

UTAH STATE BULLETIN

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

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Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.state.ut.us/>

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EDITOR'S NOTE

NOTICE OF DELAY OF PUBLICATION FOR R686-100 AND R686-103: RULES FOR THE PROFESSIONAL PRACTICES ADVISORY COMMISSION

On November 1, 1999, staff for the Professional Practices Advisory Commission (agency) filed two proposed amendments, one for R686-100 and one for R686-103. Due to a computer error at the Division of Administrative Rules (Division), the text was not received by the Division. The Division was unaware of the omission until after publication of the November 15, 1999, issue of the *Bulletin*--the issue in which the agency had intended the rules to be published.

The agency refiled the proposed rules for publication on November 15, 1999, for the December 1, 1999, issue. The proposed rules appear in this issue (December 1, 1999) of the *Bulletin*, under DAR No. 22504 (R686-100) and DAR No. 22505 (R686-103). Comment will be accepted on these proposed rules until January 3, 2000.

The Division regrets any inconvenience attendant to the delay of publication of these rules.

Questions regarding this delay of publication may be directed to: Kenneth A. Hansen, Director, Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007; Phone: (801) 538-3777; FAX: (801) 538-1773; or E-mail at: khansen@das.state.ut.us.

End of the Editor's Notes Section

SPECIAL NOTICES

LIEUTENANT GOVERNOR, ELECTIONS

PUBLIC HEARING

RULE R623-1, LIEUTENANT GOVERNOR'S PROCEDURE FOR REGULATION OF LOBBYIST ACTIVITIES

The Lieutenant Governor's Office has scheduled a public hearing for Wednesday, December 15, 1999, at 10:00 a.m. at the State Capitol in Room 403. The purpose of the hearing is to receive public comment on the proposed new rule regarding the regulation of lobbyist activities. This proposed new rule was published in the November 15, 1999, issue of the *Utah State Bulletin*, Vol. 99, No. 22, pages 15-17, under DAR No. 22481.

Written comments may be submitted to: Amy Naccarato, Elections Director, 155 State Capitol, Salt Lake City, UT 84114; or via E-mail to: anaccara@gov.state.ut.us. Questions regarding this hearing may be directed to Amy Naccarato by phone at: (801) 538-1041; or by FAX at: (801) 538-1133.

DEPARTMENT OF AGRICULTURE AND FOOD UTAH SOIL CONSERVATION COMMISSION

PUBLIC NOTICE 2000 MEETING SCHEDULE

Public Notice is hereby given of the 2000 calendar year meeting schedule for the Utah Soil Conservation Commission, hereafter called "Commission," a public agency created pursuant to Title 4, Chapter 18, Utah Code. This Commission is a policy making body helping to bring about sensible development and wise conservation of Utah's soil and water resource on private lands. They do this by: assisting Utah's 38 local soil conservation districts to fulfill their purposes; administering the Agriculture Resource Development Loan program; and, by facilitating the coordination of state and federal conservation partnership government agencies and groups who may influence these programs.

Six regular meetings for 2000 are planned as follows:

1. January 27 (Thursday) at 1:00 - 4:00 p.m. in Salt Lake City
2. March 6 (Monday) at 2:00 - 5:00 p.m. in St George*
3. May 11 (Thursday) at 1:00 - 4:00 p.m. in Salt Lake City
4. July 17 (Monday) at 1:00 - 5:00 p.m. in Logan*
5. Sept 21 (Thursday) at 1:00 - 4:00 p.m. in Salt Lake City
6. October 31 (Tuesday) at 2:00 - 5:00 p.m. in St George*

*The place for meetings out of Salt Lake City will be determined by the Commission staff and a notice will be published two weeks prior.

Meetings are held either in the Main Conference Room of the Utah Department of Agriculture and Food (UDAF), 350 North Redwood Road, Salt Lake City, or at such other place as the Commission shall designate prior to any such meeting. Additionally, meetings for the briefing of members of the Commission may be held at such place and location as the Commission shall designate prior to any such meeting.

Commission contact: K. N. "Jake" Jacobson, Administrative Officer with the UDAF, 350 North Redwood Road, Salt Lake City, Utah 84116. Phone: 538-7171

In compliance with the Americans with Disabilities Act (ADA), individuals needing special accommodations (including auxiliary communicative aids and services) during any of these meetings should notify UDAF's ADA Coordinator, Renee Matsuura, at the above UDAF address, phone 538-7110 (TDD: 538-7100) at least three working days prior to the meeting.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT, LIBRARY

1950 West 250 North, Suite A
Salt Lake City, UT 84116-7901
(801) 715-6777

UTAH STATE PUBLICATIONS

List 99-23

November 12, 1999

Depository libraries: Asterisk (*) indicates limited copies--make claims to issuing agency.

This list is available on the World Wide Web at: <http://www.state.lib.ut.us/publicat/publicat.htm>

Design process I-15 evaluation design/build project 1999 final report: special experimental project no.14/Stanley S. Postma, David Stevenson, Larry Warner. Utah. Dept. of Transportation, Research Division; Carter & Burgess.

T 4727.M62.15: Des/999

oclc # 42794527

Construction industry--Quality control/Roads--Design and construction/Highway planning--Utah.

Directions for Utah libraries. Utah State Library.

H 6200.8: Dir/12/4

<http://www.state.lib.ut.us/directns/directns.htm>

Libraries--Utah--Periodicals.

I-15 national test bed for advanced transportation research and testing: phase 2 program report/Samuel C. Musser. Utah. Dept. of Transportation, Research Division; Utah Transportation Center; United States. Federal Highway Administration.

T 4917.15: I-15/999

oclc # 42744089

Bridges--Design and Construction/Non-destructive testing--Utah/Highway planning--Utah.

Use of best value selection process for the I-15 design/build project/Stanley S. Postma, Frank Carlile, Jim Roberts. Utah. Dept. of Transportation, Research Division; Carter & Burgess.

T 4727.S44.15: Use/998

oclc # 42794387

Highway planning--Utah/Letting of contracts.

Utah data guide: a newsletter for data users. Utah State Data Center; Utah. Office of the Utah State Planning Coordinator; Utah. Office of Planning and Budget.

H 5010.19: Dat/999/4

http://www.governor.state.ut.us/dea/publications/Data_Guide/data_guide.html

Utah--Population--Statistics/Utah--Census.

Utah highway safety, annual report. Utah. Dept. of Transportation.

P 3312.H5.13: Hig/999

Traffic safety--Utah/Traffic accidents--Utah--Statistics.

* **Utah state bulletin.** November 1, 1999. Utah. Division of Administrative Rules.

A 3025.61: Bul/99-21

oclc # 11854150

<http://www.rules.state.ut.us/publicat/bulletin.htm>

Delegated legislation--Utah--Periodicals/Administrative procedure--Utah--Periodicals.

SPECIAL NOTICES

* **Utah state digest.** November 1, 1999. Utah. Division of Administrative Rules.
 A 3026.61: Dig/99-21
 oclc # 12426255
<http://www.rules.state.ut.us/publicat/digest.htm>
 Delegated legislation--Utah--Periodicals.

Utah's vital statistics, births and deaths. Utah. Bureau of Vital Records.
 P 4080.13: Vit/998
 oclc # 38863517
http://www.health.state.ut.us/bvr/pub_vs/
 Utah--Statistics, Vital--Periodicals/Utah--Statistics, Medical--Periodicals.

Wasatch Front ... direct sales by zip code/Douglas A. Macdonald. Utah State Tax Commission, Economic & Statistical Unit.
 A 5340 S24.13: Dir/WF/998
 Sales--Utah--Salt Lake County--Statistics/Sales--Utah--Utah County--Statistics. Sales--Utah--Davis County--
 Statistics/Sales--Utah--Weber County--Statistics/Economic indicators--Utah--Weber County/Economic indicators--Utah--Salt
 Lake County/Economic indicators--Utah--Utah County/Economic indicators--Utah--Davis County/Salt Lake County (Utah)--
 Economic conditions--Statistics/Utah County (Utah)--Economic conditions--Statistics.
 Davis County (Utah)--Economic conditions--Statistics/Weber County (Utah)--Economic conditions--Statistics.

**DEPARTMENT OF ENVIRONMENTAL QUALITY
 WATER QUALITY**

**NOTICE OF PROPOSED CHANGES IN THE INDIVIDUAL WASTEWATER
 DISPOSAL SYSTEMS RULES**

The Division of Water Quality is reorganizing the individual wastewater disposal systems rules. Rules R317-501 through R317-513 (DAR No. 22491 through 22503 in this *Bulletin*) are being repealed. The information contained in those rules has been moved to a proposed new rule, R317-4 (DAR No. 22490 in this *Bulletin*), or has been eliminated. The reorganization is detailed in the following two tables. The first shows the rule citations as they currently are (old location) and where they appear in the new rule (new location) The second sets forth the new structure and identifies where each component came from.

Questions can be directed to: Kiran Bhayani, 288 N 1460 W, PO Box 144870, Salt Lake City, UT, 84114-4870; phone: (801) 538-6146; FAX: (801) 538-6016; or e-mail at: kbhayani@email.state.ut.us.

CURRENT CITATIONS OF RULES R317-501 THROUGH R317-513

Old Location	New Location	Old Title
R317-501.		Individual Wastewater Disposal Systems.
R317-501-1.	R317-4-1.	
R317-502.		Individual Disposal Wastewater Systems - General Requirements.
R317-502-1.	R317-4-2(2.1)	
R317-502-2.	R317-4-2(2.2)	

Old Location	New Location	Old Title
R317-502-3.	R317-4-2(2.3)	
R317-502-4.	R317-4-3(3.1)	
R317-502-5.	R317-4-3(3.2)	
R317-502-6.	Eliminated.	
R317-502-7.	R317-4-2(2.4)	
R317-502-8.	R317-4-2(2.5)	
R317-502-9.	R317-4-3(3.4)	
R317-502-10.	R317-4-3(3.6)	
R317-502-11.	R317-4-3(3.5)	
R317-502-12.	R317-4-2(2.6)	
R317-502-13.	R317-4-2(2.7)	
R317-502-14.	R317-4-4(4.1)	
R317-502-15.	R317-4-4(4.2)	
R317-502-16.	R317-4-4(4.2)	
R317-502-17.	R317-4-4(4.5)	
R317-502-18.	R317-4-6(6.2)	
R317-502-19.	R317-4-12(12.1)	
R317-502-20.20.1. through R317-502-20.20.3.	R317-4-10(10.1)	
R317-502-20.20.4. through R317-302-20.20.6.	R317-4-11(11.1)	
R317-502-21.	R317-4-3(3.3)	
R317-502-22.	R317-4-4(4.3)	
R317-502-23.	R317-4-4(4.4)	
R317-503.		Soil and Ground Water Requirements.
R317-503-1.	R317-4-5(5.1)	
R317-503-2.	R317-4-5(5.2)	
R317-503-3.	R317-4-5(5.3)	
R317-503-4.	R317-4-5(5.4)	
R317-503-5.	R317-4-3(3.3)	
R317-503-6.	R317-4-3(3.3)	

SPECIAL NOTICES

Old Location	New Location	Old Title
R317-504.		Building Sewer.
R317-504-1.	R317-4-6(6.1)	
R317-505.		Septic Tanks.
R317-505-1.	R317-4-7(7.1)	
R317-505-2.	R317-4-7(7.2)	
R317-505-3.	R317-4-7(7.3)	
R317-505-4.	R317-4-7(7.4)	
R317-505-5.	R317-4-7(7.5)	
R317-505-6.	R317-4-7(7.6)	
R317-505-7.	Eliminated.	
R317-505-8.	R317-4-7(7.7)	
R317-505-9.	R317-4-7(7.8)	
R317-505-10.	R317-4-7(7.9)	
R317-505-11.	Eliminated.	
R317-505-12.	R317-4-7(7.10)	
R317-505-13.	R317-4-7(7.11)	
R317-505-14.	R317-4-7(7.12)	
R317-505-15.	R317-4-7(7.13)	
R317-505-16.	R317-4-7(7.14)	
R317-505-17.	R317-4-7(7.15)	
R317-505-18.	R317-4-7(7.16)	
R317-505-19.	R317-4-7(7.17)	
R317-505-20.	R317-4-7(7.18)	
R317-505-21.	R317-4-7(7.19)	
R317-505-22.	R317-4-7(7.20)	
R317-505-23.	R317-4-7(7.21)	
R317-506.		Discharge to Absorptions System.
R317-506-1.	R317-4-8(8.1)	
R317-506-2.	R317-4-8(8.2)	
R317-506-3.	R317-4-8(8.3)	
R317-506-4.	R317-4-8(8.4)	

Old Location	New Location	Old Title
R317-506-5.	R317-4-8(8.5)	
R317-507.		Absorption Systems.
R317-507-1.	R317-4-9(9.1)	
R317-507-2.	Eliminated.	
R317-507-3.	R317-4-9(9.2)	
R317-507-4.	R317-4-9(9.5)	
R317-507-5.	R317-4-9(9.6)	
R317-507-6.	R317-4-9(9.7)	
R317-507-7.	R317-4-11(11.2)	
R317-507-8.	R317-4-11(11.3)	
R317-507-9.	R317-4-11(11.4)	
R317-508.		Plan Information for Individual Wastewater Disposal Systems.
R317-508-1.	R317-4-3(3.4)	
R317-508-2.	R317-4-3(3.4)	
R317-509.		Design, Installation, and Maintenance of Sewage Holding Tanks.
R317-509-1.	R317-4-12(12.2)	
R317-509-2.	R317-4-12(12.3)	
R317-509-3.	R317-4-12(12.4)	
R317-509-4.	R317-4-12(12.5)	
R317-509-5.	R317-4-12(12.6)	
R317-509-6.	R317-4-12(12.7)	
R317-510.		Review Criteria for Establishing the Feasibility of Proposed Housing Subdivisions and Other Similar Developments.
R317-510-1.	R317-4-3(3.3)	
R317-510-2.	R317-4-3(3.3)	
R317-511.		Percolation Test Requirements.
R317-511-1.	R317-4-5(5.4)	
R317-512.		Approved Building Sewer Pipe and Distribution Pipe for Individual Wastewater Disposal Systems.
R317-512-1.	R317-4-6(6.1)	

SPECIAL NOTICES

Old Location	New Location	Old Title
R317-512-2.	R317-4-6(6.1)	
R317-513.		Recommendations for Maintenance of Septic Tanks and Absorption Systems.
R317-513-1.	R317-4-13(13.1)	
R317-513-2.	R317-4-11(11.5)	
R317-513-3.	R317-4-11(11.6)	

STRUCTURE OF THE NEW RULE, R317-4

New Location	Old Location	New Title
R317-4.		Onsite Wastewater Systems.
R317-4-1.		Definitions.
R317-4-1(1)	R317-501-1. Also, added definitions.	
R317-4-2.		Onsite Wastewater Systems-Administrative Requirements.
R317-4-2(1)	R317-502-1.	
R317-4-2(2)	R317-502-2.	
R317-4-2(3)	R317-502-3.	
R317-4-2(4)	R317-502-7.	
R317-4-2(5)	R317-502-8.	
R317-4-2(6)	R317-502-12.	
R317-4-2(7)	R317-502-13.	
R317-4-3.		Onsite Wastewater Systems General Requirements.
R317-4-3(1)	R317-502-4.	
R317-4-3(2)	R317-502-5.	
R317-4-3(3)	R317-510-1; R317-510-2; R317-503-5; R317-503-6.	
R317-4-3(4)	R317-502-9; R317-508-1; R317-508-2; R317-508-10.	
R317-4-3(5)	R317-502-11.	
R317-4-3(6)	R317-502-10.	

New Location	Old Location	New Title
R317-4-4.		Onsite Wastewater Systems General Design Requirement.
R317-4-4(1)	R317-502-14.	
R317-4-4(2)	R317-502-16.	
R317-4-4(3)	R317-502-22.	
R317-4-4(4)	R317-502-23.	
R317-4-4(5)	R317-502-17.	
R317-4-4(6)	R317-502-15.	
R317-4-5.		Soil and Ground Water Requirements.
R317-4-5(1)	R317-503-1.	
R317-4-5(2)	R317-503-2.	
R317-4-5(3)	R317-503-3.	
R317-4-5(4)	R317-503-4.	
R317-4-6.		Building Sewer and Distribution Pipe.
R317-4-6(1)	R317-504-1.	
R317-4-6(2)	R317-504-18.	
R317-4-7.		Septic Tanks.
R317-4-7(1)	R317-505-1.	
R317-4-7(2)	R317-505-2.	
R317-4-7(3)	R317-505-3.	
R317-4-7(4)	R317-505-4.	
R317-4-7(5)	R317-505-5.	
R317-4-7(6)	R317-505-6.	
R317-4-7(7)	R317-505-8.	
R317-4-7(8)	R317-505-9.	
R317-4-7(9)	R317-505-10.	
R317-4-7(10)	R317-505-12.	
R317-4-7(11)	R317-505-13.	
R317-4-7(12)	R317-505-14.	
R317-4-7(13)	R317-505-15.	
R317-4-7(14)	R317-505-16.	
R317-4-7(15)	R317-505-17.	

SPECIAL NOTICES

New Location	Old Location	New Title
R317-4-7(16)	R317-505-18.	
R317-4-7(17)	R317-505-19.	
R317-4-7(18)	R317-505-20.	
R317-4-7(19)	R317-505-21.	
R317-4-7(20)	R317-505-22.	
R317-4-7(21)	R317-505-23.	
R317-4-8.		Discharge to Absorption Systems.
R317-4-8(1)	R317-506-1.	
R317-4-8(2)	R317-506-2.	
R317-4-8(3)	R317-506-3.	
R317-4-8(4)	R317-506-4.	
R317-4-8(5)	R317-506-5.	
R317-4-9.		Absorption Systems.
R317-4-9(1)	R317-507-1.	
R317-4-9(2)	R317-507-3.	
R317-4-9(3)	Shallow trenches added.	
R317-4-9(4)	R317-509-4(4.3)	
R317-4-9(5)	R317-507-4.	
R317-4-9(6)	R317-507-5.	
R317-4-9(7)	R317-507-6.	
R317-4-10.		Experimental Onsite Wastewater Systems.
R317-4-10(1)	R317-502-20(20.1); R317-502-20(20.2); and R317-502-20(20.3)	
R317-4-10(2)	Added general requirements.	
R317-4-11.		Alternative Onsite Wastewater Systems.
R317-4-11(1)	R317-502-20(20.4); R317-502-20(20.5); and R317-502-20(20.6)	
R317-4-11(2)	R317-507-7.	
R317-4-11(3)	R317-507-8.	
R317-4-11(4)	R317-507-9.	

New Location	Old Location	New Title
R317-4-11(5)	R317-513-2. Also, added supplemental requirements.	
R317-4-11(6)	R317-513-3. Also, added supplemental requirements.	
R317-4-12.		Design, Installation, and Maintenance of Sewage Holding Tanks.
R317-4-12(1)	R317-502-19.	
R317-4-12(2)	Added general requirements.	
R317-4-12(3)	R317-509-2.	
R317-4-12(4)	R317-509-3.	
R317-4-12(5)	R317-509-4.	
R317-4-12(6)	R317-509-5.	
R317-4-12(7)	R317-509-6.	
R317-4-13.		Recommendations for the Maintenance of Septic Tanks and Absorption Systems.
R317-4-13(1)	R317-513-1.	

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between November 2, 1999, 12:00 a.m., and November 15, 1999, 11:59 p.m., are included in this, the December 1, 1999, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [example]). Rules being repealed are completely struck out. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least January 3, 2000. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through March 30, 2000, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

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

The Proposed Rules Begin on the Following Page.

**Commerce, Occupational and
Professional Licensing
R156-57
Respiratory Care Practices Act Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22482

FILED: 11/08/1999, 08:53

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After Division and Board review of the current rules, changes needed to be made.

SUMMARY OF THE RULE OR CHANGE: In Section R156-57-102, the following definitions are being deleted: "Approved respiratory care practitioner education program"; "Qualified faculty, staff, or designee"; "Respiratory care technician"; "Respiratory care therapist"; and "Unprofessional conduct." The existing rules use the terms Certified Respiratory Therapy Technician (CRTT) and Registered Respiratory Therapist (RRT) to mean licensed respiratory care practitioners. The CRTT and RRT are trademark titles of the National Board of Respiratory Care (NBRC). Trademark titles are protected titles and cannot legally be used by the state to mean licensed respiratory care practitioners. Subsection 58-57-2(4)(e) already requires the faculty, staff, etc., to be licensed as a respiratory care practitioner. Section R156-57-302d (Examination Requirements) was renumbered to Section R156-57-302a. Several changes were made in the examination requirements section to update the name of the examinations that are required for licensure. The new Section R156-57-302b (Education Requirements) was added. The section defines a respiratory care practitioner education program that is approved by the board as a respiratory care educational program accredited by the Committee on Accreditation for Respiratory Care (COARC). The accrediting commission was changed from Council for Accreditation of Allied Health Education Programs (CAAHEP) and American Medical Association (AMA) to COARC. Section R156-57-502, regarding unprofessional conduct definitions, is being deleted in its entirety as these definitions are generally covered in Section 58-1-501. There has not been any issue or problem to necessitate continuation of the current unprofessional conduct definitions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-57-1, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Only minimal costs will be incurred by the Division to reprint the rules once these amendments become effective. All costs involved will be absorbed in the Division's current budget.

❖LOCAL GOVERNMENTS: The proposed rule change does not apply to local governments; therefore, no cost or savings.

❖OTHER PERSONS: The proposed rule amendments clarify current licensure requirements; therefore, no costs or savings are anticipated to either the licensed profession (respiratory care practitioners) or the general public.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are anticipated to the licensed profession or the general public as the proposed rules are only further clarifying current licensure requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this amendment is to delete redundancy between the current rules and the statute, delete usage of trademark titles not authorized for use by the state, and reflect the change in the name of the accrediting commission for this profession. The proposed amendment merely clarifies current licensure requirements and will result in no positive or negative impact on the state budget, local governments, the regulated profession, or the general public--Douglas C. Borba

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dfairhur@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/09/1999, 9 a.m., 160 East 300 South, Conference Room 428 (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2000

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-57. Respiratory Care Practices Act Rules.
R156-57-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 57, as used in Title 58, Chapters 1 and 57, or these rules:

(1) [~~"Approved respiratory care practitioner educational program" means a respiratory therapy technician program or a respiratory therapist program which was accredited by the American Medical Association or the Council for Accreditation of Allied Health Education Programs (CAAHEP) at the time the applicant successfully completed the program.~~]

— (2) "Qualified faculty, staff, or designee" as used in Subsection 58-1-307(1)(b) means a licensed respiratory care practitioner who supervises only to the level of their competence based on their education, training, and experience.

— (3) "Respiratory care technician" as used in Subsection 58-57-10(1)(b) means respiratory therapy technician or CRTT.

— (4) "Respiratory care therapist" as used in Subsection 58-57-10(1)(b) means respiratory therapist or RRT.

— (5) "Supervised" as used in Subsection 58-1-307(1)(b) or "supervising" as used in Subsection 58-57-2(4)(e) means that the licensed respiratory care practitioner is present in the facility and shall be available to see the patient and give immediate consultation with respect to care.

— (6) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 57, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-57-502.

R156-57-302(d)a. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection [s 58-1-203(2) and 58-1-301(3); the examination requirements for licensure in Subsection 58-57-4(2)(f) are defined, clarified, or established as follows:] 58-57-4(2)(f) and Sections 58-57-5 and 58-1-309, all applicants for licensure shall pass the following examinations:

(1) [The qualifying examinations required for licensure as a respiratory care practitioner shall be the following:

— (a) the Utah Respiratory Care Law and Rule Examination; and

— (b) [the National Board for Respiratory Care (NBRC) Certification Examination for Entry Level Respiratory Therapists (CRT)] [examination for Certified Respiratory Therapy Technician (CRTT)]; or

([c]2) the NBRC Registry Examination for Advanced Respiratory Therapists [examination for Registered Respiratory Therapist] (RRT); and

(3) the Utah Respiratory Care Law and Rule Examination.

— (2) To document passing one of the required NBRC examinations, an applicant must submit one of the following to the division with his application for licensure:

— (a) a notarized copy of his CRTT or RRT certificate; or

— (b) an unofficial copy of his passing CRTT or RRT examination score that was issued directly to him by the NBRC. An unofficial copy of an applicant's score will only be accepted for licensure if the applicant has directed the NBRC, before sitting for the examination, to release an official verification of his passing score directly to the division.

— (3) A passing score on the Utah Respiratory Care Law and Rule Examination is 75%.

R156-57-302b. Qualifications for Licensure - Education Requirements.

In accordance with Subsection 58-57-4(2)(e) and Section 58-57-5, "a respiratory care practitioner education program that is approved by the board" means a respiratory care educational program accredited by the Committee on Accreditation for Respiratory Care (COARC) as evidenced by NBRC certification as a CRT or RRT.

R156-57-303. Renewal Cycle - Procedures.

[1] In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 57 is established by rule in Section R156-1-308.

[R156-57-502. Unprofessional Conduct.

— "Unprofessional conduct" includes:

— (1) appropriating medications, supplies or personal items of the patient or agency;

— (2) leaving a respiratory therapy assignment without properly notifying appropriate personnel; or

— (3) failing to report, through the proper channels, facts known to the individual regarding the incompetent, unethical, or illegal practice of any licensed health care professional unless exempt under the laws related to patient/client confidentiality.]

KEY: licensing, respiratory care*

[1994]2000

Notice of Continuation March 3, 1997

58-57-1

58-1-106(1)

58-1-202(1)



Commerce, Occupational and Professional Licensing

R156-71

Naturopathic Physician Practice Act Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22507

FILED: 11/15/1999, 15:51

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needed to add a section to the rule to implement Subsection 58-71-102(8), which is the development of a formulary of medications that licensed naturopathic physicians can prescribe.

SUMMARY OF THE RULE OR CHANGE: Section R156-71-202, which develops the formulary of specific medications that naturopathic physicians can prescribe, is being added. In Section R156-71-304, added a requirement for a specific number of hours of continuing education for license renewal relating to prescribing of medications.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-71-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: These proposed rule changes will probably not increase or decrease state costs. The only possible increase would be compliance costs if there are complaints regarding the prescribing practices of the naturopathic physicians. The continuing education requirement is an attempt to make sure that naturopathic physicians keep updated with education regarding prescribing and thus cut down on complaints to the Division.

❖LOCAL GOVERNMENTS: The proposed changes do not affect local governments; therefore, no cost or savings.

❖OTHER PERSONS: There could be cost savings for the public as well as insurance carriers. Patients who presently see a naturopathic physician and need a medication prescribed cannot receive a prescription from the naturopathic physician. Therefore, the patient needs to schedule another visit with a prescribing practitioner to be seen and get the necessary prescription. If the naturopathic physician can prescribe the medication needed, there will be no duplication of services. The Division also anticipates no increase in costs for naturopathic physicians with respect to continuing education. The continuing education requirement delineates a specific number of the continuing education hours be in a specific category. However, it does not affect the overall number of hours required, and, therefore, it does not increase the continuing education requirement.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division anticipates no increase in costs for naturopathic physicians with respect to continuing education. The continuing education requirement delineates a specific number of the continuing education hours be in a specific category. However, it does not affect the overall number of hours required, and, therefore, it does not increase the continuing education requirement.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Implementation of the proposed rules establishing prescriptive rights for naturopathic physicians will be revenue neutral to the state budget and will not impact local governments. The grant of prescriptive authority to such practitioners should have an impact upon the profession through potential increased usage of their services as a result of the ability to prescribe medication. The proposed rules should also have a positive financial impact upon the public utilizing the services of a naturopathic physician since they will not be required to expend the time and money to also go to a prescribing medical doctor--Douglas C. Borba

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Laura Poe at the above address, by phone at (801) 530-6789, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.lpoe@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/15/1999, 2 p.m., 160 East 300 South, Conference Room 427 (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2000

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing,
R156-71. Naturopathic Physician Practice Act Rules.**

R156-71-202. Naturopathic Physician Formulary.

(1) In accordance with Subsections 58-71-102(8) and 58-71-202, the naturopathic physician formulary which consists of noncontrolled substance legend medications deemed appropriate for the scope of practice of naturopathic physicians, the prescription of which is approved by the Division in collaboration with the Naturopathic Formulary Advisory Peer Committee, consists of the following legend drugs, listed by category:

Adrenergic Stimulators, limited to: Albuterol, Epinephrine, and Metaproteranol;

Amino Acids;

Anesthetics (local);

Antiemetics;

Antigout;

Antihistamines;

Anti-inflammatories, except DMARDS;

Antimicrobials (oral), limited to: Pencillins, 1st and 2nd generation Cephalosporins, Tetracyclines, Macrolides, Azalides, Lincosamines, Metronidazole, Hydantoin, and Sulfas;

Antimicrobials (ophthamologic), limited to: Sulfas and Macrolides;

Antimicrobials (topical);

Antivirals, limited to Acyclovir;

Biologics, limited to: Skin Testing, CDC recommended Immunizations, Toxoids, and Immunoglobulin;

Contraceptives, except implants and injections;

Corticosteroids (oral or topical), except Ophthalmologic Preparations;

Diabetic Agents, limited to: Insulin, and oral Hypoglycemics, except Thiazolidinediones;

Diuretics, limited to: Thiazide or Loop;

Electrolyte and Fluid Replacements;

Enzymes, limited to: Digestive and Proteolytic;

H2 Blockers;

Hormones (oral or topical), limited to: Estrogen, Testosterone, Progesterins, and Thyroid;

Migraine Preparations, limited to: Ergotamines and Sumatriptin;

Minerals: Macro and Micro;

Osteoporosis agents, limited to: Calcitonin and Raloxifene;

Proton-Pump Inhibitors;

Urinary Antispasmodics;

Vitamins;

Other: Methergine and Pitocin, limited to use only after the uterus has been emptied;

Silver Nitrate.

(2) New categories or classes of drugs will need to be approved as part of the formulary prior to prescribing/administering.

(3) The licensed naturopathic physician has the responsibility to be knowledgeable about the medication being prescribed or administered.

R156-71-304. Qualified Continuing Education.

(1) In accordance with Subsection 58-71-304(1)(a), qualified continuing education shall consist of 24 hours of qualified continuing professional education in each preceding two year period of licensure.

(2) If a licensee allows his license to expire and the application for reinstatement is received by the division within two years after the expiration date the applicant shall:

(a) submit documentation of having completed 24 hours of qualified continuing professional education required for the previous renewal period; and

(b) submit documentation of having completed a pro rata amount of qualified continuing professional education based upon one hour of qualified continuing professional education for each month the license was expired for the current renewal period.

(3) If the application for reinstatement is received by the division more than two years after the date the license expired, the applicant shall complete a minimum of 24 hours of qualified continuing professional education and additional hours as determined by the board to clearly demonstrate the applicant is currently competent to engage in naturopathic medicine.

(4) The standards for qualified continuing education are as follows:

(a) content must be relevant to naturopathic practice and consistent with the laws and rules of this state;

(b) under sponsorship of:

(i) an approved college or university; or

(ii) a professional association or organization representing a licensed profession whose program objectives are related to naturopathic practice;

(c) learning objectives must be reasonably and clearly stated;

(d) teaching methods must be clearly stated and appropriate;

(e) faculty must be qualified, both in experience and in teaching expertise;

(f) there must be a written post course or program evaluation; and

(g) documentation of attendance must be provided.

(5) Qualified continuing education shall consist of at least 10 hours of seminars, conferences or workshops addressing case management and prescribing of legend drugs.

(6) Audits of a licensee's continuing education hours may be done on a random basis by the division in collaboration with the board.

([6]7) A licensee shall be responsible for maintaining competent records of completed qualified professional education for a period of two years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain this information with respect to qualified professional education to demonstrate it meets the requirements under this section.

([7]8) The division in collaboration with the board may grant a waiver of continuing education requirements to a waiver applicant who documents he is engaged in full time activities or is subjected to circumstances which prevent the licensee from meeting the continuing professional education requirements established under this section. A waiver may be granted for a period of up to four years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

KEY: licensing, naturopaths, naturopathic physician*

[April 17, 1997]2000

58-71-101

58-1-106(1)

58-1-202(1)



Environmental Quality, Water Quality

R317-4

Onsite Wastewater Systems

NOTICE OF PROPOSED RULE

(New)

DAR FILE No.: 22490

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed rule replaces existing Rules R317-501 through R317-513, which are proposed to be repealed.

SUMMARY OF THE RULE OR CHANGE: The proposed rule replaces existing Rules R317-501 through R317-513, which are proposed to be repealed. The new rule includes several changes in testing and evaluating protocols, correction of errors, and reorganization of topics for convenient referencing and use.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4. All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization table in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Indirect and intangible benefits in water pollution control and ground water protection. Improved arrangement and clarified protocols will reduce the need for staff interaction with local health department and public to the extent of \$10,000.

❖LOCAL GOVERNMENTS: Initially, there will be an appearance of increased staff-time commitment, but improved protocols and arrangement of topics will result in efficiency and thereby saving to the extent of \$50,000.

❖OTHER PERSONS: Contractors/installers will have to do added testing, but detection of defective products will result in savings to the extent of \$2,000 per site tested.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be an added cost of up to \$100 per applicant to the local health department, but it will be offset by reduced enforcement and inspections. Homeowners will be spending as much as \$200 in testing and inspections, but enhanced operation and reduced need for replacement will be a gain.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Small septic tank manufacturers will have to implement quality control, thereby reducing return and replacement of defective tanks. Added testing burden is offset by the cost of replacement, damages, and enforcement penalties.

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

Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/17/1999 at 11 a.m., 110 North Main, Cedar City, UT; and 12/21/1999 at 10 a.m., 168 North 1950 West, Room 101, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.

R317-4. Onsite Wastewater Systems.

R317-4-1. Definitions.

1.1. "Absorption bed" means an absorption system consisting of a covered, gravel-filled bed into which septic tank effluent is discharged through specially designed distribution pipes for seepage into the soil.

1.2. "Absorption system" means a device constructed to receive and to distribute effluent in such a manner that the effluent is effectively filtered and retained below ground surface.

1.3. "Absorption trench" means standard trenches, shallow trenches with capping fill, and chambered trenches constructed to receive and to distribute effluent in such a manner that the effluent is effectively filtered and retained below ground surface.

1.4. "Alternative onsite wastewater system" means a system for treatment and disposal of domestic wastewater or wastes which consists of a building sewer, a septic tank or other sewage treatment or storage unit, and a disposal facility or method which is not a conventional system; but not including a surface discharge to the waters of the state, unless all applicable effluent discharge requirements are met.

1.5. "At-Grade" System means an alternative type of onsite wastewater system where the bottom of the absorption system is placed at or below the elevation of the existing site grade, and the top of the distribution pipe is above the elevation of existing site grade, and the absorption system is contained within a fill body that extends above that grade.

1.6. "Bedroom" means any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area. It may include, but is not limited to, a den, study, sewing room, sleeping loft, or enclosed porch. Unfinished basements shall be counted as a minimum of one additional bedroom.

1.7. "Building sewer" means the pipe which carries wastewater from the building drain to a public sewer, an onsite wastewater system or other point of disposal. It is synonymous with "house sewer".

1.8. "Chambered trench" means a type of absorption system where the media consists of an open bottom, chamber structure of an approved material and design, which may be used as a substitute for the gravel media with a perforated distribution pipe.

1.9. "Condominium" means the ownership of a single unit in a multi-unit project together with an undivided interest in common, in the common areas and facilities of the property.

1.10. "Conventional system" means an onsite wastewater system which consists of a building sewer, a septic tank, and an absorption system consisting of a standard trench, a shallow trench with capping fill, a chambered trench, a deep wall trench, a seepage pit, or an absorption bed.

1.11. "Curtain drain" means any ground water interceptor or drainage system that is gravel backfilled and is intended to interrupt or divert the course of shallow ground water or surface water away from the onsite wastewater system.

1.12. "Deep wall trench" means an absorption system consisting of deep trenches filled with clean, coarse filter material.

with a minimum sidewall absorption depth of 24 inches of suitable soil formation below the distribution pipe, into which septic tank effluent is discharged for seepage into the soil.

1.13. "Division" means the Utah Division of Water Quality.

1.14. "Disposal area" means the entire area used for the subsurface treatment and dispersion of septic tank effluent by an absorption system.

1.15. "Distribution box" means a watertight structure which receives septic tank effluent and distributes it concurrently, in essentially equal portions, into two or more distribution pipes leading to an absorption system.

1.16. "Distribution pipe" means approved perforated pipe used in the dispersion of septic tank effluent into an absorption system.

1.17. "Domestic wastewater" means a combination of the liquid or water-carried wastes from residences, business buildings, institutions, and other establishments with installed plumbing facilities, together with those from industrial establishments, excluding non-domestic wastewater. It is synonymous with the term "sewage".

1.18. "Domestic septage" means the semi-liquid material that is pumped out of septic tanks receiving domestic wastewater. It consists of the sludge, the liquid, and the scum layer of the septic tank.

1.19. "Drainage system" means all the piping within public or private premises, which conveys sewage or other liquid wastes to a legal point of treatment and disposal, but does not include the mains of a public sewer system or a public sewage treatment or disposal plant.

1.20. "Drop box" means a watertight structure which receives septic tank effluent and distributes it into one or more distribution pipes, and into an overflow leading to another drop box and absorption system located at a lower elevation.

1.21. "Dwelling" means any structure, building, or any portion thereof which is used, intended, or designed to be occupied for human living purposes including, but not limited to, houses, mobile homes, hotels, motels, apartments, business, and industrial establishments.

1.22. "Earth fill" means an excavated or otherwise disturbed suitable soil which is imported and placed over the native soil. It is characterized by having no distinct horizons or color patterns, as found in naturally developed undisturbed soils.

1.23. "Effluent lift pump" means a pump used to lift septic tank effluent to a disposal area at a higher elevation than the septic tank.

1.24. "Ejector pump" means a device to elevate or pump untreated sewage to a septic tank, public sewer, or other means of disposal.

1.25. "Experimental onsite wastewater system" means an onsite wastewater treatment and disposal system which is still in experimental use and requires further testing in order to provide sufficient information to determine its acceptance.

1.26. "Final local health department approval" means, for the purposes of the grandfather provisions in R317-4-2 (Table 1, footnote a) and R317-4-3, the approval given by a local health department which would allow construction and installation of subdivision improvements. Note: Even though final local health department approval may have been given for a subdivision, individual lot approval would still be required for issuance of a building permit on each lot.

1.27. "Ground water" means that portion of subsurface water that is in the zone of soil saturation.

1.28. "Ground water table" means the surface of a body of unconfined ground water in which the pressure is equal to that of the atmosphere.

1.29. "Ground water table, perched" means unconfined ground water separated from an underlying body of ground water by an unsaturated zone. Its water table is a perched water table. It is underlain by a restrictive strata or impervious layer. Perched ground water may be either permanent, where recharge is frequent enough to maintain a saturated zone above the perching bed, or temporary, where intermittent recharge is not great or frequent enough to prevent the perched water from disappearing from time to time as a result of drainage over the edge of or through the perching bed.

1.30. "Maximum ground water table" means the highest elevation that the top of the "ground water table" or "ground water table, perched" is expected to reach for any reason over the full operating life of the onsite wastewater system at that site.

1.31. "Regulatory Authority" means either the Utah Division of Water Quality or the local health department having jurisdiction.

1.32. "Impervious strata" means a layer which prevents water or root penetration. In addition, it shall be defined as having a percolation rate greater than 60 minutes per inch.

1.33. "Individual wastewater disposal system", is synonymous to an onsite system and, means for the purposes of Section 19-5-102(7), a system for underground treatment and disposal of domestic wastewater which is designed for a capacity of 5,000 gallons per day or less and is not designed to serve multiple dwelling units which are owned by separate owners except condominiums. It usually consists of a building sewer, a septic tank, and an absorption system.

1.34. "Invert" is the lowest portion of the internal cross section of a pipe or fitting.

1.35. "Liquid waste operation" means any business activity or solicitation by which liquid wastes are collected, transported, stored, or disposed of by a collection vehicle. This shall include, but not be limited to, the cleaning out of septic tanks, sewage holding tanks, chemical toilets, and vault privies.

1.36. "Liquid waste pumper" means any person who conducts a liquid waste operation business.

1.37. "Local health department" means a city-county or multi-county local health department established under Title 26A.

1.38. "Lot" means a portion of a subdivision, or any other parcel of land intended as a unit for transfer of ownership or for development or both and shall not include any part of the right-of-way of a street or road.

1.39. "Malfunctioning or failing system" means an onsite wastewater system which is not functioning in compliance with the requirements of this regulation and includes, but is not limited to, the following:

A. Absorption systems which seep or flow to the surface of the ground or into waters of the state.

B. Systems which have overflow from any of their components.

C. Systems which, due to failure to operate in accordance with their designed operation, cause backflow into any portion of a building plumbing system.

D. Systems discharging effluent which does not comply with applicable effluent discharge standards.

E. Leaking septic tanks.

1.40. "Mound System" means an alternative onsite wastewater system where the bottom of the absorption system is placed above the elevation of the existing site grade, and the absorption system is contained in a mounded fill body above that grade.

1.41. "Non-domestic wastewater" means process wastewater originating from the manufacture of specific products. Such wastewater is usually more concentrated, more variable in content and rate, and requires more extensive or different treatment than domestic wastewater.

1.42. "Non-public water source" means a culinary water source that is not defined as a public water source.

1.43. "Onsite Wastewater System" means a system consisting of a building sewer, a septic tank, and an absorption system for underground treatment and disposal of domestic wastewater which is designed for a capacity of 5,000 gallons per day or less, designed to serve multiple dwelling units which are owned by separate owners except condominiums.

1.44. "Percolation rate" means the time expressed in minutes per inch required for water to seep into saturated soil at a constant rate during a percolation test.

1.45. "Percolation test" means the method used to measure the percolation rate of water into soil as described in these rules.

1.46. "Permeability" means the rate at which a soil transmits water when saturated.

1.47. "Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state (Section 19-1-103).

1.48. "Pollution" means any man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of any waters of the state, unless the alteration is necessary for public health and safety (Section 19-5-102).

1.49. "Public health hazard" means, for the purpose of this rule, a condition whereby there are sufficient types and amounts of biological, chemical, or physical agents relating to water or sewage which are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses and bacteria, parasites, toxic chemicals and radioactive isotopes. A malfunctioning onsite wastewater system constitutes a public health hazard.

1.50. "Public water source" means a culinary water source, either publicly or privately owned, providing water for human consumption and other domestic uses, as defined in R309.

1.51. "Replacement area" means sufficient land with suitable soil, excluding streets, roads, and permanent structures, which complies with the setback requirements of these rules, and is intended for the 100 percent replacement of absorption systems.

1.52. "Restrictive layer" means a layer in the soil that because of its structure or low permeability does not allow water entering from above to pass through as rapidly as it accumulates. During some part of every year, a restrictive layer is likely to have temporarily perched ground water table accumulated above it.

1.53. "Scum" means a mass of sewage solids floating on the surface of wastes in a septic tank which is buoyed up by entrained gas, grease, or other substances.

1.54. "Seepage pit" means an absorption system consisting of a covered pit into which septic tank effluent is discharged.

1.55. "Septic tank" means a watertight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through an absorption system meeting the requirements of these rules.

1.56. "Septic tank effluent" means partially treated sewage which is discharged from a septic tank.

1.57. "Sewage holding tank" means a watertight receptacle which receives water-carried wastes from the discharge of a drainage system and retains such wastes until removal and subsequent disposal at an approved site or treatment facility.

1.58. "Shall" means a mandatory requirement except when modified by action of the Department on the basis of justifying facts submitted as part of plans and specifications for a specific installation.

1.59. "Shallow trenches with capping fill" means an absorption trench which meets all of the requirements of standard trenches except for the elevation of the installed trench. The minimum depth of installation is 10 inches from the natural existing grade to the trench bottom. The gravel and soil fill required above the pipe are placed as a "cap" to the trenches, installed above the natural existing grade.

1.60. "Should" means recommended or preferred and is intended to mean a desirable standard.

1.61. "Single-family dwelling" means a building designed to be used as a home by the owner or lessee of such building, and shall be the only dwelling located on a lot with the usual accessory buildings.

1.62. "Sludge" means the accumulation of solids which have settled in a septic tank or a sewage holding tank.

1.63. "Soil exploration pit" means an open pit dug to permit examination of the soil to evaluate its suitability for absorption systems.

1.64. "Standard Trench" means an absorption system consisting of a series of covered, gravel-filled trenches into which septic tank effluent is discharged through specially designed distribution pipes for seepage into the soil.

1.65. "Waste" or "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water (Section 19-5-102).

1.66. "Wastewater" means sewage, industrial waste or other liquid substances which might cause pollution of waters of the state. Intercepted ground water which is uncontaminated by wastes is not included.

1.67. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public

health hazard, or a menace to fish and wildlife, are not "waters of the state" (Section 19-5-102).

R317-4-2. Onsite Wastewater Systems—Administrative Requirements.

2.1. Scope. This rule shall apply to onsite wastewater systems.

2.2. Failure to Comply With Rules. Any person failing to comply with This rule will be subject to action as specified in Section 19-5-115 and 26A-1-123.

2.3. Onsite Wastewater System Required. The drainage system of each dwelling, building or premises covered herein shall receive all wastewater (including but not limited to bathroom, kitchen, and laundry wastes) and shall have a connection to a public sewer except when such sewer is not available or practicable for use, in which case connection shall be made as follows:

A. To an onsite wastewater system found to be adequate and constructed in accordance with requirements stated herein.

B. To any other type of wastewater system acceptable under R317-1, R317-3, R317-5, or R317-560.

2.4. Flows Prohibited From Entering Onsite Wastewater Systems. No ground water drainage, drainage from roofs, roads, yards, or other similar sources shall discharge into any portion of an onsite wastewater system, but shall be disposed of so they will in no way affect the system. Non domestic wastes such as chemicals, paints, or other substances which are detrimental to the proper functioning of an onsite wastewater system shall not be disposed of in such systems.

2.5. No Discharge to Surface Waters or Ground Surface. Effluent from any onsite wastewater system shall not be discharged to surface waters or upon the surface of the ground. Sewage shall not be discharged into any abandoned or unused well, or into any crevice, sinkhole, or similar opening, either natural or artificial.

2.6. Repair of a Failing or Unapproved System. Whenever an onsite wastewater system is found by the regulatory authority to create or contribute to any dangerous or insanitary condition which may involve a public health hazard, a malfunctioning system, or deviates from the plans and specifications approved by such health authorities, the regulatory authority may order the owner to take the necessary action to cause the condition to be corrected, eliminated or otherwise come into compliance.

2.7. Procedure for Wastewater System Abandonment.

A. When a dwelling served by an onsite wastewater system is connected to a public sewer, the septic tank shall be abandoned and shall be disconnected from and bypassed with the building sewer unless otherwise approved by the regulatory authority.

B. Whenever the use of an onsite wastewater system has been abandoned or discontinued, the owner of the real property on which such wastewater system is located shall render it safe by having the septic tank wastes pumped out or otherwise disposed of in an approved manner, and the septic tank filled completely with earth, sand, or gravel within 30 days. The septic tank may also be removed within 30 days, at the owners discretion. The contents of a septic tank or other treatment device shall be disposed of only in a manner approved by the regulatory authority.

R317-4-3. Onsite Wastewater Systems General Requirements.

3.1. Units Required in an Onsite Wastewater System. The onsite wastewater system shall consist of the following components:

A. A building sewer.

B. A septic tank.

C. An absorption system. This may be a standard trench, a shallow trench with capping fill, a chambered trench, a deep wall trench, a seepage pit or pits, an absorption bed, or other alternative systems as specified in these rules, depending on location, topography, soil conditions and ground water table.

3.2. Multiple Dwelling Units. Multiple dwelling units under individual ownership, except condominiums, shall not be served by a single onsite wastewater system except where that system is under the sponsorship of a body politic. Plans and specifications for such systems shall be submitted to and approved by the Utah Water Quality Board. Issuance of a construction permit by the Board shall constitute approval of plans and authorization for construction.

3.3. Review Criteria for Establishing Onsite Wastewater System Feasibility of Proposed Housing Subdivisions and Other Similar Developments. The local health department will review plans for proposed subdivisions and other similar developments for wastewater permit feasibility, prepared at the owner's expense by or under the supervision of a qualified person such as, a licensed environmental health scientist, or a registered civil, environmental or geotechnical engineer, certified by the regulatory authority. A plan of the subdivision shall be submitted to the local health department for review and shall be drawn to such scale as needed to show essential features. Ground surface contours must be included, preferably at two-foot intervals unless smaller intervals are necessary to describe existing surface conditions. Intervals larger than two feet may be authorized on a case-by-case basis where it can be shown that they are adequate to describe all necessary terrain features. The plan must be specifically located with respect to the public land survey of Utah. A vicinity location map, preferably a U.S. Geological Survey 7-1/2 or 15 minute topographic map, shall be provided with the plan for ease in locating the subdivision area. A narrative feasibility report addressing the short-range and long-range water supply and wastewater system facilities proposed to serve the development must be submitted for review. The feasibility report shall include the following information:

A. Name and location of proposed development.

B. Name and address of the developer of the proposed project and the engineer or individual who submitted the feasibility report.

C. Statement of intended use of proposed development, such as residential-single family, multiple dwellings, commercial, industrial, or agricultural.

D. The proposed street and lot layout, the size and dimensions of each lot and the location of all water lines and easements, and if possible, the areas proposed for sewage disposal. All lots shall be consecutively numbered. The minimum required area of each lot shall be sufficient to permit the safe and effective use of an onsite wastewater system and shall include a replacement area for the absorption system. Plans used for multiple dwellings, commercial, and industrial purposes will require a study of anticipated sewage flows prior to developing suitable area requirements for sewage disposal.

E. Ground surface slope of areas proposed for onsite wastewater systems shall conform with the requirements of R317-4-4.

F. The location, type, and depth of all existing and proposed nonpublic water supply sources within 200 feet of onsite wastewater systems, and of all existing or proposed public water supply sources within 1500 feet of onsite wastewater systems.

G. The locations of all rivers, streams, creeks, washes (dry or ephemeral), lakes, canals, marshes, subsurface drains, natural storm water drains, lagoons, artificial impoundments, either existing or proposed, within or adjacent to the area to be planned, and cutting or filling of lots that will affect building sites. Areas proposed for onsite wastewater systems shall be isolated from pertinent ground features as specified in Table 2.

H. Surface drainage systems shall be included on the plan, as naturally occurring, and as altered by roadways or any drainage, grading or improvement, installed or proposed by the developer. The details of the surface drainage system shall show that the surface drainage structures, whether ditches, pipes, or culverts, will be adequate to handle all surface drainage so that it in no way will affect onsite wastewater systems on the property. Details shall also be provided for the final disposal of surface runoff from the property.

I. If any part of a subdivision lies within or abuts a flood plain area, the flood plain shall be shown within a contour line and shall be clearly labeled on the plan with the words "flood plain area".

J. The location of all soil exploration pits and percolation test holes shall be clearly identified on the subdivision final plat and identified by a key number or letter designation. The results of such soil tests, including stratified depths of soils and final percolation rates for each lot shall be recorded on or with the final plat. All soil tests shall be conducted at the owner's expense.

K. A report by an engineer, geologist, or other person qualified by training and experience to prepare such reports must be submitted to show a comprehensive log of soil conditions for each lot proposed for an onsite wastewater system.

1. A sufficient number of soil exploration pits shall be dug on the property to provide an accurate description of subsurface soil conditions. Soil description shall conform with the United States Department of Agriculture soil classification system. Soil exploration pits shall be of sufficient size to permit visual inspection, and to a minimum depth of ten feet, and at least four feet below the bottom of proposed absorption systems. One end of each pit should be sloped gently to permit easy entry if necessary. Deeper soil exploration pits are required if deep absorption systems, such as deep wall trenches or seepage pits, are proposed.

2. For each soil exploration pit, a log of the subsurface formations encountered must be submitted for review which describes the texture, structure, and depth of each soil type, the depth of the ground water table if encountered, and any indications of the maximum ground water table.

3. Soil exploration pits and percolation tests shall be made at the rate of at least one test per lot. Percolation tests shall be conducted in accordance with R317-4-5. If soil conditions and surface topography indicate, a greater number of soil exploration pits or percolation tests may be required by the regulatory authority. Whenever available, information from published soil studies of the area of the proposed subdivision shall be submitted for review. Soil exploration pits and percolation tests must be conducted as closely as possible to the absorption system sites on the lots or parcels. The regulatory authority shall have the option of inspecting the open soil exploration pits and monitoring the percolation test procedure.

Complete results shall be submitted for review, including all unacceptable test results. Absorption systems are not permitted in areas where the requirements of R317-4-5 cannot be met or where the percolation rate is slower than 60 minutes per inch or faster than one minute per inch. Where soil and other site conditions are clearly unsuitable, there is no need for conducting soil exploration pits or percolation tests.

L. A statement by an engineer, geologist, or other person qualified by training and experience to prepare such statements, must be submitted indicating the present and maximum ground water table throughout the development. If there is evidence that the ground water table ever rises to less than two feet from the bottom of the proposed absorption systems, onsite wastewater absorption systems will not be approved. Ground water table determinations must be made in accordance with R317-505.

M. If ground surface slopes exceed four percent, or if soil conditions, drainage channels, ditches, ponds or watercourses are located in or near the project so as to complicate design and location of an onsite wastewater systems, a detailed system layout shall be provided for those lots presenting the greatest design difficulty. A typical lot layout will include, but not be limited to the following information, and shall be drawn to scale:

1. All critical dimensions and distances for the selected lot(s), including the distance of the onsite wastewater system from lakes, ponds, watercourses, etc.

2. Location of dwelling, with distances from street and property lines.

3. Location of water lines, water supply, onsite wastewater system, property lines, and lot easements.

4. Capacity of septic tank and dimensions and cross-section of absorption system.

5. Results and locations of individual soil exploration pits and percolation tests conducted on the selected lot(s).

6. If nonpublic wells or springs are to be provided, the plan shall show a typical lot layout indicating the relative location of the building, well or spring, and onsite wastewater system.

N. If proposed developments are located in aquifer recharge areas or areas of other particular geologic concern, the regulatory authority may require such additional information relative to ground water movement, or possible subsurface sewage flow.

O. Excessively Permeable Soil and Blow Sand. Soil having excessively high permeability, such as cobbles or gravels with little fines and large voids, affords little filtering action to effluents flowing through it and may constitute grounds for rejection of sites. The extremely fine-grained "blow sand" (aeolian sand) found in some parts of Utah is unsuitable for absorption systems, and onsite wastewater system for installation in such blow sand conditions shall not be approved. This shall not apply to lots which have received final local health department approval prior to the effective date of this rule.

1. Percolation test results in blow sand will generally be rapid, but experience has shown that this soil has a tendency to become sealed with minute organic particles within a short period of time. For lots which are exempt as described above, systems may be constructed in such material provided it is found to be within the required range of percolation rates specified in these rules, and provided further that the required area shall be calculated on the assumption of the minimum acceptable percolation rate (60 minutes

per inch for standard trenches, deep wall trenches, and seepage pits, and 30 minutes per inch for absorption beds).

2. Prohibition of Onsite Wastewater Systems. If soil studies described in the foregoing paragraphs indicate conditions which fail in any way to meet the requirements specified herein, the use of onsite wastewater systems in the area of study will be prohibited.

P. After review of all information, plans, and proposals, the regulatory authority will send a letter to the individual who submitted the feasibility report stating the results of the review or the need for additional information. An affirmative statement of feasibility does not imply that it will be possible to install onsite wastewater systems on all of the proposed lots, but shall mean that such onsite wastewater systems may be installed on the majority of the proposed lots in accordance with minimum State requirements and any conditions that may be imposed.

3.4. Submission, Review, and Approval of Plans for Onsite Wastewater Systems.

A. Plans and specifications for the construction, alteration, extension, or change of use of onsite wastewater systems which receive domestic wastewater, prepared at the owner's expense by or under the supervision of a qualified person such as, a licensed environmental health scientist, or a registered civil, environmental or geotechnical engineer, certified by the regulatory authority, shall be submitted to, and approved by the local health department having jurisdiction before construction of either the onsite wastewater system or building to be served by the onsite wastewater system may begin. Details for said site, plans, and specifications are listed in R317-4-4.

B. Plans and specifications for the construction, alteration, extension, or change of use of onsite wastewater systems which receive nondomestic wastewater shall be submitted to and approved by the Division of Water Quality.

C. The local health department having jurisdiction, or the Division, shall review said plans and specifications as to their adequacy of design for the intended purpose, and shall, if necessary, require such changes as are required by these rules. When the reviewing regulatory authority is satisfied that plans and specifications are adequate for the conditions under which a system is to be installed and used, written approval shall be issued to the individual making the submittal and the plans shall be stamped indicating approval. Construction shall not commence until the plans have been approved by the regulatory authority. The installer shall not deviate from the approved design without the approval of the reviewing regulatory authority.

D. Depending on the individual site and circumstances, or as determined by the local board of health some or all of the following information may be required. Compliance with these rules must be determined by an on-site inspection after construction but before backfilling. Onsite wastewater systems must be constructed and installed in accordance with these rules.

E. In order that approval can be expedited, plans submitted for review must be drawn to scale (1" = 8', 16', etc. but not exceed 1" = 30'), or dimensions indicated. Plans must be prepared in such a manner that the contractor can read and follow them in order to install the system properly. Plan information that may be required is as follows:

F. Plot or property plan showing:

1. Date of application.
2. Direction of north.

3. Lot size and dimensions.

4. Legal description of property if available.

5. Ground surface contours (preferably at 2 foot intervals) of both the original and final (proposed) grades of the property, or relative elevations using an established bench mark.

6. Location and dimensions of paved and parking areas.

7. Location and explanation of type of dwelling to be served by an onsite wastewater system.

8. Maximum number of bedrooms (including statement of whether a finished or unfinished basement will be provided), or if other than a single family dwelling, the number of occupants expected and the estimated gallons of wastewater generated per day.

9. Location and dimensions of the essential components of the onsite wastewater system.

10. Location of soil exploration pit(s) and percolation test holes.

11. Location of building sewer and water service line to serve dwelling.

12. The location, type, and depth of all existing and proposed nonpublic water supply sources within 200 feet of onsite wastewater systems, and of all existing or proposed public water supply sources within 1500 feet of onsite wastewater systems.

13. Distance to nearest public water main and size of main.

14. Distance to nearest public sewer, size of sewer, and whether accessible by gravity.

15. Location of easements or drainage right-of-ways affecting the property.

16. Location of all streams, ditches, watercourses, ponds, subsurface drains, etc., (whether intermittent or year-round) within 100 feet of proposed onsite wastewater system.

G. Statement of soil conditions obtained from soil exploration pit(s) dug (preferably by backhoe) to a depth of ten feet in the absorption system area, or to the ground water table if it is shallower than 10 feet below ground surface. In the event that absorption system excavations will be deeper than six feet, soil exploration pits must extend to a depth of at least four feet below the bottom of the proposed absorption system excavation. One end of each pit should be sloped gently to permit easy entry if necessary. Whenever possible data from published soil studies of the site should also be submitted. Soil logs should be prepared in accordance with the United States Department of Agriculture soil classification system.

H. Statement with supporting evidence indicating (A) present and (B) maximum anticipated ground water table and (C) flooding potential for onsite wastewater system site.

I. The results of at least one stabilized percolation test for the design flow less than 2,000 gallons per day, or three tests if the design flow is more than 2,000 gallons per day, but less than 5,000 gallons per day, in the area of the proposed absorption system, conducted according to R317-4-5. Percolation tests should be conducted at a depth of six inches below the bottom of the proposed absorption system excavation and test results should be submitted on a "Percolation Test Certificate" obtainable upon request. If a deep wall trench or seepage pit is proposed, a completed "Deep Wall Trench Construction Certificate" may be submitted if percolation tests are not required.

J. Relative elevations (using an established bench mark) of the:

1. Building drain outlet.

2. The inlet and outlet inverts of the septic tank(s).
3. The outlet invert of the distribution box (if provided) and the ends or corners of each distribution pipe lateral in the absorption system.
4. The final ground surface over the absorption system.
5. Septic tank access cover, including length of extension, if used.
- K. Schedule or grade, material, diameter, and minimum slope of building sewer.
- L. Septic tank capacity, design (cross sections, etc.), materials, and dimensions. If tank is commercially manufactured, state name and address of manufacturer.
- M. Details of drop boxes or distribution boxes (if provided)
- N. Absorption system details which include the following:
1. Schedule or grade, material, and diameter of distribution pipes.
2. Required and proposed area for absorption system.
3. Length, slope, and spacing of each distribution pipeline.
4. Maximum slope across ground surface of absorption system area.
5. Slope of distribution pipelines (maximum slope four inches/100 feet., level preferred)
6. Distance of distribution pipes from trees, cut banks, fills or other subsurface disposal systems.
7. Type and size of filter material to be used (must be clean, free from fines, etc.).
8. Cross section of absorption system showing:
- a. Depth and width of absorption system excavation.
- b. Depth of distribution pipe.
- c. Depth of filter material.
- d. Barrier (i.e., synthetic filter fabric, straw, etc.) used to separate filter material from backfill.
- e. Depth of backfill.
- O. Schedule or grade, type, and capacity of sewage pump, pump well, discharge line, siphons, siphon chambers, etc., if required as part of the onsite wastewater system.
- P. Statement indicating (A) source of water supply for dwelling (whether a well, spring, or public system) and (B) location and (C) distance from onsite wastewater disposal system. If plan approval of a nonpublic water supply system is desired, information regarding that system must be submitted separately.
- Q. Complete address of dwelling to be served by this onsite wastewater system. Also the name, current address, and telephone number of:
1. The person who will own the proposed onsite wastewater system.
2. The person who will construct and install the onsite wastewater system.
3. If mortgage loan for dwelling is insured or guaranteed by a federal agency, the name and local address of that agency.
- R. All applicants requesting plan approval for an onsite wastewater system must submit a sufficient number of copies of the above required information to enable the regulatory authority to retain one copy as a permanent record.
- S. Applications will be rejected if proper information is not submitted.
- 3.5. Final On-Site Inspection.
- A. After an onsite wastewater system has been installed and before it is backfilled or used, the entire system shall be inspected

by the appropriate regulatory authority to determine compliance with these rules. For deep wall trenches and seepage pits, the regulatory authority should make at least two inspections, with the first inspection being made following the excavation and the second inspection after the trench or pit has been filled with stone or constructed, but before any backfilling has occurred.

B. Each septic tank shall be tested for water tightness before backfilling in accordance with the requirements and procedure outlined in the American Society for Testing Materials' Standard ASTM C-1227. Concrete tanks should be filled 24 hours before the inspection to allow stabilization of the water level. During the inspection there shall be no change in the water level for 30 minutes. Nor shall moving water, into or out of the tank, be visible. The regulatory authority may allow two piece tanks, with the joint below the water level, to be backfilled up to three inches below the joint to provide adequate support to the seam of the tank. Testing shall be supervised by the regulatory authority. Tanks exhibiting obvious defects or leaks shall not be approved unless such deficiencies are repaired to the satisfaction of the regulatory authority.

3.6. Appeals. The appeals process for this rule is outlined in R317-1-8.

R317-4-4. Onsite Wastewater Systems General Design Requirements.

4.1. Site Location and Installation.

A. Onsite wastewater systems are not suitable for all areas and situations. Location and installation of each system, or other approved means of disposal, shall be such that with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, public health hazard, or endanger the quality of any waters of the State. Systems shall be located on the same lot as the building served unless, when approved by the regulatory authority, a perpetual utility easement and right-of-way is established on an adjacent or nearby lot for the construction, operation, and continued maintenance, repair, alteration, inspection, relocation, and replacement of an onsite wastewater system, to include all rights to ingress and egress necessary or convenient for the full or complete use, occupation, and enjoyment of the granted easement. The easement must accommodate the entire onsite wastewater system, including setbacks (see Table 2) which extend beyond the property line.

B. In determining a suitable location for the system, due consideration shall be given to such factors as: size and shape of the lot; slope of natural and finished grade; location of existing and future water supplies; depth to ground water and bedrock; soil characteristics and depth; potential flooding or storm catchment; possible expansion of the system, and future connection to a public sewer system.

4.2. Lot Size Requirements.

A. One of the following two methods shall be used for determining minimum lot size for a single-family dwelling when an onsite wastewater system is to be used:

METHOD 1:-The local health department having jurisdiction may determine minimum lot size. Individuals or developers requesting lot size determinations under this method will be required to submit to the local health department, at their own expense, a report which accurately takes into account, but is not limited to, the following factors:

- A. Soil type and depth.
- B. Area drainage, lot drainage, and potential for flooding.
- C. Protection of surface and ground waters.
- D. Setbacks from property lines, water supplies, etc.
- E. Source of culinary water.
- F. Topography, geology, hydrology and ground cover.
- G. Availability of public sewers.
- H. Activity or land use, present and anticipated.
- I. Growth patterns.
- J. Individual and accumulated gross effects on water quality.
- K. Reserve areas for additional subsurface disposal.
- L. Anticipated sewage volume.
- M. Climatic conditions.
- N. Installation plans for wastewater system.
- O. Area to be utilized by dwelling and other structures.

Under this method, local health departments may elect to involve other affected governmental entities and the Division in making joint lot size determinations. The Division will develop technical information, training programs, and provide engineering and geohydrologic assistance in making lot size determinations that will be available to local health departments upon their request.

METHOD 2:-Whenever local health departments do not establish minimum lot sizes for single-family dwellings that will be served by onsite wastewater systems, the requirements of Table 1 shall be met:

TABLE 1
Minimum Lot Size(a)

WATER SUPPLY	SOIL TYPE				
	1	2	3	4	5
Public(b)	12,000 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	--
Individual each lot(c)	1 acre	1.25 acres	1.5 acres	1.75 acres	--

SOIL TYPE	DRAINAGE	PERCOLATION RATE(d)(e)	APPROXIMATE SOIL CLASSIFICATION SYMBOL (USDASoil Classification System)(e)(f)
1	Good	1-15	Sand, Loamy Sandg.
2	Fair	16-30	Sandy Loam, Loam
3	Poor	30-45	Loam, Silty Loam
4	Marginal	46-60	Sandy Clay Loam, Silty Clay Loam,g.
5	Unacceptable (h)		Clay Loam, Clay Bedrock, fractured bedrock, hardpan, CH, OL, OH, PT (including unacceptable ground water table elevations)

FOOTNOTES

(a) Excluding public streets and alleys or other public rights-of-way, lands or any portion thereof abutting on, running through or within a building lot for a single-family dwelling. These minimum lot size requirements shall not apply to building lots which have been recorded or have received final local health department approval prior to May 21, 1984. Unrecorded lots which are part of subdivisions that have received final local health department approval prior to May 21, 1984 are only exempt from the minimum lot size requirements if the developer has and is proceeding with reasonable diligence. Notwithstanding this grandfather provision for recorded and other approved lots, the minimum lot size requirements are applicable if compelling or countervailing public health interests would necessitate application of these more

stringent requirements. The shape of the lot must also be acceptable to the regulatory authority.

(b) This category shall also include lots served by a nonpublic water source that is not located on the lots.

(c) See the isolation requirements in Table 2.

(d) When deep wall trenches or seepage pits will be used, the percolation test may be estimated by a qualified person in accordance with R317-4-9.

(e) When there is a substantial discrepancy between the percolation rate and the approximate soil classification, it shall be resolved to the satisfaction of the regulatory authority, or the soil type requiring the largest lot shall be used.

(f) See Table 8 for a more detailed description of the USDA soil classification system.

(g) These soils are usually considered unsuitable for absorption systems, but may be suitable, depending upon the percentage and type of fines in coarse-grained porous soils, and the percentage of sand and gravels in fine-grained soils.

(h) Faster than one minute per inch, slower than 60 minutes per inch, or unsuitable soil formations.

B. Determination of minimum lot size by Methods 1 and 2 would not preempt local governments from establishing larger minimum lot sizes.

C. Available pertinent land for construction of other than single-family dwellings should have a minimum net available area in the amount of 22 square feet per gallon of estimated sewage computed from the fixture unit values established by Table 3 or other acceptable methods. Each fixture unit should be rated at not less than 25 gallons per day. One-half of this pertinent land area should be available for the absorption system.

4.3. Isolation of Onsite Wastewater Systems. Minimum distances between components of an onsite wastewater disposal system and pertinent ground features shall be as prescribed in Table 2.

TABLE 2
Minimum Horizontal Distance in Feet(a)
(Undisturbed Earth)

FROM	to Building Sewer	to Septic Tank
<u>Public Water Supply Sources</u>		
Protected Aquifer Well (c)	100	100
Unprotected Aquifer Well (c)	(d)	(d)
Spring (c)	(d)	(d)
<u>Individual or Nonpublic Water Supply Sources</u>		
Grouted Well (k)	25	50
Ungouted Well (k)	25	50
Spring (c)	25	50
Non-culinary Well or Spring	--	25
Watercourse (live or ephemeral stream, river, subsurface drain canal, etc.)	--	25
Lake, Pond, Reservoir	--	25
Culinary Water Supply Line	(g)	10
<u>Foundation of any building including garages and outbuildings:</u>		
without foundation drains	3	5
with foundation drains	3	25

<u>Curtain drains</u>			
located up gradient	--	10	
located down gradient	10	25	
<u>Property line</u>	5	5	
<u>Swimming pool wall (subsurface)</u>	3	10	
<u>Downslope cut bank or top of embankment</u>	--	10	
<u>Dry washes, gulches, and gullies</u>	--	25	
<u>Catch basin or dry well</u>	--	5	
<u>Trees and shrubs (h)</u>	--	--	
<u>Deep Wall Trench (b)</u>	--	5	
<u>Absorption Bed</u>	--	5	
<u>Standard/Chamber Trench</u>	--	5	
<u>Minimum Horizontal Distance in Feet(a)</u> <u>(Undisturbed Earth)</u>			
	to	to	to
<u>FROM</u>	<u>Standard Trench</u>	<u>Deep Wall Trench</u>	<u>Absorption Bed</u>
<u>Public Water Supply Sources</u>			
Protected Aquifer Well (c)	100	100	100
Unprotected Aquifer Well (c)	(d)	(d)	(d)
Spring (c)	(d)	(d)	(d)
<u>Individual or Nonpublic Water Supply Sources</u>			
Grouted Well (k)	100	100	100
UngROUTed Well (k)	200(e)	200(e)	200(e)
Spring (c)	200(e)	200(e)	200(e)
<u>Non-culinary Well or Spring</u>	100	100	100
<u>Watercourse (live or ephemeral stream, river, subsurface drain canal, etc.)</u>	100(f)	100(f)	100(f)
<u>Lake, Pond, Reservoir</u>	100	100	100
<u>Culinary Water Supply Line</u>	10(g)	10(g)	10(g)
<u>Foundation of any building including garages and outbuildings:</u>			
without foundation drains	5	20	5
with foundation drains	100	100	100
<u>Curtain drains</u>			
located up gradient	20	20	20
located down gradient	100	100	100
<u>Property line</u>	5	10	10
<u>Swimming pool wall (subsurface)</u>	25	25	25
<u>Downslope cut bank or top of embankment</u>	50	50	50
<u>Dry washes, gulches, and gullies</u>	50	50	50
<u>Catch basin or dry well</u>	25	25	25
<u>Trees and shrubs (h)</u>	5	5	5
<u>Deep Wall Trench (b)</u>	10	(i)	10

<u>Absorption Bed</u>	10	10	10
<u>Standard Trench</u>	(j)	10	10

FOOTNOTES

(a) All distances are from edge to edge and on the same property. Where surface waters are involved, the distance shall be measured from the high water line.

(b) Seepage pits shall meet the same separation distances specified for deep wall trenches, except that seepage pits shall be separated from one another by at least a distance equal to 3 times the greatest diameter of either pit, with a minimum separation of 15 feet.

(c) As defined by R309-113-6. Distances to avoid contamination cannot always be predicted for varying conditions of soil or underlying bedrock and ground water. Absorption systems should be located as far away from wells, springs, and other water supplies as is practicable, and not on a direct slope above them. Compliance with separation requirements does not guarantee acceptable water quality in every instance. This is particularly applicable with shallow sources of ground water. Where geological or other conditions warrant, greater distances may be required by the regulatory authority.

(d) It is recommended that the listed concentrated sources of pollution be located at least 1500 feet or as required by the Drinking Water Source Protection rules, from unprotected aquifer wells and springs used as public water sources. Any proposal to locate closer than 1500 feet from the property line must be reviewed and approved on by the regulatory authority, taking into account geology, hydrology, topography, existing land use agreements, consideration of the drinking water source protection requirements, protection of public health and potential for pollution of water source. Any person proposing to locate an onsite wastewater system closer than 1500 feet to a public unprotected aquifer well or spring must submit a report to the regulatory authority which considers the above items. The minimum required isolation distance where optimum conditions exist and with the approval of the regulatory authority may be 100 feet. R309-113 requires a protective zone, established by the public water supply owner, before a new source is approved. Public water sources which existed prior to the requirement for a protective zone may not have acquired one. Such circumstances must be reviewed by the regulatory authority, taking into account geology, hydrology, topography, existing land use agreements, consideration of the drinking water source protection requirements, protection of public health and potential for pollution of water source.

(e) Although this distance shall be generally adhered to as the minimum required separation distance, exceptions may be approved by the regulatory authority, taking into account geology, hydrology, topography, existing land use agreements, consideration of the drinking water source protection requirements, protection of public health and potential for pollution of water source. Any person proposing to locate an absorption system closer than 200 feet to an individual or nonpublic ungrouted well or spring must submit a report to the regulatory authority which considers the above items. In no case shall the regulatory authority grant approval for an onsite wastewater system to be closer than 100 feet from an ungrouted well or a spring.

(f) Lining or enclosing watercourses with an acceptable impervious material may permit a reduction in the separation requirement. In situations where the bottom of a canal or watercourse is at a higher elevation than the ground in which the absorption system is to be installed, a reduction in the distance requirement may be justified, but each case must be decided on its own merits by the regulatory authority.

(g) If the water supply line is for a public water supply, the separation distance must comply with the requirements of R309. No water service line shall pass over any portion of an onsite wastewater system.

(h) Components which are not watertight should not extend into actual or anticipated root systems of nearby trees. Trees and other large rooted plants shall not be allowed to grow over onsite wastewater systems. However, it is desirable to cover the area over onsite wastewater systems with lawn grass or other shallow-rooted

plants. Onsite wastewater systems should not be located under vegetable gardens.

(i) For deep wall trenches, the separation distance must be at least equal to 3 times the deepest effective depth of either trench with a minimum separation of 12 feet between trenches.

(j) See R317-4-9, Table 7.

(k) A grouted well is a well constructed as required in the drinking water rules R309.

4.4. Estimates of Wastewater Quantity. Quantity of wastewater to be disposed of shall be determined accurately, preferably by actual measurement. Metered water supply figures for similar installations can usually be relied upon, providing the nondisposable consumption, if any, is subtracted. Where this data is not available, the minimum design flow figures in Table 3 shall be used to make estimates of flow. In no event shall the septic tank or absorption system be designed such that the anticipated maximum daily sewage flow exceeds the capacity for which the system was designed.

TABLE 3
Estimated Quantity of Domestic Wastewater(a)

Type of Establishment	Gallons per day
Airports	
a. per passenger	3
b. per employee	15
Boarding Houses	
a. for each resident boarder and employee	50 per person
b. additional for each nonresident boarders	10 per person
Bowling Alleys	
a. with snack bar	100 per alley
b. with no snack bar	85 per alley
Camps	
a. modern camp	30 per person
b. semi-developed with flush toilets	30 per person
c. semi-developed with no flush toilets	5 per person
Churches	
a. per person	5
Condominiums, Multiple Family Dwellings, or Apartments	
a. with individual or common laundry facilities	400 per unit
b. with no individual or common laundry facilities	75 per person
Country Clubs	
a. per resident member	100
b. per nonresident member present	25
c. per employee	15
Dentist's Office	
a. per chair	200
b. per staff member	35
Doctor's Office	
a. per patient	10
b. per staff member	35
Fairgrounds	1 per person
Fire Stations	
a. with full-time employees and food preparation	70 per person
b. with no full-time employees and no food preparation	5 per person
Gyms	
a. participant	25 per person
b. spectator	4 per person
Hairdresser	
a. per chair	50
b. per operator	35

Highway Rest Stops (improved, with restroom facilities)	5 per vehicle
Hospitals	250 per bed space
Hotels, Motels, and Resorts	125 per unit
Industrial Buildings (exclusive of industrial waste)	
a. with showers, per 8 hour shift	35 per person
b. with no showers, per 8 hour shift	15 per person
Labor or Construction Camps	50 per person
Launderette	580 per washer
Mobile Home Parks	400 per unit
Movie Theaters	
a. auditorium	5 per seat
b. drive-in	10 per car space
Nursing Homes	200 per bed space
Office Buildings and Business Establishments (Sanitary wastes only, per shift)	
a. with cafeteria	25 per employee
b. with no cafeteria	15 per employee
Picnic Parks (toilet wastes only)	5 per person
Restaurants(b)	
a. ordinary restaurants (not 24 hour service)	35 per seat
b. 24 hour service	50 per seat
c. single service customer utensils only	2 per customer
d. or, per customer served (includes toilet and kitchen wastes)	10
Recreational Vehicle Parks	
a. sanitary stations for self-contained vehicles	50 per space
b. dependent spaces (temporary or transient with no sewer connections)	50 per space
c. independent spaces (temporary or transient with sewer connections)	125 per space
Rooming House	40 per person
Sanitary Stations (per self-contained vehicle)	50
Schools	
a. boarding	75 per person
b. day, without cafeteria, gymnasiums or showers	15 per person
c. day, with cafeteria, but no gymnasiums and showers	20 per person
d. day, with cafeteria, gymnasium and showers	25 per person
Service Stations(c) (per vehicle served)	10
Single-Family Dwellings	(See Tables 5, 8, and 11)
Skating Rink, Dance Halls, etc.	
a. no kitchen wastes	10 per person
b. additional for kitchen wastes	3 per person
Ski Areas	
a. no kitchen wastes	10 per person
Stores	
a. per public toilet room	500
b. per employee	11
Swimming Pools and Bathhouses(d)	10 per person
Taverns, Bars, Cocktail Lounges	20 per seat
Visitor Centers	5 per visitor

FOOTNOTES

(a) When more than one use will occur, the multiple use shall be considered in determining total flow. Small industrial plants maintaining a cafeteria or showers and club houses or motels maintaining swimming pools or laundries are typical examples of

multiple uses. Uses other than those listed above shall be considered in relation to established flows from known or similar installations.

(b) No commercial food waste disposal unit shall be connected to an onsite wastewater system unless first approved by the regulatory authority.

(c) Or, 250 gallons per day per pump.

(d) Or, 20 x water area + deck area.

4.5. Installation in Sloping Ground.

A. Construction of absorption systems on slopes in excess of 15 percent but not greater than 25 percent may be allowed providing that subsoil profiles indicate no restrictive layers of soil and appropriate engineering design is provided. Absorption systems placed in sloping ground shall be so constructed that there is a minimum of 10 feet of undisturbed earth measured horizontally from the bottom of the distribution line to the ground surface. Where the addition of fluids is judged to create an unstable slope, absorption systems will be prohibited.

B. Absorption systems shall be so located and constructed that there is a minimum of 50 feet from downhill slopes that exceed 35 percent.

C. Alternative systems shall be subject to the site slope limits specified in R317-4-11 for earth fill, "at-grade" systems and in mound systems.

4.6. Replacement Area for Absorption System. Adequate and suitable land shall be reserved and kept free of permanent structures, traffic, or adverse soil modification for 100 percent replacement of each absorption system. If approved by the regulatory authority, the area between standard trenches or deep wall trenches may be regarded as replacement area.

R317-4-5. Soil and Ground Water Requirements.

5.1. Soil Requirements.

A. In areas where onsite wastewater systems are to be constructed, soil cover must be adequate to insure at least 48 inches of suitable soil between bedrock formations or impervious strata and the bottom of the absorption system excavation. In cases where an approved fill is used, there shall be at least three feet of suitable soil from prevailing site grade to bedrock formations or impervious strata. For the purposes of this regulation, unsuitable soil or bedrock formations shall be deemed to be (1) soil or bedrock formations which are so slowly permeable that they prevent downward passage of effluent, or (2) soil or bedrock formations with open joints or solution channels which permit such rapid flow that effluent is not renovated. This includes coarse particles such as gravel, cobbles, or angular rock fragments with insufficient soil to fill the voids between the particles. Solid or fractured bedrock such as shale, sandstone, limestone, basalt, or granite are unacceptable for absorption systems. Where a mound system is used, there shall be at least two feet of suitable soil from prevailing site grade to formations which will permit such rapid flow that effluent will not be renovated.

B. A suitable soil for absorption systems shall meet the following criteria:

1. The distance between the maximum ground water table and the bottom of the absorption system excavation complies with the requirements of these rules.

2. Has the capacity to adequately disperse the designed effluent loading as determined by field percolation rates, or by other approved soil tests.

3. Does not exhibit inhibiting swelling or collapsing characteristics.

4. Does not visually exhibit a jointed or fractured pattern of an underlying bedrock.

5. Is not consolidated, cemented, indurated, or plugged by a buildup of secondary deposited calcium carbonate (caliche).

6. Acts as an effective effluent filter within its depth for the removal of pathogenic organisms.

7. Criteria for alternative onsite wastewater systems, as specified in R317-4-11 for earth fill systems, "at-grade" systems, and mound systems.

5.2. Ground Water Requirements.

A. In areas where absorption systems are to be constructed, the elevation of the anticipated maximum ground water table shall be at least 24 inches below the bottom of the absorption system excavation and at least 48 inches below finished grade. Local health departments and other local government entities may impose stricter separation requirements between absorption systems and the maximum ground water table when deemed necessary. Building lots recorded or having received final local health department approval prior to May 21, 1984 shall be subject to the ground water table separation requirements of the then Part IV of the Code of Waste Disposal Regulations dated June 21, 1967. Unrecorded lots which are part of subdivisions that have received final local health department approval prior to May 21, 1984 are only exempt from the ground water table separation requirements of this regulation if the developer has and is proceeding with reasonable diligence. Notwithstanding this grandfather provision for recorded or other approved lots, the depth to ground water requirements are applicable if compelling or countervailing public health interests would necessitate application of the more stringent requirements of this regulation.

B. The maximum ground water table shall be determined by one or more of the following methods:

1. Direct visual observation of the maximum ground water table in a soil exploration pit.

2. Regular monitoring of the "ground water table" or "ground water table, perched" in an observation well for a period of one year, or for the period of maximum ground water table. Ground water monitoring shall be required where the anticipated maximum ground water table, including irrigation induced water table, might be expected to rise closer than 48 inches to the elevation of the bottom of the onsite wastewater system, or where alternative onsite wastewater systems may be considered.

3. Observation of soil in a soil exploration pit for evidence of crystals of salt left by the maximum ground water table; or chemically reduced iron in the soil, reflected by a mottled coloring.

4. If the highest elevation that the top of the ground water table or ground water table, perched, ever recorded, is expected to reach for any reason, including irrigation induced water table, over the full operating life of the conventional onsite wastewater system is within 24 inches of the bottom of the conventional onsite wastewater system the use of conventional onsite wastewater systems in the area of study will be prohibited.

C. Previous ground water records and climatological or other information may be consulted for each site proposed for an onsite wastewater system and it may be used to adjust the observed maximum ground water table elevation in determining the anticipated maximum ground water table elevation. In cases where

the anticipated maximum ground water table is expected to rise to closer than 34 inches from the original ground surface and an alternative or experimental onsite wastewater system would be considered, previous ground water records and climatological or other information shall be used to adjust the observed maximum ground water table in determining the anticipated maximum ground water table.

D. A curtain drain or other effective ground water interceptor may be required to be installed for an absorption system as a condition for its approval. The health authority may require that the effectiveness of such devices in lowering the ground water table be demonstrated during the season of maximum ground water table.

5.3. Soil Exploration Requirements.

A. Suitable soil exploration pits, of sufficient size to permit visual inspection, and to a minimum depth of 10 feet, or at least 48 inches below the bottom of proposed onsite wastewater systems, shall be dug on each absorption system site to determine the ground water table and subsurface soil and bedrock conditions. One end of each pit should be sloped gently to permit easy entry if necessary. A log of the soil and bedrock formations encountered must be submitted describing the texture, structure, and depth of each soil type, the depth of the ground water table encountered, and indications of the maximum elevation of the ground water table. Soil logs should be prepared in accordance with the United States Department of Agriculture Soil Classification System by qualified individuals.

B. Proper safety precautions shall be taken whenever soil exploration pits or other excavations are dug for onsite wastewater systems.

5.4. Percolation Test Requirements. At least one stabilized percolation test for the design flow less than 2,000 gallons per day, or three tests if the design flow is more than 2,000 gallons per day, but less than 5,000 gallons per day, shall be performed on the site of each absorption system to determine minimum required absorption area. More tests may be required where soil structure varies, where limiting geologic conditions are encountered, where the proposed property improvements will require large disposal systems, or where the health authority deems it necessary. Percolation tests shall be conducted in accordance with the instructions in this section. Absorption systems are not permitted in areas where the soil percolation rate is slower than 60 minutes per inch or faster than one minute per inch.

A. When percolation tests are made, such tests shall be made at points and elevations selected as typical of the area in which the absorption system will be located. Consideration should be given to the finished grades of building sites so that test results will represent the percolation rate of the soil in which absorption systems will be constructed. After the suitability of any area to be used for onsite wastewater systems has been evaluated and approved for construction, no grade changes shall be made to this area unless the regulatory authority is notified and a reevaluation of the area's suitability is made prior to the initiation of construction.

B. Test results when required shall be considered an essential part of plans for absorption systems and shall be submitted on a signed "Percolation Test Certificate" or equivalent. Copies of the recommended Percolation Test Certificate form can be obtained from the Division of Water Quality. The test certificate must contain the following:

1. a signed statement certifying that the tests were conducted in accordance with this rule;

2. The name of the individual conducting the tests;

3. The location of the property

4. the depth and rate of each test in minutes per inch;

5. the date of the tests;

6. the logs of the soil exploration pits, including a statement of soil explorations to a depth of ten feet. In the event that absorption systems will be deeper than six feet, soil explorations must extend to a depth of at least four below the bottom of the proposed absorption system, deep wall trench, seepage pit or absorption bed;

7. a statement of the present and anticipated maximum ground water table;

8. all other factors affecting percolation test results.

C. Percolation tests shall be conducted at the owner's expense by or under the supervision of a qualified person such as, a licensed environmental health scientist, or a registered civil, environmental or geotechnical engineer, certified by the regulatory authority, in accordance with the following:

1. Conditions Prohibited for Test Holes. Percolation tests shall not be conducted in test holes which extend into ground water, bedrock, or frozen ground. Where a fissured soil formation is encountered, tests shall be made under the direction of the regulatory authority.

2. Soil Exploration Pit Prerequisite to Percolation Tests. Since the appropriate percolation test depth depends on the soil conditions at a specific site, the percolation test should be conducted only after the soil exploration pit has been dug and examined for suitable and porous strata and ground water table information. Percolation test results should be related to the soil conditions found.

3. Number and Location of Percolation Tests. One or more tests shall be made in separate test holes on the proposed absorption system site to assure that the results are representative of the soil conditions present. Percolation tests conducted for deep wall trenches and seepage pits shall comply with R317-4-9. Where questionable or poor soil conditions exist, the number of percolation tests and soil explorations necessary to yield accurate, representative information shall be determined by the regulatory authority and may be accepted only if conducted with an authorized representative present.

4. Test Holes to Commence in Specially Prepared Excavations. All percolation test holes should commence in specially prepared larger excavations (preferably made with a backhoe) of sufficient size which extend to a depth approximately six inches above the strata to be tested.

5. Type, Depth, and Dimensions of Test Holes. Test holes shall be dug or bored, preferably with hand tools such as shovels or augers, etc., and shall have horizontal dimensions ranging from four to 18 inches (preferably eight to twelve inches). The vertical sides shall be at least twelve inches deep, terminating in the soil at an elevation six inches below the bottom of the proposed onsite wastewater system. In testing individual soil strata for deep wall trenches and seepage pits, the percolation test hole shall be located entirely within the strata to be tested, if possible.

6. Preparation of Percolation Test Hole. Carefully roughen or scratch the bottom and sides of the hole with a knife blade or other sharp pointed instrument, in order to remove any smeared soil surfaces and to provide an open, natural soil interface into which

water may percolate. Remove all loose soil from the bottom of the hole. Add 2 to 3 inches of clean coarse sand gravel to protect the bottom from scouring or sealing with sediment when water is added. Caving or sloughing in some test holes can be prevented by placing in the test hole a wire cylinder or perforated pipe surrounded by clean coarse gravel.

7. Saturation and Swelling of the Soil. It is important to distinguish between saturation and swelling. Saturation means that the void spaces between soil particles are full of water. This can be accomplished in a relatively short period of time. Swelling is a soil volume increase caused by intrusion of water into the individual soil particles. This is a slow process, especially in clay-type soil, and is the reason for requiring a prolonged swelling period.

8. Placing Water in Test Holes. Water should be placed carefully into the test holes by means of a small-diameter siphon hose or other suitable method to prevent washing down the side of the hole.

9. Percolation Rate Measurement, General. Necessary equipment should consist of a tape measure (with at least 1/16-inch calibration) or float gauge and a time piece or other suitable equipment. All measurements shall be made from a fixed reference point near the top of the test hole to the surface of the water.

10. Test Procedure for Sandy or Granular Soils. For tests in sandy or granular soils containing little or no clay, the hole shall be carefully filled with clear water to a minimum depth of twelve inches over the gravel and the time for this amount of water to seep away shall be determined. The procedure shall be repeated and if the water from the second filling of the hole at least twelve inches above the gravel seeps away in ten minutes or less, the test may proceed immediately as follows:

a. Water shall be added to a point not more than six inches above the gravel.

b. Thereupon, from the fixed reference point, water levels shall be measured at ten minute intervals for a period of one hour.

c. If six inches of water seeps away in less than ten minutes a shorter time interval between measurements shall be used, but in no case shall the water depth exceed six inches.

d. The final water level drop shall be used to calculate the percolation rate.

11. Test Procedure for Other Soils Not Meeting the Above Requirements. The hole shall be carefully filled with clear water and a minimum depth of twelve inches shall be maintained above the gravel for at least a four hour period by refilling whenever necessary. Water remaining in the hole after four hours shall not be removed. Immediately following the saturation period, the soil shall be allowed to swell not less than 16 hours or more than 30 hours. Immediately following the soil swelling period, the percolation rate measurements shall be made as follows:

a. Any soil which has sloughed into the hole shall be removed and water shall be adjusted to six inches over the gravel.

b. Thereupon, from the fixed reference point, the water level shall be measured and recorded at approximately 30 minute intervals for a period of four hours unless two successive water level drops do not vary more than 1/16 of an inch and indicate that an approximate stabilized rate has been obtained.

c. The hole shall be filled with clear water to a point not more than six inches above the gravel whenever it becomes nearly empty.

d. Adjustments of the water level shall not be made during the last 3 measurement periods except to the limits of the last water level drop.

e. When the first six inches of water seeps away in less than 30 minutes, the time interval between measurements shall be ten minutes, and the test run for one hour.

f. The water depth shall not exceed six inches at any time during the measurement period.

g. The drop that occurs during the final measurement period shall be used in calculating the percolation rate.

12. Calculation of Percolation Rate. The percolation rate is equal to the time elapsed in minutes for the water column to drop, divided by the distance the water dropped in inches and fractions thereof.

13. Using Percolation Rate to Determine Absorption Area. The minimum or slowest percolation rate shall be used in calculating the required absorption area.

R317-4-6. Building Sewer and Distribution Pipe.

6.1. General Requirements. Pipe, pipe fittings, and similar materials comprising building sewers shall comply with the following:

A. They shall be composed of plastic, or other suitable material approved by the Division, and shall conform to the applicable standards as outlined in Tables in this section.

B. The following is a list of solid-wall pipe that has been approved for building sewers.

C. The pipe is listed by material and applicable standard. The Division may recognize other applicable standards.

TABLE 3.1

MATERIALS	MINIMUM STANDARDS
A. Acrylonitrile-Butadiene	
Styrene (ABS)	(d) ASTM D-2680
Schedule 40	ASTM D-2751 (e)
	(pressure)
B. Polyvinyl Chloride (PVC)	
PVC-DWV Schedule 40	ASTM D-2665
PVC - Sewer	ASTM D-3033
	ASTM D-3034 (pressure)
	ASTM F-789

D. The following is a list of solid-wall perforated pipe, approved as distribution pipe in absorption systems. Solid-wall pipe must be perforated in accordance with R317-4-6, and all burrs must be removed from the inside of the pipe. The pipe is listed by material and applicable standard. The Division may recognize other applicable standards.

TABLE 3.2

MATERIALS	MINIMUM STANDARDS
A. Acrylonitrile-Butadiene	
Styrene (ABS)	ASTM D-2661
Schedule 40	ASTM D-2751
B. Polyethylene, Smooth	
Wall (PE)	ASTM D-1248
	ASTM D-3350

C. Polyvinyl Chloride (PVC)	(g) ASTM D-2729
Schedule 40	ASTM D-2665 (pressure)
	ASTM D-3033
	ASTM D-3034 (pressure)

FOOTNOTES

(a) Each length of building sewer and absorption system pipe shall be stamped or marked as required by the International Plumbing Code.

(b) Building sewers include (1) the pipe installed between the building and the septic tank and (2) between the septic tank and the distribution box (or absorption system). The installation of building sewers shall comply with the International Plumbing Code.

(c) American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(d) For domestic sewage only, free from industrial wastes.

(e) American National Standards Institute, 1430 Broadway, New York New York 10018

(f) Although perforated PVC, ASTM D-2729 is approved for absorption system application, the solid-wall version of this pipe is not approved for building sewer application.

E. Where two different sizes or types of sewer pipes are connected, a proper type of fitting or conversion adapter shall be used.

F. They shall have a minimum inside diameter of four inches. They shall have watertight, root-proof joints and shall not receive any ground water or surface runoff. They shall be laid in straight alignment and on a firm foundation of undisturbed earth or acceptably stabilized earth that is not subject to settling.

G. Building sewers shall be laid on a uniform minimum slope of not less than 1/4-inch per foot (2.08 percent slope). When it is impractical, due to structural features or the arrangement of any building, to obtain a slope of 1/4-inch per foot, a building sewer of four inches in diameter or larger may have a slope of not less than 1/8-inch per foot (1.04 percent slope) when approved by the regulatory authority.

H. The lines shall have cleanouts every 100 feet and at all changes in direction or grade, except where manholes are installed every 400 feet and at every change in direction or grade. On four-inch and six-inch lines, two 45 degree bends with cleanout will be acceptable in lieu of a manhole, and 90 degree ells are not recommended.

K. Building sewers shall be separated from water service pipes in separate trenches and by at least ten feet horizontally except that they may be placed in the same trench when the following three conditions are met:

1. The bottom of the water service pipe, at all points, shall be at least 18 inches above the top of the building sewer.

2. The water service pipe shall be placed on a solid shelf excavated at one side of the common trench.

3. The number of joints in the service pipe shall be kept to a minimum, and the materials and joints of both the sewer and water service pipe shall be of a strength and durability to prevent leakage under known adverse conditions.

L. If the water service pipe must cross the building sewer, it shall be at least 18 inches above the latter within ten feet of the crossing. Joints in water service pipes should be located at least ten feet from such crossings.

6.2. Ejector Pumps, Effluent Lift Pumps, and Pump Wells.

A. Ejector pumps discharging into septic tanks shall comply with the International Plumbing Code.

B. When septic tank effluent lift pumps and pump wells are part of an onsite wastewater disposal system, they shall comply with the following:

1. Pumps shall be so placed as to be self-priming, and should operate under positive suction head at all times. A quick disconnect for pumps, such as a union, should be provided between the pump and the line leading to the absorption system. Pumps shall be adequately housed to protect the pump motors from bad weather and protection shall be given to prevent freezing in any portion of the unit. Except for single-family dwellings, pumps shall be installed in duplicate with either pump having adequate capacity to handle maximum flow.

2. Minimum capacity shall be 10 gallons per minute at the necessary discharge head. Pumps shall be capable of passing a 3/4-inch solid sphere and shall have a minimum 2-inch discharge. Suitable shutoff valves shall be placed on suction and discharge lines of each pump and a check valve shall be placed on each discharge line between the shutoff valve and the pump.

3. The pressure line shall be constructed of piping material of a bursting pressure of at least 100 psi and shall be of approved corrosion-resistant material. The pressure line shall be bedded in 3 inches of sand or pea gravel. Pumps may be oil filled submersible pumps or vertically-mounted column pumps. Impellers shall be of cast iron, bronze or other corrosion-resistant material. Level control shall be by a float switch or by other acceptable methods. The pump well shall be constructed of corrosion-resistant material of sufficient strength to withstand the soil pressures related to the depth of the sump, and shall be adequately protected against surface flooding. Capacity of the pump well shall not be less than 50 gallons, and shall be sized to provide between 3 and six pumping cycles per day. Pump wells shall have adequate ventilation and shall be provided with a maintenance access manhole at the ground surface or above and of at least 24-inch diameter with a durable locking-type cover.

4. Power supply should be available from at least 2 independent generating sources, or emergency power equipment should be provided. Where power failure may result in objectionable conditions or unauthorized waste discharge, means for emergency operation shall be provided.

5. Electrical systems and components (i.e. motors, lights, cables, conduits, switch boxes, control circuits, etc.) in sewage pump wells, or in enclosed or partially enclosed spaces where hazardous concentrations of flammable gases or vapors may be present, shall comply with the National Electrical Code requirements for Class I, Group D, Division I locations. In addition, equipment located in the pump well shall be suitable for use under corrosive conditions. Each flexible cable shall be provided with a watertight seal and separate strain relief. A fused disconnect switch located above ground shall be provided in all pumping stations.

R317-4-7. Septic Tanks.

7.1. General Requirements.

A. Septic tanks shall be constructed of sound, durable, watertight materials that are not subject to excessive corrosion, frost damage, or decay. They shall be designed to be watertight, and to withstand all expected physical forces, to provide settling of solids, accumulation of sludge and scum, and be accessible for inspection and cleaning as specified in the following paragraphs:

B. Illustrations of typical absorption system components such as septic tanks, distribution boxes, and absorption systems are contained in an addendum to these rules, available through the Division of Water Quality.

7.2. Overall Construction and Design Features.

A. Septic tanks may be constructed of the following:

1. Precast reinforced concrete
2. Fiberglass
3. Polyethylene
4. Poured-in-place concrete
5. Material approved by the Division

B. Septic tanks may have single or multiple compartments and may be oval, circular, rectangular, or square in plan, provided the distance between the inlet and outlet of the tank is at least equal to the liquid depth of the tank. In general, the tank length should be at least 2 to 3 times the tank width.

C. All septic tanks may have an effluent filter installed at the outlet of the tank. The filter shall prevent the passage of solid particles larger than a nominal 1/8 inch diameter sphere. The filter should be easily removed for routine servicing through watertight access from the ground surface, or be bypassed with a piping arrangement.

7.3. Plans for Tanks Required.

A. Plans for all septic tanks shall be submitted to the regulatory authority for approval. Such plans shall show all dimensions, capacities, reinforcing, and such other pertinent data as may be required. All septic tanks shall conform to the design drawings and all building shall be done under strict controlled supervision by the manufacturer.

B. Commercial septic tank manufacturers shall submit design plans for each tank model manufactured to the Division for review and approval. The manufacturer shall certify in writing to the Division that the septic tanks to be distributed for use in the State of Utah will comply with this regulation. It is recommended that such plans also be evaluated by a registered engineer as to surcharge, impact load, and deadload. Any changes in the design of commercially manufactured septic tanks shall be submitted to the Division for approval.

7.4. Tank Capacity for Single-Family Dwellings. The minimum liquid capacity of septic tanks serving single-family dwellings shall be based on the number of bedrooms in each dwelling, in accordance with Table 4.

TABLE 4
Minimum Capacities for Septic Tanks(a)

<u>Number of Bedrooms(b)</u>	<u>Minimum Liquid Capacity(c)(d) (Gallons)</u>
<u>1</u>	<u>750</u>
<u>2 or 3</u>	<u>1000</u>
<u>4</u>	<u>1250</u>
<u>For each additional bedroom, add</u>	<u>250</u>

FOOTNOTES

(a) Tanks larger than the minimum required capacity are generally more economical since they do not have to be cleaned as often.

(b) Based on the number of bedrooms in use or that can be reasonably anticipated in the dwelling served, including the unfinished space available for conversion as additional bedrooms.

Unfinished basements shall be counted as a minimum of one additional bedroom.

(c) The liquid capacity is calculated on the depth from the invert of the outlet pipe to the inside bottom of the tank. A variance of three percent in the required volume may be allowed.

(d) Table 4 provides for the normal household appliances, including automatic sequence washers, mechanical garbage grinders, and dishwashers.

7.5. Tank Capacity for Commercial, Institutional, and Recreational Facilities, and Multiple Dwellings.

A. The minimum liquid capacity of septic tanks serving commercial, institutional, and recreational facilities, and multiple dwellings shall be determined on the following basis:

1. For wastewater flows up to 500 gallons per day, the liquid capacity of the tank shall be at least 750 gallons.

2. For wastewater flows between 500 and 1,500 gallons per day, the liquid capacity of the tank shall be at least 1.5 times the 24-hour estimated sewage flow (see Table 3).

3. For wastewater flows between 1,500 and 5,000 gallons per day, the liquid capacity of the tank shall equal at least 1,125 gallons plus 75 percent of the daily wastewater flow ($V = 1,125 + 0.75Q$ where V = liquid volume of the tank in gallons, and Q = wastewater discharge in gallons per day).

B. In cases where dwellings or facilities are subject to high peak sewage flows, the liquid capacity of the onsite wastewater system shall be increased as required by the regulatory authority.

7.6. Precast Reinforced Concrete Septic Tanks.

A. The walls and base of precast tanks shall be securely bonded together and the walls shall be of monolithic or keyed construction. The sidewalls and bottom of such tanks shall be at least 3 inches in thickness. The top shall have a minimum thickness of four inches. Such tanks shall have reinforcing of at least six inch x six inch No. 6, welded wire fabric, or equivalent. Exceptions to this reinforcing requirement may be considered by the Division based on an evaluation of acceptable structural engineering data submitted by the manufacturer. All concrete used in precast tanks shall be Class A, at least 4,000 pounds per square inch, and shall be vibrated or well-rodged to minimize honeycombing and to assure reasonable watertightness. Precast sections shall be set evenly in a full bed of sealant. If grout is used it shall consist of two parts plaster sand to one part cement with sufficient water added to make the grout flow under its own weight. Excessively mortared joints should be trimmed flush. The inside and outside of each mortar joint shall be sealed with a waterproof bituminous sealing compound.

B. For the purpose of early reuse of forms, the concrete may be steam cured. Other curing by means of water spraying or a membrane curing compound may be used and shall comply to best acceptable methods as outlined in "Curing Concrete, ACI308-71," by American Concrete Institute, P.O. Box 19150, Detroit, Michigan 84219.

7.7. Fiberglass Septic Tanks.

A. Fiberglass septic tanks shall comply with the criteria for acceptance established in the "Interim Guide Criteria For Glass-Fiber-Reinforced Polyester Septic Tanks", International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032. The identifying seal of the International Association of Plumbing and Mechanical Officials must be permanently embossed in the fiberglass as evidence of

compliance. The design requirements in R317 507 shall also be met. Other required identity marks must also comply with this rule.

B. Inlet and outlet tees shall be attached to the tank by a rubber or synthetic rubber ring seal and compression plate, or in some other manner approved by the Division.

C. The tank shall be installed in accordance with the manufacturer's recommendations. If no such recommendations are provided, the following installation procedures shall apply:

1. During installation, careful handling of the tank is necessary to prevent damage. Tanks shall not be installed under areas subject to vehicular traffic or heavy equipment.

2. There shall be a minimum of twelve inches of approved, compacted backfill material under the tank as a resting bed. The resting bed must be smooth and level.

3. The hole that the tank is to be installed in shall be large enough to allow a minimum of twelve inches from the ends and sides of the tank to the hole wall.

4. Approved backfill material shall be a naturally-rounded aggregate, clean and free flowing, with a particle size of 3/8-inch or less in diameter. Crushed stone or gravel of the same particle size may be used if naturally-rounded aggregate is not available, but should be washed and free flowing.

5. Backfilling shall be accomplished to the top of the tank in twelve -inch lifts with each layer being well compacted. Sharp tools should not be used near the septic tank. With the manhole cover(s) in place, water should be added to the tank during backfilling. The water level in the tank should coincide approximately with the backfill depth. With the tank full of water, the excavation should be brought to grade with the same approved backfill materials. Depth of backfill over the top of the tank shall not exceed 2-1/2 feet.

7.8. Polyethylene Septic Tanks.

A. Polyethylene septic tanks shall comply with the criteria for acceptance established in "Prefabricated Septic Tanks and Sewage Holding Tanks, Can3-B66-M79" by the Canadian Standards Association, 178 Rexdale Boulevard, Rexdale, Ontario, Canada M9W1R3. Required identifying marks shall comply with this rule.

B. Inlet and outlet tees shall be attached to the tank by a rubber or synthetic rubber ring seal and compression plate, or in some other manner approved by the Division.

C. The tank shall be installed in accordance with the manufacturer's recommendations. If no such recommendations are provided, the installation procedures in R317-4-7 shall apply.

7.9. Poured-In-Place Concrete Septic Tanks. The top of poured-in-place septic tanks with a liquid capacity of 750 to 1,250 gallons shall be a minimum of four inches thick, and reinforced with one 3/8-inch reinforcing rod per foot of length, or equivalent. The top of tanks with a liquid capacity of greater than 1,250 gallons up to the maximum design capacity shall be a minimum of six inches thick, and reinforced with 3/8-inch reinforcing rods eight inches on centers both ways, or equivalent. The walls and floor shall be a minimum of six inches thick. The walls shall be reinforced with 3/8-inch reinforcing rods eight inches on centers both ways, or equivalent. Inspections by the regulatory authority may be required of the tank reinforcing steel before any concrete is poured. A six -inch water stop shall be used at the wall-floor juncture to insure watertightness. All concrete used in poured-in-place tanks shall be Class A, at least 4,000 pounds per square inch, and shall be vibrated or well-rodged to minimize honeycombing

and to insure watertightness. Curing of concrete shall comply with the requirements in R317-4-7.

7.10. Identifying Marks. All prefabricated or precast septic tanks which are commercially manufactured shall be plainly, legibly, and permanently marked or stamped on the exterior at the outlet end and within six inches of the top of the wall, with the name and address or nationally registered trademark of the manufacturer and the liquid capacity of the tank in gallons. Both the inlet and outlet of all such tanks shall be plainly marked as IN or OUT, respectively.

7.11. Liquid Depth of Tanks. Liquid depth of septic tanks shall be at least 30 inches. Depth in excess of 72 inches shall not be considered in calculating liquid volume required in R317-4-7.

7.12. Tank Compartments. Septic tanks may be divided into compartments provided each meets applicable requirements stated herein as well as the following:

A. The volume of the first compartment must equal or exceed two thirds of the total required septic tank volume.

B. No compartment shall have an inside horizontal distance less than 24 inches.

C. Inlets and outlets shall be designed as specified for tanks, except that when a partition wall is used to form a multi-compartment tank, an opening in the partition may serve for flow between compartments provided the minimum dimension of the opening is four inches, the cross-sectional area is not less than that of a six -inch diameter pipe (28.3 square inches), and the mid-point is below the liquid surface a distance approximately equal to 40 percent of the liquid depth of the tank.

D. No tank shall have an excess of three compartments.

7.13. Tanks in Series. Additional septic tank capacity over 750 gallons may be obtained by joining uncomparted tanks in series to obtain the capacity providing the following are complied with:

A. No tank in the series shall be smaller than 750 gallons.

B. The capacity of the first tank shall be at least two thirds of the required total septic tank volume.

C. The outlet of each successive tank shall be at least 2 inches lower than the outlet of the preceding tank.

D. The number of tanks in series shall not exceed three.

7.14. Inlets and Outlets. Inlets and outlets of tanks or compartments thereof shall meet the material and minimum diameter requirements for building sewers and shall be submerged or baffled with the object of diverting incoming flow toward the tank bottom and minimizing as much as possible the discharge of sludge or scum in the effluent. Inlet or outlet devices shall also conform with the following:

A. Inlets and outlets should be located on opposite ends of the tank. The invert of flow line of the inlet shall be located at least two inches (and preferably three inches) above the invert of the outlet to allow for momentary rise in liquid level during discharge to the tank.

B. An inlet baffle or sanitary tee of wide sweep design shall be provided to divert the incoming sewage downward. This baffle or tee is to penetrate at least six inches below the liquid level, but the penetration is not to be greater than that allowed for the outlet device.

C. For tanks with vertical sides, outlet baffles or sanitary tees shall extend below the liquid surface a distance equal to approximately 40 percent of the liquid depth. For horizontal

cylindrical tanks and tanks of other shapes, that distance shall be reduced to approximately 35 percent of the liquid depth.

D. All baffles shall be constructed from sidewall to sidewall or shall be designed as a conduit.

E. All inlet and outlet devices shall be permanently fastened in a vertical, rigid position. Inlet and outlet pipe connections to the septic tank shall be sealed with a bonding compound that will adhere to the tank and pipes to form watertight connections.

F. Inlet and outlet devices shall not include any design features preventing free venting of gases generated in the tank or absorption system back through the roof vent in the building plumbing system. The top of the baffles or sanitary tees must extend at least six inches above the liquid level in order to provide scum storage, but no closer than 1-inch to the inside top of the tank.

G. Offset inlets may be approved by the regulatory authority where they are warranted by constraints on septic tank location.

H. Multiple outlets from septic tanks shall be prohibited.

I. A gas deflector may be added at the outlet of the tank to prevent solids from entering the outlet pipe of the tank.

7.15. Scum Storage. Scum storage volume shall consist of 15 percent or more of the required liquid capacity of the tank and shall be provided in the space between the liquid surface and the top of inlet and outlet devices.

7.16. Accessibility of Tank. Septic tanks shall be installed in a location so as to be accessible for servicing and cleaning, and shall have no structure or other obstruction placed over them so as to interfere with such operations. Tanks should be placed between the dwelling and the street whenever possible to facilitate connection to the sanitary sewer at the time such a sewer is installed.

7.17. Access to Tank Interior. Adequate access to the tank shall be provided to facilitate inspection and cleaning and shall conform to the following requirements:

A. Access to each compartment of the tank shall be provided through properly placed manhole openings not less than 18 inches, preferably 22 inches, in minimum horizontal dimension or by means of an easily removable lid section.

B. Access to inlet and outlet devices shall be provided through properly spaced openings not less than twelve (12) inches in minimum horizontal dimension or by means of an easily removable lid section.

C. The top of the tank shall be at least six inches below finished grade.

D. All manholes required by R317-4-7, shall be extended to within at least four inches of the finished grade. The manhole extensions shall be constructed of durable, structurally sound materials which are approved by the regulatory authority and designed to withstand expected physical loads and corrosive forces.

E. Access covers for manhole openings shall have adequate handles and shall be designed and constructed in such a manner that they cannot pass through the access openings, and when closed will be child-proof and prevent entrance of surface water, dirt, or other foreign material, and control the odorous gases of digestion.

F. No septic tank shall be located under paving unless extensions to the access openings are extended up through the paving and the manholes are equipped with a locking-type cover.

7.18. Tank Cover. Septic tank covers shall be sufficiently strong to support whatever load may reasonably be expected to be imposed upon them and tight enough to prevent the entrance of

surface water, dirt, or other foreign matter, and seal the odorous gases of digestion.

7.19. Tank Excavation and Backfill. The hole to receive the tank shall be large enough to permit the proper placement of the tank and backfill. Tanks shall be installed on a solid base that will not settle and shall be level. Where rock or other undesirable protruding obstructions are encountered, the bottom of the hole should be excavated an additional six inches and backfilled with sand, crushed stone, or gravel to the proper grade. Backfill around and over the septic tank shall be placed in such a manner as to prevent undue strain or damage to the tank or connected pipes.

7.20. Installation in Ground Water. If septic tanks are installed in ground water, the regulatory authority may require adequate ground anchoring devices to be installed to prevent the tank from floating when it is emptied during cleaning operations.

7.21. Maintenance Requirements. Maintenance Requirements - Adequate maintenance shall be provided for septic tanks to insure their proper function. Recommendations for the inspection and cleaning of septic tanks are provided in R317-4-13.

R317-4-8. Discharge to Absorption Systems.

8.1. General Requirements. Septic tank effluent shall be conducted to the absorption system through a watertight pipe and fittings which meet the material, diameter, and slope requirements for building sewers. Tees, wyes, ells, or other distributing devices may be used as needed. Illustrations of typical components such as septic tanks, distribution boxes, and absorption systems are contained in an addendum to these rules, available through the Division of Water Quality

8.2. Tees and Wyes. Tees and wyes shall be installed level to permit equal flow to the branches of the fitting.

8.3. Drop Boxes. On level or sloping topography, drop boxes may be used to distribute effluent within the absorption system. They are usually installed in the middle or at the head end of each trench. They shall be watertight and constructed of concrete or other durable material approved by the Division. They shall be designed to accommodate the inlet pipe, an outlet pipe leading to the next drop box (except for the last drop box), and 1 or 2 distribution pipes leading to the absorption system. Drop boxes shall meet the following requirements:

A. The inlet pipe to the drop box shall be at least one inch higher than the outlet pipe leading to the next drop box.

B. The invert of the distribution pipes(s) shall be four to six inches below the outlet invert. If there is more than one distribution pipe, their inverts shall be at exactly the same elevation. Drop boxes shall be installed level and the flow from multiple distribution lines should be checked by filling the drop box with water up to the outlets.

C. The inlet and outlet of the drop box shall be sealed watertight to the sidewalls of the drop box.

D. The drop box shall be provided with a means of access. The top of the drop box shall have a lid of compatible construction and material as the drop box, and be adequate to prevent entrance of water, dirt or other foreign material, but made removable for observation and maintenance of the system. The top of the drop box shall be at least six inches below finished grade.

E. The drop box must be installed on a level, solid foundation to insure against tilting or settling. To minimize frost action and

reduce the possibility of movement once installed, drop boxes should be set on a bed of sand or pea gravel at least 12 inches thick.

F. Unused "knock-out" holes in concrete drop boxes shall be completely filled with concrete or mortar.

8.4. Distribution Boxes. Distribution boxes may be used on level or nearly level ground. They shall be watertight and constructed of concrete or other durable material approved by the Division. They shall be designed to accommodate 1 inlet pipe, the necessary distribution lines, and shall meet the same requirements as for drop boxes, except that outlet inverts of the distribution box shall be not less than 2 inches below the inlet invert. Illustrations of typical components such as septic tanks, distribution boxes, and absorption systems are contained in an addendum to these rules, available through the Division of Water Quality

8.5. Identifying Marks. Commercially manufactured drop boxes and distribution boxes shall be plainly and legibly marked on an interior wall above the level of the top of the inlet pipe with the name of the manufacturer.

R317-4-9. Absorption Systems.

9.1. General Requirements.

A. Distribution pipe for gravity-flow absorption systems shall be four inches in diameter and shall be perforated. Distribution pipe and pipe fittings shall be of approved materials capable of withstanding corrosive action by sewage and sewage-generated gases, and meeting recognized national standards for compressive strength and corrosive action such as standards published by the American Society for Testing Materials (see R317-4-6).

B. Distribution pipe for gravity-flow absorption systems shall be in straight lengths and penetrated by at least two rows of round holes, each 1/4 to 1/2-inch in diameter, and located at approximately six -inch intervals. When installed on a level or nearly level grade, the perforations should be located at about the five o'clock and seven o'clock positions on the pipe to permit nearly equal drainage along the length of pipe, and the open ends of the pipes shall be capped.

C. Absorption system laterals designed to receive equal flows of wastewater shall have approximately the same absorption area. Many different designs may be used in laying out absorption systems, the choice depending on the size and shape of the available areas, the capacity required, and the topography of the disposal area.

D. In gravity-flow absorption systems with multiple distribution lines, the sewer pipe from the septic tank shall not be in direct line with any one of the distribution lines, except where drop boxes or distribution boxes are used whenever the sewer line from the septic tank is in direct line with any one of the distribution lines.

E. Any section of distribution pipe laid with non-perforated pipe, shall not be considered in determining the required absorption area.

F. Absorption system excavations may be made by machinery provided that the soil in the bottom and sides of the excavation is not compacted. Strict attention shall be given to the protection of the natural absorption properties of the soil. Absorption systems shall not be excavated when the soil is wet enough to smear or compact easily. Open absorption system excavations shall be protected from surface runoff to prevent the entrance of silt and debris. If it is necessary to walk in the excavation, a temporary

board laid on the bottom will prevent damage from excessive compaction. Some smearing damage is likely to occur. All smeared or compacted surfaces should be raked to a depth of one inch, and loose material removed before the filter material is placed in the absorption system excavation.

G. The distribution pipe shall be bedded true to line and grade, uniformly and continuously supported on firm, stable material.

H. The top of the stone or "gravel" filter material shall be covered with an effective, pervious, material such as an acceptable synthetic filter fabric, unbacked fiberglass building insulation, a two-inch layer of compacted straw, or similar material before being covered with earth backfill to prevent infiltration of backfill into the filter material.

I. Absorption systems shall be backfilled with earth that is free from stones ten inches or more in diameter. The first four to six inches of soil backfill should be hand-filled. Distribution pipes shall not be crushed or disaligned during backfilling. When backfilling, the earth should be mounded slightly above the surface of the ground to allow for settlement and prevent depressions for surface ponding of water.

J. Heavy equipment shall not be driven in or over absorption systems during construction or backfilling.

K. Distribution pipes placed under driveways or other areas subjected to heavy loads shall receive special design considerations to insure against crushing or disruption of alignment. Absorption area under driveways or pavement shall not be considered in determining the minimum required absorption area, except that deep wall trenches and seepage pits may be allowed beneath unpaved driveways on a case-by-case basis by the regulatory authority, if the top of the distribution pipe is at least three feet below the final ground surface.

L. That portion of absorption systems below the top of distribution pipes shall be in natural earth or in earth fill which meets the requirements of R317-4-5.

M. A diversion valve may be installed in the sewer line after the septic tank to allow the use of rotating absorption systems. Such duplicate systems may be allowed in lieu of replacement areas. Total onsite wastewater system requirements shall remain the same. The valve shall be accessible from the finished grade. The valve should be switched annually.

N. Illustrations of typical absorption system components such as septic tanks, distribution boxes, and absorption systems are contained in an addendum to these rules, available through the Division of Water Quality

9.2. Standard Trenches. Standard trenches consisting of a series of trenches designed to distribute septic tank effluent into perforated pipe and gravel fill, from which it percolates through the trench walls and bottoms into the surrounding subsurface soil, shall conform to the following requirements:

A. The effective absorption area of standard trenches shall be considered as the total bottom area of the excavated trench system in square feet.

B. The minimum required effective absorption area for standard trenches shall be determined from Table 5 by using the results of percolation tests conducted in accordance with R317-4-5. The minimum required effective absorptive area of trenches which utilize chamber systems shall be in accordance with R317-4-9.

C. Isolation of standard trenches shall be not less than the minimum distances specified in Table 2.

D. Design and construction of standard trenches shall be as specified in Tables 6 and 7.

TABLE 5
Subsurface Absorption Systems
Minimum Absorption Area Requirements and
Allowable Rate of Application of Wastewater
(Based on Percolation Test Rates)(a)

Percolation Rate (time in minutes required for water to fall 1 inch)	Residential Minimum Absorption Area in Square Feet Per Bedroom (b)(c)(d)	Commercial, Institutional, etc., Maximum Rate of Application in Gallons Per Sq. Ft. Per Day (e)(f)(g)
1-10	165	1.6
11-15	190	1.3
16-20	212	1.1
21-30	250	0.9
31-45	300	0.8
46-60(g)	330	0.6

FOOTNOTES

(a) Where practical, absorption areas should be increased above minimum figures specified in these rules.

(b) Minimum absorption requirements in the residential column of Table 5 provide for normal household appliances, including automatic sequence washers, mechanical garbage grinders, and dishwashers.

(c) Based on the number of bedrooms in use or that can be reasonably anticipated in the dwelling served, including the unfinished space available for conversion as additional bedrooms.

(d) Minimum absorption area is equal to the total number of bedrooms times the required absorption area within the applicable percolation rate category. In every case, sufficient absorption area shall be provided for at least 2 bedrooms.

(e) Minimum absorption area is equal to the actual or estimated wastewater flow in gallons per day (Table 3) divided by the maximum rate of application in gallons per sq. ft. per day within the applicable percolation rate category. In every case a minimum of 150 sq. ft. of trench bottom or sidewall absorption area shall be provided.

(f) Minimum application rates in the commercial and institutional column of Table 5 do not include wastes from garbage grinders and automatic sequence washing machines. Discharge from these appliances to a commercial or institutional absorption system require additional capacity of 20 percent for garbage grinders and 40 percent for automatic sequence washers above the minimum calculated absorption values. If both these appliances are installed, the absorption area must be increased by at least 60 percent above the minimum calculated absorption value.

(g) Soil absorption systems are not permitted in areas where the soil percolation rate is slower than one inch in 60 minutes or faster than one inch in one minute.

TABLE 6
Absorption Trench Construction Details(a)

ITEM	UNIT	MINIMUM	MAXIMUM
GRAVITY EFFLUENT DISTRIBUTION PIPES:			
Number of laterals	--	2(b)	--
Length of individual laterals	feet	--	100(c)
Diameter	inches	4	--

Width of trenches	inches	12	36
Slope of distribution pipe	inches/100 ft. (d)	4	
Depth to trench bottom (from ground surface)	inches	10	(e)
Distance between trenches			(see R317-4-9, Table 7)
Bottom of trench to maximum ground water table	inches	24	--
Bottom of trench to unsuitable soil or bedrock formations	inches	48	--
SIZE OF FILTER MATERIAL	inches	3/4	2-1/2
Allowable fines:			
1/2 inch mesh(a) (12.5 millimeter)	percent	0	5
#10 mesh(a) (2.0 millimeter)	percent	0	2
(a) US Standard Sieves			
DEPTH OF FILTER MATERIAL:			
Under distribution pipe	inches	6(f)	--
Over distribution pipe	inches	2	--
Total depth	inches	12	--
Under pipe located within 10 feet of trees and shrubs	inches	12	--
THICKNESS OF COMPACTED STRAW BARRIER OVER AGGREGATE FILTER MATERIAL	inches	2	--
DEPTH OF BACKFILL OVER BARRIER COVERING FILTER MATERIAL	inches	6(g)	--

FOOTNOTES

(a) The effective absorption area shall be considered as the total bottom area of the trenches in square feet.

(b) Of near equal length.

(c) Preferably not more than 60 feet long.

(d) Preferably level.

(e) Trenches should be constructed as shallow as is practical to allow for evapotranspiration of wastewater.

(f) Preferably 8 inches.

(g) Whenever any distribution pipes will be covered with between six and 12 inches of backfill, they shall be laid level, and adequate precautions shall be made to prohibit traffic or heavy equipment from the disposal area.

TABLE 7
Width and Minimum Spacing Requirements
for Absorption Trenches

Width at Bottom in Inches	Minimum Spacing of Trenches (wall to wall) in Feet
12 to 18	6.0
18 to 24	6.5
24 to 30	7.0
30 to 36	7.5

E. The stone or "gravel" fill used in absorption trenches shall consist of crushed stone, gravel, or similar material, ranging from 3/4 to 2 1/2 inches in diameter. It shall be free from fines, dust, sand, or organic material and shall be durable, and resistant to slaking and dissolution. The maximum fines in the gravel shall be

two percent by weight passing through a US Standard #10 mesh (two millimeter) sieve. It shall extend the full width of the trench, shall be not less than six inches deep beneath the bottom of the distribution pipes, and shall completely encase and extend at least 2 inches above the top of the distribution pipe.

F. The distribution pipe shall be centered in the absorption trench and placed the entire length of the trench.

G. In locations where the slope of the ground over the absorption system area is relatively flat, the trenches should be interconnected to produce a closed-loop or continuous system and the distribution pipes should be level.

H. In locations where the ground over the absorption system area slopes greater than six inches in any direction within field area, a system of serial distribution trenches may be used which will follow approximately the ground surface contours so that variation in trench depth will be minimized. The trenches should be installed at different elevations, but the bottom of each individual trench should be level throughout its length.

I. Serial trenches shall be connected with a drop box (R317-4-8) or watertight overflow line (4-9-2.10) in such a manner that a trench will be filled with wastewater to the depth of the gravel fill before the wastewater flows to the next lower trench.

J. The overflow line between serial trenches shall be a four-inch watertight pipe with direct connections to distribution pipes. It should be laid in a trench excavated to the exact depth required. Care must be exercised to insure a block of undisturbed earth between trenches. Backfill should be carefully tamped. Inlets should be placed as far as practical from overflows in the same trench.

9.3. Shallow Trenches with Capping Fill. Shallow trenches with capping fill are trenches which meet the requirements of standard trenches except for depth of installation. Shallow trenches with capping fill may be installed to a minimum depth of 10 inches from the natural existing grade to the bottom of the trench. The top of the distribution pipe shall not be installed above the natural existing grade. The gravel fill above the pipe, the filter media barrier, and the soil fill are installed as a "cap" to the trench above grade. Fill shall be installed between trenches to prevent surface ponding and to provide a level finished grade.

9.4. Chambered Trench Systems.

A. At the option of the local health department, chamber system media may be used in lieu of the gravel fill and perforated distribution pipe in absorption trenches if the installation is in conformance with manufacturer recommendations, as modified by these rules.

B. No cracked, weakened or otherwise damaged chamber units shall be used in any installation.

C. All chambers shall be manufactured of an approved material and shall be certified to withstand the AASHTO H-10-44 highway structural rating without damage or permanent deformation.

1. Type A Chamber Media:

a. Type A Chamber Media shall be of an approved design with a minimum width at the bottom of 30 inches (76 cm) and a minimum louvered sidewall opening height of six inches (15 cm).

b. Type A chamber media may be installed in standard trenches, shallow trenches with capping fill, at-grade trenches, and earth-fill trenches.

c. Type A chamber media shall be installed in trenches with a minimum excavation width of 36 inches (91 cm).

d. The minimum total length of Type A chamber media installed shall be equal or greater than the minimum length of a 36 inch wide gravel media trench as required by these rules.

2. Type B Chamber Media:

a. Type B Chamber Media shall be of an approved design with a minimum open bottom width of 18 inches (46 cm) and a minimum louvered sidewall opening height of 9-3/8 inches (24 cm).

b. The local health department shall provide written notification to the owner that they are using technology which has less experience than the conventional gravel filled trench. The potential liabilities of the system shall be clearly explained, including the responsibility a homeowner has to replace a failing wastewater system.

c. Type B chamber media may only be installed in standard trenches and shallow trenches with capping fill. Type B chambers may not be installed in conjunction with any other absorption system configuration, including alternative and experimental systems.

d. Type B chamber media shall be installed in trenches with a minimum excavation width of 24 inches (61 cm).

e. The bottom of the Type B chamber media and trench excavation shall be a minimum of 9-3/8 inches below the bottom invert of the effluent inlet pipe to the trench.

f. The minimum total length of Type B chamber media installed shall be equal or greater than the minimum length of a 36 inch (91 cm) wide gravel media trench as required by these rules.

9.5. Deep Wall Trenches.

A. Deep wall trenches may be constructed in lieu of other approved absorption systems or as a supplement to an absorption trench where soil conditions and the required separation from the maximum ground water table comply with Table 9 of this section. This absorption system consists of deep trenches filled with clean, coarse filter material which receive septic tank effluent and allow it to seep through sidewalls into the adjacent porous subsurface soil. They shall conform to the following requirements:

1. The effective absorption areas shall be considered as the outside surface of the deep wall trench (vertical sidewall area) calculated below the inlet or distributing pipe, exclusive of any unsuitable soil or bedrock formations. The bottom area and any highly restrictive or impervious strata or bedrock formations shall not be considered in determining the effective sidewall absorption area. Each deep wall trench shall have a minimum sidewall absorption depth of 2 feet of suitable soil formation.

2. The minimum required sidewall absorption area shall be determined by either of the following 2 methods:

a. For the purpose of estimating the percolation test rate of each deep wall trench system, a signed "Deep Wall Trench Certificate" or equivalent shall be submitted as evidence that a proper percolation test has been performed under the supervision of a licensed environmental health scientist, registered engineer, or other qualified person certified by the regulatory authority. The deep wall trench certificate or equivalent must contain the following:

i. the name and address of the individual constructing the deep wall trench;

ii. the location of the property;

iii. the dimensions of the trench;

iv. total effective absorption depth;
 v. a description of the texture, character, and thickness of each stratum of soil encountered in the deep wall trench construction;
 vi. a signed statement certifying that the deep wall trench has been constructed in accordance with the requirements of this rule. The required absorption area shall then be determined in accordance with Table 8.

b. Percolation tests conducted in accordance with R317-4-5 shall be made in each soil horizon penetrated by the deep wall trench below the inlet pipe, and test results within the acceptable range specified in R317-4-5 shall be used in calculating the required sidewall absorption area in accordance with Table 5.

TABLE 8
Deep Wall Trench
Minimum Absorption Area Requirements and
Allowable Rate of Application of Wastewater (a)
(Based on Soil Descriptions According to the
United States Department of Agriculture (USDA)
Soil Classification System)

Soil by USDA Classification System	Residential Sq. Ft. of Sidewall Area Required Per Bedroom (b)(c)(d)	Commercial Institutional, etc. Maximum Application in Gallons Per Sq. Ft. Sidewall Per Day (e)(f)
Hardpan or bedrock (including fractured bedrock with little or no fines).	(g)	(g)
Sand Well graded gravels, gravel-sand mixtures, little or no fines.	150 (h)(i)	1.55 (h)(i)
Sand Poorly graded gravels or gravel-sand mixtures, little or no fines.	150 (h)(i)	1.55 (h)(i)
Loamy Sand Well graded sands, gravelly sand, little or no fines.	195	1.20
Loamy Sand Poorly graded sands or gravelly sands, little or no fines.	195	1.20
Loam Silty sand, sand-silt mixtures.	295	0.8
Sandy Loam Silty gravels, poorly graded gravel-sand-silt mixtures.	235	1.0
Silty Loam Clayey gravels, gravel-sand-clay mixtures.	520 (i)	0.45 (i)
Silty Loam, Silt, Sandy Clay Loam, Silty Clay Loam, Sandy Clay, Silty Clay Clayey sands, sand-clay mixtures.	520 (i)	0.45 (i)
Silty Loam, Silt, Sandy Clay Loam, Silty Clay Loam, Sandy Clay, Silty Clay Inorganic silts and very fine sands, rock flour, silty or clayey		

fine sands or clayey silts with slight plasticity.	520 (i)	0.45 (i)
Silty Loam, Silt, Sandy Clay Loam, Silty Clay Loam, Sandy Clay, Silty Clay Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.	520 (h)(i)	0.45 (h)(i)
Silty Loam, Silt, Sandy Clay Loam, Silty Clay Loam, Sandy Clay, Silty Clay Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.	520 (h)(i)	0.45 (h)(i)
Clay Loam, Clay Inorganic clays of high plasticity, fat clays.	(g)	(g)
Clay Loam, Clay Organic silts and organic silty clays of low plasticity.	(g)	(g)
Clay Loam, Clay Organic clays of medium to high plasticity, organic silts.	(g)	(g)
Clay Loam, Clay Peat and other highly organic silts.	(g)	(g)

FOOTNOTES

(a) Where practical, absorption areas should be increased above minimum figures specified in these rules.

(b) Minimum absorption requirements in the residential column of Table 8 provide for normal household applications, including automatic sequence washers, mechanical garbage grinders, and dishwashers.

(c) Based on the number of bedrooms in use or that can be reasonably anticipated in the dwelling served, including the unfinished space available for conversion as additional bedrooms.

(d) Minimum absorption area is equal to the total number of bedroom times the required absorption area within the applicable soils description category. In every case, sufficient absorption area shall be provided for at least two bedrooms.

(e) Minimum absorption area is equal to the actual or estimated wastewater flow in gallons per day (Table 3) divided by the maximum rate of application in gallons per sq. ft. per day within the applicable soils description category. In every case, a minimum of 150 sq. ft. of sidewall absorption area shall be provided.

(f) Minimum application rates in the commercial and institutional column of Table 5 do not include wastes from garbage grinders and automatic sequence washing machines. Discharge from these appliances to a commercial or institutional absorption system require additional capacity of 20 percent for garbage grinders and 40 percent for automatic sequence washers above the minimum calculated absorption values. If both these appliances are installed, the absorption area must be increased by at least 60 percent above the minimum calculated absorption value.

(g) Unsuitable for absorption area.

(h) These soils are usually considered unsuitable for absorption systems, but may be suitable, depending upon the percentage and type of fines in coarse-grained porous soils, and the percentage of sand and gravels in fine-grained soils.

(i) For the purposes of this table, whenever there are reasonable doubts regarding the suitability and estimated absorption capacities of soils, percolation tests shall be conducted in those soils in accordance with R317- 505. Soils within the same

classification may exhibit extreme variability in permeability, depending on the amount and type of clay and silt present. The following soil categories, Clay loam and Clay soils, may prove unsatisfactory for absorption systems, depending upon the percentage and type of fines present.

3. Isolation of deep wall trenches shall be not less than the minimum distances specified in Table 2.

4. Design and construction of deep wall trenches shall be as specified in Table 9.

5. The bottom of the deep wall trench shall terminate at least two feet above the maximum ground water table in the disposal area. Suitable soil conditions must be verified to a depth of four feet below the bottom of the proposed deep wall trench.

6. All deep wall trenches shall be filled with coarse stone that ranges from 3/4 to twelve inches in diameter and is free from fines, sand, clay, or organic material.

7. The distribution pipe shall be centered in the deep wall trench and placed the entire length of the trench. A thin layer of crushed rock or gravel ranging from 3/4 to 2 1/2 inches in diameter and free from fines, sand, clay or organic material, shall cover the coarse stone to permit leveling of the distribution pipe. The maximum fines in the gravel used above the stone shall be two percent by weight passing through a US Standard #10 mesh (2.0 millimeter) sieve. The crushed rock or gravel shall completely fill the trench to a minimum depth of two inches over the distribution pipe and shall be properly covered in accordance with R317-4-9 to prevent infiltration of backfill. A minimum of six inches of backfill shall cover the crushed rock or gravel over the distribution pipe.

TABLE 9
Deep Wall Trench Construction Details (a)

ITEM	UNIT	MINIMUM	MAXIMUM
DEEP WALL TRENCHES:			
Width	feet	2	--
Length	feet	--	100 (b)
EFFECTIVE VERTICAL SIDEWALL ABSORPTION DEPTH (per trench)			
	feet	2	--
EFFLUENT DISTRIBUTION PIPES:			
Diameter	inches	4	--
Slope	inches/100 ft. (c)		4
BOTTOM OF TRENCH TO MAXIMUM GROUND WATER TABLE			
	inches	24	--
BOTTOM OF TRENCH TO UNSUITABLE SOIL OR BEDROCK FORMATIONS			
	inches	48	--
DISTANCE BETWEEN DEEP WALL TRENCHES (See Table 2)			
SIZE OF FILTER MATERIAL	inches	3/4	12
DEPTH OF FILTER MATERIAL:			
Under pipe	feet	2 (d)	--
Over pipe	inches	2	--
THICKNESS OF COMPACTED STRAW BARRIER OVER AGGREGATE FILTER MATERIAL			
	inches	2	--
DEPTH OF BACKFILL OVER BARRIER COVERING FILTER MATERIAL			
	inches	6 (e)	--

FOOTNOTES

(a) The effective absorption area shall be considered as the outside surface of the deep wall trench (vertical sidewall area) calculated below the distribution pipe, exclusive of any unsuitable soil or bedrock formations. The bottom area and any highly restrictive or impervious sidewall strata shall not be considered in determining the effective absorption area.

(b) Preferably not more than 60 feet long.

(c) Preferably level.

(d) For a deep wall trench, the entire trench shall be completely filled with aggregate filter material to at least the top of any permeable soil formation to be calculated as effective sidewall absorption area.

(e) Whenever any distribution pipes will be covered with between six and twelve inches of backfill, they shall be laid level, and adequate precautions shall be made to prohibit traffic or heavy equipment from the disposal area.

8. If multiple deep wall trenches are installed in areas where the slope of the ground is relatively flat, the trenches and distribution pipes should be interconnected to produce a continuous system and the distribution pipe and trench bottoms should be level.

9. In locations where the ground over the deep wall trench area slopes, a single trench system should follow the contours of the land. If multiple trenches are necessary on sloping land, a system of serial deep wall trenches should be used, with each trench installed at a different elevation. The bottom of each trench should be level throughout its length.

10. Illustrations of typical absorption system components such as septic tanks, distribution boxes, and absorption systems are contained in an addendum to these rules, available through the Division of Water Quality

9.6. Seepage Pits. Seepage pits shall be considered as modified deep wall trenches and may be constructed in lieu of other approved absorption systems or as a supplement to an absorption trench where soil conditions and the required separation from the maximum ground water table comply with R317-4-5. This absorption system consists of 1 or more deep pits, either (1) hollow-lined, or (2) filled with clean, coarse filter material, which receive septic tank effluent and allow it to seep through sidewalls into the adjacent porous subsurface soil. They shall conform to the general requirements for deep wall trenches, except for the following:

A. The effective absorption area for seepage pits shall be determined as for deep wall trenches in R317-4-9, except that each seepage pit shall have a minimum effective sidewall absorption depth of four feet of suitable soil formation.

B. The minimum required sidewall absorption area shall be determined as for deep wall trenches in R317-4-9.

C. Design and construction of seepage pits shall be as specified in Table 10.

TABLE 10
Seepage Pits Construction Details (a)

ITEM	UNIT	MINIMUM	MAXIMUM
GENERAL:			
Diameter of pit	feet	3	--
Effective vertical sidewall absorption depth (per pit)			
	feet	4	--
Distance between seepage pits (See Table 2)			
Diameter of distribution pipe	inches	4	--

Size of filter material	inches	3/4	12
HOLLOW-LINED PITS:			
Width of annular space between lining and sidewall containing crushed rock (3/4 to 2-1/2 inches in diameter)	inches	6 (b)	--
Thickness of reinforced perforated concrete lining	inches	2-1/2	--
Thickness of brick, or block linings	inches	4	--
Depth of filter material in pit bottom	inches	6	--
Horizontal dimension of manhole in cover	inches	18	--
FILLED SEEPAGE PITS:			
Depth of filter material:			
Under distribution pipe	feet	4 (c)	--
Over distribution pipe	inches	2	--
Thickness of compacted straw barrier over aggregate filter material	inches	2	--
Depth of backfill over barrier covering filter material	inches	6 (d)	--

FOOTNOTES

(a) The effective absorption area shall be considered as the outside surface of the seepage pit (vertical sidewall area) calculated below the inlet or distribution pipe, exclusive of any unsuitable soil or bedrock formations. The bottom area and any highly restrictive or impervious sidewall strata shall not be considered in determining the effective absorption area.

(b) Preferably twelve inches.

(c) For a filled seepage pit, the entire pit shall be completely filled with aggregate filter material to at least the top of any permeable soil formation to be calculated as effective sidewall absorption area.

(d) Whenever any distribution pipes will be covered with between six and 12 inches of backfill, they shall be laid level, and adequate precautions shall be made to prohibit traffic or heavy equipment from the disposal area.

D. All seepage pits shall have a diameter of at least 3 feet.

E. Structural materials used throughout shall assure a durable, safe structure.

F. All seepage pits shall be either (1) hollow and lined with an acceptable material, or (2) filled with coarse stone or similar material that ranges from 3/4 to 12 inches in diameter and is free from fines, sand, clay, or organic material. Pits filled with coarse stone are preferred over hollow-lined pits. Linings of brick, stone, block, or similar materials shall have a minimum thickness of four inches and shall be laid with overlapping, tight-butted joints. Below the inlet level, mortar shall be used in the horizontal joints only. Above the inlet, all joints shall be fully mortared.

G. For hollow-lined pits, the inlet pipe should extend horizontally at least 1 foot into the pit with a tee to divert flow downward and prevent washing and eroding the sidewall. A minimum annular space of six inches between the lining and excavation wall shall be filled with crushed rock or gravel varying

in diameter from 3/4 to 2-1/2 inches and free from fines, sand, clay, or organic material. The maximum fines in the gravel shall be 2 percent by weight passing through a US Standard #10 mesh (2.0 millimeter) sieve. Clean coarse gravel or rock at least six inches deep shall be placed in the bottom of each pit.

H. A structurally sound and otherwise suitable top shall be provided that will prevent entrance of surface water, dirt, or other foreign material, and be capable of supporting the overburden of earth and any reasonable load to which it is subjected. Access to each hollow-lined pit shall be provided by means of a manhole, not less than 18 inches in minimum horizontal dimension, or by means of an easily removable cover and shall otherwise comply with R317-4-7. The top of the pit shall be covered with a minimum of six inches of backfill.

I. In pits filled with coarse stone, the perforated distribution pipe shall run across each pit. A layer of crushed rock or gravel shall be used for leveling the distribution pipe as specified in R317-4-9.

9.7. Absorption Beds. Absorption beds consist of large excavated areas, usually rectangular, provided with "gravel" filter material in which 2 or more distribution pipe lines are laid. They may be used in lieu of other approved absorption systems where conditions justify their use and shall conform to the requirements applying to absorption trenches, except for the following:

A. The effective absorption area of absorption beds shall be considered as the total bottom area of the excavation.

B. The minimum required absorption area for absorption beds shall be determined from Table 11 by using the results of percolation tests conducted in accordance with R317-4-5.

TABLE 11
Absorption Bed
Minimum Absorption Area Requirements and
Allowable Rate of Application of Wastewater
(Based on Percolation Test Rates) (a) (b)

Percolation Rate (time in minutes required for water to fall 1 inch)	Residential Minimum Absorption Area in Square Feet Per Bedroom (c)(d)	Commercial, Institutional, etc., Maximum Rate of Application in Gallons Per Sq. Ft. Per Day (e)(f)
1-10 (g)	330	0.80
11-15	380	0.65
16-20	424	0.55
21-30 (g)	500	0.45

FOOTNOTES

(a) Where practical, absorption areas should be increased above minimum figures specified in these rules.

(b) This table provides for the normal household appliances, including automatic sequence washers, mechanical garbage grinders, and dishwashers.

(c) Based on the number of bedrooms in use or that can be reasonably anticipated in the dwelling served, including the unfinished space available for conversion as additional bedrooms.

(d) Minimum absorption area is equal to the total number of bedrooms times the required absorption area within the applicable percolation rate category. In every case, sufficient absorption area shall be provided for at least two bedrooms.

(e) Minimum absorption area is equal to the actual or estimated wastewater flow in gallons per day (Table 3) divided by the maximum rate of application in gallons per sq. ft. per day

within the applicable percolation rate category. In every case, a minimum of 300 sq. ft. of absorption bed bottom absorption area shall be provided.

(f) Minimum application rates in the commercial and institutional column of Table 5 do not include wastes from garbage grinders and automatic sequence washing machines. Discharge from these appliances to a commercial or institutional absorption system require additional capacity of 20 percent for garbage grinders and 40 percent for automatic sequence washers above the minimum calculated absorption values. If both these appliances are installed, the absorption area must be increased by at least 60 percent above the minimum calculated absorption value.

(g) Absorption beds are not permitted in areas where the soil percolation rate is slower than one inch in 30 minutes or faster than one inch in one minute.

C. Isolation of absorption beds shall be not less than the minimum distances specified in Table 2.

D. Design and construction of absorption beds shall be as specified in Table 12.

TABLE 12
Absorption Bed Construction Details (a)

ITEM	UNIT	MINIMUM	MAXIMUM
EFFLUENT DISTRIBUTION			
PIPES:			
Diameter	inches	4	--
Length	feet	--	100 (b)
Number of lines	--	2 (c)	--
Slope	inches/100 ft. (d)		4
Depth of absorption bed (from ground surface)	inches	12	(e)
DISTANCE BETWEEN MULTIPLE LINES (c to c)			
	feet	--	6
DISTANCE BETWEEN DISTRIBUTION LINES AND SIDEWALLS (edge to edge)			
	feet	1	3
DISTANCE BETWEEN ABSORPTION BEDS (See Table 2)			
BOTTOM OF BED TO MAXIMUM GROUND WATER TABLE	feet	2	--
BOTTOM OF TRENCH TO UNSUITABLE SOIL OR BEDROCK FORMATIONS	feet	4	--
SIZE OF FILTER MATERIAL	inches	3/4	2-1/2
Allowable fines:			
1/2 inch mesh(a) (12.5 millimeter)	percent	0	5
#10 mesh(a) (2.0 millimeter)	percent	0	2
(a) US Standard Sieves			
DEPTH OF FILTER MATERIAL:			
Under pipe	inches	6 (f)	--
Over pipe	inches	2	--
Total	inches	12	--
Under pipe located within 10 feet of trees or shrubs	inches	12	--
THICKNESS OF COMPACTED STRAW BARRIER OVER AGGREGATE FILTER MATERIAL			
	inches	2	--
DEPTH OF BACKFILL OVER BARRIER COVERING FILTER MATERIAL			
	inches	6 (g)	--

FOOTNOTES

(a) The effective absorption area shall be considered as the total bottom area of the excavation in square feet.

(b) Preferably not more than 60 feet long.

(c) Of near equal length.

(d) Preferably level.

(e) Absorption beds should be constructed as shallow as is practical to allow for evapotranspiration of wastewater.

(f) Preferably eight inches.

(g) Whenever any distribution pipes will be covered with between six and twelve inches of backfill, they shall be laid level, and adequate precautions shall be made to prohibit traffic or heavy equipment from the disposal area.

E. Absorption beds should be installed where the slope of the ground surface is relatively level, sloping no more than about six inches from the highest to the lowest point in the installation area. The bottom of the entire absorption bed shall be essentially level, at the same elevation, and the distribution pipes shall be interconnected to produce a continuous system.

R317-4-10. Experimental Onsite Wastewater Systems.

10.1. Administrative Requirements.

A. Where unusual conditions exist, experimental methods of onsite wastewater treatment and disposal may be employed provided they are acceptable to the Division and to the local health department having jurisdiction.

B. When considering proposals for experimental onsite wastewater systems, the Division shall not be restricted by this rule provided that:

1. The experimental system proposed is attempting to resolve an existing pollution or public health hazard, or when the experimental system proposal is for new construction, it has been predetermined that an acceptable back-up wastewater system will be installed in event of failure of the experiment.

2. The proposal for an experimental onsite wastewater system must be in the name of and bear the signature of the person who will own the system.

3. The person proposing to utilize an experimental system has the responsibility to maintain, correct, or replace the system in event of failure of the experiment.

C. When sufficient, successful experience is established with experimental onsite wastewater systems, the Division may designate them as approved alternative onsite wastewater systems. Following this approval of alternative onsite wastewater systems, the Division will adopt rules governing their use.

10.2. General Requirements.

A. All experimental systems shall be designed, installed and operated under the following conditions:

1. The ground water requirements shall be determined as shown in R317-4-5.

2. The local health department must advise the owner of the system of the experimental status of that type of system. The advisory must contain information concerning risk of failure, level of maintenance required, financial liability for repair, modification or replacement of a failed system and periodic monitoring requirements which are all specific to the type of system to be installed.

3. The local health department and the homeowner shall be provided with sufficient design, installation and operating information to produce a successful, properly operating installation.

4. The local health department is responsible for provision of, or oversight of an approved installation, inspection and maintenance and monitoring program for the systems. Such programs shall include approved procedures for complete periodic maintenance and monitoring of the systems.

5. The local health department may impose more stringent design, installation, operating and monitoring conditions than those required by the Division.

6. All failures, repairs or alterations shall be reported to the local health department. All repairs or alterations must be approved by the local health department.

B. When an experimental wastewater system exists on a property, notification of the existence of that system shall be recorded on the deed of ownership for that property.

R317-4-11. Alternative Onsite Wastewater Systems.

11.1. Administrative Requirements. The local health department having jurisdiction must obtain approval from the division to administer an alternative onsite wastewater system program, as outlined in this section, prior to permitting alternative onsite wastewater systems. Alternative onsite wastewater systems are only to be installed where site limitations prevent the use of conventional onsite wastewater systems.

A. The following alternative onsite wastewater systems may be considered for use upon the executive secretary's approval of a written request from the local health department to administer an alternative onsite wastewater system program.

TABLE 12.1

<u>System</u>	<u>Rule Reference</u>
<u>Earth fill Systems</u>	<u>R317-4-11.2</u>
<u>"At-Grade" Systems</u>	<u>R317-4-11.3</u>
<u>Mound Systems</u>	<u>R317-4-11.4</u>

The local health department request for approval must include a description of their plan to properly manage these systems to protect public health and water quality. This plan must include:

1. Documentation of the adequacy of staff resources to manage the increased work load.

2. Documentation of the technical capability to administer the new systems including any training plans which are needed.

3. A description of measures to be taken by the local health department to insure that designers and installers of these systems are qualified.

4. A description of the methods which will be used to determine the maximum anticipated high ground water table elevation.

5. Documentation that the Local Board of Health and County Commission support this request.

6. A description of how these systems will be managed, inspected and monitored.

7. A ground water management plan which identifies maximum septic system densities to be allowed in order to prevent unacceptable degradation of ground water, or a schedule for completing an acceptable plan within one year. This requirement may be waived or modified by the executive secretary where it can be shown that these systems would be relatively few in number and widely separated, thereby having negligible impact on ground water quality, or where the ground water aquifers vary greatly over

relatively short distances making such a ground water study impractical.

8. Documentation of the county's legal authority to implement and enforce correction of malfunctioning systems and their commitment to exercise this authority.

B. All alternative onsite wastewater systems shall be designed, installed and operated under the following conditions:

1. The ground water requirements shall be determined as shown in R317-4-5.

2. The local health department must advise the owner of the system of the alternative status of that type of system. The advisory must contain information concerning risk of failure, level of maintenance required, financial liability for repair, modification or replacement of a failed system and periodic monitoring requirements which are all specific to the type of system to be installed.

3. The local health department and the homeowner shall be provided with sufficient design, installation and operating information to produce a successful, properly operating installation.

4. The local health department is responsible for provision of, or oversight of an approved installation, inspection and maintenance and monitoring program for the systems. Such programs shall include approved procedures for complete periodic maintenance and monitoring of the systems.

5. The local health department may impose more stringent design, installation, operating and monitoring conditions than those required by the Division.

6. All failures, repairs or alterations shall be reported to the local health department. All repairs or alterations must be approved by the local health department.

C. When an alternative onsite wastewater system exists on a property, notification of the existence of that system shall be recorded on the deed of ownership for that property.

11.2. Installation in Earth Fill.

A. Installation of absorption systems in earth fill will be allowed only by the regulatory authority having jurisdiction in accordance with these rules. Installation of absorption systems in earth fill is an alternative disposal method. Conditions for use of alternative onsite wastewater systems are shown in R317-4-11.

B. Absorption trenches and absorption bed type absorption systems may be placed in earth fill. Absorption trench systems placed in earth fill can only be installed over natural soils with a percolation rate range between five and 60 minutes per inch; and absorption bed systems over soils with a percolation rate range of five to 30 minutes per inch.

C. Naturally existing soil with an unacceptable percolation rate may be removed and replaced with earth fill with an acceptable, in-place percolation rate, if the removal of the original soil does not cause other unacceptable site conditions and if acceptable natural soil exists below the replacement. The site must conform to all other acceptability conditions.

D. The maximum acceptable existing slope of a site upon which an "at grade" or "above grade" onsite system can be placed with the use of earth fill is four percent.

E. The minimum area of fill to be placed shall be sufficient to install a system sized for the number of bedrooms in the home, using the percolation rate of 60 minutes per inch. The fill area shall be sized to accommodate an absorption system for a home with a

minimum of three bedrooms, and shall include all required clearances within, and outside of the fill and absorption system area.

F. The area of original fill placement shall include that area required for a 100 percent replacement of the drainfield, with all required clearances. The area between trenches shall not be used for replacement area.

G. The fill depth below the bottom of the absorption system shall not exceed six feet.

H. The minimum separation between the natural ground surface and the anticipated maximum ground water table or saturated soil shall be twelve (12) inches.

I. The earth fill shall be considered to be acceptably stabilized if it is allowed to naturally settle for a minimum period of one year, sized to result in its minimum required dimensions after the settling period. Mechanical compaction shall not be allowed.

J. All onsite wastewater systems placed in earth fill shall conform to all other applicable requirements of R317-4, "Onsite Wastewater Systems".

K. The onsite wastewater system and local area surrounding them shall be graded to drain surface water away from the absorption system.

L. After the fill has settled for a minimum of one year, a minimum of two (2) percolation tests/soil exploration pits shall be conducted in the fill. One shall be conducted in the proposed absorption system area and one in the proposed replacement area of the fill. The suitably stabilized fill shall have an in-place percolation rate of between 15 and 45 minutes per inch.

M. The maximum exposed side slope for fill surfaces shall be four horizontal to one vertical. When fill is placed where finished contours are above the natural ground surface, it shall extend from the center of the wastewater system at the same general top elevation for a minimum of ten feet in all directions beyond the limits of the disposal area perimeter below, before the beginning of the side slope. A suitable soil cap, which will support a vegetative cover, shall cover the entire fill body. The cap shall be provided with a vegetative cover. Access to the fill site shall be restricted to minimize erosion and other physical damage.

11.3. "At-Grade" Systems.

A. Where site conditions may restrict the installation of a standard absorption system, an "at-grade" system may be used. It shall be designed, installed, operated and monitored in accordance with these rules. An "at-grade" system is considered to be an alternative disposal method. Conditions for use of alternative wastewater systems are shown in R317-4-11.

B. Absorption trenches and absorption bed type absorption systems may be placed in the "at-grade" position. Absorption systems placed "at-grade" can only be installed over natural soils with a percolation rate range between five and 60 minutes per inch; and absorption bed systems over soils with a percolation rate range of five to 30 minutes per inch.

C. The minimum distance from the top of finished grade to the high seasonal ground water table or perched ground water table shall be four feet.

D. When fill is placed where finished contours are above the natural ground surface, it shall extend from the center of the wastewater system at the same general top elevation for a minimum of ten feet in all directions beyond the limits of the disposal area perimeter below, before the beginning of the side slope.

E. The maximum side slope for above ground fill shall be four (horizontal) : one (Vertical).

F. Maximum acceptable slope of original site surface for placement of an "at-grade" system is four percent.

G. The site shall be cleared of vegetation and scarified to an approximate depth of six inches. Any furrows resulting from the scarification shall be perpendicular to any slope on the site.

11.4. Mound Systems.

A. Where site conditions may restrict the use of a standard absorption system, a mound system may be used. It shall be designed, installed, operated and monitored in accordance with these rules. A mound system is considered to be an alternative disposal method. Conditions for use of alternative wastewater systems are shown in R317-4-11.1.

B. The minimum separation between the natural ground surface and the anticipated maximum ground water table or saturated soil shall be twelve (12) inches.

C. The two foot minimum thick unsaturated soil treatment horizon below the bottom of the absorption system shall consist of a minimum of one foot of suitable natural soil.

D. Mound systems shall not be located on sites where the original prevailing surface grade exceeds four percent.

E. All mound type onsite systems shall utilize pressurized systems for distribution of effluent in the absorption system.

F. The local health department in whose jurisdiction the mounds with pressurized systems are to be used, shall have an approved maintenance program in place.

G. The design effluent loading rate through the absorption system bottom to sand fill interface shall be 0.8 gallons per day per square foot of absorption system bottom area.

H. The effluent loading rate at the sand fill to native soil interface shall as specified in Table 13:

TABLE 13

Effluent Loading Rate from Sand Fill to the Natural Soil Surface

PERCOLATION RATE OF NATURAL SOIL (Minutes per inch)	UNIT	LOADING RATE
1-10	gallons per day	0.45
	per square foot	
11-15	gallons per day	0.40
	per square foot	
16-20	gallons per day	0.35
	per square foot	
21-30	gallons per day	0.30
	per square foot	
31-45	gallons per day	0.25
	per square foot	
46-60	gallons per day	0.20
	per square foot	

I. The minimum thickness of aggregate media around the distribution pipes of the absorption system shall be the sum of six inches below the distribution pipe, the diameter of the distribution pipe and two inches above the distribution pipe or ten inches, whichever is larger.

J. Mound systems shall be designed in accordance with "Mound Soil Absorption System Siting, Design and Construction Guidance Manual, April 1, 1996", which is hereby incorporated by reference. A copy is available for public review from the Division

of Water Quality, 288 North 1460 West, P.O. Box 144870, Salt Lake City, UT, 84114-4870.

11.5. Supplemental Requirements for Maintenance and Monitoring of "At-Grade" and Earth Fill Alternative Onsite Wastewater Systems.

A. These requirements are to be applied in addition to the requirements specified in R317-4-13 where applicable.

B. These systems shall be monitored at a period of six months and one year after initial use of the system and annually thereafter for a total of five years. Repairs shall be made at any time to a malfunctioning system, as soon as possible after the malfunction is discovered.

C. The local health department in whose jurisdiction the alternative system is installed shall be responsible for formulation of, administration and supervision of a maintenance and monitoring program that is approved by the Division.

11.6. Supplemental Requirements for Maintenance and Monitoring of Pressure Distribution Alternative Onsite Wastewater Systems.

A. These requirements are to be applied in addition to the requirements specified R317-4-13, where applicable.

B. These systems shall be monitored every six months throughout the life of the system. Repairs shall be made at any time to a malfunctioning system, as soon as possible after the malfunction is discovered.

C. The local health department in whose jurisdiction the pressurized system is installed shall be responsible for formulation of, administration and supervision of a maintenance and monitoring program that is approved by the Division.

D. Additional requirements for maintenance of these systems are contained in "Mound Soil Absorption System Siting, Design and Construction Guidance Manual, April 1, 1996", which is hereby incorporated by reference. A copy is available for public review from the Division of Water Quality, 288 North 1460 West, P.O. Box 144870, Salt Lake City, UT, 84114-4870.

R317-4-12. Design, Installation, and Maintenance of Sewage Holding Tanks.

12.1. Sewage Holding Tanks - Administrative Requirements.

A. Sewage holding tanks are permitted only under the following conditions:

1. Where an absorption system for an existing dwelling has failed and installation of a replacement absorption system is not practicable.

2. As a temporary (not to exceed one year) wastewater system for a new dwelling until a connection is made to an approved sewage collection system.

3. For other essential and unusual situations where both the Division and the local health department having jurisdiction concur that the proposed holding tank will be designed, installed and maintained in a manner which provides long-term protection of the waters of the state. Requests for the use of sewage holding tanks in this instance must receive the written approval of both agencies prior to the installation of such devices.

4. Requests for the use of sewage holding tanks under subparagraphs A and B above must receive the written approval of the local health department prior to the installation of such devices.

B. Except on those lots recorded and approved for sewage holding tanks prior to May 21, 1984, sewage holding tanks are not

permitted for use in new housing subdivisions, or commercial, institutional, and recreational developments except in those instances where these devices are part of a specific watershed protection program acceptable to the Division and the local health department having jurisdiction.

C. The design, installation, and maintenance of all sewage holding tanks, except those for recreational and scavenger vehicles, must comply with the following:

12.2. General Requirements. No sewage holding tank shall be installed and used unless plans and specifications covering its design and construction have been submitted to and approved by the appropriate regulatory authority. A statement must be submitted by the owner indicating that in the event his sewage holding tank is approved, he will enter into a contract with an acceptable liquid waste pumping company, or make other arrangements meeting the approval of the regulatory authority having jurisdiction, that the tank will be pumped periodically, at regular intervals or as needed, and that the wastewater contents will be disposed of in a manner and at a facility meeting approval of those regulatory authorities. If authorization is necessary for disposal of sewage at certain facilities, evidence of such authorization must be submitted for review.

12.3. Basic Plan Information Required. Plan information for each sewage holding tank, except those in recreational and liquid waste pumping vehicles, shall comply with the following criteria:

A. Location or complete address of dwelling to be served by sewage holding tank and the name, current address, and telephone number of the person who will own the proposed sewage holding tank.

B. A plot or site plan showing:

1. direction of north,

2. number of bedrooms,

3. location and liquid capacity of sewage holding tank,

4. source and location of domestic water supply,

5. location of water service line and building sewer, and

6. location of streams, ditches, watercourses, ponds, etc., near property.

C. Plan detail of sewage holding tank and high water warning device.

D. Relative elevations of:

1. building floor drain,

2. building sewer,

3. invert of inlet for tank,

4. lowest plumbing fixture or drain in building served, and

5. the maximum liquid level of the tank.

E. Statement indicating the present and maximum anticipated ground water table.

F. Liquid waste pumping arrangements for sewage holding tank.

12.4. Construction.

A. The tank shall be constructed of sound and durable material not subject to excessive corrosion and decay and designed to withstand hydrostatic and external loads. All sewage holding tanks shall comply with the manufacturing materials and construction requirements specified for septic tanks.

B. Construction of the tank shall be such as to assure water tightness and to prevent the entrance of rainwater, surface drainage or ground water. All prefabricated or precast sewage holding tanks which are commercially manufactured shall be plainly, legibly, and

permanently marked or stamped on the exterior at the inlet end and within six inches of the top of the wall, with the name and address or nationally registered trademark of the manufacturer and the liquid capacity of the tank in gallons.

C. Tanks shall be provided with a maintenance access manhole at the ground surface or above and of at least 18 inches in diameter. Access covers shall have adequate handles and shall be designed and constructed in such a manner that they cannot pass through the access opening, and when closed will be child-proof and prevent entrance of surface water, dirt, or other foreign material, and control the odorous gases of digestion.

D. A high water warning device shall be installed on each tank to indicate when it is within 75 percent of being full. This device shall be either an audible or a visual alarm. If the latter, it shall be conspicuously mounted. All wiring and mechanical parts of such devices shall be corrosion resistant and all conduit passage ways through the tank top or walls shall be water and vapor tight.

E. No overflow, vent, or other opening shall be provided in the tank other than those described above.

F. The regulatory authority may require that sewage holding tanks be filled with water and allowed to stand overnight to check for leaks. Tanks exhibiting obvious defects or leaks shall not be approved unless such deficiencies are repaired to the satisfaction of the regulatory authority.

G. The slope of the building sewer shall comply with R317-4-6.

12.5. Capacity. Each tank shall be large enough to hold a minimum of seven days sewage flow or 1,000 gallons, whichever is larger. The liquid capacity of the sewage holding tank should be based on sewage flows for the type of dwelling or facility being served (Table 3) and on the desired time period between each pumping. The length of time between pumpings may be increased by careful water management, low volume plumbing fixtures, etc.

12.6. Location. Sewage holding tanks must be located:

A. In an area readily accessible to the pump truck in any type of weather that is likely to occur during the period of use.

B. In accordance with the requirements for septic tanks as specified in Table 2.

C. Where it will not tend to float out of the ground due to a high ground water table or a saturated soil condition, since it will be empty or only partially full most of the time. In areas where the ground water table may be high enough to float the tank out of the ground when empty or partially full, adequate ground anchoring procedures shall be provided.

12.7. Operation and Maintenance.

A. Sewage holding tanks shall be pumped periodically, at regular intervals or as needed, and the wastewater contents shall be disposed of in a manner and at a facility meeting the approval of the appropriate regulatory authority.

B. Sewage holding tanks for seasonal dwellings should be pumped out before each winter season to prevent freezing and possible rupture of the tank.

C. A record of pumping dates, amounts pumped, and ultimate disposal sites should be maintained by the owner and made available to the appropriate regulatory authorities upon request.

D. Sewage holding tanks shall be checked at frequent intervals by the owner or occupant and if leakage is detected it shall be immediately reported to the local health authority. Repairs or replacements shall be conducted under the direction of the local

health authority. Major increases in the time of pumpings without significant changes in water usage could indicate leakage of the tanks.

E. Improper location, construction, operation, or maintenance of a particular holding tank may result in appropriate legal action against the owner by the regulatory authority having jurisdiction.

R317-4-13. Recommendations for the Maintenance of Septic Tanks and Absorption Systems.

13.1. Recommendations for the Maintenance of Septic Tanks and Absorption Systems.

A. Septic tanks must be cleaned before too much sludge or scum is allowed to accumulate and seriously reduce the tank volume settling depth. If either the settled solids or floating scum layer accumulate too close to the bottom of the outlet baffle or bottom of the sanitary tee pipe in the tank, solid particles will overflow into the absorption system and eventually clog the soil and ruin its absorption capacity. Illustrations of typical absorption system components such as septic tanks, distribution boxes, and absorption systems are contained in an addendum to these rules, available through the Division of Water Quality

B. A septic tank which receives normal loading should be inspected at yearly intervals to determine if it needs emptying. Although there are wide differences in the rate that sludge and scum accumulate in tanks, a septic tank for a private residence will generally require cleaning every three to five years. Actual measurement of scum and sludge accumulation is the only sure way to determine when a tank needs to be cleaned. Experience for a particular system may indicate the desirability of longer or shorter intervals between inspections. Scum and sludge accumulations can be measured as follows:

1. Scum can be measured with a long stick to which a weighted flap has been hinged, or any device that can be used to determine the bottom of the scum mat. The stick is forced through the mat, the hinged flap falls into a horizontal position, and the stick is lifted until resistance from the bottom of the scum is felt. With the same tool, the distance to the bottom of the outlet device (baffle or tee) can be found.

2. Sludge can be measured with a long stick wrapped with rough, white toweling and lowered into the bottom of the tank. The stick should be small enough in diameter so it can be lowered through the outlet device (baffle or tee) to avoid scum particles. After several minutes, if the stick is carefully removed, the height to which the solids (sludge) have built up can be distinguished by black particles clinging to the toweling.

C. The tank should be pumped out if either the bottom of the floating scum mat is within three inches of the bottom of the outlet device (baffle or tee) or the sludge level has built up to approximately 12 inches from the bottom of the outlet device (baffle or tee). Little long-term benefit is derived by pumping out only the liquid waste in septic tanks. All three wastewater components, scum, sludge, and liquid waste should be removed. Tanks should not be washed or disinfected after pumping. A small amount of sludge should be left in the tank for seeding purposes.

D. If multiple tanks or tanks with multiple compartments are provided, care should be taken to insure that each tank or compartment is inspected and cleaned. Hollow-lined seepage pits may require cleaning on some occasions.

E. Professional septic tank cleaners, with tank trucks and pumping equipment, are located in most large communities and can be hired to perform cleaning service. In any case, the septic tank wastes contain disease causing organisms and must be disposed of only in areas and in a manner that is acceptable to local health authorities and consistent with State rules.

F. The digestion of sewage solids gives off explosive, asphyxiating gases. Therefore, extreme caution should be observed if entering a tank for cleaning, inspection, or maintenance. Forced ventilation or oxygen masks and a safety harness should be used.

G. Immediate replacement of broken-off inlet or outlet fittings in the septic tank is essential for effective operation of the system. On occasion, paper and solids become compacted in the vertical leg of an inlet sanitary tee. Corrective measures include providing a nonplugging sanitary tee of wide sweep design or a baffle.

H. Following septic tank cleaning, the interior surfaces of the tank should be inspected for leaks or cracks using a strong light. Distribution boxes, if provided, should be inspected and cleaned when the septic tank is cleaned.

I. A written record of all cleaning and maintenance to the septic tank and absorption system should be kept by the owner of that system.

J. The functional operation of septic tanks is not improved by the addition of yeasts, disinfectants or other chemicals; therefore, use of these materials is not recommended.

K. Waste brine from household water softening units, soaps, detergents, bleaches, drain cleaners, and other similar materials, as normally used in a home or small commercial establishment, will have no appreciable adverse effect on the system. If the septic tank is adequately sized as herein required, the dilution factor available will be sufficient to overcome any harmful effects that might otherwise occur. The advice of your local health department and other responsible officials should be sought before chemicals arising from a hobby or home industry are discharged into a septic tank system.

L. Economy in the use of water helps prevent overloading of a septic tank system that could shorten its life and necessitate expensive repairs. The plumbing fixtures in the building should be checked regularly to repair any leaks which can add substantial amounts of water to the system. Industrial wastes, and other liquids that may adversely affect the operation of the individual wastewater disposal system should not be discharged into such a system. Paper towels, facial tissue, newspaper, wrapping paper, disposable diapers, sanitary napkins, coffee grounds, rags, sticks, and similar materials should also be excluded from the septic tank since they do not readily decompose and can lead to clogging of both the plumbing and the absorption system.

M. Crushed, broken, or plugged distribution pipes should be replaced immediately.

KEY: waste water, onsite wastewater systems, alternative onsite wastewater systems, septic tanks

2000

19-5-104



Environmental Quality, Water Quality R317-501 Individual Wastewater Disposal Systems

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE No.: 22491

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4 (DAR No. 22490). All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

(DAR Note: The proposed new Rule R317-4 is under DAR No. 22490 in this issue of the *Bulletin*.)

❖LOCAL GOVERNMENTS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to local government under the new rule is addressed in a separate filing for Rule R317-4.

❖OTHER PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to other persons under the new rule is addressed in a separate filing for Rule R317-4.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Compliance costs for affected persons under the new rule are addressed in a separate filing for Rule R317-4.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Fiscal impacts of the new rule to businesses are addressed in a separate filing for Rule R317-4.

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

Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/17/1999 at 11 a.m., 110 North Main, Cedar City, UT; and 12/21/1999 at 10 a.m., 168 North 1950 West, Room 101, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.

[R317-501. Individual Wastewater Disposal Systems.

R317-501-1. Definitions.

— 1.1 "Absorption bed" means an absorption system consisting of a covered, gravel-filled bed into which septic tank effluent is discharged through specially designed distribution pipes for seepage into the soil.

— 1.2 "Absorption field" means an absorption system consisting of a series of covered, gravel-filled trenches into which septic tank effluent is discharged through specially designed distribution pipes for seepage into the soil.

— 1.3 "Absorption system" means a device constructed to receive and to distribute effluent in such a manner that the effluent is effectively filtered and retained below ground surface.

— 1.4 "Alternate individual wastewater disposal system" means a system for disposing of domestic wastewater or wastes which consists of a building sewer, a septic tank or other sewage treatment or storage unit, and a disposal facility or method consisting of other than an absorption field, seepage trench, seepage pit, or absorption bed; but not including a surface discharge to the waters of the state; unless all applicable effluent discharge requirements are met.

— 1.5 "At-Grade" System means an alternate type of individual wastewater disposal system where the bottom of the absorption system is placed at or below the elevation of the existing site grade; and the top of the distribution pipe is above the elevation of existing site grade, and the absorption system is contained within a fill body that extends above that grade.

— 1.6 "Bedroom" means any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area. It may include, but is not limited to, a den, study, sewing room, sleeping loft, or enclosed porch. Unfinished basements shall be counted as a minimum of 1 additional bedroom.

— 1.7 "Building sewer" means the pipe which carries wastewater from the building drain to a public sewer, a wastewater disposal system or other point of disposal. It is synonymous with "house sewer".

— 1.8 "Chamber System" means a type of absorption system where the media consists of an open bottom, chamber structure of an approved material and design, which may be used as a substitute for the gravel media with a perforated distribution pipe.

— 1.9 "Condominium" means the ownership of a single dwelling unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

— 1.10 "Curtain drain" means any ground water interceptor or drainage system that is gravel backfilled and is intended to interrupt or divert the course of shallow ground water or surface water away from the individual wastewater disposal system.

— 1.11 "Division" means the Utah Division of Water Quality.

— 1.12 "Disposal area" means the entire area used for the subsurface dispersion of septic tank effluent by an absorption system.

— 1.13 "Distribution box" means a watertight structure which receives septic tank effluent and distributes it concurrently, in essentially equal portions, into two or more distribution pipes leading to an absorption system.

— 1.14 "Distribution pipe" means approved perforated pipe used in the dispersion of septic tank effluent into an absorption system.

— 1.15 "Domestic wastewater" means a combination of the liquid or water-carried wastes from residences, business buildings, institutions, and other establishments with installed plumbing facilities, together with those from industrial establishments, and with such ground water, surface water, and storm water as may be present. It is synonymous with the term "sewage".

— 1.16 "Drainage system" means all the piping within public or private premises, which conveys sewage or other liquid wastes to a legal point of disposal, but does not include the mains of a public sewer system or a public sewage treatment or disposal plant.

— 1.17 "Drop box" means a watertight structure which receives septic tank effluent and distributes it into one or more distribution pipes, and into an overflow leading to another drop box and absorption system located at a lower elevation.

— 1.18 "Dwelling" means any structure, building, or any portion thereof which is used, intended, or designed to be occupied for

human living purposes including, but not limited to, houses, mobile homes, hotels, motels, apartments, business, and industrial establishments.

— 1.19 "Earth fill" means a disturbed suitable soil which is imported and placed over the original soil. It is characterized by having no distinct horizons or color patterns, as found in naturally developed undisturbed soils.

— 1.20 "Effluent lift pump" means a pump used to lift septic tank effluent to a disposal area at a higher elevation than the septic tank.

— 1.21 "Ejector pump" means a device to elevate or pump untreated sewage to a septic tank, public sewer, or other means of disposal.

— 1.22 "Experimental individual wastewater disposal system" means an alternate individual wastewater disposal system which is still in experimental use and requires further testing in order to provide sufficient information to determine its acceptance.

— 1.23 "Final local health department approval" means, for the purposes of the grandfather provisions in R317-502-16.1 (Table 1, footnote a) and R317-503-2.1, the approval given by a local health department which would allow construction and installation of subdivision improvements. Note: Even though final local health department approval may have been given for a subdivision, individual lot approval would still be required for issuance of a building permit on each lot.

— 1.24 "Ground water" means that portion of subsurface water that is in the zone of saturation, including underground streams.

— 1.25 "Ground water table" means the surface of a body of unconfined ground water in which the pressure is equal to that of the atmosphere.

— 1.26 "Ground water table, perched" means unconfined ground water separated from an underlying body of ground water by an unsaturated zone. Its water table is a perched water table. It is held up by a restrictive strata or impervious layer. Perched ground water may be either permanent, where recharge is frequent enough to maintain a saturated zone above the perching bed, or temporary, where intermittent recharge is not great or frequent enough to prevent the perched water from disappearing from time to time as a result of drainage over the edge of or through the perching bed.

— 1.27 "Maximum ground water table" means the highest elevation that the top of the "ground water table" or "ground water table, perched" is expected to reach for any reason over the full operating life of the wastewater disposal system at that site.

— 1.28 "Regulatory Authority" means either the Utah Division of Water Quality or the local health department having jurisdiction.

— 1.29 "Impervious strata" means a layer which prevents water or root penetration. In addition, it shall be defined as having a percolation rate greater than 60 minutes per inch.

— 1.30 "Individual wastewater disposal system" means for the purposes of Section 19-5-102(7), a system for underground disposal of domestic wastewater which is designed for a capacity of 5,000 gallons per day or less and is not designed to serve multiple dwelling units which are owned by separate owners except condominiums and twin homes. It usually consists of a building sewer, a septic tank, and an absorption system.

— 1.31 "Invert" is the lowest portion of the internal cross section of a pipe or fitting.

— 1.32 "Local health department" means a city-county or multi-county local health department established under Title 26A.

— 1.33 "Lot" means a portion of a subdivision, or any other parcel of land intended as a unit for transfer of ownership or for development or both and shall not include any part of the right-of-way of a street or road.

— 1.34 "Malfunctioning system" means an individual wastewater disposal system which is not functioning in compliance with the requirements of this regulation and includes, but is not limited to, the following:

— A. Absorption systems which seep or flow to the surface of the ground or into waters of the state.

— B. Systems which have overflow from any of their components.

— C. Systems which, due to failure to operate in accordance with their designed operation, cause backflow into any portion of a building plumbing system.

— D. Systems discharging effluent which does not comply with applicable effluent discharge standards.

— 1.35 "Mound System" means an alternate individual wastewater disposal system where the bottom of the absorption system is placed above the elevation of the existing site grade, and the absorption system is contained in a mounded fill body above that grade.

— 1.36 "Nonpublic water source" means a culinary water source that is not defined as a public water source.

— 1.37 "Percolation rate" means the time expressed in minutes per inch required for water to seep into saturated soil at a constant rate during a percolation test.

— 1.38 "Percolation test" means the method used to measure the percolation rate of water into soil as described in these rules.

— 1.39 "Permeability" means the rate at which a soil transmits water when saturated.

— 1.40 "Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state (Section 19-1-103).

— 1.41 "Pollution" means any man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of any waters of the state, unless the alteration is necessary for public health and safety (Section 19-5-102).

— 1.42 "Public health hazard" means, for the purpose of this rule, a condition whereby there are sufficient types and amounts of biological, chemical, or physical agents relating to water or sewage which are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses and bacteria, parasites, toxic chemicals and radioactive isotopes. A malfunctioning individual wastewater disposal system constitutes a public health hazard.

— 1.43 "Public water source" means a culinary water source, either publicly or privately owned, providing water for human consumption and other domestic uses which has at least 15 service connections, or regularly serves an average of at least 25 individuals daily for at least 60 days out of the year.

— 1.44 "Replacement area" means sufficient land with suitable soil, excluding streets, roads, and permanent structures, which complies with the setback requirements of these rules, and is intended for the 100 percent replacement of absorption systems.

— 1.45 "Restrictive layer" means a layer in the soil that because of its structure or low porosity does not allow water entering from above to pass through as rapidly as it accumulates. During some

part of every year, a restrictive layer is likely to have temporarily perched ground water table accumulated above it:

— 1.46 "Scum" means a mass of sewage solids floating on the surface of wastes in a septic tank which is buoyed up by entrained gas, grease, or other substances.

— 1.47 "Seepage pit" means an absorption system consisting of a covered pit into which septic tank effluent is discharged:

— 1.48 "Seepage trench" means an absorption system consisting of deep trenches filled with clean, coarse filter material, with a minimum sidewall absorption depth of 2 feet of suitable soil formation below the distribution pipe, into which septic tank effluent is discharged for seepage into the soil:

— 1.49 "Septic tank" means a watertight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through an absorption system meeting the requirements of these rules:

— 1.50 "Septic tank effluent" means partially treated sewage which is discharged from a septic tank:

— 1.51 "Sewage holding tank" means a watertight receptacle which receives water-carried wastes from the discharge of a drainage system and retains such wastes until removal and subsequent disposal at an approved site or treatment facility:

— 1.52 "Shall" means a mandatory requirement except when modified by action of the Department on the basis of justifying facts submitted as part of plans and specifications for a specific installation:

— 1.53 "Should" means recommended or preferred and is intended to mean a desirable standard:

— 1.54 "Single-family dwelling" means a building designed to be used as a home by the owner or lessee of such building, and shall be the only dwelling located on a lot with the usual accessory buildings:

— 1.55 "Sludge" means the accumulation of solids which have settled in a septic tank or a sewage holding tank:

— 1.56 "Soil exploration pit" means an open pit dug to permit examination of the soil to evaluate its suitability for absorption systems:

— 1.57 "Twin home" means two attached dwelling units with one common wall:

— 1.58 "Uniform Plumbing Code" means the Uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials and includes Utah amendments to the code adopted by the Utah Division of Occupational and Professional Licensing:

— 1.59 "Waste" or "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water (Section 19-5-102):

— 1.60 "Wastewater" means sewage, industrial waste or other liquid substances which might cause pollution of waters of the state. Intercepted ground water which is uncontaminated by wastes is not included:

— 1.61 "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, are not "waters of the state" (Section 19-5-102):

KEY: waste water, septic systems, alternate systems

July 12, 1996 **19-5-104**

Notice of Continuation December 12, 1997]

◆ ————— ◆

Environmental Quality, Water Quality R317-502 Individual Disposal Wastewater Systems - General Requirements

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 22492

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4 (DAR No. 22490). All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

(DAR Note: The proposed new Rule R317-4 is under DAR No. 22490 in this issue of the *Bulletin*.)

❖LOCAL GOVERNMENTS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to local government under the new rule is addressed in a separate filing for Rule R317-4.

❖OTHER PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to other persons under the new rule is addressed in a separate filing for Rule R317-4.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Compliance costs for affected persons under the new rule are addressed in a separate filing for Rule R317-4.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Fiscal impacts of the new rule to businesses are addressed in a separate filing for Rule R317-4.

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

Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/17/1999 at 11 a.m., 110 North Main, Cedar City, UT; and 12/21/1999 at 10 a.m., 168 North 1950 West, Room 101, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.

~~R317-502. Individual Disposal Wastewater Systems--General Requirements.~~

~~R317-502-1. Scope.~~

~~— R317-501 through R317-513 shall apply to individual wastewater disposal systems.~~

~~R317-502-2. Failure to Comply With Rules.~~

~~— Any person failing to comply with R317-500 through R317-513 will be subject to action as specified in Sections 19-5-115 and 26A-1-123.~~

~~R317-502-3. Individual Wastewater Disposal System Required.~~

~~— The drainage system of each dwelling, building or premises covered herein shall receive all wastewater (including but not limited to bathroom, kitchen, and laundry wastes) as required by the Uniform Plumbing Code and shall have a connection to a public sewer except when such sewer is not available or practicable for use, in which case connection shall be made as follows:~~

~~— 3.1 To an individual wastewater disposal system found to be adequate and constructed in accordance with requirements stated herein:~~

~~— 3.2 To any other type of wastewater disposal system acceptable under R317-1, R317-3, R317-5, or R317-560:~~

~~R317-502-4. Units Required in Individual Wastewater Disposal System.~~

~~— The individual wastewater disposal system shall consist of the following components:~~

~~— 4.1 A building sewer.~~

~~— 4.2 A septic tank.~~

~~— 4.3 An absorption system. This may be an absorption field; a seepage trench, a seepage pit or pits, an absorption bed, or other alternate system as specified in R317-502-20, depending on location, topography, soil conditions and ground water table:~~

~~R317-502-5. Multiple Dwelling Units.~~

~~— Multiple dwelling units under individual ownership, except condominiums and twin homes, shall not be served by a single individual wastewater disposal system except where that system is under the sponsorship of a body politic. Plans and specifications for such systems shall be submitted to and approved by the Utah Water Quality Board. Issuance of a construction permit by the Board shall constitute approval of plans and authorization for construction.~~

~~R317-502-6. Construction Materials.~~

~~— All materials used in construction of the system shall be durable, sound, and not unduly subject to corrosion. Pipe, pipe fittings and similar materials shall comply with the requirements of the Uniform Plumbing Code.~~

R317-502-7. ~~Flows Prohibited From Entering Individual Wastewater Disposal Systems:~~

~~—No ground water drainage, drainage from roofs, roads, yards, or other similar sources shall discharge into any portion of an individual wastewater disposal system, but shall be disposed of so they will in no way affect the system. Wastes which are detrimental to the proper functioning of an individual wastewater disposal system shall not be disposed of in such systems.~~

R317-502-8. ~~No Discharge to Surface Waters or Ground Surface:~~

~~—Effluent from any individual wastewater disposal system shall not be discharged to surface waters or upon the surface of the ground. Sewage shall not be discharged into any abandoned or unused well, or into any crevice, sinkhole, or similar opening, either natural or artificial.~~

R317-502-9. ~~Submission, Review, and Approval of Plans:~~

~~—9.1 Plans and specifications for the construction, alteration, extension, or change of use of individual wastewater disposal systems shall be submitted to and approved by the local health department having jurisdiction before construction of either the individual wastewater disposal system or building to be served by the disposal system may begin. Details for said site, plans, and specifications are listed in R317-508.~~

~~—9.2 The local health department having jurisdiction, or the Division, shall review said plans and specifications as to their adequacy of design for the intended purpose, and shall, if necessary, require such changes as are required by these rules. When the reviewing regulatory authority is satisfied that plans and specifications are adequate for the conditions under which a system is to be installed and used, written approval shall be issued to the individual making the submittal and the plans shall be stamped indicating approval. Construction shall not commence until the plans have been approved by the regulatory authority. The installer shall not deviate from the approved design without the approval of the reviewing regulatory authority.~~

R317-502-10. ~~Appeals:~~

~~—The appeals process for this rule is outlined in R317-1-8.~~

R317-502-11. ~~Final On-Site Inspection:~~

~~—After an individual wastewater disposal system has been installed and before it is backfilled or used, the entire system shall be inspected by the appropriate regulatory authority to determine compliance with these rules. For seepage trenches and seepage pits, the regulatory authority should make at least 2 inspections, with the first inspection being made following the excavation and the second inspection after the trench or pit has been filled with stone or constructed, but before any backfilling has occurred. The regulatory authority may require that the septic tank be filled with water and allowed to stand overnight to check for leaks. Tanks exhibiting obvious defects or leaks shall not be approved unless such deficiencies are repaired to the satisfaction of the regulatory authority.~~

R317-502-12. ~~Repair of a Failing or Unapproved System:~~

~~—Whenever an individual wastewater disposal system is found by the regulatory authority to create or contribute to any dangerous~~

~~or insanitary condition which may involve a public health hazard; a malfunctioning system, or deviates from the plans and specifications approved by such health authorities, the regulatory authority may order the owner to take the necessary action to cause the condition to be corrected, eliminated or otherwise come into compliance.~~

R317-502-13. ~~Procedure for Disposal System Abandonment:~~

~~—13.1 When a dwelling served by an individual wastewater disposal system is connected to a public sewer, the septic tank shall be abandoned and shall be disconnected from and bypassed with the building sewer unless otherwise approved by the regulatory authority.~~

~~—13.2 Whenever the use of an individual wastewater disposal system has been abandoned or discontinued, the owner of the real property on which such disposal system is located should render it safe by having the septic tank wastes pumped out or otherwise disposed of in an acceptable manner, and the septic tank filled completely with earth, sand, or gravel within a reasonable time period. The septic tank may also be removed, within a reasonable time period, at the owners discretion. When an abandoned individual wastewater disposal system presents a public health hazard or danger, the regulatory authority can require the system to be rendered safe within a reasonable time period. The contents of a septic tank or other treatment device shall be disposed of only in a manner approved by the regulatory authority.~~

R317-502-14. ~~Site Location and Installation:~~

~~—14.1 Individual wastewater disposal systems are not suitable for all areas and situations. Location and installation of each system, or other approved means of disposal, shall be such that with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, public health hazard, or endanger the quality of any waters of the State. Systems shall be located on the same lot as the building served unless, when approved by the regulatory authority, a perpetual utility easement and right-of-way is established on an adjacent or nearby lot for the construction, operation, and continued maintenance, repair, alteration, inspection, relocation, and replacement of an individual wastewater disposal system, to include all rights to ingress and egress necessary or convenient for the full or complete use, occupation, and enjoyment of the granted easement. The easement must accommodate the entire disposal system, including setbacks (see Table 2) which extend beyond the property line.~~

~~—14.2 In determining a suitable location for the system, due consideration shall be given to such factors as: size and shape of the lot; slope of natural and finished grade; location of existing and future water supplies; depth to ground water and bedrock; soil characteristics and depth; potential flooding or storm catchment; possible expansion of the system, and future connection to a public sewer system.~~

R317-502-15. ~~Replacement Area for Absorption System:~~

~~—Adequate and suitable land shall be reserved and kept free of permanent structures, traffic, or adverse soil modification for 100 percent replacement of each absorption system. If approved by the regulatory authority, the area between absorption field trenches or seepage trenches may be regarded as replacement area.~~

R317-502-16. Lot Size Requirements.

16.1 One of the following two methods shall be used for determining minimum lot size for a single-family dwelling when an individual wastewater disposal system is to be used:

METHOD 1.-The local health department having jurisdiction may determine minimum lot size. Individuals or developers requesting lot size determinations under this method will be required to submit to the local health department, at their own expense, a report which accurately takes into account, but is not limited to, the following factors:

- A. Soil type and depth.
- B. Area drainage, lot drainage, and potential for flooding.
- C. Protection of surface and ground waters.
- D. Setbacks from property lines, water supplies, etc.
- E. Source of culinary water.
- F. Topography, geology, hydrology and ground cover.
- G. Availability of public sewers.
- H. Activity or land use, present and anticipated.
- I. Growth patterns.
- J. Individual and accumulated gross effects on water quality.
- K. Reserve areas for additional subsurface disposal.
- L. Anticipated sewage volume.
- M. Climatic conditions.
- N. Installation plans for disposal system.
- O. Area to be utilized by dwelling and other structures.

Under this method, local health departments may elect to involve other affected governmental entities and the Division in making joint lot size determinations. The Division will develop technical information, training programs, and provide engineering and geohydrologic assistance in making lot size determinations that will be available to local health departments upon their request.

METHOD 2.-Whenever local health departments do not establish minimum lot sizes for single-family dwellings that will be served by individual wastewater disposal systems, the requirements of Table 1 shall be met:

TABLE 1
Minimum Lot Size(a)

WATER SUPPLY	SOIL TYPE				
	1	2	3	4	5
Public(b)	12,000	15,000	18,000	20,000	
	sq. ft.	sq. ft.	sq. ft.	sq. ft.	
Individual	1	1.25	1.5	1.75	
each lot(c)	acre	acres	acres	acres	

TABLE

SOIL DRAINAGE TYPE	PERCOLATION RATE(d)(e)	APPROXIMATE SOIL CLASSIFICATION SYMBOL (Unified Soil Classification System)(e)(f)
1 Good	1-15	GW, GP, SW(g), SP(g)
2 Fair	16-30	SW, SP, SM, GM
3 Poor	30-45	SM, GM, GC, SC, ML
4 Marginal	46-60	GC, SC, ML, MH(g), CL(g)
5 Unacceptable (h)		Bedrock, fractured bedrock, hardpan, CH, OL, OH, PF (including unacceptable ground water table elevations)

FOOTNOTES

(a) Excluding public streets and alleys or other public rights-of-way, lands or any portion thereof abutting on, running through or within a building lot for a single-family dwelling. These minimum lot size requirements shall not apply to building lots which have been recorded or have received final local health department approval prior to the effective date of this regulation. Unrecorded lots which are part of subdivisions that have received final local health department approval prior to the effective date of this regulation are only exempt from the minimum lot size requirements if the developer has and is proceeding with reasonable diligence. Notwithstanding this grandfather provision for recorded and other approved lots, the minimum lot size requirements are applicable if compelling or countervailing public health interests would necessitate application of these more stringent requirements. The shape of the lot must also be acceptable to the regulatory authority.

(b) This category shall also include lots served by a nonpublic water source that is not located on the lots.

(c) See the isolation requirements in Table 2.

(d) When seepage trenches or seepage pits will be used, the percolation test may be estimated by a qualified person in accordance with R317-507-4.1.

(e) When there is a substantial discrepancy between the percolation rate and the approximate soil classification, it shall be resolved to the satisfaction of the regulatory authority, or the soil type requiring the largest lot shall be used.

(f) See Table 8 for a more detailed description of the Unified Soil Classification System.

(g) These soils are usually considered unsuitable for absorption systems, but may be suitable, depending upon the percentage and type of fines in coarse-grained porous soils, and the percentage of sand and gravels in fine-grained soils.

(h) Faster than 1 minute per inch, slower than 60 minutes per inch, or unsuitable soil formations.

16.2 Determination of minimum lot size by Methods 1 and 2 would not preempt local governments from establishing larger minimum lot sizes:

16.3 Available pertinent land for construction of other than single-family dwellings should have a minimum net available area in the amount of 22 square feet per gallon of estimated sewage computed from the fixture unit values established by the Uniform Plumbing Code and each fixture unit should be rated at not less than 25 gallons per day. One-half of this pertinent land area should be available for the absorption system.

R317-502-17. Installation in Sloping Ground.

17.1 Construction of absorption systems on slopes in excess of 15 percent but not greater than 25 percent may be allowed providing that subsoil profiles indicate no restrictive layers of soil and appropriate engineering design is provided. Absorption systems placed in sloping ground shall be so constructed that there is a minimum of 10 feet of undisturbed earth measured horizontally from the maximum effluent level to the ground surface. Where the addition of fluids is judged to create an unstable slope, absorption systems will be prohibited.

17.2 Absorption systems shall be so located and constructed that there is a minimum of 50 feet from downhill slopes that exceed 35 percent.

17.3 Absorption systems constructed in earth fill shall be subject to the site slope limits specified in R317-507-7. Alternate systems shall be subject to the site slope limits specified in R317-507-8 for "at-grade" systems and in R317-507-9 for mound systems:

R317-502-18. Ejector Pumps, Effluent Lift Pumps, and Pump Wells.

—18.1 Ejector pumps discharging into septic tanks shall comply with the Uniform Plumbing Code.

—18.2 When septic tank effluent lift pumps and pump wells are part of an individual wastewater disposal system, they shall comply with the following:

—A. Pumps shall be so placed as to be self-priming, and should operate under positive suction head at all times. A quick disconnect for pumps, such as a union, should be provided between the pump and the line leading to the absorption system. Pumps shall be adequately housed to protect the pump motors from bad weather and protection shall be given to prevent freezing in any portion of the unit. Except for single-family dwellings, pumps shall be installed in duplicate with either pump having adequate capacity to handle maximum flow.

—B. Minimum capacity shall be 10 gallons per minute at the necessary discharge head. Pumps shall be capable of passing a 3/4-inch solid sphere and shall have a minimum 2-inch discharge. Suitable shutoff valves shall be placed on suction and discharge lines of each pump and a check valve shall be placed on each discharge line between the shutoff valve and the pump.

—C. The pressure line shall be constructed of piping material of a bursting pressure of at least 100 psi and shall be of approved corrosion-resistant material. The pressure line shall be bedded in 3 inches of sand or pea gravel. Pumps may be oil filled submersible pumps or vertically-mounted column pumps. Impellers shall be of cast iron, bronze or other corrosion-resistant material. Level control shall be by a float switch or by other acceptable methods. The pump well shall be constructed of corrosion-resistant material of sufficient strength to withstand the soil pressures related to the depth of the sump, and shall be adequately protected against surface flooding. Capacity of the pump well shall not be less than 50 gallons, and shall be sized to provide between 3 and 6 pumping cycles per day. Pump wells shall have adequate ventilation and shall be provided with a maintenance access manhole at the ground surface or above and of at least 24-inch diameter with a durable locking-type cover.

—D. Power supply should be available from at least 2 independent generating sources, or emergency power equipment should be provided. Where power failure may result in objectionable conditions or unauthorized waste discharge, means for emergency operation shall be provided.

—E. Electrical systems and components (i.e. motors, lights, cables, conduits, switchboxes, control circuits, etc.) in sewage pump wells, or in enclosed or partially enclosed spaces where hazardous concentrations of flammable gases or vapors may be present, shall comply with the National Electrical Code requirements for Class I, Group D, Division I locations. In addition, equipment located in the pump well shall be suitable for use under corrosive conditions. Each flexible cable shall be provided with a watertight seal and separate strain relief. A fused disconnect switch located above ground shall be provided in all pumping stations.

R317-502-19. Sewage Holding Tanks.

—19.1 Sewage holding tanks are permitted only under the following conditions:

—A. Where an absorption system for an existing dwelling has failed and installation of a replacement absorption system is not practicable:

—B. As a temporary (not to exceed 1 year) disposal system for a new dwelling until a connection is made to an approved sewage collection system:

—C. For other essential and unusual situations where both the Division and the local health department having jurisdiction concur that the proposed holding tank will be designed, installed and maintained in a manner which provides long-term protection of the waters of the state. Requests for the use of sewage holding tanks in this instance must receive the written approval of both agencies prior to the installation of such devices.

—D. Requests for the use of sewage holding tanks under subparagraphs A and B above must receive the written approval of the local health department prior to the installation of such devices.

—19.2 Except on those lots recorded and approved for sewage holding tanks prior to the effective date of this regulation, sewage holding tanks are not permitted for use in new housing subdivisions, or commercial, institutional, and recreational developments except in those instances where these devices are part of a specific watershed protection program acceptable to the Division and the local health department having jurisdiction.

—19.3 The design, installation, and maintenance of all sewage holding tanks, except those for recreational and scavenger vehicles, must comply with R317-509.

R317-502-20. Experimental and Alternate Disposal Methods.

—20.1 Where unusual conditions exist, experimental methods of wastewater disposal may be employed provided they are acceptable to the Division and to the local health department having jurisdiction.

—20.2 When considering proposals for experimental individual wastewater disposal systems, the Division shall not be restricted by this rule provided that:

—A. The experimental system proposed is attempting to resolve an existing pollution or public health hazard, or when the experimental system proposal is for new construction, it has been predetermined that an acceptable back-up disposal system will be installed in event of failure of the experiment.

—B. The proposal for an experimental individual wastewater disposal system must be in the name of and bear the signature of the person who will own the system.

—C. The person proposing to utilize an experimental system has the responsibility to maintain, correct, or replace the system in event of failure of the experiment.

—20.3 When sufficient, successful experience is established with experimental individual wastewater disposal systems, the Division may designate them as approved alternate individual wastewater disposal systems. Following this approval of alternate individual wastewater disposal systems, the Division will adopt rules governing their use.

—20.4 The following alternate wastewater disposal systems may be considered for use upon the executive secretary's approval of a written request from the local health department:

TABLE

System	Rule Reference
Earth-fill Systems	R317-507-7
"At-Grade" Systems	R317-507-8
Mound Systems	R317-507-9

The local health department request for approval must include a description of their plan to properly manage these systems to protect public health and water quality. This plan must include:

1. Documentation of the adequacy of staff resources to manage the increased work load.
 2. Documentation of the technical capability to administer the new systems including any training plans which are needed.
 3. A description of measures to be taken by the LHD to insure that designers and installers of these systems are qualified.
 4. A description of the methods which will be used to determine the maximum anticipated high ground water table elevation.
 5. Documentation that the Local Board of Health and County Commission support this request.
 6. A description of how these systems will be oversights, inspected and monitored.
 7. A ground water management plan which identifies maximum septic system densities to be allowed in order to prevent unacceptable degradation of ground water, or a schedule for completing an acceptable plan within one year. This requirement may be waived or modified by the Executive Secretary where it can be shown that these systems would be relatively few in number and widely separated, thereby having negligible impact on ground water quality, or where the ground water aquifers vary greatly over relatively short distances making such a ground water study impractical.
 8. Documentation of the county's legal authority to implement and enforce correction of malfunctioning systems and their commitment to exercise this authority.
- 20.5 All alternate and experimental systems shall be designed, installed and operated under the following conditions:
- A. The ground water requirements shall be determined as shown in R317-503-2.
 - B. The local health department must advise the owner of the system of the alternate status of that type of system. The advisory must contain information concerning risk of failure, level of maintenance required, financial liability for repair, modification or replacement of a failed system and periodic monitoring requirements which are all specific to the type of system to be installed.
 - C. The local health department and the homeowner shall be provided with sufficient design, installation and operating information to produce a successful, properly operating installation.
 - D. The local health department is responsible for provision of, or oversight of an approved installation, inspection and maintenance and monitoring program for the systems. Such programs shall include approved procedures for complete periodic maintenance and monitoring of the systems.
 - E. The local health department may impose more stringent design, installation, operating and monitoring conditions than those required by the Division.

F. All failures, repairs or alterations shall be reported to the local health department. All repairs or alterations must be approved by the local health department.

20.6 When an alternate or experimental waste water disposal system exists on a property, notification of the existence of that system shall be recorded on the deed of ownership for that property.

R317-502-21. Subdivision Feasibility Review.

A feasibility review of housing subdivisions or other similar developments proposing the use of individual wastewater disposal systems will be made by the Division upon request of the local health department if appropriate information regarding proposed water supply and wastewater disposal facilities is submitted. Information necessary for such a review is specified in R317-510:

R317-502-22. Isolation of Individual Wastewater Disposal Systems.

Minimum distances between components of an individual wastewater disposal system and pertinent ground features shall be as prescribed in Table 2:

TABLE 2 Minimum Horizontal Distance in Feet(a) (Undisturbed Earth)		
FROM	to Building Sewer	to Septic Tank
Public Water Supply Sources		
"Deep" Well (c)	100	100
"Shallow" Well (c)	(d)	(d)
"Spring	(d)	(d)
Individual or Nonpublic Water Supply Sources		
"Deep" Well (c)	25	50
"Shallow" Well (c)	25	50
"Spring	25	50
Non-culinary Well or Spring	--	25
Watercourse (live or ephemeral stream, river, subsurface drain canal, etc.)	--	25
Lake, Pond, Reservoir	--	25
Culinary Water Supply Line	(g)	10
Foundation of any building including garages and outbuildings:		
without foundation drains	3	5
with foundation drains	3	25
Curtain drains		
located upslope	--	10
located downslope	10	25
Property line	5	5
Swimming pool wall (subsurface)	3	10
Downslope cut bank or top of embankment		
	--	10
Dry washes, gulches, and gullies	--	25

Catch basin or dry well ----- 5
 Trees and shrubs (h) -----
 Seepage Trench (b) ----- 5
 Absorption Bed ----- 5
 Absorption Field ----- 5

TABLE 2 (continued)

Minimum Horizontal Distance in Feet(a)
 (Undisturbed Earth)

FROM	to Absorption Field	to Seepage Trench	to Absorption Bed
Public Water Supply Sources			
"Deep" Well (c)	100	100	100
"Shallow" Well (c)	(d)	(d)	(d)
"Spring (c)	(d)	(d)	(d)
Individual or Nonpublic Water Supply Sources			
"Deep" Well (c)	100	100	100
"Shallow" Well (c)	200(e)	200(e)	200(e)
"Spring (c)	200(e)	200(e)	200(e)
Non-culinary Well or Spring	100	100	100
Watercourse (live or ephemeral stream, river, subsurface drain canal, etc.)	100(f)	100(f)	100(f)
Lake, Pond, Reservoir	100	100	100
Culinary Water Supply Line	10(g)	10(g)	10(g)
Foundation of any building including garages and outbuildings:			
without foundation drains	5	20	5
with foundation drains	100	100	100
Curtain drains			
located upslope	20	20	20
located downslope	100	100	100
Property line	5	10	10
Swimming pool wall (subsurface)	25	25	25
Downslope cut bank or top-of-embankment	50	50	50
Dry washes, gulches, and gullies	50	50	50
Catch basin or dry well	25	25	25
Trees and shrubs (h)	5	5	5
Seepage Trench (b)	10	(i)	10
Absorption Bed	10	10	10
Absorption Field	(j)	10	10

FOOTNOTES

(a) All distances are from edge to edge. Where surface waters are involved, the distance shall be measured from the high water line.

(b) Seepage pits shall meet the same separation distances specified for seepage trenches, except that seepage pits shall be

separated from one another by at least a distance equal to 3 times the greatest diameter of either pit, with a minimum separation of 15 feet.

(c) As defined by R309-106-2. Distances to avoid contamination cannot always be predicted for varying conditions of soil or underlying bedrock and ground water. Absorption systems should be located as far away from wells, springs, and other water supplies as is practicable, and not on a direct slope above them. Compliance with separation requirements does not guarantee acceptable water quality in every instance. This is particularly applicable with "shallow" sources of ground water. Where geological or other conditions warrant, greater distances may be required by the regulatory authority.

(d) It is recommended that the listed concentrated sources of pollution be located at least 1500 feet from "shallow" wells and springs used as public water sources. Any proposal to locate closer than 1500 feet must be reviewed and approved on a case-by-case basis by the regulatory authority, taking into account geology, hydrology, topography, existing land use agreements, and potential for pollution of water source. Any person proposing to locate an individual wastewater disposal system closer than 1500 feet to a public "shallow" well or spring must submit a report to the regulatory authority which considers the above items. The minimum required isolation distance where optimum conditions exist and with the approval of the regulatory authority may be 100 feet. R309-106 requires a protective zone, established by the public water supply owner, before a new source is approved. Public water sources which existed prior to the requirement for a protective zone may not have acquired one. Such circumstances must be reviewed on a case-by-case basis by the regulatory authority.

(e) Although this distance shall be generally adhered to as the minimum required separation distance, exceptions may be approved on a case-by-case basis by the regulatory authority, taking into account geology, hydrology, topography, existing land use agreements, and potential for pollution of water source. Any person proposing to locate an absorption system closer than 200 feet to an individual or nonpublic "shallow" well or spring must submit a report to the regulatory authority which considers the above items. In no case shall the regulatory authority grant approval for an individual wastewater disposal system to be closer than 100 feet from a "shallow" well or spring.

(f) Lining or enclosing watercourses with an acceptable impervious material may permit a reduction in the separation requirement. In situations where the bottom of a canal or watercourse is at a higher elevation than the ground in which the absorption system is to be installed, a reduction in the distance requirement may be justified, but each case must be decided on its own merits by the regulatory authority.

(g) See R317-504-1f and G. If the water supply line is for a public water supply, the separation distance must comply with the requirements of R309-112-2. No water service line shall pass over any portion of a wastewater absorption system.

(h) Components which are not watertight should not extend into actual or anticipated root systems of nearby trees. Trees and other large rooted plants shall not be allowed to grow over absorption systems. However, it is desirable to cover the area over absorption systems with lawn grass or other shallow-rooted plants. Absorption systems should not be located under vegetable gardens.

(i) For seepage trenches, the separation distance must be at least equal to 3 times the deepest effective depth of either trench with a minimum separation of 12 feet between trenches.

(j) See R317-507-3, Table 7.

R317-502-23. Estimates of Wastewater Quantity.

Quantity of wastewater to be disposed of shall be determined accurately, preferably by actual measurement. Metered water supply figures for similar installations can usually be relied upon, providing the nondisposable consumption, if any, is subtracted. Where this data is not available, the minimum design flow figures in Table 3 shall be used to make estimates of flow. In no event shall the septic tank or absorption system be designed such that the

anticipated maximum daily sewage flow exceeds the capacity for which the system was designed:

TABLE 3
Estimated Quantity of Domestic Wastewater(a)

Type of Establishment	Gallons per day
Airports	
a. per passenger	3
b. per employee	15
Boarding Houses	
a. for each resident boarder and employee	50 per person
b. additional for each nonresident boarders	10 per person
Bowling Alleys	
a. with snack bar	100 per alley
b. with no snack bar	85 per alley
Camps	
a. modern camp	30 per person
b. semi-developed with flush toilets	30 per person
c. semi developed with no flush toilets	5 per person
Churches	
a. per person	5
Condominiums, Multiple Family Dwellings, or Apartments	
a. with individual or common laundry facilities	400 per unit
b. with no individual or common laundry facilities	75 per person
Country Clubs	
a. per resident member	100
b. per nonresident member present	25
c. per employee	15
Dentist's Office	
a. per chair	200
b. per staff member	35
Doctor's Office	
a. per patient	10
b. per staff member	35
Fairgrounds	1 per person
Fire Stations	
a. with full-time employees and food preparation	70 per person
b. with no full-time employees and no food preparation	5 per person
Gyms	
a. participant	25 per person
b. spectator	4 per person
Hairdresser	
a. per chair	50
b. per operator	35
Highway Rest Stops (improved, with restroom facilities)	5 per vehicle
Hospitals	250 per bed space
Hotels, Motels, and Resorts	125 per unit
Industrial Buildings (exclusive of industrial waste)	
a. with showers, per 8 hour shift	35 per person
b. with no showers, per 8 hour shift	15 per person
Labor or Construction Camps	50 per person
Launderette	580 per washer
Mobile Home Parks	400 per unit
Movie Theaters	
a. auditorium	5 per seat
b. drive-in	10 per car space
Nursing Homes	200 per bed space

Office Buildings and Business Establishments (Sanitary wastes only, per shift)	
a. with cafeteria	25 per employee
b. with no cafeteria	15 per employee
Picnic Parks (toilet wastes only)	5 per person
Restaurants(b)	
a. ordinary restaurants (not 24 hour service)	35 per seat
b. 24 hour service	50 per seat
c. single service customer utensils only	2 per customer
d. or, per customer served (includes toilet and kitchen wastes)	10
Recreational Vehicle Parks	
a. sanitary stations for self-contained vehicles	50 per space
b. dependent spaces (temporary or transient with no sewer connections)	50 per space
c. independent spaces (temporary or transient with sewer connections)	125 per space
Rooming House	40 per person
Sanitary Stations (per self-contained vehicle)	50
Schools	
a. boarding	75 per person
b. day, without cafeteria, gymnasiums or showers	15 per person
c. day, with cafeteria, but no gymnasiums and showers	20 per person
d. day, with cafeteria, gymnasium and showers	25 per person
Service Stations(c) (per vehicle served)	10
Single-Family Dwellings	(See Tables 5, 8, and 11)
Skating Rink, Dance Halls, etc.	
a. no kitchen wastes	10 per person
b. additional for kitchen wastes	3 per person
Ski Areas	
a. no kitchen wastes	10 per person
Stores	
a. per public toilet room	500
b. per employee	11
Swimming Pools and Bathhouses(d)	10 per person
Taverns, Bars, Cocktail Lounges	20 per seat
Visitor Centers	5 per visitor

FOOTNOTES

- (a) When more than one use will occur, the multiple use shall be considered in determining total flow. Small industrial plants maintaining a cafeteria or showers and club houses or motels maintaining swimming pools or laundries are typical examples of multiple uses. Uses other than those listed above shall be considered in relation to established flows from known or similar installations.
- (b) No commercial food waste disposal unit shall be connected to an individual wastewater disposal system unless first approved by the regulatory authority. Grease traps are not recommended.
- (c) Or, 250 g.p.d. per pump.
- (d) Or, 20 x water area + deck area.

KEY: waste water

August 30, 1996

19-5-104

Notice of Continuation December 12, 1997]

Environmental Quality, Water Quality **R317-503** Soil and Ground Water Requirements

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 22493

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4 (DAR No. 22490). All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

(DAR Note: The proposed new Rule R317-4 is under DAR No. 22490 in this issue of the *Bulletin*.)

❖LOCAL GOVERNMENTS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to local government under the new rule is addressed in a separate filing for Rule R317-4.

❖OTHER PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to other persons under the new rule is addressed in a separate filing for Rule R317-4.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Compliance costs for affected persons under the new rule are addressed in a separate filing for Rule R317-4.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Fiscal impacts of the new rule to businesses are addressed in a separate filing for Rule R317-4.

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Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/17/1999 at 11 a.m., 110 North Main, Cedar City, UT; and 12/21/1999 at 10 a.m., 168 North 1950 West, Room 101, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality. ~~**R317-503. Soil and Ground Water Requirements.**~~ ~~**R317-503-1. Soil Requirements.**~~

~~1.1 In areas where absorption systems are to be constructed, soil cover must be adequate to insure at least 4 feet of suitable soil between bedrock formations or impervious strata and the bottom of the absorption system excavation. In cases where an approved fill is used, there shall be at least three feet of suitable soil from prevailing site grade to bedrock formations or impervious strata. For the purposes of this regulation, unsuitable soil or bedrock formations shall be deemed to be (1) soil or bedrock formations which are so slowly permeable that they prevent downward passage of effluent, or (2) soil or bedrock formations with open joints or solution channels which permit such rapid flow that effluent is not renovated. This includes coarse particles such as gravel, cobbles, or angular rock fragments with insufficient soil to fill the voids between the particles. Solid or fractured bedrock such as shale, sandstone, limestone, basalt, or granite are unacceptable for absorption systems. Where a mound system is used, there shall be~~

at least two feet of suitable soil from prevailing site grade to formations which will permit such rapid flow that effluent will not be renovated.

— 1.2 A suitable soil for absorption systems shall meet the following criteria:

— A. The distance between the maximum seasonal ground water table and the bottom of the absorption system excavation complies with the requirements of these rules.

— B. Has the capacity to adequately disperse the designed effluent loading as determined by field percolation rates, or by other approved soil tests.

— C. Does not exhibit inhibiting swelling or collapsing characteristics.

— D. Does not visually exhibit a jointed or fractured pattern of an underlying bedrock.

— E. Is not consolidated, cemented, indurated, or plugged by a buildup of secondary deposited calcium carbonate (caliche).

— F. Acts as an effective effluent filter within its depth for the removal of pathogenic organisms.

— G. Criteria for alternate systems, as specified in R317-507-7 for earth fill systems, R317-507-8 for "at-grade" systems, R317-507-9 for mound systems and R317-507-3 for chamber systems.

R317-503-2. Ground Water Requirements:

— 2.1 In areas where absorption systems are to be constructed, the elevation of the anticipated maximum ground water table shall be at least 2 feet below the bottom of the absorption system excavation and at least 4 feet below finished grade. Local health departments and other local government entities may impose stricter separation requirements between absorption systems and the maximum ground water table when deemed necessary. Building lots recorded or having received final local health department approval prior to May 21, 1984 shall be subject to the ground water table separation requirements of Part IV of the Code of Waste Disposal Regulations dated June 21, 1967. Unrecorded lots which are part of subdivisions that have received final local health department approval prior to May 21, 1984 are only exempt from the ground water table separation requirements of this regulation if the developer has and is proceeding with reasonable diligence. Notwithstanding this grandfather provision for recorded or other approved lots, the depth to ground water requirements are applicable if compelling or countervailing public health interests would necessitate application of the more stringent requirements of this regulation.

— 2.2 The observed maximum ground water table shall be determined by one or more of the following methods:

— A. Direct visual observation of the maximum ground water table in a soil exploration pit.

— B. Regular monitoring of the "ground water table" or "ground water table, perched" in an observation well for a period of one year, or for the period of maximum ground water table. In cases where the anticipated maximum ground water table might be expected to rise to closer than 34 inches from the original ground surface and an alternate or experimental wastewater disposal system would be considered, this method of observed maximum ground water table determination shall be used in preference to R317-503-2.2.A. It shall not preclude use of data from R317-503-2.2.C in making that determination.

— C. Observation of soil in a soil exploration pit for evidence of crystals of salt left by the maximum ground water table; or chemically reduced iron in the soil, reflected by a mottled coloring.

— 2.3 Previous ground water records and climatological or other information may be consulted for each site proposed for an individual wastewater disposal system and it may be used to adjust the observed maximum ground water table elevation in determining the anticipated maximum ground water table elevation. In cases where the anticipated maximum ground water table is expected to rise to closer than 34 inches from the original ground surface and an alternate or experimental wastewater disposal system would be considered, previous ground water records and climatological or other information shall be used to adjust the observed maximum ground water table in determining the anticipated maximum ground water table.

— 2.4 A curtain drain or other effective ground water interceptor may be required to be installed for an absorption system as a condition for its approval. The health authority may require that the effectiveness of such devices in lowering the ground water table be demonstrated during the season of maximum ground water table.

R317-503-3. Soil Exploration Requirements:

— 3.1 Suitable soil exploration pits, of sufficient size to permit visual inspection, and to a minimum depth of 10 feet, or at least 4 feet below the bottom of proposed absorption systems, shall be dug on each absorption system site to determine the ground water table and subsurface soil and bedrock conditions. One end of each pit should be sloped gently to permit easy entry if necessary. A log of the soil and bedrock formations encountered must be submitted describing the texture, structure, and depth of each soil type, the depth of the ground water table encountered, and indications of the maximum elevation of the ground water table. Soil logs should be prepared in accordance with the Unified Soil Classification System by qualified individuals.

— 3.2 Proper safety precautions shall be taken whenever soil exploration pits or other excavations are dug for individual wastewater disposal systems.

R317-503-4. Percolation Test Requirements:

— At least 1 percolation test shall be performed on the site of each absorption system, except as specified in R317-507-4.1.B, to determine minimum required absorption area. More tests may be required where soil structure varies, where limiting geologic conditions are encountered, where the proposed property improvements will require large disposal systems, or where the health authority deems it necessary. Percolation tests shall be conducted in accordance with the instructions in R317-511. Absorption systems are not permitted in areas where the soil percolation rate is slower than 60 minutes per inch or faster than 1 minute per inch.

R317-503-5. Excessively Permeable Soil and Blow Sand:

— Soil having excessively high permeability, such as cobbles or gravels with little fines and large voids, affords little filtering action to effluents flowing through it and may constitute grounds for rejection of sites. The extremely fine-grained "blow sand" (aeolian sand) found in some parts of Utah is generally unsuitable for absorption systems and should be avoided. Percolation test results in this soil will generally be rapid, but experience has shown that

this soil has a tendency to become sealed with minute organic particles within a short period of time. If no choice is available, systems may be constructed in such material provided it is found to be within the required range of permeability specified in these rules, and provided further that the required area shall be calculated on the assumption of the minimum acceptable percolation rate (60 minutes per inch for absorption fields, seepage trenches, and seepage pits, and 30 minutes per inch for absorption beds).

~~R317-503-6. Prohibition of Individual Wastewater Disposal Systems.~~

— If soil studies described in the foregoing paragraphs indicate conditions which fail in any way to meet the requirements specified herein, the use of individual wastewater disposal systems in the area of study will be prohibited.

KEY: waste water

~~August 30, 1996~~ ~~19-5-104~~
~~Notice of Continuation December 12, 1997]~~

◆ ————— ◆

Environmental Quality, Water Quality **R317-504** Building Sewer

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 22494

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4 (DAR No. 22490). All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

(DAR Note: The proposed new Rule R317-4 is under DAR No. 22490 in this issue of the *Bulletin*.)

❖LOCAL GOVERNMENTS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to local government under the new rule is addressed in a separate filing for Rule R317-4.

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COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Fiscal impacts of the new rule to businesses are addressed in a separate filing for Rule R317-4.

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 Cannon Health Building
 288 North 1460 West
 PO Box 144870
 Salt Lake City, UT 84114-4870, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

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THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.

~~[R317-504. Building Sewer:~~

~~**R317-504-1. General Requirements:**~~

~~— Pipe, pipe fittings, and similar materials comprising building sewers shall comply with the requirements of the Uniform Plumbing Code as well as the following:~~

~~— 1.1 They shall be composed of asbestos cement, cast iron, concrete, vitrified clay, approved plastic, or other suitable material approved by the Division, and shall conform to the applicable standards listed in R317-512.~~

~~— 1.2 Where 2 different sizes or types of sewer pipes are connected, a proper type of fitting or conversion adapter shall be used which complies with the Uniform Plumbing Code.~~

~~— 1.3 They shall be of such diameter to serve the connected fixtures as required by the Uniform Plumbing Code, but in no case should they have an inside diameter of less than 4 inches. They shall have watertight, root-proof joints and shall not receive any ground water or surface runoff. They shall be laid in straight alignment and on a firm foundation of undisturbed earth or acceptably stabilized earth that is not subject to settling.~~

~~— 1.4 Building sewers shall be laid on a uniform minimum slope of not less than 1/4-inch per foot (2.08 percent slope). When it is impractical, due to structural features or the arrangement of any building, to obtain a slope of 1/4-inch per foot, a building sewer of 4 inches in diameter or larger may have a slope of not less than 1/8-inch per foot (1.04 percent slope) when approved by the Administrative Authority, as defined by the Uniform Plumbing Code.~~

~~— 1.5 Cleanouts and manholes shall comply with the Uniform Plumbing Code.~~

~~— 1.6 Building sewers shall be separated from water service pipes in separate trenches and by at least 10 feet horizontally except that they may be placed in the same trench when the following three conditions are met:~~

~~— A. The bottom of the water service pipe, at all points, shall be at least 12 inches above the top of the building sewer.~~

~~— B. The water service pipe shall be placed on a solid shelf excavated at one side of the common trench.~~

~~— C. The number of joints in the service pipe shall be kept to a minimum, and the materials and joints of both the sewer and water service pipe shall be of a strength and durability to prevent leakage under known adverse conditions.~~

~~— 1.7 If the water service pipe must cross the building sewer, it shall be at least 12 inches above the latter within 10 feet of the crossing and the sewer shall be mechanical joint cast iron or equivalent for 10 feet on either side of the crossing. Joints in water service pipes should be located at least 10 feet from such crossings.~~

~~KEY: waste water~~

~~1993~~

~~19-5-104~~

~~Notice of Continuation December 12, 1997]~~



Environmental Quality, Water Quality
R317-505
 Septic Tanks

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 22495

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

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STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

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DIRECT QUESTIONS REGARDING THIS RULE TO:
Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/17/1999 at 11 a.m., 110 North Main, Cedar City, UT; and 12/21/1999 at 10 a.m., 168 North 1950 West, Room 101, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.

~~[R317-505. Septic Tanks.~~

~~R317-505-1. General Requirements.~~

~~Septic tanks shall be constructed of sound, durable, watertight materials that are not subject to excessive corrosion, frost damage, or decay. They shall be designed to be watertight below the liquid level, to withstand all expected physical forces, to provide settling of solids, accumulation of sludge and scum, and access for inspection and cleaning as specified in the following paragraphs:~~

~~R317-505-2. Overall Construction and Design Features.~~

- ~~2.1 Septic tanks may be constructed of the following:~~
 - ~~A. Precast reinforced concrete~~
 - ~~B. Prefabricated metal~~
 - ~~C. Fiberglass~~
 - ~~D. Polyethylene~~
 - ~~E. Poured-in-place concrete~~
 - ~~F. Concrete block, cinder block, or brick~~
 - ~~G. Material approved by the Division~~

~~2.2 Septic tanks may have single or multiple compartments and may be oval, circular, rectangular, or square in plan, provided the distance between the inlet and outlet of the tank is at least equal to the liquid depth of the tank. In general, tank length should be at least 2 to 3 times the width.~~

~~R317-505-3. Plans for Tanks Required.~~

~~3.1 Plans for all septic tanks shall be submitted to the regulatory authority for approval. Such plans shall show all dimensions, capacities, reinforcing, and such other pertinent data as may be required. All septic tanks shall conform to the design drawings and all building shall be done under strict controlled supervision by the manufacturer. Each commercial manufacturer of septic tanks shall submit design plans for those tanks to the Division for review and approval, and shall certify in writing to the Division that the septic tanks to be distributed for use within the State of Utah will comply with this regulation. It is recommended that such plans also be evaluated by a registered engineer as to surcharge, impact load, and deadload. Any changes in the design of commercially manufactured septic tanks shall be submitted to the Division for approval.~~

~~Illustrations of typical absorption system components such as septic tanks, distribution boxes, and absorption fields are contained in an addendum to these rules, available through the Division of Water Quality~~

~~R317-505-4. Tank Capacity for Single-Family Dwellings.~~

~~The minimum liquid capacity of septic tanks serving single-family dwellings shall be based on the number of bedrooms in each dwelling, in accordance with Table 4.~~

Number of Bedrooms(b)	Minimum Liquid Capacity(c)(d) (Gallons)
1	750
2 or 3	1000
4	1250
For each additional bedroom, add	250

FOOTNOTES

~~(a) Tanks larger than the minimum required capacity are generally more economical since they do not have to be cleaned as often.~~

~~(b) Based on the number of bedrooms in use or that can be reasonably anticipated in the dwelling served, including the unfinished space available for conversion as additional bedrooms. Unfinished basements shall be counted as a minimum of 1 additional bedroom.~~

~~(c) The liquid capacity is calculated on the depth from the invert of the outlet pipe to the inside bottom of the tank. A variance of 3 percent in the required volume may be allowed.~~

~~(d) Table 4 provides for the normal household appliances, including automatic sequence washers, mechanical garbage grinders, and dishwashers.~~

~~R317-505-5. Tank Capacity for Commercial, Institutional, and Recreational Facilities, and Multiple Dwellings.~~

~~5.1 The minimum liquid capacity of septic tanks serving commercial, institutional, and recreational facilities, and multiple dwellings shall be determined on the following basis:~~

— A. For wastewater flows up to 500 gallons per day, the liquid capacity of the tank shall be at least 750 gallons.

— B. For wastewater flows between 500 and 1500 gallons per day, the liquid capacity of the tank shall be at least 1.5 times the 24-hour estimated sewage flow (see Table 3).

— C. For wastewater flows between 1500 and 5000 gallons per day, the liquid capacity of the tank shall equal at least 1125 gallons plus 75% of the daily wastewater flow ($V = 1125 + 0.75Q$ where V = liquid volume of the tank in gallons, and Q = wastewater discharge in gallons per day).

— 5.2 In cases where dwellings or facilities are subject to high peak sewage flows, the liquid capacity of the individual wastewater disposal system shall be increased as required by the regulatory authority.

R317-505-6. Precast Reinforced Concrete Septic Tanks:

— 6.1 The walls and base of precast tanks shall be securely bonded together and the walls shall be of monolithic or keyed construction. The sidewalls and bottom of such tanks shall be at least 3 inches in thickness. The top shall have a minimum thickness of 4 inches. Such tanks shall have reinforcing of at least 6" x 6" No. 6, welded wire fabric, or equivalent. Exceptions to this reinforcing requirement may be considered by the Division based on an evaluation of acceptable structural engineering data submitted by the manufacturer. All concrete used in precast tanks shall be Class A, at least 4,000 psi, and shall be vibrated or well-rodged to minimize honeycombing and to assure reasonable watertightness. Precast sections shall be set evenly in a full bed of sealant. If grout is used it shall consist of 2 parts plaster sand to 1 part cement with sufficient water added to make the grout flow under its own weight. Excessively mortared joints should be trimmed flush. The inside and outside of each mortar joint shall be sealed with a waterproof bituminous sealing compound. Manufacturers of precast reinforced concrete tanks not presently meeting the design and reinforcing requirements of this section shall have until January 1, 1985 to comply.

— 6.2 For the purpose of early reuse of forms, the concrete may be steam cured. Other curing by means of water spraying or a membrane curing compound may be used and shall comply to best acceptable methods as outlined in "Curing Concrete, ACI308-71," by American Concrete Institute, P.O. Box 19150, Detroit, Michigan 48219.

R317-505-7. Prefabricated Metal Septic Tanks:

— 7.1 Prefabricated metal septic tanks shall be made of commercial grade sheet steel or sheet iron of at least 14 manufacturer's gauge (nominal thickness 0.075 inch) or heavier, that is of a good welding quality, and shall have an internal and external bituminous-base coating which meets the standards and procedures listed in "Requirements for Bituminous Coatings for Metal Septic Tanks, Subject 70," by Underwriter's Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois 60611.

— 7.2 Each steel septic tank shall be clearly, legibly, and permanently marked with the gauge of steel used in its construction, and certification of compliance with the bituminous coating standards of the Underwriter's Laboratories. Other required identity marks must comply with R317-505-12. Inlet and outlet tees shall

be attached to the tank by a rubber or synthetic rubber ring seal and compression plate, or in some other manner approved by the Division.

R317-505-8. Fiberglass Septic Tanks:

— 8.1 Fiberglass septic tanks shall comply with the criteria for acceptance established in the "Interim Guide Criteria For Glass-Fiber-Reinforced Polyester Septic Tanks", International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032. The identifying seal of the International Association of Plumbing and Mechanical Officials must be permanently embossed in the fiberglass as evidence of compliance. The design requirements in R317-505-14C, 16C and 17, shall also be met. Other required identity marks must comply with R317-505-12.

— 8.2 Inlet and outlet tees shall be attached to the tank by a rubber or synthetic rubber ring seal and compression plate, or in some other manner approved by the Division.

— 8.3 The tank shall be installed in accordance with the manufacturer's recommendations. If no such recommendations are provided, the following installation procedures shall apply:

— A. During installation, careful handling of the tank is necessary to prevent damage. Tanks should not be installed under areas subject to vehicular traffic or heavy equipment.

— B. There shall be a minimum of 12 inches of approved, compacted backfill material under the tank as a resting bed. The resting bed must be smooth and level.

— C. The hole that the tank is to be installed in shall be large enough to allow a minimum of 12 inches from the ends and sides of the tank to the hole wall.

— D. Approved backfill material shall be a naturally-rounded aggregate, clean and free flowing, with a particle size of 3/8-inch or less in diameter. Crushed stone or gravel of the same particle size may be used if naturally-rounded aggregate is not available, but should be washed and free flowing.

— E. Backfilling shall be accomplished to the top of the tank in 12-inch lifts with each layer being well compacted. Sharp tools should not be used near the septic tank. With the manhole cover(s) in place, water should be added to the tank during backfilling. The water level in the tank should coincide approximately with the backfill depth. With the tank full of water, the excavation should be brought to grade with the same approved backfill materials. Depth of backfill over tank top shall not exceed 2-1/2 feet.

R317-505-9. Polyethylene Septic Tanks:

— 9.1 Polyethylene septic tanks shall comply with the criteria for acceptance established in "Prefabricated Septic Tanks and Sewage Holding Tanks, Can3-B66-M79" by the Canadian Standards Association, 178 Rexdale Boulevard, Rexdale, Ontario, Canada M9W 1R3. Required identifying marks shall comply with R317-505-12.

— 9.2 Inlet and outlet tees shall be attached to the tank by a rubber or synthetic rubber ring seal and compression plate, or in some other manner approved by the Division.

— 9.3 The tank shall be installed in accordance with the manufacturer's recommendations. If no such recommendations are provided, the installation procedures in R317-505-8.3A shall apply.

R317-505-10. Poured-In-Place Concrete Septic Tanks:

— The top of poured-in-place septic tanks with a liquid capacity of 750 to 1250 gallons shall be a minimum of 4 inches thick, and reinforced with one 3/8-inch reinforcing rod per foot of length, or equivalent. The top of tanks with a liquid capacity of greater than 1250 gallons up to the maximum design capacity shall be a minimum of 6 inches thick, and reinforced with 3/8-inch reinforcing rods 8 inches on centers both ways, or equivalent. The walls and floor shall be a minimum of 6 inches thick. The walls shall be reinforced with 3/8-inch reinforcing rods 8 inches on centers both ways, or equivalent. Inspections by the regulatory authority may be required of the tank reinforcing steel before any concrete is poured. A 6-inch water stop shall be used at the wall-floor juncture to insure watertightness. All concrete used in poured-in-place tanks shall be Class A, at least 4,000 psi, and shall be vibrated or well-rodged to minimize honeycombing and to insure watertightness. Curing of concrete shall comply with the requirements in R317-505-6.2.

R317-505-11. Concrete Block, Cinder Block, and Brick Tanks:

— Concrete or cinder block tanks shall have a minimum wall thickness of 8 inches. Tanks made with bricks shall have two-course walls. The walls shall be keyed or doweled, and cemented to a monolithic concrete base that has a minimum thickness of 6 inches, and the wall-to-floor connection sealed with mortar. Floors shall be reinforced with 3/8-inch reinforcing rods 8 inches on centers both ways, or equivalent. Tight mortar joints shall be used and the block holes or cells shall be well-filled with mortar. Minimum wall reinforcement shall consist of No. 3 bars on 24-inch centers vertically. The interior of the tank shall be surfaced with two 1/4-inch coats of Portland cement-sand plaster or 1 coat of waterproof bituminous sealing compound. If any portion of the tank is installed below the ground water table level, the outside of the tank shall be surfaced in a similar manner. The top of the tank shall be constructed as specified for poured-in-place septic tanks in R317-505-10.

R317-505-12. Identifying Marks:

— All prefabricated or precast septic tanks which are commercially manufactured shall be plainly, legibly, and permanently marked or stamped on the exterior at the outlet end and within 6 inches of the top of the wall, with the name and address or nationally registered trademark of the manufacturer and the liquid capacity of the tank in gallons. Both the inlet and outlet of all such tanks shall be plainly marked.

R317-505-13. Liquid Depth of Tanks:

— Liquid depth of septic tanks shall be at least 30 inches. Depth in excess of 72 inches shall not be considered in calculating liquid volume required in R317-505-4 and 5.

R317-505-14. Tank Compartments:

— Septic tanks may be divided into compartments provided each meets applicable requirements stated herein as well as the following:

- A. The volume of the first compartment must equal or exceed the volume of any other compartment.
- B. No compartment shall have an inside horizontal distance less than 24 inches.

— C. Inlets and outlets shall be designed as specified for tanks, except that when a partition wall is used to form a multi-compartment tank, an opening in the partition may serve for flow between compartments provided the minimum dimension of the opening is 4 inches, the cross-sectional area is not less than that of a 6-inch diameter pipe (28.3 square inches), and the mid-point is below the liquid surface a distance approximately equal to 40 percent of the liquid depth of the tank.

— D. No tank shall have an excess of 3 compartments.

R317-505-15. Tanks in Series:

— Additional septic tank capacity over 750 gallons may be obtained by joining uncompartimented tanks in series to obtain the required capacity providing the following are complied with:

- 15.1 No tank in the series shall be smaller than 750 gallons.
- 15.2 The capacity of the first tank shall be at least equal to the capacity of each succeeding tank.
- 15.3 The outlet of each successive tank shall be at least 2 inches lower than the outlet of the preceding tank.
- 15.4 The number of tanks in series shall not exceed 3.

R317-505-16. Inlets and Outlets:

— Inlets and outlets of tanks or compartments thereof shall meet the material and minimum diameter requirements for building sewers and shall be submerged or baffled with the object of diverting incoming flow toward the tank bottom and minimizing as much as possible the discharge of sludge or scum in the effluent. Inlet or outlet devices shall also conform with the following:

- 16.1 Inlets and outlets should be located on opposite ends of the tank. The invert of flow line of the inlet shall be located at least 2 inches (and preferably 3 inches) above the invert of the outlet to allow for momentary rise in liquid level during discharge to the tank.
- 16.2 An inlet baffle or sanitary tee of wide sweep design shall be provided to divert the incoming sewage downward. This baffle or tee is to penetrate at least 6 inches below the liquid level, but the penetration is not to be greater than that allowed for the outlet device.
- 16.3 For tanks with vertical sides, outlet baffles or sanitary tees shall extend below the liquid surface a distance equal to approximately 40 percent of the liquid depth. For horizontal cylindrical tanks and tanks of other shapes, that distance shall be reduced to approximately 35 percent of the liquid depth.
- 16.4 All baffles shall be constructed from sidewall to sidewall or shall be designed as a conduit.
- 16.5 All inlet and outlet devices shall be permanently fastened in a vertical, rigid position. Inlet and outlet pipe connections to the septic tank shall be sealed with a bonding compound that will adhere to the tank and pipes to form watertight connections.
- 16.6 Inlet and outlet devices shall not include any design features preventing free venting of gases generated in the tank or absorption system back through the roof vent in the building plumbing system. The top of the baffles or sanitary tees must extend at least 6 inches above the liquid level in order to provide scum storage, but no closer than 1-inch to the inside top of the tank.
- 16.7 Offset inlets may be approved by the regulatory authority where they are warranted by constraints on septic tank location.
- 16.8 Multiple outlets from septic tanks shall be prohibited.

R317-505-17. Scum Storage:

— Scum storage volume shall consist of 15 percent or more of the required liquid capacity of the tank and shall be provided in the space between the liquid surface and the top of inlet and outlet devices.

R317-505-18. Accessibility of Tank:

— Septic tanks shall be installed in a location so as to be accessible for servicing and cleaning, and shall have no structure or other obstruction placed over them so as to interfere with such operations. Tanks should be placed between the dwelling and the street whenever possible to facilitate connection to the sanitary sewer at the time such a sewer is installed.

R317-505-19. Access to Tank Interior:

— Adequate access to the tank shall be provided to facilitate inspection and cleaning and shall conform to the following requirements:

— A. Access to each compartment of the tank shall be provided through properly placed manhole openings not less than 18 inches in minimum horizontal dimension or by means of an easily removable lid section.

— B. Access to inlet and outlet devices shall be provided through properly spaced openings not less than 6 inches in minimum horizontal dimension or by means of an easily removable lid section.

— C. The top of the tank shall be at least 6 inches below finished grade.

— D. If the top of the tank is located more than 18 inches below finished grade, all manholes required by R317-505-19A shall be extended to within at least 18 inches of the finished grade. The manhole extensions shall be constructed of durable, structurally sound materials which are approved by the regulatory authority and designed to withstand expected physical loads and corrosive forces.

— E. Access covers for manhole openings shall have adequate handles and shall be designed and constructed in such a manner that they cannot pass through the access openings, and when closed will be child-proof and prevent entrance of surface water, dirt, or other foreign material, and control the odorous gases of digestion.

— F. No septic tank shall be located under paving unless extensions to the access openings are extended up through the paving and the manholes are equipped with a locking-type cover.

R317-505-20. Tank Cover:

— Septic tank covers shall be sufficiently strong to support whatever load may reasonably be expected to be imposed upon them and tight enough to prevent the entrance of surface water, dirt, or other foreign matter, and control the odorous gases of digestion.

R317-505-21. Tank Excavation and Backfill:

— The hole to receive the tank shall be large enough to permit the proper placement of the tank and backfill. Tanks shall be installed on a solid base that will not settle and shall be level. Where rock or other undesirable protruding obstructions are encountered, the bottom of the hole should be excavated an additional 6 inches and backfilled with sand, crushed stone, or gravel to the proper grade. Backfill around and over the septic tank shall be placed in such a manner as to prevent undue strain or damage to the tank or connected pipes.

— 5.22 Installation in Ground Water

— If septic tanks are installed in ground water, the regulatory authority may require adequate ground anchoring devices to be installed to prevent the tank from floating when it is emptied during cleaning operations.

R317-505-23. Maintenance Requirements:

— Maintenance Requirements - Adequate maintenance shall be provided for septic tanks to insure their proper function. Recommendations for the inspection and cleaning of septic tanks are provided in R317-513.

KEY: waste water

1993

19-5-104

Notice of Continuation December 12, 1997]



Environmental Quality, Water Quality
R317-506
 Discharge to Absorption System

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 22496

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4 (DAR No. 22490). All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

(DAR Note: The proposed new Rule R317-4 is under DAR No. 22490 in this issue of the *Bulletin*.)

❖LOCAL GOVERNMENTS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to local government under the new rule is addressed in a separate filing for Rule R317-4.

❖OTHER PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to other persons under the new rule is addressed in a separate filing for Rule R317-4.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Compliance costs for affected persons under the new rule are addressed in a separate filing for Rule R317-4.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Fiscal impacts of the new rule to businesses are addressed in a separate filing for Rule R317-4.

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

Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

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THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.**[R317-506. Discharge to Absorption System:****R317-506-1. General Requirements.**

Septic tank effluent shall be conducted to the absorption system through a watertight pipe and fittings which meet the material, diameter, and slope requirements for building sewers. Tees, wyes, elbows, or other distributing devices may be used as needed. Illustrations of typical absorption system components such as septic tanks, distribution boxes, and absorption fields are contained in an addendum to these rules, available through the Division of Water Quality.

R317-506-2. Tees and Wyes.

Tees and wyes shall be installed level to permit equal flow to the branches of the fitting.

R317-506-3. Drop Boxes.

On level or sloping topography, drop boxes may be used to distribute effluent within the absorption system. They are usually installed in the middle or at the head end of each trench. They shall be watertight and constructed of concrete or other durable material approved by the Division. They shall be designed to accommodate the inlet pipe, an outlet pipe leading to the next drop box (except for the last drop box), and 1 or 2 distribution pipes leading to the absorption system. Drop boxes shall meet the following requirements:

3.1 The inlet pipe to the drop box shall be at least 1 inch higher than the outlet pipe leading to the next drop box.

3.2 The invert of the distribution pipes(s) shall be 4 to 6 inches below the outlet invert. If there is more than 1 distribution pipe, their inverts shall be at exactly the same elevation. Drop boxes shall be installed level and the flow from multiple distribution lines should be checked by filling the drop box with water up to the outlets.

3.3 The inlet and outlet of the drop box shall be sealed watertight to the sidewalls of the drop box.

3.4 The drop box shall be provided with a means of access. The top of the drop box shall be covered with a concrete or metal lid adequate to prevent entrance of water, dirt or other foreign material, but made removable for observation and maintenance of the system. The top of the drop box shall be at least 6 inches below finished grade.

3.5 The drop box must be installed on a level, solid foundation to insure against tilting or settling. To minimize frost action and reduce the possibility of movement once installed, drop boxes should be set on a bed of sand or pea gravel at least 12 inches thick.

3.6 Unused "knock-out" holes in drop boxes shall be completely filled with concrete or mortar.

R317-506-4. Distribution Boxes.

Distribution boxes may be used on level or nearly level ground. They shall be watertight and constructed of concrete or other durable material approved by the Division. They shall be designed to accommodate 1 inlet pipe, the necessary distribution lines, and shall meet the same requirements as for drop boxes, except that outlet inverts of the distribution box shall be not less than 2 inches below the inlet invert. Illustrations of typical absorption system components such as septic tanks, distribution

boxes, and absorption fields are contained in an addendum to these rules, available through the Division of Water Quality.

R317-506-5. Identifying Marks:

Commercially manufactured drop boxes and distribution boxes shall be plainly and legibly marked on an interior wall above the level of the top of the inlet pipe with the name of the manufacturer.

KEY: waste water

~~1993~~

~~19-5-104~~

~~Notice of Continuation December 12, 1997]~~



Environmental Quality, Water Quality **R317-507** Absorption Systems

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE No.: 22497

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4 (DAR No. 22490). All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4.

The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

(DAR Note: The proposed new Rule R317-4 is under DAR No. 22490 in this issue of the *Bulletin*.)

❖LOCAL GOVERNMENTS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to local government under the new rule is addressed in a separate filing for Rule R317-4.

❖OTHER PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to other persons under the new rule is addressed in a separate filing for Rule R317-4.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Compliance costs for affected persons under the new rule are addressed in a separate filing for Rule R317-4.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Fiscal impacts of the new rule to businesses are addressed in a separate filing for Rule R317-4.

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THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.

~~**R317-507. Absorption Systems.**~~

R317-507-1. General Requirements:

~~1.1 Distribution pipe for gravity-flow absorption systems shall be 4 inches in diameter and shall be perforated. Distribution pipe and pipe fittings shall be of approved materials capable of~~

withstanding corrosive action by sewage and sewage-generated gases, and meeting recognized national standards for compressive strength and corrosive action such as standards published by the American Society for Testing Materials (see R317-512):

— 1.2 Distribution pipe for gravity-flow absorption systems shall be in straight lengths and penetrated by at least 2 rows of round holes, each 1/4 to 1/2-inch in diameter, and located at approximately 6-inch intervals. When installed on a level or nearly level grade, the perforations should be located at about the 5 o'clock and 7 o'clock positions on the pipe to permit nearly equal drainage along the length of pipe, and the open ends of the pipes shall be capped. Where perforated pipe is laid on grades between 2 and 4 inches per 100 feet, 1 of the rows of perforations should be in the 6 o'clock position on the pipe to permit complete drainage:

— 1.3 Absorption system laterals designed to receive equal flows of wastewater shall have approximately the same absorption area. Many different designs may be used in laying out absorption systems, the choice depending on the size and shape of the available areas, the capacity required, and the topography of the disposal area:

— 1.4 In gravity-flow absorption systems with multiple distribution lines, drop boxes or distribution boxes should be used whenever the sewer line from the septic tank is in direct line with any one of the distribution lines:

— 1.5 Any section of distribution pipe laid as a solid line (with tight joints, other than fittings, and no perforations) shall not be considered in determining the required absorption area:

— 1.6 Absorption system excavations may be made by machinery provided that the soil in the bottom and sides of the excavation is not compacted. Strict attention shall be given to the protection of the natural absorption properties of the soil. Absorption systems shall not be excavated when the soil is wet enough to smear or compact easily. Open absorption system excavations shall be protected from surface runoff to prevent the entrance of silt and debris. If it is necessary to walk in the excavation, a temporary board laid on the bottom will prevent damage from excessive compaction. Some smearing damage is likely to occur. All smeared or compacted surfaces should be raked to a depth of 1-inch, and loose material removed before the filter material is placed in the absorption system excavation:

— 1.7 The distribution pipe shall be bedded true to line and grade, uniformly and continuously supported on firm, stable material:

— 1.8 The top of the stone or "gravel" filter material shall be covered with an effective, pervious, material such as an acceptable synthetic filter fabric, unbacked fiberglass building insulation, a 2-inch layer of compacted straw, or similar material before being covered with earth backfill to prevent infiltration of backfill into the filter material:

— 1.9 Absorption systems shall be backfilled with earth that is free from stones 10 inches or more in diameter. The first 4 to 6 inches of soil backfill should be hand-filled. Distribution pipes shall not be crushed or disaligned during backfilling. When backfilling, the earth should be mounded slightly above the surface of the ground to allow for settlement and prevent depressions for surface ponding of water:

— 1.10 Heavy equipment shall not be driven in or over absorption systems during construction or backfilling:

— 1.11 Distribution pipes placed under driveways or other areas subjected to heavy loads shall receive special design considerations to insure against crushing or disruption of alignment. Absorption area under driveways or pavement shall not be considered in determining the minimum required absorption area, except that seepage trenches and seepage pits may be allowed beneath unpaved driveways on a case-by-case basis by the regulatory authority, if the top of the distribution pipe is at least 3 feet below the final ground surface:

— 1.12 A reduction in the required absorption area may be allowed by the regulatory authority if the building or facility to be served utilizes low volume fixtures approved by the Division, and a full-sized initial and replacement absorption system area is available:

— 1.13 That portion of absorption systems below the top of distribution pipes shall be in natural earth or in earth fill which will meet the requirements of R317-507-2:

— 1.14 Illustrations of typical absorption system components such as septic tanks, distribution boxes, and absorption fields are contained in an addendum to these rules, available through the Division of Water Quality

R317-507-2.

— Conventional absorption systems are specified in R317-503 through 506. Alternate types of absorption systems are specified in R317-503, and R317-507-7 through 9:

R317-507-3. Absorption Fields.

— Absorption fields consisting of a series of trenches designed to distribute septic tank effluent into perforated pipe and "gravel" fill, or a graveless chamber system, from which it percolates through the trench walls and bottoms into the surrounding subsurface soil, shall conform to the following requirements:

— 3.1 The effective absorption area of absorption fields shall be considered as the total bottom area of the absorption trench system in square feet:

— 3.2 The minimum required effective absorption area for absorption fields shall be determined from Table 5 by using the results of percolation tests conducted in accordance with R317-503-4. The minimum required effective absorptive area of absorption fields which utilize graveless chamber systems shall be in accordance with R317-507-3.11:

— 3.3 Isolation of absorption fields shall be not less than the minimum distances specified in Table 2:

— 3.4 Design and construction of absorption fields shall be as specified in Tables 6 and 7:

TABLE 5
Subsurface Absorption Systems
Minimum Absorption Area Requirements and
Allowable Rate of Application of Wastewater
(Based on Percolation Test Rates)(a)

Percolation Rate (time in minutes required for water to fall 1 inch)	Residential Minimum Absorption Area in Square Feet Per Bedroom (b)(c)(d)	Commercial, Institutional, etc., Maximum Rate of Application in Gallons Per Sq. Ft. Per Day (e)(f)(g)

1-10	165	1.6
11-15	190	1.3
16-20	212	1.1
21-30	250	0.9
31-45	300	0.8
46-60(g)	330	0.6

FOOTNOTES

- (a) Where practical, absorption areas should be increased above minimum figures specified in these rules.
- (b) Minimum absorption requirements in the residential column of Table 5 provide for normal household appliances, including automatic sequence washers, mechanical garbage grinders, and dishwashers.
- (c) Based on the number of bedrooms in use or that can be reasonably anticipated in the dwelling served, including the unfinished space available for conversion as additional bedrooms.
- (d) Minimum absorption area is equal to the total number of bedrooms times the required absorption area within the applicable percolation rate category. In every case, sufficient absorption area shall be provided for at least 2 bedrooms.
- (e) Minimum absorption area is equal to the actual or estimated wastewater flow in g.p.d. (Table 3) divided by the maximum rate of application in gallons per sq. ft. per day within the applicable percolation rate category. In every case a minimum of 150 sq. ft. of trench bottom or sidewall absorption area shall be provided.
- (f) Minimum application rates in the commercial and institutional column of Table 5 do not include wastes from garbage grinders and automatic sequence washing machines. Discharge from these appliances to a commercial or institutional absorption system require additional capacity of 20 percent for garbage grinders and 40 percent for automatic sequence washers above the minimum calculated absorption values. If both these appliances are installed, the absorption area must be increased by at least 60 percent above the minimum calculated absorption value.
- (g) Soil absorption systems are not permitted in areas where the soil percolation rate is slower than 1 inch in 60 minutes or faster than 1 inch in 1 minute, rounded to the nearest whole number.

TABLE 6
Absorption Field Construction Details(a)

ITEM	UNIT	MINIMUM	MAXIMUM
GRAVITY EFFLUENT DISTRIBUTION PIPES*			
Number of laterals		2(b)	
Length of individual laterals	feet		100(c)
Diameter	inches	4	
Width of trenches	inches	12	36
Slope of distribution pipe	inches/100 ft. (d)		4
Depth of trenches (from ground surface)	inches	12	(e)
Distance between trenches		(see R317-507-3, Table 7)	
Bottom of trench to maximum ground water table	feet	2	
Bottom of trench to unsuitable soil or bedrock formations	feet	4	
SIZE OF FILTER MATERIAL	inches	3/4	2-1/2
DEPTH OF FILTER MATERIAL*			
Under distribution pipe	inches	6(f)	
Over distribution pipe	inches	2	
Total depth	inches	12	
Under pipe located within 10 feet of trees and shrubs	inches	12	
THICKNESS OF COMPACTED			

STRAW		
BARRIER OVER AGGREGATE		
FILTER		
MATERIAL	inches	2
DEPTH OF BACKFILL OVER BARRIER		
COVERING FILTER		
MATERIAL	inches	6(g)

FOOTNOTES

- (a) The effective absorption area shall be considered as the total bottom area of the trenches in square feet.
- (b) Of near equal length.
- (c) Preferably not more than 60 feet long.
- (d) Preferably level.
- (e) Trenches should be constructed as shallow as is practical to allow for evapotranspiration of wastewater.
- (f) Preferably 8 inches.
- (g) Whenever any distribution pipes will be covered with between 6 and 12 inches of backfill, they shall be laid level, and adequate precautions shall be made to prohibit traffic or heavy equipment from the disposal area.

TABLE 7
Width and Minimum Spacing Requirements for Absorption Field Trenches

Width at Bottom in Inches	Minimum Spacing of Trenches (wall to wall) in Feet
12 to 18	6.0
18 to 24	6.5
24 to 30	7.0
30 to 36	7.5

3.5 The stone or "gravel" fill used in absorption field trenches shall consist of crushed stone, gravel, or similar material, ranging from 3/4 to 2 1/2 inches in diameter. It shall be free from fines, dust, sand, or organic material and shall be durable, and resistant to slaking and dissolution. It shall extend the full width of the trench, shall be not less than 6 inches deep beneath the bottom of the distribution pipes, and shall completely encase and extend at least 2 inches above the top of the distribution pipe.

3.6 The distribution pipe shall be centered in the absorption trench and placed the entire length of the trench.

3.7 In locations where the slope of the ground over the absorption field area is relatively flat, the trenches should be interconnected to produce a closed-loop or continuous system and the distribution pipes should be level.

3.8 In locations where the ground over the absorption field area slopes greater than 6 inches in any direction within field area, a system of serial distribution trenches may be used which will follow approximately the ground surface contours so that variation in trench depth will be minimized. The trenches should be installed at different elevations, but the bottom of each individual trench should be level throughout its length.

3.9 Serial trenches shall be connected with a drop box (R317-506-3) or watertight overflow line (R317-507-3.10) in such a manner that a trench will be filled with wastewater to the depth of the gravel fill before the wastewater flows to the next lower trench.

3.10 The overflow line between serial trenches shall be a 4-inch watertight pipe with direct connections to distribution pipes. It should be laid in a trench excavated to the exact depth required. Care must be exercised to insure a block of undisturbed earth

between trenches. Backfill should be carefully tamped. Inlets should be placed as far as practical from overflows in the same trench.

3.11 Chamber Systems

At the option of the local health department, chamber system media may be used in lieu of the gravel fill and perforated distribution pipe in absorption fields if the installation is in conformance with manufacturer recommendations, as modified by these rules. No cracked, weakened or otherwise damaged chamber units shall be used in any installation.

A. Type A Chamber Media:

1) Type A Chamber Media shall be of an approved design with a minimum actual open bottom width of 30 inches (76 cm) and a minimum louvered sidewall opening height of 6 inches (15 cm).

2) Type A chamber media may be substituted for gravel and perforated distribution pipe media in absorption fields and "at-grade" systems installed in the same plan configuration as an equivalent absorption field.

3) In absorption fields, Type A chamber media shall be installed in excavated trenches with a minimum width of 36 inches (91 cm).

4) Type A chamber media shall be installed utilizing the same bottom area as required for gravel fill and perforated distribution pipe media, assuming that the chambers are nominally rated with a 36 inch (91 cm) wide bottom opening.

B. Type B Chamber Media:

1) Type B Chamber Media is an alternate type disposal system and shall be of an approved design with a minimum actual open bottom width of 18 inches (46 cm) and a minimum louvered sidewall opening height of 9-3/8 inches (24 cm). Use of the Type B chamber media shall conform with the requirements for alternate disposal methods shown in R317-502-20.

2) Type B chamber media may only be substituted for gravel and perforated pipe media filled absorption fields installed as an alternate to the conventional 36-inch wide trench configuration and not in conjunction with any other alternate system configuration.

3) Type B chamber media shall be installed in trenches with a minimum excavation width of 24 inches (61 cm).

4) The bottom of the Type B chamber media and trench excavation shall be a minimum of 9-3/8 inches below the bottom of the effluent inlet pipe to the trench.

3) The minimum total length of Type B chamber media installed shall be equal or greater than the minimum length of a 36 inch (91 cm) wide gravel media trench as required by these rules.

C. All chambers shall be manufactured of an approved material and shall be certified to withstand the AASHTO H-10-44 highway structural rating without damage or permanent deformation. The American Association of State Highway Transportation Officials (AASHTO), H-10-44, "Standard Specifications for Highway Bridges, Fifteenth Ed., 1992" highway structural rating is hereby adopted and incorporated by reference. A copy is available for public review from the Division of Water Quality.

R317-507-4. Seepage Trenches:

4.1 Seepage trenches may be constructed in lieu of other approved absorption systems or as a supplement to an absorption

field where soil conditions and the required separation from the maximum ground water table comply with R317-503. This absorption system consists of deep trenches filled with clean, coarse filter material which receive septic tank effluent and allow it to seep through sidewalls into the adjacent porous subsurface soil. They shall conform to the following requirements:

A. The effective absorption areas shall be considered as the outside surface of the seepage trench (vertical sidewall area) calculated below the inlet or distributing pipe, exclusive of any unsuitable soil or bedrock formations. The bottom area and any highly restrictive or impervious strata or bedrock formations shall not be considered in determining the effective sidewall absorption area. Each seepage trench shall have a minimum sidewall absorption depth of 2 feet of suitable soil formation.

B. The minimum required sidewall absorption area shall be determined by either of the following 2 methods:

1. For the purpose of estimating the percolation test rate of each seepage trench system, a signed "Seepage Trench Certificate" or equivalent shall be submitted as evidence that a proper percolation test has been performed under the supervision of a licensed environmental health scientist, registered engineer, or other qualified person certified by the regulatory authority. The seepage trench certificate or equivalent must contain the following:

- a. the name and address of the individual constructing the seepage trench;
- b. the location of the property;
- c. the dimensions or diameter of the trench;
- d. total effective absorption depth;
- e. a description of the texture, character, and thickness of each stratum of soil encountered in seepage trench construction;
- f. a signed statement certifying that the seepage trench has been constructed in accordance with the requirements of this rule. The required absorption area shall then be determined in accordance with Table 8.

2. Percolation tests conducted in accordance with R317-503-4 shall be made in each vertical stratum penetrated by the seepage trench below the inlet pipe, and test results within the acceptable range specified in R317-503-4 shall be used in calculating the required sidewall absorption area in accordance with Table 5:

Symbol and Character of Soil by Unified Soil Classification System	Residential Sq. Ft. of Sidewall Area Required Per Bedroom (b)(c)(d)	Commercial, Institutional, etc. Maximum Rate of Application in Gallons Per Sq. Ft. Sidewall Per Day (e)(f)
Hardpan or bedrock (including fractured bedrock with little or no fines).	(g)	(g)
GW Well graded gravels, gravel-sand mixtures, little or no fines.	150 (h)(i)	1.55 (h)(i)

GP Poorly graded gravels or gravel sand mixtures, little or no fines.	150 (h)(i)	1.55 (h)(i)
SW Well graded sands, gravelly sand, little or no fines.	195	1.20
SP Poorly graded sands or gravelly sands, little or no fines.	195	1.20
SM Silty sand, sand silt mixtures.	295	0.8
GM Silty gravels, poorly graded gravel sand silt mixtures.	235	1.0
GC Clayey gravels, gravel sand clay mixtures.	520 (i)	0.45 (i)
SC Clayey sands, sand clay mixtures.	520 (i)	0.45 (i)
ML Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity.	520 (i)	0.45 (i)
MH Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.	520 (h)(i)	0.45 (h)(i)
CL Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.	520 (h)(i)	0.45 (h)(i)
CH Inorganic clays of high plasticity, fat clays.	(g)	(g)
OL Organic silts and organic silty clays of low plasticity.	(g)	(g)
OH Organic clays of medium to high plasticity, organic silts.	(g)	(g)
PT Peat and other highly organic silts.	(g)	(g)

FOOTNOTES

- (a) Where practical, absorption areas should be increased above minimum figures specified in these rules.
- (b) Minimum absorption requirements in the residential column of Table 8 provide for normal household applications, including automatic sequence washers, mechanical garbage grinders, and dishwashers.
- (c) Based on the number of bedrooms in use or that can be reasonably anticipated in the dwelling served, including the unfinished space available for conversion as additional bedrooms.
- (d) Minimum absorption area is equal to the total number of bedroom times the required absorption area within the applicable soils description category. In every case, sufficient absorption area shall be provided for at least 2 bedrooms.
- (e) Minimum absorption area is equal to the actual or estimated wastewater flow in g.p.d. (Table 3) divided by the maximum rate of application in gallons per sq. ft. per day within the applicable soils description category. In every case, a minimum of 150 sq. ft. of sidewall absorption area shall be provided.
- (f) Minimum application rates in the commercial and institutional column of Table 5 do not include wastes from garbage grinders and automatic sequence washing machines. Discharge from these appliances to a commercial or institutional absorption system require additional capacity of 20 percent for garbage grinders and 40 percent for automatic sequence washers above the minimum

calculated absorption values. If both these appliances are installed, the absorption area must be increased by at least 60 percent above the minimum calculated absorption value.

- (g) Unsuitable for absorption area.
- (h) These soils are usually considered unsuitable for absorption systems, but may be suitable, depending upon the percentage and type of fines in coarse-grained porous soils, and the percentage of sand and gravels in fine-grained soils.
- (i) For the purposes of this table, whenever there are reasonable doubts regarding the suitability and estimated absorption capacities of soils, percolation tests shall be conducted in those soils in accordance with R317-503-4 and R317-507-4.1.B.2. Soils within the same classification may exhibit extreme variability in permeability, depending on the amount and type of clay and silt present. The following soil categories, SC, GC, and ML, MH and CL soils, may prove unsatisfactory for absorption systems, depending upon the percentage and type of fines present.

C. Isolation of seepage trenches shall be not less than the minimum distances specified in Table 2.

D. Design and construction of seepage trenches shall be as specified in Table 9.

E. The bottom of the seepage trench shall terminate at least 2 feet above the maximum ground water table in the disposal area. Suitable soil conditions must be verified to a depth of 4 feet below the bottom of the proposed seepage trench.

F. All seepage trenches shall be filled with coarse stone that ranges from 3/4 to 12 inches in diameter and is free from fines, sand, clay, or organic material.

G. The distribution pipe shall be centered in the seepage trench and placed the entire length of the trench. A thin layer of crushed rock or gravel ranging from 3/4 to 2 1/2 inches in diameter and free from fines, sand, clay or organic material, shall cover the coarse stone to permit leveling of the distribution pipe. The crushed rock or gravel shall completely fill the trench to a minimum depth of 2 inches over the distribution pipe and shall be properly covered in accordance with R317-507-1.8 to prevent infiltration of backfill. A minimum of 6 inches of backfill shall cover the crushed rock or gravel over the distribution pipe.

TABLE 9
Seepage Trench Construction Details (a)

ITEM	UNIT	MINIMUM	MAXIMUM
SEEPAGE TRENCHES:			
Width	feet	2	
Length	feet		100 (b)
EFFECTIVE VERTICAL SIDEWALL ABSORPTION			
DEPTH (per trench)	feet	2	
EFFLUENT DISTRIBUTION PIPES:			
Diameter	inches	4	
Slope	inches/100 ft. (c)	4	
BOTTOM OF TRENCH TO MAXIMUM GROUND WATER TABLE			
	feet	2	
BOTTOM OF TRENCH TO UNSUITABLE SOIL OR BEDROCK FORMATIONS			
	feet	4	
DISTANCE BETWEEN SEEPAGE TRENCHES (See Table 2)			
SIZE OF FILTER MATERIAL			
	inches	3/4	12
DEPTH OF FILTER MATERIAL:			
Under pipe	feet	2 (d)	

Over pipe	inches	2
THICKNESS OF COMPACTED STRAW BARRIER OVER AGGREGATE FILTER MATERIAL		
DEPTH OF BACKFILL OVER BARRIER COVERING FILTER MATERIAL	inches	2
	inches	6 (e)

FOOTNOTES

(a) The effective absorption area shall be considered as the outside surface of the seepage trench (vertical sidewall area) calculated below the distribution pipe, exclusive of any unsuitable soil or bedrock formations. The bottom area and any highly restrictive or impervious sidewall strata shall not be considered in determining the effective absorption area.

(b) Preferably not more than 60 feet long.

(c) Preferably level.

(d) For a seepage trench, the entire trench shall be completely filled with aggregate filter material to at least the top of any permeable soil formation to be calculated as effective sidewall absorption area.

(e) Whenever any distribution pipes will be covered with between 6 and 12 inches of backfill, they shall be laid level, and adequate precautions shall be made to prohibit traffic or heavy equipment from the disposal area.

H. If multiple seepage trenches are installed in areas where the slope of the ground is relatively flat, the trenches and distribution pipes should be interconnected to produce a continuous system and the distribution pipe and trench bottoms should be level.

I. In locations where the ground over the seepage trench area slopes, a single trench system should follow the contours of the land. If multiple trenches are necessary on sloping land, a system of serial seepage trenches should be used, with each trench installed at a different elevation. The bottom of each trench should be level throughout its length. The design of serial seepage trenches shall be as specified in R317-507-3.H, I and J.

J. Illustrations of typical absorption system components such as septic tanks, distribution boxes, and absorption fields are contained in an addendum to these rules, available through the Division of Water Quality.

R317-507-5. Seepage Pits:

Seepage pits shall be considered as modified seepage trenches and may be constructed in lieu of other approved absorption systems or as a supplement to an absorption field where soil conditions and the required separation from the maximum ground water table comply with R317-503. This absorption system consists of 1 or more deep pits, either (1) hollow-lined, or (2) filled with clean, coarse filter material, which receive septic tank effluent and allow it to seep through sidewalls into the adjacent porous subsurface soil. They shall conform to the general requirements for seepage trenches, except for the following:

A. The effective absorption area for seepage pits shall be determined as for seepage trenches in R317-507-4.1.A, except that each seepage pit shall have a minimum effective sidewall absorption depth of 4 feet of suitable soil formation.

B. The minimum required sidewall absorption area shall be determined as for seepage trenches in R317-507-4.1.B.

C. Design and construction of seepage pits shall be as specified in Table 10:

ITEM	UNIT	MINIMUM	MAXIMUM
GENERAL:			
Diameter of pit	feet	3	
Effective vertical sidewall absorption depth (per pit)	feet	4	
Distance between seepage pits	(See Table 2)		
Diameter of distribution pipe	inches	4	
Size of filter material	inches	3/4	12
HOLLOW-LINED PITS:			
Width of annular space between lining and sidewall containing crushed rock (3/4 to 2-1/2 inches in diameter)	inches	6 (b)	
Thickness of reinforced perforated concrete lining	inches	2-1/2	
Thickness of brick, or block linings	inches	4	
Depth of filter material in pit bottom	inches	6	
Horizontal dimension of manhole in cover	inches	10	
FILLED SEEPAGE PITS:			
Depth of filter material:			
Under distribution pipe	feet	4 (c)	
Over distribution pipe	inches	2	
Thickness of compacted straw barrier over aggregate filter material	inches	2	
Depth of backfill over barrier covering filter material	inches	6 (d)	

FOOTNOTES

(a) The effective absorption area shall be considered as the outside surface of the seepage pit (vertical sidewall area) calculated below the inlet or distribution pipe, exclusive of any unsuitable soil or bedrock formations. The bottom area and any highly restrictive or impervious sidewall strata shall not be considered in determining the effective absorption area.

(b) Preferably 12 inches.

(c) For a filled seepage pit, the entire pit shall be completely filled with aggregate filter material to at least the top of any permeable soil formation to be calculated as effective sidewall absorption area.

(d) Whenever any distribution pipes will be covered with between 6 and 12 inches of backfill, they shall be laid level, and adequate precautions shall be made to prohibit traffic or heavy equipment from the disposal area.

D. All seepage pits shall have a diameter of at least 3 feet.

E. Structural materials used throughout shall assure a durable, safe structure.

F. All seepage pits shall be either (1) hollow and lined with an acceptable material, or (2) filled with coarse stone or similar material that ranges from 3/4 to 1 1/2 inches in diameter and is free from fines, sand, clay, or organic material. Pits filled with coarse stone are preferred over hollow-lined pits. Linings of brick, stone, block, or similar materials shall have a minimum thickness of 4 inches and shall be laid with overlapping, tight-butted joints. Below the inlet level, mortar shall be used in the horizontal joints only. Above the inlet, all joints shall be fully mortared.

G. For hollow-lined pits, the inlet pipe should extend horizontally at least 1 foot into the pit with a tee to divert flow downward and prevent washing and eroding the sidewall. A minimum annular space of 6 inches between the lining and excavation wall shall be filled with crushed rock or gravel varying in diameter from 3/4 to 2-1/2 inches and free from fines, sand, clay, or organic material. Clean coarse gravel or rock at least 6 inches deep shall be placed in the bottom of each pit.

H. A structurally sound and otherwise suitable top shall be provided that will prevent entrance of surface water, dirt, or other foreign material, and be capable of supporting the overburden of earth and any reasonable load to which it is subjected. Access to each hollow-lined pit shall be provided by means of a manhole, not less than 18 inches in minimum horizontal dimension, or by means of an easily removable cover and shall otherwise comply with R317-505-19.D and E. The top of the pit shall be covered with a minimum of 6 inches of backfill.

I. In pits filled with coarse stone, the perforated distribution pipe shall run across each pit. A layer of crushed rock or gravel shall be used for leveling the distribution pipe as specified in R317-507-4.G.

R317-507-6. Absorption Beds:

Absorption beds consist of large excavated areas, usually rectangular, provided with "gravel" filter material in which 2 or more distribution pipe lines are laid. They may be used in lieu of other approved absorption systems where conditions justify their use and shall conform to the requirements applying to absorption fields, except for the following:

6.1 The effective absorption area of absorption beds shall be considered as the total bottom area of the excavation.

6.2 The minimum required absorption area for absorption beds shall be determined from Table 11 by using the results of percolation tests conducted in accordance with R317-503-4.

TABLE 11
Absorption Bed
Minimum Absorption Area Requirements and
Allowable Rate of Application of Wastewater
(Based on Percolation Test Rates) (a) (b)

Percolation Rate (time in minutes required for water to fall 1 inch)	Residential	Commercial, Institutional, etc.,
	Minimum Absorption Area in Square Feet Per Bedroom (c) (d)	Maximum Rate of Application in Gallons Per Sq. Ft. Per Day (e) (f)
1-10 (g)	330	0.80
11-15	380	0.65
16-20	424	0.55
21-30 (g)	500	0.45

FOOTNOTES

(a) Where practical, absorption areas should be increased above minimum figures specified in these rules.

(b) This table provides for the normal household appliances, including automatic sequence washers, mechanical garbage grinders, and dishwashers.

(c) Based on the number of bedrooms in use or that can be reasonably anticipated in the dwelling served, including the unfinished space available for conversion as additional bedrooms.

(d) Minimum absorption area is equal to the total number of bedrooms times the required absorption area within the applicable percolation rate category. In every case, sufficient absorption area shall be provided for at least 2 bedrooms.

(e) Minimum absorption area is equal to the actual or estimated wastewater flow in g.p.d. (Table 3) divided by the maximum rate of application in gallons per sq. ft. per day within the applicable percolation rate category. In every case, a minimum of 300 sq. ft. of absorption bed bottom absorption area shall be provided.

(f) Minimum application rates in the commercial and institutional column of Table 5 do not include wastes from garbage grinders and automatic sequence washing machines. Discharge from these appliances to a commercial or institutional absorption system require additional capacity of 20 percent for garbage grinders and 40 percent for automatic sequence washers above the minimum calculated absorption values. If both these appliances are installed, the absorption area must be increased by at least 60 percent above the minimum calculated absorption value.

(g) Absorption beds are not permitted in areas where the soil percolation rate is slower than 1 inch in 30 minutes or faster than 1 inch in 1 minute, rounded to the nearest whole number.

6.3 Isolation of absorption beds shall be not less than the minimum distances specified in Table 2.

6.4 Design and construction of absorption beds shall be as specified in Table 12.

TABLE 12
Absorption Bed Construction Details (a)

ITEM	UNIT	MINIMUM	MAXIMUM
EFFLUENT DISTRIBUTION PIPES:			
Diameter	inches	4	
Length	feet		100 (b)
Number of lines		2 (c)	
Slope	inches/100 ft.	(d)	4
Depth of absorption bed (from ground surface)	inches	12	(e)
DISTANCE BETWEEN MULTIPLE LINES (e to e)			
	feet		6
DISTANCE BETWEEN DISTRIBUTION LINES AND SIDEWALLS (edge to edge)			
	feet	1	3
DISTANCE BETWEEN ABSORPTION BEDS (See Table 2)			
BOTTOM OF BED TO MAXIMUM GROUND WATER TABLE			
	feet	2	
BOTTOM OF TRENCH TO UNSUITABLE SOIL OR BEDROCK FORMATIONS			
	feet	4	
SIZE OF FILTER MATERIAL	inches	3/4	2-1/2
DEPTH OF FILTER MATERIAL:			
Under pipe	inches	6 (f)	
Over pipe	inches	2	
Total	inches	12	

Under pipe located	
within 10 feet of	
trees or shrubs	inches 12
THICKNESS OF COMPACTED	
STRAW BARRIER OVER	
AGGREGATE FILTER	
MATERIAL	inches 2
DEPTH OF BACKFILL OVER	
BARRIER COVERING	
FILTER MATERIAL	inches 6 (g)

FOOTNOTES

- (a) The effective absorption area shall be considered as the total bottom area of the excavation in square feet.
- (b) Preferably not more than 60 feet long.
- (c) Of near equal length.
- (d) Preferably level.
- (e) Absorption beds should be constructed as shallow as is practical to allow for evapotranspiration of wastewater.
- (f) Preferably 8 inches.
- (g) Whenever any distribution pipes will be covered with between 6 and 12 inches of backfill, they shall be laid level, and adequate precautions shall be made to prohibit traffic or heavy equipment from the disposal area.

6.5 Absorption beds should be installed where the slope of the ground surface is relatively level, sloping no more than about 6 inches from the highest to the lowest point in the installation area. The bottom of the entire absorption bed shall be essentially level, at the same elevation, and the distribution pipes shall be interconnected to produce a continuous system.

R317-507-7. Installation in Earth Fill.

7.1 Installation of absorption systems in earth fill will be allowed only by the regulatory authority having jurisdiction in accordance with these rules. Installation of absorption systems in earth fill is an alternate disposal method. Conditions for use of alternate disposal methods are shown in R317-502-20.

7.2 Absorption field and absorption bed type absorption systems may be placed in earth fill. Absorption field systems placed in earth fill can only be installed over natural soils with a percolation rate range between 5 and 60 minutes per inch; and absorption bed systems over soils with a percolation rate range of 5 to 30 minutes per inch.

7.3 Naturally existing soil with an unacceptable percolation rate may be removed and replaced with earth fill with an acceptable, in-place percolation rate, if the removal of the original soil does not cause other unacceptable site conditions and if acceptable natural soil exists below the replacement. The site must conform to all other acceptability conditions.

7.4 The maximum acceptable existing slope of a site upon which an "at grade" or "above grade" onsite system can be placed with the use of fill is 4%.

7.5 The minimum area of fill to be placed shall be sufficient to install a system sized for the number of bedrooms in the home, using the percolation rate of 60 min/inch. The fill area shall be sized to accommodate a drainfield for a home with a minimum of three bedrooms, and shall include all required clearances within, and outside of the fill and drainfield area.

7.6 The area of original fill placement shall include that area required for a 100% replacement of the drainfield, with all required clearances. The area between trenches shall not be used for replacement area.

7.7 The fill depth below the bottom of the absorption field shall not exceed six (6) feet.

7.8 The minimum separation between the natural ground surface and the anticipated maximum ground water table or saturated soil shall be twelve (12) inches.

7.9 The earth fill shall be considered to be acceptably stabilized if it is allowed to naturally settle for a minimum period of one year, sized to result in its minimum required dimensions after the settling period. Mechanical compaction shall not be allowed.

7.10 All onsite wastewater and disposal systems placed in earth fill shall conform to all other applicable requirements of R317-501 through 513, "Individual Wastewater Disposal Systems".

7.11 The onsite treatment and disposal systems and local areas surrounding them shall be graded to drain surface water away from the absorption fields.

7.12 After the fill has settled for a minimum of one year, a minimum of two (2) percolation tests/soil exploration pits shall be conducted in the fill. One shall be conducted in the proposed drainfield area and one in the proposed replacement drainfield area of the fill. The suitably stabilized fill shall have an in-place percolation rate of between 15 and 45 minutes per inch.

7.13 The maximum exposed side slope for fill surfaces shall be 4 horizontal to 1 vertical. When fill is placed where finished contours are above the natural ground surface, it shall extend from the center of the disposal system at the same general top elevation for a minimum of ten feet in all directions beyond the limits of the disposal field perimeter below, before the beginning of the side slope. A suitable soil cap, which will support a vegetative cover, shall cover the entire fill body. The cap shall be provided with a vegetative cover. Access to the fill site shall be restricted to minimize erosion and other physical damage.

R317-507-8. "At-Grade" Systems:

8.1 Where site conditions may restrict the installation of a standard absorption system, an "at-grade" system may be used. It shall be designed, installed, operated and monitored in accordance with these rules. An "at-grade" system is considered to be an alternate disposal method. Conditions for use of alternate disposal methods are shown in R317-502-20.

8.2 Absorption field and absorption bed type absorption systems may be placed in the "at-grade" position. Absorption field systems placed "at-grade" can only be installed over natural soils with a percolation rate range between 4 and 60 minutes per inch; and absorption bed systems over soils with a percolation rate range of 4 to 30 minutes per inch.

8.3 The minimum distance from the top of finished grade to the high seasonal ground water table or perched ground water table shall be 4 feet.

8.4 When fill is placed where finished contours are above the natural ground surface, it shall extend from the center of the disposal system at the same general top elevation for a minimum of ten feet in all directions beyond the limits of the disposal field perimeter below, before the beginning of the side slope.

8.5 The maximum side slope for above ground fill shall be 4 (horizontal) : 1 (Vertical).

8.6 Maximum acceptable slope of original site surface for placement of an "at-grade" system is 4%.

8.7 The site shall be cleared of vegetation and scarified to an approximate depth of 6 inches. Any furrows resulting from the scarification shall be perpendicular to any slope on the site.

R317-507-9. Mound Systems:

9.1 Where site conditions may restrict the use of a standard absorption system, a mound system may be used. It shall be designed, installed, operated and monitored in accordance with these rules. A mound system is considered to be an alternate disposal method. Conditions for use of alternate disposal methods are shown in R317-502-20.

9.2 The minimum separation between the natural ground surface and the anticipated maximum ground water table or saturated soil shall be twelve (12) inches.

9.3 The two foot minimum thick unsaturated soil treatment horizon below the bottom of the absorption system shall consist of a minimum of one foot of suitable natural soil.

9.4 Mound systems shall not be located on sites where the original prevailing surface grade exceeds 4 percent.

9.5 All mound type onsite systems shall utilize pressurized systems for distribution of effluent in the absorption system.

9.6 The local health department in whose jurisdiction the mounds with pressurized systems are to be used, shall have an approved maintenance program in place.

9.7 The design effluent loading rate through the absorption system bottom to sand fill interface shall be 0.8 gallons per day per square foot of absorption system bottom area.

9.8 The effluent loading rate at the sand fill to native soil interface shall as specified in Table 13:

TABLE 13

Effluent Loading Rate from Sand Fill to the Natural Soil Surface

PERCOLATION RATE OF NATURAL SOIL (Minutes per inch)	UNIT	LOADING RATE
1-10	gallons per day	0.45
	per square foot	
11-15	gallons per day	0.40
	per square foot	
16-20	gallons per day	0.35
	per square foot	
21-30	gallons per day	0.30
	per square foot	
31-45	gallons per day	0.25
	per square foot	
46-60	gallons per day	0.20
	per square foot	

9.9 The minimum thickness of aggregate media around the distribution pipes of the absorption system shall be the sum of six inches below the distribution pipe, the diameter of the distribution pipe and two inches above the distribution pipe or ten inches, whichever is larger.

9.10 Mound systems shall be designed in accordance with "Mound Soil Absorption System Siting, Design and Construction Guidance Manual, April 1, 1996", which is hereby incorporated by reference. A copy is available for public review from the Division of Water Quality, 288 North 1460 West, P.O. Box 144870, Salt Lake City, UT, 84114-4870.

KEY: waste water

August 30, 1996

19-5-104

Notice of Continuation December 12, 1997]

◆ ◆

Environmental Quality, Water Quality

R317-508

Plan Information for Individual Wastewater Disposal Systems

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 22498

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4 (DAR No. 22490). All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

(DAR Note: The proposed new Rule R317-4 is under DAR No. 22490 in this issue of the *Bulletin*.)

❖LOCAL GOVERNMENTS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to local government under the new rule is addressed in a separate filing for Rule R317-4.

❖OTHER PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to other persons under the new rule is addressed in a separate filing for Rule R317-4.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Compliance costs for affected persons under the new rule are addressed in a separate filing for Rule R317-4.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Fiscal impacts of the new rule to businesses are addressed in a separate filing for Rule R317-4.

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

Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/17/1999 at 11 a.m., 110 North Main, Cedar City, UT; and 12/21/1999 at 10 a.m., 168 North 1950 West, Room 101, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.

~~R317-508. Plan Information for Individual Wastewater Disposal Systems.~~

~~R317-508-1. Required Information.~~

~~Depending on the individual site and circumstances, or as determined by the local board of health some or all of the following information may be required. Plans for the construction and alteration of individual wastewater disposal systems must be submitted for review to the regulatory authority having jurisdiction, and compliance with these rules must be determined by an on-site~~

~~inspection after construction but before backfilling. Individual wastewater disposal systems must be constructed and installed in accordance with these rules.~~

~~R317-508-2. Approval.~~

~~In order that approval can be expedited, plans submitted for review must be drawn to scale (1" = 8', 16', etc. but not exceed 1" = 30'), or dimensions indicated. Plans must be prepared in such a manner that the contractor can read and follow them in order to install the system properly. Plan information that may be required is as follows:~~

~~2.1 Plot or property plan showing:~~

~~A. Date of application:~~

~~B. Direction of north:~~

~~C. Lot size and dimensions:~~

~~D. Legal description of property if available:~~

~~E. Ground surface contours (preferably at 2 foot intervals) of both the original and final (proposed) grades of the property, or relative elevations using an established bench mark:~~

~~F. Location and dimensions of paved and parking areas:~~

~~G. Location and explanation of type of dwelling to be served by individual wastewater disposal system:~~

~~H. Maximum number of bedrooms (including statement of whether a finished or unfinished basement will be provided), or if other than a single family dwelling, the number of occupants expected and the estimated gallons of wastewater generated per day:~~

~~I. Location and dimensions of the essential components of the individual wastewater absorption system:~~

~~J. Location of soil exploration pit(s) and percolation test holes:~~

~~K. Location of building sewer and water service line to serve dwelling:~~

~~L. The location, type, and depth of all existing and proposed nonpublic water supply sources within 200 feet of individual wastewater disposal systems, and of all existing or proposed public water supply sources within 1500 feet of individual wastewater disposal systems.~~

~~M. Distance to nearest public water main and size of main:~~

~~N. Distance to nearest public sewer, size of sewer, and whether accessible by gravity:~~

~~O. Location of easements or drainage right-of-ways affecting the property:~~

~~P. Location of all streams, ditches, watercourses, ponds, subsurface drains, etc., (whether intermittent or year-round) within 100 feet of proposed septic tank and absorption system:~~

~~2.2 Statement of soil conditions obtained from soil exploration pit(s) dug (preferably by backhoe) to a depth of 10 feet in the absorption system area, or to the ground water table if it is shallower than 10 feet below ground surface. In the event that absorption system excavations will be deeper than 6 feet, soil exploration pits must extend to a depth of at least 4 feet below the bottom of the proposed absorption system excavation. One end of each pit should be sloped gently to permit easy entry if necessary. Whenever possible data from published soil studies of the site should also be submitted. Soil logs should be prepared in accordance with the Unified Soil Classification System.~~

~~2.3 Statement with supporting evidence indicating (A) present and (B) maximum anticipated ground water table and (C) flooding potential for absorption system site.~~

— 2.4 The results of at least 1 stabilized percolation test in the area of the proposed absorption system, conducted according to R317-503-4. Percolation tests should be conducted at a depth of 6 inches below the bottom of the proposed absorption system excavation and test results should be submitted on a "Percolation Test Certificate" obtainable upon request. If a seepage trench or seepage pit is proposed, a completed "Seepage Trench Construction Certificate" may be submitted if percolation tests are not required.

— 2.5 Relative elevations (using an established bench mark) of the:

- A. Building drain outlet.
- B. The inlet and outlet inverts of the septic tank(s).
- C. The outlet invert of the distribution box (if provided) and the ends or corners of each distribution pipe lateral in the absorption system.

— D. The final ground surface over the absorption system.

— 2.6 Manufacturer, material, diameter, and minimum slope of building sewer.

— 2.7 Septic tank capacity, design (cross sections, etc.), materials, and dimensions. If tank is commercially manufactured, state name and address of manufacturer.

— 2.8 Details of drop boxes or distribution boxes (if provided).

— 2.9 Absorption system details which include the following:

- A. Manufacturer, material, and diameter of distribution pipes.
- B. Required and proposed area for absorption system.
- C. Length, slope, and spacing of each distribution pipeline.
- D. Maximum slope across ground surface of absorption system area.

— E. Slope of distribution pipelines (maximum slope 4 inches/100 ft., level preferred).

— F. Distance of distribution pipes from trees, cut banks, fills or other subsurface disposal systems.

— G. Type and size of filter material to be used (must be clean, free from fines, etc.).

— H. Cross section of absorption system showing:

- 1. Depth and width of absorption system excavation.
- 2. Depth of distribution pipe.
- 3. Depth of filter material.
- 4. Barrier (i.e., synthetic filter fabric, straw, etc.) used to separate filter material from backfill.
- 5. Depth of backfill.

— 2.10 Manufacturer, type, and capacity of sewage pump, pump well, discharge line, siphons, siphon chambers, etc., if required as part of the disposal system.

— 2.11 Statement indicating (A) source of water supply for dwelling (whether a well, spring, or public system) and (B) location and (C) distance from individual wastewater disposal system. If plan approval of a nonpublic water supply system is desired, information regarding that system must be submitted separately.

— 2.12 Complete address of dwelling to be served by this individual wastewater disposal system. Also the name, current address, and telephone number of:

— A. The person who will own the proposed individual wastewater disposal system.

— B. The person who will construct and install the disposal system.

— 2.13 If mortgage loan for dwelling is insured or guaranteed by a Federal agency, the name and local address of that agency.

— 2.14 All applicants requesting plan approval for an individual wastewater disposal system must submit a sufficient number of copies of the above required information to enable the regulatory authority to retain 1 copy as a permanent record.

— 2.15 Applications will be rejected if proper information is not submitted.

KEY: waste water

1993

19-5-104

Notice of Continuation December 12, 1997]

Environmental Quality, Water Quality **R317-509** Design, Installation, and Maintenance of Sewage Holding Tanks

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE No.: 22499

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4 (DAR No. 22490). All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

(DAR Note: The proposed new Rule R317-4 is under DAR No. 22490 in this issue of the *Bulletin*.)

❖LOCAL GOVERNMENTS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to local government under the new rule is addressed in a separate filing for Rule R317-4.

❖OTHER PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to other persons under the new rule is addressed in a separate filing for Rule R317-4.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Compliance costs for affected persons under the new rule are addressed in a separate filing for Rule R317-4.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Fiscal impacts of the new rule to businesses are addressed in a separate filing for Rule R317-4.

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

Environmental Quality
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Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

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THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.**[R317-509. Design, Installation, and Maintenance of Sewage Holding Tanks.****R317-509-1. General Requirements.**

~~— No sewage holding tank shall be installed and used unless plans and specifications covering its design and construction have been submitted to and approved by the appropriate regulatory authority. A statement must be submitted by the owner indicating that in the event his sewage holding tank is approved, he will enter into a contract with an acceptable scavenger service company, or make other arrangements meeting the approval of the regulatory authority having jurisdiction, that the tank will be pumped periodically, at regular intervals or as needed, and that the wastewater contents will be disposed of in a manner and at a facility meeting approval of those regulatory authorities. If authorization is necessary for disposal of sewage at certain facilities, evidence of such authorization must be submitted for review.~~

R317-509-2. Basic Plan Information Required:

~~— Plan information for each sewage holding tank, except those in recreational and scavenger vehicles, shall comply with the following criteria:~~

~~— 2.1 Location or complete address of dwelling to be served by sewage holding tank and the name, current address, and telephone number of the person who will own the proposed sewage holding tank:~~

~~— 2.2 A plot or site plan showing:~~

~~— A. direction of north;~~

~~— B. number of bedrooms;~~

~~— C. location and liquid capacity of sewage holding tank;~~

~~— D. source and location of domestic water supply;~~

~~— E. location of water service line and building sewer; and~~

~~— F. location of streams, ditches, watercourses, ponds, etc., near property.~~

~~— 2.3 Plan detail of sewage holding tank and high water warning device:~~

~~— 2.4 Relative elevations of:~~

~~— A. building drain;~~

~~— B. building sewer;~~

~~— C. invert of inlet for tank;~~

~~— D. lowest plumbing fixture or drain in building served; and~~

~~— E. the maximum liquid level of the tank.~~

~~— 2.4 Statement indicating the present and maximum anticipated ground water table.~~

~~— 2.5 Scavenger service arrangements for sewage holding tank.~~

R317-509-3. Construction:

~~— 3.1 The tank shall be constructed of sound and durable material not subject to excessive corrosion and decay and designed to withstand hydrostatic and external loads. All sewage holding tanks shall comply with the manufacturing materials and approval requirements specified for septic tanks.~~

~~— 3.2 Construction of the tank shall be such as to assure its being watertight and to prevent the entrance of rainwater, surface drainage or ground water. All prefabricated or precast sewage holding tanks which are commercially manufactured shall be plainly, legibly, and permanently marked or stamped on the exterior~~

at the inlet end and within 6 inches of the top of the wall, with the name and address or nationally registered trademark of the manufacturer and the liquid capacity of the tank in gallons:

— 3.3 Tanks shall be provided with a maintenance access manhole at the ground surface or above and of at least 18 inches in diameter. Access covers shall have adequate handles and shall be designed and constructed in such a manner that they cannot pass through the access opening, and when closed will be child-proof and prevent entrance of surface water, dirt, or other foreign material, and control the odorous gases of digestion:

— 3.4 Unless otherwise approved by the regulatory authority, sewage holding tanks shall be installed with the maximum liquid level elevation at least 1 foot above the overflow rim of the lowest plumbing fixture or drain in the dwelling served, with no outlet placed below that elevation:

— 3.5 No overflow, vent, or other opening shall be provided in the tank other than those described above.

— 3.6 A high water warning device shall be installed on each tank to indicate when it is within 75 percent of being full. This device shall be either an audible or a visual alarm. If the latter, it shall be conspicuously mounted:

— 3.7 The regulatory authority may require that sewage holding tanks be filled with water and allowed to stand overnight to check for leaks:

— 3.8 The slope of the building sewer shall comply with R317-504-1.D:

R317-509-4. Capacity:

— Each tank shall be large enough to hold a minimum of 7 days sewage flow or 1,000 gallons, whichever is larger. The liquid capacity of the sewage holding tank should be based on sewage flows for the type of dwelling or facility being served (Table 3) and on the desired time period between pumpings. The length of time between pumpings may be increased by careful water management, low volume plumbing fixtures, etc.

R317-509-5. Location:

— Sewage holding tanks must be located:

— 5.1 In an area readily accessible to the pump truck in any type of weather that is likely to occur during the period of use:

— 5.2 In accordance with the requirements for septic tanks as specified in Table 2:

— 5.3 Where it will not create a nuisance in the event of accidental spillage during pumping:

— 5.4 Where it will not tend to float out of the ground due to a high ground water table or a saturated soil condition, since it will be empty or only partially full most of the time. In areas where the ground water table may be high enough to float the tank out of the ground when empty or partially full, adequate ground anchoring procedures shall be provided:

R317-509-6. Operation and Maintenance:

— 6.1 Sewage holding tanks shall be pumped periodically, at regular intervals or as needed, and the wastewater contents shall be disposed of in a manner and at a facility meeting the approval of the appropriate regulatory authority:

— 6.2 Sewage holding tanks for seasonal dwellings should be pumped out before each winter season to prevent freezing and possible rupture of the tank:

— 6.3 A record of pumping dates, amounts pumped, and ultimate disposal sites should be maintained by the owner and made available to the appropriate regulatory authorities upon request:

— 6.4 Sewage holding tanks shall be checked at frequent intervals by the owner or occupant and if leakage is detected it shall be immediately reported to the local health authority. Repairs or replacements shall be conducted under the direction of the local health authority. Major increases in the time of pumpings without significant changes in water usage could indicate leakage of the tanks:

— 6.5 Improper location, construction, operation, or maintenance of a particular holding tank may result in appropriate legal action against the owner by the regulatory authority having jurisdiction:

KEY: waste water

1993

19-5-104

Notice of Continuation December 12, 1997]



Environmental Quality, Water Quality **R317-510** Review Criteria for Establishing the Feasibility of Proposed Housing Subdivisions and Other Similar Developments

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE No.: 22500

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4 (DAR No. 22490). All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

(DAR Note: The proposed new Rule R317-4 is under DAR No. 22490 in this issue of the *Bulletin*.)

❖LOCAL GOVERNMENTS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to local government under the new rule is addressed in a separate filing for Rule R317-4.

❖OTHER PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to other persons under the new rule is addressed in a separate filing for Rule R317-4.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Compliance costs for affected persons under the new rule are addressed in a separate filing for Rule R317-4.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Fiscal impacts of the new rule to businesses are addressed in a separate filing for Rule R317-4.

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Environmental Quality
Water Quality
Cannon Health Building
288 North 1460 West
PO Box 144870
Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

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THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.

~~[R317-510. Review Criteria for Establishing the Feasibility of Proposed Housing Subdivisions and Other Similar Developments.~~

R317-510-1. Scope.

~~—A plat of the subdivision shall be submitted to the Division for review and shall be drawn to such scale as needed to show essential features. Ground surface contours must be included, preferably at 2-foot intervals unless smaller intervals are necessary to describe existing surface conditions. Intervals larger than 2 feet may be authorized on a case-by-case basis where it can be shown that they are adequate to describe all necessary terrain features. The plat must be specifically located with respect to the public land survey of Utah. A vicinity location map, preferably a U.S. Geological Survey 7-1/2 or 15 minute topographic map, shall be provided with the plat for ease in locating the subdivision area. A narrative feasibility report addressing the short-range and long-range water supply and wastewater disposal facilities proposed to serve the development must be submitted for review.~~

R317-510-2. The Feasibility Report Shall Include the Following Information:

~~—2.1 Name and location of proposed plat.~~

~~—2.2 Name and address of the developer of the proposed project and the engineer or individual who submitted the feasibility report.~~

~~—2.3 Statement of intended use of proposed plat, such as residential-single family, multiple dwellings, commercial, industrial, or agricultural.~~

~~—2.4 The proposed street and lot layout, the size and dimensions of each lot and the location of all water lines and easements, and if possible, the areas proposed for sewage disposal. All lots shall be consecutively numbered. The minimum required area of each lot shall be sufficient to permit the safe and effective use of an individual wastewater disposal system and shall comply with R317-502-16. Replacement area for absorption systems on each lot shall conform with the requirements of R317-502-15. Plats used for multiple dwellings, commercial, and industrial purposes will require a study of anticipated sewage flows prior to developing suitable area requirements for sewage disposal.~~

~~—2.5 Ground surface slope of areas proposed for individual wastewater disposal systems shall conform with the requirements of R317-502-17.~~

~~—2.6 The location, type, and depth of all existing and proposed nonpublic water supply sources within 200 feet of individual wastewater disposal systems, and of all existing or proposed public water supply sources within 1500 feet of individual wastewater disposal systems.~~

~~—2.7 The locations of all rivers, streams, creeks, washes (dry or ephemeral), lakes, canals, marshes, subsurface drains, natural storm water drains, lagoons, artificial impoundments, either existing or proposed, within or adjacent to the area to be platted, and cutting or filling of lots that will affect building sites. Areas proposed for individual wastewater disposal systems shall be isolated from pertinent ground features as specified in Table 2.~~

— 2.8 Surface drainage systems shall be included on the plat, as naturally occurring, and as altered by roadways or any drainage, grading or improvement, installed or proposed by the developer. The details of the surface drainage system shall show that the surface drainage structures, whether ditches, pipes, or culverts, will be adequate to handle all surface drainage so that it in no way will affect individual wastewater disposal systems on the property. Details shall also be provided for the final disposal of surface runoff from the property.

— 2.9 If any part of a subdivision lies within or abuts a floodplain area, the floodplain shall be shown within a contour line and shall be clearly labeled on the plat with the words "floodplain area".

— 2.10 All soil exploration pits and percolation test holes shall be located on the subdivision plat and identified by a key number or letter designation. All soil tests shall be conducted at the owner's expense.

— 2.11 A report by an engineer, geologist, or other person qualified by training and experience to prepare such reports must be submitted to show a comprehensive log of soil conditions throughout the project area.

A. A sufficient number of soil exploration pits shall be dug (preferably with a backhoe) on the property to provide an accurate description of subsurface soil conditions. Soil description should conform with the Unified Soil Classification System. Soil exploration pits shall be of sufficient size to permit visual inspection, and to a minimum depth of 10 feet, and at least 4 feet below the bottom of proposed absorption systems. One end of each pit should be sloped gently to permit easy entry if necessary. Deeper soil exploration pits are required if deep absorption systems, such as seepage trenches, are proposed.

B. For each soil exploration pit, a log of the subsurface formations encountered must be submitted for review which describes the texture, structure, and depth of each soil type, the depth of the ground water table if encountered, and any indications of the maximum ground water table.

C. Soil exploration pits shall be made at the approximate rate of 1 test per 3 acres or 1 test per 2 lots if lots are larger than 3 acres. If soil conditions and surface topography indicate, a greater or lesser number of soil exploration pits may be required by the regulatory authority. Whenever available, information from published soil studies of the area of the proposed subdivision shall be submitted for review. Soil exploration pits must be conducted as closely as possible to the sites on the lots or parcels proposed for absorption systems, and shall be distributed as uniformly as possible over the property such that no significant areas remain untested. The regulatory authority shall have the option of inspecting the open soil exploration pits. Complete results shall be submitted for review, including all unacceptable test results. Absorption systems are not permitted in areas where the requirements of R317-503 cannot be met. Where soil and other site conditions are clearly unsuitable, there is no need for conducting soil exploration pits.

— 2.12 A statement by an engineer, geologist, or other person qualified by training and experience to prepare such statements, must be submitted indicating the present and maximum ground water table throughout the development. If there is evidence that the ground water table ever rises to less than 2 feet from the bottom of the proposed absorption systems, or to less than 4 feet from finished grade, individual wastewater absorption systems will not

be approved. Ground water table determinations must be made in accordance with R317-203-2.

— 2.13 An adequate number of percolation tests shall be conducted on the development property to determine the permeability of the soils for absorption systems. All percolation tests shall be conducted in accordance with the procedures specified in R317-503-4. Such tests shall be made at the approximate rate of 1 test per 3 acres or 1 test per 2 lots if lots are larger than 3 acres. If soil conditions and surface topography indicate, a greater or lesser number of percolation tests may be required by the regulatory authority. Percolation tests must be performed as closely as possible to the sites on the lots or parcels proposed for absorption systems, and shall be distributed as uniformly as possible over the property such that no significant areas remain untested. Where questionable soil conditions exist, the regulatory authority shall have the option of monitoring the percolation test procedure. Complete results shall be submitted for review, including all unacceptable test results. Absorption systems are not permitted in areas where the soil percolation rate is slower than 60 minutes per inch or faster than 1 minute per inch. Where soil and other site conditions are clearly unsuitable, there is no need for conducting percolation tests.

— 2.14 If ground surface slopes exceed about 4 percent, or if soil conditions, drainage channels, ditches, ponds or watercourses are located in or near the project so as to complicate design and location of individual wastewater disposal systems, a detailed disposal system layout shall be provided for those lots presenting the greatest design difficulty. A typical lot layout will include, but not be limited to the following information, and shall be drawn to scale:

A. All critical dimensions and distances for the selected lot(s), including the distance of the individual wastewater disposal system from lakes, ponds, watercourses, etc.

B. Location of dwelling, with distances from street and property lines.

C. Location of water lines, water supply, individual wastewater disposal system, property lines, and lot easements.

D. Capacity of septic tank and dimensions and cross-section of absorption system.

E. Results and locations of individual soil exploration pits and percolation tests conducted on the selected lot(s).

F. If nonpublic wells or springs are to be provided, the plat shall show a typical lot layout indicating the relative location of the building, well or spring, and individual wastewater absorption system.

— 2.15 If proposed developments are located in aquifer recharge areas or areas of other particular geologic concern, the regulatory authority may require such additional information relative to ground water movement, or possible subsurface sewage flow as may be necessary to determine that adequate protection against contamination of any existing or proposed water supply source will be provided, and that no pollution of the waters of the state will occur.

— 2.16 After review of all information, plans, and proposals, the regulatory authority will send a letter to the individual who submitted the feasibility report stating the results of the review or the need for additional information. An affirmative statement of feasibility does not imply that it will be possible to install individual wastewater disposal systems on all of the proposed lots, but shall

mean that such disposal systems may be installed on the majority of the proposed lots in accordance with minimum State requirements and any conditions that may be imposed.

KEY: waste water

1993

19-5-104

Notice of Continuation December 12, 1997]



Environmental Quality, Water Quality **R317-511** Percolation Test Requirements

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 22501

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4 (DAR No. 22490). All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

◆THE STATE BUDGET: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

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THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.

~~**[R317-511. Percolation Test Requirements:**~~

~~**R317-511-1. General Requirements:**~~

~~1.1 A percolation test measures the rate which subsurface soil absorbs water for the purpose of identifying porous soil strata and site suitability for absorption systems, and is also a basis for estimating the design criteria of such systems to insure a reasonably long life span.~~

~~1.2 While percolation tests constitute a valuable guide for successful operation of individual wastewater disposal systems;~~

considerable judgement must be used in applying the results. Percolation test results shall not be presumptive, prima facie, or conclusive evidence as to the suitability for absorption systems. Such percolation tests may be considered and analyzed as one of many criteria in determining soil suitability for absorption systems. There is no need for conducting percolation tests when the soil or other site conditions are clearly unsuitable.

— 1.3 When percolation tests are made, such tests shall be made at points and elevations selected as typical of the area in which the absorption system will be located. Consideration should be given to the finished grades of building sites so that test results will represent the percolation rate of the soil in which absorption systems will be constructed. After the suitability of any area to be used for individual wastewater absorption systems has been evaluated and approved for construction, no grade changes shall be made to this area unless the regulatory authority is notified and a reevaluation of the area's suitability is made prior to the initiation of construction.

— 1.4 Test results when required shall be considered an essential part of plans for absorption systems and shall be submitted on a signed "Percolation Test Certificate" or equivalent. Copies of the recommended Percolation Test Certificate form can be obtained from the Division of Water Quality. The test certificate must contain the following:

— A. a signed statement certifying that the tests were conducted in accordance with this rule;

— B. The name of the individual conducting the tests;

— C. The location of the property

— D. the depth and rate of each test in minutes per inch;

— C. the date of the tests;

— D. the logs of the soil exploration pits, including a statement of soil explorations to a depth of 10 feet. In the event that absorption systems will be deeper than six feet, soil explorations must extend to a depth of at least four below the bottom of the proposed absorption field, seepage trench, seepage pit or absorption bed;

— E. a statement of the present and anticipated maximum ground water table;

— F. all other factors affecting percolation test results.

— 1.5 Percolation tests shall be conducted at the owner's expense by or under the supervision of a licensed environmental health scientist, registered engineer, or other qualified person certified by the regulatory authority in accordance with the following:

— A. Conditions Prohibited for Test Holes

— Percolation tests shall not be conducted in test holes which extend into ground water, bedrock, or frozen ground. Where a fissured soil formation is encountered, tests shall be made under the direction of the regulatory authority.

— B. Soil Exploration Pit Prerequisite to Percolation Tests

— Since the appropriate percolation test depth depends on the soil conditions at a specific site, the percolation test should be conducted only after the soil exploration pit has been dug and examined for suitable and porous strata and ground water table information. Percolation test results should be related to the soil conditions found.

— C. Number and Location of Percolation Tests

— One or more tests shall be made in separate test holes on the proposed absorption system site to assure that the results are representative of the soil conditions present. Percolation tests

conducted for seepage trenches and seepage pits shall comply with R317-507-4.1.B.2.

— Where questionable or poor soil conditions exist, the number of percolation tests and soil explorations necessary to yield accurate, representative information shall be determined by the regulatory authority and may be accepted only if conducted with an authorized representative present.

— D. Test Holes to Commence in Specially Prepared Excavations

— All percolation test holes should commence in specially prepared larger excavations (preferably made with a backhoe) of sufficient size which extend to a depth approximately 6 inches above the strata to be tested.

— E. Type, Depth, and Dimensions of Test Holes

— Test holes shall be dug or bored, preferably with hand tools such as shovels or augers, etc., and shall have horizontal dimensions ranging from 4 to 18 inches (preferably 8 to 12 inches). The vertical sides shall be at least 12 inches deep, terminating in the soil at an elevation 6 inches below the bottom of the proposed absorption system. In testing individual soil strata for seepage trenches and seepage pits (R317-507-4.B.2), the percolation test hole shall be located entirely within the strata to be tested, if possible.

— F. Preparation of Percolation Test Hole

— Carefully roughen or scratch the bottom and sides of the hole with a knife blade or other sharp pointed instrument, in order to remove any smeared soil surfaces and to provide an open, natural soil interface into which water may percolate. Nails driven into a board will provide a good instrument to scarify the sides of the hole. Remove all loose soil from the bottom of the hole. Add 2 to 3 inches of clean coarse sand or pea-sized gravel to protect the bottom from scouring or sealing with sediment when water is added.

— Caving or sloughing in some test holes can be prevented by placing in the test hole a wire cylinder or perforated pipe surrounded by clean coarse gravel.

— G. Saturation and Swelling of the Soil

— It is important to distinguish between saturation and swelling. Saturation means that the void spaces between soil particles are full of water. This can be accomplished in a relatively short period of time. Swelling is a soil volume increase caused by intrusion of water into the individual soil particles. This is a slow process, especially in clay-type soil, and is the reason for requiring a prolonged swelling period.

— H. Placing Water in Test Holes

— Water should be placed carefully into the test holes by means of a small-diameter siphon hose or other suitable method to prevent washing down the side of the hole.

— I. Percolation Rate Measurement, General

— Necessary equipment should consist of a tape measure (with at least 1/16-inch calibration) or float gauge and a time piece or other suitable equipment. All measurements shall be made from a fixed reference point near the top of the test hole to the surface of the water.

— J. Test Procedure for Sandy or Granular Soils

— For tests in sandy or granular soils containing little or no clay (i.e., GW, GP, SW, SP, SM or GM classified according to the Unified Soils Classification System), the hole shall be carefully filled with clear water to a minimum depth of 12 inches over the gravel and the time for this amount of water to seep away shall be

determined. The procedure shall be repeated and if the water from the second filling of the hole at least 12 inches above the gravel seeps away in 10 minutes or less, the test may proceed immediately as follows:

- 1. Water shall be added to a point not more than 6 inches above the gravel.
- 2. Thereupon, from the fixed reference point, water levels shall be measured at 10 minute intervals for a period of 1 hour.
- 3. If 6 inches of water seeps away in less than 10 minutes a shorter time interval between measurements shall be used, but in no case shall the water depth exceed 6 inches.
- 4. The final water level drop shall be used to calculate the percolation rate.

~~K. Test Procedure for Other Soils Not Meeting the Above Requirements~~

~~The hole shall be carefully filled with clear water and a minimum depth of 12 inches shall be maintained above the gravel for at least a 4 hour period by refilling whenever necessary. Water remaining in the hole after 4 hours shall not be removed. Immediately following the saturation period, the soil shall be allowed to swell not less than 16 hours or more than 30 hours. Immediately following the soil swelling period, the percolation rate measurements shall be made as follows:~~

- ~~— 1. Any soil which has sloughed into the hole shall be removed and water shall be adjusted to 6 inches over the gravel.~~
- ~~— 2. Thereupon, from the fixed reference point, the water level shall be measured and recorded at approximately 30 minute intervals for a period of 4 hours unless 2 successive water level drops do not vary more than 1/16 of an inch and indicate that an approximate stabilized rate has been obtained.~~
- ~~— 3. The hole shall be filled with clear water to a point not more than 6 inches above the gravel whenever it becomes nearly empty.~~
- ~~— 4. Adjustments of the water level shall not be made during the last 3 measurement periods except to the limits of the last water level drop.~~
- ~~— 5. When the first 6 inches of water seeps away in less than 30 minutes, the time interval between measurements shall be 10 minutes, and the test run for 1 hour.~~
- ~~— 6. The water depth shall not exceed 6 inches at any time during the measurement period.~~
- ~~— 7. The drop that occurs during the final measurement period shall be used in calculating the percolation rate.~~

~~L. Calculation of Percolation Rate~~

~~The percolation rate is equal to the time elapsed in minutes for the water column to drop, divided by the distance the water dropped in inches and fractions thereof.~~

~~M. Using Percolation Rate to Determine Absorption Area~~

~~The minimum or slowest percolation rate shall be used in calculating the required absorption area.~~

KEY: waste water

July 12, 1996

19-5-104

Notice of Continuation December 12, 1997]

Environmental Quality, Water Quality **R317-512**

Approved Building Sewer Pipe and Distribution Pipe for Individual Wastewater Disposal Systems

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 22502

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules 317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

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(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

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Water Quality
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Salt Lake City, UT 84114-4870, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

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THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.
[R317-512. Approved Building Sewer Pipe and Distribution Pipe for Individual Wastewater Disposal Systems.

R317-512-1. Scope:

1.1 The following is a list of solid-wall pipe that has been approved for building sewers:

1.2 The pipe is listed by material and applicable standard. The Division may recognize other applicable standards.

TABLE	
MATERIALS	MINIMUM STANDARDS
A. Acrylonitrile-Butadiene	
Styrene (ABS)	(d) ASTM D-2680
Schedule 40	ASTM D-2751 (e)
	(pressure)
B. Asbestos Cement Type II	
Sewer Pipe (e)	ASTM C-428
	(f) ANSI C-296 (pressure)
	ANSI C-644
C. Homogenous Bituminized	
Fiber Drain and Sewer Pipe (e)	ASTM D-1861
D. Cast Iron Soil Pipe	ASTM A-74
E. Clay Pipe, Extra Strength	ASTM C-700
F. Concrete Sewer Pipe	ASTM C-412
	ASTM C-14
G. Polyvinyl Chloride (PVC)	
PVC-DWV Schedule 40	ASTM D-2665
PVC Sewer	ASTM D-3033
	ASTM D-3034 (pressure)
	ASTM F-789
H. Copper Drain Tube (DWV)	
I. Brass	ASTM B-306
J. Lead	ASTM B-135

R317-512-2. Scope:

The following is a list of perforated or solid-wall pipe, approved as distribution pipe in absorption systems. Solid-wall pipe must be perforated in accordance with R317-507-1, and all burrs must be removed from the inside of the pipe. The pipe is listed by material and applicable standard. The Division may recognize other applicable standards.

TABLE	
MATERIALS	MINIMUM STANDARDS
A. Acrylonitrile-Butadiene	
Styrene (ABS)	ASTM D-2661
Schedule 40	ASTM D-2751
B. Clay Pipe, Standard Class	
Standard and Extra	
Strength Perforated	ASTM C-211
C. Concrete Pipe, Type 1	
or Type 2 Perforated	
Concrete, Class C-14	ASTM C-44
D. Polyethylene, Smooth	
Wall (PE)	ASTM D-1248
	ASTM D-3350
E. Polyvinyl Chloride (PVC)	
Schedule 40	(g) ASTM D-2729
	ASTM D-2665 (pressure)
	ASTM D-3033
	ASTM D-3034 (pressure)
F. Styrene Rubber Plastic	
	ASTM D-2852
	ASTM D-3298

FOOTNOTES

- (a) Each length of building sewer and absorption system pipe shall be stamped or marked as required by the Uniform Plumbing Code.
- (b) Building sewers include (1) the pipe installed between the building and the septic tank and (2) between the septic tank and the distribution box (or absorption system). The installation of building sewers shall comply with the Uniform Plumbing Code.
- (c) American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

~~(d) For domestic sewage only, free from industrial wastes.~~
~~(e) American National Standards Institute, 1430 Broadway, New York, New York 10010.~~
~~(f) Although perforated PVC, ASTM D-2729 is approved for absorption system application, the solid-wall version of this pipe is not approved for building sewer application.~~

~~KEY: waste water~~

~~1993~~

~~19-5-104~~

~~Notice of Continuation December 12, 1997]~~



Environmental Quality, Water Quality **R317-513** Recommendations for the Maintenance of Septic Tanks and Absorption Systems

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 22503

FILED: 11/15/1999, 12:07

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Water Quality has been working with a local Health Department Advisory Group to update and reorganize existing rules for Individual Wastewater Disposal Systems (Rules R317-501 through R317-513). The purpose of this effort had been to update the rules with current terminology and technology; reorganize the thirteen individual rules into a more logical and readable format; and to correct identified deficiencies.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

(DAR Note: Repealed Rules R317-501 (DAR No. 22491), R317-502 (DAR No. 22492), R317-503 (DAR No. 22493), R317-504 (DAR No. 22494), R317-505 (DAR No. 22495), R317-506 (DAR No. 22496), R317-507 (DAR No. 22497), R317-508 (DAR No. 22498), R317-509 (DAR No. 22499), R317-510 (DAR No. 22500), R317-511 (DAR No. 22501), R317-512 (DAR No. 22502), and R317-513 (DAR No. 22503) were rewritten and proposed as the new Rule R317-4 (DAR No. 22490). All of these rules are found in this issue of the *Bulletin*.)

(DAR Note: For complete information on these changes, see the reorganization tables in the "Special Notices" section of this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to the state budget under the new rule is addressed in a separate filing for Rule R317-4.

(DAR Note: The proposed new Rule R317-4 is under DAR No. 22490 in this issue of the *Bulletin*.)

❖ **LOCAL GOVERNMENTS:** The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to local government under the new rule is addressed in a separate filing for Rule R317-4.

❖ **OTHER PERSONS:** The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. The fiscal impact to other persons under the new rule is addressed in a separate filing for Rule R317-4.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Compliance costs for affected persons under the new rule are addressed in a separate filing for Rule R317-4.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed action would repeal the existing rule and combine, reorganize, and update Rules R317-501 through R317-513 into one as new Rule R317-4. Fiscal impacts of the new rule to businesses are addressed in a separate filing for Rule R317-4.

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

Environmental Quality
 Water Quality
 Cannon Health Building
 288 North 1460 West
 PO Box 144870
 Salt Lake City, UT 84114-4870, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kiran Bhayani at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at kbhayani@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/17/1999 at 11 a.m., 110 North Main, Cedar City, UT; and 12/21/1999 at 10 a.m., 168 North 1950 West, Room 101, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2000

AUTHORIZED BY: Dianne R. Nielson, Director

R317. Environmental Quality, Water Quality.**[R317-513. Recommendations for the Maintenance of Septic Tanks and Absorption Systems.****R317-513-1. Recommendations for the Maintenance of Septic Tanks and Absorption Systems.**

— 1.1 Septic tanks must be cleaned before too much sludge or scum is allowed to accumulate and seriously reduce the tank volume settling depth. If either the settled solids or floating scum layer accumulate too close to the bottom of the outlet baffle or bottom of the sanitary tee pipe in the tank, solid particles will overflow into the absorption system and eventually clog the soil and ruin its absorption capacity. Illustrations of typical absorption system components such as septic tanks, distribution boxes, and absorption fields are contained in an addendum to these rules, available through the Division of Water Quality

— 1.2 A septic tank which receives normal loading should be inspected at yearly intervals to determine if it needs emptying. Although there are wide differences in the rate that sludge and scum accumulate in tanks, a septic tank for a private residence will generally require cleaning every 3 to 5 years. Actual measurement of scum and sludge accumulation is the only sure way to determine when a tank needs to be cleaned. Experience for a particular system may indicate the desirability of longer or shorter intervals between inspections. Scum and sludge accumulations can be measured as follows:

— 1.3 Scum can be measured with a long stick to which a weighted flap has been hinged, or any device that can be used to determine the bottom of the scum mat. The stick is forced through the mat, the hinged flap falls into a horizontal position, and the stick is lifted until resistance from the bottom of the scum is felt. With the same tool, the distance to the bottom of the outlet device (baffle or tee) can be found.

— 1.4 Sludge can be measured with a long stick wrapped with rough, white toweling and lowered into the bottom of the tank. The stick should be small enough in diameter so it can be lowered through the outlet device (baffle or tee) to avoid scum particles. After several minutes, if the stick is carefully removed, the height to which the solids (sludge) have built up can be distinguished by black particles clinging to the toweling.

— 1.5 The tank should be pumped out if either the bottom of the floating scum mat is within 3 inches of the bottom of the outlet device (baffle or tee) or the sludge level has built up to approximately 12 inches from the bottom of the outlet device (baffle or tee). Little long-term benefit is derived by pumping out only the liquid waste in septic tanks. All three wastewater components, scum, sludge, and liquid waste should be removed. Tanks should not be washed or disinfected after pumping. A small amount of sludge should be left in the tank for seeding purposes.

— 1.6 If multiple tanks or tanks with multiple compartments are provided, care should be taken to insure that each tank or compartment is inspected and cleaned. Hollow-lined seepage pits may require cleaning on some occasions.

— 1.7 Professional septic tank cleaners, with tank trucks and pumping equipment, are located in most large communities and can be hired to perform cleaning service. In any case, the septic tank wastes contain disease causing organisms and must be disposed of only in areas and in a manner that is acceptable to local health authorities and consistent with State rules.

— 1.8 The digestion of sewage solids gives off explosive, asphyxiating gases. Therefore, extreme caution should be observed if entering a tank for cleaning, inspection, or maintenance. Forced ventilation or oxygen masks and a safety harness should be used.

— 1.9 Immediate replacement of broken-off inlet or outlet fittings in the septic tank is essential for effective operation of the system. On occasion, paper and solids become compacted in the vertical leg of an inlet sanitary tee. Corrective measures include providing a nonplugging sanitary tee of wide sweep design or a baffle.

— 1.10 Following septic tank cleaning, the interior surfaces of the tank should be inspected for leaks or cracks using a strong light. Distribution boxes, if provided, should be inspected and cleaned when the septic tank is cleaned.

— 1.11 A written record of all cleaning and maintenance to the septic tank and absorption system should be kept by the owner of that system.

— 1.12 The functional operation of septic tanks is not improved by the addition of yeasts, disinfectants or other chemicals; therefore, use of these materials is not recommended.

— 1.13 Waste brine from household water softening units, soaps, detergents, bleaches, drain cleaners, and other similar materials, as normally used in a home or small commercial establishment, will have no appreciable adverse effect on the system. If the septic tank is adequately sized as herein required, the dilution factor available will be sufficient to overcome any harmful effects that might otherwise occur. The advice of your local health department and other responsible officials should be sought before chemicals arising from a hobby or home industry are discharged into a septic tank system.

— 1.14 Economy in the use of water helps prevent overloading of a septic tank system that could shorten its life and necessitate expensive repairs. The plumbing fixtures in the building should be checked regularly to repair any leaks which can add substantial amounts of water to the system. Industrial wastes, and other liquids that may adversely affect the operation of the individual wastewater disposal system should not be discharged into such a system. Paper towels, facial tissue, newspaper, wrapping paper, disposable diapers, sanitary napkins, coffee grounds, rags, sticks, and similar materials should also be excluded from the septic tank since they do not readily decompose and can lead to clogging of both the plumbing and disposal system.

— 1.15 Crushed, broken, or plugged distribution pipes should be replaced immediately.

R317-513-2. Supplemental Requirements for Maintenance and Monitoring of "At-Grade" and Earth Fill Alternate Systems.

— 2.1 These requirements are to be applied in addition to those specified in R317-513-1 where applicable.

— 2.2 These systems shall be monitored at a period of six months and one year after initial use of the system and annually thereafter for a total of five years. Repairs shall be made at any time to a malfunctioning system, as soon as possible after the malfunction is discovered.

R317-513-3. Supplemental Requirements for Maintenance and Monitoring of Pressure Distribution Alternate Systems.

— 3.1 These requirements are to be applied in addition to those specified R317-513-1 and 2 where applicable.

~~3.2 These systems shall be monitored every six months throughout the life of the system. Repairs shall be made at any time to a malfunctioning system, as soon as possible after the malfunction is discovered.~~

~~3.3 The local health department in whose jurisdiction the pressurized system is installed shall be responsible for formulation of, administration and supervision of a maintenance and monitoring program that is approved by the Division.~~

~~3.4 Additional requirements for maintenance of these systems are contained in "Mound Soil Absorption System Siting, Design and Construction Guidance Manual, April 1, 1996", which is hereby incorporated by reference. A copy is available for public review from the Division of Water Quality, 288 North 1460 West, P.O. Box 144870, Salt Lake City, UT, 84114-4870.~~

~~KEY: waste water~~

~~July 12, 1996~~

~~19-5-104~~

~~Notice of Continuation December 12, 1997]~~



Human Services, Recovery Services
R527-24
 Good Cause

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE No.: 22487

FILED: 11/15/1999, 10:16

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 45 CFR regulations cited in this rule, some of which are incorporated by reference, no longer exist. They have been replaced by federal law at 42 U.S.C. 654(29), which includes some substantial changes regarding determination of cooperation. Section 62A-11-307.2 clearly states that the Office of Recovery Services is responsible for determining whether an obligee whose rights to support have been assigned to the state is cooperating and provides procedures for making a noncooperation determination referral and for contesting that determination on the basis of good cause or other exception. It also states that the Department of Workforce Services, which receives the noncooperation referral, has the ultimate responsibility for determining if an obligee should be excused from cooperating on the basis of good cause or other exception. Because of the detail in the federal and state laws regarding determination of noncooperation, procedures for contesting that determination, and making good cause or other exceptions, a "good cause" rule is not needed and this particular rule should be repealed.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-11-107
 FEDERAL REQUIREMENT FOR THIS RULE: 45 CFR 232.40 through 232.49, and 45 CFR 302.31

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The repeal of this rule will have no impact on the state budget because the "good cause" procedures now in effect are governed under state law at Section 62-11-307.2, and federal law at 42 U.S.C. 654(29).

❖LOCAL GOVERNMENTS: None--the administrative rules of the Office of Recovery Services do not apply to local governments.

❖OTHER PERSONS: The repeal of this rule will have no financial impact on other persons because the "good cause" procedures now in effect are governed under state law at Section 62-A-11-307.2, and federal law at 42 U.S.C. 654(29).

COMPLIANCE COSTS FOR AFFECTED PERSONS: The repeal of this rule will not create any additional compliance costs for those affected by "good cause" procedures because this rule has not been enforceable since the federal regulations upon which it was based were deleted and replaced with new federal and state laws.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule deals with a procedure which enables a custodial parent or caretaker relative to obtain approval for not cooperating with the Office of Recovery Services when cooperating may result in physical or emotional harm to that person or to the children. It has had no direct fiscal impact on businesses because it primarily involves information that the custodial parent or caretaker relative possesses concerning the noncustodial parent and whether he should be required to divulge that information to avoid financial penalties. Its repeal will, likewise, have no direct fiscal impact on businesses.

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

Human Services
 Recovery Services
 Fourteenth Floor, Eaton/Kenway Building
 515 East 100 South
 PO Box 45011
 Salt Lake City, UT 84145-0011, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Wayne Braithwaite at the above address, by phone at (801) 536-8986, by FAX at (801) 536-8509, or by Internet E-mail at hsadmin.hsorssl.c.wbraithw@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2000

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.

~~[R527-24. Good Cause:~~

~~R527-24-1. Incorporation by Reference:~~

~~—To protect the child(ren), custodial parent, or caretaker relative from physical or emotional harm, federal regulations create an exception to the AFDC and Medicaid requirement to cooperate in obtaining child support, medical support, or payment for medical care from any third party. These regulations are described in 45 CFR 232.40 through 232.49, and 302.31. 45 CFR 232.44, 232.49, and 302.31 describe the child support enforcement agency's role in the good cause process. The office adopts 45 CFR 232.44, 232.49, and 302.31 dated October 1, 1994, which are incorporated by reference.~~

~~KEY: AFDC, child support, good cause~~

~~October 19, 1995~~

~~62A-11-107~~

~~Notice of Continuation October 31, 1997]~~



Human Services, Recovery Services
R527-475
State Tax Refund Intercept

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 22488

FILED: 11/15/1999, 10:46

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The federal regulation cited in paragraph two of the current rule (45 CFR 303.102) is no longer effective. It has been superseded by federal law at 42 U.S.C. 657, which specifies that arrearages collected (by means other than federal tax intercept) on or after October 1, 1997, must be applied to past-due support owed to the family (Non-IV-A arrearages) before it is applied to obligations owed to the state for assistance provided to the family. The current rule indicates incorrectly that after current support is satisfied, the remaining amount from a tax intercept is to be applied to arrearages owed to the state before it is applied to Non-IV-A arrearages. To bring the rule into harmony with the federal law, the proposed changes in Subsection R527-475-1(2) are necessary. In addition, several changes are needed in Subsection R527-475-1(3) where the Office of Recovery Services/Child Support Services (ORC/CSS) is referred to as "the office," rather than "ORS/CSS." Also, because there are situations in which an obligor who owes past-due support may not receive a written notice in a given year of the possibility of state tax intercept, it is necessary that the word "annually" be deleted from the beginning of Subsection R527-475-1(3). (An example of this is when an obligor's arrears amount is under the minimum required to generate an annual notice of delinquency and the periodic generation

of state tax pre-offset notices has not occurred since the time his arrears reached \$25 or more.)

SUMMARY OF THE RULE OR CHANGE: In Subsection R527-475-1(2) of the rule all of the verbiage has been eliminated which refers to applying past-due support collected through state tax refund intercepts to obligations owed to the state before applying it to Non-IV-A arrearages. Accordingly, wording was added in the first sentence of that paragraph to make it clear that after current support is paid, the remaining tax intercept amount is to be applied to Non-IV-A arrearages before it is applied to obligations owed to the state. In Subsection R527-475-1(3) of the rule the word "annually" has been deleted from the first sentence, because, under some circumstances, an obligor who is delinquent in his support payments (and the unobligated spouse) may not receive a written notice that the state tax refund may be intercepted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-10-529 and 30-3-10.6

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed change to apply state tax refund intercepts for delinquent support to Non-IV-A arrearages before obligations owed to the state is expected to result in an annual loss in revenue to the state of \$350,000.

❖LOCAL GOVERNMENTS: None--the administrative rules of the Office of Recovery Services do not apply to local governments.

❖OTHER PERSONS: Generally, child support obligees who have previously received financial assistance from the state and to whom past-due support is owed will benefit from the proposed change to apply state tax refund intercepts to Non-IV-A arrearages immediately after they have been applied to current obligations. Because the state has typically received most or all of the funds remaining from the intercepts after current support is paid (to offset past-due support assigned to the state), these obligees have not usually received anything from the state tax intercept program toward the past-due support owed to them. The proposed change will make these obligees the primary beneficiary of that money, and it is estimated that they will receive \$350,000 annually.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the amount of state taxes intercepted will not change as a result of the proposed rule change (only how those funds are applied), the child support obligor will not realize additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule, and the proposed changes to it, deal with the conditions under which the Office of Recovery Services may intercept state tax refunds and the disposition of those funds. Because this process involves only the state, child support obligees, child support obligors, and unobligated spouses who have filed state taxes jointly with obligors, there will not be a direct fiscal impact on businesses.

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

Human Services
Recovery Services
Fourteenth Floor, Eaton/Kenway Building
515 East 100 South
PO Box 45011
Salt Lake City, UT 84145-0011, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Wayne Braithwaite at the above address, by phone at (801) 536-8986, by FAX at (801) 536-8509, or by Internet E-mail at hsdadmin.hsorsslc.wbraithw@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2000

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.

R527-475. State Tax Refund Intercept.

R527-475-1. State Tax Refund Intercept.

1. Pursuant to Section 59-10-529(1), the Office of Recovery Services/Child Support Services (ORS/CSS) may intercept a state tax refund to recover delinquent child support. For a state tax refund to be intercepted, there must be an administrative or judicial judgment with a balance owing. An installment of child support is considered a judgment for purposes of Section 59-10-529 on and after the date it becomes due as provided in Section 30-3-10.6.

2. State tax refunds intercepted will first be applied to current support, second to Non-IV-A arrearages, and third to satisfy obligations owed to the state and collected by ORS/CSS, ~~and third to Non-IV-A arrearages. In accordance with 45 CFR 303.102, Non-IV-A obligees must be notified upon application for child support services that state tax refunds intercepted will not be applied to arrearages owed to that obligee until all obligations owed to the state and collected by the Office of Recovery Services have been paid in full.~~

3. ~~Annually,~~ ORS/CSS shall mail prior written notice to the obligor who owes past-due support and the unobligated spouse that the state tax refund may be intercepted ~~by the Office~~. The notice shall advise the unobligated spouse of his/her right to receive a portion of the tax refund if the unobligated spouse has earnings and files jointly with the obligor. If the unobligated spouse does not want his/her share of the tax refund to be applied to the obligated spouse's child support debt, the unobligated spouse shall make a written request and submit a copy of the tax return and W-2's to ~~the office~~ ORS/CSS at any time after prior notice, but in no case later than 25 days after the date ~~the office~~ ORS/CSS intercepts the tax refund. The unobligated spouse's portion of the joint tax refund will be prorated according to the percentage of income reported on the W-2 forms for the tax year. If the unobligated spouse does not make a written request to ~~the office~~ ORS/CSS to obtain his share of the tax refund within the specified time limit, ~~the~~

~~office~~ ORS/CSS shall not be required to pay any portion of the tax refund to the unobligated spouse.

KEY: child support

~~March 18, 1998~~ 2000

Notice of Continuation June 15, 1995

59-10-529

30-3-10.6



Insurance, Administration
R590-170
Fiduciary and Trust Account
Obligations

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22489

FILED: 11/15/1999, 11:28

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The basic reason that this rule is being changed is to give insurers access to trust accounts.

SUMMARY OF THE RULE OR CHANGE: a) Changes in Section R590-170-2 clarify that licensees under Chapters 23 and 25 of the Code are regulated by this rule. It also eliminates reference to rules and bulletins that were eliminated when the rule first went into effect; b) changes in Section R590-179-3 involve the broadening of the definitions of "Accounts Receivable" and "Accounts Payable," as well as the addition of a new definition for "Licensee"; c) Subsection R590-170-4(4) notes that nonlicensees may not be a signator on a trust account unless they are an employee; d) changes to Section R590-170-5 allow as a disbursement from a trust account, fees, or taxes collected with premiums paid to insurers or taxing authority; e) a new Section R590-170-6 has been added entitled "Insurers' Access to Trust Accounts." This section gives insurers the right to access trust accounts, but only if a separate trust account has been set up for that insurer only; f) a requirement has been added to the new Section R590-170-7 that trust account registers maintain a running balance; g) "an agent or broker" has been changed to "a licensee."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201, 31A-23-312, 31A-25-302, and 31A-25-305

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This rule will not increase or decrease the fees coming into the department because the change in the rule does not require a rate or form filing. The rule change allows for changes in the agency's financial accounting system that would affect their relationship with the insurer for whom they hold money. They do not affect the

relationship of the agency or insurer with the Insurance Department. Therefore, no increase or reduction of Department personnel would be required.

❖LOCAL GOVERNMENTS: None--this rule will not affect local government. The rule is regulated by a state government agency to which all fees are paid by its licensees.

❖OTHER PERSONS: If an agency or agent decides to create a separate trust account that an insurer can access, there will be a cost to open and maintain the account. It would depend on the agreement between the agent, or agency, and the insurer. The separate account is optional, to be left to the discretion of the parties involved.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If an agency or agent decides to create a separate trust account that an insurer can access, there will be a cost to open and maintain the account. It would depend on the agreement between the agent, or agency, and the insurer. The separate account is optional, to be left to the discretion of the parties involved.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The only fiscal impact to this rule would be the option afforded to have a separate trust account for an individual insurer. This cost could be born by the agency or passed onto the insurer. The cost would be minimal.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/20/2000, 10 a.m., 1112 State Office Building, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2000

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-170. Fiduciary and Trust Account Obligations.

R590-170-1. Authority.

This rule is promulgated by the insurance commissioner pursuant to the authority granted under Subsection 31A-2-201(3) to adopt rules for the implementation of the Utah Insurance Code and under ~~Subsections~~ Sections 31A-23-312~~(2)(c)~~ and 31A-25-305~~(4)~~ authorizing the commissioner to establish by rule, records to be kept by licensees.

R590-170-2. Purpose and Scope.

(1) The purpose of this rule is to set minimum standards that shall be followed for fiduciary and trust account obligations pursuant to ~~[Section 31A-23-310. This rule replaces Rule R590-135 "Accounting Records Rule," Bulletin 88-3 "Fiduciary Responsibilities," and Bulletin 90-7 "Company Reporting."]~~ Sections 31A-23-307, 31A-23-310 and 31A-25-305.

(2) This rule applies to all Chapter 31A-23 and Chapter 31A-25 licensees holding funds in a fiduciary capacity.

R590-170-3. Definitions.

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

(1) "Trust Account" means a checking or savings account where funds are held in a fiduciary capacity.

(2) "Accounts Receivable" means ~~[those premiums]~~ the premium, fee, or tax invoiced by a licensee ~~[and to be collected for an insurer].~~

(3) "Accounts Payable" means the premium or fee due insurers that a licensee is responsible for invoicing and collecting from insureds on behalf of insurers and licensees and taxes due taxing entities.

(4) "Licensee" means a licensee under Chapters 31A-23 and 31A-25.

R590-170-4. Establishing the Trust Account.

(1) All records relating to a trust account shall be identified with the wording "Trust Account" or words of similar import. These records include checks, bank statements, general ledgers and records retained by the bank pertaining to the trust account.

(2) All trust accounts shall be established with a Federal Employer Identification Number rather than a Social Security Number.

(3) A trust account shall be separate and distinct from operating and personal accounts, i.e., a separate account number, a separate account register, and different checks, deposit and withdrawal slips.

(4) A non-licensee may not be a signator on a licensee's trust account, unless the signatory is an employee of the licensee.

R590-170-5. Maintaining the Trust Account.

(1) Funds deposited into a trust account shall only include: premiums which may include commissions; return premiums; fees or taxes paid with premiums; financed premiums; funds held pursuant to a third party administrator contract; funds deposited with a title insurance agent in connection with any escrow settlement or closing, amounts necessary to cover bank charges on the trust account; and interest on the trust account, except as provided under ~~[Section]~~ Subsection 31A-23-307(2)(b).

(2) Disbursements from a trust account shall only include: premiums paid to insurers; return premiums to policyholders; transfer of commissions and fees; fees or taxes collected with premiums paid to insurers or taxing authority; funds paid pursuant to a third party administrator contract; funds disbursed by a title insurance agent in connection with any escrow settlement or closing; and the transfer of accrued interest.

(3) Personal or business expenses may not be paid from a trust account, even if sufficient commissions exist in the account to cover these expenses.

(4) Commissions may not be disbursed from a trust account prior to the beginning of the policy period for which the premium has been collected.

(5) Commissions attributed to premiums and fees collected must be disbursed from a trust account on a date not later than the first business day of the calendar quarter after the end of the policy period for which the funds were collected.

(6) Premiums due insurers may not be paid from a trust account unless the premiums directly relating to the amount due have been deposited into, and are being held in, the trust account, or unless funds have been retained in the trust account consistent with Subsection 5 above, or placed by a licensee into the trust account to finance premiums on behalf of insureds.

(7) Premiums financed by a licensee must be accounted for as a loan with interest charged at no less than the statutory rate for any loan exceeding 90 days, pursuant to Section 31A-23-304.

R590-170-6. Insurers' Access to Trust Accounts.

(1) Insurer access to trust funds is not prohibited by the trust relationship, however, licensees must take reasonable steps to assure trust funds are protected from misappropriation by limiting access to those trust funds.

(2) An insurer desiring to access funds in a licensee's trust account shall do so only if the licensee has a separate trust account solely for trust funds deposited for that insurer.

(3) An insurer shall not access a licensee's trust account that contains trust funds deposited for more than one insurer.

(4) A licensee shall not allow an insurer to access a trust account that contains trust funds deposited for more than one insurer.

R590-170-6]7. Accounting Records to be Maintained.

(1) Bank statements for trust accounts ~~[must]~~shall be reconciled monthly.

(2) An accounts receivable report showing credits and debits ~~[must]~~shall be maintained and reconciled monthly. This report must list, at a minimum, the account name and the amount and date due for each receivable. The sum of all receivables ~~[must]~~shall be shown on the report. Receivables that are over 90 days old and their sums ~~[must]~~shall be shown separately on the report.

(3) An accounts payable report showing the status of each account ~~[must]~~shall be maintained and reconciled monthly.

(4) Adequate records shall be maintained to establish ownership of all funds in the trust account, from whom they were received and for whom they are held.

(5) Trust account registers shall maintain a running balance.

~~[(5)](6)~~ All ~~[other]~~ accounting records relating to the business of insurance ~~[must]~~shall be maintained in a manner that facilitates an audit.

R590-170-7]8. Insurer Responsibility.

Insurers and their managing general agents shall provide a written report to the insurance commissioner within 15 days of either of the following:

(1) If ~~[an agent or broker]~~ a licensee fails to pay an account payable within 30 days of the due date. This does not apply where a legitimate dispute exists regarding the account payable if the ~~[agent or broker]~~ licensee has properly notified the insurer of any

disputed items and has provided documentation supporting that position; or

(2) If ~~[an agent or broker]~~ a licensee issues a check that when presented at the bank is not honored or is returned because of insufficient funds.

R590-170-8]9. Severability.

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

KEY: insurance
[March 18, 1999]2000

31A-2-201
31A-23-312
31A-25-302
31A-25-305



Insurance, Administration
R590-198
Valuation of Life Insurance Policies
Rule

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22506

FILED: 11/15/1999, 15:00

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide: 1) tables of select mortality factors and rules for their use; 2) rules concerning a minimum standard for the valuation of plans with nonlevel premiums or benefits; and 3) rules concerning a minimum standard for the valuation of plans with secondary guarantees.

SUMMARY OF THE RULE OR CHANGE: This rule, as with Rule R590-179, sets a standard that life insurers are to use in determining their reserves for the products they sell. These reserves are used by insurers to cover the claims on the policies they sell. Compared with Rule R590-179, this rule gives companies much more flexibility in setting the mortality assumptions underlying the calculation of the reserves. However, if insurers decide to use modified select mortality factors, they will be required to document the validity of their assumptions.

(DAR Note: Rule R590-179 was a proposed repeal in the October 1, 1999, issue of the *Utah State Bulletin* and was effective as of November 17, 1999).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-17-402 and 31A-17-512

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule will not increase or decrease the fees coming into the department, nor require a change in personnel. This rule is very similar to the rule that it replaces, Rule R590-179. The differences between the two rules will not require the filing of rates or forms along with their filing fees with the Department. It does require the filing of a letter from the actuary that will go into the annual report that the insurer files with the Department. This letter will either be left in the annual report or put in the individual company file at the Department. As a result, no additional personnel will be required.

❖LOCAL GOVERNMENTS: None--this rule will not affect local government. The rule is regulated by a state government agency to which all fees are paid by its licensees.

❖OTHER PERSONS: If insurers decide to use modified select mortality factors, they will be required to document the validity of their assumptions. The company appointed actuary will have to submit a statement to this effect with the company's annual statement. This should require no additional personnel for the insurer.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If insurers decide to use modified select mortality factors, they will be required to document the validity of their assumptions. The company appointed actuary will have to submit a statement to this effect with the company's annual statement. This should require no additional personnel for the insurer.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In comparison with Rule R590-179, this rule will have minimal impact on life insurance companies. The department has already received significant input from insurers and associations in favor of the new rule.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/21/1999, 10 a.m., 1112 State Office Building, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2000

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.**R590-198. Valuation of Life Insurance Policies Rule.****R590-198-1. Purpose.**

A. The purpose of this rule is to provide:

- (1) tables of select mortality factors and rules for their use;
- (2) rules concerning a minimum standard for the valuation of plans with nonlevel premiums or benefits; and
- (3) rules concerning a minimum standard for the valuation of plans with secondary guarantees.

B. The method for calculating basic reserves defined in this rule will constitute the Commissioners' Reserve Valuation Method for policies to which this rule is applicable.

R590-198-2. Authority.

This rule is issued under the authority of Sections 31A-17-402 and 31A-17-512.

R590-198-3. Applicability.

This rule shall apply to all life insurance policies, with or without nonforfeiture values, issued on or after the original enactment date of this rule, subject to the following exceptions and conditions.

A. Exceptions

(1) This rule shall not apply to any individual life insurance policy issued on or after January 4, 2000 if the policy is issued in accordance with and as a result of the exercise of a reentry provision contained in the original life insurance policy of the same or greater face amount, issued before January 4, 2000, that guarantees the premium rates of the new policy. This rule also shall not apply to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision, in the new policy.

(2) This rule shall not apply to any universal life policy that meets all the following requirements:

- (a) Secondary guarantee period, if any, is five-years or less;
- (b) Specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the CSO valuation tables as defined in Section 4F and the applicable valuation interest rate; and
- (c) The initial surrender charge is not less than 100% of the first year annualized specified premium for the secondary guarantee period.

(3) This rule shall not apply to any variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

(4) This rule shall not apply to any variable universal life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

(5) This rule shall not apply to a group life insurance certificate unless the certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one-year.

B. Conditions

(1) Calculation of the minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits, other than universal life policies, or both, shall be in accordance with the provisions of Section 6.

(2) Calculation of the minimum valuation standard for flexible premium and fixed premium universal life insurance policies, that contain provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period shall be in accordance with the provisions of Section 7.

R590-198-4. Definitions.

For purposes of this rule:

A. "Basic reserves" means reserves calculated in accordance with Section 31A-17-504.

B. "Contract segmentation method" means the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the length of each segment being defined as the period from the end of the prior segment, from policy inception, for the first segment, to the end of the latest policy year as determined below. All calculations are made using the 1980 CSO valuation tables, as defined in Subsection F of this section, or any other valuation mortality table adopted by the National Association of Insurance Commissioners, NAIC, after January 4, 2000 and promulgated by rule by the commissioner for this purpose, and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in Section 5B of this rule.

The length of a particular contract segment shall be set equal to the minimum of the value t for which G_t is greater than R_t , if G_t never exceeds R_t , the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy, where G_t and R_t are defined as follows: $G_t = GP_{x+k+t} / GP_{x+k+t-1}$, where: x = original issue age; k = the number of years from the date of issue to the beginning of the segment; $t = 1, 2, \dots$; t is reset to 1 at the beginning of each segment; $GP_{x+k+t-1}$ = Guaranteed gross premium per thousand of face amount for year t of the segment, ignoring policy fees only if level for the premium paying period of the policy.

$R_t = q_{x+k+t} / q_{x+k+t-1}$. However, R_t may be increased or decreased by 1% in any policy year, at the company's option, but R_t shall not be less than one; where: x , k and t are as defined above, and $q_{x+k+t-1}$ = valuation mortality rate for deficiency reserves in policy year $k+t$ but using the mortality of Section 5B(2) if Section 5B(3) is elected for deficiency reserves.

However, if GP_{x+k+t} is greater than 0 and $GP_{x+k+t-1}$ is equal to 0, G_t shall be deemed to be 1000. If GP_{x+k} and GP_{x+k+1} are both equal to 0, G_t shall be deemed to be 0.

C. "Deficiency reserves" means the excess, if greater than zero, of:

(1) Minimum reserves calculated in accordance with Section 31A-17-507 over

(2) Basic reserves.

D. "Guaranteed gross premiums" means the premiums under a policy of life insurance that are guaranteed and determined at issue.

E. "Maximum valuation interest rates" means the interest rates defined in Section 31A-17-506, Computation of Minimum Standard by Calendar Year of Issue, that are to be used in determining the minimum standard for the valuation of life insurance policies.

F. "1980 CSO valuation tables" means the Commissioners' 1980 Standard Ordinary Mortality Table, 1980 CSO Table, without ten-year selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law, and variations of the 1980

CSO Table approved by the NAIC, such as the smoker and nonsmoker versions approved in December 1983.

G. "Scheduled gross premium" means the smallest illustrated gross premium at issue for other than universal life insurance policies. For universal life insurance policies, scheduled gross premium means the smallest specified premium described in Section 7A(3), if any, or else the minimum premium described in Section 7A(4).

H.(1) "Segmented reserves" means reserves, calculated using segments produced by the contract segmentation method, equal to the present value of all future guaranteed benefits less the present value of all future net premiums to the mandatory expiration of a policy, where the net premiums within each segment are a uniform percentage of the respective guaranteed gross premiums within the segment. The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals:

(a) The present value of the death benefits within the segment, plus

(b) The present value of any unusual guaranteed cash value, see Section 6D, occurring at the end of the segment, less

(c) Any unusual guaranteed cash value occurring at the start of the segment, plus

(d) For the first segment only, the excess of the Item (i) over Item (ii), as follows:

(i) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for in the first segment after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the 19-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one-year higher than the age at issue of the policy.

(ii) A net one-year term premium for the benefits provided for in the first policy year.

(2) The length of each segment is determined by the "contract segmentation method," as defined in this section.

(3) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy.

(4) For both basic reserves and deficiency reserves computed by the segmented method, present values shall include future benefits and net premiums in the current segment and in all subsequent segments.

I. "Tabular cost of insurance" means the net single premium at the beginning of a policy year for one-year term insurance in the amount of the guaranteed death benefit in that policy year.

J. "Ten-year select factors" means the select factors adopted with the 1980 amendments to the NAIC Standard Valuation Law.

K.(1) "Unitary reserves" means the present value of all future guaranteed benefits less the present value of all future modified net premiums, where:

(a) Guaranteed benefits and modified net premiums are considered to the mandatory expiration of the policy; and

(b) Modified net premiums are a uniform percentage of the respective guaranteed gross premiums, where the uniform

percentage is such that, at issue, the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of Item (i) over Item (ii), as follows:

(i) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary of the policy on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the 19-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one-year higher than the age at issue of the policy.

(ii) A net one-year term premium for the benefits provided for in the first policy year.

(2) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from issue to the mandatory expiration of the policy.

L. "Universal life insurance policy" means any individual life insurance policy under the provisions of which separately identified interest credits, other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts, and mortality or expense charges are made to the policy.

R590-198-5. General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves.

A. At the election of the company for any one or more specified plans of life insurance, the minimum mortality standard for basic reserves may be calculated using the 1980 CSO valuation tables with select mortality factors, or any other valuation mortality table adopted by the NAIC after January 4, 2000 and promulgated by rule by the commissioner for this purpose. If select mortality factors are elected, they may be:

(1) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law, see Rule R590-95;

(2) The select mortality factors adopted by the NAIC at the 1999 Spring National Meeting.

(3) Any other table of select mortality factors adopted by the NAIC after January 4, 2000 and promulgated by rule by the commissioner for the purpose of calculating basic reserves.

B. Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed gross premiums are less than the corresponding net premiums. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables with select mortality factors or any other valuation mortality table adopted by the NAIC after January 4, 2000 and promulgated by rule by the commissioner. If select mortality factors are elected, they may be:

(1) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;

(2) The select mortality factors adopted by the NAIC at the 1999 Spring National Meeting;

(3) For durations in the first segment, X percent of the select mortality factors adopted by the NAIC at the 1999 Spring National Meeting, subject to the following:

(a) X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience;

(b) X shall not be less than 20%;

(c) X shall not decrease in any successive policy years;

(d) X is such that, when using the valuation interest rate used for basic reserves, Item (i) is greater than or equal to Item (ii);

(i) The actuarial present value of future death benefits, calculated using the mortality rates resulting from the application of X;

(ii) The actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date;

(e) X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first 5-years after the valuation date;

(f) The appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all the requirements of Subsection B(3);

(g) The appointed actuary may decrease X at any valuation date as long as X does not decrease in any successive policy years and as long as it continues to meet all the requirements of Subsection B(3); and

(h) The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums.

(i) If X is less than 100% at any duration for any policy, the following requirements shall be met:

(i) The appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with the requirements of Section R590-162-8; and

(ii) The appointed actuary shall annually opine for all policies subject to this rule as to whether the mortality rates resulting from the application of X meet the requirements of Subsection B(3). This opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience.

(4) Any other table of select mortality factors adopted by the NAIC after January 4, 2000 and promulgated by rule by the commissioner for the purpose of calculating deficiency reserves.

C. This subsection applies to both basic reserves and deficiency reserves. Any set of select mortality factors may be used only for the first segment. However, if the first segment is less than ten-years, the appropriate ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law may be used thereafter through the tenth policy year from the date of issue.

D. In determining basic reserves or deficiency reserves, guaranteed gross premiums without policy fees may be used where the calculation involves the guaranteed gross premium but only if the policy fee is a level dollar amount after the first policy year. In

determining deficiency reserves, policy fees may be included in guaranteed gross premiums, even if not included in the actual calculation of basic reserves.

Reserves for policies that have changes to guaranteed gross premiums, guaranteed benefits, guaranteed charges, or guaranteed credits that are unilaterally made by the insurer after issue and that are effective for more than one-year after the date of the change shall be the greatest of the following:

- (1) reserves calculated ignoring the guarantee;
- (2) reserves assuming the guarantee was made at issue; and
- (3) reserves assuming that the policy was issued on the date of the guarantee.

F. The commissioner may require that the company document the extent of the adequacy of reserves for specified blocks, including but not limited to policies issued prior to January 4, 2000. This documentation may include a demonstration of the extent to which aggregation with other non-specified blocks of business is relied upon in the formation of the appointed actuary opinion pursuant to and consistent with the requirements of Rule R590-162-5.

R590-198-6. Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Gross Premiums or Guaranteed Nonlevel Benefits Other than Universal Life Policies.

A. Basic Reserves

Basic reserves shall be calculated as the greater of the segmented reserves and the unitary reserves. Both the segmented reserves and the unitary reserves for any policy shall use the same valuation mortality table and selection factors. At the option of the insurer, in calculating segmented reserves and net premiums, either of the adjustments described in Paragraph (1) or (2) below may be made:

(1) Treat the unitary reserve, if greater than zero, applicable at the end of each segment as a pure endowment and subtract the unitary reserve, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(2) Treat the guaranteed cash surrender value, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the guaranteed cash surrender value, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

B. Deficiency Reserves

(1) The deficiency reserve at any duration shall be calculated:

(a) On a unitary basis if the corresponding basic reserve determined by Subsection A is unitary;

(b) On a segmented basis if the corresponding basic reserve determined by Subsection A is segmented; or

(c) On the segmented basis if the corresponding basic reserve determined by Subsection A is equal to both the segmented reserve and the unitary reserve.

(2) This subsection shall apply to any policy for which the guaranteed gross premium at any duration is less than the corresponding modified net premium calculated by the method used in determining the basic reserves, but using the minimum valuation standards of mortality, specified in Section 5B, and rate of interest.

(3) Deficiency reserves, if any, shall be calculated for each policy as the excess if greater than zero, for the current and all remaining periods, of the quantity A over the basic reserve, where A is obtained as indicated in Section 5B.

(4) For deficiency reserves determined on a segmented basis, the quantity A is determined using segment lengths equal to those determined for segmented basic reserves.

C. Minimum Value

Basic reserves may not be less than the tabular cost of insurance for the balance of the policy year, if mean reserves are used. Basic reserves may not be less than the tabular cost of insurance for the balance of the current modal period or to the paid-to-date, if later, but not beyond the next policy anniversary, if mid-terminal reserves are used. The tabular cost of insurance shall use the same valuation mortality table and interest rates as that used for the calculation of the segmented reserves. However, if select mortality factors are used, they shall be the ten-year select factors incorporated into the 1980 amendments of the NAIC Standard Valuation Law. In no case may total reserves, including basic reserves, deficiency reserves and any reserves held for supplemental benefits that would expire upon contract termination, be less than the amount that the policyowner would receive, including the cash surrender value of the supplemental benefits, if any, referred to above, exclusive of any deduction for policy loans, upon termination of the policy.

D. Unusual Pattern of Guaranteed Cash Surrender Values

(1) For any policy with an unusual pattern of guaranteed cash surrender values, the reserves actually held prior to the first unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the first unusual guaranteed cash surrender value as a pure endowment and treating the policy as an n-year policy providing term insurance plus a pure endowment equal to the unusual cash surrender value, where n is the number of years from the date of issue to the date the unusual cash surrender value is scheduled.

(2) The reserves actually held subsequent to any unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the policy as an n-year policy providing term insurance plus a pure endowment equal to the next unusual guaranteed cash surrender value, and treating any unusual guaranteed cash surrender value at the end of the prior segment as a net single premium, where

(a) n is the number of years from the date of the last unusual guaranteed cash surrender value prior to the valuation date to the earlier of:

(i) The date of the next unusual guaranteed cash surrender value, if any, that is scheduled after the valuation date; or

(ii) The mandatory expiration date of the policy; and

(b) The net premium for a given year during the n-year period is equal to the product of the net to gross ratio and the respective gross premium; and

(c) The net to gross ratio is equal to Item (i) divided by Item (ii) as follows:

(i) The present value, at the beginning of the n-year period, of death benefits payable during the n-year period plus the present value, at the beginning of the n-year period, of the next unusual guaranteed cash surrender value, if any, minus the amount of the last unusual guaranteed cash surrender value, if any, scheduled at the beginning of the n-year period.

(ii) The present value, at the beginning of the n-year period, of the scheduled gross premiums payable during the n-year period.

(3) For purposes of this subsection, a policy is considered to have an unusual pattern of guaranteed cash surrender values if any future guaranteed cash surrender value exceeds the prior year's guaranteed cash surrender value by more than the sum of:

(a) 110% of the scheduled gross premium for that year;

(b) 110% of one year's accrued interest on the sum of the prior year's guaranteed cash surrender value and the scheduled gross premium using the nonforfeiture interest rate used for calculating policy guaranteed cash surrender values; and

(c) 5% of the first policy year surrender charge, if any.

E. Optional Exemption for Yearly Renewable Term Reinsurance. At the option of the company, the following approach for reserves on YRT reinsurance may be used:

(1) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

(2) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in Subsection C.

(3) Deficiency reserves.

(a) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

(b) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with Subparagraph (a) above.

(4) For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO mortality tables with or without ten-year select mortality factors, or any other table adopted after January 4, 2000 by the NAIC and promulgated by rule by the commissioner for this purpose.

(5) A reinsurance agreement shall be considered YRT reinsurance for purposes of this subsection if only the mortality risk is reinsured.

(6) If the assuming company chooses this optional exemption, the ceding company's reinsurance reserve credit shall be limited to the amount of reserve held by the assuming company for the affected policies.

F. Optional Exemption for Attained-Age-Based Yearly Renewable Term Life Insurance Policies. At the option of the company, the following approach for reserves for attained-age-based YRT life insurance policies may be used:

(1) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

(2) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in Subsection 6C.

(3) Deficiency reserves.

(a) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

(b) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with Subparagraph (a) above.

(4) For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or without ten-year select mortality factors, or any other table adopted after January 4, 2000 by the NAIC and promulgated by rule by the commissioner for this purpose.

(5) A policy shall be considered an attained-age-based YRT life insurance policy for purposes of this subsection if:

(a) The premium rates, on both the initial current premium scale and the guaranteed maximum premium scale, are based upon the attained age of the insured such that the rate for any given policy at a given attained age of the insured is independent of the year the policy was issued; and

(b) The premium rates, on both the initial current premium scale and the guaranteed maximum premium scale, are the same as the premium rates for policies covering all insureds of the same sex, risk class, plan of insurance and attained age.

(6) For policies that become attained-age-based YRT policies after an initial period of coverage, the approach of this subsection may be used after the initial period if:

(a) The initial period is constant for all insureds of the same sex, risk class and plan of insurance; or

(b) The initial period runs to a common attained age for all insureds of the same sex, risk class and plan of insurance; and

(c) After the initial period of coverage, the policy meets the conditions of Paragraph (5) above.

(7) If this election is made, this approach shall be applied in determining reserves for all attained-age-based YRT life insurance policies issued on or after January 4, 2000.

G. Exemption from Unitary Reserves for Certain n-Year Renewable Term Life Insurance Policies. Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met:

(1) The policy consists of a series of n-year periods, including the first period and all renewal periods, where n is the same for each period, except that for the final renewal period, n may be truncated or extended to reach the expiry age, provided that this final renewal period is less than 10-years and less than twice the size of the earlier n-year periods, and for each period, the premium rates on both the initial current premium scale and the guaranteed maximum premium scale are level;

(2) The guaranteed gross premiums in all n-year periods are not less than the corresponding net premiums based upon the 1980 CSO Table with or without the ten-year select mortality factors; and

(3) There are no cash surrender values in any policy year.

H. Exemption from Unitary Reserves for Certain Juvenile Policies

Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met, based upon the initial current premium scale at issue:

(1) At issue, the insured is age 24 or younger;

(2) Until the insured reaches the end of the juvenile period, which shall occur at or before age 25, the gross premiums and death benefits are level, and there are no cash surrender values; and

(3) After the end of the juvenile period, gross premiums are level for the remainder of the premium paying period, and death benefits are level for the remainder of the life of the policy.

R590-198-7. Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies That Contain Provisions Resulting in the Ability of a Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period.

A. General

(1) Policies with a secondary guarantee include:

(a) A policy with a guarantee that the policy will remain in force at the original schedule of benefits, subject only to the payment of specified premiums;

(b) A policy in which the minimum premium at any duration is less than the corresponding one-year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO valuation tables with or without ten-year select mortality factors, or any other table adopted after January 4, 2000 by the NAIC and promulgated by rule by the commissioner for this purpose; or

(c) A policy with any combination of Subparagraph (a) and (b).

(2) A secondary guarantee period is the period for which the policy is guaranteed to remain in force subject only to a secondary guarantee. When a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees. Secondary guarantees that are unilaterally changed by the insurer after issue shall be considered to have been made at issue. Reserves described in Subsections B and C below shall be recalculated from issue to reflect these changes.

(3) Specified premiums mean the premiums specified in the policy, the payment of which guarantees that the policy will remain in force at the original schedule of benefits, but which otherwise would be insufficient to keep the policy in force in the absence of the guarantee if maximum mortality and expense charges and minimum interest credits were made and any applicable surrender charges were assessed.

(4) For purposes of this section, the minimum premium for any policy year is the premium that, when paid into a policy with a zero account value at the beginning of the policy year, produces a zero account value at the end of the policy year. The minimum premium calculation shall use the policy cost factors, including mortality charges, loads and expense charges, and the interest crediting rate, which are all guaranteed at issue.

(5) The one-year valuation premium means the net one-year premium based upon the original schedule of benefits for a given policy year. The one-year valuation premiums for all policy years are calculated at issue. The select mortality factors defined in Section 5B(2), (3), and (4) may not be used to calculate the one-year valuation premiums.

(6) The one-year valuation premium should reflect the frequency of fund processing, as well as the distribution of deaths assumption employed in the calculation of the monthly mortality charges to the fund.

B. Basic Reserves for the Secondary Guarantees

Basic reserves for the secondary guarantees shall be the segmented reserves for the secondary guarantee period. In calculating the segments and the segmented reserves, the gross premiums shall be set equal to the specified premiums, if any, or otherwise to the minimum premiums, that keep the policy in force and the segments will be determined according to the contract segmentation method as defined in Section 4B.

C. Deficiency Reserves for the Secondary Guarantees

Deficiency reserves, if any, for the secondary guarantees shall be calculated for the secondary guarantee period in the same manner as described in Section 6B with gross premiums set equal

to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

D. Minimum Reserves

The minimum reserves during the secondary guarantee period are the greater of:

(1) The basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees; or

(2) The minimum reserves required by other rules or rules governing universal life plans.

R590-198-8. Severability.

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

KEY: insurance companies
2000

31A-17-402
31A-17-512



Professional Practices Advisory
Commission, Administration
R686-100
Professional Practices Advisory
Commission, Rules of Procedure:
Complaints and Hearings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22504

FILED: 11/15/1999, 12:34

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to make procedural changes that are necessary after some experience with the rule.

SUMMARY OF THE RULE OR CHANGE: This rule is being amended to provide for a more realistic timeline on filing complaints and scheduling hearings, provide language explaining surrender of an educator's license, clarify the makeup of panels for teacher discipline hearings, and make other procedural changes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-6-306(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There are no anticipated cost or savings to state budget because the only changes to the rule are technical procedural changes to which parties to a professional practices hearing must adhere.

❖LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government because the only changes to the rule are technical procedural changes to which parties to a professional practices hearing must adhere.

❖OTHER PERSONS: There may be cost or savings to parties in a hearing due to technical procedural changes that may result in different actions by attorneys or hearing participants. Any costs or savings would be nominal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be compliance costs for affected persons due to technical procedural changes that may result in different actions by attorneys or hearing participants. There may also be compliance costs for affected persons as the State Office of Education's investigator/prosecutor complies with the revised procedures. Any costs would be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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

Professional Practices Advisory Commission
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2000

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

R686. Professional Practices Advisory Commission, Administration.

R686-100. Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings.

R686-100-1. Definitions.

A. "Allegation of misconduct" means a written or oral report alleging that an educator has engaged in unprofessional, criminal, or incompetent conduct; is unfit for duty; has lost certification in another state due to revocation or suspension, or through voluntary surrender or lapse of a certificate license in the face of a claim of misconduct; or has committed some other violation of standards of ethical conduct, performance, or professional competence.

B. "Applicant for a certificate license" means a person seeking a new certificate license or seeking reinstatement of an expired, surrendered, suspended, or revoked certificate license.

C. "Board" means the Utah State Board of Education.

D. "Certificate License" means a teaching or administrative credential, including endorsements, which is issued by a state to signify authorization for the person holding the certificate license to provide professional services in the state's public schools.

E. "Commission" means the Professional Practices Advisory Commission as defined and authorized under Section ~~53A-7-104~~ 53A-6-301 et seq.

F. "Chair" means the Chair of the Commission.

G. "Complaint" means a written allegation or charge against an educator.

H. "Complainant" means the Utah State Office of Education.

I. "Days": in calculating any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included; the last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. Saturdays, Sundays and legal holidays shall not be included in calculating the period of time if the period prescribed or allowed is less than seven days, but shall be included in calculating periods of seven or more days.

J. "Educator" means a person who currently holds a certificate license, held a certificate license at the time of an alleged offense, is an applicant for a certificate license, or is a person in training, to obtain a certificate license.

K. "Executive Committee" means a subcommittee of the Commission consisting of the Executive Secretary, Chair, Vice-Chair, and one member of the Commission at large. All Executive Committee members, excluding the Executive Secretary, shall be selected by the Commission. Substitutes may be appointed from within the Commission by the Executive Secretary as needed.

L. "Executive Secretary" means an employee of the Utah State Office of Education who is appointed by the State Superintendent of Public Instruction to serve as the executive officer, and a non-voting member, of the Commission.

M. "Hearing" means a proceeding in which allegations made in a complaint are examined, where each party has the opportunity to present witnesses and evidence relevant to the complaint and respond to witnesses or evidence presented by the other party. At the conclusion of a hearing the hearing officer, after consulting with members of the Commission assigned to assist in the hearing, prepares a hearing report and submits it to the Executive Secretary.

N. "Hearing Officer" means a person who is experienced in matters relating to administrative procedures, education and education law and is either a member of the Utah State Bar Association or a person not a member of the bar who has received specialized training in conducting administrative hearings, and is appointed by the Executive Secretary at the request of the Commission to manage the proceedings of a hearing. The hearing officer may not be an acting member of the Commission. The hearing officer has broad authority to regulate the course of the hearing and dispose of procedural requests but shall not have a vote as to the recommended disposition of a case.

O. "Hearing Panel" means a hearing officer and three or more members of the Commission agreed upon by the Commission to assist the hearing officer in conjunction with the hearing panel in conducting a hearing and preparing a hearing report.

P. "Hearing report" means a report prepared by the hearing officer with the assistance of the hearing panel at the conclusion of a hearing. The report includes a recommended disposition, detailed findings of fact and conclusions of law based upon the evidence presented in the hearing, relevant precedent, and applicable law and rule.

Q. "Informant" means a person who submits information to the Commission concerning alleged misconduct by a person who may be subject to the jurisdiction of the Commission.

R. "Investigator" means a person who is knowledgeable about matters which could properly become part of a complaint before the Commission, as well as investigative procedures and rules and laws governing confidentiality, who is appointed by the Utah State Office of Education's Investigations Unit at the request of the Executive Secretary to investigate an allegation of misconduct.

S. "Jurisdiction" means the legal authority to hear and rule on a complaint.

T. "National Association of State Directors of Teacher Education and Certification (NASDTEC) Educator Information Clearinghouse" means a database maintained by NASDTEC for its members regarding persons whose [certificates]licenses have been suspended or revoked.

U. "Office" means the Utah State Office of Education.

V. "Party" means the complainant or the respondent.

W. "Recommended disposition" means a recommendation for resolution of a complaint.

X. "Request for agency action" means a document prepared by the Executive Secretary containing one or more allegations of misconduct by an educator, a recommended course of action, and related information.

Y. "Respondent" means the party against whom a complaint is filed.

Z. "Serve" or "service," as used to refer to the provision of notice to a person, means delivery of a written document or its contents to the person or persons in question. Delivery may be made in person, by mail or by other means reasonably calculated, under all of the circumstances, to apprise the interested person or persons to the extent reasonably practical or practicable of the information contained in the document. Service of a complaint upon an educator shall be by mail to the address of the educator as shown upon the records of the Commission.

AA. "State" means the United States or one of the United States; a foreign country or one of its subordinate units occupying a position similar to that of one of the United States; or a territorial unit, of the United States or a foreign country, with a distinct general body of law.

BB. "Stipulated agreement" means an agreement between a respondent and the Board or a respondent and the Commission under which disciplinary action against an educator's certification status has been taken, in lieu of a hearing.

R686-100-2. Authority and Purpose.

A. This rule is authorized by Section ~~53A-7-110~~53A-6-306(1)(a) which directs the Commission to adopt rules to carry out its responsibilities under the law.

B. The purpose of this rule is to establish procedures regarding complaints against educators and certification hearings for the Commission to follow. The standards and procedures of the Utah Administrative Procedures Act do not apply to this rule under

the exemption of Section 63-46b-1(2)(d). However, the Commission reserves the right to invoke and use sections or provisions of the Utah Administrative Procedures Act as found in Section 63-46b as necessary to adjudicate an issue.

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R686-100-4. Review of Request for Agency Action.

A. Initial Review: Upon reviewing the request, the Executive Secretary or the Executive Committee or both shall recommend one of the following to the Commission:

B. Dismiss: If the Executive Committee determines that the Commission lacks jurisdiction or that the request for agency action does not state a cause of action which the Commission should address, the Executive Committee shall recommend that the Commission dismiss the request. The informant shall be served with notice of the action. If the informant believes that the dismissal has been made in error, the informant may request review by the State Superintendent of Public Instruction within 10 days of the mailing date of the Notice of Dismissal. The Superintendent's decision relative to the dismissal is final.

C. Initiate an Investigation: If the Executive Secretary and the Executive Committee determine that the Commission has jurisdiction and that the request states a cause of action which may be appropriately addressed by the Commission, the Executive Secretary shall ask the Investigations Unit to appoint an investigator to gather evidence relating to the allegations. The investigator shall review relevant documentation and interview individuals who may have knowledge of the allegations, including to the extent reasonably practicable all persons specifically named in the request for agency action, and prepare a written report of the findings of the investigation. Should the investigator discover evidence of any additional allegation which should have been included in the original request, it may be included in the investigation report. The completed report shall be submitted to the Executive Secretary, who shall review the report with the Commission. The investigation report shall become part of the permanent case file.

D. Prior to the initiation of any investigation, the Executive Secretary shall send a letter to the educator to be investigated and a copy of the letter to the employing school district or to the district of most recent employment, with information that an investigation has been initiated.

E. Secondary Review: The Executive Committee shall review the investigation report and upon completing its review shall recommend one of the following to the Commission:

(1) Dismiss: If the Executive Committee determines no further action should be taken, the Executive Committee shall recommend to the Commission to dismiss the request for agency action as provided in Section R686-100-~~5~~4B, above; or

(2) Prepare and Serve COMPLAINT: If the Executive Committee determines further action is appropriate, the Executive Committee shall recommend to the Commission to direct the Executive Secretary to prepare and serve a complaint and a copy of these rules upon the respondent. The complaint shall have a heading similar to that used for the request for agency action, and shall include in the body:

(a) A statement of the legal authority and jurisdiction under which the action is being taken;

(b) A statement of the facts and allegations upon which the complaint is based;

(c) Other information which the Commission believes to be necessary to enable the respondent to understand and address the allegations;

(d) A statement of the potential consequences should the allegations be found to be true;

(e) A statement that, if the respondent wishes to respond to the complaint or request a hearing, or discuss a stipulated agreement, a written response shall be filed with the Executive Secretary of the Professional Practices Advisory Commission, 250 East 500 South, Salt Lake City, Utah 84111 within 30 days of the date when the complaint was mailed to the respondent, and the potential consequences should the respondent default by failing to respond to the complaint within the designated time;

(f) Notice that, if a hearing is requested, the hearing shall be ~~held~~ scheduled not less than 25 days, nor more than 1~~2~~80 days, after receipt of the respondent's response and hearing request by the Executive Secretary, unless a ~~later~~ different date is approved by the Commission for good cause shown or is agreed upon by both parties in writing.

(3) Provide the Commission with notice of the action taken.

F. RESPONSE to the complaint: If the respondent wishes to respond to the complaint, the respondent shall submit a written response signed by the respondent or his representative to the Executive Secretary within 30 days of the mailing date of the complaint. The response may include a request for a hearing or a stipulated agreement and shall include:

(1) The file number of the complaint;

(2) The names of the parties;

(3) A statement of the relief that the respondent seeks; and

(4) A statement of the reasons that the relief requested should be granted.

(5) Final Review: As soon as reasonably practicable after receiving the response, or following the passage of the 30 day response period if no response is received, the Executive Secretary shall review any response received, the investigative report, and other relevant information with the Executive Committee. The Executive Committee shall then recommend one of the following to the Commission:

(a) Enter a Default: If the respondent fails to file a response, fails to request a hearing, fails to request a stipulated agreement within 30 days after service of the complaint, or surrenders a certificate license in the face of allegations of misconduct without benefit of a stipulated agreement, the Executive Committee shall recommend to the Commission to enter the respondent's default and direct the Executive Secretary to prepare findings in default and a recommended disposition for submission to the Commission in accordance with Section R686-100-16.

(b) Dismiss the Complaint: If the Executive Committee determines that there are insufficient grounds to proceed with the complaint, the Executive Committee shall recommend to the Commission that the complaint be dismissed. If the Commission votes to uphold the dismissal, the informant and respondent shall each be served with notice of the dismissal. If the informant believes that the dismissal has been made in error the informant may request review by the State Superintendent of Public Instruction within 10 days of service of notice of the dismissal. The Superintendent's decision concerning the dismissal is final.

(c) Schedule a Hearing: If the respondent requests a hearing, the Commission shall direct the Executive Secretary to schedule a hearing as provided in Section R686-100-5.

(d) Respond to a request for a stipulated agreement: If the respondent requests to enter into a stipulated agreement, the Executive Secretary shall inform the Commission that the Commission may reject the request or authorize the Executive Secretary to meet with the respondent to prepare recommendations for a stipulated agreement.

(i) A stipulated agreement shall, at minimum, include the following:

(A) A summary of the facts, the allegations, the evidence relied upon by the Commission in its decision, and the respondent's response;

(B) A statement that the respondent has chosen to surrender his certificate license rather than contest the charges in a hearing;

(C) A commitment that the respondent shall not provide professional services in a public school in any state or otherwise seek to obtain or use a certificate license in any state unless or until the respondent first obtains a valid Utah certificate license or clearance from the Board to obtain such a certificate license;

(D) Provision for surrender of respondent's certificate license;

(E) Acknowledgment that the surrender and the stipulated agreement will be reported to other states through the NASDTEC Educator Information Clearinghouse; and

(F) Other relevant provisions applicable to the case, such as remediation, counseling, and conditions--if any--under which the respondent could seek restoration of certification.

(ii) The stipulated agreement shall be forwarded to the Commission for consideration.

(iii) If the Commission rejects the request or the stipulated agreement, the respondent shall be served with notice of the decision, which shall be final, and the proceedings shall continue from the point under these procedures at which the request was made, as if the request had not been submitted.

(iv) If the Commission accepts the stipulated agreement, the agreement shall be forwarded to the Board for consideration.

(v) If the Board rejects the agreement, the Executive Secretary shall notify the parties of the decision and the proceedings shall continue from the point under these procedures at which the request was made, as if the request had not been submitted.

(e) Recommend that the Commission direct the Executive Secretary to take appropriate disciplinary action against an educator which may include: an admonishment, a letter of warning, or a written reprimand. Documentation of this disciplinary action shall be sent to the respondent's employing school district or to a district where the respondent finds employment. This disciplinary action may be appealed to the Superintendent of Public Instruction, consistent with R686-100-18.

G. Surrender:

(1) Should an educator surrender his certificate license, the surrender shall have the effect of revocation unless otherwise designated by the Commission;

(2) The Board shall receive official notification of the surrender at an official Board meeting; and

(3) The Executive Secretary shall enter findings in the educator's certification file explaining the circumstances of the surrender.

(4) Surrender of an educator's license is not a final disposition. Surrender shall include a stipulated agreement or findings of fact to complete the educator's misconduct file. The Board shall also take action to suspend or revoke a license following a surrender.

R686-100-5. Hearing Procedures.

A. Scheduling the Hearing: The Commission shall agree upon Commission panel members, and the Executive Secretary shall appoint a hearing officer from among a list of hearing officers approved by the Commission, and schedule the date, time, and place for the hearing. The date for the hearing shall be scheduled not less than 25 days nor more than 1[2]80 days from the date the response is received by the Executive Secretary. If exceptional circumstances exist which make it impracticable for a party to be present in person, the Executive Secretary may, with the consent of the parties, permit participation by electronic means. The required scheduling periods may be waived by mutual written consent of the parties or by the Commission for good cause shown.

B. Change of Hearing Date:

(1) A request for change of hearing date shall be submitted in writing and received by the Executive Secretary at least five days prior to the scheduled date of the hearing. The request may originate from either party and shall show cause.

(2) The Executive Secretary shall make the determination of whether the cause stated in the request is sufficient to warrant a change of hearing date.

(a) If the cause is found to be sufficient, the Executive Secretary shall promptly notify all parties of the new time, date, and place for the hearing.

(b) If the cause is found to be insufficient, the Executive Secretary shall immediately notify the party making the request and the hearing shall proceed as originally scheduled.

(c) The Executive Secretary and the parties may waive the time period required for requesting a change of hearing date for exceptional circumstances.

R686-100-6. Appointment and Duties of the Hearing Panel.

A. Hearing Officer: The Executive Secretary shall appoint a hearing officer at the request of the Commission to chair the hearing panel and conduct the hearing. The hearing officer:

(1) May require the parties to submit briefs and lists of witnesses prior to the hearing;

(2) Shall preside at the hearing and regulate the course of the proceedings;

(3) May administer oaths to witnesses as follows: "Do you swear or affirm that the testimony you will give is the truth?";

(4) May take testimony, rule on questions of evidence, and ask questions of witnesses to clarify specific issues;

(5) Shall prepare a hearing report at the conclusion of the proceedings in consultation with other panel members.

B. Commission Panel Members: The Commission shall agree upon three or more Commission members to serve as Commission members of the hearing panel. As directed by the Commission, former Commission members who have served on the Commission within the three years prior to the date set for the hearing may be used as panel members. The majority of panel members shall be current Commission members.

~~(1) If the respondent is a teacher, the majority of the Commission panel members shall be teachers.~~

~~(2) If the respondent is not a teacher, the majority of the Commission panel members shall be Commission members other than teachers.~~

~~(1) The majority of a panel shall be educators.~~

~~(2) If the respondent is a teacher, at least one panel member shall be a teacher. If the respondent is an administrator, at least one panel member shall be an administrator unless the respondent objects to the configuration of the panel.~~

~~(3) Duties of the Commission panel members include:~~

~~(a) Assisting the hearing officer by providing information concerning common standards and practices of educators in the respondent's particular field of practice and in the situations alleged;~~

~~(b) Asking questions of all witnesses to clarify specific issues;~~

~~(c) Reviewing all briefs and evidence presented at the hearing;~~

~~(d) Assisting the hearing officer in preparing the hearing report.~~

~~(4) The panel members shall receive for review relevant written materials including the initial complaint and briefs if ordered by the hearing officer, at least [one hour]30 minutes prior to the hearing.~~

~~(5) The panel members shall receive available briefs or relevant materials about the hearing for review at least 30 minutes prior to the hearing.~~

~~(6) The Executive Secretary may make an emergency substitution of a Commission panel member for cause with the agreement of the parties. The agreement should be in writing but if time does not permit written communication of the agreement to reach the Executive Secretary prior to the scheduled time of the hearing, an Acceptance of Substituted Hearing Panel Member shall be signed by the parties prior to commencement of the hearing.~~

~~C. Disqualification of a panel member:~~

~~(1) Hearing [officer]:~~

~~(a) A party may seek disqualification of a hearing officer by submitting a written request for disqualification to the Executive Secretary, which request must be received not less than 15 days before a scheduled hearing. The Executive Secretary shall review the request and supporting evidence and, upon a finding that the reasons for the request are substantial and sufficient, shall appoint a new hearing officer and, if necessary, reschedule the hearing.~~

~~(b) If the Executive Secretary denies the request, the party requesting the disqualification shall be notified not less than ten days prior to the date of the hearing. The requesting party may submit a written appeal of the denial to the State Superintendent, which request must be received not less than five days prior to the hearing date. If the State Superintendent finds that the appeal is justified, he shall direct the Executive Secretary to appoint a new hearing officer and, if necessary, reschedule the hearing.~~

~~(c) The decision of the State Superintendent is final.~~

~~(d) Failure of a party to meet the time requirements of Section R686-100-6C(1) shall result in denial of the request or appeal; if the Executive Secretary fails to meet the time requirements, the request or appeal shall be approved.~~

~~(2) Commission panel member:~~

~~(a) A party may seek disqualification of a Commission panel member by submitting a written request for disqualification to the hearing officer, which request must be received not less than 15 days before a scheduled hearing. The hearing officer shall review the request and supporting evidence and, upon a finding that the reasons for the request are substantial and [sufficient]compelling,~~

shall disqualify the panel member. If the disqualification leaves the hearing panel with fewer than three Commission panel members, the Commission shall appoint a replacement and the hearing officer shall, if necessary, reschedule the hearing.

(b) If the hearing officer denies the request, the party requesting the disqualification shall be notified not less than ten days prior to the date of the hearing. The requesting party may submit a written appeal of the denial to the State Superintendent, which request must be received not less than five days prior to the hearing date. If the State Superintendent finds that the appeal is justified, he shall direct the hearing officer to disqualify the panel member.

(c) If a disqualification leaves the hearing panel with fewer than three Commission panel members, the Commission shall agree upon a replacement and the hearing officer shall, if necessary, reschedule the hearing.

(d) The decision of the State Superintendent is final.

(e) Failure of a party to meet the time requirements of Section R686-100-7C(2) shall result in denial of the request or appeal; if the hearing officer fails to meet the time requirements, the request or appeal shall be approved.

R686-100-7. Preliminary Instructions to Parties to a Hearing.

A. Not less than 20 days before the date of a hearing the Executive Secretary shall provide the parties with the following information:

- (1) Date, time, and location of the hearing;
- (2) Names and school district affiliations of the Commission members on the hearing panel, and the name of the hearing officer;
- (3) Procedures for objecting to any member of the hearing panel; and
- (4) Procedures for requesting a change in the hearing date.

B. Not less than 15 days before the date of the hearing, the hearing officer may direct the respondent and the complainant to serve the following upon the other party and submit a copy and proof of service to the hearing officer:

- (1) A brief setting forth that party's position regarding the allegations, including relevant laws, rules, and precedent;
- (2) The name of the person who will represent the party at the hearing, a list of witnesses who will be called, a summary of the testimony which each witness is expected to present, and a summary of documentary evidence which will be submitted. If either party fails to comply with identification of witnesses or documentary evidence in a fair and timely manner and consistent with the provisions of this rule, the hearing officer may limit either party's presentation of witnesses and documentary evidence at the hearing.

C. If the hearing officer requests and receives any of the above documents, he shall provide a copy of the documents to each of the Commission panel members for review at least one hour prior to the hearing.

D. If a party fails to comply in good faith with a directive of the hearing officer under Section R686-100-7A, including time requirements for service, the hearing officer may prohibit introduction of the testimony or evidence or take other steps reasonably appropriate under the circumstances including, in extreme cases of noncompliance, entry of a default against the offending party.

E. Parties shall provide materials to the hearing officer, panel members and Commission as directed under this rule. Materials

shall not be provided directly to panel members until and unless parties are so directed by the hearing officer.

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R686-100-9. Discovery Prior to a Hearing.

A. Discovery shall be permitted to the extent necessary to obtain relevant information necessary to support claims or defenses, as determined by the appointed hearing officer.

B. Discovery, especially burdensome or unduly legalistic discovery, may not be used to delay a hearing.

C. Discovery may be limited by the hearing officer at his discretion or upon a motion by either party. The hearing officer makes the final determination as to the scope of discovery.

~~[E]~~D. Subpoenas and other orders to secure the attendance of witnesses or the production of evidence shall be issued upon request at least five working days prior to the hearing by the Executive Secretary in accordance with Section ~~[53A-7-110(1)(f)]~~53A-6-603 when requested by either party or any of the panel members.

~~[E]~~E. Either party or its representative may request the names of witnesses who have been asked to testify for the opposing party and to receive a copy of or examine all documents and exhibits that the opposing party intends to present as evidence during the hearing.

~~[E]~~E. No witness or evidence may be presented at the hearing if the opposing party has requested to be notified of such information and has not been fairly apprised at least five days prior to the hearing. The parties may waive such time period only by written agreement.

~~[F]~~G. No expert witness report or testimony may be presented at the hearing unless the requirements of Section R686-100-13 have been met.

R686-100-10. Burden and Standard of Proof for Commission Proceedings.

A. In matters other than those involving applicants for certification, and excepting the presumptions under Section R686-100-14G, the complainant shall have the burden of proving that action against the ~~[certificate]~~license is appropriate.

B. An applicant for certification shall bear the burden of proving that certification is appropriate.

C. Standard of proof: The standard of proof in all Commission hearings is a preponderance of the evidence.

R686-100-11. Deportment.

A. Parties, their representatives, witnesses, and other persons present during a hearing shall conduct themselves in an appropriate manner during hearings, giving due respect to members of the hearing panel and complying with the instructions of the hearing officer. The hearing officer may expel persons from the hearing room who fail to conduct themselves in an appropriate manner and may, in response to extreme instances of noncompliance, disallow testimony or declare an offending party to be in default.

B. Parties, attorneys for parties, or other participants in the professional practices investigation and hearing process shall not harass, intimidate or pressure witnesses or other hearing participants, nor shall they direct others to harass, intimidate or pressure witnesses or participants.

R686-100-12. Hearing Record.

A. The hearing shall be tape recorded at the Commission's expense, and the tapes shall become part of the permanent case record, unless otherwise agreed upon by all parties.

B. Individual parties may not make recordings of the proceedings without notice to and consent of the [hearing panel]Executive Secretary.

C. Any party, at his own expense, may have a person approved by the Commission prepare a transcript of the hearing.

D. If an exhibit is admitted as evidence, the record shall reflect the contents of the exhibit.

E. All evidence and statements presented at a hearing shall become part of the permanent case file and shall not be removed except by order of the Board.

F. Taped proceedings may be reviewed upon request of a party under supervision of the Executive Secretary and only at the State Office of Education.

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R686-100-14. Evidence and Participation in Commission Proceedings.

A. The hearing officer may not exclude evidence solely because it is hearsay.

B. The hearing officer shall afford each party the opportunity to produce witnesses, present evidence, argue, respond, cross-examine witnesses who testify in person at the hearing, and submit rebuttal evidence.

C. If a party intends to submit documentary evidence, the party intending to present such evidence shall provide one copy to each member of the hearing panel at least one hour prior to the hearing, and one copy to the opposing party.

D. All testimony presented at the hearing, if offered as evidence to be considered in reaching a decision on the merits, shall be given under oath.

E. In any case involving allegations of child abuse or of a sexual offense against a child, upon request of either party or by a member of the hearing panel, the hearing officer may determine whether a significant risk exists that the child would suffer serious emotional or mental harm if required to testify in the respondent's presence, or whether a significant risk exists that the child's testimony would be inherently unreliable if required to testify in the respondent's presence. If the hearing officer determines either to be the case, then the child's testimony may be admitted in one of the following ways:

(1) An oral statement of a victim or witness younger than 18 years of age which is recorded prior to the filing of a complaint shall be admissible as evidence in a hearing regarding the offense if:

(a) No attorney for either party is in the child's presence when the statement is recorded;

(b) The recording is visual and aural and is recorded on film or videotape or by other electronic means;

(c) The recording equipment is capable of making an accurate recording, the operator of the equipment is competent, and the recording is accurate and has not been altered; and

(d) Each voice in the recording is identified.

(2) The testimony of any witness or victim younger than 18 years of age may be taken in a room other than the hearing room,

and be transmitted by closed circuit equipment to another room where it can be viewed by the respondent. All of the following conditions shall be observed:

(a) Only the hearing panel members, attorneys for each party, persons necessary to operate equipment, and a person approved by the hearing officer whose presence contributes to the welfare and emotional well-being of the child may be with the child during his testimony.

(b) The respondent may not be present during the child's testimony;

(c) The hearing officer shall ensure that the child cannot hear or see the respondent;

(d) The respondent shall be permitted to observe and hear, but not communicate with, the child; and

(e) Only hearing panel members and the attorneys may question the child.

(3) The testimony of any witness or victim younger than 18 years of age may be taken outside the hearing room and recorded if the provisions of Sections R686-100-14E(2)(a)(b)(c) and (e) and the following are observed:

(a) The recording is both visual and aural and recorded on film or videotape or by other electronic means;

(b) The recording equipment is capable of making an accurate recording, the operator is competent, and the recording is accurate and is not altered;

(c) Each voice on the recording is identified; and

(d) Each party is given an opportunity to view the recording before it is shown in the hearing room.

(4) If the hearing officer determines that the testimony of a child will be taken under Section R686-100-14E(1)(2) or (3) above, the child may not be required to testify in any proceeding where the recorded testimony is used.

F. On his own motion or upon objection by a party, the hearing officer:

(1) May exclude evidence that the hearing officer determines to be irrelevant, immaterial, or unduly repetitious;

(2) Shall exclude evidence that is privileged under law applicable to administrative proceedings in Utah unless waived;

(3) May receive documentary evidence in the form of a copy or excerpt if the copy or excerpt contains all pertinent portions of the original document;

(4) May take official notice of any facts that could be judicially noticed under judicial or administrative laws of Utah, or from the record of other proceedings before the agency.

G. Presumptions:

(1) A rebuttable evidentiary presumption exists that a person has committed a sexual offense against a minor child if the person has:

(a) Been found, pursuant to a criminal, civil, or administrative action to have committed a sexual offense against a minor;

(b) Failed to defend himself against such a charge when given a reasonable opportunity to do so; or

(c) Voluntarily surrendered a [certificate]license or allowed a [certificate]license to lapse in the face of a charge of having committed a sexual offense against a minor.

(2) A rebuttable evidentiary presumption exists that a person is unfit to serve as an educator if the person has:

(a) Been convicted of a felony;

(b) Been charged with a felony and subsequently convicted of a lesser related charge pursuant to a plea bargain or plea in abeyance; or

(c) Lost certification in another state through revocation or suspension, or through surrender of certification or allowing a [certificate]license to lapse in the face of an allegation of misconduct, if the person would not currently be eligible to regain certification in that state.

H. The Hearing Officer may confer with the Executive Secretary or the panel members or both while preparing the Hearing Report. The Hearing Officer may request the Executive Secretary to confer with the Hearing Officer and panel following the hearing.

R686-100-15. Hearing Report.

A. Within 20 days after the hearing, or within 20 days after the deadline imposed for the filing of any post-hearing materials permitted by the hearing officer, the hearing officer shall prepare, sign and issue a Hearing Report consistent with the recommendations of the panel that includes:

(1) A detailed findings of fact and conclusions of law based upon the evidence of record or on facts officially noted. Findings of fact may not be based solely upon hearsay, and conclusions shall be based upon competent evidence;

(2) A statement of relevant precedent;

(3) A statement of applicable law and rule;

(4) A recommended disposition of the Commission panel members which shall be one of the following:

(a) Dismissal of the Complaint: The hearing report shall indicate that the complaint should be dismissed and that no further action should be taken.

(b) Warning: The hearing report shall indicate that respondent's conduct is deemed unprofessional and that the hearing report should constitute an official warning. The hearing report shall indicate that no further action concerning the complaint should be taken, but that the complaint and disposition could be considered should the respondent's conduct be brought into question in the future.

(c) Reprimand: The hearing report shall indicate that the respondent's conduct is deemed unprofessional and that the hearing report should constitute an official reprimand. The hearing report shall indicate that the employing school board shall be notified of the reprimand and that record of the reprimand shall be made on all Utah State Board of Education Certification records maintained in the certification file on the respondent. The hearing report should also include a recommendation for how long the reprimand shall be maintained in the respondent's file and conditions under which it could be removed.

(d) Probation: The hearing report shall determine that the respondent's conduct was unprofessional, that the respondent shall not lose his certification, but that a probationary period is appropriate. If the report recommends probation, the report shall designate:

(i) a probationary time period;

(ii) conditions that can be monitored;

(iii) a person or entity to monitor a respondent's probation;

(iv) a statement providing for costs of probation.

(v) whether or not the respondent may work in any capacity in education during the probationary period.

A probation may be stated as a plea in abeyance: The respondent's penalty is stayed subject to the satisfactory completion of probationary conditions. The decision shall provide for discipline should the probationary conditions not be completed.

(e) Suspension: The hearing report shall recommend to the State Board of Education that the [certificate]license of the respondent be suspended for a specific period of time and until specified reinstatement conditions have been met before respondent may petition for reinstatement of certification. The hearing report shall indicate that, should the Board confirm the recommended decision, the respondent shall return the printed suspended [certificate]license to the State Office of Education and that the Certification Section of the Utah State Office of Education will notify the employing school district, all other Utah school districts, and all other state, territorial, and national certification offices or clearing houses of the suspension in accordance with R277-514.

(f) Revocation: The hearing report shall recommend to the State Board of Education that the [certificate]license of the respondent be revoked for a period of not less than five years. The hearing report shall indicate that should the Board confirm the recommended decision, the respondent shall return the revoked [certificate]license to the State Office of Education and that the Certification Section of the Utah State Office of Education will notify the employing school district, all other Utah school districts, and all other state, territorial, and national certification offices or clearing houses of the revocation in accordance with R277-514.

(5) The hearing report may recommend that the warning letter or that the reprimand remain permanently in the certification file. The hearing report shall also provide that the substance of the warning letter or reprimand or terms of probation may be communicated by designated USOE employees to prospective employers upon request.

(6) Notice of the right to appeal; and

(7) Time limits applicable to appeal.

B. Processing the Hearing Report:

(1) The hearing officer shall circulate the draft report to hearing panel members prior to the 20 day completion deadline of the hearing report.

(2) Hearing panel members shall notify the hearing officer of any changes to the report as soon as possible after receiving the report and prior to the 20 day completion deadline of the hearing report.

(3) The hearing officer shall file the completed hearing report with the Executive Secretary, who shall review the report with the Commission.

([+]~~4~~) If the Commission, upon review of the hearing report, finds by majority vote, that there have been significant procedural errors in the hearing process or that the weight of the evidence does not support the conclusions of the hearing report, the Commission as a whole may direct the Executive Secretary to prepare an alternate hearing report and follow procedures under R686-100-15B(2).

(~~2~~)~~5~~ If the Commission finds that there have not been significant procedural errors or that recommendations are based upon a reasonable interpretation of the evidence presented at the hearing, the Commission shall vote to uphold the hearing officer's report and do one of the following:

(a) If the recommendation is for final action to be taken by the Commission, the Commission shall direct the Executive Secretary

to prepare a corresponding final order and serve all parties with a copy of the order and hearing report. A copy of the order and the hearing report shall be placed in and become part of the permanent case file. The order shall be effective upon approval by the Commission.

(b) If the recommendation is for final action to be taken by the Board, the Executive Secretary shall forward a copy of the hearing report to the State Board of Education for its further action. A copy of the hearing report shall also be placed in and become part of the permanent case file.

(2) If the Commission determines that procedural errors or that the hearing officer's report is not based upon a reasonable interpretation of the evidence presented at the hearing to the extent that an amended hearing report cannot be agreed upon, the Commission shall direct the Executive Secretary to schedule the matter for rehearing before a new hearing officer and panel.

C. Consistent with Section 63-2-301(1)(c), the final administrative disposition of all administrative proceedings, the Recommended Disposition section of the Hearing Report, of the Commission shall be public. The hearing findings/report of suspensions and expulsions shall be public information and shall be provided consistent with Section 63-2-301(1)(c). The Recommended Disposition portion of the Hearing Report of warnings, reprimands and probations (including the probationary conditions) shall be public information. All references to individuals and personally identifiable information about individuals not parties to the hearing shall be redacted prior to making the disposition public.

D. Deadlines within this section may be waived by the Commission for good cause shown.

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R686-100-19. Application for Certification Following Denial or Loss of Certification.

A. An individual who has been denied certification or lost certification through revocation or suspension, or through surrender of a [certificate]license or allowing a [certificate]license to lapse in the face of an allegation of misconduct, may request review to consider the possibility of a grant or reinstatement of a [certificate]license.

(1) The request for review shall be in writing and addressed to the Executive Secretary, Professional Practices Advisory Commission, 250 East 500 South, Salt Lake City, Utah 84111, and shall have the following heading:

TABLE 1

Jane Doe,)
Petitioner) Request for Agency Action
vs) Following Denial or Loss of
Utah State Office of Education) [certificate]License
Respondent.) File no.:
)

B. The body of the request shall contain the following information:

- (1) Name and address of the individual requesting review;

- (2) Action being requested;
- (3) Evidence of compliance with terms and conditions of any remedial or disciplinary requirements or recommendations;
- (4) Reasons for reconsideration of past disciplinary action;
- (5) Signature of person requesting review.

C. The Executive Secretary shall review the request with the Commission.

(1) If the Commission determines that the request is invalid, the person requesting reinstatement shall be notified by certified mail of the denial.

(2) If the Commission determines that the request is valid, a hearing shall be scheduled and held as provided under Section R686-100-6.

D. Burden of Proof: The burden of proof for granting or reinstatement of certification shall fall on the individual seeking the [certificate]license.

(1) Individuals requesting reinstatement of a suspended [certificate]license must show sufficient evidence of compliance with any conditions imposed in the past disciplinary action as well as undergo a criminal background check in accordance with Utah law.

(2) Individuals requesting certification following revocation shall show sufficient evidence of compliance with any conditions imposed in the past disciplinary action as well as providing evidence of qualifications for certification as if the individual had never been [certificated]licensed in Utah or any other state.

(3) Individuals requesting certification following denial shall show sufficient evidence of completion of a rehabilitation or remediation program, if applicable.

R686-100-20. Reinstatement Hearing Procedures.

A. The individual seeking reinstatement of his license shall be the petitioner.

B. The petitioner shall have the responsibility of presenting the background of the case.

C. The petitioner shall present documentation or evidence that supports reinstatement.

D. The respondent (the State) shall present any evidence or documentation that would not support reinstatement.

E. Other evidence or witnesses shall be presented consistent with R686-100-14.

F. The appointed hearing officer shall rule on other procedural issues in a reinstatement hearing in a timely manner as they arise.

R686-100-2[0]1. Temporary Suspension of Certification Pending a Hearing.

A. If the Executive Secretary determines, after affording respondent an opportunity to discuss allegations of misconduct, that reasonable cause exists to believe that the charges will be proven to be correct and that permitting the respondent to retain certification prior to hearing would create unnecessary and unreasonable risks for children, then the Executive Secretary may order immediate suspension of the respondent's [certificate]license pending final Board action.

B. Evidence of the temporary suspension may not be introduced at the hearing.

C. Notice of the temporary suspension shall be provided to other states under R277-514.

KEY: teacher certification, conduct*, hearings*
[May 6, 1999]2000 [53A-7-110]53A-6-306(1)(a)



**Professional Practices Advisory
Commission, Administration**

R686-103

**Professional Practices and Conduct for
Utah Educators**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 22505
FILED: 11/15/1999, 12:34
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to change terminology and to add several provisions that have become problems in educator discipline cases.

SUMMARY OF THE RULE OR CHANGE: Amendments include changing "certificate" to "license"; updating statutes; and providing a confidentiality provision, a provision about student testing, and a provision directing educators to avoid the appearance of impropriety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-6-306(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There are no anticipated cost or savings to state budget because the only changes to the rule are technical and terminology changes.

❖LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government because the only changes to the rule are technical and terminology changes.

❖OTHER PERSONS: There may be minimal cost or savings to other persons if parties in disciplinary proceedings are affected by the changes to the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be compliance costs for affected persons due to technical changes that may result in different actions by attorneys or participants in discipline cases. There may also be compliance costs for affected persons as the State Office of Education's investigator/prosecutor complies with the revised procedures. Any costs would be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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

Professional Practices Advisory Commission
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or by Internet E-mail at clear@usoe.k12.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/03/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 01/04/2000

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

R686. Professional Practices Advisory Commission, Administration.

R686-103. Professional Practices and Conduct for Utah Educators.

R686-103-1. Definitions.

A. "Basic Administrative/Supervisory [~~Certificate~~License]" means the initial certificate issued by the Board which permits the holder to be employed in a public school position which requires administration or supervision of kindergarten, elementary, middle, or secondary levels.

B. "Competent" means an educator who is duly qualified, is skillful, and meets all the legal requirements of the educator's position.

C. "Educator" means a [~~certificated~~licensed] person who is paid on the teachers or administrators salary schedule and whose primary function is to provide instructional, counseling or administrative services in the public schools or administrative offices as assigned.

D. "Sexual contact" means:

(1) the intentional touching of any sexual or intimate part of an individual;

(2) causing, encouraging, or permitting an individual to touch any sexual or intimate part of another; or

(3) any physical conduct of a sexual nature directed at an individual.

E. "Sexual harassment" means any repeated or unwarranted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory or explicit visual material or remarks made or displayed by an individual which is offensive or objectionable to the recipient or which causes the recipient discomfort or humiliation.

F. "Commission" means the Utah Professional Practices Advisory Commission as defined and authorized under Section [~~53A-7-104~~]53A-6-301 et seq.

R686-103-2. Authority and Purpose.

A. This rule is authorized by Section ~~53A-7-110~~53A-6-306(1)(a) which directs the Commission to adopt rules to carry out its responsibilities under the law.

B. The purpose of this rule is to provide for competent practices and standards of moral and ethical conduct for educators in order to serve the needs of Utah students and to maintain the dignity of the education profession in the state of Utah.

R686-103-3. Commission Action if a ~~Certificated~~Licensed Educator Violates the Provisions of Professional Practice and Conduct for Utah Educators.

A. The individual conduct of a professional educator at all levels reflects upon the practices, values, integrity and reputation of the Utah educational profession as a whole. Violation of this rule may result in the following:

(1) A disciplinary letter that may effect the educator's ability to obtain employment as an educator;

(2) A letter of reprimand that would be placed in the educator's certification file and in the personnel file(s) of the district(s) where the educator is employed or seeks employment;

(3) A designated period of probationary status for a ~~certificated~~license holder. The probation may be for a specific or indefinite time period;

(4) Suspension of the educator's ~~certificated(s)~~license(s) that would prevent the educator from practicing education in the state of Utah or other states during the period of suspension; and

(5) Revocation of the educator's ~~certificated(s)~~license(s) for a minimum of five years.

B. This rule does not preclude alternative action by the Commission consistent with Utah law and Utah State Board of Education rules warranted under the facts of the case.

R686-103-4. Professionalism in Employment Practices.

An educator acting consistent with professional practices and standards shall:

A. assist only qualified persons, as defined by Utah law and Utah State Board of Education rules, to enter or continue in the education profession;

B. employ only persons qualified or ~~certificated~~licensed appropriately for positions, except as provided under R277-511;

C. document professional misconduct of other educators under the educators' direction as set forth in the law or this rule and take appropriate action based upon the misconduct. Such action shall include supervision or termination of employment when necessary to protect the physical or emotional well-being of students and employees and to protect the integrity of the profession, or both;

D. not personally falsify or direct another person to falsify records or applications of any type;

E. not recommend for employment in another district an educator who has been disciplined for unprofessional or unethical conduct or who has not met minimum professional standards in a current or previous assignment, consistent with Section 34-42-1;

F. adhere to the terms of a contract or assignment unless health or emergency issues requires vacating the contract or assignment. Persons shall in good faith comply with penalty provisions;

G. accept an educational employment assignment only if the educator has the appropriate certification required for that particular

employment assignment except as provided for under R277-511 and shall provide only true and accurate pre-employment information or documentation;

H. recommend for employment or continuance of employment only persons who are ~~certificated~~licensed for the position; and

I. maintain confidentiality, consistent with the law, regarding students and colleagues.

~~[F].~~ act consistent with Section 67-16-1 through 14, Utah Public Employees Ethics Act.

R686-103-5. Competent Practices.

An educator shall:

A. adhere to federal and state laws, State Board of Education Administrative rules, local board policies and specific directives from supervisors regarding educational practices at school and school-related activities; and

B. exercise good judgment and prudence in the educator's personal life to avoid the impairment of the educator's professional effectiveness and respect the cultural values and standards of the community in which the educator practices.

R686-103-6. Competent Practice Related to Students.

An educator shall:

A. develop and follow objectives related to learning, organize instruction time consistent with those objectives, and adhere to prescribed subject matters and curriculum.

B. deal with each student in a just and considerate manner.

C. resolve disciplinary problems according to law and school board policy and local building procedures;

D. maintain confidentiality concerning a student unless a revelation of confidential information serves the best interest of the student and serves a lawful purpose;

E. not exclude a student from participating in any program, deny or grant any benefit to any student on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation, and may not engage in a course of conduct that would encourage a student to develop a prejudice on these grounds or any others;

F. impart to students principles of good citizenship and societal responsibility by directed learning as well as by personal example;

G. cooperate in providing all relevant information and evidence to the proper authorities in the course of an investigation by a law enforcement agency or by Child Protective Services regarding criminal activity. However, an educator shall be entitled to decline to give evidence against himself in any such investigation if the same may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution;~~[-and]~~

H. take appropriate action to prevent student harassment~~[-];~~ and

I. follow appropriate instructions and protocols in administering standardized tests to students consistent with Section 53A-1-608.

R686-103-7. Moral and Ethical Conduct.

An educator shall:

A. not be convicted of domestic violence or abuse, including physical, sexual, and emotional abuse of any family member;

- B. not be convicted of a stalking crime;
- C. not use or distribute illegal drugs, or be convicted of any crime related to illegal drugs;
- D. not be convicted of any illegal sexual conduct;
- E. not attend ~~school or any school~~^[activity or] functions under the influence of illegal drugs or alcohol, or prescription drugs if the drug affects the educator's ability to perform regular activities;
- F. not participate in sexual, physical, or emotional harassment or any combination toward any student or co-worker, nor knowingly allow harassment to continue;
- G. not participate in sexual contact with a student;
- H. not knowingly fail to protect a student from any condition detrimental to that student's physical health, mental health, safety, or learning;
- I. not harass or discriminate against a student or co-worker on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation;
- J. not interfere with the legitimate exercise of political and civil rights and responsibilities of colleagues or a student acting consistently with law and district and school policies;
- K. not threaten, coerce or discriminate against any fellow employee, regardless of employment classification, who reports or discloses to a governing agency actual or suspected violations of law, educational regulations, or standards;
- L. conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge and collect and report funds consistent with school and district policy;
- M. not accept gifts or exploit a professional relationship for gain or advantage that might create the appearance of impropriety or that may impair professional judgment, consistent with Section 67-16-1 through 14, Utah Public Employees Ethics Act; and
- N. not use or attempt to use district or school computers or information systems in violation of the district's acceptable use policy for employees or access information that may be detrimental to young people or inconsistent with the educator's role model responsibility.
- O. avoid not only impropriety but also the appearance of impropriety in actions towards students and colleagues.

KEY: [~~teachers,~~]disciplinary actions, **educators***
 [~~May 6, 1999~~]2000 [53A-7-110]53A-6-306(1)(a)



Tax Commission, Property Tax
R884-24P-44
 Farm Machinery and Equipment
 Exemption Pursuant to Utah Code Ann.
 Section 59-2-102 and 59-2-1101

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 22508
 FILED: 11/15/1999, 17:10
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 59-2-1101(2)(f) provides that farm equipment and machinery is exempt from taxation. Subsection 59-2-102(10) provides a definition of "Farm machinery and equipment." This definition states: "Farm machinery and equipment," for the purposes of the exemption provided under Section 59-2-1101, means tractors, milking equipment and storage and cooling facilities, feed handling equipment, irrigation equipment, harvesters, choppers, grain drills and planters, tillage tools, scales, combines, spreaders, sprayers, haying equipment, and any other machinery or equipment used primarily for agricultural purposes; but does not include vehicles required to be registered with the Motor Vehicle Division or vehicles, or other equipment used for business purposes other than farming.

SUMMARY OF THE RULE OR CHANGE: This rule amendment clarifies the farm equipment and machinery exemption as it specifically relates to equipment and machinery used by fruit and vegetable growing operations. There has been inconsistent application of the exemption for fruit and vegetable growing operations. This amendment simply clarifies the point at which fruit and vegetables are still in the production phase, making the equipment and machinery eligible for the exemption.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-2-102 and 59-2-1101

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting and for the uniform school fund based on increased or decreased property valuation, including personal property. This amendment simply clarifies the exemption as it specifically relates to equipment and machinery of fruit and vegetable growing operations. The limited number of operations involved and the limited dollar value of the equipment and machinery involved point to the fact that there will be no material cost or savings to the state budget.

❖**LOCAL GOVERNMENTS:** The amount of savings or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation, including personal property. No total cost or savings could be calculated without an exhaustive study of farm equipment in each of the major fruit and vegetable growing counties. However, due to the limited number of operations affected, and because of the limited value of the equipment which will now receive the exemption, it is safe to estimate that the overall change is minimal due to this amendment. County Assessor's offices statewide will be required to audit under this policy clarification. This, however, represents no significant cost in time or money to the assessors' offices.

❖**OTHER PERSONS:** The amount of savings to other persons will be dependant on the type of agricultural operation they are involved with. Producers involved with fruit and vegetable growing operations will see a slight decrease in personal property tax bills.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Taxpayers are currently required to file personal property affidavits for each county in which they have taxable personal property. The only compliance cost will be to ensure that only taxable personal property is reported to the county. It is estimated that the overall cost due to this amendment is minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated previously, the fiscal impact to businesses will vary depending on the type of agricultural production they are involved with and the types of personal property owned and used by the producer. Where there is an impact, it will be a slight reduction in personal property tax. In the aggregate, the fiscal impact is estimated to be minimal.

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

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

3. Machinery and equipment that physically alters the form of fruits or vegetables if the operations performed by the machinery or equipment are reasonable and necessary in the preparation of the fruit or vegetables for wholesale marketing.

~~[C.]~~D. Machinery and equipment used for processing of agricultural products~~[or other nonproduction activities]~~ are not exempt.

KEY: taxation, personal property, property tax, appraisal
~~[June 21, 1999]~~2000 Art. XIII, Sec 2
Notice of Continuation May 8, 1997 59-2-102
59-2-1101



End of the Notices of Proposed Rules Section

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-44. Farm Machinery and Equipment Exemption Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-1101.

A. The use of the machinery and equipment, whether by the claimant or a lessee, shall determine the exemption.

1. For purposes of this rule, the term owner includes a purchaser under an installment purchase contract or capitalized lease where ownership passes to the purchaser at the end of the contract without the exercise of an option on behalf of the purchaser or seller.

B. Farm machinery and equipment is used primarily for agricultural purposes if it is used primarily for the production or harvesting of agricultural products.

C. The following machinery and equipment is used primarily for the production or harvesting of agricultural products:

1. Machinery and equipment used on the farm for storage, cooling, or freezing of fruits or vegetables;

2. Except as provided in C.3., machinery and equipment used in fruit or vegetable growing operations if the machinery and equipment does not physically alter the fruit or vegetables; and

NOTICES OF 120-DAY (EMERGENCY) RULES

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

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (*Utah Code* Subsection 63-46a-7(1) (1996)).

As with a PROPOSED RULE, a 120-DAY RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the 120-DAY RULE including the name of a contact person, justification for filing a 120-DAY RULE, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A 120-DAY RULE is effective for 120 days or until it is superseded by a permanent rule.

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (1996); and *Utah Administrative Code* Section R15-4-8.

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-303** Coverage Groups

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE No.: 22483
FILED: 11/15/1999, 07:44
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is necessary to implement a section of Title XIX of the Social Security Act that requires states to provide continued Medicaid assistance to certain eligible families who have increased income from child support payments or from earnings.

SUMMARY OF THE RULE OR CHANGE: This rule implements a Social Security Administration directive that raises the income a client may receive from \$500 to \$700 before being denied eligibility for Medicaid assistance.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 18
FEDERAL REQUIREMENT FOR THIS RULE: Section 1931 of Title XIX of the Social Security Act

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The Department of Health (DOH) could incur an annual cost by virtue of the fact that clients may earn

an extra \$200 monthly before being denied Medicaid coverage. This could possibly involve about 120 families.

❖**LOCAL GOVERNMENTS:** This rule does not apply to local governments, so there would be no fiscal impact.

❖**OTHER PERSONS:** Individuals qualifying for continued Medicaid coverage would be able to earn \$200 more per month before being denied coverage.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would not be a fiscal impact on affected persons other than that described in the explanation given under "other persons."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have a negligible impact on business--Rod L. Betit

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

The Social Security Administration raised the income a client may earn before being denied Medicaid assistance from \$500 to \$700. Failure to address this directive would be a violation of federal law.

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
PO Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gayle Six at the above address, by phone at (801) 538-6895,
by FAX at (801) 538-6952, or by Internet E-mail at
gsix@email.state.ut.us.

KEY: income, coverage groups*
November 15, 1999
Notice of Continuation February 6, 1998

26-18

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE
BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

THIS RULE IS EFFECTIVE ON: 11/15/1999

AUTHORIZED BY: Rod L. Betit, Executive Director

**R414. Health, Health Care Financing, Coverage and
Reimbursement Policy.**

R414-303. Coverage Groups.

**R414-303-1. A, B and D Medicaid and A, B and D Institutional
Medicaid Coverage Groups.**

The definitions in R414-1 apply to this rule.

(1) The Department shall provide Medicaid coverage to
individuals as described in 42 CFR 435.116, 435.120, 435.122,
435.131 through 435.133, 435.135, 435.138, 435.210, 435.211,
435.301, 435.320, 435.322, 435.324, 435.340, and 435.541, 1997
ed., which are incorporated by reference. The Department shall
provide coverage to individuals as described in 20 CFR 416.901
through 416.1094, 1997 ed., which is incorporated by reference.
The Department shall provide coverage to individuals as required
by Sections 470 through 479, 1634(b), (c) and (d), 1902(a)(10)(E)
and 1902(e) of the Compilation of the Social Security Laws, 1995
ed. The Department shall provide coverage to individuals as
required by Pub. L. No. 105-33, Sections 4732 and 4913 which is
incorporated by reference.

(2) Current Department practices:

(a) Proof of disability includes a certification of disability
from the State Medicaid Disability Office, Supplemental Security
Income (SSI) status, or proof that a disabled client is recognized as
disabled by the Social Security Administration (SSA).

(b) A client who earns more than \$~~500~~700 a month will be
denied disability without being reviewed by the State Medicaid
Disability Office.

(c) If a client has been denied SSI or SSA and claims to have
become disabled since the SSI or SSA decision, the State Medicaid
Disability Office shall review current medical information to
determine if the client is disabled.

(d) The age requirement for A Medicaid is 65 years of age.

(e) For children described in Pub. L. No. 105-33, Section
4913, periodic redeterminations shall be conducted as determined
by the state to assure that the child continues to meet the SSI
eligibility criteria as required by such section.

(f) Coverage for qualifying individuals described in Pub. L.
No. 105-33, Section 4732, is limited to the amount of funds
allocated under such section for a given year. Applicants will be
denied coverage when the uncommitted allocated funds are
insufficient to provide such coverage.

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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 responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Commerce, Occupational and Professional Licensing **R156-60** Mental Health Professional Practice Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22484
FILED: 11/15/1999, 09:13
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 60, Part 1, provides for the licensure of various classifications of mental health therapists. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. These rules were enacted to clarify the provisions of Title 58, Chapter 60, Part 1, with respect to all classifications of mental health therapists.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in 1994, no written comments have been received. There was one concern raised by Pete Groesbeck from the Governor's Office of Planning and Budget regarding wording contained in Section R156-60-502 (Unprofessional Conduct). A memorandum was sent to Mr. Groesbeck from the Division addressing his concern. No further action was taken with respect to Mr. Groesbeck's concern.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58,

Chapter 60, Part 1, with respect to all classifications of mental health therapists.

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or Internet E-mail at brdopl.dsjones@email.state.ut.us.

AUTHORIZED BY: A. Gary Bowen, Director

EFFECTIVE: 11/15/1999



Commerce, Occupational and Professional Licensing **R156-60a** Social Worker Licensing Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22485
FILED: 11/15/1999, 09:13
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58,

Chapter 60, Part 2, provides for the licensure of social workers. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-60-203(3) provides that the Social Worker Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend appropriate rules to the division director. These rules were enacted to clarify the provisions of Title 58, Chapter 60, Part 2, with respect to social workers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rules were originally enacted in 1994, several amendments have been made to the rule. In May 1997, two written comments were received with respect to a proposed rule filing. One written comment was from Kent Bishop from the Governor's Office of Planning and Budget identifying a spelling error in the proposed rules. The spelling error was corrected through a nonsubstantive rule filing. The other written comment received was from Au-Deane Cowley regarding his comments with respect to the proposed rule filing. No additional changes were made to the proposed rules as a result of Mr. Cowley's written comments. The rules were again amended in June 1998 and July 1999; however, no written comments were received with respect to those proposed rule filings.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58, Chapter 60, Part 2, with respect to social workers.

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or Internet E-mail at brdopl.dsJones@email.state.ut.us.

AUTHORIZED BY: A. Gary Bowen, Director

EFFECTIVE: 11/15/1999



Commerce, Occupational and Professional Licensing
R156-60b
Marriage and Family Therapist Licensing Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22486
FILED: 11/15/1999, 09:13
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 60, Part 3, provides for the licensure of marriage and family therapists. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-60-303(3) provides that the Marriage and Family Therapist Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend to the Division director appropriate rules. These rules were enacted to clarify the provisions of Title 58, Chapter 60, Part 3, with respect to marriage and family therapists.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rules were originally enacted in 1994, no written comments have been received. This rule has been amended several times since it was originally enacted. The rules were amended in January 1996, February 1998, June 1998, August 1998, and November 1999. However, no written comments have been submitted with respect to any of the proposed rule filings.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58, Chapter 60, Part 3, with respect to marriage and family therapists.

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South

PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or Internet E-mail at brdopl.dsjones@email.state.ut.us.

AUTHORIZED BY: A. Gary Bowen, Director

EFFECTIVE: 11/15/1999



End of the Five-Year Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

No. 22359 (REP): R765-648. Lender Record Retention.
Published: October 1, 1999
Effective: November 3, 1999

Agriculture and Food

Regulatory Services

No. 22375 (AMD): R70-530-1. Authority and Purpose.
Published: October 1, 1999
Effective: November 2, 1999

Commerce

Occupational and Professional Licensing

No. 22376 (AMD): R156-60b. Marriage and Family Therapist Licensing Act Rules.
Published: October 1, 1999
Effective: November 8, 1999

Education

Administration

No. 22385 (AMD): R277-444. Distribution of Funds to Arts and Sciences Organizations.
Published: October 1, 1999
Effective: November 2, 1999

No. 22386 (NEW): R277-471. Oversight of School Inspectors.
Published: October 1, 1999
Effective: November 2, 1999

No. 22387 (AMD): R277-713. Concurrent Enrollment of High School Students in College Courses.
Published: October 1, 1999
Effective: November 2, 1999

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

Regents (Board of)

Administration

No. 22358 (AMD): R765-610. Utah Higher Education Assistance Authority Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation Programs.
Published: October 1, 1999
Effective: November 3, 1999

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1999, including notices of effective date received through November 15, 1999, the effective dates of which are no later than December 1, 1999. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

DAR NOTE: Because of space constraints, the Keyword Index is not included in this *Bulletin*.

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Facilities Construction and Management</u>					
R23-1-17	Procurement of Construction	22104	AMD	08/09/99	99-13/6
R23-3	Authorization of Programs for Capital Development Projects	22103	NEW	08/09/99	99-13/7
R23-29	Across the Board Delegation	22041	5YR	05/11/99	99-11/75
<u>Finance</u>					
R25-5	Payment of Per Diem to Boards	21887	NSC	03/05/99	Not Printed
R25-5	Payment of Per Diem to Boards	22049	AMD	07/13/99	99-11/14
R25-7	Travel-Related Reimbursements for State Employees	21888	NSC	03/05/99	Not Printed
R25-7	Travel-Related Reimbursements for State Employees	22050	AMD	see CPR	99-11/15
R25-7	Travel-Related Reimbursements for State Employees	22050	CPR	09/01/99	99-15/55
R25-8	Meal Allowance	21889	NSC	03/05/99	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Fleet Operations, Surplus Property</u>					
R28-1	State Surplus Property Disposal	22179	AMD	11/01/99	99-15/8
R28-2	Surplus Firearms	22180	AMD	11/01/99	99-15/11
R28-4	State Recycling Program	22181	REP	11/01/99	99-15/12
R28-7	Surplus Property Rate Schedule	22182	AMD	11/01/99	99-15/13
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	21751	NEW	03/18/99	99-2/2
R35-2	Declining Appeal Hearings	22069	NEW	07/16/99	99-12/6
R35-2-3	Declining Requests for Hearings	22113	NSC	07/16/99	Not Printed
R35-3	Prehearing Conferences	22070	NEW	07/16/99	99-12/7
R35-4	Compliance with State Records Committee Decisions and Orders	22071	NEW	07/16/99	99-12/8
R35-5	Subpoenas Issued by the Records Committee	22072	NEW	07/16/99	99-12/9
R35-6	Expedited Hearing	22073	NEW	07/16/99	99-12/10
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-5	Grazing Advisory Boards	21884	5YR	02/22/99	99-6/27
<u>Animal Industry</u>					
R58-17	Aquaculture and Fish Health	22122	AMD	08/17/99	99-14/7
R58-17	Aquaculture and Fish Health	22203	NSC	08/18/99	Not Printed
R58-17	Aquaculture and Aquatic Animal Health	22304	AMD	10/02/99	99-17/4
R58-20	Domesticated Elk Hunting Parks	22123	NEW	08/17/99	99-14/16
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21701	AMD	01/15/99	98-24/8
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21808	AMD	03/18/99	99-4/7
<u>Regulatory Services</u>					
R70-530-1	Authority and Purpose	22375	AMD	11/02/99	99-19/17
R70-530-6	Water, Plumbing and Waste	22056	NSC	06/01/99	Not Printed
R70-630	Water Vending Machine	22057	AMD	07/06/99	99-11/19
COMMERCE					
<u>Consumer Protection</u>					
R152-2-5	Repairs and Service	22031	AMD	09/29/99	99-11/21
R152-2-10	Deposits and Refunds	22032	AMD	08/02/99	99-11/23
R152-16	Motor Fuel Marketing Act Rules	22211	5YR	07/29/99	99-16/49
R152-21	Credit Services Organizations Act Rules	22212	5YR	07/29/99	99-16/49

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Occupational and Professional Licensing</u>					
R156-1-308a	Renewal Dates	22202	AMD	09/16/99	99-16/7
R156-5a	Podiatric Physician Licensing Act Rules	21907	5YR	03/02/99	99-7/54
R156-24a	Physical Therapist Practice Act Rules	21716	AMD	see CPR	98-24/11
R156-24a	Physical Therapist Practice Act Rules	21716	CPR	03/09/99	99-3/56
R156-26	Certified Public Accountant Licensing Act Rules	22166	AMD	08/24/99	99-14/18
R156-26-307	Reinstatement of Licenses	22343	NSC	09/17/99	Not Printed
R156-28	Veterinary Practice Act Rules	21753	AMD	02/18/99	99-2/3
R156-31b	Nurse Practice Act Rules	21903	AMD	04/15/99	99-6/4
R156-37c	Utah Controlled Substance Precursor Act Rules	21908	5YR	03/02/99	99-7/54
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	22109	AMD	see CPR	99-13/8
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	22109	CPR	09/16/99	99-16/46
R156-39a	Alternative Dispute Resolution Providers Certification Act Rules	21905	5YR	03/01/99	99-6/27
R156-42a	Occupational Therapy Practice Act Rules	22399	5YR	09/28/99	99-20/55
R156-44a	Nurse Midwife Practice Act Rules	22200	5YR	07/22/99	99-16/50
R156-46a	Hearing Instrument Specialist Licensing Act Rules	22341	5YR	08/26/99	99-18/60
R156-50	Private Probation Provider Licensing Act Rules	21822	AMD	03/18/99	99-4/9
R156-50-502	Unprofessional Conduct	21927	NSC	03/29/99	Not Printed
R156-55a	Utah Construction Trades Licensing Act Rules	22084	AMD	07/19/99	99-12/11
R156-56	Utah Uniform Building Standard Act Rules	22008	AMD	07/01/99	99-10/5
R156-56	Utah Uniform Building Standard Act Rules	22009	AMD	see CPR	99-10/19
R156-56	Utah Uniform Building Standard Act Rules	22009	CPR	08/05/99	99-13/28
R156-56	Utah Uniform Building Standard Act Rules	22010	AMD	see CPR	99-10/21
R156-56	Utah Uniform Building Standard Act Rules	22010	CPR	08/05/99	99-13/29
R156-56-102	Definitions	22110	NSC	09/01/99	Not Printed
R156-60	Mental Health Professional Practice Act Rules	22484	5YR	11/15/99	99-23/111
R156-60a	Social Worker Licensing Act Rules	22085	AMD	07/19/99	99-12/12
R156-60a	Social Worker Licensing Act Rules	22485	5YR	11/15/99	99-23/111
R156-60b	Marriage and Family Therapist Licensing Act Rules	22486	5YR	11/15/99	99-23/112
R156-60b	Marriage and Family Therapist Licensing Act Rules	22376	AMD	11/08/99	99-19/17
R156-60c	Professional Counselor Licensing Act Rules	22329	AMD	10/07/99	99-17/22
R156-61	Psychologist Licensing Act Rules	22201	5YR	07/22/99	99-16/51
R156-61-302a	Qualifications for Licensure - Education Requirements	22102	AMD	08/05/99	99-13/12
R156-62	Health Care Assistant Registration Act Rules	22342	5YR	08/26/99	99-18/60
R156-62-302	Qualifications for Registration	21899	AMD	04/15/99	99-6/6
R156-62-302	Qualifications for Registration	21971	NSC	05/01/99	Not Printed
R156-63	Security Personnel Licensing Act Rules	21855	AMD	04/01/99	99-5/7
R156-74	Certified Shorthand Reporters Licensing Act Rules	21812	NEW	03/18/99	99-4/12
R156-78	Rules of the Certified Shorthand Reporters Licensing Board	21813	REP	03/18/99	99-4/13

RULES INDEX

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R162-6	Licensee Conduct	21968	AMD	06/03/99	99-9/4
R162-9	Continuing Education	21969	AMD	06/03/99	99-9/10
R162-101	Authority and Definitions	22000	EMR	05/03/99	99-10/90
R162-101-2	Definitions	22060	AMD	07/16/99	99-12/25
R162-102	Licensing Procedures	22001	EMR	05/03/99	99-10/91
R162-102	Licensing Procedures	21915	AMD	06/10/99	99-7/5
R162-102	Licensing Procedures	22061	AMD	07/16/99	99-12/27
R162-103	Appraisal Education Requirements for Prelcense and Continuing Education Course, School and Instructor Certification	22002	EMR	05/03/99	99-10/94
R162-103	Appraisal Education Requirements for Prelcense and Continuing Education Course, School and Instructor Certification	22062	AMD	07/16/99	99-12/29
R162-104	Experience Requirement	22003	EMR	05/03/99	99-10/98
R162-104	Experience Requirement	22063	AMD	07/16/99	99-12/33
R162-105	Scope of Authority	22004	EMR	05/03/99	99-10/100
R162-105	Scope of Authority	22064	NEW	07/16/99	99-12/36
R162-106	Professional Conduct	22005	EMR	05/03/99	99-10/102
R162-106	Professional Conduct	22065	AMD	07/16/99	99-12/37
R162-107	Unprofessional Conduct	22006	EMR	05/03/99	99-10/104
R162-107	Unprofessional Conduct	22066	AMD	07/16/99	99-12/39
R162-109	Administrative Proceedings	22007	EMR	05/03/99	99-10/105
R162-109	Administrative Proceedings	22067	AMD	07/16/99	99-12/40
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<u>Administration</u>					
R251-103	Undercover Roles of Offenders	21858	5YR	02/12/99	99-5/57
R251-105	Applicant Qualifications for Employment with Department of Corrections	21828	5YR	02/01/99	99-4/65
R251-105	Applicant Qualifications for Employment with Department of Corrections	21829	AMD	03/29/99	99-4/15
R251-105	Applicant Qualifications for Employment with Department of Corrections	21925	NSC	03/29/99	Not Printed
CRIME VICTIM REPARATIONS					
<u>Administration</u>					
R270-1	Award and Reparation Standards	21904	AMD	04/15/99	99-6/7
R270-3	ADA Complaint Procedure	22423	5YR	10/05/99	99-21/67
R270-4	Governmental Records Access and Management Act	22422	5YR	10/05/99	99-21/67
EDUCATION					
<u>Administration</u>					
R277-102	Adjudicative Proceedings	21893	5YR	02/26/99	99-6/28
R277-105	Recognizing Constitutional Freedoms in the Schools	22173	5YR	07/06/99	99-15/58

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R277-413	Accreditation of Secondary Schools, Alternative or Special Purpose Schools	21823	NEW	03/22/99	99-4/16
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	21894	5YR	02/26/99	99-6/28
R277-436	Gang Prevention and Intervention Programs in the Schools	21902	AMD	04/15/99	99-6/12
R277-437	Student Enrollment Options	21677	NEW	01/05/99	98-23/4
R277-438	Dual Enrollment	22105	5YR	06/08/99	99-13/37
R277-441	Alternative Experimental Pilot Programs	22406	5YR	09/30/99	99-20/55
R277-444	Distribution of Funds to Arts and Sciences Organizations	22385	AMD	11/02/99	99-19/20
R277-451	The State School Building Program	22205	NEW	09/15/99	99-16/8
R277-455	Standards and Procedures for Building Plan Review	21895	5YR	02/26/99	99-6/29
R277-456	Funding Regional Service Centers	22407	5YR	09/30/99	99-20/56
R277-458	70% Utilization of School Buildings	22024	EMR	04/30/99	99-10/107
R277-458	70% Utilization of School Buildings	22025	REP	06/15/99	99-10/30
R277-462	Comprehensive Guidance Program	22097	AMD	07/19/99	99-12/42
R277-462	Comprehensive Guidance Program	22408	5YR	09/30/99	99-20/56
R277-463	Class Size Reporting	22409	5YR	09/30/99	99-20/57
R277-470	Distribution of Funds for Charter Schools	21773	NSC	01/27/99	Not Printed
R277-471	Oversight of School Inspections	22386	NEW	11/02/99	99-19/22
R277-503	An Alternative Preparation for Teaching Program	21972	AMD	06/03/99	99-9/13
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, and Special Education (Birth-Age 5) Certification	22410	5YR	09/30/99	99-20/57
R277-519	Educator In-service Procedures and Credit	21824	AMD	03/22/99	99-4/19
R277-521	Professional Specialist Licensing	22206	NEW	09/15/99	99-16/10
R277-600	Student Transportation Standards and Procedures	22207	AMD	09/15/99	99-16/12
R277-601	Standards for Utah School Buses and Operations	21896	5YR	02/26/99	99-6/29
R277-609	Standards for School District Discipline Plans	22313	5YR	08/13/99	99-17/128
R277-700	The Elementary and Secondary School Core Curriculum and High School Graduation Requirements	22106	NSC	06/18/99	Not Printed
R277-702	Procedures for the Utah General Educational Development Certificate	21825	AMD	03/22/99	99-4/20
R277-709	Education Programs Serving Youth in Custody	22098	AMD	07/19/99	99-12/44
R277-710	Accelerated Learning Programs	22208	REP	09/15/99	99-16/16
R277-712	Advanced Placement Programs	21897	5YR	02/26/99	99-6/30
R277-713	Concurrent Enrollment of High School Students in College Courses	22387	AMD	11/02/99	99-19/23
R277-714	Dissemination of Information About Juvenile Offenders	22411	5YR	09/30/99	99-20/58
R277-716	Alternative Language Services (ALS)	21973	AMD	06/03/99	99-9/15

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R277-733	Adult Basic Skills and Adult High School Programs	21826	AMD	03/22/99	99-4/22
R277-734	Standards and Procedures for Adult Education Section 353 Funds	21898	5YR	02/26/99	99-6/30
R277-735	Standards and Procedures for Corrections Education Programs Serving Inmates of the Utah Department of Corrections	21678	NEW	01/05/99	98-23/6
R277-746	Driver Education Programs for Utah Schools	22099	AMD	07/19/99	99-12/45
R277-760	Flow Through Funds for Students at Risk	22412	5YR	09/30/99	99-20/58
R277-800	Administration of the Utah School for the Deaf and the Utah School for the Blind	22314	5YR	08/13/99	99-17/128
R277-907	ATC/ATC-SR Membership Hour Accounting	22209	AMD	09/15/99	99-16/17
R277-916	Technology, Life, and Careers, and Work-Based Learning Programs	22100	NEW	07/19/99	99-12/46
<u>Applied Technology Education (Board for), Rehabilitation</u>					
R280-150	Adjudicative Proceedings Under the Vocational Rehabilitation Act	22315	5YR	08/13/99	99-17/129
R280-201	USOR ADA Complaint Procedure	21679	NEW	01/05/99	98-23/8
R280-202	USOR Procedures for Individuals with the Most Severe Disabilities	21680	NEW	01/05/99	98-23/10
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-12 (Changed to R307-205)	Fugitive Emissions and Fugitive Dust	21697	AMD	see CPR	98-24/12
R307-12 (Changed to R307-205)	Emission Standards: Fugitive Emissions and Fugitive Dust	21697	CPR	05/04/99	99-7/44
R307-101-2	Definitions	21588	AMD	01/07/99	98-22/49
R307-101-2	Definitions	21782	AMD	04/08/99	99-3/4
R307-101-2	Definitions	21851	AMD	05/06/99	99-5/9
R307-150	Periodic Inventories	21590	REP	03/04/99	98-22/55
R307-150	Emission Inventories	21591	NEW	see CPR	98-22/56
R307-150	Emission Inventories	21591	CPR	03/04/99	99-3/57
R307-155	Emission Inventories	21592	REP	03/04/99	98-22/60
R307-155	Hazardous Air Pollutant Inventory	21593	NEW	see CPR	98-22/62
R307-155	Hazardous Air Pollutant Inventory	21593	CPR	03/04/99	99-3/59
R307-158	Emission Statement Inventory	21594	NEW	see CPR	98-22/64
R307-158	Emission Statement Inventory	21594	CPR	03/04/99	99-3/60
R307-170	Continuous Emission Monitoring Program	21504	R&R	see CPR	98-20/5
R307-170	Continuous Emission Monitoring Program	21504	CPR	04/01/99	99-5/51
R307-202-5	Permissible Burning - With Permit	22043	AMD	07/15/99	99-11/24
R307-210-1	Standards of Performance for New Stationary Sources (NSPS)	22044	AMD	07/15/99	99-11/25
R307-214	National Emission Standards for Hazardous Air Pollutants	21844	5YR	02/03/99	99-5/57

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R307-215	Emission Standards: Acid Rain Requirements	22364	5YR	09/08/1999	99-19/97
R307-215-1	Part 76 Requirements	22345	NSC	09/01/99	Not Printed
R307-220-3	Section II, Hospital< Medical, Infectious Waste Incinerators	22363	NSC	09/22/99	Not Printed
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	21595	AMD	01/07/99	98-22/66
R307-221	Emission Controls for Existing Municipal Solid Waste Landfills	21850	NSC	02/27/99	Not Printed
R307-302-2	No-Burn Periods for PM10	21570	AMD	01/07/99	98-22/67
R307-309	Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	21698	NEW	see CPR	98-24/15
R307-309	Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	21698	CPR	05/04/99	99-7/46
R307-222-3	All Incinerators	22357	NSC	10/01/99	Not Printed
R307-328	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage	21949	AMD	07/15/99	99-9/18
R307-342	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Qualification of Contractors, Test Procedures for Testing of Vapor Recovery Systems for Gasoline Delivery Tanks	21950	AMD	07/15/99	99-9/21
R307-343	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emission Standards for Wood Furniture Manufacturing Operations	21727	NEW	see CPR	98-24/18
R307-343	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emission Standards for Wood Furniture Manufacturing Operations	21727	CPR	06/02/99	99-9/95
R307-403	Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas	21852	AMD	05/06/99	99-5/16
R307-415	Permits: Operating Permit Requirements	21900	5YR	03/01/99	99-6/31
R307-415	Permits: Operating Permit Requirements	22045	AMD	07/15/99	99-11/26
R307-415-3	Definitions	21589	AMD	01/07/99	98-22/68
R307-415-6a	Permit Content: Standard Requirements	22175	NSC	07/22/99	Not Printed
R307-417	Permits: Acid Rain Sources	21735	AMD	03/05/99	99-1/3
R307-417	Permits: Acid Rain Sources	21910	5YR	03/05/99	99-7/55
R307-417-1	Part 72 Requirements	22042	NSC	06/01/99	Not Printed
R307-420	Permits: Ozone Offset Requirements in Davis and Salt Lake Counties	21853	NEW	05/06/99	99-5/18
<u>Drinking Water</u>					
R309-104	Monitoring, Reporting and Public Notification	21553	AMD	01/15/99	98-21/16
R309-113	Drinking Water Source Protection	21554	AMD	01/15/99	98-21/20
R309-352	Drinking Water Capacity Development Funding	22204	AMD	09/15/99	99-16/18
<u>Environmental Response and Remediation</u>					
R311-201	Underground Storage Tanks: Certification Program	21854	NSC	02/27/99	Not Printed

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R311-205-2	Underground Storage Tanks: Site Assessment Protocol	22075	CPR	10/04/99	99-17/124
<u>Radiation Control</u>					
R313-12-3	Definitions	21684	AMD	03/12/99	98-24/26
R313-15-906	Procedures for Receiving and Opening Packages	21685	AMD	03/12/99	98-24/32
R313-16	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	21535	AMD	01/15/99	98-21/27
R313-16	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	22077	AMD	08/13/99	99-12/55
R313-18-12	Instructions to Workers	21947	AMD	06/11/99	99-9/29
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	21686	AMD	03/12/99	98-24/33
R313-19-30	Reciprocal Recognition of Licenses	21948	AMD	06/11/99	99-9/30
R313-21	General Licenses	21805	5YR	01/25/99	99-4/65
R313-28	Use of X-Rays in the Healing Arts	21682	AMD	03/12/99	98-24/46
R313-28	Use of X-Rays in the Healing Arts	22078	AMD	08/13/99	99-12/57
R313-30	Therapeutic Radiation Machines	21806	5YR	01/25/99	99-4/66
R313-30	Therapeutic Radiation Machines	22079	AMD	08/13/99	99-12/64
R313-35	Requirements for X-Ray Equipment Used for Non-Medical Applications	22080	AMD	08/13/99	99-12/66
R313-38	Radiation Safety Requirements for Wireline Service Operation and Subsurface Tracer Studies	21807	5YR	01/25/99	99-4/66
R313-70	Payments, Categories and Types of Fees	22081	AMD	08/13/99	99-12/68
<u>Solid and Hazardous Waste</u>					
R315-2	General Requirements - Identification and Listing of Hazardous Waste	21459	AMD	see CPR	98-19/10
R315-2	General Requirements - Identification and Listing of Hazardous Waste	21459	CPR	02/15/99	99-1/28
R315-2	General Requirements - Identification and Listing of Hazardous Waste	21953	AMD	06/15/99	99-9/33
R315-2-2	Definition of Solid Waste	21856	AMD	04/15/99	99-5/20
R315-3	Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	21954	AMD	06/15/99	99-9/44
R315-4-2	The Manifest	22046	AMD	07/15/99	99-11/30
R315-5-10	Accumulation Time	21955	AMD	06/15/99	99-9/55
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	21956	AMD	06/15/99	99-9/56
R315-8	Standards for Owners and Operators of Hazardous Treatment, Storage, and Disposal Facilities	21957	AMD	06/15/99	99-9/61
R315-12	Administrative Procedures	21958	AMD	06/15/99	99-9/70

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R315-14	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	21960	AMD	06/15/99	99-9/72
R315-16-1	General	21961	AMD	06/15/99	99-9/73
R315-50-9	Basis for Listing Hazardous Wastes	21962	AMD	06/15/99	99-9/76
R315-301-2	Definitions	21783	AMD	03/15/99	99-3/10
R315-301-2	Definitions	22305	AMD	10/15/99	99-17/25
R315-303	Landfilling Standards	21784	AMD	see CPR	99-3/14
R315-303	Landfilling Standards	21784	CPR	05/05/99	99-7/78
R315-304	Industrial Solid Waste Landfill Requirements	21439	AMD	see CPR	98-19/50
R315-304	Industrial Solid Waste Landfill Requirements	21439	CPR	01/05/99	98-23/45
R315-304-1	Applicability	21772	NSC	01/05/99	Not Printed
R315-305-5	Requirements for Operation	21785	AMD	03/15/99	99-3/18
R315-306-1	Applicability	22306	AMD	10/15/99	99-17/30
R315-308	Ground Water Monitoring Requirements	22307	AMD	10/15/99	99-17/31
R315-314	Facility Storage for Piles Used for Storage and Treatment	22309	AMD	10/14/99	99-17/38
R315-315-6	PCB Containing Waste	21786	AMD	03/15/99	99-3/19
R315-315-6	PCB Containing Waste	21919	NSC	03/15/99	Not Printed
R315-315-7	PCB Containing Waste	22310	AMD	10/15/99	99-17/41
R315-317	Other Processes, Variances, and Violations	21787	AMD	03/15/99	99-3/20
R315-317	Violations, Orders, and Hearings	22311	AMD	10/15/99	99-17/42
R315-318	Permit by Rule	21788	AMD	see CPR	99-3/22
R315-318	Permit by Rule	21788	CPR	05/05/99	99-7/50
R315-320	Waste Tire Transporter and Recycler Requirements	21920	5YR	03/12/99	99-7/55
R315-320	Waste Tire Transporter and Recycler Requirements	22312	AMD	10/15/99	99-17/43
<u>Water Quality</u>					
R317-10	Certification of Wastewater Works Operators	21449	AMD	see CPR	98-19/70
R317-10	Certification of Wastewater Works Operators	21449	CPR	02/04/99	99-1/35
R317-100	Utah State Project Priority System and List for the Utah Wastewater Project Assistance Program	22112	AMD	10/01/99	99-13/13
FAIR CORPORATION (UTAH STATE)					
<u>Administration</u>					
R325-1	Utah State Fair Competitive Exhibitor Rules	21872	AMD	04/05/99	99-5/22
R325-1	Utah State Fair Competitive Exhibitor Rules	22114	AMD	08/19/99	99-14/28
R325-2	Utah State Fair Commercial Exhibitor Rules	21873	AMD	04/05/99	99-5/23
R325-2	Utah State Fair Commercial Exhibitor Rules	22115	AMD	08/19/99	99-14/30
R325-3	Utah State Fair Patron Rules	21874	AMD	04/05/99	99-5/24
R325-3	Utah State Fair Patron Rules	22116	AMD	08/19/99	99-14/31
R325-4	Interim Patrons Rules (Other Than Utah State Fair)	21875	AMD	04/05/99	99-5/25

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R325-4	Interim Patrons Rules (Other Than Utah State Fair)	22117	NSC	07/06/99	Not Printed
R325-5	Interim Renters Rules (Other Than Utah State Fair)	21876	AMD	04/05/99	99-5/26
R325-5	Interim Renters Rules (Other Than Utah State Fair)	22118	AMD	08/19/99	99-14/32
HEALTH					
<u>Administration</u>					
R380-25	Submission of Data Through an Electronic Data Interchange	21984	NEW	07/01/99	99-10/32
<u>Children's Health Insurance Program</u>					
R382-10	Eligibility	21669	AMD	01/07/99	98-23/12
R382-10	Eligibility	21843	NSC	02/27/99	Not Printed
<u>Community Health Services, Chronic Disease</u>					
R384-100	Cancer Reporting Rule	21849	NEW	see CPR	99-5/27
R384-100	Cancer Reporting Rule	21849	CPR	08/16/99	99-13/34
<u>Community Health Services, Chronic Disease (Changed to Community and Family Health Services, Chronic Disease--08/03/99)</u>					
R384-100	Cancer Reporting Rule	22221	NSC	08/03/99	Not Printed
<u>Community Health Services, Epidemiology</u>					
R386-702	Communicable Disease Rule	22189	AMD	10/01/99	99-15/18
<u>Community Health Services, Epidemiology (Changed to Epidemiology and Laboratory Services, Epidemiology--08/03/99)</u>					
R386-702	Communicable Disease Rule	22222	NSC	08/03/99	Not Printed
R386-703	Injury Reporting Rule	22223	NSC	08/03/99	Not Printed
<u>Community Health Services, HIV/AIDS Prevention and Control</u>					
R388-803	HIV Infection Reporting	22190	R&R	10/19/99	99-15/25
<u>Community Health Services, HIV/AIDS Prevention and Control (Changed to Community and Family Health Services, HIV/AIDS, Tuberculosis Control/Refugee Health--08/03/99)</u>					
R388-801	AIDS Testing and Reporting for Emergency Medical Services Providers Rule	22224	NSC	08/03/99	Not Printed
R388-802	HIV Positive Student or School Employee Rule	22225	NSC	08/03/99	Not Printed
R388-803	HIV Test Reporting	22226	NSC	08/03/99	Not Printed
R388-803	HIV Infection Reporting	22190	R&R	10/19/99	99-15/25
R388-804	Special Measures for the Control of Tuberculosis	22227	NSC	08/03/99	Not Printed
<u>Community and Family Health Services, HIV/AIDS, Tuberculosis Control/Refugee Health (Changed to Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health--10/08/99)</u>					
R388-801	AIDS Testing and Reporting for Emergency Medical Services Providers Rule	22424	NSC	10/08/99	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R388-802	HIV Positive Student or School Employee Rule	22425	NSC	10/08/99	Not Printed
R388-803	HIV Test Reporting	22426	NSC	10/08/99	Not Printed
R388-804	Special Measures for the Control of Tuberculosis	22427	NSC	10/08/99	Not Printed
<u>Community Health Services, Environmental Services</u>					
R392-101	Food Safety Manager Certification	21914	NEW	06/10/99	99-7/8
R392-101	Food Safety Manager Certification	22107	NSC	06/18/99	Not Printed
<u>Community Health Services, Environmental Services (Changed to Epidemiology and Laboratory Services, Environmental Services--08/03/99)</u>					
R392-100	Food Services Sanitation	22228	NSC	08/03/99	Not Printed
R392-200	Design, Construction, Operation, Sanitation, and Safety of Schools	22229	NSC	08/03/99	Not Printed
R392-300	Recreation Camp Sanitation	22230	NSC	08/03/99	Not Printed
R392-301	Recreational Vehicle Park Sanitation	22231	NSC	08/03/99	Not Printed
R392-302	Design, Construction and Operation of Public Pools	22232	NSC	08/03/99	Not Printed
R392-400	Temporary Mass Gatherings Sanitation	22233	NSC	08/03/99	Not Printed
R392-401	Roadway Rest Stop Sanitation	22234	NSC	08/03/99	Not Printed
R392-402	Mobile Home Park Sanitation	22235	NSC	08/03/99	Not Printed
R392-501	Labor Camp Sanitation	22236	NSC	08/03/99	Not Printed
R392-502	Hotel, Motel and Resort Sanitation	22237	NSC	08/03/99	Not Printed
R392-510	Utah Indoor Clean Air Act	22238	NSC	08/03/99	Not Printed
DAR Note: The following rule was missed with the initial change on 08/03/99. Name change was made on 09/01/99.					
R392-101	Food Safety Manager Certification	22356	NSC	09/01/99	Not Printed
<u>Family Health Services, Child Health (Changed to Community and Family Health Services, Immunization--08/03/99)</u>					
R396-100	Immunization Rule for Students	22239	NSC	08/03/99	Not Printed
<u>Family Health Services, Children with Special Health Care Needs (Changed to Community and Family Health Services, Children with Special Health Care Needs--08/03/99)</u>					
R398-1	Newborn Screening	22240	NSC	08/03/99	Not Printed
R398-1	Newborn Screening	22432	NSC	10/12/99	99-21/68
R398-2	Newborn Hearing Screening	22241	NSC	08/03/99	Not Printed
<u>Family Health Services, WIC Services (Changed to Community and Family Health Services, WIC Services--08/03/99)</u>					
R406-100	Special Supplemental Nutrition Program for Women, Infants and Children	22242	NSC	08/03/99	Not Printed
R406-200	Program Overview	22243	NSC	08/03/99	Not Printed
R406-201	Outreach Program	22244	NSC	08/03/99	Not Printed
R406-202	Eligibility	22245	NSC	08/03/99	Not Printed
R406-301	Clinic Guidelines	22246	NSC	08/03/99	Not Printed

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<u>Health Care Financing</u>					
R410-14	Division of Health Care Financing Administrative Hearing Procedures for Medicaid/UMAP Applicants, Recipients and Providers, and Non-Medicaid/UMAP Nursing Home Residents as per "OBRA" Preadmission Screening and Annual Resident Review (PASARR) Determinations/Resident Rights Requirements	21668	AMD	01/07/99	98-23/14
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1	Utah Medicaid Program	21890	AMD	04/23/99	99-6/13
R414-1	Utah Medicaid Program	21985	NSC	05/05/99	Not Printed
R414-29	Client Review/Education and Restriction Policy	21687	AMD	01/21/99	98-24/50
R414-31X	Hospital Utilization Review	21891	REP	04/23/99	99-6/18
R414-54	Speech-Language Pathology Services	21935	5YR	03/31/99	99-8/73
R414-54	Speech-Language Pathology Services	21936	NSC	05/01/99	Not Printed
R414-58	Children's Organ Transplants	21857	5YR	02/12/99	99-5/58
R414-302	Eligibility Requirements	21986	AMD	06/28/99	99-10/33
R414-303	Coverage Groups	21529	AMD	01/05/99	98-21/31
R414-303	Coverage Groups	22483	EMR	11/15/99	99-23/109
R414-304	Income and Budgeting	21764	AMD	02/25/99	99-2/4
R414-305	Resources	22068	AMD	07/22/99	99-12/74
R414-307	Eligibility Determination and Redetermination	21892	AMD	04/23/99	99-6/19
R414-501	Preadmission and Continued Stay Review	22381	5YR	09/15/99	99-19/97
R414-502	Nursing Facility Levels of Care	22382	5YR	09/15/99	99-19/98
R414-503	Preadmission Screening and Annual Resident Review	22383	5YR	09/15/99	99-19/98
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-1	Ambulance Rules	21693	AMD	02/26/99	98-24/51
R426-1	Ambulance Rules	22319	REP	10/04/99	99-17/50
R426-1-8	Maximum Licensed Services Transportation Rates and Charges	21649	AMD	01/07/99	98-23/22
R426-2	Air Medical Service Rules	21688	AMD	01/22/99	98-24/59
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R428-5	Appeal and Adjudicative Proceedings	22249	NSC	08/03/99	Not Printed
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R428-11	Health Data Authority Ambulatory Surgical Data Reporting Rule	22251	NSC	08/03/99	Not Printed
R428-12	Health Data Authority Survey of Enrollees in Health Maintenance Organizations	22252	NSC	08/03/99	Not Printed
R428-13	Health Data Authority, Audit and Reporting of HMO Performance Measures	22253	NSC	08/03/99	Not Printed
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R651-628	Trails	22153	5YR	06/29/99	99-14/95
R651-628	Trails	22299	AMD	10/04/99	99-17/112
R651-629	Unattended Property	22154	5YR	06/29/99	99-14/95
R651-630	Unsupervised Children	22155	5YR	06/29/99	99-14/96
R651-630-1	Children under 12 must be Supervised	22301	AMD	10/04/99	99-17/113
R651-631	Winter Sports	22156	5YR	06/29/99	99-14/96
R651-632	Enforcement	22157	5YR	06/29/99	99-14/97
R651-633	Special Closures or Restrictions	22303	NEW	10/04/99	99-17/114
<u>Forestry, Fire and State Lands</u>					
R652-30-610	Utah Lake Agricultural Leases	22053	AMD	09/29/99	99-11/61
R652-50-610	Utah Lake Grazing Permits	22054	AMD	09/29/99	99-11/62
R652-70-2300	Management of Bear Lake Sovereign Lands	21672	AMD	01/14/99	98-23/36
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R657-5	Taking Big Game	21717	AMD	01/15/99	98-24/96
R657-5	Taking Big Game	22076	AMD	07/16/99	99-12/87
R657-5-16	Areas with Special Restrictions	22349	AMD	10/16/99	99-18/20
R657-6	Taking Upland Game	22168	AMD	08/17/99	99-14/47
R657-9	Taking Waterfowl, Wilson's Snipe and Coot	22350	AMD	10/16/99	99-18/21
R657-10	Taking Cougar	22351	AMD	10/16/99	99-18/28
R657-14	Commercial Harvesting of Protected Aquatic Wildlife	21937	AMD	05/18/99	99-8/25
R657-14	Commercial Harvesting of Protected Aquatic Wildlife	22183	AMD	09/01/99	99-15/36
R657-22	Commercial Hunting Area	22169	AMD	08/17/99	99-14/54
R657-27	License Agent Procedures	21827	AMD	03/18/99	99-4/51
R657-33	Taking Bear	21938	AMD	05/18/99	99-8/33
R657-37	Cooperative Wildlife Management Units for Big Game	22027	5YR	05/03/99	99-11/75
R657-37	Cooperative Wildlife Management Units for Big Game	21939	AMD	05/18/99	99-8/39
R657-37-3	Requirements for the Establishment of a Cooperative Wildlife Management Unit	22352	AMD	10/16/99	99-18/33
R657-38	Dedicated Hunter Program	21719	AMD	01/15/99	98-24/107
R657-38	Dedicated Hunter Program	22091	NSC	06/04/99	Not Printed
R657-41	Conservation and Sportsman Permits	21940	AMD	05/18/99	99-8/45
R657-41	Conservation and Sportsman Permits	22092	NSC	06/04/99	Not Printed
R657-42	Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	21720	AMD	01/15/99	98-24/109
R657-43	Landowner Permits	21721	AMD	01/15/99	98-24/110
R657-46	The Use of Game Birds in Dog Field Trials and Training	22170	NEW	08/18/99	99-14/57
R657-46	The Use of Game Birds in Dog Field Trials and Training	22355	AMD	10/16/99	99-18/34
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R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	21921	AMD	05/06/99	99-7/31
R686-103	Professional Practices and Conduct for Utah Educators	21922	NEW	05/06/99	99-7/40
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R698-4	Certification of the Law Enforcement Agency of a Private College or University	21779	NEW	03/05/99	99-3/33
R698-4	Certification of the Law Enforcement Agency of a Private College or University	21913	NSC	04/01/99	Not Printed

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R708-2	Commercial Driver Training Schools	21579	CPR	03/18/99	99-4/61
R708-10	Classified License System	22414	5YR	09/30/99	99-20/59
R708-22	Commercial Driver License Administrative Proceedings	22419	5YR	10/05/99	99-21/72
R708-24	Renewal of a Commercial Driver License (CDL)	22420	5YR	10/04/99	99-21/73
R708-26	Temporary Learner Permit Rules	22389	5YR	09/16/99	99-20/59
R708-30	Motorcycle Rider Training Schools	21881	5YR	02/17/99	99-6/32
R708-30	Motorcycle Rider Training Schools	21933	R&R	05/18/99	99-8/48
R708-31	Ignition Interlock Systems	22415	5YR	09/30/99	99-20/60
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R710-1	Concerns Servicing Portable Fire Extinguishers	21708	AMD	01/15/99	98-24/112
R710-3	Assisted Living Facilities	21709	AMD	01/15/99	98-24/116
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	21710	AMD	01/15/99	98-24/117
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R710-6	Liquefied Petroleum Gas Rules	22317	AMD	10/04/99	99-17/115
R710-6	Liquefied Petroleum Gas Rules	22469	EMR	10/22/99	99-22/23
R710-8	Day Care Rules	21712	AMD	see CPR	98-24/120
R710-8	Day Care Rules	21712	CPR	02/23/99	99-2/88
R710-9	Rules Pursuant to the Utah Fire Prevention Law	21901	AMD	04/19/99	99-6/21
R710-9	Rules Pursuant to the Utah Fire Prevention Law	22184	AMD	09/01/99	99-15/41
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R714-500	Chemical Analysis Standards and Training	21945	NSC	05/01/99	Not Printed
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R746-320	Uniform Rules Governing Natural Gas Service by Gas Utilities	21798	AMD	06/05/99	99-4/52
R746-320	Uniform Rules Governing Natural Gas Service	22108	AMD	10/29/99	99-13/20

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R746-365	Intercarrier Service Quality	20997	CPR	01/13/99	98-18/39
R746-365	Intercarrier Service Quality	21774	NSC	01/15/99	Not Printed
R746-365-4	Service Quality Guidelines	21879	AMD	06/01/99	99-5/42
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<u>Administration</u>					
R765-607	Utah Higher Education Tuition Assistance Program	21673	NEW	01/04/99	98-23/38
R765-607	Utah Higher Education Tuition Assistance Program	21771	NSC	01/27/99	Not Printed
R765-610	Utah Higher Education Assistance Authority Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation Programs	22358	AMD	11/03/99	99-19/94
R765-648	Lender Record Retention	22359	REP	11/03/99	99-19/95
R765-685	Utah Educational Savings Plan Trust	21674	AMD	01/04/99	98-23/40
R765-685	Utah Educational Savings Plan Trust	22174	AMD	09/21/99	99-15/46
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R807-1	Curation of Collections from State Lands	21966	NEW	06/03/99	99-9/86
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<u>Administration</u>					
R850-5-200	Payments	22083	NSC	06/03/99	Not Printed
R850-20-175	Coal Leasing of Lands Acquired in Public Law 105-335 Exchanges	21909	EXP	03/03/99	99-7/52
R850-40-1600	Easement Assignments	21932	AMD	05/18/99	99-8/58
R850-40-1600	Easement Assignments	22344	AMD	10/18/99	99-18/37
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<u>Auditing</u>					
R865-6F-34	Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701	21760	AMD	03/16/99	99-2/58
R865-6F-35	S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703	21761	AMD	03/16/99	99-2/59
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
R865-7H-1	Environmental Assurance Fee for Retailers or Consumers Not Participating in the Environmental Assurance Program Pursuant to Utah Code Ann. Section 19-6-410.5	21737	NEW	03/16/99	99-1/22
R865-7H-2	Environmental Assurance Fee on Packaged Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21738	NEW	03/16/99	99-1/24

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R865-7H-3	Environmental Assurance Fee on Exports of Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21739	NEW	03/16/99	99-1/24
R865-13G-14	Environmental Assurance Fee Pursuant to Utah Code Ann. Section 19-6-410.5	21740	AMD	04/28/99	99-1/25
R865-19S-79	Tourist Home, Hotel, Motel, or Trailer Court Accommodations and Services Defined Pursuant to Utah Code Ann. Section 59-12-103	22161	AMD	09/02/99	99-14/63
R865-19S-106	Tourist Marketing Performance Fund Pursuant to Utah Code Ann. Section 9-2-1702 and 9-2-1703	22094	AMD	09/02/99	99-12/91
R865-19S-107	Reporting of Exempt Sales or Purchases Pursuant to Utah Code Ann. Section 59-12-105	22095	AMD	09/02/99	99-12/92
R865-19S-108	User Fee Defined Pursuant to Utah Code Ann. Section 59-2-103	22162	AMD	09/02/99	99-14/64
<u>Motor Vehicle</u>					
R873-22M-20	Aircraft Regulation Pursuant to Utah Code Ann. Sections 2-1-7, 2-1-7.5, 2-1-7.6, and 2-1-7.7	21997	AMD	06/21/99	99-10/88
<u>Property Tax</u>					
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	22353	AMD	10/19/99	99-18/38
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	22391	NSC	10/19/99	Not Printed
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	22444	NSC	10/26/99	Not Printed
R884-24P-27	Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5	21930	AMD	06/21/99	99-8/59
R884-24P-27	Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5	21974	NSC	06/21/99	Not Printed
R884-24P-27	Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5	22185	AMD	09/02/99	99-15/49
R884-24P-32	Leasehold Improvements Pursuant to Utah Code Ann. Section 59-2-303	21931	AMD	06/21/99	99-8/61
R884-24P-32	Leasehold Improvements Pursuant to Utah Code Ann. Section 59-2-303	21975	NSC	06/21/99	Not Printed
R884-24P-32	Leasehold Improvements Pursuant to Utah Code Ann. Section 59-2-303	22186	AMD	09/02/99	99-15/51
R884-24P-33	1999 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	22354	AMD	10/19/99	99-18/99
R884-24P-50	Apportioning the Utah Proportion of Commercial Aircraft Valuations Pursuant to Utah Code Ann. Subsection 59-2-201(1)(c) and Section 59-2-801	22096	AMD	09/02/99	99-12/93

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R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	CPR	01/12/99	98-23/46
R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21777	EMR	01/12/99	99-3/64
R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21789	AMD	03/16/99	99-3/46
R884-24P-57	Judgment Levies Pursuant to Utah Code Ann. Section 59-2-1328	22028	AMD	09/02/99	99-11/73
R884-24P-61	1.5 Percent Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405	21762	AMD	03/16/99	99-2/60
R884-24P-63	Performance Standards and Training Requirements Pursuant to Utah Code Ann. Section 59-2-406	21676	AMD	03/16/99	98-23/42
R884-24P-64	Determination and Application of Taxable Value for Purposes of the Property Tax Exemption for Disabled Veterans and the Blind Pursuant to Utah Code Ann. Section 59-2-1104 and 59-2-1106	21998	AMD	06/21/99	99-10/89
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R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	22124	EMR	06/28/99	99-14/76
R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	22165	NEW	08/17/99	99-14/65
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R909-1	Safety Regulations for Motor Carriers	21756	AMD	03/15/99	99-2/62
R909-3	Standards for Utah School Buses	22346	5YR	08/30/99	99-18/61
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	21780	AMD	05/04/99	99-3/49
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	22278	AMD	10/04/99	99-17/121
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R912-3	Restriction of Truck Traffic on SR-128. Legal and Permitted Vehicles	21799	NSC	01/27/99	Not Printed
R912-4	Limitation of Special Permit Vehicles in Provo Canyon. Legal and Permitted Vehicles	21819	REP	06/01/99	99-4/58

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R912-14	Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length	22171	5YR	07/06/99	99-15/58
R912-76	Single Tire Configuration	21801	NSC	01/27/99	Not Printed
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<u>Employment Development</u>					
R986-218	Financial Assistance General Assistance/Self-Sufficiency Program	22330	EMR	08/17/99	99-18/55
R986-218	Financial Assistance General Assistance/Self-Sufficiency Program	22347	AMD	10/22/99	99-18/48
R986-221	Demonstration Programs	22093	AMD	08/31/99	99-12/94
R986-413	Program Standards	21705	AMD	01/20/99	98-24/122
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R986-414	Income	21763	AMD	04/08/99	99-2/64
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R986-421	Demonstration Programs	21585	AMD	01/20/99	98-22/136
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R994-309	Nonprofit Organizations	22197	5YR	07/20/99	99-16/51
R994-310	Coverage	22192	5YR	07/20/99	99-16/52
R994-311	Governmental Units	22199	5YR	07/20/99	99-16/52
R994-312	Employment Units Records - Confidential	22220	5YR	07/30/99	99-16/53
R994-405	Ineligibility for Benefits	21745	AMD	02/17/99	99-2/65
R994-405	Ineligibility for Benefits	21746	AMD	02/17/99	99-2/72
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R994-405	Ineligibility for Benefits	21749	AMD	02/17/99	99-2/83
R994-405	Ineligibility for Benefits	21747	NSC	02/20/99	Not Printed
R994-600	Dislocated Workers	21770	AMD	03/05/99	99-3/51