engineering, geology, hydrology, and bonding and insurance. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-302	Filing ID: 51581

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R645-302. Coal Mine Permitting: Special Categories and Areas of Mining
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule establishes the minimum requirements for approval to conduct coal mining and reclamation under designated special categories and areas of mining. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-303	Filing ID: 51586

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R645-303. Coal Mine Permitting: Change, Renewal, and Transfer, Assignment, or Salt of Permit Rights
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule provides procedures for the Division to review, change, and renew permits under the regulatory program, as well as provides procedures for transfer, sale, or assignment of rights granted in permits under the state program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-402	Filing ID: 51589

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R645-402. Inspection and Enforcement: Individual Civil Penalties
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
 No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
 Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule provides guidance to exercise the authority on individual civil penalties. Therefore, this rule should be continued.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
 No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
 Under the federal Surface Mining Control and Reclamation Act, Utah is required to have rules in place to administer a Coal Mining and Reclamation program. This rule provides guidance to exercise the authority for criminal penalties and civil actions. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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Agency Authorization Information

Agency head or designee, and title:	John Baza, Director	Date:	06/09/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R645-403	Filing ID: 51583

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R933-2	Filing ID: 52148

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining; Coal	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	
Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801-538-5328	natashaballif@utah.gov
Please address questions regarding information on this notice to the agency.		

Agency Information

1. Department:	Transportation	
Agency:	Preconstruction, Right of Way Acquisition	
Room no.:	Administrative Suite, 1st floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

General Information

2. Rule catchline:
R645-403. Alternative Enforcement
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 40-10-6.5 requires that the Board of Oil, Gas and Mining promulgate rules under Title 40, Chapter 10, Coal Mining and Reclamation for the purpose of administering a program under the federal Surface Mining Control and Reclamation Act.

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

General Information

2. Rule catchline:

R933-2. Control of Outdoor Advertising Signs

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 72-1-201 provides general rulemaking authority for Utah Department of Transportation's (UDOT) administration of state transportation systems and programs, which would include its outdoor advertising program. More specifically, Sections 72-7-501 to 516 (the Utah Outdoor Advertising Act) provides rulemaking authority to UDOT for the regulation of outdoor advertising consistent with zoning principles and the public policy of Utah to provide for public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in highways, to preserve the natural scenic beauty of lands bordering on highways, and to ensure that outdoor advertising shall be continued as a standardized medium of communication throughout the state so that it is preserved and can continue to provide general information in the specific interest of the traveling public safely and effectively. See purpose language found in the Utah Outdoor Advertising Act at Section 72-7-501.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have not been any comments received regarding this rule in the past five years. It is noted, however, that the Legislature regularly considers outdoor advertising statutes that would require revisions to this rule if those revisions were passed into law. At this time, however, no such revisions have passed.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule ensures UDOT remains in compliance with the Federal Highway Beautification Act, as well as the Utah Outdoor Advertising Act, thus preserving compliance with the related Utah-Federal Agreement executed by the Governor of Utah and the Secretary of the United States Department of Transportation's Federal Highway Administrator on January 18, 1968, (see Rule R933-5). Should UDOT fail to continue this rule, UDOT would risk losing considerable funding. No opposition to this rule has been received by UDOT. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, PE, Executive Director	Date:	06/14/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R933-5	Filing ID: 52160
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Agency Information

1. Department:	Transportation	
Agency:	Presconstruction, Right of Way Acquisition	
Room no.:	Administrative Suite, 1st floor	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

General Information

2. Rule catchline:

R933-5. Utah-Federal Agreement for the Control of Outdoor Advertising

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The Utah-Federal Agreement was executed by the Governor of Utah and the Secretary of the United States Department of Transportation's Federal Highway Administrator on January 18, 1968. It sets out the parameters by which Utah agrees to manage and regulate outdoor advertising along the federal highway system. Though never placed in the Utah Code, the legislature has ratified the governor's execution of the agreement under Section 72-7-501.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

On occasion, the outdoor advertising industry has made inquiry regarding state laws that relate to how non-conforming signs are treated under various state code provisions. No requests for changes to the rule have been made, however.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Federal Highway Beautification Act (23 USC section 131) requires states to maintain effective control of outdoor advertising or face a potential loss of up to ten percent of federal funds available to the state. Part of the effective control requirement is determining what constitutes "customary use" by agreement between the state and the US Department of Transportation (USDOT). See 23 USC 131(c)(d). This rule codifies that agreement between the Utah Department of Transportation (UDOT) and USDOT. Should UDOT fail to continue this rule, UDOT would risk losing considerable federal funding. No opposition to this rule has been stated; rather, only inquiries regarding this rule have been made. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, PE, Executive Director	Date:	06/04/2021
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R940-7	Filing ID:	52163
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Agency Information

1. Department:	Transportation Commission
Agency:	Administration
Room no.:	Administrative Suite, 1st floor
Building:	Calvin Rampton
Street address:	4501 S 2700 W

City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Linda Hull	801-965-4253	lhull@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R940-7. Marda Dillree Corridor Preservation Fund

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 72-1-201 provides general rulemaking authority for Utah Department of Transportation's (UDOT) administration of state transportation systems and programs, which would include the Marda Dillree Corridor Preservation Fund. More specifically, Subsections 72-2-117(6)(f) and 72-2-117(9) require the Utah Transportation Commission to make rules to establish procedures for the Fund, as well as to establish a corridor preservation advisory council.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is required by statute to establish procedures for administration of the Marda Dillree Corridor Preservation Fund, as well as to establish a corridor preservation advisory council. This rule fulfills that statutory requirement. It also aids UDOT's administration of the

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Fund in an efficient, open, and transparent way that allows input from interested members of the public as well as each of Utah's metropolitan planning organizations, which improves coordination of corridor preservation efforts between UDOT and local governments. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, PE, Executive Director	Date:	06/04/2021
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Agriculture and Food

Animal Industry

No. 53311 (Amendment) R58-21: Trichomoniasis
Published: 02/15/2021
Effective: 06/04/2021

No. 53311 (Change in Proposed Rule) R58-21:
Trichomoniasis
Published: 04/15/2021
Effective: 06/04/2021

No. 53409 (Repeal) R58-24: Community Spay and Neuter
Grants
Published: 05/01/2021
Effective: 06/28/2021

Regulatory Services

No. 53379 (New Rule) R70-590: Utah Domesticated Game
Slaughter and Processing
Published: 04/15/2021
Effective: 06/04/2021

No. 53433 (Amendment) R70-910: Registration of
Servicepersons for Commercial Weighing and Measuring
Devices
Published: 05/15/2021
Effective: 06/28/2021

Commerce

Real Estate

No. 53376 (Amendment) R162-2f: Real Estate Licensing
and Practices Rules
Published: 05/01/2021
Effective: 06/08/2021

Education

Administration

No. 53412 (Amendment) R277-108: Annual Assurance of
Compliance by Local School Boards
Published: 05/01/2021
Effective: 06/24/2021

No. 53411 (Amendment) R277-301: Educator Licensing
Published: 05/01/2021
Effective: 06/24/2021

No. 53413 (Amendment) R277-325: Public Education Exit
and Engagement Surveys
Published: 05/01/2021
Effective: 06/24/2021

No. 53367 (Amendment) R277-419: Pupil Accounting
Published: 04/01/2021
Effective: 06/15/2021

No. 53414 (Amendment) R277-614: Athletes and Students
with Head Injuries
Published: 05/01/2021
Effective: 06/24/2021

No. 53417 (New Rule) R277-727: School Meals Program
Published: 05/01/2021
Effective: 06/24/2021

No. 53416 (Amendment) R277-733: Incorporation of Utah
Adult Education Policies and Procedures Guide by Reference
Published: 05/01/2021
Effective: 06/24/2021

Environmental Quality

Administration

No. 53378 (New Rule) R305-11: Clean Air Support
Restricted Account Grant Program New Rule
Published: 04/15/2021
Effective: 06/01/2021

NOTICES OF RULE EFFECTIVE DATES

Governor

Economic Development

No. 53468 (Amendment) R357-24: Utah Works Program
Published: 05/15/2021
Effective: 06/23/2021

No. 53418 (Amendment) R357-25: Rural Coworking and
Innovation Center Grant Program

Published: 05/01/2021
Effective: 06/08/2021

Health

Administration

No. 53290 (New Rule) R380-412: Compassionate Use
Board
Published: 02/15/2021
Effective: 06/03/2021

Disease Control and Prevention, Health Promotion

No. 53257 (Amendment) R384-415: Electronic Cigarette
Substance Standards
Published: 01/15/2021
Effective: 06/01/2021

No. 53257 (Change in Proposed Rule) R384-415:
Electronic Cigarette Substance Standards
Published: 03/15/2021
Effective: 06/01/2021

Family Health and Preparedness, Primary Care and Rural
Health

No. 53446 (Amendment) R434-40: Utah Health Care
Workforce Financial Assistance Program Rules
Published: 05/15/2021
Effective: 06/24/2021

Disease Control and Prevention, Laboratory Improvement

No. 53363 (Amendment) R444-14: Rule for the
Certification of Environmental Laboratories
Published: 04/01/2021
Effective: 06/11/2021

Insurance

Administration

No. 53469 (Amendment) R590-200-5: Minimum Standards
and General Provisions
Published: 05/15/2021
Effective: 06/22/2021

No. 53467 (Amendment) R590-254: Annual Financial
Reporting Rule

Published: 05/15/2021
Effective: 06/22/2021

Natural Resources

Oil, Gas and Mining; Oil and Gas

No. 53303 (Amendment) R649-1: Oil and Gas Definitions
Published: 02/15/2021
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No. 53303 (Change in Proposed Rule) R649-1: Oil and
Gas Definitions

Published: 04/15/2021
Effective: 05/27/2021

No. 53306 (Amendment) R649-10: Administrative
Procedures

Published: 02/15/2021
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No. 53306 (Change in Proposed Rule) R649-10:
Administrative Procedures

Published: 04/15/2021
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No. 53305 (New Rule) R649-11: Administrative Penalties
Published: 02/15/2021

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No. 53305 (Change in Proposed Rule) R649-11:
Administrative Penalties

Published: 04/15/2021
Effective: 05/27/2021

Public Service Commission

Administration

No. 53438 (Amendment) R746-8: Calculation and
Application of UUSF Surcharge
Published: 05/15/2021
Effective: 07/01/2021

School and Institutional Trust Lands

Administration

No. 53407 (Repeal and Reenact) R850-80: Sale of Trust
Lands
Published: 05/01/2021
Effective: 06/08/2021

End of the Notices of Rule Effective Dates Section