

# 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

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between May 03, 2022, 12:00 a.m., and May 16, 2022, 11:59 p.m. are included in this, the June 01, 2022, 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 July 01, 2022. 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 September 29, 2022, 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.

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**The Proposed Rules Begin on the Following Page**

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R58-7	Filing ID 54641

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Animal Industry	
<b>Street address:</b>	4315 S 2700 W, TSOB, South Bldg, Floor 2	
<b>City, state and zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Leann Hunting	801-982-2242	leannhunting@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R58-7. Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
Sections R58-7-4 and R58-7-5 need to be updated to allow for a change in fees if they are approved by the legislature, to make this rule more consistent with the requirements of the Utah Rulewriting Manual, and to require livestock markets to negotiate and pay for the cost of veterinarians.
<b>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):</b>
Section R58-7-4 has been changed to remove the \$10 licensing fee for a temporary livestock sale in favor of language allowing a fee to be assessed that has been approved by the legislature in the fee schedule. A similar change has been added with respect to the Livestock Dealer Fee in Section R58-7-5. Section R58-7-3 has been changed to require livestock markets to designate isolation

pens to quarantine animals, keep records on each bought animal, provide sale day schedules to the department, and test and vaccinate cattle for brucellosis. Changes have been made to require that livestock markets are responsible for negotiating and paying veterinarians rather than fees being set by and passing through the Department of Agriculture and Food (Department). Additional changes have been made to make this rule text more consistent with the requirements of the Utah Rulewriting Manual.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change will allow for a change to the temporary livestock sale license fee, which could result in an impact to the state; however, it is impossible to estimate the impact of the change at this time since the Brand Board and legislature will have discretion in setting the fee going forward. The change to require livestock markets to negotiate and pay veterinarians will not impact the state because the Department has previously passed through those funds.
<b>B) Local governments:</b>
This rule change should not impact local governments because they do not purchase temporary livestock sales licenses from the Department.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This rule change will allow for a change to the temporary livestock sale license fee, which could result in an impact to small businesses; however, it is impossible to estimate the impact of the change at this time since the Brand Board and legislature will have discretion in setting the fee going forward. Additionally, the cost of paying a veterinarian could impact livestock markets, however, the amount of impact will be dependent on the rate that the market negotiates with the veterinarians and is impossible for the Department to determine at this time.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
This rule change will allow for a change to the temporary livestock sale license fee, which could result in an impact to the state; however, it is impossible to estimate the impact of the change at this time since the Brand Board and legislature will have discretion in setting the fee going forward. Additionally, the cost of paying a veterinarian could impact livestock markets, however, the amount of impact will be dependent on the rate that the market negotiates with the veterinarians and is impossible for the Department to determine at this time.



**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 will allow for a change in the temporary livestock sale license fee, which could result in an impact to the other persons; however, it is impossible to estimate the impact of the change at this time since the Brand Board and legislature will have discretion in setting the fee going forward. Additionally, the cost of paying a veterinarian could impact livestock markets, however, the amount of impact will be dependent on the rate that the market negotiates with the veterinarians and is impossible for the Department to determine at this time.

**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 could change due to potential changes in the cost of a temporary livestock sales license; however, it is impossible to estimate the impact at this time since the fee will no longer be set in 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 could have a potential fiscal impact on businesses, however, the fee change will be approved by the legislature and Brand Board. Craig W. Butters, 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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**B) Department head approval of regulatory impact analysis:**

The Commissioner of the Utah Department of Agriculture and Food, Craig W. Butters, 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 4-30-104		
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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.)

<b>A) Comments will be accepted until:</b>	07/01/2022
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<b>10. This rule change MAY become effective on:</b>	07/08/2022
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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**

<b>Agency head or designee, and title:</b>	Craig W. Butters, Commissioner	<b>Date:</b>	05/20/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R68-4</b>	<b>Filing ID</b> <b>54596</b>

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Street address:</b>	4315 S 2700 W, TSOB, South Bldg, Floor 2	
<b>City, state and zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Robert Hougaard	801-982-2305	rhougaard@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R68-4. Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The changes are needed to reflect the renumbering of Section 4-2-103, and to make this text consistent with Utah Rulewriting Manual requirements.
<b>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):</b>
The language has been updated from the renumbering of Section 4-2-103. Additional changes have been made to make this text consistent with the Utah Rulewriting Manual requirements.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The changes are clarifying only and will not impact the operation of the program and therefore, will not have a fiscal impact on the state.

<b>B) Local governments:</b>			
Local governments do not administer the program and are not regulated under the program and will not be impacted.			
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>			
There should be no fiscal impact to small businesses because the changes are clarifying existing practice and the operation of the program will not change.			
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>			
There should be no fiscal impact to non-small businesses because the changes are clarifying existing practice and the operation of the program will not change.			
<b>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>):</b>			
There should be no fiscal impact to other persons because the changes are clarifying existing practice and the operation of the program will not change.			
<b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>			
There should be no change in compliance costs for affected persons because compliance requirements are not changing.			
<b>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):</b>			
This rule change will not have a fiscal impact on businesses. Craig W. Buttars, Commissioner			
<b>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.)</b>			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>B) Department head approval of regulatory impact analysis:</b>			
The Commissioner of the Utah Department of Agriculture and Food, Craig W. Butters, has reviewed and approved this fiscal analysis.			

**Citation Information**

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

Subsection		
4-2-103(1)		

**Incorporations by Reference Information**

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

	First Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>	7 CFR Part 51 - Fresh Fruits, Vegetables, and Other Products, (Inspection, Certification, and Standards)
<b>Publisher</b>	Government Publishing Office
<b>Date Issued</b>	03/01/2021

**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.)**

<b>A) Comments will be accepted until:</b>	07/01/2022
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<b>10. This rule change MAY become effective on:</b>	07/08/2022
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**

<b>Agency head or designee, and title:</b>	Craig W. Butters, Commissioner	<b>Date:</b>	03/18/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R68-23</b>	<b>Filing ID</b> <b>54609</b>

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Street address:</b>	4315 S 2700 W, TSOB, South Bldg, Floor 2	
<b>City, state and zip:</b>	Taylorsville, UT 84129-2128	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Kelly Pehrson	801-982-2200	kwpehrson@utah.gov
Robert Hougaard	801-982-2305	rhougaard@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R68-23. Utah Firewood Quarantine
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The changes are needed to make this text consistent with the Utah Rulewriting Manual requirements.

**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 language has been changed to make this text consistent with the Utah Rulewriting Manual requirements.

**Fiscal Information**

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

**A) State budget:**

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

**B) Local governments:**

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

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

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

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

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

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

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

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

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

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

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

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

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**B) Department head approval of regulatory impact analysis:**

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

**Citation Information**

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

Subsection 4-2-103(1)(k)	Section 4-35-109	
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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.)	
<b>A) Comments will be accepted until:</b>	07/01/2022

<b>10. This rule change MAY become effective on:</b>	07/08/2022
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**

<b>Agency head or designee, and title:</b>	Craig W. Butters, Commissioner	<b>Date:</b>	05/05/2022
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NOTICE OF PROPOSED RULE			
<b>TYPE OF RULE:</b> Repeal			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R70-440</b>	<b>Filing ID</b>	<b>54614</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R70-440. Egg Products Inspection

<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The purpose of this filing is to repeal Rule R70-440. This rule is being repealed as the process for inspecting egg products was handed over to the US Department of Agriculture (USDA) some time ago. The Department of Agriculture and Food (Department) no longer has involvement in this process.
<b>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):</b>
This rule is being repealed as the process for inspecting egg products was handed over to the USDA. This rule is repealed in its entirety.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There should be no impact to the state budget with this change. This program has been taken over by the USDA officially, making the rule unnecessary; however, it was previously paid for with federal dollars.
<b>B) Local governments:</b>
There should be no impact on local governments because they do not participate or administer the egg inspection program.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There should be no impact on small businesses because the program will be administered by the USDA in the same way it was administered by the Department.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There should be no impact on non-small businesses because the program will be administered by the USDA in the same way it was administered by the Department.
<b>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>):</b>
There should be no impact on other persons because the program will be administered by the USDA in the same way it was administered by the Department.
<b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>



Compliance costs for affected persons should not change because the program will be administered in the same way, just by the USDA.

**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 should 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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 4-4-102		
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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.)

<b>A) Comments will be accepted until:</b>	07/01/2022
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<b>10. This rule change MAY become effective on:</b>	07/08/2022
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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**

<b>Agency head or designee, and title:</b>	Craig W. Buttars, Commissioner	<b>Date:</b>	05/16/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R156-55c</b>	<b>Filing ID</b> <b>54610</b>

**Agency Information**

<b>1. Department:</b>	Commerce	
<b>Agency:</b>	Occupational and Professional Licensing	
<b>Building:</b>	Heber M Wells Building	
<b>Street address:</b>	160 E 300 S	
<b>City, state and zip:</b>	Salt Lake City UT 84111-2316	
<b>Mailing address:</b>	PO Box 146741	
<b>City, state and zip:</b>	Salt Lake City UT 84114-6741	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Duncombe	801-530-6235	sduncombe@utah.gov

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

**General Information**

<p><b>2. Rule or section catchline:</b></p> <p>R156-55c. Plumber Licensing Act Rule</p>
<p><b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b></p> <p>This filing is made by the Division of Occupational and Professional Licensing (Division) in collaboration with the Plumbers Licensing Board and the Construction Services Commission in accordance with Executive Orders No. 2021-1 and 2021-12, to elucidate the minor plumbing work that is deemed incidental; update and clarify the education, experience, and exam requirements and the competency exam requirements for expedited licensure; and make formatting changes throughout to update and clarify the rule using logical, understandable, and concise language consistent with the Utah Rulewriting Manual.</p>
<p><b>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):</b></p> <p>Subsection R156-55c-102(2) is amended to remove the term "installation" from the definition of "minor plumbing work that is incidental." Section R156-55c-302a is amended to remove the reference to licensure in Subsection R156-55c-302a(3)(b) and to clarify that work experience that is lawfully performed in accordance with applicable licensing requirements may include work experience obtained while exempt from licensure. Section R156-55c-302b is amended to update the examination requirements to reflect the updated plumber exams. Section R156-55c-302c is amended to update the competency exam requirements for expedited licensure by removing references to competency exams 3A through 4B. Additionally, formatting changes are made throughout to update and clarify this rule in accordance with Executive Order No. 2021-12.</p> <p>Public hearing information:                  A rule hearing will be held electronically via Google Meet before the Construction Services Commission                  Join with Google Meet:  <a href="https://meet.google.com/yysf-ntht-yiv">meet.google.com/yysf-ntht-yiv</a></p> <p>Join by phone                  (US) +1 814-429-3857 (PIN: 601865433)</p>

**Fiscal Information**

<p><b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b></p>
<p><b>A) State budget:</b></p> <p>The proposed changes are not expected to have any fiscal impact on state government revenues or expenditures. The requested changes reflect current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to</p>

<p>ensure that the minimum required standards have been met.</p>
<p><b>B) Local governments:</b></p> <p>The proposed changes are not expected to have any fiscal impact on local governments' revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Utah Rulewriting Manual and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.</p>
<p><b>C) Small businesses ("small business" means a business employing 1-49 persons):</b></p> <p>The proposed changes are not expected to have any fiscal impact on small businesses' revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Utah Rulewriting Manual and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.</p>
<p><b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b></p> <p>The proposed changes are not expected to have any fiscal impact on non-small businesses' revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Utah Rulewriting Manual and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.</p>
<p><b>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 <b>agency</b>):</b></p> <p>The proposed changes are not expected to have any fiscal impact on affected persons. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Utah Rulewriting Manual and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes for affected persons, so there is no fiscal impact.</p>

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

As described above in Box 5E for other persons, the proposed changes are not expected to have any compliance costs for affected persons.

**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 Division in collaboration with the Plumbers Licensing Board and the Construction Services Commission propose amendments to update Rule R156-55c, the Plumber Licensing Act Rule. Changes have been made to clarify "minor plumbing work" that is deemed incidental, update education, experience, and exam requirements, as well as the competency exam requirements for expedited licensure. The Division has made formatting changes throughout this rule to conform this rule to the Utah Rulewriting Manual in accordance with Executive Orders No. 2021-1 and 2021-12.

Small Business (less than 50 employees): The Division does not foresee any foreseeable impact on small businesses since these amendments are made to make this rule comport to the Utah Rulewriting Manual. There are no substantial changes but merely conforming the rule to current industry standards as approved by the Plumber Licensing Board and Construction Services Commission.

Regulatory Impact to Non-Small Businesses (50 or more employees): These amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Margaret W. Busse, 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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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

<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**B) Department head approval of regulatory impact analysis:**

The Executive Director of the Department of Commerce, Margaret W. Busse, 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 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-55-101
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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:** 07/01/2022

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

<b>On:</b>	<b>At:</b>	<b>At:</b>
06/29/2022	9:00 AM	Rule hearing information is above in Box 4.

**10. This rule change MAY become effective on:** 07/08/2022

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**

<b>Agency head or designee, and title:</b>	Mark B. Steinagel, Director	<b>Date:</b>	05/12/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> New		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R251-714</b>	<b>Filing ID</b> <b>54594</b>

**Agency Information**

<b>1. Department:</b>	Corrections	
<b>Agency:</b>	Administration	
<b>Street address:</b>	14717 S. Minuteman Drive	
<b>City, state and zip:</b>	Draper, UT 84020	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Matt Anderson	801-545-5589	mattanderson@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R251-714. Offender Sexual Assault Prevention
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
Pursuant to Section 64-13-47, the Department of Corrections (Department) is required adopt rules to establish policies and procedures to prevent, detect, respond to, and investigate sexual assaults that occur in Department correctional facilities.
<b>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):</b>
This rule establishes policies and procedures to prevent, detect, respond to, and investigate sexual assaults that occur in Department correctional facilities.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule is not expected to have any fiscal impact on state government revenues or expenditures, as the measures established by this rule have already been implemented

by the Department or can readily be accomplished using existing positions and resources.

**B) Local governments:**

This rule does not apply to local governments and will have no fiscal impact.

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

This rule does not apply to small businesses and will have no fiscal impact.

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

This rule does not apply to non-small businesses and will have no fiscal impact.

**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 does not apply to other persons and will have no fiscal impact.

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

This rule does not apply to affected persons and will have no fiscal impact.

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

I have reviewed this fiscal analysis and agree with the described fiscal impacts associated with this rule. Brian Nielson, 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.)**

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>B) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Corrections, Brian Nielson, has reviewed and approved this fiscal analysis.			

**Citation Information**

<b>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:</b>		
Section 63G-3-202	Section 64-13-10	Section 64-13-47

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (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.)	
<b>A) Comments will be accepted until:</b>	07/01/2022
<b>10. This rule change MAY become effective on:</b>	07/08/2022
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**

<b>Agency head or designee, and title:</b>	Brian Nielson, Executive Director	<b>Date:</b>	05/04/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R307-401-14</b>	<b>Filing ID</b>	<b>54595</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Air Quality	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R307-401-14. Used Oil Fuel Burned for Energy Recovery
<b>3. Purpose of the new rule or reason for the change</b> (Why is the agency submitting this filing?):
The current rule allows an exemption from the requirement to obtain an approval order for boilers with a heat input design of less than 1 million BTUs per hour. The EPA standard for these units is "not more than 0.5 million BTUs per hour" and this change aligns state requirements with the EPA standard. The current rule also contains specific contamination levels and testing requirements that are duplicative of rules enforced by Waste Management and Radiation Control (WMRC). This change removes this language and requires compliance with WMRC rules directly.
<b>4. Summary of the new rule or change</b> (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 change simplifies and clarifies this rule by replacing language specifying contaminant levels and testing requirements with a requirement to comply with Rule R315-15, Standards for the Management of Used Oil. It also reduces the exemption threshold for requiring an approval order to units with designed to produce 0.5 million BTUs per hour or less.

A public hearing is set for, 06/30/2022. Further details may be found below. The hearing will be canceled should no request for one be made by Wednesday, 06/29/2022, at 10:00 AM MDT. The final status of the public hearing will be posted on Wednesday, 06/29/2022, after 10:00 AM 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>  
 If there is a hearing, the following information is needed:  
 Video call link: <https://meet.google.com/zoa-gzxy-kyp>  
 Or dial: (US) +1 385-404-0876  
 PIN: 714 284 241#

**Fiscal Information**

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

**A) State budget:**

This rule is not expected to have a fiscal impact on state government. The changes to contaminant levels and testing requirements are already enforced through Rule R315-15 by the Department Environmental Quality. All commercially available used oil boilers already meet the proposed design standard of 0.5 million BTU per hour or less and existing permits can be adjusted at no cost to the state.

**B) Local governments:**

This rule will have no fiscal impact on local governments because it does not apply to them.

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

This rule is not expected to have a fiscal impact on small businesses because it clarifies and simplifies requirements that are already enforced in other rules and the largest boilers available for purchase in the United States already conform to the EPA standard.

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

This rule is not expected to have a fiscal impact on non-small businesses because it clarifies and simplifies requirements that are already enforced in other rules and the largest boilers available for purchase in the United States already conform to the EPA standard.

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

This rule is not expected to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities 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?):

The compliance costs for this rule are expected to be \$0 because used-oil boilers available for purchase already meet the proposed standard and the testing requirements are already required and enforced through Rule R315-15.

**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 and engagement with impacted parties, the Division of Air Quality has determined that this proposed rule amendment will not result in a fiscal impact to businesses, because used-oil boilers available for purchase already meet the proposed standard and the testing requirements are already required and enforced through Rule R315-15.

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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 19-2-104		
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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:** 07/01/2022

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

On:	At:	At:
06/30/2022	1:00 PM	See information in Box 4 above.

**10. This rule change MAY become effective on:** 08/04/2022

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**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R311-200</b>	<b>Filing ID 54597</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Environmental Response and Remediation	
<b>Building:</b>	Multi Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144840	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4840	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
David Wilson	385-251-0893	djwilson@utah.gov
Therron Blatter	801-554-6762	tblatter@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?):**

S.B. 40, Storage Tank Amendment, passed in the 2021 General Session of the Utah State Legislature tasked the Division of Environmental Response and Remediation (DERR) to begin regulation of aboveground petroleum storage tanks (APSTs) and required Waste Management and Radiation Control Board to define specific terms in rule.

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

The changes define "Historic contamination," "New releases," "Agricultural operations," and "Historic contamination" which was required by additions to the Underground Storage Tank (UST) Act; and add abbreviations of certain terms found in rule. The changes also clarify terms found in rule and statute such as "In service," "Rests directly on the ground," and "Soil."

**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 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 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 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 impact on non-small businesses' revenues or expenditures because 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 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 defined terms 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 impact 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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   

**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:** 07/01/2022



NOTICES OF PROPOSED RULES

<b>B) A public hearing (optional) will be held:</b>		
<b>On:</b>	<b>At:</b>	<b>At:</b>
06/15/2022	02:00 PM	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, in Room 1015

<b>10. This rule change MAY become effective on:</b>	09/29/2022
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**

<b>Agency head or designee, and title:</b>	Brent Everett, Director	<b>Date:</b>	05/15/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R311-201</b>	<b>Filing ID</b> <b>54598</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Environmental Response and Remediation	
<b>Building:</b>	Multi Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144840	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4840	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
David Wilson	385-251-0893	djwilson@utah.gov
Therron Blatter	801-554-6762	tblatter@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
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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?):**

S.B. 40, Storage Tank Amendment, passed in the 2021 General Session of the Utah State Legislature, tasked the Division of Environmental Response and Remediation (DERR) to begin regulation of aboveground petroleum storage tanks (APSTs). This rule clarifies applicability of certain underground storage tanks (USTs) certifications to include work performed on APSTs.

**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 title of Rule R311-201 to Petroleum Storage Tanks: Certification Programs and UST Operator Training. The term USTs was changed to petroleum storage tanks (PSTs) where necessary to reflect enacted changes to the Underground Storage Tank 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 because the state does not employ PST certified individuals.

**B) Local governments:**

This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because local governments do not employ PST certified individuals.

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

This rule change is expected to have a direct fiscal cost to small businesses because testing companies may choose to hire additional certified individuals to meet testing demands. Since DERR cannot predict behavior, the actual cost to small businesses is inestimable.

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

This rule change is expected to have a direct fiscal cost to non-small businesses because testing companies may choose to hire additional certified individuals to meet testing demands. Since DERR cannot predict behavior, the actual cost to non-small businesses 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 **agency**):

Other persons may have a direct benefit to this rule if they are hired and trained by the small and non-small businesses. This benefit is unknown because DERR cannot predict how many individuals would be hired by these businesses.

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

This rule change is expected to have a direct fiscal cost to affected persons who choose to be PST certified. There is a certification fee of approximately \$225. It is not possible to predict how many individuals will choose to become certified.

**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 only impact businesses who employ PST certified individuals. 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**

<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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

<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 19-1-301	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 205	

**A) Comments will be accepted until:** 07/01/2022

**B) A public hearing (optional) will be held: MASOB 195 North 1950 West, Salt Lake City, Utah**

<b>On:</b>	<b>At:</b>	<b>At:</b>
06/15/2022	2:00 PM.	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, in Room 1015

**10. This rule change MAY become effective on:** 09/29/2022

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**

<b>Agency head or designee, and title:</b>	Brent Everett, Director	<b>Date:</b>	05/15/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R311-203</b>	<b>Filing ID</b> <b>54599</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Environmental Response and Remediation	
<b>Building:</b>	Multi Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144840	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4840	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
David Wilson	385-251-0893	djwilson@utah.gov
Therron Blatter	801-554-6762	tblatter@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R311-203. Underground Storage Tanks: Technical Standards
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
S.B. 40, Storage Tank Amendment, passed in the 2021 General Session of the Utah State Legislature, tasked the Division of Environmental Response and Remediation (DERR) to begin regulation of aboveground petroleum storage tanks (APSTs).
<b>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):</b>
The changes add requirements for notification for APSTs found in Subsection 19-6-407(2). For owners and operators who participate in the environmental assurance program (EAP), added leak detection and testing requirements for APSTs to meet the requirements for issuance of a certificate of compliance (Section R311-206-3). For owners and operators who participate in the EAP, added phase-in timeline to minimize financial impact for APST owners to meet certain standards. (EDITOR'S NOTE: The proposed amendment to Rule R311-206 is under ID 54603 in this issue, June 1, 2022, of the Bulletin.)

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
In Section R311-203-2, the fiscal impact of the one-time \$250 processing fee was estimated in the fiscal note attached to S.B. 40 (2021) as required in Subsection 19-6-407(2)(b). Qualified APSTs last used before 05/05/2021 must notify but are not subject to this fee.  In Section R311-203-4, this rule change is expected to have a fiscal cost on the approximately 38 state-owned facilities with APSTs because they will pay a yearly PST registration fee. The approximate total cost for these facilities was estimated in the fiscal note attached to S.B. 40 (2021).  In Section R311-203-4, this rule change is expected to have fiscal benefit on the state government, DEQ-DERR, because the number of PST registration fees collected per year will increase. This benefit is inestimable because it is unknown how many PST systems will be registered.  In Section R311-203-5, this rule change is not expected to have a fiscal impact on the state government's fleet services APST sites because these sites already meet the requirements set forth in the rule.
<b>B) Local governments:</b>
In Section R311-203-2, the fiscal impact of the one-time \$250 processing fee was estimated in the fiscal note attached to S.B. 40 (2021) as required in Subsection 19-6-407(2)(b). Qualified APSTs last used before 05/05/2021 must notify but are not subject to this fee.  In Section R311-203-4, this rule change is expected to have a fiscal cost on the approximately 200 local-government owned facilities with APSTs because they will pay a yearly PST registration fee. The approximate total was estimated in the fiscal note attached to S.B. 40 (2021).  In Section R311-203-5, there is a direct fiscal cost to local-government owned facilities with APSTs. There are approximately 160 sites owned by local governments that will participate in the EAP. Each site has an average of 3 APSTs each that will be affected by this rule. The approximate total cost for all these facilities combined is \$96,000 per year for FY23. This cost will decrease to \$48,000 for FY24 and FY25. The cost per facility will increase FY26 due to the phase-in of additional requirements needed by FY27. The FY26 fiscal cost is inestimable due to variation in type of APST facilities which may require upgrades to meet these standards which are already required to meet International Fire Code as adopted pursuant to Utah State Fire Code Section 15A-5-103.



This estimate was reached using the average contractor cost for a facility with 3 APSTs; spill bucket testing (\$300/facility, every 3 years); and line tightness testing (\$300/facility, annually).

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

In Section R311-203-2, the fiscal impact of the one-time \$250 processing fee was estimated in the fiscal note attached to S.B. 40 (2021) as required in Subsection 19-6-407(2)(b). Qualified APSTs last used before 05/05/2021 must notify but are not subject to this fee.

In Section R311-203-4, this rule change is expected to have a fiscal cost on the approximately 200 small business-owned facilities with APSTs because they will pay a yearly PST registration fee. The approximate total cost for all these facilities was estimated in the fiscal note attached to S.B. 40 (2021).

In Section R311-203-5, there is a direct fiscal cost to small business-owned facilities with APSTs. There are approximately 160 sites owned by small business that will participate in the EAP. Each site has an average of 3 APSTs each that will be affected by this rule. The approximate total cost for all these facilities combined is \$96,000 per year for FY23. This cost will decrease to \$48,000 for FY24 and FY25. The cost per facility will increase FY26 due to the phase-in of additional requirements needed by FY27. The FY26 fiscal cost is inestimable due to variation in type of APST facilities which may require upgrades to meet these standards which are already required to meet International Fire Code as adopted pursuant to Utah State Fire Code Section 15A-5-103.

This estimate was reached using the average contractor cost for a facility with 3 APSTs; Tank Tightness testing (\$900/facility, FY23 only); spill bucket testing (\$300/facility, every 3 years); and line tightness testing (\$300/facility, annually).

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

In Section R311-203-2, the fiscal impact of the one-time \$250 processing fee was estimated in the fiscal attached to S.B. 40 (2021) as required in Subsection 19-6-407(2)(b). Qualified APSTs last used before 05/05/2021 must notify but are not subject to this fee.

In Section R311-203-4, this rule change is expected to have a fiscal cost on the approximately 200 non-small business-owned facilities with APSTs because they will pay a yearly PST registration fee. The approximate total cost for all these facilities was estimated in the fiscal note attached to S.B. 40 (2021).

In Section R311-203-5, there is a direct fiscal cost to non-small business-owned facilities with APSTs. There are approximately 160 sites owned by non-small businesses

that will participate in the EAP. Each site has an average of 3 APSTs each that will be affected by this rule. The approximate total cost for all these facilities combined is \$96,000 per year for FY23. This cost will decrease to \$48,000 for FY24 and FY25. The cost per facility will increase FY26 due to the phase-in of additional requirements needed by FY27. The FY26 fiscal cost is inestimable due to variation in type of APST facilities which may require upgrades to meet these standards which are already required to meet International Fire Code as adopted pursuant to Utah State Fire Code Section 15A-5-103.

This estimate was reached using the average contractor cost for a facility with 3 APSTs; spill bucket testing (\$300/facility, every 3 years); and line tightness testing (\$300/facility, annually).

**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 rule changes are not expected to have any fiscal impact on other persons because the rule changes will not apply to these entities.

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

PST registration annually (\$110/APST annually) required for all APSTs by Section R311-203-4 starting FY23. Spill Bucket (SB) tests (\$100/SB every 3 years) required for APSTs participating in the EAP by Section R311-203-5 starting FY23. Line Tightness Testing (LTT)(\$100/line annually) required for APSTs participating in the EAP by Section R311-203-5 starting FY23.

**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 likely have a cost for businesses who choose to use EAP as their form of financial assurance. Meeting certain standards to participate in the EAP prevents releases and minimizes impact on the petroleum storage tank fund. 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	FY2023	FY2024	FY2025
State Government	0	0	0
Local Governments	\$96,000	\$48,000	\$48,000

NOTICES OF PROPOSED RULES

Small Businesses	\$96,000	\$48,000	\$48,000
Non-Small Businesses	\$96,000	\$48,000	\$48,000
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$288,000</b>	<b>\$144,000</b>	<b>\$144,000</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>B) Department head approval of regulatory impact analysis:</b>			
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	Section 19-6-408
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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.)**

<b>A) Comments will be accepted until:</b>	07/01/2022	
<b>B) A public hearing (optional) will be held:</b>		
<b>On:</b>	<b>At:</b>	<b>At:</b>
06/15/2022	02:00 PM	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, in Room 1015

<b>10. This rule change MAY become effective on:</b>	09/29/2022
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**

<b>Agency head or designee, and title:</b>	Brent Everett, Director	<b>Date:</b>	05/15/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R311-204</b>	<b>Filing ID</b> <b>54601</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Environmental Response and Remediation	
<b>Building:</b>	Multi Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144840	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4840	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
David Wilson	385-251-0893	djwilson@utah.gov
Therron Blatter	801-554-6762	tblatter@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R311-204. Underground Storage Tanks: Closure and Remediation
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
S.B. 40, Storage Tank Amendment, passed in the 2021 General Session of the Utah State Legislature, tasked the Division of Environmental Response and Remediation

(DERR) to begin regulation of aboveground petroleum storage tanks (APSTs).

**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 add requirements for closure notification and release reporting for APSTs referenced in Subsection 19-6-407(2).

**Fiscal Information**

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

**A) State budget:**

There is a direct fiscal cost to state-owned facilities with APSTs. The approximate cost for closure per APST is \$20,000 which includes the site assessment (Rule R311-205). The total fiscal cost is inestimable because the number of APSTs that the state will choose to close is unknown.

(EDITOR'S NOTE: The proposed amendment to Rule R311-205 is under ID 54602 in this issue, June 1, 2022, of the Bulletin.)

**B) Local governments:**

There is a direct fiscal cost to local government-owned facilities with APSTs. The approximate cost for closure per APST is \$20,000 which includes the site assessment (Rule R311-205). The total fiscal cost is inestimable because the number of APSTs that local government will choose to close is unknown.

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

There is a direct fiscal cost to small business-owned facilities with APSTs. The approximate cost for closure per APST is \$20,000 which includes the site assessment (Rule R311-205). The total fiscal cost is inestimable because the number of APSTs small businesses will choose to close is unknown.

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

There is a direct fiscal cost to non-small business-owned facilities with APSTs. The approximate cost for closure per APST is \$20,000 which includes the site assessment (Rule R311-205). The total fiscal cost is inestimable because the number of APSTs non-small businesses will choose to close is unknown.

**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 rule changes are not expected to have any fiscal impact on other persons because the rule changes will not apply to these entities.

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

Beginning 05/05/2021, APST owners are required to notify when they close an APST (Subsection 19-6-407(2)(iii)). The approximate cost, using certified contractors, is \$20,000/tank which includes the site assessment.

**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 will only have a fiscal cost to businesses who chooses to permanently close an APST. 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>B) Department head approval of regulatory impact analysis:</b>
The Executive Director of the Department of Environmental Quality, Kim Shelly, has reviewed and approved this fiscal analysis.

**Citation Information**

<b>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:</b>		
Section 19-6-105	Section 19-6-402	Section 19-6-402

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (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.)		
<b>A) Comments will be accepted until:</b>	07/01/2022	
<b>B) A public hearing (optional) will be held:</b>		
<b>On:</b>	<b>At:</b>	<b>At:</b>
06/15/2022	02:00 PM	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, in Room 1015

<b>10. This rule change MAY become effective on:</b>	09/29/2022
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**

<b>Agency head or designee, and title:</b>	Brent Everett, Director	<b>Date:</b>	05/15/2022
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R311-205</b>	<b>Filing ID</b> <b>54602</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality
<b>Agency:</b>	Environmental Response and Remediation

<b>Building:</b>	Multi Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144840	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4840	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
David Wilson	385-251-0893	djwilson@utah.gov
Therron Blatter	801-554-6762	tblatter@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R311-205. Underground Storage Tanks: Site Assessment Protocol
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
S.B. 40, Storage Tank Amendment, passed in the 2021 General Session of the Utah State Legislature, tasked the Division of Environmental Response and Remediation (DERR) to begin regulation of aboveground petroleum storage tanks (APSTs).
<b>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):</b>
The changes add requirements for notification for APSTs to comply with Subsection 19-6-407(2) requirements for site assessment and release reporting; and make changes to sampling protocol for product dispensers and add sampling requirements remote fills.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is a direct fiscal cost to state-owned facilities with APSTs. The approximate cost to take samples for a site assessment or site check is \$300 per sample not including excavation. Fiscal analysis for closure calculated in the proposed changes to Rule R311-204 which includes the site assessment. The total fiscal cost is inestimable because the number of APSTs that the state will choose to perform a site assessment or site check on is unknown.

(EDITOR'S NOTE: The proposed amendment to Rule R311-204 is under ID 54601 in this issue, June 1, 2022, of the Bulletin.)

In Subsection R311-205-2(3)(d), this rule change is not expected to have a fiscal impact on the state-government owned facilities with PSTs because contractors sampling product dispensers for closure currently take one sample per dispenser rather than one per dispenser island.

In Subsection R311-205-2(3)(e), there is a direct fiscal cost to state-owned facilities with PSTs. The approximate cost to take a sample for the relatively few PST sites with remote fills is \$300 per sample not including excavation. The total fiscal cost is inestimable because the number of PSTs with remote fills that the state will choose to perform a site assessment or site check on is unknown.

**B) Local governments:**

There is a direct fiscal cost to local government-owned facilities with APSTs. The approximate cost to take samples for a site assessment or site check is \$300 per sample not including excavation. Fiscal analysis for closure calculated in the proposed changes to Rule R311-204 which includes the site assessment. The total fiscal cost is inestimable because the number of APSTs that a local government will choose to perform a site assessment or site check on is unknown.

In Subsection R311-205-2(3)(d), this rule change is not expected to have a fiscal impact on a local government-owned facility with PSTs because contractors sampling product dispensers for closure currently take one sample per dispenser rather than one per dispenser island.

In Subsection R311-205-2(3)(e), there is a direct fiscal cost to local government-owned facilities with PSTs. The approximate cost to take a sample for the relatively few PST sites with remote fills is \$300 per sample not including excavation. The total fiscal cost is inestimable because the number of PSTs with remote fills that a local government will choose to perform a site assessment or site check on is unknown.

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

There is a direct fiscal cost to small business-owned facilities with APSTs. The approximate cost to take samples for a site assessment or site check is \$300 per sample not including excavation. Fiscal analysis for closure calculated in the proposed changes to Rule R311-204 which includes the site assessment. The total fiscal cost is inestimable because the number of APSTs that a small business will choose to perform a site assessment or site check on is unknown.

In Subsection R311-205-2(3)(d), this rule change is not expected to have a fiscal impact on a small business-owned facility with PSTs because contractors sampling

product dispensers for closure currently take one sample per dispenser rather than one per dispenser island.

In Subsection R311-205-2(3)(e), there is a direct fiscal cost to small business-owned facilities with PSTs. The approximate cost to take a sample for the relatively few PST sites with remote fills is \$300 per sample not including excavation. The total fiscal cost is inestimable because the number of PSTs with remote fills that the small business will choose to perform a site assessment or site check on is unknown.

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

There is a direct fiscal cost to non-small business-owned facilities with APSTs. The approximate cost to take samples for a site assessment or site check is \$300 per sample not including excavation. Fiscal analysis for closure calculated in the proposed changes to Rule R311-204 which includes the site assessment. The total fiscal cost is inestimable because the number of APSTs that a non-small business will choose to perform a site assessment or site check on is unknown.

In Subsection R311-205-2(3)(d), this rule change is not expected to have a fiscal impact on a non-small business-owned facility with PSTs because contractors sampling product dispensers for closure currently take one sample per dispenser rather than one per dispenser island.

In Subsection R311-205-2(3)(e), there is a direct fiscal cost to non-small business-owned facilities with PSTs. The approximate cost to take a sample for the relatively few PST sites with remote fills is \$300 per sample not including excavation. The total fiscal cost is inestimable because the number of PSTs with remote fills that the non-small business will choose to perform a site assessment or site check on is unknown.

**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 rule changes are not expected to have any fiscal impact on other persons because the rule changes will not apply to these entities.

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

Beginning 05/05/2021, APST owners may be required to do a site assessment or site check (Subsection 19-6-428(3)(b)). The approximate cost, using certified contractors, is \$300 per sample.

**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 will only have a fiscal cost to businesses who chooses to permanently close an APST, perform a site assessment or site check. 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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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	Section 19-6-413
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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.)

<b>A) Comments will be accepted until:</b>	07/01/2022
<b>B) A public hearing (optional) will be held:</b>	
<b>On:</b>	<b>At:</b>
06/15/2022	02:00 PM
	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, in Room 1015

**10. This rule change MAY become effective on:** 09/29/2022

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**

<b>Agency head or designee, and title:</b>	Brent Everett, Director	<b>Date:</b>	05/15/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R311-206</b>	<b>Filing ID</b> <b>54603</b>

**Agency Information**

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

Therron Blatter	801-554-6762	tblatter@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R311-206. Underground Storage Tanks: Certificate of Compliance and Financial Assurance Mechanisms
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
S.B. 40, Storage Tank Amendment, passed in the 2021 General Session of the Utah State Legislature, tasked the Division of Environmental Response and Remediation (DERR) to begin regulation of aboveground petroleum storage tanks (APSTs). Requirements were added to the Underground Storage Tank Act for APSTs to have a certificate of compliance and financial assurance (FA) mechanism per Subsection 19-6-407(2).
<b>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):</b>
The rule changes add the requirement for owners or operators of APSTs to declare a form of FA to obtain a Certificate of Compliance; add further requirements to this rule for APSTs that choose to participate in the Environmental Assurance Program (EAP) which includes a phase-in for certain requirements by 07/01/2026; defines eligible exempt aboveground storage tanks (ASTs) participation in the EAP; adds requirements for delivery prohibition for APSTs; and simplifies language in this rule by deleting Subsection R311-206-10(2) due to changes in Subsection 19-6-428(3) which no longer required facilities to do a site check to participate in the EAP after a period of non-participation.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
In Subsection R311-206-2(1), any fiscal cost to state government was accounted for in the fiscal note attached to S.B. 40 (2021).
In Subsection R311-206-3(1)(g), this rule change is not expected to have a fiscal impact on the state government-owned APST sites because there is no requirement to hire a third party to create a site plat or as-built drawing.
In Subsection R311-206-4(6), this rule change is not expected to have a fiscal impact on the state government-owned APST sites because these sites already meet the requirements set forth in this rule.

In Subsection R311-206-5(1), this rule change is not expected to have any fiscal impact on state government revenues or expenditures because all proposed changes are just clarifications and this rule.
In Subsection R311-206-6(2), this rule change is not expected to have a fiscal impact on state government-owned facilities that have exempt USTs and ASTs because the participation of these exempt tanks is voluntary and there is no way to know how many of these facilities will wish to voluntarily participate in the EAP.
In Subsection R311-206-8(3), there is a direct fiscal cost to state-owned facilities with APSTs. The total fiscal cost is inestimable because the number of APSTs owned by the state which will require delivery prohibition by never being qualified for a Certificate of Compliance or having their Certificate of Compliance revoked or lapsed is unknown.
In Section R311-206-10, there may be a direct fiscal benefit to state-owned facilities with PSTs. PSTs owned by the state are required by statute to participate in the EAP, so any facility that loses coverage under the EAP due to lapse or revoking of their Certificate of Compliance may not be required complete a site check to reapply. Historically, very few of state-owned facilities have had their Certificate of Compliance lapsed or revoked so the benefit will be very little.
In Subsection R311-206-11(8) according to statute (Subsection 19-6-10.5(5)(e)(iv)), this rule change will not have an immediate fiscal impact on the state government-owned facilities because the Environmental Assurance Fee rebate does not apply to APSTs until 07/01/2026.

<b>B) Local governments:</b>
In Subsection R311-206-2(1), any fiscal cost to local governments was accounted for in the fiscal note attached to S.B. 40 (2021).
In Subsection R311-206-4(6), this rule change is expected to have a fiscal cost on the approximately 160 local government-owned facilities with APSTs that choose to participate in the EAP. The fiscal cost is inestimable due to variation in type of APST facilities which may require upgrades to meet these standards which are already required to meet International Fire Code as adopted pursuant to Utah State Fire Code Section 15A-5-103.
In Subsection R311-206-5(1), this rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because all proposed changes are just clarifications and this rule.
In Subsection R311-206-6(2), this rule change is not expected to have a fiscal impact on local government-owned facilities that have exempt USTs and ASTs because the participation of these exempt tanks is voluntary and there is no way to know how many of these facilities will

choose to voluntarily participate in the environmental assurance program.

In Subsection R311-206-8(3), there is a direct fiscal cost to local government-owned facilities with APSTs. The total fiscal cost is inestimable because the number of APSTs owned by local governments which will require delivery prohibition by never being qualified for a Certificate of Compliance or having their Certificate of Compliance revoked or lapsed is unknown.

In Section R311-206-10, there may be a direct fiscal benefit to local government-owned facilities with PSTs but the number of facilities that choose to participate in the EAP after a period of non-participation, due to a change from an alternate form of financial assurance, or due to lapsing or revoking of their Certificate of Compliance, is inestimable.

In Subsection R311-206-11(8) according to statute (Subsection 19-6-10.5(5)(e)(iv)), this rule change will not have an immediate fiscal impact on the local government-owned facilities because the Environmental Assurance Fee rebate does not apply to APSTs until 07/01/2026.

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

In Subsection R311-206-2(1), any fiscal cost to small businesses was accounted for in the fiscal note attached to S.B. 40 (2021).

In Subsection R311-206-4(6), this rule change is expected to have a fiscal cost on the approximately 160 small business-owned facilities with APSTs that choose to participate in the EAP. The fiscal cost is inestimable due to variation in type of APST facilities which may require upgrades to meet these standards which are already required to meet International Fire Code as adopted pursuant to Utah State Fire Code Section 15A-5-103.

In Subsection R311-206-5(1), this rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures because all proposed changes are just clarifications and this rule.

In Subsection R311-206-6(2), this rule change is not expected to have a fiscal impact on small business-owned facilities that have exempt USTs and ASTs because the participation of these exempt tanks is voluntary and there is no way to know how many of these facilities will choose to voluntarily participate in the environmental assurance program.

In Subsection R311-206-8(3), there is a direct fiscal cost to small business-owned facilities with APSTs. The total fiscal cost is inestimable because the number of APSTs owned by small businesses which will require delivery prohibition by never being qualified for a Certificate of Compliance or having their Certificate of Compliance revoked or lapsed is unknown.

In Section R311-206-10, there may be a direct fiscal benefit to small business-owned facilities with PSTs but the number of facilities that choose to participate in the EAP after a period of non-participation, due to a change from an alternate form of financial assurance, or due to lapsing or revoking of their Certificate of Compliance, is inestimable.

In Subsection R311-206-11(8) according to statute (Subsection 19-6-10.5(5)(e)(iv)), this rule change will not have an immediate fiscal impact on small business-owned facilities because the Environmental Assurance Fee rebate does not apply to APSTs until 07/01/2026.

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

In Subsection R311-206-2(1), any fiscal cost to non-small businesses was accounted for in the fiscal note attached to S.B. 40 (2021).

In Subsection R311-206-4(6), this rule change is expected to have a fiscal cost on the approximately 160 non-small business-owned facilities with APSTs that choose to participate in the EAP. The fiscal cost is inestimable due to variation in type of APST facilities which may require upgrades to meet these standards which are already required to meet International Fire Code as adopted pursuant to Utah State Fire Code Section 15A-5-103.

In Subsection R311-206-5(1), this rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because all proposed changes are just clarifications and this rule.

In Subsection R311-206-6(2), this rule change is not expected to have a fiscal impact on non-small business owned facilities that have exempt USTs and ASTs because the participation of these exempt tanks is voluntary and there is no way to know how many of these facilities will choose to voluntarily participate in the environmental assurance program.

In Subsection R311-206-8(3), there is a direct fiscal cost to non-small business-owned facilities with APSTs. The total fiscal cost is inestimable because the number of APSTs owned by non-small businesses which will require delivery prohibition by never being qualified for a Certificate of Compliance or having their Certificate of Compliance revoked or lapsed is unknown.

In Section R311-206-10, there may be a direct fiscal benefit to non-small business-owned facilities with PSTs but the number of facilities that choose to participate in the EAP after a period of non-participation, due to a change from an alternate form of financial assurance, or due to lapsing or revoking of their Certificate of Compliance, is inestimable.

In Subsection R311-206-11(8) according to statute (Subsection 19-6-10.5(5)(e)(iv)), this rule change will not have an immediate fiscal impact on the non-small



business-owned facilities because the Environmental Assurance Fee rebate does not apply to APSTs until 07/01/2026.

**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 rule changes are not expected to have any fiscal impact on other persons because the rule changes will not apply to these entities.

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

New for APSTs:  
 APSTs using alternate form of FA Subsection R311-206-3(1)(f): \$420 initial \$240 annual policy review for all facilities of a single owner.  
 APSTs using EAP as form of FA: \$150/tank throughput >70,000 gals \$450/tank no throughput reported or <70,000 gals.  
 APSTs using EAP as form of FA: Add Spill Bucket (if required) \$5 to \$5,000/PST.  
 APSTs using EAP as form of FA: Add Overfill (if required) \$1,500/PST.  
 APSTs using EAP as form of FA: Add Automatic Line Leak Detector (if required) \$1,500/PST.  
 APSTs using EAP as form of FA: Add Cathodic Protection (if required) \$15,000/PST.

**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 likely have a cost for businesses who choose to use EAP as their form of financial assurance. Meeting certain standards to participate in the EAP prevents releases and minimizes impact on the petroleum storage tank fund. 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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 19-6-402	Section 19-6-428
Section 19-6-410.5		

**Public Notice Information**

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

**A) Comments will be accepted until:** 07/01/2022

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

<b>On:</b>	<b>At:</b>	<b>At:</b>
06/15/2022	02:00 PM	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, in Room 1015

**10. This rule change MAY become effective on:** 09/29/2022

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**

<b>Agency head or designee, and title:</b>	Brent Everett, Director	<b>Date:</b>	05/15/2022
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R311-207</b>	<b>Filing ID</b>	<b>54604</b>
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**Agency Information**

<b>1. Department:</b>	Environmental Quality		
<b>Agency:</b>	Environmental Response and Remediation		
<b>Building:</b>	Multi Agency State Office Building		
<b>Street address:</b>	195 N 1950 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO Box 144840		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4840		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
David Wilson	385-251-0893	djwilson@utah.gov	
Therron Blatter	801-554-6762	tblatter@utah.gov	
Please address questions regarding information on this notice to the agency.			

**General Information**

<b>2. Rule or section catchline:</b>
R311-207. Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
S.B. 40, Storage Tank Amendment, passed in the 2021 General Session of the Utah State Legislature, tasked the Division of Environmental Response and Remediation (DERR) to begin regulation of aboveground petroleum storage tanks (APSTs). This Includes APST participation in the Petroleum Storage Tank Fund per Section 19-6-409.

**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 R311-207-2(5), clarifies the reimbursement percentages for new and historic releases for APSTs which join the Environmental Assurance Program (EAP) without performing a site check.

**Fiscal Information**

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

**A) State budget:**

In Subsection R311-207-2(5), this rule change is expected to have potential minimal impacts on state government fleet services expenditures due to paying the fuel surcharge for participating in the EAP; however, in the long term, expenditures by fleet services for potential release cleanup costs will be minimized by EAP participation. Because fleet services throughout and number of releases occurring per year varies, these costs are inestimable.

This rule change is expected to have minimal impacts on DERR's expenditures and revenues due to more facilities paying the fuel surcharge for participating in the EAP; however, more facilities will have release cleanup costs covered by the EAP. Because DERR cannot know how many facilities will opt to use the EAP for financial responsibility, the number of releases occurring per year varies, and cleanup costs are site specific, these costs are inestimable.

**B) Local governments:**

In Subsection R311-207-2(5), this rule change is expected to have potential minimal impact on local governments' expenditures due to paying the fuel surcharge for participating in the EAP; however, in the long term, expenditures for potential release cleanup costs will be minimized by EAP participation. Because DERR cannot know how many facilities will opt to use the EAP for financial responsibility, the number of releases occurring per year varies, and cleanup costs are site specific, these costs are inestimable.

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

In Subsection R311-207-2(5), this rule change is expected to have potential minimal impact on small businesses expenditures due to paying the fuel surcharge for participating in the EAP; however, in the long term, expenditures for potential release cleanup costs will be minimized by EAP participation. Because DERR cannot know how many facilities will opt to use the EAP for financial responsibility, the number of releases occurring per year varies, and cleanup costs are site specific, these costs are inestimable.

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

In Subsection R311-207-2(5), this rule change is expected to have potential minimal impact on non-small businesses expenditures due to paying the fuel surcharge for participating in the EAP; however, in the long term, expenditures for potential release cleanup costs will be minimized by EAP participation. Because DERR cannot know how many facilities will opt to use the EAP for financial responsibility, the number of releases occurring per year varies, and cleanup costs are site specific, these costs are 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 **agency**):

In Subsection R311-207-2(5), this rule change is expected to have potential minimal impact on other persons expenditures due to paying the fuel surcharge for participating in the EAP; however, in the long term, expenditures for potential release cleanup costs will be minimized by EAP participation. Because DERR cannot know how many facilities will opt to use the EAP for financial responsibility, the number of releases occurring per year varies, and cleanup costs are site specific, these costs are inestimable.

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

Because DERR cannot know how many facilities will opt to use the EAP for financial responsibility these costs are inestimable as a total, but for facilities using the EAP for financial responsibility:  
 \$0.0065 per gallon surcharge  
 \$10,000 deductible for eligible releases

**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):

Minimal impacts on businesses are expected by 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 19-6-419	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:** 07/01/2022

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

On:	At:	At:
06/15/2022	02:00 PM	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, in Room 1015

<b>10. This rule change MAY become effective on:</b>	09/29/2022
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**

<b>Agency head or designee, and title:</b>	Brent Everett, Director	<b>Date:</b>	05/15/2022
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R311-208</b>	<b>Filing ID</b> <b>54605</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality		
<b>Agency:</b>	Environmental Response and Remediation		
<b>Building:</b>	Multi Agency State Office Building		
<b>Street address:</b>	195 N 1950 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO Box 144840		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4840		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
David Wilson	385-251-0893	djwilson@utah.gov	
Therron Blatter	801-554-6762	tblatter@utah.gov	
Please address questions regarding information on this notice to the agency.			

**General Information**

<b>2. Rule or section catchline:</b>
R311-208. Underground Storage Tank Penalty Guidance
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
S.B. 40, Storage Tank Amendment, passed in the 2021 General Session of the Utah State Legislature, tasked the Division of Environmental Response and Remediation (DERR) to begin regulation of aboveground petroleum storage tanks (APSTs).

**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 changes the title of Rule R311-208 to Petroleum Storage Tank Penalty Guidance; and changes the title of Section R311-208-2 to Petroleum Storage Tank Penalty Criteria.

**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 it is a clarification that this rule now applies to Petroleum Storage Tanks (PSTs). The definition of a PST was recently added to Section 19-6-402.

**B) Local governments:**  
This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because it is a clarification that this rule now applies to PSTs. The definition of a PST was recently added to Section 19-6-402.

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
This rule change is expected to have minimal fiscal impact on small businesses' revenues or expenditures because it is a clarification that this rule now applies to PSTs. The definition of a PST was recently added to Section 19-6-402.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):  
This rule change is expected to have minimal fiscal impact on non-small businesses' revenues or expenditures because it is a clarification that this rule now applies to PSTs. The definition of a PST was recently added to Section 19-6-402.

**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 rule changes are not expected to have any fiscal impact on other persons because the rule changes will not apply to these entities.

**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 parties because proposed changes are just clarifications of what is in the recently enacted Underground Storage Tank Act (Section 19-6-401).

**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 by 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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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	Title 19, Chapter 6
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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:** 07/01/2022

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

<b>On:</b>	<b>At:</b>	<b>At:</b>
06/15/2022	02:00 PM	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, in Room 1015

**10. This rule change MAY become effective on:** 09/29/2022

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**

<b>Agency head or designee, and title:</b>	Brent Everett, Director	<b>Date:</b>	05/15/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R311-211</b>	<b>Filing ID</b> <b>54606</b>

**Agency Information**

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



Contact person(s):		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Therron Blatter	801-554-6762	tblatter@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R311- 211. Corrective Action Cleanup Standards Policy - UST and CERCLA Sites
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
S.B. 40, Storage Tank Amendment, passed in the 2021 General Session of the Utah State Legislature, tasked the Division of Environmental Response and Remediation (DERR) to begin regulation of aboveground petroleum storage tanks (APSTs).
<b>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):</b>
This amendment changes the title of Rule R311-211 to Corrective Action Cleanup Standards Policy -- PST and CERCLA Sites; changes underground storage tanks (USTs) to petroleum storage tanks (PSTs) where necessary to reflect enacted changes to the Underground Storage Tank Act (Section 19-6-401); and updates punctuation, capitalization, structure, and word selection to better reflect the Utah Rulewriting Manual.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is expected to have minimal fiscal impact on state government revenues or expenditures because departments which own or operate newly regulated APSTs would have previously had cleanup oversight by the Division of Water Quality (DWQ) which uses DERR standards when directing cleanup.
<b>B) Local governments:</b>
This rule change is expected to have minimal fiscal impact on local governments' revenues or expenditures because those which own or operate newly regulated APSTs would have previously had cleanup oversight by DWQ which uses DERR standards when directing cleanup.

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

This rule change is expected to have minimal fiscal impact on small businesses' revenues or expenditures because those which own or operate newly regulated APSTs would have previously had cleanup oversight by DWQ which uses DERR standards when directing cleanup.

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

This rule change is expected to have minimal fiscal impacts on non-small businesses' revenues or expenditures because those which own or operate newly regulated APSTs would have previously had cleanup oversight by DWQ which uses DERR standards when directing cleanup.

**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 expected to have minimal fiscal impact on other persons because those who own or operate newly regulated APSTs would have previously had cleanup oversight by DWQ which uses DERR standards when directing cleanup.

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

These costs are site specific, and due to the diverse nature of PST release sites, are 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):

Minimal impacts on businesses are expected by 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>B) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Environmental Quality, Kim Shelly, has reviewed and approved this fiscal analysis.			

**Citation Information**

<b>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:</b>		
Section 19-6-105	Section 19-6-106	Section 19-6-403

**Public Notice Information**

<b>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.)</b>		
<b>A) Comments will be accepted until:</b>	07/01/2022	
<b>B) A public hearing (optional) will be held:</b>		
<b>On:</b>	<b>At:</b>	<b>At:</b>
06/15/2022	02:00 PM	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, in Room 1015

<b>10. This rule change MAY become effective on:</b>	09/29/2022
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**

<b>Agency head or designee, and title:</b>	Brent Everett, Director	<b>Date:</b>	05/15/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R311-212</b>	<b>Filing ID</b>	<b>54607</b>

**Agency Information**

<b>1. Department:</b>	Environmental Quality		
<b>Agency:</b>	Environmental Response and Remediation		
<b>Building:</b>	Multi Agency State Office Building		
<b>Street address:</b>	195 N 1950 W		
<b>City, state and zip:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO Box 144840		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4840		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
David Wilson	385-251-0893	djwilson@utah.gov	
Therron Blatter	801-554-6762	tblatter@utah.gov	
Please address questions regarding information on this notice to the agency.			

**General Information**

<b>2. Rule or section catchline:</b>
R311-212. Administration of the Petroleum Storage Tank Loan Program
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
S.B. 40, Storage Tank Amendment, passed in the 2021 General Session of the Utah State Legislature, tasked the Division of Environmental Response and Remediation (DERR) to begin regulation of aboveground petroleum storage tanks (APSTs).
<b>4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the</b>

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

This rule amendment changes underground storage tank (UST) registration fees to petroleum storage tank (PST) registration fees to reflect enacted changes to the Underground Storage Tank Act Section 19-6-401. Subsection R311-212(3)(4)(c) is changed to clarify that USTs mean petroleum USTs.

**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 just clarifications and this rule does not apply to facilities with APSTs.

**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 just clarifications and this rule does not apply to facilities with APSTs.

**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 just clarifications and this rule does not apply to facilities with APSTs.

**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 just clarifications and this rule does not apply to facilities with APSTs.

**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 proposed changes are just 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 parties because proposed changes are just 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):

No fiscal impacts on businesses are expected by 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**

<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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	Section 19-6-409
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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:** 07/01/2022

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

<b>On:</b>	<b>At:</b>	<b>At:</b>
06/15/2022	02:00 PM	Multi Agency State Office Building, 195 N 1950 W, Salt Lake City, UT, in Room 1015

**10. This rule change MAY become effective on:** 09/29/2022

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**

<b>Agency head or designee, and title:</b>	Brent Everett, Director	<b>Date:</b>	05/15/2022
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R357-5</b>	<b>Filing ID</b> <b>54617</b>

**Agency Information**

<b>1. Department:</b>	Governor	
<b>Agency:</b>	Economic Opportunity	
<b>Building:</b>	World Trade Center	
<b>Street address:</b>	60 E South Temple	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dane Ishihara	801-538-8864	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

**2. Rule or section catchline:**

R357-5. Motion Picture Incentive Rule

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

The purpose of this rule filing is to clarify the definition of rural county and update the agreed upon procedures.

**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 modifies the definition of rural Utah to rural county and the relevant reference. This rule also updates the agreed upon procedures.

**Fiscal Information**

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

**A) State budget:**

There is no new aggregate anticipated cost or savings to the state budget. This rule is merely making technical changes and updating program procedures.

**B) Local governments:**

There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.

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

There is no new aggregate anticipated cost or savings to small businesses because this proposed rule does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation.

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

There is no new aggregate anticipated cost or savings to non-small businesses because this proposed rule does not create new obligations for non-small businesses, nor does it increase the costs associated with any existing obligation.

**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 aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed amendment does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

**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 participation in the program is optional.

**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 have no negative impact on businesses. Dan Hemmert, 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Net Benefits</b>	<b>Fiscal</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>B) Department head approval of regulatory impact analysis:</b>				
The Executive Director of the Governor's Office of Economic Opportunity, Dan Hemmert, has reviewed and approved this fiscal analysis.				

**Citation Information**

<b>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:</b>		
Section		
63N-8-104		

**Incorporations by Reference Information**

<b>8. A) This rule adds, updates, or removes the following title of materials incorporated by references:</b>	
	<b>First Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	Agreed-Upon Procedures
<b>Publisher</b>	Utah Film Commission
<b>Date Issued</b>	May 13, 2022
<b>Issue, or version</b>	2.0

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (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.)	
<b>A) Comments will be accepted until:</b>	07/01/2022

<b>10. This rule change MAY become effective on:</b>	07/08/2022
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**

<b>Agency head or designee, and title:</b>	Dan Hemmert, Executive Director	<b>Date:</b>	05/13/2022
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R414-40	Filing ID 54619

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R414-40. Private Duty Nursing Service
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The purpose of this change is to clarify policy for private duty nursing within the Medicaid program.
<b>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):</b>
This amendment clarifies eligibility, access, coverage, and reimbursement for private duty nursing services. It also makes other technical changes.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no impact to the state budget as this change solely clarifies current Medicaid policy.

<b>B) Local governments:</b>			
There is no impact on local governments because they neither fund nor provide private duty nursing under the Medicaid program.			
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>			
There is no impact on small businesses as this change solely clarifies current Medicaid policy.			
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>			
There is no impact on non-small businesses as this change solely clarifies current Medicaid policy.			
<b>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>):</b>			
There is no impact to other persons or entities as this change solely clarifies current Medicaid policy.			
<b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>			
There are no compliance costs to a single person or entity as this change solely clarifies current Medicaid policy.			
<b>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):</b>			
Businesses will see no fiscal impact as this change solely clarifies current Medicaid policy. Nate Checketts, Executive Director			
<b>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.)</b>			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>B) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Health, Nate Checketts, has reviewed and approved this fiscal analysis.			

**Citation Information**

<b>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:</b>		
Section 26-1-5	Section 26-18-3	42 CFR 440.80

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (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.)	
<b>A) Comments will be accepted until:</b>	07/01/2022

<b>10. This rule change MAY become effective on:</b>	07/08/2022
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**

<b>Agency head or designee, and title:</b>	Nate Checketts, Executive Director	<b>Date:</b>	05/16/2022
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<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R432-32</b>	<b>Filing ID 54593</b>

**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Family Health and Preparedness, Licensing	
<b>Room no.:</b>	1st Floor	
<b>Building:</b>	Multi-Agency State Office Bldg	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144103	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4103	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Erica Pryor	801-273-2994	ericapryor@utah.gov
Kristi Grimes	385-214-9187	kristigrimes@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R432-32. Licensing Exemption for Non-Profit Volunteer End-of-Life Care
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This amendment updates this rule to the Utah Rulewriting Manual standards as per the Governor's Executive Order (EO No. 2021-12).
<b>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):</b>
This rule provides a licensing exemption for non-profit care facilities who are using volunteers for end-of-life care. This filing updates this rule to the Utah Rulewriting Manual standards.

**Fiscal Information**

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

**A) State budget:**

This change will not impact the current process for licensure and re-licensure surveys. No change to the state budget is expected because this amendment only updates this rule to the Utah Rulewriting Manual standards.

**B) Local governments:**

Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures because this amendment only updates this rule to the Utah Rulewriting Manual standards. Licensing exemptions are regulated by the state health department and not local governments. There will be no change in local business licensing or any other items with which local government is involved.

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

After conducting a thorough analysis, it was determined that this rule amendment should not impact small businesses. This amendment is technical in nature, and does not change licensing requirements that would impact small businesses.

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

After conducting a thorough analysis, it was determined that this rule amendment should not impact non-small businesses because this amendment only updates this rule to the Utah Rulewriting Manual standards.

**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 affected persons because this amendment only updates this rule to the Utah Rulewriting Manual standards.

**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 only updates this rule to the Utah Rulewriting Manual standards.

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

After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to businesses. Nate Checketts, Executive Director

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

**Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**B) Department head approval of regulatory impact analysis:**

The Executive Director of the Department of Health, Nate Checketts, has reviewed and approved this fiscal analysis.

**Citation Information**

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

Subsection 26-21-7(6)		
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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:** 07/01/2022

**10. This rule change MAY become effective on:** 07/08/2022

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**

<b>Agency head or designee, and title:</b>	Nate Checketts, Executive Director	<b>Date:</b>	04/29/2022
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NOTICE OF PROPOSED RULE		
<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R590-215</b>	<b>Filing ID 54611</b>

**Agency Information**

<b>1. Department:</b>	Insurance	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	Suite 2300	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

**2. Rule or section catchline:**  
R590-215. Permissible Arbitration Provisions for Individual and Group Health Insurance

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

This rule is being changed in compliance with Executive Order No. 2021-12. During the review of this rule, the Department of Insurance (Department) discovered a number of minor issues that needed to be amended.

**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 majority of the changes are being done to fix style issues to bring this rule text more in line with the Utah Rulewriting Manual standards. Other changes make the language of this rule more clear and update the new Section R590-215-5 to use the Department's current language. Section R590-215-7 is being removed because this rule is already in force. The changes do not add, remove, or change any regulations or requirements.

**Fiscal Information**

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

**A) State budget:**  
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the Department functions.

**B) Local governments:**  
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.

**C) Small businesses** ("small business" means a business employing 1-49 persons):  
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.

**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. The changes are largely clerical in nature, and will not affect non-small businesses.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):  
There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.



**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 any affected persons. The changes are largely clerical in nature.

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Jonathan T. Pike, 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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**B) Department head approval of regulatory impact analysis:**

The Commissioner of the Department of Insurance, Jonathan T. Pike, 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 31A-2-201

**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:** 07/01/2022

**10. This rule change MAY become effective on:** 07/08/2022

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**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	05/16/2022
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R590-288</b>	<b>Filing ID</b>	<b>54613</b>
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**Agency Information**

<b>1. Department:</b>	Insurance	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	Suite 2300	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W	
<b>City, state and zip:</b>	Taylorsville, UT 84129	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R590-288. Limited Line Producer Line of Authority for Pet Insurance
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is created to recognize a limited line license that authorizes insurance agents to sell pet insurance.
<b>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):</b>
This rule allows insurance agents to apply for a limited line license to sell pet insurance

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule may result in a trivial savings to the state budget. A pet insurance limited line license will take less time for the Department of Insurance (Department) to process than a property insurance full line license that is now required to sell pet insurance.
<b>B) Local governments:</b>
There is no anticipated cost or savings to local governments. This rule only applies to an agent who applies to sell pet insurance.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no anticipated cost or savings to small businesses. This rule only applies to an agent who applies to sell pet insurance.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There is no anticipated cost or savings to non-small businesses. This rule only applies to an agent who applies to sell pet insurance.
<b>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>):</b>
An insurance agent who sells only pet insurance, or who sells pet insurance along with another line of business aside from property insurance, will see a biennial savings of \$25 compared to the current process. It is impossible for the Department to estimate the aggregate fiscal impact

of this rule because the Department cannot know the number of agents who want to be licensed to sell pet insurance. Currently, pet insurance may be sold by a veterinarian or any agent with a property insurance license, but because pet insurance is not separated from property insurance, we are unable to estimate how many agents sell it.

**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 compliance cost for any affected persons. This rule simply allows an insurance agent to more easily apply to sell pet insurance. If a licensed agent chooses to apply, they will pay \$45 for a pet insurance limited line license instead of \$70 for a property insurance license.

**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. Jonathan T. Pike, 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.)**

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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

<b>Total Fiscal Benefits</b>	\$0	\$0	\$0
<b>Net Fiscal Benefits</b>	\$0	\$0	\$0
<b>B) Department head approval of regulatory impact analysis:</b>			
The Commissioner of the Department of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.			

**Citation Information**

<b>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:</b>		
Section 31A-2-201	Section 31A-23a-106	

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (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.)	
<b>A) Comments will be accepted until:</b>	07/01/2022

<b>10. This rule change MAY become effective on:</b>	07/08/2022
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**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	05/16/2022
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<b>NOTICE OF PROPOSED RULE</b>		
<b>TYPE OF RULE:</b> Repeal		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R592-15</b>	<b>Filing ID</b> <b>54615</b>

**Agency Information**

<b>1. Department:</b>	Insurance
<b>Agency:</b>	Title and Escrow Commission
<b>Room no.:</b>	Suite 2300
<b>Building:</b>	Taylorville State Office Building
<b>Street address:</b>	4315 S 2700 W

<b>City, state and zip:</b>	Taylorville, UT 84129	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R592-15. Schedule of Minimum Charges for Escrow Services
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
This rule is being repealed because it conflicts with proposed Rule R592-18, Cost of Doing the Escrow Business. The Title and Escrow Commission approved the repeal of this rule in its 05/09/2022 meeting by a vote of 4 to 0. (EDITOR'S NOTE: The proposed new Rule R592-18 is under ID 54616 in this issue, June 1, 2022, of the Bulletin.)
<b>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):</b>
This filing repeals this rule in its entirety.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated cost or savings to the state budget. Similar information will continue to be reported to the Department of Insurance (Department) and reviewed by the Department as part of the annual report.
<b>B) Local governments:</b>
There is no anticipated cost or savings to local governments. This rule governs the relationship between the Department and its licensees and has no bearing on local governments in any way.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no anticipated cost or savings to small businesses. Under this rule, licensees only report their

minimum escrow service charges when they began performing escrow services, and any time they change their prices for those services. Repealing this rule will mean they will no longer report at those times, but rather as part of the annual report.

**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. Under this rule, licensees only report their minimum escrow service charges when they began performing escrow services, and any time they change their prices for those services. Repealing the rule will mean they will no longer report at those times, but rather as part of the annual report.

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

There is no anticipated cost or savings to any other persons. Under this rule, licensees only report their minimum escrow service charges when they began performing escrow services, and any time they change their prices for those services. Repealing the rule will mean they will no longer report at those times, but rather as part of the annual report.

**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 any affected persons. An affected person will just not report to us when its escrow service charges change.

**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. Jonathan T. Pike, 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**B) Department head approval of regulatory impact analysis:**

The Commissioner of the Department of Insurance, Jonathan T. Pike, 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 31A-2-404

**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:** 07/01/2022

**10. This rule change MAY become effective on:** 07/08/2022

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**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	05/16/2022
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**NOTICE OF PROPOSED RULE****TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R592-18</b>	<b>Filing ID</b>	<b>54616</b>
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**Agency Information**

<b>1. Department:</b>	Insurance		
<b>Agency:</b>	Title and Escrow Commission		
<b>Room no.:</b>	Suite 2300		
<b>Building:</b>	Taylorsville State Office Building		
<b>Street address:</b>	4315 S 2700 W		
<b>City, state and zip:</b>	Taylorsville, UT 84129		
<b>Mailing address:</b>	PO Box 146901		
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Steve Gooch	801-957-9322	sgooch@utah.gov	
Please address questions regarding information on this notice to the agency.			

**General Information**

<b>2. Rule or section catchline:</b>
R592-18. Cost of Doing the Escrow Business
<b>3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):</b>
The purpose of this rule is to establish the standard for determining compliance with Subsection 31A-19a-209(3)(a)(ii). The Title and Escrow Commission approved the filing of this proposed rule in its 05/09/2022 meeting by a vote of 4 to 0.
<b>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):</b>
The law prohibits title insurance agencies from providing below-cost escrow services. For several years, there were varying views as to what constitutes "below-cost." The Department of Insurance (Department) and title industry have now agreed on a process and a method for determining the amount that is considered "below-cost." The rule reflects this agreement.

**Fiscal Information**

<b>5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated cost or savings to the state budget. The information required by the rule will be reported to the Department and reviewed by the Department as part of the annual report.
<b>B) Local governments:</b>
There is no anticipated cost or savings to local governments. This rule governs the relationship between the Department and its licensees and has no bearing on local governments in any way.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no anticipated cost or savings to small businesses. Title agencies are already expected to track the cost of escrow per transaction. While this rule requires them to create an average from that information, it can be easily done with common office software.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There is no anticipated cost or savings to non-small businesses. Title agencies and companies are already expected to track the cost of escrow per transaction. While this rule requires them to create an average from that information, it can be easily done with common office software.
<b>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>):</b>
There is no anticipated cost or savings to any other persons. Title agents are already expected to track the cost of escrow per transaction. While this rule requires them to create an average from that information, it can be easily done with common office software.
<b>F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):</b>
There are no compliance costs for any affected persons. Title licensees already track the cost of escrow per transaction. Creating an average from that information will not require any additional cost.
<b>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):</b>



NOTICES OF PROPOSED RULES

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. Jonathan T. Pike, 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**B) Department head approval of regulatory impact analysis:**

The Commissioner of the Department of Insurance, Jonathan T. Pike, 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 31A-2-404		
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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.)

<b>A) Comments will be accepted until:</b>	07/01/2022
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<b>10. This rule change MAY become effective on:</b>	07/08/2022
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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**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	05/16/2022
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R877-23V-14</b>	<b>Filing ID</b> <b>54573</b>

**Agency Information**

<b>1. Department:</b>	Tax Commission	
<b>Agency:</b>	Motor Vehicle Enforcement	
<b>Building:</b>	Utah State Tax Commission	
<b>Street address:</b>	210 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84134	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Chantay Asper	801-297-3901	casper@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R877-23V-14. Dealer Identification of Fees Associated with Issuance of Temporary Permits Pursuant to Utah Code Ann. Sections 41-3-301 and 41-3-302

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



The reason for the change is to clarify the content of the dealer documentary service fee disclosure sign.

**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 makes technical changes and clarifies that the sign required in each motor vehicle dealership to disclose dealer documentary service fees must state the actual dollar amount of the dealer documentary service fee as set forth in the dealer's contract of sale or lease agreement.

**Fiscal Information**

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

**A) State budget:**

This amendment is not expected to impact the state budget because it only changes the content of a sign.

**B) Local governments:**

This amendment is not expected to impact local governments because it only changes the content of a sign.

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

This amendment is not expected to impact small businesses because it only changes the content of a sign.

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

This amendment is not expected to impact non-small businesses because it only changes and content of a sign.

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

This amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local government entities because it only changes the content of a sign.

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

This amendment is not expected to impose compliance costs on affected persons because it only changes the content of a sign.

**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 amendment is not expected to have a fiscal impact on businesses because it only changes and content of a sign. Rebecca L. Rockwell, 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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**B) Department head approval of regulatory impact analysis:**

A Commissioner of the Tax Commission, Rebecca L. Rockwell, 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 41-3-301	Section 41-3-302	
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NOTICES OF PROPOSED RULES

**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.)

<b>A) Comments will be accepted until:</b>	07/01/2022
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<b>10. This rule change MAY become effective on:</b>	07/08/2022
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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**

<b>Agency head or designee, and title:</b>	Rebecca L. Rockwell, Commissioner	<b>Date:</b>	05/16/2022
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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 [adminrules.utah.gov](http://adminrules.utah.gov). The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

**REVIEWS** are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R152-34	Filing ID: 50239
Effective Date:	05/06/2022	

### Agency Information

<b>1. Department:</b>	Commerce	
<b>Agency:</b>	Consumer Protection	
<b>Building:</b>	Heber Wells	
<b>Street address:</b>	160 E 300 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Daniel Larsen	801-530-6145	dblarsen@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule catchline:</b>
R152-34. Utah Postsecondary Proprietary School Act Rule
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is enacted in accordance with: Subsection 13-2-5(1), which authorizes the Division of Consumer Protection (Division) to issue rules to administer and enforce the chapters listed in Section 13-2-1; Subsection 13-34-104(6), which requires the Division to establish standards and criteria regarding awarding educational

credentials, bona fide instruction through student-faculty interaction, and determination of a student's ability to benefit from a program; Subsection 13-34-107(6)(a)(i), which allows the Division to prescribe criteria allowing an applicant for a certificate of registration as a postsecondary proprietary school to demonstrate its fiscal responsibility; Subsections 13-34-107(7)(b)(i) through (iv), which allow the Division to make rules regarding the amount of a surety required to obtain a certificate of registration as a postsecondary proprietary school, the execution of that surety, cancellation of that surety, and any other matters relating to that surety in accordance with Subsection 13-34-107(7)(a).

### 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Division is not aware of any written comments 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 assists the Division in its administration and enforcement of Title 13, Chapter 34, Utah Postsecondary Proprietary School Act, by detailing the information and documents a regulated entity is required to submit to the Division to obtain a certificate of registration. This rule defines terms to provide clarity to regulated entities. This rule provides regulated entities with detailed standards applicable to awarding educational credentials, and establishes standards with respect to what is considered bona fide instruction. This rule also protects consumers by setting minimum standards to which regulated entities must adhere when determining whether a student will benefit from a proprietary school's services, and by establishing minimum standards for fair and ethical practices by regulated entities. This rule also details a proprietary school's responsibilities to students and to the

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Division when it intends to close or terminate operations. This rule is critical to the Division's continued administration and enforcement of the statutory scheme. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Daniel Larsen, Commerce Analyst	<b>Date:</b>	05/06/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-122</b>	<b>Filing ID: 50392</b>
<b>Effective Date:</b>	<b>05/16/2022</b>	

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R277-122. Board of Education Procurement
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
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 63G, Chapter 6a, Utah Procurement Code.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

There were no public comments received.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary in order to meet statutory requirements. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	05/16/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-410</b>	<b>Filing ID: 50409</b>
<b>Effective Date:</b>	<b>05/16/2022</b>	

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R277-410. Accreditation of Schools
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; and Section 53E-3-501 which

directs the Board to establish rules governing school accreditation.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

There were no public comments received.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary because this rule establishes requirements for qualifying secondary schools to be accredited. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	05/16/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-485</b>	<b>Filing ID: 50451</b>
<b>Effective Date:</b>	<b>05/16/2022</b>	

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R277-485. Loss of Enrollment
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>

This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; and Section 53F-2-207 which allows the Board to increase funds for a school district in order to avoid penalizing it for an excessive loss in student enrollment due to factors beyond its control.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

There were no public comments received.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary because this rule establishes procedures for the Board to increase funds for a school district in order to avoid penalizing it for an excessive loss in student enrollment due to factors beyond the school district's control. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	05/16/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-911</b>	<b>Filing ID: 50550</b>
<b>Effective Date:</b>	<b>05/16/2022</b>	

**Agency Information**

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

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**General Information**

<b>2. Rule catchline:</b>
R277-911. Secondary Career and Technical Education
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
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-3-507 which allows the Board to establish minimum standards for Career and Technical Education (CTE) programs in the public education system; and Sections 53F-2-311 and 53G-6-708 which direct the Board to distribute specific amounts and percentages for specific CTE programs and facilitate administration of various programs.
<b>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:</b>
There were no public comments received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule is necessary because this rule establishes procedures for CTE programs in local education agencies (LEAs). This rule outlines how funding for these programs is calculated and general governance requirements of an LEA's program. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent of Policy	<b>Date:</b>	05/16/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R307-105</b>	<b>Filing ID:</b>	<b>50571</b>
<b>Effective Date:</b>	<b>05/04/2022</b>		

**Agency Information**

<b>1. Department:</b>	Environmental Quality
<b>Agency:</b>	Air Quality
<b>Building:</b>	Multi-Agency State Office Building
<b>Street address:</b>	195 N 1950 W
<b>City, state and zip:</b>	Salt Lake City, UT 84116

<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R307-105. General Requirements: Emergency Controls
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 19-2-112 allows the Executive Director of the Department of Environmental Quality, with the concurrence of the Governor, to declare an air pollution emergency and order reductions in emissions of air pollutants. Rule R307-105 establishes the levels of air pollutants that create an emergency, as well as other factors used in determining that an emergency exists.
<b>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:</b>
No written comments have been received since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
Rule R307-105 satisfies federal regulations implementing the Clean Air Act that prevent ambient pollutant concentrations from reaching certain levels that cause significant harm to human health and the environment. These requirements are found in 40 CFR 51.151. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R307-401</b>	<b>Filing ID:</b>	<b>52316</b>
<b>Effective Date:</b>	<b>05/04/2022</b>		



**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Air Quality	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R307-401. Permit: New and Modified Sources
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 19-2-108 requires a person to give notice to the director if the person is planning to "construct a new installation which will or might reasonably be expected to increase the amount of or change the character or effect of air pollutants discharged..." Rule R307-401 sets forth the requirements that the owner or operator of a source of air pollution must address in giving notice to the executive secretary under Section 19-2-108. The Board is able to adopt rules that implement Section 19-2-108 because Section 19-2-104 gives the Board the power to control, abate, and prevent air pollution from all sources. A notice requirement and its implementation are a necessary part of controlling, abating, and preventing air pollution. Rule R307-401 is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan (SIP). This SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.
<b>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:</b>
This rule has been amended five times since the last five-year review. Three of the five proposed amendments received no written comments during the public comment period. During the comment period associated with amendments finalized in June of 2019, three comments were received advocating expanding this rule beyond the scope proposed in the amendment. Staff considered these comments but disagreed and made no changes to the proposed rule. During the comment period associated with amendments finalized in March of 2020, three

comments were received regarding definitions and the organization of this rule. Staff generally agreed with the comments and revised the rule accordingly. There have been no comments opposing this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
Rule R307-401 is required by Section 19-2-108 and is also required by Section II, Review of New and Modified Air Pollution Sources, of the SIP, which is incorporated by reference under Rule R307-110. This SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I. Without the SIP, EPA would be required to impose a federal implementation plan. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R307-403</b>	<b>Filing ID: 50646</b>
<b>Effective Date:</b>	<b>05/04/2022</b>	

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Air Quality	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R307-403. Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas

**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 19-2-104 gives the Board the power to control, abate, and prevent air pollution from all sources. Rule R307-403 is an air pollution permitting program that helps control, abate, and prevent air pollution. Rule R307-403 is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan (SIP). This SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.165.

**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:**

This rule has been amended twice since the last five-year review. In one instance, no comments were received. In the other, 11 written comments were received relating to definitions, organization, and language choices. Staff considered and responded to each of these comments, generally agreeing with their intent and modifying the proposed rule to incorporate these changes. No comments opposing this rule have been received since the last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

Rule R307-403 is required by Section 19-2-108 and by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan (SIP), which is incorporated by reference under Rule R307-110. The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.165. Without the SIP, EPA would be required to impose a federal implementation plan. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R307-406</b>	<b>Filing ID: 50641</b>
<b>Effective Date:</b>	<b>05/04/2022</b>	

**Agency Information**

<b>1. Department:</b>	Environmental Quality
<b>Agency:</b>	Air Quality
<b>Building:</b>	Multi-Agency State Office Building
<b>Street address:</b>	195 N 1950 W

<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

**2. Rule catchline:**

R307-406. Visibility

**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 19-2-104 gives the Board the power to control, abate, and prevent air pollution from all sources. Rule R307-406 helps control, abate, and prevent air pollution for the purpose of increasing visibility at Class I areas - Zion, Bryce, Capitol Reef, Arches, and Canyonlands National Parks. Rule R307-406 is also required by Section XVII, Visibility Protection, of the State Implementation Plan (SIP). This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 C.F.R. 51 subpart P.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

No written comments have been received on this rule since the last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

Rule R307-406 is required by Section XVII, Visibility Protection, of the SIP, which is incorporated by reference into the Utah Air Quality Rules under Rule R307-110. The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart P. Without the SIP, EPA would be required to impose a federal implementation plan. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R307-410	Filing ID: 52751
Effective Date:	05/04/2022	

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Air Quality	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R307-410. Permits: Emissions Impact Analysis
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 19-2-104 allows the Air Quality Board to promulgate rules that control, abate, and prevent air pollution from all sources. Rule R307-410 prevents air pollution by requiring an emissions impact analysis from sources to determine what amount of pollution will contribute to a violation of federal air quality standards. Rule R307-410 is also required by Section II, Review of New and Modified Air Pollution Sources and Section XVIII, Demonstration of GEP Stack Height, of the State Implementation Plan (SIP). The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I, and 40 CFR 51.118.
<b>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:</b>
This rule has been amended three times since the last five-year review. No written comments were received during any of the public comment periods associated with this rule.

<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
Rule R307-410 is required by Section XVIII, Demonstration of GEP Stack Height, of the SIP, which is incorporated by reference under Rule R307-110. The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I, and 40 CFR 51.118. Without the SIP, EPA would be required to impose a federal implementation plan. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R307-414	Filing ID: 50640
Effective Date:	05/04/2022	

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Air Quality	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R307-414. Permits: Fees for Approval Orders
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 19-2-104 allows the Utah Air Quality Board to promulgate rules that control, abate, and prevent air pollution from all sources. Rule R307-414 does this by setting up the procedures, including the payment of fees,

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

for administering an air quality permitting program designed to control, abate, and prevent air pollution.

**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 since the last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

The fees required in Rule R307-414, which are approved annually by the Legislature, comprise a substantial portion of the budget of the Division of Air Quality (Division). Without these fees, the Division would not be able to review and enforce the air quality permitting program. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R307-415</b>	<b>Filing ID:</b>	<b>53894</b>
<b>Effective Date:</b>	<b>05/04/2022</b>		

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Air Quality	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R307-415. Permits: Operating Permit 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:**

Subsection 19-2-104(1)(f) allows the Board to promulgate rules and Section 19-2-109.1 implements an operating permit program as required by and in conformity with Titles IV and V of the federal Clean Air Act Amendments of 1990. Rule R307-415 controls, abates, and prevents air pollution by requiring permits and establishing an emissions fee for air pollution under the Title V permitting program in the Clean Air 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:**

This rule has been amended twice since the last five-year review. No written comments were received regarding this rule during either public comment period.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

Rule R307-415 is required by Title V of the Clean Air Act; 40 CFR Part 70; and Section 19-2-109.1. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R307-417</b>	<b>Filing ID:</b>	<b>50647</b>
<b>Effective Date:</b>	<b>05/04/2022</b>		

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Air Quality	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov

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

**General Information**

**2. Rule catchline:**  
R307-417. Permits: Acid Rain Sources

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:**

Section 19-2-104 allows the Utah Air Quality Board to promulgate rules that control, abate, and prevent air pollution from all sources. Rule R307-417 does this by preventing air pollution that contributes to acid rain through an air pollution permitting program. The rule incorporates by reference the federal requirements in 40 CFR Part 72 into Utah's air quality rules for the purpose of meeting the requirements of Title IV of the Clean Air 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 since the last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule incorporates by reference the federal requirements in 40 CFR Part 72 into Utah's air quality rules for the purpose of meeting the requirements of Title IV of the Clean Air Act. By incorporating the federal requirements into the state rules, Utah is able to implement and enforce its own acid rain program. Without this rule, the EPA would have the sole authority to implement the program in Utah. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	R307-420	<b>Filing ID:</b>	50649
<b>Effective Date:</b>	05/04/2022		

**Agency Information**

<b>1. Department:</b>	Environmental Quality
<b>Agency:</b>	Air Quality
<b>Building:</b>	Multi-Agency State Office Building

<b>Street address:</b>	195 N1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

**2. Rule catchline:**  
R307-420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties

**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 19-2-104 allows the Utah Air Quality Board to promulgate rules that control, abate, and prevent air pollution from all sources. Rule R307-420 does this by implementing ozone offset provisions that require sources to offset increases in emissions before getting an approval order to construct, modify, or relocate under Rule R307-401. The offsetting program is designed to prevent future net increases in air pollution.

**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 since the last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

Rule R307-420 is required to minimize the growth in emissions of ozone precursors in Salt Lake and Davis counties. This rule supports Section IX.D (Ozone Maintenance Plan) of the State Implementation Plan, which is incorporated by reference in Section R307-110-13. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R307-421	Filing ID: 50644
Effective Date:	05/04/2022	

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Air Quality	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R307-421. Permits: PM10 Offset Requirements in Salt Lake County and Utah County
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 19-2-104 allows the Utah Air Quality Board to promulgate rules that control, abate, and prevent air pollution from all sources. Rule R307-421 does this by ensuring that the growth of particulate matter precursor pollutants is minimized by the use of emission offsets.
<b>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:</b>
No written comments have been received on this rule since the last five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
Rule R307-421 is required to minimize the growth in emissions of PM10 precursors in Salt Lake and Utah County. This rule supports the PM10 Maintenance Plan, which is incorporated by reference in Section R307-110-10. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R307-424	Filing ID: 50648
Effective Date:	05/04/2022	

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Air Quality	
<b>Building:</b>	Multi-Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state and zip:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dr. Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R307-424. Permits: Mercury Requirements for Electric Generating Units
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule was enacted under Section 19-2-104. Section 19-2-104 authorizes the Utah Air Quality Board to promulgate rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source..." Rule R307-424 controls mercury emissions from coal-fired electric generating units. It also establishes maximum allowable quantities of mercury that may be emitted by a source. Each of these regulatory actions (controlling emissions and setting emission standards) are allowed under Section 19-2-104.
<b>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:</b>



No written comments have been received on this rule since the last five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule sets mercury emission limits for coal-fired power plants. It also implements federal emission standards found in 40 CFR 61.24 and is required by Section 111(d) of the Clean Air Act. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Bryce C. Bird, Director	<b>Date:</b>	05/04/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	R450-2	<b>Filing ID: 51117</b>
<b>Effective Date:</b>	05/09/2022	

**Agency Information**

<b>1. Department:</b>	Cultural and Community Engagement	
<b>Agency:</b>	Administration	
<b>Street address:</b>	3760 S Highland Drive	
<b>City, state and zip:</b>	Salt Lake City, UT 84106	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kristin Mead	218-393-2995	kristinmead@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R450-2. Preservation Pro Fee
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Rule R450-2 establishes the procedure for user fees the public pays for the online Preservation Pro tool maintained by State History in accordance with Section 9-8-304 and Subsection 63G-3-201(2).
<b>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:</b>

No written comments were received.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary in order to keep this needed service available to the public. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jill Love, Executive Directory	<b>Date:</b>	05/09/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	R458-1	<b>Filing ID: 51144</b>
<b>Effective Date:</b>	05/09/2022	

**Agency Information**

<b>1. Department:</b>	Cultural and Community Engagement	
<b>Agency:</b>	Library	
<b>Street address:</b>	250 N 1950 W, Suite A	
<b>City, state and zip:</b>	Salt Lake City, UT 84116-7901	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kristin Mead	218-393-2995	kristinmead@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R458-1. Adjudicative Procedures
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule establishes that the State Library Division requires adjudicative procedures in accordance with Section 63G-4-202.
<b>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:</b>
No written comments were received.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is required by Section 63G-4-202. This rule is necessary to stay in compliance. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jill Love, Executive Director	<b>Date:</b>	05/09/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R746-320</b>	<b>Filing ID: 51958</b>
<b>Effective Date:</b>	<b>05/11/2022</b>	

**Agency Information**

<b>1. Department:</b>	Public Service Commission	
<b>Agency:</b>	Administration	
<b>Building:</b>	Heber M Wells Building	
<b>Street address:</b>	160 E 300 S, 4th Floor	
<b>City, state and zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 4558	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4558	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Yvonne Hogle	801-530-6709	yhogle@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R746-320. Uniform Rules Governing Natural Gas Service

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:**

Rule R746-320 is enacted pursuant to Sections 54-2-1, 54-4-1, 54-4-7, 54-4-18, and 54-4-23. Section 54-2-1 requires this rule because it defines, in part, "utility" as a "gas corporation" which is defined in this rule as the "utility" to which the rule applies. Under Section 54-4-1, the Public Service Commission (Commission) is tasked with regulating utilities including natural gas utilities and must be able to adopt uniform rules that govern the methods and conditions to be used in the provision of natural gas

service. Therefore, Section 54-2-1 requires Rule R746-320 because this rule governs the methods and conditions to be used in the provision of natural gas service. Section 54-4-7 expressly authorizes the rules, stating "[t]he commission, after a hearing, shall prescribe rules and regulations for the performance of any service...". Section 54-4-18 authorizes and requires the rule, stating "[t]he commission shall have power, after a hearing, to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements or service to be furnished, imposed, observed and followed by all electrical, gas and water corporations...". Section 54-4-23 requires this rule because the statute gives the Commission the power to establish a system of accounts to be kept by all utilities and prescribe the manner in which such accounts are kept. This rule reflects the Commission's adoption of a uniform system of accounts that a gas corporation must use.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

No comments have been received since the last five-year review of this rule.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

The authority and requirements for this rule are provided in Box 3 above and they still exist today. This rule is still needed. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Thad LeVar, PSC Chair	<b>Date:</b>	05/11/2022
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R850-1</b>	<b>Filing ID: 52027</b>
<b>Effective Date:</b>	<b>05/12/2022</b>	

**Agency Information**

<b>1. Department:</b>	School and Institutional Trust Lands
<b>Agency:</b>	Administration
<b>Room no.:</b>	Suite 500
<b>Street address:</b>	675 E 500 S
<b>City, state and zip:</b>	Salt Lake City, UT 84102-2818

Contact person(s):		
Name:	Phone:	Email:
Mike Johnson	801-538-5180	mjohnson@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R850-1. Definition of Terms
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 53C-1-302(1)(a)(ii) authorizes the Director of the School and Institutional Trust Lands Administration to provide definitions which apply to all rules promulgated by the Director and Trust.
<b>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:</b>
No written comments have been received by the agency for this rule since the previous five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
There are many terms that are unique to various programs administered by the Trust. This rule enables the School and Institutional Trust Lands Administration to define and clarify terminology used throughout the Trust's rules in one location rather than creating a substantial amount of repetition by defining program-related terms within each individual program rule. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Michelle McConkie, Director	<b>Date:</b>	05/04/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	R850-2	<b>Filing ID:</b> 52031
<b>Effective Date:</b>	05/12/2022	

**Agency Information**

<b>1. Department:</b>	School and Institutional Trust Lands	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	Suite 500	
<b>Street address:</b>	675 E 500 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84102-2818	
Contact person(s):		
Name:	Phone:	Email:
Mike Johnson	801-538-5180	mjohnson@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov

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

**General Information**

<b>2. Rule catchline:</b>
R850-2. Trust Land Management Objectives
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 53C-1-204(1) and Section 53C-1-302 authorize the Director of the School and Institutional Trust Lands Administration to prescribe the general land management objectives for the schools and other institutional trust lands.
<b>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:</b>
No written comments have been received by the agency for this rule since the previous five-year review.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The lands administered by the School and Institutional Trust Lands Administration are held in trust for the benefit of specifically designated beneficiaries. This rule outlines the objectives of the Trust in fulfilling its fiduciary duty to those beneficiaries and with regard to the use and disposition of their respective lands. This rule also clarifies for the general public and other governmental entities the purposes for which these lands were granted. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Michelle McConkie, Director	<b>Date:</b>	05/04/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R850-3	Filing ID: 52022
Effective Date:	05/12/2022	

**Agency Information**

<b>1. Department:</b>	School and Institutional Trust Lands	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	Suite 500	
<b>Street address:</b>	675 E 500 S	
<b>City, state and zip:</b>	Salt Lake City, UT 84102-2818	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Mike Johnson	801-538-5180	mjohnson@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R850-3. Applicant Qualifications, Application Forms, and Application Processing

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:**

Subsection 53C-1-302(1)(a)(ii) and Section 53C-2-404 authorize the Director of the School and Institutional Trust Lands Administration to prescribe the applicant requirements and the form of application for the use and disposition of trust lands.

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

No written comments have been received by the agency for this rule since the previous five-year review.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary as it sets forth the requirements an applicant must meet in order to qualify as a user of trust lands. It also sets forth guidelines for the Trust to follow for consistency in the acceptance or rejection of submitted applications. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Michelle McConkie, Director	<b>Date:</b>	05/04/2022
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**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

**EXTENSIONS** are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	R590-173	Filing ID: 51387
New Date:	Deadline	10/03/2022

### 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:
R590-173. Credit for Reinsurance
3. Reason for requesting the extension and the new deadline date:
The five-year review of this rule is due on 06/05/2022. However, an amendment was filed a few weeks ago and it cannot be made effective until 06/07/2022 at the earliest. The Insurance Department (Department) is requesting an extension to ensure the Department is able to use the most recent language of this rule for the review.

### Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date:	05/06/2022
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**End of the Notices of Five-Year Review Extensions Section**





## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Commerce

#### Real Estate

No. 54391 (Amendment) R162-2f: Real Estate Licensing and Practices Rules  
Published: 04/15/2022  
Effective: 05/25/2022

No. 54423 (Amendment) R277-726: Statewide Online Education Program

Published: 04/01/2022  
Effective: 05/11/2022

No. 54424 (Amendment) R277-733: Adult Education Programs

Published: 04/01/2022  
Effective: 05/11/2022

### Education

#### Administration

No. 54420 (Amendment) R277-406: Early Learning Program and Benchmark Assessments  
Published: 04/01/2022  
Effective: 05/11/2022

No. 54478 (Amendment) R277-801: Services for Students who are Deaf, Hard of Hearing, blind, Visually Impaired, and Deaf-Blind

Published: 04/15/2022  
Effective: 05/23/2022

No. 54475 (Amendment) R277-479: Funding for Charter School Students With Disabilities on an IEP

Published: 04/15/2022  
Effective: 05/24/2022

No. 54479 (Amendment) R277-915: Work-based Learning Programs

Published: 04/15/2022  
Effective: 05/24/2022

No. 54421 (Amendment) R277-489: Kindergarten Entry and Exit Assessment - Enhanced Kindergarten Program

Published: 04/01/2022  
Effective: 05/11/2022

No. 54425 (Amendment) R277-916: College and Career Awareness

Published: 04/01/2022  
Effective: 05/11/2022

No. 54476 (Amendment) R277-613: LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct

Published: 04/15/2022  
Effective: 05/24/2022

### Environmental Quality

#### Environmental Response and Remediation

No. 54457 (New Rule) R311-402: Utah Hazardous Substances Priority List

Published: 04/15/2022  
Effective: 05/23/2022

No. 54422 (Amendment) R277-622: School-based Mental Health Qualifying Grant Program

Published: 04/01/2022  
Effective: 05/11/2022

#### Waste Management and Radiation Control, Radiation

No. 54410 (Amendment) R313-12-3: Definitions

Published: 04/01/2022  
Effective: 05/16/2022

No. 54477 (New Rule) R277-628: School Libraries

Published: 04/15/2022  
Effective: 05/24/2022

NOTICES OF RULE EFFECTIVE DATES

No. 54411 (Amendment) R313-19-100: Transportation  
Published: 04/01/2022  
Effective: 05/16/2022

Government Operations

Purchasing and General Services  
No. 54463 (Amendment) R33-1: Utah Procurement Rules,  
General Procurement Provisions  
Published: 04/15/2022  
Effective: 05/23/2022

No. 54464 (Amendment) R33-2: Rules of Procedure for  
Procurement Policy Board  
Published: 04/15/2022  
Effective: 05/23/2022

No. 54465 (Amendment) R33-4: Supplemental  
Procurement Procedures  
Published: 04/15/2022  
Effective: 05/23/2022

No. 54466 (Amendment) R33-5: Other Standard  
Procurement Processes  
Published: 04/15/2022  
Effective: 05/23/2022

No. 54467 (Amendment) R33-6: Bidding  
Published: 04/15/2022  
Effective: 05/23/2022

No. 54468 (Amendment) R33-7: Request for Proposals  
Published: 04/15/2022  
Effective: 05/23/2022

No. 54469 (Amendment) R33-8: Exceptions to Standard  
Procurement Process  
Published: 04/15/2022  
Effective: 05/23/2022

No. 54470 (Amendment) R33-9: Cancellations, Rejections,  
and Debarment  
Published: 04/15/2022  
Effective: 05/23/2022

No. 54471 (Amendment) R33-12: Terms and Conditions,  
Contracts, Change Orders and Costs  
Published: 04/15/2022  
Effective: 05/23/2022

No. 54472 (Amendment) R33-24: Unlawful Conduct and  
Ethical Standards  
Published: 04/15/2022  
Effective: 05/23/2022

Health

Administration  
No. 54390 (Amendment) R380-406: Medical Cannabis  
Pharmacy  
Published: 03/15/2022  
Effective: 05/04/2022

Human Services

Substance Abuse and Mental Health, State Hospital  
No. 53930 (Amendment) R525-8: Forensic Mental Health  
Facility  
Published: 10/01/2021  
Effective: 05/12/2022

No. 53930 (Change in Proposed Rule) R525-8: Forensic  
Mental Health Facility  
Published: 01/15/2022  
Effective: 05/12/2022

Services for People with Disabilities  
No. 54228 (Repeal and Reenact) R539-4: Behavior  
Interventions  
Published: 01/15/2022  
Effective: 05/23/2022

No. 54228 (Change in Proposed Rule) R539-4: Behavior  
Interventions  
Published: 04/15/2022  
Effective: 05/23/2022

Insurance

Administration  
No. 54405 (Repeal and Reenact) R590-133: Variable  
Contracts  
Published: 04/01/2022  
Effective: 05/11/2022

No. 54406 (Amendment) R590-186: Bail Bond Business  
Published: 04/01/2022  
Effective: 05/11/2022

No. 54407 (Amendment) R590-200: Diabetes Treatment  
and Management  
Published: 04/01/2022  
Effective: 05/11/2022

No. 54419 (New Rule) R590-287: Manufacturer Data  
Reporting  
Published: 04/01/2022  
Effective: 05/11/2022

Labor Commission

Occupational Safety and Health  
No. 54392 (Amendment) R614-1-4: Incorporation of  
Federal Standards  
Published: 04/01/2022  
Effective: 05/09/2022

Natural Resources

Wildlife Resources  
No. 54339 (Amendment) R657-10: Taking Cougar  
Published: 02/01/2022  
Effective: 05/02/2022

NOTICES OF RULE EFFECTIVE DATES

No. 54339 (Change in Proposed Rule) R657-10: Taking  
Cougar  
Published: 04/01/2022  
Effective: 05/02/2022

No. 54396 (Amendment) R657-13-9: Underwater  
Spearfishing  
Published: 04/01/2022  
Effective: 05/09/2022

No. 54397 (Amendment) R657-26-5: Hearings  
Published: 04/01/2022  
Effective: 05/09/2022

No. 54340 (Amendment) R657-33: Taking Bear  
Published: 02/01/2022  
Effective: 05/02/2022

No. 54340 (Change in Proposed Rule) R657-33: Taking  
Bear  
Published: 04/01/2022  
Effective: 05/02/2022

Public Safety

Driver License

No. 54451 (Amendment) R708-41: Requirements for  
Acceptable Documentation, Storage and Maintenance  
Published: 04/15/2022  
Effective: 05/24/2022

Highway Patrol

No. 54441 (Amendment) R714-560: Technology and  
Equipment for Officer-Involved Critical Incident Investigation  
Published: 04/15/2022  
Effective: 05/24/2022

**End of the Notices of Rule Effective Dates Section**