

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Brody Mangum, Managing Editor

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

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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EXECUTIVE DOCUMENTS

Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **EXECUTIVE DOCUMENTS**, which can be categorized as either Executive Orders, Proclamations, and Declarations. Executive Orders set policy for the executive branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. Proclamations call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. Declarations designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Office of Administrative Rules for publication and distribution.

EXECUTIVE ORDER 2023-01

Creating a Time-Limited Task Force on State Agency Collaboration and Data Sharing

WHEREAS, Utah is ranked among the highest in the nation for economic strength, growth, employment, fiscal stability, health care, and education;

WHEREAS, notwithstanding these achievements, Utah's residents face significant challenges, examples of which include affordable housing, mental and physical health, high suicide rates among adolescents and teens, increasing rates of early death in adults 65-74, inflation, and environmental challenges including air quality and water supply;

WHEREAS, addressing these and other challenges while maintaining Utah's high quality of life requires a collaborative, flexible, efficient, and citizen-centered state government that is responsive to the needs of Utahns;

WHEREAS, the state of Utah establishes its collaborative, flexible, efficient, and citizen-centered state government through the delegation of many of these responsibilities to its state governmental agencies that are overseen by the governor;

WHEREAS, this delegation of responsibilities allows expertise of individual state agencies to provide high-quality services to the public;

WHEREAS, opportunities exist to strengthen collaboration across state agencies through the sharing of resources, research, evaluation, information, and data among agencies;

WHEREAS, strengthening collaboration and expanding information and data sharing among state agencies will enable state government to better address challenges facing Utahns and provide Utahns the best services possible;

NOW, THEREFORE, I, Spencer J. Cox, governor of the state of Utah, by the authority vested in me by the Constitution and laws of this state, do hereby order the following:

1. Purpose of Order. The purpose of this order is to strengthen state agency collaboration and expand information and data sharing across state agencies to better address challenges facing Utahns and provide Utahns the best services possible.

2. Creation of Task Force on State Agency Collaboration and Data Sharing.

- a. This order establishes a Task Force on State Agency Collaboration and Data Sharing ("Task Force").
- b. The Task Force consists of the following members:
 - i. the executive director of the Department of Health and Human Services, who shall serve as the chair of the Task Force;
 - ii. the executive director of the Governor's Office of Planning and Budget;
 - iii. the executive director of the Utah Department of Workforce Services;
 - iv. the executive director of the Department of Corrections;
 - v. the executive director of the Department of Public Safety;

- vi. the executive director of the Commission on Criminal and Juvenile Justice;
 - vii. the executive director of the Utah Department of Government Operations;
 - viii. the chief information officer for the state of Utah;
 - ix. the Government Operations Privacy Officer; and
 - x. the State Homeless Services Coordinator.
- c. The Task Force shall create an action plan ("Action Plan") to accomplish the purpose identified in Paragraph 1 above.
- d. The Task Force shall deliver the Action Plan to the governor by Aug. 30, 2023.
- e. The Task Force may:
- i. consult with other state agencies or state employees whose expertise will assist the Task Force in its work; and
 - ii. seek legal counsel from the Attorney General's Office.

3. Contents of Action Plan.

- a. The Action Plan created by the Task Force shall include the following:
 - i. Specific objectives that state government can accomplish through strengthened state agency collaboration and expanded sharing of information and data across state agencies;
 - ii. Concrete steps to strengthen collaboration and expand information and data sharing, and a proposed timeline for completion of those steps;
 - iii. Legal, policy, or other barriers to strengthened collaboration and expanded information and data sharing;
 - iv. Consideration of, and compliance with, data privacy and security requirements;
 - v. Whether a formal structure is needed for data sharing across state agencies, and, if so, what the structure should be;
 - vi. Any needed administrative resources to accomplish the purposes of this Order, including the possibility of a state data warehouse;
 - vii. Whether any additional executive orders or directives by the governor are needed to accomplish the purposes of this Order;
 - viii. Whether changes to state law are needed to strengthen state agency collaboration and expand information and data sharing by state agencies;
 - ix. Identification of funding sources to accomplish the purposes of this Order and the recommendations in the Action Plan, including the possibility of braiding funding from several sources;
 - x. Any federal waivers needed for possible funding sources; and
 - xi. Any other information as determined by the Task Force.

THIS ORDER is effective immediately and shall remain in effect through Aug. 30, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 1st day of February, 2023.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

EXECUTIVE ORDER
2023-02

Directing the Utah Division of Forestry, Fire, and State Lands to Raise the Great Salt Lake Causeway Berm

WHEREAS, the Great Salt Lake is owned and managed by the state of Utah as sovereign land held in trust for the public;

WHEREAS, the Great Salt Lake is of regional and hemispheric biological importance due to its role as a major North American migratory bird flyway, as vital shorebird breeding habitat, and due to its size and influence on the climate and ecology;

WHEREAS, when the surface level elevation of the Great Salt Lake is low the Great Salt Lake ecosystem is at grave risk – migratory and shorebirds are vulnerable, wetlands are jeopardized, wildlife habitat decreases, recreation access and opportunities are minimized, search and rescue efforts become more challenging, and mineral extraction is impacted;

WHEREAS, the Great Salt Lake reached a historically low surface level elevation of 4,188.5 feet on Nov. 3, 2022;

WHEREAS, low lake levels are causing a significant increase in salinity creating an unsustainable environment for the Great Salt Lake ecosystem, including an unsustainable environment for brine shrimp, the keystone species of the Great Salt Lake;

WHEREAS, there exists a Union Pacific Railroad Causeway that bisects the Great Salt Lake into what is referred to as the North Arm and South Arm;

WHEREAS, within the Union Pacific Railroad Causeway there is an opening and water flow control berm ("berm") managed by the Utah Division of Forestry, Fire, and State Lands ("Division");

WHEREAS, the berm is currently set at 4,187 feet;

WHEREAS, high levels of precipitation since Nov. 3, 2022, have increased the lake level to a surface level elevation of 4,189.7 feet as of Jan. 26, 2023, and higher than normal levels of snowpack have the potential of further increasing the lake level through spring runoff;

WHEREAS, the three major tributaries (Jordan River, Bear River, and Weber River) of the Great Salt Lake flow into the South Arm;

WHEREAS, capturing spring runoff will increase the lake level and improve salinity levels in the South Arm of the lake;

WHEREAS, the current height of the berm is insufficient to capture continued precipitation and spring runoff in the South Arm of the lake;

NOW, THEREFORE, I, Spencer J. Cox, governor of the state of Utah, by the authority vested in me by the Constitution and laws of this state, hereby order the following:

1. The Division shall increase the berm height to 4,192 feet pursuant to the authority granted to the Division by Title 65A of the Utah Code in order to increase the overall depth and decrease the salinity of the South Arm of the Great Salt Lake.
2. The Department of Natural Resources and the Department of Environmental Quality shall immediately coordinate and prepare a berm management plan and put the plan in place as soon as reasonably possible. The berm management plan shall, among other things, establish a process for future adjustments to berm height.
3. The height increase in Paragraph 1 shall temporarily remain in place until the Division adopts and implements the berm management plan, at which time the berm management plan shall control future adjustments to berm height.

THIS ORDER is effective immediately and shall expire upon adoption and implementation of the berm management plan.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 3rd day of February, 2023.

(State Seal)

Spencer J. Cox
Governor, State of Utah

ATTEST:

Deidre M. Henderson
Lieutenant Governor, State of Utah

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between January 18, 2023, 12:00 a.m., and February 01, 2023, 11:59 p.m. are included in this, the February 15, 2023, 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 March 17, 2023. 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 June 15, 2023, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R70-101	Filing ID: 55202

Agency Information

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

General Information

2. Rule or section catchline:
R70-101. Bedding, Upholstered Furniture, and Quilted Clothing
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Due to increasing online sales, the program has expanded its online retailer's inspections and based on past reviews, the text is needed to clarify online labeling requirements. The online retailer's label requirements are updated to current practice and will provide more transparency in purchasing quilted clothing, bedding, or upholstered furniture from a retailer. The revised text will be aligned with the Utah Rulewriting Manual.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule defines an "online retailer" and clarifies an online retailer's label requirements. The clarifying text provides information for a consumer to inspect a label before purchase. This rule clarifies the text and aligns with the Utah Rulewriting Manual.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:																
A) State budget:																
The changes provide clarity for online labeling requirements and will not impact the state budget because the program's administration will not change.																
B) Local governments:																
Local governments do not manage the program, and will not be impacted due to the changes to the clarifying text.																
C) Small businesses ("small business" means a business employing 1-49 persons):																
The changes are clarifying to online sales and labeling requirements and will not impact small businesses' because the compliance costs of the program do not change.																
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																
The changes are clarifying to online sales and labeling requirements and will not impact non-small businesses' because the compliance costs of the program do 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 <i>agency</i>):																
The changes clarify online sales and labeling requirements and will not impact other persons because the compliance costs of the program do not change.																
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):																
The changes are clarifying to online sales and labeling requirements and will not impact costs because the compliance costs of the program do not change.																
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable budgetary impacts, they will not be included in this table. Inestimable impacts will be included in the narratives above.)																
Regulatory Impact Table																
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2023</th> <th>FY2024</th> <th>FY2025</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2023	FY2024	FY2025	State Government	\$0	\$0	\$0	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0
Fiscal Cost	FY2023	FY2024	FY2025													
State Government	\$0	\$0	\$0													
Local Governments	\$0	\$0	\$0													
Small Businesses	\$0	\$0	\$0													

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

Section 4-10-103

Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	Manual of Labeling Laws
Publisher	International Sleep Products Association
Issue Date	05/04/2020
Issue or Version	2021Version

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

Official Title of Materials Incorporated (from title page)	16 CFR Parts 300, 301
Publisher	United States Codes of Federal Regulations
Issue Date	October 19, 2017
Issue or Version	October 19, 2017

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

Official Title of Materials Incorporated (from title page)	16 CFR Part 303
Publisher	United States Codes of Federal Regulations
Issue Date	November 5, 2020
Issue or Version	November 5, 2020

Public Notice Information

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

A) Comments will be accepted until: 03/17/2023

9. This rule change MAY become effective on: 03/24/2023

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

Agency Authorization Information

Agency head or designee and title:	Commissioner, Craig Buttars	Date:	01/18/2023
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NOTICE OF PROPOSED RULE

TYPE OF RULE:	Amendment	
Rule or Section Number:	R156-24b	Filing ID: 55210

Agency Information

1. Department:	Commerce
Agency:	Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S

City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Jeff Busjahn	801-530-6628	jbusjahn@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-24b. Physical Therapy Practice Act Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Division of Professional Licensing (Division), in collaboration with the Physical Therapist Licensing Board, is filing these proposed amendments to clarify and update this rule and to eliminate unnecessary regulation and reduce barriers to licensure in accordance with Executive Order No. 2021-1, Executive Order No. 2021-12, and S.B. 23 passed in the 2020 General Session.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The proposed amendments to Section R156-24b-303b update and better define and clarify the continuing education requirements for renewal of a Physical Therapist or Physical Therapist Assistant license and will allow continuing education credit for hours worked as a licensed Physical Therapist or Physical Therapist Assistant.
The proposed deletion of Section R156-24b-308 moves that content to Section R156-24b-303a to clarify the qualifications for licensure and reinstatement of an expired license.
The proposed amendments to Section R156-24b-502 update this unprofessional conduct section to reference the most current editions of the American Physical Therapy Association's Code of Ethics for the Physical Therapist, Guide for Professional Conduct for the Physical Therapist, Standards of Ethical Conduct for the Physical Therapist Assistant, and Guide for Conduct of the Physical Therapist Assistant.
The proposed amendments to Section R156-24b-505 provide clarification for submission of proof of supervised patient treatment sessions for Trigger Point Dry Needling.

Lastly, the remaining amendments streamline and update this rule and eliminate unnecessary language and duplications.
Hearing Information: A public hearing will be held at the Heber Wells Bldg, 160 E 300 S, Conference Room 402 (fourth floor), Salt Lake City, UT on 02/16/2023 at 9:00 AM.
Will also be held electronically via Google Meet: Meeting link: meet.google.com/eke-jzdq-oig
Join by phone: (US) +1 575-425-0148 PIN: 281873899

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The Division estimates that the proposed amendments to Sections R156-24b-303b and R156-24b-505 may indirectly benefit state government agencies who employ physical therapists or physical therapist assistants, if these licensees are able to more easily renew their license to practice in Utah.
The full fiscal and non-fiscal impacts cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that each state agency may experience from any resulting increased ability to employ qualified physical therapists or physical therapist assistants will vary widely depending on the requirements of each entity and the individual characteristics of each licensee.
The remainder of these proposed amendments are expected to have no measurable impact on state revenues or expenditures as they merely streamline and update this rule.
B) Local governments:
The proposed amendments may indirectly benefit local governments that employ physical therapists or physical therapist assistants, if these licensees are able to more easily renew their license to practice in Utah.
The full fiscal and non-fiscal impacts on local government cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that local governments may experience from any resulting increased ability to employ qualified physical therapists or physical therapist assistants candidates will vary widely depending on the requirements of each local government

entity and the individual characteristics of each physical therapist or physical therapist assistant.

The remainder of these proposed amendments are expected to have no measurable impact on local government revenues or expenditure as they merely streamline and update this rule.

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

The proposed amendments to Sections R156-24b-303b and R156-24b-505 may indirectly benefit the estimated 8,633 small businesses in Utah comprising establishments employing physical therapists or physical therapist assistants such as Home Health Services, Nursing Care Facilities, Other hospitals, Individual and Family Services, Public Administration – State and Elementary and Secondary Schools (NAICS 6213, 9991, 6111, 9992, 6241, 6223, 6231, 6216), as the amendments are expected to facilitate license renewal to practice in Utah; however, the full fiscal and non-fiscal impacts on small businesses cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that a small business may experience from any resulting increased ability to employ qualified physical therapists or physical therapist assistant candidates will vary widely depending on the requirements of the small business and the individual characteristics of each physical therapist or physical therapist assistant.

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

As described in Box 5C for small businesses, non-small businesses may indirectly benefit from the proposed amendments to Sections R156-24b-303b and R156-24b-505, but the exact impacts cannot be estimated.

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

The proposed amendments to Sections R156-24b-303b and R156-24b-505 are expected to benefit the approximately 2,856 licensed physical therapists and 1,053 licensed physical therapist assistants via the continuing education renewal process.

The full fiscal and non-fiscal impacts on these licensees cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that each licensee may experience from any resulting increased ability to become employed will vary widely depending on the requirements of the employer and the individual characteristics of each physical therapist or physical therapist assistant.

The remainder of these proposed amendments are expected to have no measurable impact on these persons as they merely streamline and update this rule.

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

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

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

The Division, in concert with American Physical Therapy Association, propose amendments to Rule R156-24b to update this rule. This rule will allow continuing education

credit for hours worked as a licensed Physical Therapist or Physical Therapist Assistant and clarify the qualifications as a whole.

Also, the Division has made formatting conformities throughout this rule to align with the Utah Rulewriting Manual in accordance with Executive Orders No. 2021-1 and 2021-12.

Small Businesses (less than 50 employees):

There are approximately 2,856 licensed physical therapists and 1,053 licensed physical therapist assistants in Utah. The amendments will likely benefit the estimated 8,633 small businesses in Utah comprising employed as physical therapists or physical therapist assistants in home health services, nursing care facilities, hospitals, individual and family Services, public administration, and in state elementary and secondary Schools (NAICS 6213, 9991, 6111, 9992, 6241, 6223, 6231, 6216).

Further, the Division does not foresee any negative impact on small businesses from the grammar since this rule was drafted to comport to the Utah Rulewriting Manual.

Regulatory Impact to Non-Small Businesses (50 or more employees)

The Division finds that the non-small businesses in the Utah will not suffer a negative fiscal impact from the proposed changes for the same rationale as described above for small businesses. Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

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

Section 58-24b-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	American Physical Therapy Association's Code of Ethics for the Physical Therapist
Publisher	American Physical Therapy Association
Issue Date	August 12, 2020

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

Official Title of Materials Incorporated (from title page)	American Physical Therapy Association's Guide for Professional Conduct
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Publisher	American Physical Therapy Association
Issue Date	March 2019

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

Official Title of Materials Incorporated (from title page)	American Physical Therapy Association's Standards of Ethical Conduct for the Physical Therapist Assistant
Publisher	American Physical Therapy Association
Issue Date	August 12, 2020

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

Official Title of Materials Incorporated (from title page)	American Physical Therapy Association's Guide for Conduct of the Physical Therapist Assistant
Publisher	American Physical Therapy Association
Issue Date	March 2019

Public Notice Information

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

A) Comments will be accepted until: 03/17/2023

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

On:	At:	At:
02/16/2023	9:00 AM	See hearing information in Box 4 above

9. This rule change MAY become effective on: 03/24/2023

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

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	01/26/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R156-69	Filing ID: 55213

Agency Information

1. Department:	Commerce	
Agency:	Professional Licensing	
Building:	Heber M Wells Building	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Larry Marx	801-530-6628	lmarx@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-69. Dentist and Dental Hygienist Practice Act Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Division of Professional Licensing (Division) in collaboration with the Dentist and Dental Hygienist Licensing Board is filing these proposed amendments to update permit classifications, scopes of practice, qualifications, and standards for the use of anesthesia and sedation in accordance with statutory changes made by H.B. 384, passed in the 2022 General Session, to update the standards regarding the use of unlicensed personnel as dental assistants, and to clarify the rule regarding the practice of teledentistry.
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 amendments to Section R156-69-102 and new Sections R156-69-301a and R156-69-301 update this rule to redefine the classifications of anesthesia permits for dentists and to update scopes of practice and the qualifications and training and safety standards for permit holders in accordance with new Section 58-1-510 that was enacted by H.B. 384 (2022).
Generally, the permits are reclassified as follows: "Class A" to "local anesthesia" permit, "Class B" and "Class C"

permits to "minimal sedation" permit, "Class D" to "moderate sedation" permit, "and Class E" to "deep sedation and general anesthesia" permit. The standards now additionally incorporated by reference are as follows: 1) American Society of Anesthesiologists (ASA) standards: (a) Basic Standards for Preanesthesia Care, 2020 edition; (b) Standards for Basic Anesthetic Monitoring, 2020 edition; and (c) Standards for Postanesthesia Care, 2019 edition; 2) Cote CJ, Wilson S. American Academy of Pediatric Dentistry, American Academy of Pediatrics. Guidelines for Monitoring and Management of Pediatric Patients Before, During, and After Sedation for Diagnostic and Therapeutic Procedures. *Pediatr Dent* 2019; 41(4):E-26-E-52; 3) ADA Policy Statement: The Use of Sedation and General Anesthesia by Dentists, 2007 edition; and 4) American Association of Oral and Maxillofacial Surgeons (AAOMS) standards: (a) Office Anesthesia Evaluation Manual, 2018 9th edition; and (b) Parameters of Care, 2017 6th edition.

Section R156-69-302c is amended to clarify that each dental hygienist shall obtain CPR-BLS or ACLS-PALS certification to qualify for licensure.

Section R156-69-304a is amended to clarify that each applicant for renewal or reinstatement must maintain certification in appropriate lifesaving courses as required by the license and permit classification to qualify for reinstatement or renewal, and to clarify that the applicant's recertification hours do not count toward the applicant's 30 required hours of continuing professional education. The section is further amended to reduce the required time period for a licensee to maintain documentation of compliance with the section from four years after the end of the renewal cycle to two years.

Section R156-69-603 that establishes the standards regulating the use of unlicensed individuals as dental assistants is amended to add the following prohibitions: An unlicensed individual may not: 1) start an intravenous (IV) line or administer medication in an IV line; 2) convert a denture into a fixed implant prosthesis, also known as performing a conversion; or 3) adjust a permanent or final prosthetic, removable or fixed, that is worn by a patient or will be worn by a patient.

New Section R156-69-807 clarifies that under Subsections 58-69-802(2) and 58-69-807(4), the requirements and parameters for teledentistry to ensure the safe use of teledentistry are those established in Title 26, Chapter 60, Telehealth Act and Sections R156-1-602 and R156-1-603.

Per Executive Order No. 2021-12, formatting changes are also made throughout this rule to streamline and update this rule and conform this rule to the Utah Rulewriting Manual.

Hearing Information:

A public hearing will be held at the Heber Wells Bldg, 160 E 300 S, Conference Room 402 (fourth floor), Salt Lake City, UT on 02/16/2023 at 9:00 AM.

Will also be held electronically via Google Meet:
Meeting Link:
 meet.google.com/eke-jzdq-oig

Join by phone:
 (US) +1 575-425-0148
 PIN: 281873899

Fiscal Information

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

A) State budget:

None of these proposed amendments are expected to impact state government revenues or expenditures because the changes merely update this rule to establish operating standards that encompass current statutory requirements and practices in the profession, and make changes for clarity to facilitate compliance and enforcement in accordance with Executive Order No. 2021-12, and will not affect existing state government procedures beyond the impacts described in the fiscal note for H.B. 384 (2022) at <https://le.utah.gov/~2022/bills/static/HB0384.html>.

B) Local governments:

The proposed amendments will have no measurable impact on local governments' revenues or expenditures as none of the amendments are expected to impact local governments' practices or procedures.

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

The proposed amendments to Section R156-67-603 prohibiting certain practices by unlicensed dental assistants are not expected to result in a measurable impact to small businesses because the amendments prohibit activities that are already outside the standard of care for a dental practice. A dentist who would delegate such tasks to unlicensed assistants would be operating outside the standard of care, which would place the dentist and associated small business at risk for a violation of the law and increase liability.

Because the practices of most small businesses are, or should be, already consistent with this standard of care, the proposed amendments will only affect businesses with licensees who violate the rules and are disciplined, and as described below for other persons it is estimated that for the typical licensee the proposed amendments will have no measurable fiscal impact.

The remainder of the proposed amendments are expected to have no measurable impact on small businesses' revenues or expenditures as they merely clarify this rule based on existing practices, laws and rules, streamline and update this rule in accordance with Executive Order

No. 2021-12, or implement statutory changes enacted in the 2022 General Session.

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

As described in Box 5C for small businesses, no measurable impact is expected for non-small businesses.

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

There are approximately 3,500 licensed dentists and 3,600 dental hygienists that may be affected by the proposed amendments, but the Division does not anticipate any measurable fiscal impact to these persons over and above the statutory changes and the impact already addressed in the fiscal note for those changes.

In particular, the proposed amendments to Section R156-67-306 that limit certain procedures that may be delegated to an unlicensed dental assistant are not expected to result in a measurable impact to licensees because engagement in this conduct by untrained and unlicensed individuals is outside of the standard of care for a licensee. Delegating this task would place an individual at risk for a violation of the law and increase liability, and the practices of most licensees are, or should be, already consistent with this rule.

Additionally, the proposed amendments will only affect licensees who violate the rules and are disciplined for unprofessional conduct, so that any impact from non-compliance will never be uniformly felt across the industry and most will never be impacted. Although a licensee disciplined for unprofessional conduct may face financial costs for such noncompliance, potential sanctions will vary widely depending on the individual characteristics and actions of each licensee. This relevant data is unavailable and the cost of acquiring any such data is prohibitively expensive. In sum, the scope of these proposed amendments is so narrow that they will not affect the vast majority of licensees and are not expected to result in any measurable fiscal impact.

Finally, the remaining amendments are not expected to result in any measurable impact to these licensees as the amendments simply clarify this rule based on existing practices and laws and rules, streamline and update this rule in accordance with Executive Order No. 2021-12, or implement statutory changes enacted in the 2022 General Session.

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

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

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

The Division, in concert with Dentist and Dental Hygienist Licensing Board, propose amendments to Rule R156-69 to harmonize it to the changes in H.B. 384 out of the 2022 General Session. This rule will allow the update to redefine the classifications of anesthesia permits for dentists, update scopes of practice, qualifications, and training and safety standards for permit holders.

Also, the Division has made formatting conformities throughout this rule to align with the Utah Rulewriting Manual in accordance with Executive Orders No. 2021-1 and 2021-12.

Small Businesses (less than 50 employees):

There are 3,500 licensed dentists and 3,600 dental hygienists in Utah. The Division finds that will not be a fiscal impact for small businesses.

A dentist cannot delegate certain aspects of the standard of care, which would place a business at risk for a violation of the law and increase liability if it is violated. However, since the practices of most small businesses are already consistent with this standard of care, the proposed amendments will only affect businesses with licensees who violate the rules and are disciplined.

Further, the Division does not foresee any negative impact on small businesses from the grammar since this rule was drafted to comport to the Utah Rulewriting Manual.

Regulatory Impact to Non-Small Businesses (50 or more employees)

The Division finds that the non-small businesses in the Utah will not suffer a negative fiscal impact from the proposed changes for the same rationale as described above for small businesses. Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

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

Section 58-69-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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Incorporations by Reference Information

7. Incorporations by Reference:

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

Official Title of Materials Incorporated (from title page)	American Association of Oral and Maxillofacial Surgeons (AAOMS) Office of Anesthesia Evaluation Manual
Publisher	American Association of Oral and Maxillofacial Surgeons
Issue Date	2018 9th edition

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

Official Title of Materials Incorporated (from title page)	American Association of Oral and Maxillofacial Surgeons (AAOMS) Parameters of Care
Publisher	American Association of Oral and Maxillofacial Surgeons
Issue Date	2017 6th edition

C) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	American Dental Association (ADA) Policy Statement: The Use of Sedation and General Anesthesia by Dentists
Publisher	American Dental Association
Issue Date	2007 edition

D) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	American Society of Anesthesiologists (ASA) Basic Standards for Preanesthesia Care
Publisher	American Society of Anesthesiologists
Issue Date	2020 edition

E) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	American Society of Anesthesiologists (ASA) Standards for Basic Anesthetic Monitoring
Publisher	American Society of Anesthesiologists
Issue Date	2020 edition

F) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	American Society of Anesthesiologists (ASA) Standards for Postanesthesia Care
Publisher	American Society of Anesthesiologists
Issue Date	2019 edition

G) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Cote CJ, Wilson S. American Academy of Pediatric Dentistry, American Academy of Pediatrics Guidelines for Monitoring and Management of Pediatric Patients Before, During and After Sedation for Diagnostic and Therapeutic Procedures, <i>Pediatr Dent</i> 2019; 41(4):E-26-E-52
Publisher	American Academy of Pediatric Dentistry and American Academy of Pediatrics

Issue Date	2019
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Public Notice Information

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

A) Comments will be accepted until:	03/17/2023
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B) A public hearing (optional) will be held:		
On:	At:	At:
02/16/2023	9:00 AM	See hearing information in Box 4 above

9. This rule change MAY become effective on:	03/24/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	01/30/2023
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New			
Rule or Section Number:	R356-6	Filing ID:	55209

Agency Information

1. Department:	Governor	
Agency:	Criminal and Juvenile Justice (State Commission on)	
Room number:	E330	
Building:	Senate Building (at State Capitol)	
Street address:	350 N State Street	
City, state and zip:	Salt Lake City, UT 84114	
Contact persons:		
Name:	Phone:	Email:
Angelo Perillo	801-538-1047	aperillo@utah.gov
Ken Matthews	801-538-1058	kmatthews@utah.gov

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

General Information

2. Rule or section catchline:
R356-6. Electronic Meetings
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this rule is to establish procedures for conducting an electronic meeting of any public body created in Title 63M, Chapter 7. The purpose of this rule to make Electronic Meetings compliant with new requirements. This rule is taking place of Rule R356-3 which expired 07/11/2022.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This new rule has a more descriptive list of procedures. Please refer to the rule for the differences.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This program will create no cost burden or savings for the state. This new rule will not change the way electronic meetings are being conducted today. It will not add any additional time or tasks that could lead to new costs.
B) Local governments:
This program will create no cost burden or savings for local governments. This new rule will not change the way electronic meetings are being conducted today. It will not add any additional time or tasks that could lead to new costs.
C) Small businesses ("small business" means a business employing 1-49 persons):
This program will create no cost burden or savings for small businesses. This new rule will not change the way electronic meetings are being conducted today. It will not add any additional time or tasks that could lead to new costs.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This program will create no cost burden or savings for non-small businesses. This new rule will not change the way electronic meetings are being conducted today. It will not add any additional time or tasks that could lead to new costs.
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 program will create no cost burden or savings for other persons. This new rule will not change the way electronic meetings are being conducted today. It will not add any additional time or tasks that could lead to new costs.

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 costs or saving for any affected persons as a result of this rule. This new rule will not change the way electronic meetings are being conducted today. It will not add any additional time or tasks that could lead to new costs.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Criminal and Juvenile Justice (State Commission on), Tom Ross, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 52-4-202

Public Notice Information

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

A) Comments will be accepted until: 03/17/2023

9. This rule change MAY become effective on: 03/24/2023

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

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R410-14	Filing ID: 55225

Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Financing	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov

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

General Information

2. Rule or section catchline:

R410-14. Administrative Hearing Procedures

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

The purpose of this change is to update the new agency name and hearing provisions to coincide with the merger of the Department of Health and the Department of Human Services (Department).

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 updates the new agency name, and with the merger, clarifies the role of the Department of Workforce Services in regard to hearing procedures and the hearings appeals process. It also makes other technical changes.
(EDITOR'S NOTE: A corresponding 120-day (emergency) rule that is effective as of 02/01/2023 is under ID 55224 in this issue, February 15, 2023, of the Bulletin.)

Fiscal Information

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

A) State budget:

There is no impact to the state budget as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

B) Local governments:

There is no impact on local governments as they neither fund nor provide services under the Medicaid program.

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

There is no impact on small businesses as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

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

There is no impact on non-small businesses as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

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

There is no impact to other persons or entities as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

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

There are no compliance costs to a single person or entity as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Businesses will see no fiscal impact as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

Citation Information

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

Section 26B-1-204	Section 26B-1-213	Section 63G-4-102
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Public Notice Information

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

A) Comments will be accepted until:	03/17/2023
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9. This rule change MAY become effective on:	03/24/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/01/2023
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NOTICE OF PROPOSED RULE

TYPE OF RULE:	New Rule		
Title No. - Rule No. - Section No.			
Rule or Section Number:	R414-24	Filing ID:	55221

Agency Information

1. Department:	Health and Human Services
Agency:	Health Care Financing, Coverage and Reimbursement Policy
Building:	Cannon Health Building
Street address:	288 N. 1460 W.
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 143102
City, state and zip:	Salt Lake City, UT 84114-3102

Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R414-24. Claims and Adjustments for the Provider Reimbursement Information System
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this rule is to establish protocols for the Provider Reimbursement Information System (PRISM).
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 establishes protocols for providers to submit electronic claims and adjustments in PRISM. It also includes provisions for overpayments.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no impact to the state budget as funding for PRISM is covered by annual appropriations.
B) Local governments:
There is no impact on local governments as they neither fund nor provide services under the Medicaid program.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as funding for PRISM is covered by annual appropriations.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no impact on non-small businesses as funding for PRISM is covered by annual appropriations.

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

There is no impact to other persons or entities as funding for PRISM is covered by annual appropriations.

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

There are no compliance costs to a single person or entity as funding for PRISM is covered by annual appropriations.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this fiscal analysis. Businesses will see no fiscal impact as funding for PRISM is covered by annual appropriations.

Citation Information

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

Section 26B-1-204 | Section 26B-1-213 | Section 26-18-3

Public Notice Information

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

A) Comments will be accepted until: 03/17/2023

9. This rule change MAY become effective on: 03/24/2023

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

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/01/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R414-301	Filing ID: 55223

Agency Information

1. Department:	Health and Human Services
Agency:	Health Care Financing, Coverage and Reimbursement Policy
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 143102
City, state and zip:	Salt Lake City, UT 84114-3102
Contact persons:	

Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov

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

General Information

2. Rule or section catchline:
R414-301. Medicaid General Provisions

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

The purpose of this change is to update the new agency name and hearing provisions to coincide with the merger of the Department of Health and the Department of Human Services (Department).

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 updates the new agency name, and with the merger, clarifies the role of the Department of Workforce Services in regard to hearing procedures and the hearings appeals process. It also makes other technical changes.
(EDITOR'S NOTE: A corresponding 120-day (emergency) rule that is effective as of 02/01/2023 is under ID 55222 in this issue, February 15, 2023, of the Bulletin.)

Fiscal Information

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

A) State budget:
There is no impact to the state budget as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

B) Local governments:
There is no impact on local governments as they neither fund nor provide services under the Medicaid program.

C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

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

There is no impact on non-small businesses as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

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

There is no impact to other persons or entities as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

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

There are no compliance costs to a single person or entity as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Benefits	\$0	\$0	\$0
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Net Fiscal Benefits	\$0	\$0	\$0
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H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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

Businesses will see no fiscal impact as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

Citation Information

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

Section 26B-1-204	Section 26B-1-213	Section 26-18-3
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Public Notice Information

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

A) Comments will be accepted until:	03/17/2023
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9. This rule change MAY become effective on:	03/24/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/01/2023
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R477-10	Filing ID: 55214

Agency Information

1. Department:	Government Operations
Agency:	Human Resource Management
Room number:	2100
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W

City, state and zip:	Taylorsville, UT 84129-2128	
Mailing address:	PO Box 141531	
City, state and zip:	Taylorsville, UT 84114-1531	
Contact persons:		
Name:	Phone:	Email:
Bryan Embley	801-618-6720	bkembley@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R477-10. Employee Development
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this amendment is to implement changes required by H.B.104, passed in the 2022 General Session, relating to employee performance evaluation and supervisory training.
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 specifies the required elements and frequency for both employee performance evaluation and supervisory training.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
These amendments are not expected to have any fiscal impact because performance management and supervisory training are activities that already occur for state employees.
B) Local governments:
These amendments are not expected to have any fiscal impact on local governments because this rule only applies to the executive branch of state government.
C) Small businesses ("small business" means a business employing 1-49 persons):
These amendments are not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

These amendments are not expected to have any fiscal impact on non-small businesses because this rule only applies to the executive branch of state government.

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

These amendments are not expected to have any fiscal impact on other individuals because this rule only applies to the executive branch of state government.

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 direct compliance costs for these amendments. Although the amendments increase the frequency for both evaluation and training, these requirements are not designed or anticipated to reduce the effective time employees have to complete assigned work.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
After conducting a thorough analysis, it was determined that these proposed rule changes will not result in a fiscal impact to businesses. Rules published by the Division of Human Resource Management (DHRM) have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the "Utah Personnel Management Act," Title 63A, Chapter 17. This act limits the provisions of career service and this rule to employees of the executive branch of state government. Jenney Rees, Executive Director, of the Department of Government Operations.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 63A-17-106		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	03/17/2023

9. This rule change MAY become effective on:	03/24/2023
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	John Barrand, Division Director	Date:	01/31/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Rule or Section Number:	R653-3	Filing ID: 55211

Agency Information

1. Department:	Natural Resources
Agency:	Water Resources

Room number:	310	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 146201	
City, state and zip:	Salt Lake City, UT 84114-6201	
Contact persons:		
Name:	Phone:	Email:
Lanli Pham	801-538-7235	lpham@utah.gov
Todd Stonely	801-538-7277	toddstonely@utah.gov
Martin Bushman	801-538-7273	martinbushman@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R653-3. Selecting Private Consultants
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Division of Water Resources (Division) is submitting a repeal because this rule is no longer applicable to the Division. The Division no longer has delegated purchasing power. This process now goes through State Purchasing and the Division has not done this since 2017.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This filing is a repeal of a rule that provides procedures for selecting private consultants in the engineering field. This rule is repealed in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The estimated cost or savings to the state budget is zero. Repealing this rule does not have any anticipated cost or savings because State Purchasing already has its procedures established for selecting and contracting private consultants for engineering services.

B) Local governments:

The estimated cost or savings to local governments is zero. Repealing this rule does not have any anticipated cost or savings because State Purchasing already has its procedures established for selecting and contracting private consultants for engineering services.

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

The estimated cost or savings to small businesses is zero. Repealing this rule does not have any anticipated cost or savings because State Purchasing already has its procedures established for selecting and contracting private consultants for engineering services.

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

The estimated cost or savings to non-small businesses is zero. Repealing this rule does not have any anticipated cost or savings because State Purchasing already has its procedures established for selecting and contracting private consultants for engineering services.

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

The estimated cost or savings to other persons is zero. Repealing this rule does not have any anticipated cost or savings because State Purchasing already has its procedures established for selecting and contracting private consultants for engineering services.

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

As this rule has no fiscal impact on the affected parties or persons, there is no measurable compliance cost.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 58-22-102

Public Notice Information

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

A) Comments will be accepted until: 03/17/2023

9. This rule change MAY become effective on: 03/24/2023

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

Agency Authorization Information

Agency head or designee and title:	Candice Hasenyager, Director	Date:	01/27/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R653-7	Filing ID: 55212

Agency Information

1. Department:	Natural Resources	
Agency:	Water Resources	
Room number:	310	
Building:	The Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146201	
City, state and zip:	Salt Lake City, UT 84114-6201	
Contact persons:		
Name:	Phone:	Email:
Lanli Pham	801-538-7235	lpham@utah.gov
Todd Stonely	801-538-7277	toddstonely@utah.gov
Martin Bushman	801-538-7273	martinbushman@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R653-7. Administrative Procedures for Informal Proceedings
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Upon the agency's five-year review of this rule, it was decided to incorporate nonsubstantive and substantive changes. The Division of Water Resources (Division) is filing an amendment to this rule to include a variety of updates listed in Box 4 below.
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):
Revisions include updating Utah code citations to current code numbering, updating subsection numbering formats to current rulemaking requirements, harmonizing the spelling, capitalization, and use of defined terms in the rule, eliminating unnecessary redundancy in the rule language, and updating notice requirements in the rule to

include electronic mailing as an acceptable medium for providing notice to others.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The estimated cost or savings to the state budget is zero. The revisions to this rule simply clarify the procedures for informal proceedings by harmonizing the spelling and capitalization, eliminating unnecessary redundancy in the rule language, updating the Utah code citation to the current code numbering, and adding electronic mailing as an acceptable medium for providing notice to others.
B) Local governments:
The estimated cost or savings to local governments is zero. The revisions to this rule simply clarify the procedures for informal proceedings by harmonizing the spelling and capitalization, eliminating unnecessary redundancy in the rule language, updating the Utah code citation to the current code numbering, and adding electronic mailing as an acceptable medium for providing notice to others.
C) Small businesses ("small business" means a business employing 1-49 persons):
The estimated cost or savings to small businesses is zero. The revisions to this rule simply clarify the procedures for informal proceedings by harmonizing the spelling and capitalization, eliminating unnecessary redundancy in the rule language, updating the Utah code citation to the current code numbering, and adding electronic mailing as an acceptable medium for providing notice to others.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The estimated cost or savings to non-small businesses is zero. The revisions to this rule simply clarify the procedures for informal proceedings by harmonizing the spelling and capitalization, eliminating unnecessary redundancy in the rule language, updating the Utah code citation to the current code numbering, and adding electronic mailing as an acceptable medium for providing notice to others.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
The estimated cost or savings to other persons is zero. The revisions to this rule simply clarify the procedures for informal proceedings by harmonizing the spelling and capitalization, eliminating unnecessary redundancy in the rule language, updating the Utah code citation to the

current code numbering, and adding electronic mailing as an acceptable medium for providing notice to others.

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

As this rule has no fiscal impact on the affected parties or persons, there is no measurable compliance cost.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

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

Section 63G-4-202

Public Notice Information

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

A) Comments will be accepted until: 03/17/2023

9. This rule change MAY become effective on: 03/24/2023

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

Agency Authorization Information

Agency head or designee and title:	Candice Hasenyager, Director	Date:	01/27/2023
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Rule or Section Number:	R657-33	Filing ID: 55203

Agency Information

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room number:	Suite 2110	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov

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

Citation Information

2. Rule or section catchline:
R657-33. Taking Bear
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to bear.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The proposed amendments to this rule: 1) allows hunters with valid bait permits to hunt over another hunter's bait site, with written permission from the COR holder; and 2) prohibits the use of chocolate or cocoa products as bait.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed rule amendments allows for additional opportunities to use approved bait sites, as well as prohibits the use of chocolate, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.
B) Local governments:
Since the proposed amendments regulate the taking of bear, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule amendments do not have the potential to impact small businesses nor is a service required of them to implement the rule amendments.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule amendments do not have the potential to impact non-small businesses nor is a service required of them to implement the rule amendments.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation,

association, governmental entity, or public or private organization of any character other than an agency):
The proposed rule amendments do not have the potential to impact other persons that hunt bear in Utah, nor is a service required of them. The amendments are changes to hunting strategies and do not result in a fiscal impact.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
The DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt bear in Utah.
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses. The Executive			

Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 23-14-18	Section 23-14-19
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Public Notice Information

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

A) Comments will be accepted until:	03/17/2023
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9. This rule change MAY become effective on:	03/24/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	01/18/2023
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Rule or Section Number:	R940-5	Filing ID: 55204

Agency Information

1. Department:	Transportation Commission	
Agency:	Administration	
Room no.:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton Bldg	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov

Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov

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

General Information

2. Rule or section catchline:
R940-5. Approval of Highway Facilities on Sovereign Lands

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

The Commission is revising this rule to bring it in line with its current processes and edit the text to conform to the Utah Rulewriting Manual.

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

The Commission drafted, filed, and effectuated this rule in 2011, and it has had limited actual use to date. However, there is a conflict between this rule and the Department of Transportation's Rule R926-16, Unsolicited Proposals. If a person were to submit an unsolicited proposal for a Highway Facility on Sovereign Lands, they would have to follow both rules. The way this rule reads currently, that would be impossible. Changes to both rules will allow a person to comply with both rules and the applicable state statutes related to each rule. This approach allows us to comply with the Utah Code while not necessitating a Utah Code revision at the legislative level.

Fiscal Information

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

A) State budget:

The Commission does not anticipate this proposed rule change will impact the state's budget because it changes an existing rule to make it more concise and practical, and more straightforward for the Commission to enforce.

B) Local governments:

The Commission does not anticipate this proposed rule change will impact the local governments' costs or savings because it changes an existing rule to make it more concise and practical, and more straightforward for the Commission to enforce.

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

The Commission does not anticipate this proposed rule change will impact small businesses' costs or savings because it changes an existing rule to make it more concise and practical and more straightforward for the Commission to enforce.

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

The Commission does not anticipate this proposed rule change will impact non-small businesses' costs or savings because it changes an existing rule to make it more concise, practical, and straightforward for the Commission to enforce.

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

The Commission does not anticipate this proposed rule change will impact persons other than small businesses, non-small businesses, state, or local government entities costs or savings because it changes an existing rule to make it more concise, practical, and straightforward for the Commission to enforce.

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

The Commission does not anticipate this proposed rule change will impact affected persons' costs or savings because it changes an existing rule to make it more concise and practical and more straightforward for the Commission to enforce.

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

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Chair of the Transportation Commission, Naghi Zeenati, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 72-6-303

Public Notice Information

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

A) Comments will be accepted until: 03/17/2023

9. This rule change MAY become effective on: 03/24/2023

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

Agency Authorization Information

Agency head or designee and title:	Carlos M. Bracerias, PE, Executive Director	Date:	01/24/2023
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End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Digest*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends March 17, 2023.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Digest*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through June 15, 2023, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Rule or Section Number:	R307-313	Filing ID: 55040
Date of Previous Publication:	12/01/2022	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Ryan Bares		rbares@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R307-313. VOC and Blue Smoke Controls for Hot Mix Asphalt Plants
3. Reason for this change (Why is the agency submitting this filing?):
Changes were made to the proposed rule because of comments received during the comment period.
4. Summary of this change (What does this filing do?):
The changes are: 1) the annual production applicability threshold was increased from 75,000 to 250,000 tons per year, 2) clarifying language was added to the warm mix asphalt exemptions found in Section R307-313-5 and moved to the Section R307-313-2, 3) language was added exempting visibility requirements during tank filling, and 4) the compliance schedule was extended from 05/01/2023 to 05/01/2025. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the December 1, 2022, issue of the Utah State Bulletin, on page 81. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the

CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

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

A) State budget:

These changes to the proposed rule are not expected to create additional costs or savings for state government because these plants are already permitted and inspected under existing rules. Inspectors will be able to confirm compliance as part of normal inspection processes.

It is possible that the cost of implementing controls could be passed on to the consumer of asphalt products, of whom the Utah Department of Transportation is a large customer. However, these impacts can not be measured or are unknown at this time.

B) Local government:

These changes to the proposed rule will have no impact on local governments because it does not apply to them.

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

These changes to the proposed rule are not expected to have a fiscal impact on small businesses since Hot Mix Asphalt (HMA) plants operating in the relevant counties are owned and operated by a business with more than 50 employees.

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

No additional impact will occur to non-small businesses as a result of these changes to the proposed rule. However, the changes proposed in Rule R307-313 will increase the applicability threshold of controls on for plants from 75,000 tons per year to 250,000 tons per year, decreases the number of facilities expected to be impacted by the rule to 13 plants.

Thus, the regulatory impacts are lower compared to impacts originally identified, which is reflected in the regulatory impact table below. The fiscal impacts identified when Rule R307-313 was proposed for public comment have also been delayed two years due to the proposed extension of the compliance schedule to 2025. Depending on when impacted businesses begin to implement controls, some of the identified cost may be implemented in FY24, but it is not known at this time when each individual source will install controls and how those costs may be spread out over time.

E) Persons other than small businesses, non-small businesses, or 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 changes to the proposed rule are 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:

No additional compliance costs are expected as a result of these changes to the proposed rule.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$6,643,975
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	(\$6,643,975)

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

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

Citation Information

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

Section 19-2-104		
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Public Notice Information

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

A) Comments will be accepted until:	03/17/2023
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9. This rule change MAY become effective on:	03/24/2023
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	01/24/2023
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End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R270-1-25	Filing ID: 55215
Effective Date:	02/01/2023	

Agency Information

1. Department:	Crime Victim Reparations	
Agency:	Administration	
Street address:	350 E 500 S	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Gary Scheller	801-227-9375	garys@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R270-1-25. Victim Services

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

The emergency assistance funding that the Crime Victim Reparations Advocacy Center receives in its federal grant has been depleted due to a reduction in the federal grant funds that support the program. The emergency assistance funds are critical to the health and safety of crime victims. The Crime Victim Reparation and Assistance (CVRA) board has determined there is an adequate balance in the CVR trust account and it finds that the emergency assistance funds for the advocacy center are the most appropriate use of the funds. The CVR Advocacy Center was not in existence when Section R270-1-25 was adopted by the CVRA board, and it was not contemplated at that time that the center could receive a victim service award from the CVRA board. The amendment to this rule facilitates that ability.

4. Summary of the new rule or change (What does this filing do?):

The CVRA board has the ability to award victim services awards to victim service programs under certain conditions. This rule adds victim service programs managed by the office to the victim service programs eligible to receive a victim service award from the CVRA Board when the required circumstances have been met.

5A) The agency finds that regular rulemaking would:	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:	
The current program was established to provide emergency assistance to victims for costs that are not available through the reparation program.	
The assistance to victims helps pay for safe shelter and sustenance for those at risk of homelessness, who are not immediately eligible for alternative assistance programs. The program acts as a safety net for adults and children with emergency safety needs following a criminal incident. It was originally set up with VOCA dollars which are no longer available as a funding source due to significant federal grant decreases.	
This rule change will allow the board to allocate critical funding to replace the loss in federal grant dollars. Without a change in this rule, the Utah Office for Victims of Crime (UOVC) will no longer be able to provide assistance beyond a few more weeks. This will leave many victims in Utah in immediate risk of physical safety and even death if they are not able to find safe shelter apart from their abuser/offender.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A) State budget:	
The CVRA Board has determined that it would allow the transfer of \$75,000 from the CVRA fund to the CVR Advocacy Center for use exclusively within the emergency assistance category of that program. There will not be any impact on the state budget as the funding has already been appropriated and will be taken from the crime victim trust fund.	
B) Local governments:	
Any budget impact to local governments would be a savings by this program covering costs that it might otherwise experience. The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.	
C) Small businesses ("small business" means a business employing 1-49 persons):	
Small businesses such as landlords, moving companies, grocery stores, etc. are the likely end recipient of these funds because these are the types of goods and services most frequently purchased with the emergency assistance funds. The UOVC does not yet know exactly who will	

apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.
D) Persons other than 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):
Persons meeting similar criteria as those mentioned in Box 6C, may also benefit. The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate.
E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
It is not anticipated that any entity will have any compliance costs. The CVR Advocacy Program has existing accounting and accountability processes and abilities.
F) 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 UOVC has supported this and requested the change be authorized by the CVRA Board of Directors.
The director has taken the action in an attempt to eliminate the imminent peril to the public health and safety. This rule will have positive impacts on persons, small businesses and is in the interest of state and local governments.
The UOVC does not yet know exactly who will apply for this funding or what their exact needs will be so the UOVC cannot provide a numerical estimate. Gary Scheller, Director

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 63M-7-506(1)(c)	Subsection 63M-7-506(1)(i)	Subsection 63M-7-526(1)(c)

Agency Authorization Information

Agency head or designee and title:	Gary Scheller, Director	Date:	02/01/2023
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NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R410-14	Filing ID: 55224
Effective Date:	02/01/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Health Care Financing	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R410-14. Administrative Hearing Procedures
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this change is to update the new agency name and hearing provisions to coincide with the merger of the Department of Health and the Department of Human Services.
4. Summary of the new rule or change (What does this filing do?):
This amendment updates the new agency name, and with the merger, clarifies the role of the Department of Workforce Services in regard to hearing procedures and the hearings appeals process. It also makes other technical changes. (EDITOR'S NOTE: A corresponding proposed amendment is under ID 55225 in this issue, February 15, 2023, of the Bulletin.)
5A) The agency finds that regular rulemaking would:
cause an imminent peril to the public health, safety, or welfare;
cause an imminent budget reduction because of budget restraints or federal requirements; or

X	place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:	
S.B. 45 from the 2022 General Session implements the Department of Health and Human Services (Department) reorganization and includes the Department's vital function of administrative hearings. This emergency rule is subsequent to that bill and state law, Section 26B-1-201. In accordance with Section 26B-1-201, this amendment coincides with federal approval of a state plan amendment that combines the Department of Health and the Department of Human Services as a single state agency, and implements new hearing procedures. The state plan amendment was not approved at the federal level until 12/22/2022. Since, the Department has worked to finalize these emergency amendments and the subsequent standard amendments.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no impact to the state budget as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.
B) Local governments:
There is no impact on local governments as they neither fund nor provide services under the Medicaid program.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.
D) Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There is no impact to other persons or entities as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.
E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs to a single person or entity as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.
F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

NOTICES OF 120-DAY (EMERGENCY) RULES

Businesses will see no fiscal impact as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers. Tracy S. Gruber, Executive Director

Citation Information

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

Section 26B-1-204 | Section 26B-1-213 | Section 26-18-3

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	02/01/2023
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NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R414-301	Filing ID: 55222
Effective Date:	02/01/2023	

Agency Information

1. Department:	Health and Human Services		
Agency:	Health Care Financing, Coverage and Reimbursement Policy		
Building:	Cannon Health Building		
Street address:	288 N 1460 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 143102		
City, state and zip:	Salt Lake City, UT 84114-3102		
Contact persons:			
Name:	Phone:	Email:	
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov	
Jonah Shaw	385-310-2389	jshaw@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:	R414-301. Medicaid General Provisions
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):	The purpose of this change is to update the new agency name and hearing provisions to coincide with the merger

of the Department of Health and the Department of Human Services.

4. Summary of the new rule or change (What does this filing do?):

This amendment updates the new agency name, and with the merger, clarifies the role of the Department of Workforce Services in regard to hearing procedures and the hearings appeals process. It also makes other technical changes.

(EDITOR'S NOTE: A corresponding proposed amendment is under ID 55223 in this issue, February 15, 2023, of the Bulletin.)

5A) The agency finds that regular rulemaking would:

- cause an imminent peril to the public health, safety, or welfare;
- cause an imminent budget reduction because of budget restraints or federal requirements; or
- place the agency in violation of federal or state law.

B) Specific reasons and justifications for this finding:

S.B. 45 from the 2022 General Session implements the Department of Health and Human Services (Department) reorganization and includes the Department's vital function of administrative hearings.

This emergency rule is subsequent to that bill and state law, Section 26B-1-201. In accordance with Section 26B-1-201, this amendment coincides with federal approval of a state plan amendment that combines the Department of Health and the Department of Human Services as a single state agency, and implements new hearing procedures.

The state plan amendment was not approved at the federal level until 12/22/2022. Since then, the Department has worked to finalize these emergency amendments and the subsequent standard amendments.

Fiscal Information

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

A) State budget:

There is no impact to the state budget as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

B) Local governments:

There is no impact on local governments as they neither fund nor provide services under the Medicaid program.

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

There is no impact on small businesses as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.

D) Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There is no impact to other persons or entities as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers
E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
There are no compliance costs to a single person or entity as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers.
F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
Businesses will see no fiscal impact as the Department merger neither affects services to Medicaid members nor reimbursement to Medicaid providers. Tracy S. Gruber, Executive Director

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
Section 26B-1-204 Section 26B-1-213 Section 26-18-3

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	02/01/2023
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NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R501-12	Filing ID: 55220
Effective Date:	02/01/2023	

Agency Information

1. Department:	Health and Human Services
Agency:	Administration, Administrative Services, Licensing
Building:	MASOB
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116

Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R501-12. Foster Care Services
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This emergency filing is to align this rule more carefully with statutory intent.
4. Summary of the new rule or change (What does this filing do?):
The Utah Adoption Act does not explicitly require child placing proctor agencies conducting home studies that are not for the purposes of adoption to comply with Section 78B-6-128. The Department of Health and Human Services (Department) agrees this is overly burdensome and is proposing this emergency rule to make the process less burdensome.

5A) The agency finds that regular rulemaking would:

<input checked="" type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/>	place the agency in violation of federal or state law.

B) Specific reasons and justifications for this finding:

The non-adoptive home studies requirements instituted through the definition of "Home Study" in this rule and Subsection R501-12-4(6) is causing a delay in approving foster homes or a shortage of foster homes for kids in child welfare.
The Department is enacting this emergency rule to modify these requirements to protect public health, safety, and welfare. Through these changes, more foster homes would be available or available quicker to ensure a safe environment for kids in child welfare, which lessens the imminent peril to public health.

Fiscal Information

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

NOTICES OF 120-DAY (EMERGENCY) RULES

State government process was thoroughly reviewed. This change will not impact the current process for licensure and re-licensure. No cost or benefit change will be introduced to the state budget as a result of this filing because this amendment modifies and replaces outdated language and citations and provides relief to non-adoption child placing agencies.

B) Local governments:

There is no estimable cost or benefit to local governments with the implementation of this rule because local governments do not regulate child placing foster care programs.

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

Directly impacted small businesses will see a cost benefit if they do not certify their homes for adoption, as they will no longer need to hire and pay Division of Professional Licensing (DPL)-licensed individuals to complete the studies for their agency. There are 84 Child Placing Foster agencies licensed by the Office of Licensing (OL) within the Department. At this time, all of them have either contracted with or employed DPL licensees to conduct home studies. With this rule change, benefit amounts are inestimable due to the flexibility for providers to continue to recruit for and hire DPL licensees and because the preferences of each family being assessed cannot be predicted.

D) Persons other than 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*):

DPL licensed individuals may still remain employed at the will of the provider, but are no longer required to do non-adoptive home studies. OL is unable to quantify how

providers may utilize DPL licensees moving forward as the rule compliance is largely dependent upon whether or not the recruited families want to adopt or just foster the children placed by the agency. While job opportunities may open for non-DPL licensees and burdens to those employers will be reduced, any agency recruiting a family wishing to adopt will need to complete the process with a DPL licensee.

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

Determination of affected persons is inestimable, due to the variable nature of the families coming to each agency.

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

Citation Information

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

Section 62A-2-106	Section 26B-1-202	Section 78B-6-128
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Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	02/01/2023
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End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R13-3	Filing ID: 53478
Effective Date:	02/01/2023	

Agency Information

1. Department:	Government Operations	
Agency:	Administration	
Street address:	4315 S 2700 W, 3rd Floor	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Michael Broschinsky	801-957-7100	mbroschi@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R13-3. Americans with Disabilities Act Grievance Procedures
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is made under the authority of Section 63A-1-105.5 which authorizes the executive director of the Department of Government Operations (Department) to write rules governing the services of the Department and their provision and use. It is also made under the authority of Subsection 63G-3-201(3) which authorizes rulemaking when agency action is implicitly or explicitly required by law and affects a class of persons or another agency. As

a public entity as that is defined in 28 CFR 35.104, the Department is required by 28 CFR 35.107 to adopt and publish grievance procedures for the prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act.

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

No comments have been received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

The purpose of this rule is to implement the provisions of 28 CFR 35 which in turn implements Title II of the Americans with Disabilities Act, which provides that no individual shall be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by the Department because of a disability. This federal law is still in effect and this the rule is necessary to satisfy the federal law's requirements. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jenney Rees, Executive Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R277-436	Filing ID: 54888
Effective Date:	01/18/2023	

Agency Information

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

General Information

2. Rule catchline:
R277-436. Gang Prevention and Intervention Programs in the Schools
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Subsection 53F-2-410(1)(b), which appropriates funds to be used for Gang Prevention and Intervention Programs in the schools.
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 it establishes standards and procedures for distributing funding for gang prevention and intervention programs in public schools. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	01/18/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R277-614	Filing ID: 54893
Effective Date:	01/18/2023	

Agency Information

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

General Information

2. Rule catchline:
R277-614. Athletes and Students with Head Injuries
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by the Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the Board; and Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no public comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary in order to provide directions to Local Education Agencies (LEAs) under the general control and supervision of the Utah State Board of Education to adopt and enforce a head injury policy for students participating in physical education and extracurricular sporting events. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Angie Stallings, Deputy Superintendent of Policy	Date:	01/18/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-220	Filing ID:	50594
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-220. Emission Standards: Plan for Designated Facilities
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 19-2-104(3)(q) allows the Air Quality Board to implement the requirements of federal air pollution laws. Under Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), EPA issues standards of performance for existing sources at the time standards are issued for new sources, and states are required to prepare plans and rules to implement the standards for existing sources.

Rule R307-220 incorporates by reference the Utah Plans written to meet this requirement.

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

There were no comments in opposition to or support of 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 R307-220 is required by 42 U.S.C. 7411(d) (Clean Air Act 111(d)). Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-221	Filing ID:	50595
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-221. Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 19-2-104(3)(q) allows the Air Quality Board to implement the requirements of federal air pollution laws.

Under Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), EPA issues standards of performance for existing sources at the time standards are issued for new sources, and states are required to prepare plans and rules to implement the standards for existing sources.

Rule R307-221 implements the standards for existing Municipal Solid Waste Landfills, as required by 40 CFR 60.30c through 60.36c. The corresponding plan is incorporated by reference in Rule R307-220-2. Rule R307-221 also includes necessary definitions, emission restrictions, control device specifications, and a compliance schedule, as required by 40 CFR 60.30c through 60.36c.

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

There were no comments in opposition to or support of 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 R307-221 is required by 40 CFR 60.30c through 60.36c. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-222	Filing ID:	50601
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality
Agency:	Air Quality
Building:	MASOB
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-222. Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste

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(3)(q) allows the Air Quality Board to implement the requirements of federal air pollution laws.

Under Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), EPA issues standards of performance for existing sources at the time standards are issued for new sources, and states are required to prepare plans and rules to implement the standards for existing sources.

Rule R307-222 implements the standards for existing Incinerators for Hospital, Medical, Infectious Waste, as required by 40 CFR Subpart Ce. The corresponding plan is incorporated by reference in Section R307-220-3.

Rule R307-222 also includes necessary definitions, emission restrictions, control device specifications, and a compliance schedule, as required by 40 CFR 60 Subpart C.

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

There were no comments in opposition to or support of 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 R307-222 is required by 40 CFR Part 60, Subpart Ce and the Clean Air Act, 42 U.S.C. 7411(d). Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R307-223	Filing ID: 50597
Effective Date:	02/01/2023	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-223. Emission Standards: Existing Small Municipal Waste Combustion Units
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(3)(q) allows the Air Quality Board to implement the requirements of federal air pollution laws.
Under Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), EPA issues standards of performance for existing sources at the time standards are issued for new sources, and states are required to prepare plans and rules to implement the standards for existing sources.
Rule R307-223 implements the standards for existing Incinerators for Small Municipal Waste Combustion Units, as required by 40 CFR Part 60, Subpart BBBB. The corresponding plan is incorporated by reference in Section R307-220-4.
Rule R307-223 also includes necessary definitions, emission restrictions, control device specifications, and a compliance schedule, as required by 40 CFR Part 60, Subpart BBBB.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no comments in opposition to or support of 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 R307-223 is required by 40 CFR Part 60, Subpart BBBB. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-224	Filing ID: 50599
Effective Date:	02/01/2023	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-224. Mercury Emission Standards: Coal-Fired Electric Generating Units
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
As specified in Subsection 19-2-104(3)(b)(iii), the Air Quality Board may "meet the requirements of federal air pollution laws." Nationwide reductions of mercury (Hg) emissions from certain coal-fired electric generating units were required by 40 CFR Part 60, subparts B and HHHH, and by the Designated Facilities Plan for coal-fired electric

generating units, incorporated by reference at R307-220-5.

Rule R307-224 regulates mercury emissions from any coal-fired electric generating unit as defined in 40 CFR 60.24, dated 06/09/2006.

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

There were no comments in opposition to or support of 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 R307-224 is necessary to reduce mercury emissions from any coal-fired electrical generating unit (EGU) as defined in 40 CFR Sec. 60.24. EPA went through several rulemakings to regulate hazardous air pollutants (HAP) including mercury from the coal-fired EGUs as a result of the 2015 Michigan v. EPA, 576 U.S. 743 (2015), US Supreme Court decision. In that decision, the Supreme Court held that EPA unreasonably deemed cost irrelevant when it decided to regulate HAP from the power plants and remanded the decision to EPA for cost considerations. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-250	Filing ID:	50602
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov

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

General Information

2. Rule catchline:
R307-250. Western Backstop Sulfur Dioxide Trading Program

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

Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source."

Subsection 19-2-104(3)(e) states that the board may "prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in this state."

Rule R307-250 is required to implement the provisions of the State Implementation Plan (SIP), Section XX, the Regional Haze Plan. The Plan is required under 40 CFR Part 51, Subpart P, Protection of Visibility. The Plan requires a backstop trading program for emissions of sulfur dioxide from large sources, and Rule R307-250 sets forth the requirements sources will have to meet if the program is ever triggered.

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

There were no comments in opposition to or support of 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 R307-250 is required to implement the provisions of the State Implementation Plan (SIP), Section XX, the Regional Haze Plan, required under 40 CFR Part 51, Subpart P. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R307-342	Filing ID: 50632
Effective Date:	02/01/2023	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-342. Adhesives and Sealants
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-342 establishes VOC emission limits and emission abatement requirements if emission levels are exceeded.
Additionally, R307-342 includes recordkeeping requirements, product application requirements, and container labeling requirements.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no comments in opposition to or support of 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 R307-342 is needed to specify the emission limits and controls necessary for VOCs in the manufacturing of adhesives and sealants, which are precursors to the formation of PM2.5 and ozone. In addition, Rule R307-342 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-344	Filing ID: 50620
Effective Date:	02/01/2023	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-344. Paper, Film, and Foil Coatings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-344 reduces VOC emissions emitted from paper, film, and foil coating operations by establishing

reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.

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

There were no comments in opposition to or support of 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 R307-344 is needed to establish controls in the paper, film, and foil coating operations emitting VOCs, which are precursors to the formation of PM2.5 and ozone. Rule R307-344 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-345	Filing ID:	50619
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-345. Fabric and Vinyl Coatings

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

This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-345 reduces VOC emissions emitted from fabric and vinyl coating operations by establishing reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.

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

There were no comments in opposition to or support of 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 R307-345 is needed to establish RACT controls in the fabric and vinyl coating operations emitting VOCs, which are precursors to the formation of PM2.5 and ozone. Rule R307-345 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-346	Filing ID:	50623
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality
Agency:	Air Quality
Building:	MASOB

Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-346. Metal Furniture Surface Coatings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-346 reduces VOC emissions emitted from metal furniture surface coating operations by establishing reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no comments in opposition to or support of 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 R307-346 is needed to establish RACT controls in the metal furniture surface coating operations emitting VOCs, which are precursors to the formation of PM2.5 and ozone. Rule R307-346 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-347	Filing ID:	50622
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality		
Agency:	Air Quality		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144820		
City, state and zip:	Salt Lake City, UT 84114-4820		
Contact persons:			
Name:	Phone:	Email:	
Mat Carlile	385-306-6535	mcarlile@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R307-347. Large Appliance Surface Coatings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-347 reduces VOC emissions emitted from large appliance surface coating operations by establishing reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.

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

There were no comments in opposition to or support of 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 R307-347 is needed to establish RACT controls in the large appliance surface coating operations emitting VOCs, which are precursors to the formation of PM2.5 and ozone. Rule R307-347 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-348	Filing ID:	50637
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-348. Magnet Wire Coatings

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

This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-348 reduces VOC emissions emitted from magnet wire coating operations by establishing reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.

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

There were no comments in opposition to or support of 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 R307-348 is needed to establish RACT controls in the magnet wire coating operations emitting VOCs, which are precursors to the formation of PM2.5 and ozone. Rule R307-348 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-349	Filing ID:	50625
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality
Agency:	Air Quality
Building:	MASOB
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-349. Flat Wood Paneling Coatings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-349 reduces VOC emissions emitted from flat wood panel coating operations by establishing reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no comments in opposition to or support of 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 R307-349 is needed to establish RACT controls in the flat wood panel coating operations emitting VOCs, which are precursors to the formation of PM2.5 and ozone. Rule R307-349 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-350	Filing ID:	50626
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
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Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-350. Miscellaneous Metal Parts and Products Coatings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-350 reduces VOC emissions emitted from miscellaneous metal parts and products coating operations by establishing reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no comments in opposition to or support of 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 R307-350 is needed to establish RACT controls in the miscellaneous metal parts and products coating operations emitting VOCs, which are precursors to the formation of PM2.5 and ozone. Rule R307-350 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-351	Filing ID:	50627
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
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Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-351. Graphic Arts
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-351 prevents VOCs emissions by establishing limits on the amounts of pollutants that may be emitted by graphic arts printing operations. This rule also controls techniques and work practices that reduce VOC emissions, as well as the requirements for when an add-on control device is used.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no comments in opposition to or support of 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:

Graphic arts printing operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM2.5 and ozone. This rule reduces the VOCs emitted by graphic arts printing operations, is required under the State Implementation Plan, and cannot be changed without approval from EPA. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-352	Filing ID:	50629
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-352. Metal Container, Closure, and Coil Coatings
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-352 reduces VOC emissions emitted from metal container, closure, and coil coating operations by establishing reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.

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

There were no comments in opposition to or support of 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 R307-352 is needed to establish RACT controls in the metal container, closure, and coil coating operations emitting VOCs, which are precursors to the formation of PM2.5 and ozone. Rule R307-352 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-353	Filing ID:	50636
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov

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

General Information

2. Rule catchline:
R307-353. Plastic Parts Coatings

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

This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-353 reduces VOC emissions emitted from plastic parts coating operations by establishing reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.

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

There were no comments in opposition to or support of 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 R307-353 is needed to establish RACT controls in the plastic parts coating operations emitting VOCs, which are precursors to the formation of PM2.5 and ozone. Rule R307-353 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-354	Filing ID:	50638
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	

City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-354. Automotive Refinishing Coatings

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

This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-354 reduces VOC emissions emitted from automotive refinishing coating operations by establishing reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.

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

There were no comments in opposition to or support of 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 R307-354 is needed to establish RACT controls in the automotive refinishing operations emitting VOCs, which are precursors to the formation of PM2.5 and ozone. Rule R307-354 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-355	Filing ID:	50631
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality
Agency:	Air Quality
Building:	MASOB

Street address: 195 N 1950 W

City, state and zip: Salt Lake City, UT 84116

Mailing address: PO Box 144820

City, state and zip: Salt Lake City, UT 84114-4820

Contact persons:

Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov

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

General Information

2. Rule catchline:
R307-355. Aerospace Manufacture and Rework Facilities

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

This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-355 reduces VOC emissions emitted from aerospace manufacture and rework facilities coating operations by establishing reasonably available control technology (RACT) requirements, as well as clarifying regulatory requirements to the industry.

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

There were no comments in opposition to or support of 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 R307-355 is needed to establish RACT controls in the aerospace manufacture and rework facilities coating

operations emitting VOCs, which are precursors to the formation of PM_{2.5} and ozone. Rule R307-355 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-356	Filing ID:	50633
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-356. Appliance Pilot Light
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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 R307-356 prevents VOCs emissions by prohibiting all individuals in PM _{2.5} nonattainment areas from selling, distributing, offering for sale, or installing any natural gas-

fired fan-type central furnaces, gas fireplaces, or gas stoves that require the use of a pilot light for ignition.

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

There were no comments in opposition to or support of 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:

Natural gas pilot lights emit volatile organic compounds (VOCs) which are precursors to the formation of PM_{2.5} and ozone. This rule reduces the VOCs emitted by pilot lights in natural gas appliances by prohibiting their future sale and distribution in PM_{2.5} nonattainment areas, is required under the State Implementation Plan, and cannot be changed without approval from EPA. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-357	Filing ID:	50634
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:	
R307-357. Consumer Products	
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	
<p>This rule was enacted under Subsection 19-2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the 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."</p> <p>Rule R307-357 reduces VOC emissions emitted from consumer products by implementing control plan or variances on consumer products containing VOCs, and establishing bans on toxic and ozone depleting compounds that result in reduced VOC emissions.</p>	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
There were no comments in opposition to or support of this rule since the last five-year review.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
<p>Rule R307-357 is needed to establish controls and limits on consumer products that emit VOCs, which are precursors to the formation of PM2.5 and ozone, or contain toxic and ozone depleting compounds. Rule R307-357 is a component of Utah's State Implementation Plan (SIP), and cannot be removed from the SIP without EPA approval. Therefore, this rule should be continued.</p>	

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-506	Filing ID:	50657
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality
Agency:	Air Quality
Building:	MASOB
Street address:	195 N 1950 W

City, state and zip:	Salt Lake City, UT 84116	
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Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:	
R307-506. Oil and Gas Industry: Storage Vessel	
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	
<p>This rule is authorized under Subsection 19-2-104(1)(a), which authorizes the 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."</p> <p>Subsection 19-2-104(1)(f) authorizes the Board to "implement an operating permit program as required by and in conformity with Titles IV and V of the federal Clean Air Act Amendments of 1990."</p>	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
<p>There was a proposed amendment to Rule R307-506, ID 54499, that lowered the throughput threshold for control requirements. The Air Quality Board decided not to approve the final adoption of the amendment and it was allowed to lapse.</p> <p>Several comments were provided on the rule amendment challenging the lower throughput threshold for controls proposed by the Division of Air Quality (DAQ) and asking for more data evaluation and discussion with stakeholders.</p> <p>The majority of the Air Quality Board agreed with the commenters and as such the rule amendment was not approved for final adoption.</p>	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
<p>Subsection 401-10 (5) provides an exemption from approval order requirements for sources in the oil and gas industry that register operations with the DAQ.</p>	

Rule R307-506 establishes the requirements for the operation of storage vessels associated with oil and gas well operations that are registered with the state of Utah in lieu of obtaining an air order. This rule is part of a group of rules that together establish a regulatory structure for sources in the oil and gas industry. This process is both less costly and more predictable for these sources than securing a standard approval order, while also reducing the costs associated with permitting for DAQ.

Rule R307-506 is a necessary part of this regulatory system. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-507	Filing ID:	50653
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
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Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-507. Oil and Gas Industry: Dehydrators
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized under Subsection 19-2-104(1)(a), which authorizes the 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."

Subsection 19-2-104(1)(f) authorizes the Board to "implement an operating permit program as required by and in conformity with Titles IV and V of the federal Clean Air Act Amendments of 1990."

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 in opposition to or support of this rule have been received since enactment five years ago.

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

Subsection 401-10 (5) provides an exemption from approval order requirements for sources in the oil and gas industry that register operations with the Division of Air Quality (DAQ).

Rule R307-507 establishes requirements for emission controls for dehydrators. This rule is part of a group of rules that together establish a regulatory structure for sources in the oil and gas industry. This process is both less costly and more predictable for these sources than securing a standard approval order, while also reducing the costs associated with permitting for DAQ.

Rule R307-507 is an important part of this regulatory system. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-508	Filing ID:	54500
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality
Agency:	Air Quality
Building:	MASOB
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-508. Oil and Gas Industry: VOC Control Devices

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

This rule is authorized under Subsection 19-2-104(1)(a), which authorizes the 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."

Subsection 19-2-104(1)(f) authorizes the Board to "implement an operating permit program as required by and in conformity with Titles IV and V of the federal Clean Air Act Amendments of 1990."

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 was amended one time during the review period. No comments in opposition to or support of this rule have been received since enactment five years ago.

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

Subsection 401-10 (5) provides an exemption from approval order requirements for sources in the oil and gas industry that register operations with the Division of Air Quality (DAQ). Rule R307-508 establishes requirements for VOC control devices. This rule is part of a group of rules that together establish a regulatory structure for sources in the oil and gas industry. This process is both less costly and more predictable for these sources than securing a standard approval order, while also reducing the costs associated with permitting for DAQ.

Rule R307-508 is an important part of this regulatory system. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R307-509	Filing ID: 54501
Effective Date:	02/01/2023	

Agency Information

1. Department:	Environmental Quality
Agency:	Air Quality
Building:	MASOB
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov

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

General Information

2. Rule catchline:
R307-509. Oil and Gas Industry: Leak Detection and Repair 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:

This rule is authorized under Subsection 19-2-104(1)(a), which authorizes the 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."

Subsection 19-2-104(1)(f) authorizes the Board to "implement an operating permit program as required by and in conformity with Titles IV and V of the federal Clean Air Act Amendments of 1990."

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 was amended one time during the review period. No comments in opposition to or support of this rule have been received since enactment five years ago.

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

Subsection 401-10 (5) provides an exemption from approval order requirements for sources in the oil and gas industry that register operations with the Division of Air Quality (DAQ).

Rule R307-509 establishes leak detection and repair requirements. This rule is part of a group of rules that together establish a regulatory structure for sources in the oil and gas industry. This process is both less costly and more predictable for these sources than securing a standard approval order, while also reducing the costs associated with permitting for DAQ.

Rule R307-509 is an important part of this regulatory system. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-510	Filing ID:	50661
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-510. Oil and Gas Industry: Natural Gas Engine 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:

This rule is authorized under Subsection 19-2-104(1)(a), which authorizes the 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."

Subsection 19-2-104(1)(f) authorizes the Board to "implement an operating permit program as required by and in conformity with Titles IV and V of the federal Clean Air Act Amendments of 1990."

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 in opposition to or support of this rule have been received since enactment five years ago.

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

Subsection 401-10 (5) provides an exemption from approval order requirements for sources in the oil and gas industry that register operations with the Division of Air Quality (DAQ).

Rule R307-510 establishes requirements for the approved use of natural gas engines. This rule is part of a group of rules that together establish a regulatory structure for sources in the oil and gas industry. This process is both less costly and more predictable for these sources than securing a standard approval order, while also reducing the costs associated with permitting for DAQ.

Rule R307-510 is an important part of this regulatory system. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R307-801	Filing ID:	52818
Effective Date:	02/01/2023		

Agency Information

1. Department:	Environmental Quality
Agency:	Air Quality
Building:	MASOB
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R307-801. Utah Asbestos Rule
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
<p>Subsection 19-2-104(1)(d) states that the Air Quality Board may make rules to implement Subchapter II, Asbestos Hazard Emergency Response, of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); 40 C.F.R. Part 763, Asbestos; 40 C.F.R. Part 61 National Emission Standards for Hazardous Air Pollutants, Subpart M, National Emission Standard for Asbestos; and to review and approve asbestos management plans submitted by local education agencies.</p> <p>Subsections 19-2-104(3)(b) allow the Board to establish work practice, certification, and clearance air sampling requirements for persons who: 1) contract to conduct demolition, renovation, salvage, encapsulation work involving friable asbestos-containing materials, or asbestos inspections; or 2) conduct such work in areas to which the public has access or in school buildings subject to Asbestos Hazard Emergency Response Act of 1986 (AHERA); and to establish certification requirements for inspectors, management planners, abatement project designers, contractors, or workers under AHERA.</p> <p>Rule R307-801 establishes procedures and requirements for asbestos projects and training programs, for certification of persons engaged in asbestos activities, and work practice standards for such work.</p>
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
<p>Rule R307-801 has been amended one time since the last five-year review, DAR No. 52818 (effective 09/03/2020). No written comments were received in relation to changes made to this rulemaking. In addition, no other written comments were received since the last five-year review.</p>
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Without Rule R307-801, Utah would not have authority to implement the federal asbestos requirements and implementation would be carried out by the Environmental Protection Agency.

The specific authorizations in Subsections 19-2-104(1)(d) and 19-2-104(3)(a) and (b) clearly indicate that the Legislature prefers that the Division of Air Quality implement the program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R317-9	Filing ID:	50774
Effective Date:	01/18/2023		

Agency Information

1. Department:	Environmental Quality		
Agency:	Water Quality		
Room number:	DEQ, 3rd Floor		
Building:	Multi Agency State Office Building (MASOB)		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144870		
City, state and zip:	Salt Lake City, UT 841144870		
Contact persons:			
Name:	Phone:	Email:	
Judy Etherington	801-536-4344	jetherington@utah.gov	
Leanna Littler-Woolf	801-536-4397	lnlittler@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R317-9. Administrative Procedures
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule implements the Administrative Procedures Act, Title 63G, Chapter 4, as required, for the Division of Water Quality (Division). The Water Quality Board is given rulemaking authority in Section 19-4-104 of the Utah Water Quality Act.

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

No comments have been received since the last five-year review of this rule from any 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 sets forth the administrative procedures of the Division in compliance with the Administrative Procedures Act and consolidates these procedures into one location. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	John K. Mackey, PE, Director	Date:	01/18/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R317-13	Filing ID:	50781
Effective Date:	01/18/2023		

Agency Information

1. Department:	Environmental Quality		
Agency:	Water Quality		
Room number:	DEQ 3rd Floor		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144870		
City, state and zip:	Salt Lake City, UT 84114-4870		
Contact persons:			
Name:	Phone:	Email:	
Andrew Pompeo	385-320-1057	apompeo@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R317-13. Approvals and Permits for a Water Reuse Project

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

This rule was adopted in 2008 to implement the requirements of the Wastewater Reuse Act, Title 73, Chapter 3c. The Water Quality Board is given rulemaking authority in Section 19-4-104 of the Utah Water Quality Act.

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

No comments either supporting or opposing this rule were received since this rule was originally adopted in February 2008.

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 defines terms and establishes administrative requirements for water reuse projects, including application and approval procedures. This rule is necessary to implement the provisions of the Wastewater Reuse Act and the Board's authority to issue reuse permits under Subsection 19-5-104(3)(f). Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	John K. Mackey, PE, Director	Date:	01/18/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R317-14	Filing ID:	50787
Effective Date:	01/18/2023		

Agency Information

1. Department:	Environmental Quality		
Agency:	Water Quality		
Room number:	DEQ 3rd Floor		
Building:	MASOB		
Street address:	195 N 1950 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144870		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state and zip:	Salt Lake City, UT 84114-4870	
Contact persons:		
Name:	Phone:	Email:
Andrew Pompeo	385-320-1057	apompeo@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R317-14. Approval of Change in Point of Discharge of POTW
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was adopted in 2008 to implement the requirements of the Wastewater Reuse Act, Section 73-3c-304. The Water Quality Board is given rulemaking authority in Section 19-4-104 of the Utah Water Quality 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 since the last five-year review of this rule from any 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 defines terms and describes administrative procedures for considering changes in the point of discharge from a Publicly Owned Treatment Works (POTW). These procedures are needed to implement the requirements of Section 73-3c-304 and administer the Utah Pollution Discharge Elimination System (UPDES) under Rule R317-8. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	John K. Mackey, PE, Director	Date:	01/18/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-1	Filing ID:	51056
Effective Date:	01/26/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health and Preparedness, Licensing	
Room number:	1st Floor	
Building:	Multi-Agency State Office Bldg	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144103	
City, state and zip:	Salt Lake City, UT 84114-4103	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	801-273-2994	ericapryor@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-1. General Health Care Facility Rules
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities.
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. There have been no comments opposing this rule and the Department of Health and Human Services (Department) supports its continuation.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Title 26, Chapter 21, mandates the licensing of health facilities and requires this rule to remain in effect for continuity of oversight. Therefore, this rule should be continued.
The Department will be amending this rule in the coming weeks to remove outdated language and comply with the

Governor's Executive Order (EO No. 2021-12) and changes following the consolidation of the Department. Continuation of this rule is necessary until these changes can be addressed.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	01/25/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-2	Filing ID:	51045
Effective Date:	01/23/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health and Preparedness, Licensing	
Room number:	1st Floor	
Building:	Multi-Agency State Office Bldg	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144103	
City, state and zip:	Salt Lake City, UT 84114-4103	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	801-273-2994	ericapryor@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-2. General Licensing Provisions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities.

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. There have been no comments opposing this rule and the Department of Health and Human Services (Department) supports its continuation.

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

Title 26, Chapter 21, mandates the licensing of health facilities and requires this rule to remain in effect for continuity of oversight. Therefore, this rule should be continued.

The Department will be revisiting this rule in the coming weeks for compliance with the Governor's Executive Order (EO No. 2021-12) and changes following the consolidation of the Department. Continuation of this rule is necessary until these changes can be addressed.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	01/23/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-3	Filing ID:	51054
Effective Date:	01/23/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health and Preparedness, Licensing	
Room number:	1st Floor	
Building:	Multi-Agency State Office Bldg	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144103	
City, state and zip:	Salt Lake City, UT 84114-4103	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	801-273-2994	ericapryor@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-3. General Health Care Facility Rules Inspection and Enforcement
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities.
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. There have been no comments opposing this rule and the Department of Health and Human Services (Department) supports its continuation.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Title 26, Chapter 21, mandates the licensing of health facilities and requires this rule to remain in effect for continuity of oversight. Therefore, this rule should be continued. The Department will be revisiting this rule in the coming weeks for compliance with the Governor's Executive Order (EO No. 2021-12) and changes following the consolidation of the Department. Continuation of this rule is necessary until these changes can be addressed.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	01/23/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-4	Filing ID:	51047
Effective Date:	01/23/2023		

Agency Information

1. Department:	Health and Human Services
Agency:	Family Health and Preparedness, Licensing

Room number:	1st Floor	
Building:	Multi-Agency State Office Bldg	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144103	
City, state and zip:	Salt Lake City, UT 84114-4103	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	801-273-2994	ericapryor@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-4. General Construction
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities.
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. There have been no comments opposing this rule and the Department of Health and Human Services (Department) supports its continuation.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Title 26, Chapter 21, mandates the licensing of health facilities and requires this rule to remain in effect for continuity of oversight. Therefore, this rule should be continued. The Department will be revisiting this rule in the coming weeks for compliance with the Governor's Executive Order (EO No. 2021-12) and changes following the consolidation of the Department. Continuation of this rule is necessary until these changes can be addressed.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	01/23/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-5	Filing ID:	54267
Effective Date:	01/23/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health and Preparedness, Licensing	
Room number:	1st Floor	
Building:	Multi-Agency State Office Bldg	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144103	
City, state and zip:	Salt Lake City, UT 84114-4103	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	801-273-2994	ericapryor@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-5. Nursing Care and Pediatric Respite Care Facility Construction
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities.
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. There have been no comments opposing this rule and the Department

of Health and Human Services (Department) supports its continuation.

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

Title 26, Chapter 21, mandates the licensing of health facilities and requires this rule to remain in effect for continuity of oversight. Therefore, this rule should be continued.

The Department will be revisiting this rule in the coming weeks for compliance with the Governor's Executive Order (EO No. 2021-12) and changes following the consolidation of the Department. Continuation of this rule is necessary until these changes can be addressed.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	01/23/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-6	Filing ID:	51057
Effective Date:	01/23/2023		

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health and Preparedness, Licensing	
Room number:	1st Floor	
Building:	Multi-Agency State Office Bldg	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144103	
City, state and zip:	Salt Lake City, UT 84114-4103	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	801-273-2994	ericapryor@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-6. Assisted Living Facility General Construction
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities.
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. There have been no comments opposing this rule and the Department of Health and Human Services (Department) supports its continuation.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Title 26, Chapter 21, mandates the licensing of health facilities and requires this rule to remain in effect for continuity of oversight. Therefore, this rule should be continued. The Department will be revisiting this rule in the coming weeks for compliance with the Governor's Executive Order (EO No. 2021-12) and changes following the consolidation of the Department. Continuation of this rule is necessary until these changes can be addressed.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	01/23/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R432-16	Filing ID:	51065
Effective Date:	01/23/2023		

Agency Information

1. Department:	Health and Human Services
Agency:	Family Health and Preparedness, Licensing
Room number:	1st Floor
Building:	Multi-Agency State Office Bldg
Street address:	195 N 1950 W
City, state and zip:	Salt Lake City, UT 84116
Mailing address:	PO BOX 144103

City, state and zip:	Salt Lake City, UT 84114-4103	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	801-273-2994	ericapryor@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-16. Hospice Inpatient Facility Construction
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities.
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. There have been no comments opposing this rule and the Department of Health and Human Services (Department) supports its continuation.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Title 26, Chapter 21, mandates the licensing of health facilities and requires this rule to remain in effect for continuity of oversight. Therefore, this rule should be continued. The Department will be revisiting this rule in the coming weeks for compliance with the Governor's Executive Order (EO No. 2021-12) and changes following the consolidation of the Department. Continuation of this rule is necessary until these changes can be addressed.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	01/23/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R432-35	Filing ID: 52375
Effective Date:	01/23/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Family Health and Preparedness, Licensing	
Room number:	1st Floor	
Building:	Multi-Agency State Office Bldg	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144103	
City, state and zip:	Salt Lake City, UT 84114-4103	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	801-273-2994	ericapryor@utah.gov
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R432-35. Background Screening -- Health Facilities
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 26, Chapter 21, is the health code that mandates the licensing of health facilities.
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. There have been no comments opposing this rule and the Department of Health and Human Services (Department) supports its continuation.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Title 26, Chapter 21, mandates the licensing of health facilities and requires this rule to remain in effect for continuity of oversight. Therefore, this rule should be continued.

The Department of Health and Human Services will be revisiting this rule in the coming weeks for compliance with the Governor's Executive Order (EO No. 2021-12) and changes following the consolidation of the Department. Continuation of this rule is necessary until these changes can be addressed.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	01/23/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R438-15	Filing ID: 52786
Effective Date:	01/26/2023	

Agency Information

1. Department:	Health and Human Services	
Agency:	Disease Control and Prevention, Laboratory Services	
Building:	Utah Public Health Laboratories	
Street address:	4431 S Constitution Blvd	
City, state and zip:	Taylorsville, UT 84129	
Contact persons:		
Name:	Phone:	Email:
Kim Hart	801-656-9315	kimhart@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R438-15. Newborn Screening
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Sections 26-10-6 and 26B-1-202 authorize this rule. Subsection 26-10-6(5)(b)(ii) requires the Newborn Hearing Screening Committee to advise the Department of Health and Human Services (Department) on rules.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

No 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 essential to facilitate early detection, prompt referral, and treatment through screening of newborns for certain conditions. The Department has flagged outdated language and plans to file an amendment simultaneously with this five-year review. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tracy Gruber, Executive Director	Date:	01/26/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R653-3	Filing ID:	51712
Effective Date:	01/26/2023		

Agency Information

1. Department:	Natural Resources		
Agency:	Water Resources		
Room number:	310		
Building:	Department of Natural Resources		
Street address:	1594 W North Temple		
City, state and zip:	Salt Lake City, UT 84114		
Mailing address:	PO Box 146201		
City, state and zip:	Salt Lake City, UT 84114-6201		
Contact persons:			
Name:	Phone:	Email:	
Lanli Pham	801-538-7235	lpham@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:
R653-3. Selecting Private Consultants
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The Division of Water Resources (Division) is filing a repeal of this rule but needed to file a five-year review to avoid this rule expiring. Section 58-22-102 grants the Division authority to establish procedures for selecting private consultants in the engineering field. However, the Division no longer has purchasing power that was delegated to the Division. Since 2017, the procedures go through State Purchasing.

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 Division is filing a repeal of this rule but needed to file a five-year review to avoid this rule expiring. Therefore, this rule should be continued.
(EDITOR'S NOTE: The proposed repeal of Rule R653-3 is under ID 55211 in this issue, February 15, 2023, of the Bulletin.)

Agency Authorization Information

Agency head or designee and title:	Candice Hasenyager, Director	Date:	01/26/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-3	Filing ID:	51733
Effective Date:	02/01/2023		

Agency Information

1. Department:	Natural Resources		
Agency:	Wildlife Resources		
Room number:	Suite 2110		
Building:	Department of Natural Resources		
Street address:	1594 W North Temple		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 146301		
City, state and zip:	Salt Lake City, UT 84114-6301		
Contact persons:			
Name:	Phone:	Email:	
Staci Coons	801-450-3093	stacicoons@utah.gov	

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

General Information

2. Rule catchline:
R657-3. Collection, Importation, Transportation, and Possession of Animals

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

Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means to allow the collection, importation, exportation, transportation and possession of animals and their parts.

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 supporting or opposing Rule R657-3 were received since March 2018, when this rule was last reviewed.

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 R657-3 governs the collection, importation, exportation, transportation, and possession of animals and their parts. The procedures adopted in this rule have provided an effective and efficient process. This rule is necessary for continued success of this program. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	02/01/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R805-1	Filing ID:	54647
Effective Date:	01/23/2023		

Agency Information

1. Department:	Higher Education (Utah Board of)
Agency:	University of Utah, Administration
Room number:	309
Building:	Park Building
Street address:	201 S Presidents Circle
City, state and zip:	Salt Lake City, UT 84112-9009

Contact persons:		
Name:	Phone:	Email:
Allyson Hicks	801-587-2357	allyson.hicks@utah.edu

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

General Information

2. Rule catchline:
R805-1. Operating Regulations for Bicycles, Skateboards, Rollerskates, Scooters, and Other Non-Motorized Riding Devices

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 53B-2-106 authorizes Rule R805-1 by authorizing the president of each higher education institution to enact rules for the administration and operation of the institution. Section 53B-3-101 authorizes Rule R805-1 by allowing the Utah Board of Higher Education to pass rules and regulations governing parking and traffic on campuses and to enforce the rules and regulations by all appropriate methods. Section 53B-3-101 further allows the Utah Board of Higher Education to delegate this same authority to the president of each institution so long as the relevant board of trustees approves.

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.

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 University of Utah's ability to ensure the safety of all persons on campus has been facilitated by Rule R805-1. Rule R805-1 regulates the operation of bicycles, skateboards and scooters on campus and provides clear standards on the proper operation of these means of transportation. The use of bicycles, skateboards, and scooters on and around campus is very common and Rule R805-1 gives the University of Utah meaningful tools for the regulation of this type of traffic which enhances the safety of the University community. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Robert Payne, Deputy General Counsel	Date:	01/23/2023
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R940-5	Filing ID: 52159
Effective Date:	01/24/2023	

Agency Information

1. Department:	Transportation Commission	
Agency:	Administration	
Room no.:	Administrative Suite, 1st Floor	
Building:	Calvin Rampton Bldg	
Street address:	4501 S 2700 W	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Becky Lewis	801-965-4026	blewis@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R940-5. Approval of Highway Facilities on Sovereign Lands
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is required by Section 72-6-303. Subsection 72-6-303(1)(b) requires the Transportation Commission to make rules "establishing minimum guidelines for an application to construct a highway facility over sovereign lakebed 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:
The Commission has not received a written comment during and since the last five-year review of this rule from any interested person supporting or opposing the 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:
Subsection 72-6-303(1)(b) requires the Transportation Commission to make rules "establishing minimum guidelines for an application to construct a highway facility over sovereign lakebed lands." This administrative rule satisfies that requirement. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director	Date:	01/24/2023
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Digest*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Agriculture and Food

Regulatory Services

No. 55041 (Amendment) R70-370: Butter

Published: 12/01/2022

Effective: 01/12/2023

No. 55034 (Amendment) R70-380: Grade A Condensed and Dry Milk Products and Condensed and Dry Whey

Published: 12/01/2022

Effective: 01/12/2023

No. 55038 (Amendment) R70-560: Inspection and Regulation of Cottage Food Production Operations

Published: 12/01/2022

Effective: 01/12/2023

No. 55035 (Amendment) R70-570: Direct-to-Sale Farmers Market Signage

Published: 12/01/2022

Effective: 01/12/2023

No. 55054 (Amendment) R70-920: Packaging and Labeling of Commodities

Published: 12/01/2022

Effective: 01/12/2023

Commerce

Professional Licensing

No. 55111 (Amendment) R156-31b: Nurse Practice Act Rule

Published: 12/15/2022

Effective: 01/24/2023

No. 55082 (Amendment) R156-60c: Clinical Mental Health Counselor Licensing Act Rule

Published: 12/01/2022

Effective: 01/12/2023

No. 55059 (Amendment) R156-67: Utah Medical Practice Act Rule

Published: 12/01/2022

Effective: 01/12/2023

No. 55058 (Amendment) R156-68: Utah Osteopathic Medical Practice Act Rule

Published: 12/01/2022

Effective: 01/12/2023

Education

Administration

No. 55157 (Amendment) R277-306: Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and School Social Workers

Published: 01/01/2023

Effective: 02/08/2023

No. 55158 (Amendment) R277-317: Incentives for National Board Certification

Published: 01/01/2023

Effective: 02/08/2023

No. 55159 (Amendment) R277-469: Instructional Materials Commission Operating Procedures

Published: 01/01/2023

Effective: 02/08/2023

No. 55160 (Amendment) R277-477: Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program

Published: 01/01/2023

Effective: 02/08/2023

No. 55161 (Amendment) R277-609: Standards for LEA Discipline Plans and Emergency Safety Interventions

Published: 01/01/2023

Effective: 02/08/2023

NOTICES OF RULE EFFECTIVE DATES

No. 55162 (Repeal and Reenact) R277-709: Education Programs Serving Youth in Custody
Published: 01/01/2023
Effective: 02/08/2023

No. 55163 (Amendment) R277-920: School Improvement and Leadership Development
Published: 01/01/2023
Effective: 02/08/2023

Environmental Quality Administration

No. 55036 (Amendment) R305-4: Clean Fuels and Emission Reduction Technology Program
Published: 12/01/2022
Effective: 02/02/2023

Air Quality

No. 55037 (Amendment) R307-123: Clean Fuels and Vehicle Technology Grant and Loan Program
Published: 12/01/2022
Effective: 02/02/2023

No. 55039 (Amendment) R307-328: Gasoline Transfer and Storage
Published: 12/01/2022
Effective: 02/02/2023

Waste Management and Radiation Control, Radiation
No. 55060 (Amendment) R313-15-501: Surveys and Monitoring - General
Published: 12/01/2022
Effective: 01/17/2023

No. 55065 (Amendment) R313-28-31: General and Administrative Requirements
Published: 12/01/2022
Effective: 01/17/2023

No. 55061 (Amendment) R313-34-3: Clarifications or Exemptions
Published: 12/01/2022
Effective: 01/17/2023

No. 55062 (Amendment) R313-35-120: X-Ray Systems Less than 1 MeV used for Non-Destructive Testing
Published: 12/01/2022
Effective: 01/17/2023

No. 55063 (Amendment) R313-36-3: Clarifications or Exceptions
Published: 12/01/2022
Effective: 01/17/2023

No. 55064 (Amendment) R313-38-3: Clarifications or Exceptions
Published: 12/01/2022
Effective: 01/17/2023

Waste Management and Radiation Control, Waste Management
No. 55066 (Amendment) R315-15-5: Standards for Used Oil Processors and Re-Refiners
Published: 12/01/2022
Effective: 01/17/2023

No. 55067 (Amendment) R315-260-10: Definitions
Published: 12/01/2022
Effective: 01/17/2023

No. 55068 (Amendment) R315-261: General Requirements -- Identification and Listing of Hazardous Waste
Published: 12/01/2022
Effective: 01/17/2023

No. 55069 (Amendment) R315-262-24: Manifest Requirements Applicable to Small and Large Quantity Generators -- Use of the Electronic Manifest
Published: 12/01/2022
Effective: 01/17/2023

No. 55070 (Amendment) R315-263: Standards Applicable to Transporters of Hazardous Waste and Standards Applicable to Emergency Control of Spills for Any Hazardous Waste Handlers
Published: 12/01/2022
Effective: 01/17/2023

No. 55071 (Amendment) R315-264-71: Manifest System, Recordkeeping, and Reporting -- Use of Manifest System
Published: 12/01/2022
Effective: 01/17/2023

No. 55072 (Amendment) R315-265: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
Published: 12/01/2022
Effective: 01/17/2023

Water Quality

No. 54987 (Amendment) R317-2: Standards of Quality for Waters of the State
Published: 11/01/2022
Effective: 01/25/2023

Government Operations

Facilities Construction and Management

No. 55153 (Amendment) R23-1: Procurement Rules with Numbering Related to the Procurement Code
Published: 01/01/2023
Effective: 02/08/2023

No. 55131 (Amendment) R23-3: Planning, Programming, Request for Capital Development Projects and Operation and Maintenance Reporting for State Owned Facilities
Published: 01/01/2023
Effective: 02/08/2023

No. 55132 (Amendment) R23-5: Contingency Funds
Published: 01/01/2023
Effective: 02/08/2023

No. 55133 (Amendment) R23-6: Value Engineering and Life Cycle Costing of State Owned Facilities Rules
Published: 01/01/2023
Effective: 02/08/2023

No. 55134 (Amendment) R23-7: State Construction Contracts and Drug and Alcohol Testing
Published: 01/01/2023
Effective: 02/08/2023

No. 55135 (Amendment) R23-10: Naming of State Buildings
Published: 01/01/2023
Effective: 02/08/2023

No. 55136 (Amendment) R23-12: Building Code Appeals Process
Published: 01/01/2023
Effective: 02/08/2023

No. 55137 (Amendment) R23-13: State of Utah Parking Rules for Facilities Managed by the Division of Facilities Construction and Management
Published: 01/01/2023
Effective: 02/08/2023

No. 55138 (Amendment) R23-14: Management of Roofs on State Buildings
Published: 01/01/2023
Effective: 02/08/2023

No. 55139 (Amendment) R23-19: Facilities Use Rules
Published: 01/01/2023
Effective: 02/08/2023

No. 55140 (Amendment) R23-20: Free Speech Activities
Published: 01/01/2023
Effective: 02/08/2023

No. 55141 (Amendment) R23-21: Division of Facilities Construction and Management Procedures for Leases, Purchases, and Exchanges of Real Property
Published: 01/01/2023
Effective: 02/08/2023

No. 55142 (Amendment) R23-22: Disposal of Division owned Property -- Qualified Proposal Requirements
Published: 01/01/2023
Effective: 02/08/2023

No. 55143 (Amendment) R23-23: Health Reform -- Health Insurance Coverage in State Contracts -- Implementation
Published: 01/01/2023
Effective: 02/08/2023

No. 55144 (Amendment) R23-24: Capital Projects Utilizing Non-appropriated Funds
Published: 01/01/2023
Effective: 02/08/2023

No. 55145 (Amendment) R23-25: Administrative Rules Adjudicative Proceedings
Published: 01/01/2023
Effective: 02/08/2023

No. 55146 (Amendment) R23-26: Dispute Resolution
Published: 01/01/2023
Effective: 02/08/2023

No. 55150 (Amendment) R23-29: Categorical Delegation of Project Management
Published: 01/01/2023
Effective: 02/08/2023

No. 55148 (Amendment) R23-30: State Facility Energy Efficiency Fund
Published: 01/01/2023
Effective: 02/08/2023

No. 55147 (Amendment) R23-31: Executive Residence Commission
Published: 01/01/2023
Effective: 02/08/2023

Finance

No. 55028 (Amendment) R25-5: Payment of Meeting Compensation (Per Diem) to Boards
Published: 12/01/2022
Effective: 01/13/2023

No. 55020 (Repeal) R25-6: Relocation Reimbursement
Published: 01/01/2023
Effective: 02/7/2023

No. 55123 (Amendment) R25-7: Travel-Related Reimbursements for State Travelers
Published: 01/01/2023
Effective: 02/07/2023

No. 55005 (Repeal) R25-8: Overtime Meal Allowance
Published: 11/15/2022
Effective: 01/26/2023

Human Resource Management

No. 55115 (Amendment) R477-7-3: Annual Leave
Published: 12/15/2022
Effective: 01/24/2023

Governor

Economic Opportunity

No. 55107 (Amendment) R357-3: Economic Development Tax Increment Financing Rule
Published: 12/15/2022
Effective: 02/03/2023

NOTICES OF RULE EFFECTIVE DATES

No. 53055 (Amendment) R357-14: Electronic Meetings
Published: 11/15/2022
Effective: 02/03/2023

Health and Human Services

Administration (Health)
No. 54901 (Repeal) R380-407: Medical Cannabis
Pharmacy Agent
Published: 11/01/2022
Effective: 03/01/2023

No. 54969 (Repeal) R380-408: Home Delivery and Courier
Published: 11/01/2022
Effective: 03/01/2023

Center for Medical Cannabis
No. 54904 (New Rule) R383-8: Medical Cannabis
Pharmacy Agent
Published: 11/01/2022
Effective: 03/01/2023

No. 54958 (New Rule) R383-9: Home Delivery and Courier
Published: 11/01/2022
Effective: 03/01/2023

Disease Control and Prevention; HIV/AIDS, Tuberculosis
Control/Refugee Health
No. 55119 (Amendment) R388-805: Ryan White Part B
Program
Published: 01/01/2023
Effective: 02/07/2023

Family Health and Preparedness, Emergency Medical
Services
No. 55026 (Amendment) R426-3: Licensure
Published: 11/15/2022
Effective: 01/17/2023

Administration, Administrative Services, Licensing
No. 55057 (Repeal) R501-16: Intermediate Secure
Treatment Programs for Minors
Published: 12/01/2022
Effective: 01/18/2023

Insurance

Administration
No. 55164 (Amendment) R590-164-5: Electronic Data
Interchange Transactions
Published: 01/01/2023
Effective: 02/08/2023

No. 55109 (Amendment) R590-177: Life Insurance
Illustrations Rule
Published: 12/15/2022
Effective: 01/24/2023

No. 55110 (Amendment) R590-197: Treatment of Guaranty
Association Assessments as Qualified Assets
Published: 12/15/2022
Effective: 01/24/2023

No. 55165 (Amendment) R590-271-4: Reporting
Requirements
Published: 01/01/2023
Effective: 02/08/2023

No. 55166 (Repeal and Reenact) R590-273: Continuing
Care Provider Rule
Published: 01/01/2023
Effective: 02/08/2023

Labor Commission

Boiler, Elevator and Coal Mine Safety
No. 55118 (Amendment) R616-2-3: Safety Codes and
Rules for Boilers and Pressure Vessels
Published: 01/01/2023
Effective: 02/08/2023

Lieutenant Governor

Elections
No. 54985 (New Rule) R623-7: Vote Tabulation Software
Validation Rule
Published: 11/01/2022
Effective: 01/24/2023

Money Management Council

Administration
No. 55116 (Amendment) R628-12: Certification of Qualified
Depositories for Public Funds
Published: 12/15/2022
Effective: 01/24/2023

Tax Commission

Administration
No. 55075 (Amendment) R861-1A-12: Policies and
Procedures Regarding Public Disclosure Pursuant to Utah
Code Ann. Sections 41-3-209, 59-1-210, 59-1-403, and 59-1-
405
Published: 12/01/2022
Effective: 01/12/2023

No. 55077 (Amendment) R861-1A-16: Utah State Tax
Commission Management Plan Pursuant to Utah Code Ann.
Section 59-1-207
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No. 55076 (Amendment) R861-1A-46: Procedures for
Purchaser Refund Requests Pursuant to Utah Code Ann.
Sections 59-1-1410 and 59-12-110
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Auditing

No. 55078 (Amendment) R865-14W-1: Mineral Production
Tax Withholding Pursuant to Utah Code Ann. Sections 59-6-
101 through 59-6-104
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No. 55079 (Amendment) R865-19S-102: Calculation of Qualifying Exempt Electricity Sales to Ski Resorts Pursuant to Utah Code Ann. Section 59-12-104
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Motor Vehicle Enforcement
No. 55156 (Amendment) R877-23V-7: Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210
Published: 01/01/2023
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Property Tax
No. 55167 (Amendment) R884-24P-66: County Board of Equalization Procedures and Appeals Pursuant to Utah Code Ann. Sections 59-2-1001 and 59-2-1004
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Transportation

Administration
No. 55101 (Amendment) R907-1-3: Appointment of the Presiding Officer and Hearing Record
Published: 12/15/2022
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Program Development
No. 55114 (Amendment) R926-17: Road Usage Charge Program
Published: 12/15/2022
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Preconstruction
No. 55103 (Amendment) R930-5: Maintenance
Published: 01/01/2023
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Transportation Commission

Administration
No. 55102 (Repeal) R940-8: Establishment of Road Usage Charge (RUC) Rates
Published: 12/15/2022
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Workforce Services

Employment Development
No. 55113 (Amendment) R986-600: Workforce Innovation and Opportunity Act
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No. 55155 (Amendment) R986-700: Child Care Assistance
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Housing and Community Development
No. 55024 (Amendment) R990-200: Private Activity Bonds
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No. 55024 (Change in Proposed Rule) R990-200: Private Activity Bonds
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End of the Notices of Rule Effective Dates Section