

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Number 2000-20  
October 15, 2000

Kenneth A. Hansen, Director  
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

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 NOTES

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### NOTICE OF A PUBLICATION ERROR IN THE AUGUST 15, 2000, ISSUE OF THE *UTAH STATE BULLETIN*

In the August 15, 2000, issue of the *Utah State Bulletin* (2000-16), a proposed repeal and reenact was filed by the Judicial Conduct Commission for Rule R595-1 (DAR No. 23037, page 23). Due to a clerical error at the Division of Administrative Rules, the first possible effective date was listed as 08/15/2000, in the rule analysis. The date should have been 09/15/2000. The Judicial Conduct Commission has made the repeal and reenact effective as of 09/18/2000 (see the Notices of Rule Effective Dates in this *Bulletin*).

*If you have any questions regarding this correction, please contact Nancy Lancaster, Publications Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007, phone: (801) 538-3218, FAX: (801) 538-1773, or Internet E-mail: [nlancast@das.state.ut.us](mailto:nlancast@das.state.ut.us).*

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**End of the Editor's Notes Section**

# SPECIAL NOTICES

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## EXECUTIVE ORDER

**Whereas**, the danger from wildland fires is extremely high throughout the State of Utah; and

**Whereas**, numerous wildland fires are burning and continue to burn in various areas statewide and present a serious threat to public safety, property, natural resources and the environment; and

**Whereas**, some of the areas are extremely remote and inaccessible and the situation has the potential to greatly worsen if left unattended; and

**Whereas**, immediate action is required to suppress the fires to protect public safety, property, natural resources and the environment; and

**Whereas**, these conditions do create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981; and

**Now, Therefore**, I, Michael O. Leavitt, Governor of the State of Utah, by virtue of the power vested in me by the constitution and the laws of the State of Utah;

**Do Hereby Order That:** It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of September 28, 2000, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

**In Testimony, Whereof**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 28th day of September, 2000.

(State Seal)

**Michael O. Leavitt**  
Governor

Attest:

**Olene S. Walker**  
Lieutenant Governor

**P R O C L A M A T I O N**

**WHEREAS**, since the close of the 2000 General Session of the 53rd Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

**WHEREAS**, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

**NOW, THEREFORE, I, MICHAEL O. LEAVITT**, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 53rd Legislature of the State of Utah into a Thirteenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of October, 2000, at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2000 General Session of the 53rd Legislature of the State of Utah.

**IN TESTIMONY WHEREOF**, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 3rd day of October, 2000.

(STATE SEAL)

**MICHAEL O. LEAVITT**  
Governor

**OLENE S. WALKER**  
Lieutenant Governor

DEPARTMENT OF ADMINISTRATIVE SERVICES  
ADMINISTRATIVE RULES

REQUEST FOR INPUT REGARDING THE METHOD USED TO SHOW  
CHANGES TO THE TEXT OF A RULE FILED AS A "CHANGE IN PROPOSED RULE"

The Division of Administrative Rules is soliciting comment from the public and government agencies regarding the method used to show changes in the text of a Change in Proposed Rule. This issue was raised by staff to the Legislature's Administrative Rules Review Committee during its meeting held May 22, 2000. After reviewing rules published in the February 15, 2000, issue of the *Utah State Bulletin*, the committee staff asked why the text of Changes in Proposed Rules is not marked in a manner similar to amended bills. At that meeting, the Division committed to explore this issue and report back to the committee before the end of the year.

Currently, the text of a Change in Proposed Rule shows only additional amendments proposed to the text, beyond those made in the original Proposed Rule, as demonstrated in the "Existing Publication Method" below. This method requires the reader to look at both the Proposed Rule and the Change in Proposed to understand the complete amendment history.

EXISTING PUBLICATION METHOD

Proposed Rule

**R156-16a-304. Continuing Education.**

In accordance with Section 58-16a-304, the standards for the 30 hours of qualified continuing professional education are the following.

- ~~[(1) Qualified continuing professional education shall consist of:~~
- ~~(a) a minimum of 24 clock hours in pathology, pharmacology, emergency medicine or hands-on clinical continuing education;~~
- ~~(b) a biennial course in cardiopulmonary resuscitation (CPR) or Basic Life Support (BCLS) resulting in certification; and~~
- ~~(c) not more than two clock hours relating to ocular practice management;~~
- ~~(2) Qualified continuing professional education shall meet the following criteria: . . . .~~
- ~~(3) Credit for qualified continuing professional education shall be recognized in accordance with the following:~~
- ~~(a) courses approved by the Council on Optometric Professional Education (COPE);~~
- ~~(b) courses, seminars, lectures, grand rounds, or conferences approved or sponsored by:~~
- ~~(i) state, regional, or national optometric associations;~~
- ~~(ii) state, regional, or national ophthalmological associations;~~
- ~~(iii) state licensing boards;~~
- ~~(iv) accredited colleges or universities; or~~
- ~~(v) established local eye care facilities;~~
- ~~(4) After September 30, 1998, only courses approved by COPE will qualify as meeting the qualified continuing professional education requirements. [(1) With the exception of Subsection (2), only courses approved by the Council on Optometric Professional Education (COPE) and optometry related courses approved by the Council on Medical Education and the American Optometric Association will be accepted.~~
- ~~(2) A maximum of two hours of continuing professional education will be accepted for courses in certification or recertification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BCLS).~~
- ~~[(5)3] Qualified continuing professional education hours for licensees who have not been licensed for the entire two year [period]renewal cycle will be prorated from the date of licensure.~~
- ~~[(6)4] A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after close of the two year [period]renewal cycle to which the records pertain. [It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education and to demonstrate it meets the requirements under this section.]~~
- ~~(5) Hours in excess of the 30 hours obtained in one renewal cycle cannot be transferred to the next renewal cycle.~~

Change in Proposed Rule

**R156-16a-304. Continuing Education.**

In accordance with Section 58-16a-304, the standards for the 30 hours of qualified continuing professional education are the following.

- (1) With the exception of Subsection (2), only courses approved by the Council on Optometric Professional Education (COPE) and optometry related courses approved by the Council on Medical Education ~~and the American Optometric Association~~ will be accepted.
- (2) A maximum of two hours of continuing professional education will be accepted for courses in certification or recertification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BCLS).
- (3) Qualified continuing professional education hours for licensees who have not been licensed for the entire two year renewal cycle will be prorated from the date of licensure.
- (4) A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after close of the two year renewal cycle to which the records pertain.
- (5) Hours in excess of the 30 hours obtained in one renewal cycle cannot be transferred to the next renewal cycle.
- (6) A licensee who has a serious health problem or who has left the United States for an extended period of time which may prevent the licensee from being able to comply with the professional education requirements established under this section may be excused from completing some or all of the requirements established under this section by submitting a written request to the Division and receiving Division approval.

Alternatively, a bill is marked to show all amendments as in the sample below taken from S.B. 48 (2000 Utah Laws 160). However, depending on the types of amendments made, it is possible to have text underlined and struck out at the same time so that the reader is still required to review the Introduced Bill to determine if text is actually being removed or added.

## BILL AMENDMENT METHOD

## Introduced Bill

Section 10. ~~58-16a-601~~ is amended to read:

**58-16a-601. Scope of practice.**

(1) An optometrist may:

(a) provide any optometric services not specifically prohibited under this chapter or division rules and that are within the optometrist's training, skills, and scope of competence; and

(b) prescribe or administer any pharmaceutical agent for the eye and its adnexa, including all oral pharmaceutical agents, ~~except that the oral antibiotics may only be prescribed for:~~

~~[(i) eyelid-related ocular conditions or diseases; and]~~

~~[(ii) any other ocular disease or condition as specified by division rule.]~~

(2) An optometrist may not:

(a) perform surgery, including laser surgery; or

(b) prescribe or administer any Schedule II ~~[or Schedule III]~~ controlled substance as defined in Title 58, Chapter 37, Controlled Substances.

(3) An optometrist is a health care provider for purposes of Sections 31A-22-617 and 31A-22-618.

## Amended Bill

Section 10. Section ~~58-16a-601~~ is amended to read:

**58-16a-601. Scope of practice.**

(1) An optometrist may:

(a) provide any optometric services not specifically prohibited under this chapter or division rules and that are within the optometrist's training, skills, and scope of competence; and

(b) prescribe or administer any pharmaceutical agent for the eye and its adnexa, including all oral pharmaceutical agents ~~§ [+-] except that~~

~~;(i) the oral antibiotics may only be prescribed for: [+-]~~

(A) [+-] (i) eyelid-related ocular conditions or diseases; and [+-]

(B) [+-] (ii) any other ocular disease or condition as specified by division rule. [+-] ; AND

(ii) SCHEDULE III CONTROLLED SUBSTANCES MAY ONLY BE PRESCRIBED ~~h~~ [TO BE TAKEN ORALLY] OR ADMINISTERED ~~h h~~ TO BE TAKEN ORALLY OR TOPICALLY ~~h~~ FOR PAIN OF THE EYE OR ADNEXA IN A QUANTITY NOT TO EXCEED 72 HOURS IN DURATION AND WHICH MAY NOT BE REFILLED. §

(2) An optometrist may not:

(a) perform surgery, including laser surgery; or

(b) prescribe or administer any Schedule II ~~[or Schedule III]~~ controlled substance as defined in Title 58, Chapter 37, Controlled Substances.

(3) An optometrist is a health care provider for purposes of Sections 31A-22-617 and 31A-22-618.

Using an alternative similar to the Amended Bill method would probably also necessitate allowing an agency to file something equivalent to a substitute bill, which would show the final version of the changes.

Interested persons may submit written comments, no later than November 14, 2000, at 5:00 p.m., to: Kenneth A. Hansen, Director, Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007, E-mail: khansen@das.state.ut.us, FAX: (801) 538-1773.

Interested person may also comment by attending a public meeting to discuss this issue. The public meeting is scheduled for Thursday, November 2, 2000, 10:00 a.m. to 11:00 a.m., at 4112 State Office Building, 450 North Main St, Salt Lake City, UT 84114.

Following an assessment of comments received, the Division will report back to the Administrative Rules Review Committee and publish a notice in a subsequent issue of the *Utah State Bulletin*.

**End of the Special Notices Section**

## NOTICES OF PROPOSED RULES

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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 September 16, 2000, 12:00 a.m., and October 2, 2000, 11:59 p.m., are included in this, the October 15, 2000, 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 November 14, 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 February 12, 2001, 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.

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

Commerce, Real Estate  
**R162-102**  
Application Procedures

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE No.: 23174  
FILED: 09/25/2000, 11:29  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To include the category of licensed appraisers in the 28 hour continuing education requirement.

SUMMARY OF THE RULE OR CHANGE: The change involves adding a single word, "licensed," to the text of the rule, to clarify that licensed appraisers are also required to fulfill the 28 hour continuing education requirement for appraisers when they renew their registration/license/certification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Cost or savings to state budget will be minimal because the 28 hours of education that the licensed appraisers will have to take are not provided by the state. The fees due to the state for license renewal will remain the same, regardless that the requirements to renew are slightly altered.

❖LOCAL GOVERNMENTS: Local government will not be affected by this rule change because it is not involved in the renewal process of licensed appraisers.

❖OTHER PERSONS: Other persons financially affected by this rule change would include providers of appraiser continuing education courses. However, with less than 20 licensed appraisers in the state, the impact would be a minimal increase in business for them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Licensed appraisers who wish to renew their license will need to obtain the 28 hours of continuing education from private appraiser continuing education providers. The charge for continuing education is not regulated, therefore, compliance costs are unknown.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The only change proposed by this amendment is to add the single word "licensed" to the text of the rule to clarify that licensed appraisers are required to meet the continuing education provisions. Since this is merely a clarification of an existing requirement, there will be no impact on the state budget, local governments, the regulated profession, or the general public.

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

Commerce  
Real Estate  
Second Floor, Heber Wells Building  
160 East 300 South  
PO Box 146711  
Salt Lake City, UT 84114-6711, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.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 11/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2000

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Director

**R162. Commerce, Real Estate.**  
**R162-102. Application Procedures.**

.....

**R162-102-3. Renewal.**

102.3.1 At least 30 days before expiration, a renewal notice shall be sent by the Division to the registered, licensed or certified appraiser at the mailing address shown on the Division records. The applicant for renewal must return the completed renewal notice and the applicable renewal fee to the Division on or before the expiration shown on the notice.

102.3.1.1 The registered, licensed~~and~~, senior appraiser, or certified appraiser must return proof of completion of 28 hours of continuing education taken during the preceding two years.

102.3.1.1.1 Even though the appraiser may have changed ~~classification~~licensing categories, every third time the appraiser renews, the appraiser will provide evidence of having completed, within the two years prior to the third renewal, a course in the Uniform Standards of Professional Appraisal Practice. This USPAP course will be a 15-hour course and will include passing of a final exam. This 15 hours of credit may be used to meet part of the continuing education requirement for that renewal period. The appraiser must obtain and study the Utah Real Estate Appraiser Licensing and Certification Act and the rules promulgated thereunder and must sign an attestation that he understands and will abide by them.

102.3.1.1.2 Those State-Licensed Appraisers who were Senior Appraisers prior to May 3, 1999 and who completed a USPAP course after January 1, 1993 will not be required to complete the USPAP course again in order to renew until their third renewal following the date upon which they completed the USPAP course.

102.3.1.1.3 Those appraisers who were State-Registered Appraisers prior to May 3, 2001 and who completed a USPAP course after January 1, 1993 will not be required to complete the USPAP course again in order to renew until their third renewal following the date upon which they completed the USPAP course.

102.3.2 If the renewal fee and documentation are not received within the prescribed time period, the registration, license or certification shall expire.

102.3.2.1 A registration, license or certification may be renewed for a period of 30 days after the expiration date upon payment of a late fee in addition to the requirements of Section 102.3.1.

102.3.2.2 After this 30-day period and until six months after the expiration date, the registration, license or certification may be reinstated upon payment of a reinstatement fee in addition to the requirements of Section 102.3.1. It shall be grounds for disciplinary sanction if, after the expiration date, the individual continues to perform work for which a registration, license or certification is required.

102.3.2.3 A person who does not renew a registration, license or certification within six months after the expiration date shall be reregistered, relicensed or recertified as prescribed for an original application. The applicant will receive credit for previously credited prelicensing education. Applicants for a new license or certification will be required to complete a USPAP course and retake the examination for the classification for which they are applying.

102.3.3 If the Division has received renewal documents in a timely manner but the information is incomplete, the appraiser shall be extended a 15-day grace period to complete the application.

.....

**KEY: real estate appraisal, licensing**  
**[July 16, 1999]2000**

**61-2b-23**



**Commerce, Real Estate**  
**R162-105**  
**Scope of Authority**

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 23175  
FILED: 09/25/2000, 11:29  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To clarify and define the role of a supervising appraiser. To direct the applicant in maintaining an experience log. To define the term of revocation or surrender.

SUMMARY OF THE RULE OR CHANGE: These changes clarify that a supervising appraiser of an appraiser trainee must critically observe and direct all aspects of the appraisal process, and

accept full responsibility for the appraisal and the contents of the appraisal report; direct the unclassified appraiser to maintain a log of their experience in a format that is satisfactory to the Board; and define that unless otherwise directed by the Board, appraisers whose licenses are revoked or surrendered may not serve as an unclassified individual for five years after the date of revocation or surrender.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: State budget will be minimally affected by these changes because their purpose is to clarify existing rules. The State budget might be minutely affected by appraisers whose licenses have been revoked or suspended and consequently are not allowed to work as an unclassified appraiser for five years following the suspension or revocation, therefore lengthening the time they would be eligible to submit an application and application fee for licensure.

❖LOCAL GOVERNMENTS: Local government will not be affected, because the rule changes are to clarify existing rules which define roles of appraisers and terms of revocation or surrender.

❖OTHER PERSONS: Appraisers whose licenses have been revoked or surrendered will be financially impacted in that they will not be allowed to work in the appraisal field for a minimum of five years from the date of the revocation or surrender. They will consequently have to find another career field for that time. Supervising appraisers might also be financially affected, however, it would be minimal. The supervising appraiser will not be allowed to employ an unclassified person whose previous appraisal license or certification has been revoked or surrendered, until such time they are again eligible.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs for supervising appraisers will be minimal, however, they will have to ensure their supervision consists of critical observation and direction of all aspects of the appraisal process, and they will have to accept full responsibility for the appraisal and the contents of the report. Supervising appraisers will also not be allowed to employ individuals who previously held an appraisal license or certification which was revoked or surrendered, until five years after the revocation or surrender. Compliance costs are undetermined for appraisers who have had their license revoked or surrendered, as they will not be able to practice in the appraisal profession for five years following the revocation or surrender.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these proposed amendments is to provide guidance and clarify the responsibility of a supervising appraiser, and also to provide that an appraiser whose authority to act has been revoked, suspended, or surrendered under investigation cannot act in an unclassified capacity for a period of five years. The proposed amendments would have no perceptible fiscal impact on the state budget and no affect whatsoever on local

governments. Revoked practitioners are no longer a part of the profession, so there would be no impact on the regulated professionals. The general public will not be affected by these amendments.

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

Commerce  
Real Estate  
Second Floor, Heber Wells Building  
160 East 300 South  
PO Box 146711  
Salt Lake City, UT 84114-6711, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.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 11/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2000

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Director

**R162. Commerce, Real Estate.**

**R162-105. Scope of Authority.**

**R162-105-1. Scope of Authority.**

105.1 Transaction value. "Transaction value" means:

105.1.1 For loans or other extensions of credit, the amount of the loan or extension of credit;

105.1.2 For sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property interest involved; and

105.1.3 For the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.

105.2 State-Licensed Appraisers. In federally-related transactions, the Utah Real Estate Appraiser Licensing Act and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and related federal regulations allow State-Licensed Appraisers to perform the appraisal of non-complex one to four residential units having a transaction value of less than \$250,000.

105.2.1 Subject to the transaction value limits in Section 105.2, State-Licensed Appraisers may also perform appraisals in federally-related transactions of vacant or unimproved land that is utilized for one to four family purposes, or for which the highest and best use is 1-4 family purposes, so long as net income capitalization analysis is not required by the terms of the assignment.

105.2.2 State-Licensed Appraisers may not perform appraisals of subdivisions in federally-related transactions for which a development analysis/appraisal is necessary or for which discounted cash flow analysis is required by the terms of the assignment.

105.3 Unclassified [r]Individuals.

105.3.1 Unclassified individuals who have not yet accumulated 100 experience points and who have not successfully completed the education required for licensure may perform the following duties under the direct supervision of a state-licensed or state-certified appraiser: typing an appraiser's research notes; typing an appraisal report; accompanying an appraiser on an inspection visit to a property; assisting an appraiser in measuring a property; taking photographs of specific properties selected and inspected by the appraiser; performing routine calculations; and obtaining copies of assessment records, deeds, maps, and data from real property data bases relating to properties selected by the appraiser.

105.3.1.1 The unclassified individual may accumulate the first 100 experience points with each duty listed in the following table being worth 20% of the total points awarded from the Appraisal Experience Points Schedule under Section 104-18.1. or 104-18.2. not to exceed the maximum number of points awarded for each property. Applicants must have experience in at least five of the following categories and no more than one-third of the experience can come from any one of the following categories.

(a) type an appraiser's research notes - 20% of total points

(b) type an appraisal report - 20% of total points

(c) accompany an appraiser on an inspection visit - 20% of total points

(d) assist an appraiser in measuring property - 20% of total points

(e) take photographs of specific properties selected and inspected by the appraiser - 20% of total points

(f) perform routine calculations - 20% of total points

(g) obtain copies of assessment records, deeds, maps and data from real property databases relating to properties selected by the supervising appraiser - 20% of total points

105.3.1.2. Unclassified individuals who have not yet accumulated 100 experience points and who have not successfully completed the education required for licensure may not participate in: selecting comparables for an appraisal assignment; making adjustments to comparables; drafting an appraisal report; and, except when working in the presence of a state-licensed or state-certified appraiser, inspecting a property that is the subject of an appraisal or that may be used as a comparable in an appraisal, or measuring a property.

105.3.2. Unclassified individuals who have accumulated 100 experience points and have successfully completed at least 30 hours of the education required for licensure may act in the capacity of an appraisal "trainee" under the direct supervision of a state-licensed or state-certified appraiser. A "trainee" is permitted to have more than one supervising appraiser.

105.3.2.1. An appraiser "trainee" may, under the direct supervision of a state-licensed or state-certified appraiser, participate in selecting comparables for an appraisal assignment, participate in making adjustments to comparables, draft appraisal reports, and when working in the presence of a state-licensed or state-certified appraiser, inspect a property that is the subject of an appraisal or that may be used as a comparable in an appraisal, and measure a property.

105.3.2.2. The unclassified individual who is a "trainee" may accumulate the experience points with each duty listed in the following table being worth 33.3% of the total points awarded from the Appraisal Experience Points Schedule under Section 104-18.1.

or 104-18.2. not to exceed the maximum number of points awarded for each property. "Trainee" experience must be earned in at least three of the following categories and no more than one-third of their experience can come from any one of the following categories.

(a) participate in selecting comparables for an appraisal assignment - 33.3% of total points

(b) participate in making adjustments to comparables - 33.3% of total points

(c) draft appraisal reports - 33.3% of total points

(d) when working in the presence of a state-licensed or state-certified appraiser, inspect a property that is the subject of an appraisal or that may be used as a comparable in an appraisal, and measure the property - 33.3% of total points

105.3.3. All experience points cannot be earned in one 12-month period. For applicants for licensure, a maximum of 300 points will be credited for any one 12-month period. Credit will be given for appraisal experience earned only within five years immediately preceding the licensure or certification application. Applicants who believe the Experience Points Schedule does not adequately reflect their experience may refer to Section 104-17.

105.3.4. All unclassified individuals are prohibited from signing an appraisal report or discussing an appraisal assignment with anyone other than the appraiser responsible for the assignment, state enforcement agencies and such third parties as may be authorized by due process of law, or a duly authorized professional peer review committee.

105.3.5. A classified appraiser who supervises an unclassified individual shall be responsible for the training and direct supervision of the unclassified individual.

105.3.5.1 Direct supervision shall consist of critical observation and direction of all aspects of the appraisal process and accepting full responsibility for the appraisal and the contents of the appraisal report.

105.3.5.2 A classified appraiser shall require the unclassified appraiser to maintain a log in a form satisfactory to the Board which shall contain, at a minimum, the following information for each appraisal.

(a) Type of property;

(b) Address of appraised property;

(c) Description of work performed;

(d) Number of work hours;

(e) Signature and state license/certification number of the supervising appraiser.

105.3.6. The unclassified individual ~~may~~ shall maintain a separate appraisal log for each supervising appraiser.

105.4. Term of Revocation or Surrender.

105.4.1 Unless otherwise ordered by the Board, any appraiser whose appraiser certification, license, or registration has been revoked or suspended by the Board, or who has surrendered a certification, license, or registration as a result of an investigation by the Division, may not serve as an unclassified appraiser for a period of five years after the date of the revocation or surrender, nor may a licensed or certified appraiser employ or supervise him during that period in the activities permitted unclassified persons.

**KEY: real estate appraisal**

~~[June 1, 2000]~~2000

61-2b

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**Health, Epidemiology and Laboratory  
Services, Environmental Services  
R392-302  
Design, Construction, and Operation of  
Public Pools**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 23173

FILED: 09/21/2000, 14:10

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule establishes minimum requirements intended to protect the public from communicable disease transmission, and potential accidents that could result in serious illness, injury or death attributed to environmental conditions created by the design, construction, operation and use of public pools. Information and reports received by the bureau since the adoption of the current rule have indicated that the rules requirements may be inadequate in protecting the public from serious illness, injury, or death. The Bureau and the Pool Advisory Committee have attempted to minimize the potential for entrapment, evisceration, and diving accidents, and cases of illness which have all led to serious illnesses, injuries and deaths by upgrading some of the requirements with industry recommendations and standards. Other amendments were developed at the requests of industry to address concerns of equity between different construction types. Some amendments correct references or remove vague language. A copy of the proposed amendments was e-mailed to the Utah Hotel and Lodging Association for dissemination to their members. A request for comments was solicited. Only two comments were received from the membership. During follow-up conversations with both of these individuals, they both agreed that the few spas or hot tubs that cannot meet existing requirements for outlets should either be retrofitted or replaced.

SUMMARY OF THE RULE OR CHANGE: 1) Section R392-302-18 has been rewritten in its entirety to implement greater protection from entrapment and evisceration hazards.

2) Section R392-302-6 has been amended to allow greater acceptability of some materials.

3) Section R392-302-11 is essentially rewritten to avoid ambiguity found in Table 1 by removing it, and replacing it with a reference to a national standard.

4) Section R392-302-30 is changed to reflect a more practical and equitable application of the life guarding requirements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-15-2

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: U.S. Diving Official Rules and Code of United States Diving Inc. 2000-2001, Appendix B.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rulemaking will not affect the state budget or pose any economic impact beyond that created by the already existing rule. Agency responsibilities and activities (such as inspection and enforcement) will remain unchanged; only pool owners will be required to engage in cost or saving related activities.

❖LOCAL GOVERNMENTS: This rulemaking will not affect the local health departments' budgets or pose any economic impact beyond that created by the already existing rule.

❖OTHER PERSONS: Health and fitness clubs may realize reduced lifeguard service costs, since they will not have to have lifeguards on duty when bathers are not present. Health and fitness clubs typically have lifeguards on duty whenever children are present. Some private pool owners will incur costs associated with the public use of their pools and associated costs for compliance as a public pool. There is no way of determining how many private pools are being used as public pools for swimming lessons etc., but as they are identified, they will incur some costs as they are required to provide lifeguard services.

It is estimated that of the existing 552 spas or hot tubs very few will be affected by a requirement to retrofit with automatic pump shut off switches. Those affected by the new retrofit will be the few that are designed as private residential spas or hot tubs and cannot meet current requirements for commercial spas or hot tubs, and others that are older commercial spas or hot tubs, but cannot meet current requirements for outlet design.

COMPLIANCE COSTS FOR AFFECTED PERSONS: New construction changes will have negligible increases in costs. Costs of automatic pump shut off switches on retro fitted pools may cost \$400 to \$1,500. A number of fitness centers were surveyed and established an estimated average savings of \$70 per day per facility.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Pool Advisory Committee to the Bureau of Food Safety and Environmental Health as well as industry groups have been consulted in the development of this rule. Lifeguard requirements for public pools have been reduced. Private pools used for a public purpose will now be clearly subject to this rule. Subject to further public comment, automatic pump switch-off valves appear to be an appropriate cost-effective tool to avoid serious injuries that have been documented nationally. Rod L. Betit

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

Health  
Epidemiology and Laboratory Services,  
Environmental Services  
Cannon Health Building  
288 North 1460 West  
PO Box 142103  
Salt Lake City, UT 84114-2103, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Ivie at the above address, by phone at (801) 538-6753, by FAX at (801) 538-6036, or by Internet E-mail at rivie@doh.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 11/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2000

AUTHORIZED BY: Rod L. Betit, Executive Director

**R392. Health, Epidemiology and Laboratory Services, Environmental Services.**

**R392-302. Design, Construction and Operation of Public Pools.**

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**R392-302-2. Definitions.**

The following definitions apply in this rule.

(1) "Bather Area" means any area normally occupied by bathers as they participate in bathing activities. Bather areas include pools, decks, slides, and dressing rooms.

(2) "Bather Load" means the number of persons using a pool at any one time or specified period of time.

(3) "Department" means the Utah Department of Health.

(4) "Diver area" means the area of a pool that is designed, operated, and reserved around each diving board or platform.

(5) "Executive Director" means the Executive Director of the Utah Department of Health, or his designated representative.

(6) "Facility" means any premises, building, pool, equipment, system, and appurtenance which appertains to the operation of a public pool.

(7) "Float Tank or Relaxation Tank" means a tank containing skin-temperature salt water that is designed to provide for solitary body floatation upon or within the water.

(8) "High Bather Load" means 90% or greater of the designed maximum bather load."

(9) "Hydrotherapy Pool" means a pool designed primarily for medically prescribed therapeutic use.

(10) "Illuminance Uniformity" means [F]the ratio[π] between the brightest illuminance falling on a surface compared to the lowest illuminance falling on a surface within an area. The value of illuminance falling on a surface is measured in foot candles.

(11) "Lamp Lumens" means the quantity of light, illuminance, produced by a lamp.

(12) "Lifeguard" means an attendant who supervises the safety of bathers.

(13) "Living Unit" means one or more rooms or spaces that are, or can be, occupied by an individual, group of individuals, or a family, temporarily or permanently for residential or overnight lodging purposes. Living units include motel and hotel rooms, condominium units, travel trailers, recreational vehicles, mobile homes, single family homes, and individual units in a multiple unit housing complex.

(14) "Local Health Officer" means the health officer of the local health department having jurisdiction, or his designated representative.

(15) "Non-swimmer area" means each area of a pool with water five feet, 1.52 meters, or less in depth.

(16) "Pool" means a man-made basin, chamber, receptacle, tank, or tub which, when filled with water, creates an artificial body of water used for swimming, bathing, diving, recreational and therapeutic uses.

(17) "Pool Deck" means the area contiguous to the outside of the pool curb, diving boards, diving towers and slides.

(18) "Private Residential Swimming Pool" means a swimming pool, spa pool or wading pool used only by an individual, family, or living unit members and guests, but not serving any type of multiple unit housing complex of four or more living units.

(19) "Public Pool" means a swimming pool, spa pool, wading pool, or special purpose pool facility which is not a private residential pool."

(20) "Saturation Index" means a value determined by application of the formula for calculating the saturation index in ~~table 6~~ Table 5, which is based on interrelation of temperature, calcium hardness, total alkalinity and pH which indicates if the pool water is corrosive, scale forming or neutral.

(21) "Spa Pool" means a pool which uses hydrotherapy jet circulation, hot water, cold water, bubbles produced by air induction, or any combination of these, to impart a massaging effect upon a bather. Spa pools include, spas, whirlpools, hot tubs, or hot spas.

(22) "Special Purpose Pool" means a pool with design and operational features that provide patrons recreational, instructional, or therapeutic activities which are different from that associated with a pool used primarily for swimming, diving, or spa bathing.

(23) "Splash Pool" means the area of water located at the terminus of a water slide or vehicle slide.

(24) "Swimmer area" means each area of a pool with water over five feet, 1.52 meters, in depth, which is not designed, operated, or reserved as a diver area.

(25) "Swimming Pool" means a pool used primarily for recreational, sporting, or instructional purposes in bathing, swimming, or diving activities.

(26) "Surge Tank" means a tank receiving the gravity flow from an overflow gutter and main drain or drains from which the circulation pump takes water which is returned to the system.

(27) "Turnover" means the circulation of a quantity of water equal to the pool volume through the filter and treatment facilities.

(28) "Vehicle Slide" means a recreational pool where bathers ride vehicles, toboggans, sleds, etc., down a slide to descend into a splash pool.

(29) "Wading Pool" means any pool or pool area used or designed to be used by children five years of age or younger~~[exclusively]~~ for wading or water play activities~~[purposes and is two feet, 60.96 cm, or less in depth].~~

(30) "Water play activity" means play associated with or facilitated by playground type equipment or recreational features and incorporates water as part of its designed function. Water play does not include swimming, diving, or organized sports, or instruction of these activities.

(31) "Water Slide" means a recreational facility consisting of flumes upon which bathers descend into a splash pool.

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**R392-302-4. Water Supply.**

(1) The water supply serving a public pool and all plumbing fixtures, including drinking fountains, lavatories and showers, must meet the requirements for drinking water established by the Department of Environmental Quality.

(2) All portions of water supply, re-circulation, and distribution systems serving the facility must be protected against backflow. Water introduced into the pool, either directly or through the circulation system, must be supplied through an air gap~~[that prevents a cross connection].~~

**R392-302-5. Sewer System.**

(1) Each public pool must discharge waste water to a public sanitary sewer system if the sewer system is within 300 feet of the property line. Where no public sanitary sewer system is available within 300 feet of the property line, the local health ~~[officer]~~ department may approve connections made to a disposal system designed, constructed, and operated in accordance with the minimum requirements of the Department of Environmental Quality.

(2) Each public pool must connect to a sewer or wastewater disposal system through an~~[suitable]~~ air break to preclude the possibility of sewage or waste backup into the piping system.

**R392-302-6. Construction Materials.**

(1) Each public pool and the appurtenances necessary for it's proper function and operation must be constructed of materials which are inert, non-toxic to humans, impervious, enduring over time, and resists the affects of wear and deterioration from chemical, physical, radiological, and mechanical actions.

(2) Construction of a public pool must withstand the stresses associated with the normal uses for which the public pool was designed.

(3) Each pool shell must be bonded to the supporting members.

(4) Each pool shell must be designed and constructed in a manner that provides a smooth, easily cleanable surface.

(5) Except for spa pools, the pool shell surface must be of a white or light pastel color.

(6) Sand, clay, or earth bottoms are prohibited.

(7) Vinyl or other flexible liners are prohibited.~~[but pool shell surface coatings and textures, including flexible coating materials of at least 60 mils in thickness, may be used if they are bonded to a pool shell that is constructed as provided in Subsections R392-302-~~

~~5(1), (2) and (3);] with the exception of a specialty therapy pool meeting the following conditions:~~

~~(a) [Coatings must provide a smooth surface that is easily cleanable.]The specialty therapy pool shall comply with all other requirements of R392-302.~~

~~(b) Coatings must be slip resistant.~~

~~(c) The pool is limited to use by patients receiving medically prescribed treatment.~~

~~(d) The pool is located in an indoor clinical setting.~~

~~(e) Patients shall be under the constant and direct supervision of a licensed professional therapist.~~

~~(f) The liner shall be made of heavy duty, non-slip, webbing reinforced PVC of at least 60 mils in thickness.~~

~~(g) The pool is approved as a Class II Medical Device by the U.S. Food and Drug Administration.~~

~~(8) [Pool shell surfaces must be free of cracks or open joints with the exception of structural expansion joints.]The pool shell surface coatings and textures, including flexible coating materials of at least 60 mils in thickness, may be used if they are bonded to a pool shell that is constructed as provided in Subsections R392-302-6(1), (2) and (3).~~

~~(a) The coatings must provide a smooth surface that is easily cleanable.~~

~~(b) The coatings must be slip resistant.~~

~~(9) [A spa pool constructed of materials other than concrete must be listed by the International Association of Plumbing and Mechanical Officials (IAPMO) and the spa pool basin or tub shall bear the IAPMO logo or meet construction standards that are equivalent to IAPMO's.]The pool shell surfaces must be free of cracks or open joints with the exception of structural expansion joints.~~

~~(10) A spa or other pool constructed of materials other than concrete must be listed by the International Association of Plumbing and Mechanical Officials (IAPMO) and the spa or other pool basin or tub shall bear the IAPMO logo or meet construction and material standards that are equivalent to IAPMO's.~~

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**R392-302-8. Design Detail and Structural Stability.**

(1) The designing architect or engineer is responsible to certify the design for structural stability and safety of the public pool.

(2) The shape of a pool and design and location of appurtenances must be such that the circulation of pool water and control of swimmer's safety are not impaired. The designing architect or engineer shall designate sidewalls and endwalls on pool plans. The pool design shall separate wading pools from other pools. Wading pools may not share common circulation, filtration, or chemical treatment systems, or walls.

(3) A pool must have a circulation system with necessary treatment and filtration equipment as required in R392-302-~~[+5]~~16, unless turnover rate requirements as specified in sub-section R392-302-~~[+5]~~16(1) can be met by continuous introduction of fresh water and wasting of pool water under conditions satisfying all other requirements of this rule.

(4) Where a facility is subject to freezing temperatures, all parts of the facility subject to freezing damage must be adequately and properly protected from damage due to freezing, including the

pool, piping, filter system, pump, motor, and other components and systems.

(5) The pool operator or the designing architect or engineer shall submit plans for a new pool, pool renovation or pool remodeling project to the local health ~~[officer]~~department for ~~[his]~~ approval. This includes the replacement of equipment which is different from that originally approved by a health authority having jurisdiction. The local health ~~[officer]~~department may require a pool renovation or pool remodeling project to meet the current requirements of R392-302.

**R392-302-9. Depths and Floor Slopes.**

(1) In determining the horizontal slope ratio of a pool floor, the first number shall indicate the vertical change in value or rise and the second number shall indicate the horizontal change in value or run of the slope.

(a) The horizontal slope of the floor of any portion of a pool having a water depth of less than five feet, 1.52 meters, may not be steeper than a ratio of 1 to 10.

(b) The horizontal slope of the floor of any portion of a pool having a water depth greater than five feet, 1.52 meters, must be uniform, must allow complete drainage and may not exceed a ratio of 1 to 3. The horizontal slope of the pool bottom in diving areas must be consistent with the requirements for minimum water depths as specified in Section R392-302-~~[+0]~~11 for diving areas.

(2) A wading pool may not exceed a maximum water depth of two feet, 60.96 cm.

(3) A spa pool may not exceed a maximum water depth of four feet, 1.22 meters. The department may grant exceptions for a spa pool designed for special purposes, such as instruction, treatment, or therapy.

**R392-302-10. Walls.**

(1) Pool walls must be vertical or within 11 degrees of vertical for a minimum distance of 2'9", 83.82 cm, below the water line in areas with a depth of five feet, 1.52 meters, or greater. Pool walls must be vertical or within 11 degrees of vertical for a minimum distance equal to or greater than one half the pool depth as measured from the water line.

(2) Where walls form an arc to join the floors, the transitional arc from wall to floor must:

(a) Have its center no less than 2'9", 83.82 cm, below the water level in areas with a depth greater than five feet, 1.52 meters.

(b) Have its center no less than 75% of the pool depth beneath the water level, in areas of the pool with a depth of five feet, 1.52 meters or less.

(c) Be tangent to the wall.

(d) Have a radius at least equal to or greater than the depth of the pool minus the vertical wall depth measured from the water line, as described in Subsection R392-302-9(1), minus 3 inches, 7.62 cm, to allow draining to the main drain. Radius minimum = Pool Depth - Vertical wall depth - 3 inches, 7.62 cm where the water depth is greater than five feet, 1.52 meters.

(e) Have a radius which may not exceed a length greater than 25% of the water depth, in areas with a water depth of five feet, 1.52 meters, or less.

(3) Underwater ledges are prohibited~~[except as described in Section R392-302-11].~~

**R392-302-11. Diving Areas.**

(1) ~~[The dimensions of the pool in the diving area must conform to Table 1.~~

~~TABLE 1  
Diving Area Distances and Depths~~

Height of Board Above Water		Minimum Water Depth at end of Board and 12 ft, 3.66 m, beyond		Minimum Pool Width at end of Board and 12 ft, 3.66 m, beyond	
Feet	Meters	Feet	Meters	Feet	Meters
0 - 3' 3"	0.0 - 1.0	8' 6"	2.6	20' 0"	6.1
3' 3" - 9' 10"	1.0 - 3.0	10' 0"	3.0	30' 0"	9.1
9' 10" +	3.0 +	13' 0"	3.5	30' 0"	9.1

~~(2) At least 15 feet, 4.57 meters, free and unobstructed head room must be provided above and continuing on beyond the diving end of a diving board for a minimum distance of 15 feet, 4.57 meters.~~

~~(3) Horizontal separation of at least ten feet, 3.05 meters, must be provided between adjacent parallel diving boards, and between diving boards and pool walls.~~

~~(4) The minimum horizontal clearance for diving areas extending forward from the diving end of a diving board or platform must be in compliance with the American National Standards Institute Standard for Public Swimming Pools-1, 1991, Subsection 4.6.1, which is incorporated by reference.~~

~~(5) Diving boards or platforms must be parallel to each other and located on the same side of the pool, unless the department determines that divers will not pose hazards to each other while diving into or exiting from the pool.]Diving area design, equipment placement, and clearances must meet the minimum standards established by the U. S. Diving Rules and Regulations 2000-2001, Appendix B, which are incorporated by reference.~~

(2) Where diving from a height of less than 3.28 feet, 1 meter, from water level is permitted, the minimum depth of water in the diving well shall be 9.0 feet, 2.74 meters.

(a) When diving from starting platforms for competitive swimming events or for training for competitive swimming events, the water may be shallower.

(3) Areas of a pool where no diving is permitted must have "NO DIVING" printed in block letters at least 4 inches in height in a contrasting color on the deck, no further than 16 inches from the edge of the pool, and spaced not more than 25 feet apart.

(4) Diving boards or platforms must be parallel to each other and located on the same side of the pool, unless the department determines that divers will not pose hazards to each other while diving into or exiting from the pool.

**R392-302-12. Ladders, Recessed Steps, and Stairs.**

(1) In areas of a pool where the water depth is greater than two feet, 60.96 cm, and less than five feet, 1.52 meters, as measured vertically from the bottom of the pool to the deck or walk, steps or ladders must be provided, and be located in the area of shallowest depth.

(2) In areas of the pool where the depth is greater than five feet, 1.52 meters, as measured vertically from the bottom of the pool to the deck or walk, ladders or recessed steps must be provided.

(3) A pool over 30 feet, 9.14 meters, wide must be equipped with steps, recessed steps, or ladders as applicable, installed on each end of both side walls.

(4) A pool over 30 feet, 9.14 meters, wide and 75 feet, 22.8 meters, or greater in length, must have ladders or recessed steps midway on both side walls of the pool, or must have ladders or recessed steps spaced at equal distances from each other along both sides of the pool at distances not to exceed 30 feet, 9.14 meters, in swimming and diving areas, and 50 feet, 15.23 meters in non-swimming areas.

(5) Ladders or recessed steps must be located within 15 feet, 4.56 meters, of the diving area end wall.

(6) The steps, recessed steps, and ladders, must have one or more handrails.

(a) Handrails must be rigidly installed and constructed in such a way that they can only be removed with tools.

(b) Handrails must be constructed of corrosion resistant materials.

(c) The outside diameter of handrails may not exceed 2.0 inches, 5.08 cm.

(d) Submerged steps or rungs which are not recessed must be guarded by handrails. The hand rail must be mounted on the deck and extend to the bottom step.

(7) Steps must be constructed of corrosion-resistant material, be easily cleanable, and be of a safe design.

(a) Steps leading into pools must be of non-slip design, have a minimum run of 10 inches, 25.4 cm, and a maximum rise of 12 inches, 30.48 cm.

(b) Steps must have a line at least one inch, 2.54 cm, in width, and be of a contrasting dark color for maximum visual distinction within two inches, 5.08 cm, of the leading edge of each step.

(c) Steps must have a minimum width of 18 inches, 45.72 cm as measured at the leading edge of the step.

(d) In a spa pool where the bottom step serves as a bench or seat, the bottom riser must be a maximum of 14 inches, 35.56 cm.

(8) Pool ladders must meet the following requirements:

(a) Pool ladders must be corrosion-resistant and must be equipped with non-slip rungs.

(b) All ladders must be designed to provide a handhold and must be rigidly installed.

(c) There must be a clearance of not more than five inches, 12.7 cm, nor less than three inches, 7.62 cm, between any ladder rung and the pool wall.

(9) ~~Full or partial [R]~~recessed steps must meet the following requirements:

(a) Where ~~full or partial~~ recessed steps are used, a set of handrails must be located at the top of the course with a rail on each side. The handrails must extend over the coping or edge of the deck.

(b) ~~Full or partial [R]~~recessed steps must be designed to be readily cleanable and to provide drainage into the pool to prevent the accumulation of dirt on the step.

(c) ~~Full or partial [R]~~recessed steps must have a minimum run of five inches, 12.7 cm, and a minimum width of 14 inches, 35.56 cm.

(10) The designing architect or engineer or the facility owner must anticipate maximum loads on supports, platforms and steps for diving boards, and ensure that supports, platforms, and steps are of

substantial construction and of sufficient structural strength to safely carry the maximum anticipated loads.

(a) Handrails must be provided at all steps and ladders leading to diving boards more than 3'3" feet, 1 meter, above the water.

(11) Platforms and diving boards which are over 3'3" feet, 1 meter, high, must be designed to protect divers from falls to the deck or pool curb by the installation of guard railings.

(12) A spa pool must be equipped with at least one handrail for each 50 feet, 15.24 meters, of perimeter, or portion thereof, to designate the point of entry and exit. Points of entry and exit must be evenly spaced around the perimeter of the spa pool and afford unobstructed entry and egress.

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**R392-302-14. Fencing.**

(1) A fence or other barrier is required and must provide complete perimeter security of the facility, and be at least six feet, 1.83 meters, in height. Openings through the fence or barrier, other than entry or exit access, may not permit a sphere greater than 4 inches, 10.16 cm, to pass through it at any location.

(a) If the local health ~~[officer]~~department determines that the safety of children is not compromised, ~~[he or she]~~it may exempt indoor pools from the fencing requirements.

(b) The local health ~~[officer]~~department may grant exceptions to the height requirements in consideration of architectural and landscaping features for pools designed for hotels, motels and apartment houses.

(2) A fence or barrier that has an entrance to the facility must be equipped with a self-closing and self-latching gate or door. Except for self-locking mechanisms, self-latching mechanisms must be at least 54 inches, 1.37 meters, above the ground and must be provided with hardware for locking the gate when the facility is not in use.

(3) Bathing areas must be separated from non-bathing areas by barriers with a minimum height of four feet, 1.22 meters, or by a minimum of 5 feet, 1.53 meters, distance separation.

**R392-302-15. Depth Markings and Safety Ropes.**

(1) The depth of the water must be plainly marked at locations of maximum and minimum pool depth, and at the points of separation between the swimming and non-swimming areas of a pool. Pools must also be marked at intermediate one foot, 30.48 cm., increments of depth, spaced at distances which do not exceed 25 feet, 7.62 meters. Markings must be located above the water line or within two inches, 5.8 cm, from the coping on the vertical wall of the pool and on the edge of the deck or walk next to the pool with numerals at least four inches, 10.16 cm. high.

(2) A pool with both swimming and diving areas must have a floating safety rope separating the swimming and diving areas. An exception to this requirement is made for special activities, such as swimming contests or training exercises when the full unobstructed length of the pool is used.

(a) The safety rope must be securely fastened to wall anchors. Wall anchors must be of corrosion-resistant materials and must be recessed or have no projections that may be a safety hazard if the safety rope is removed.

(b) The safety rope must be marked with visible floats spaced at intervals of seven feet, 2.13 meters or less.

(c) The rope must be at least one half of an inch, 1.27 cm, in diameter, and of sufficient strength to support the loads imposed on it during normal bathing activities.

(3) A pool constructed with a change in the slope of the pool floor must have the change in slope designated by a floating safety rope and a line of demarcation on the pool floor.

(a) The floating safety rope designating a change in slope of the pool floor must be attached at the locations on the pool wall that place it directly above and parallel to the line on the bottom of the pool. The floating safety rope must meet the requirements of Subsections R392-302-~~[4]~~15(2)(a),(b),(c).

(b) A line of demarcation on the pool floor must be marked with a contrasting dark color.

(c) The line must be at least two inches, 5.08 cm in width.

(d) The line must be located 12 inches, 30.48 cm., toward the shallow end from the point of change in slope.

(4) The department may exempt a spa pool from the depth marking requirement if the spa pool owner can successfully demonstrate to the department that bather safety is not compromised by the elimination of the markings.

**R392-302-16. Circulation Systems.**

(1) A circulation system, consisting of pumps, piping, filters, water conditioning and disinfection equipment and other related equipment must be provided. A hydrotherapy pool that is drained, cleaned, and sanitized after each use by an individual is exempt from the requirements of R392-302-16. The normal water line of the pool must be maintained within 9 inches, 22.86 cm, of the deck whenever the pool is open for bathing. An exemption to this requirement may be granted by the department if it can be demonstrated that the safety of the bathers is not compromised.

(a) Except for spas, wading pools, wave pools, slide pools, vehicle slide pools, and floatation tanks, the circulation system shall clarify and disinfect the entire volume of pool water in eight hours or less, thus providing a minimum turnover of at least three times in 24 hours.

(b) The turnover rate must be increased to provide a six hour turnover for pools subjected to high bather loads if a review of bacteriological water quality reports by the department or local health department having jurisdiction demonstrates that high bather loads may have contributed to unsatisfactory water samples.

(c) The circulation equipment must be operated continuously except for periods of routine or other necessary maintenance and must be designed to permit complete drainage of the system. Table [2] further describes these requirements.

(d) Piping must be of non-toxic material, resistant to corrosion and be able to withstand operating pressures.

(e) Plumbing must be identified by a color code or labels.

(2) The water velocity in discharge piping may not exceed 10 feet, 3.05 meters, per second, except for copper pipe where the velocity for piping may not exceed 8 feet, 2.44 meters, per second.

(3) Suction velocity for all piping may not exceed 6 feet, 1.83 meters, per second.

(4) The circulation system must include a strainer to prevent hair, lint, etc., from reaching the pump.

(a) Strainers must be corrosion-resistant with openings not more than one-eighth inch, 3.18 mm, in size.

(b) Strainers must provide a free flow capacity of at least four times the area of the pump suction line.

(c) Strainers must be readily accessible for frequent cleaning.  
 (d) Strainers must be maintained in a clean and sanitary condition.

(e) Each pump strainer must be provided with necessary valves to facilitate cleaning of the system without excessive flooding.

(5) A vacuum-cleaning system must be provided.

(a) If this system is an integral part of the circulation system, connections must be located in the walls of the pool, at least eight inches, 20.32 cm, below the water line. This requirement does not apply to vacuums operated from skimmers.

(b) The number of connections provided must facilitate access to all areas of the pool through hoses less than 50 feet, 15.24 meters, in length.

(6) A rate-of-flow indicator, reading in gallons per minute, must be properly installed and located according to manufacturer recommendations. The indicator must be located in a place and position where it can be easily read.

(7) Pumps must be of adequate capacity to provide the required number of turnovers of pool water as specified in Subsection R392-302-~~[15]~~16, Table [2]1. The pump or pumps must be capable of providing flow adequate for the backwashing of filters. Under normal conditions, the pump or pumps must supply the circulation rate of flow at a dynamic head which includes, in addition to the usual equipment, fitting and friction losses, an additional loss of 15 feet, 4.57 meters, for rapid sand filters, vacuum diatomite filters or vacuum cartridge filters and 40 feet, 12.19 meters, for pressure diatomite filters, high rate sand filters or cartridge filters, as well as pool inlet orifice loss of 15 feet, 4.57 meters.

(8) A pool equipped with heaters must meet the requirements for boilers and pressure vessels as required by the State of Utah Boiler and Pressure Vessel Rules, R576-201, and must have a fixed thermometer mounted in the pool circulation line downstream from the heater outlet. The heater must be provided with a heatsink as required by manufacturer's instructions.

(9) The area housing the circulation equipment must be designed with adequate working space so that all equipment may be easily disassembled, removed, and replaced for proper maintenance.

(10) All circulation lines to and from the pool must be regulated with valves in order to control the circulation flow.

(a) All valves must be located where they will be readily and easily accessible for maintenance and removal.

(b) Multiport valves must comply with National Sanitation Foundation 50-1992, which is incorporated and adopted by reference.

(11) Written operational instructions must be immediately available at the facility at all times.

(12) A wading pool must have a minimum of one turnover per hour and have a separate circulation system.

(13) A spa pool must have a minimum of one turnover every 30 minutes. The circulation lines of jet systems and other forms of water agitation used in spa and therapy pool must be independent and separate from the circulation-filtration and heating systems.

(14) Float tank circulation systems, consisting of pumps, piping, filters, and disinfection equipment must be provided which will clarify and disinfect the tank's volume of water in 15 minutes or less. The total volume of water within a float tank must be turned over at least twice between uses by patrons.

(15) Wave pool circulation-filtration systems must be operated at a minimum of one turnover every six hours.

(16) Slide and vehicle slide pools must be operated at a minimum of one turnover every hour.

TABLE [2]1

Circulation

Type of Pool	Minimum Number of Inlets	Minimum Number of Skimmers 3,500 ft <sup>2</sup> or less	Minimum Turnover Time
1. Swim	1/10 ft, 3.05 m	1/500 ft <sup>2</sup> , 46.45 m <sup>2</sup>	Eight hours
2. Swim, high bather load.	1/10 ft, 3.05 m	1/500 ft <sup>2</sup> , 46.45 m <sup>2</sup>	Six hours
3. Wading pool	1/20 ft, 6.10 m, minimum of two equally spaced.	See <del>[Subs]</del> Section R392-302- <del>[10]</del> 19	One hour
4. Spa	1/20 ft, 6.10 m	1/100 ft <sup>2</sup> , 9.29 m <sup>2</sup>	30 min.
5. Wave	See Section R392-302-16	See Section R392-302- <del>[10]</del> 19	Six hours
6. Slide	See Section R392-302-16	See <del>[Subs]</del> Section R392-302- <del>[10]</del> 19	One hour
7. Vehicle slide	See Section 16.0	See <del>[Subs]</del> Section R392-302- <del>[10]</del> 19	One hour
8. Float tank	One	One	15 minutes with two turnovers between patrons
9. Special Purpose Pool	One	See Subsection R392-302-19	One hour

(17) Each air induction system installed must comply with the following requirements:

(a) An air induction system must be designed and maintained to prevent any possibility of water back-up that could cause electrical shock hazards.

(b) An air intake may not introduce contaminants such as noxious chemicals, fumes, deck water, dirt, etc. into the pool.

**R392-302-17. Inlets.**

(1) Inlets for fresh or treated water must be located to produce uniform circulation of water and to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool. Inlets from the circulation system must be flush with the pool wall and submerged at least five feet, 1.52 meters, below the water level, or at the bottom of the vertical wall surface.

(a) The department may grant an exemption to the inlet placement requirements on a case by case basis for inlet designs that can be demonstrated to produce uniform mixing of pool water.

(2) Except as provided in Subsections R392-302-~~[16]~~17(4) and (5), inlets must be placed every 10 feet, 3.05 meters, around the pool perimeter. Modification of the 10 foot, 3.05 meters, separation will be acceptable for small pools if uniform circulation of filtered water can be demonstrated to the department. The department or the local health ~~[officer]~~department may require floor inlets to be installed in addition to the perimeter inlets required, if a pool has a width greater than 50 feet, 4.57 meters, to assure thorough chemical

distribution. Floor inlets must be at least 15 feet, 4.57 meters, from the pool wall.

(3) Each inlet must be designed as a non-adjustable orifice with sufficient head loss to insure balancing of flow through all inlets. The return loop piping must be sized to provide less than 2.5 feet, 76.20 cm, of head loss to the most distant orifice to insure approximately equal flow through all orifices.

(4) A wading pool must be provided with inlets around its perimeter at a minimum of one in each 20 feet, 6.10 meters, or fraction thereof.

(a) Each wading pool shall have a minimum of two equally spaced inlets located to avoid the creation of a vortex in the pool.

(5) Spa pool filtration system inlets must be provided for spa type pools based on a minimum of one for each 20 feet, 6.10 meters, or fraction thereof, of pool perimeter.

### **R392-302-18. Outlets.**

~~(1) A pool must be provided with an outlet at the deepest point to permit the pool to be completely and easily emptied.~~

~~(a) Acrylic or fiberglass spas are exempt from the requirement to locate outlets at the deepest point in the pool, providing outlets are located on the sidewalls within three inches of the pool floor, and a wet-vacuum is available on site to remove any water left in the pool after draining.~~

~~(b) Outlets must be covered by a grating which is not readily removable by bathers. A pool may not be operated with broken, damaged or missing drain covers.~~

~~(c) Outlet grate openings in the floor of the pool must be at least four times the area of discharge pipe or provide sufficient area so the maximum velocity of the water passing through the grate will not exceed 1-1/2 feet per second, 45.72 cm/sec.~~

~~(d) The width of openings in a grate may not be greater than one inch, 2.54 cm.~~

~~(e) Any outlet discharge pipe eight inches, 20.32 cm, or greater in diameter must have an additional device that will prevent the passage of an object greater than six inches, 15.24 cm, in diameter. Such a device must not alter the required flow design characteristics.~~

~~(2) One main drain outlet must be provided for each 30 feet, 9.14 meters, of pool width. Multiple main drain outlets may not be spaced more than 30 feet, 9.14 meters, apart, but may not be spaced closer than 8 feet, 2.44 meters, apart. The outermost main drain outlets must be within 15 feet, 4.57 meters, from sidewalls. When determining the width of a circular pool for purposes of main drain outlet placement, a line establishing width shall be drawn from wall to wall above the deepest point of the pool. This line must be perpendicular to a line drawn from wall to wall that is equal to the diameter of the pool.~~

~~(3) Devices used for draining pools must be sized to prevent overcharging the sanitary sewer.~~

~~(4) Spa pool outlets must be designed so that each separate pumping system in the spa provides one of the following alternates:~~

~~(a) Two grated outlets whose pipe diameter sizes are equal. This may be two outlet drains or an outlet drain and a skimmer. The system must be designed so that neither one of the two outlets may be cut out of the suction line by a valve or other means.~~

~~(b) One antivortex drain in depths 4 feet, 1.22 meters, and less.~~

~~(5) A wading pool must have drainage to waste through a quick opening valve to facilitate emptying the wading pool should accidental bowel discharge or other contamination occur.~~ (1) Each pool constructed after 10/3/2000, shall have a minimum of either two grated outlets or one anti-vortex type outlet which meet the following design criteria:

(a) Grated outlets:

(i) The pool shall have a minimum of two grated outlets with each outlet being separated by at least four feet (1.22 meters) and no more than 30 feet, 9.14 meters, apart to prevent body entrapment.

(ii) Outlets shall have a suitable protective grate securely fastened in such a way that the use of tools are required to remove it. A pool may not operate with broken, damaged or missing drain covers.

(iii) The designing architect or engineer shall design grated outlets so that if one of the outlets is completely obstructed, the remaining outlet(s) will be capable of handling 100 percent of the minimum design circulation flow. The designing architect or engineer shall ensure that outlet grate openings in the floor of the pool are at least four times the area of discharge pipe or provide sufficient area so the maximum velocity of the water passing through the grate will not exceed 1.5 feet per second.

(iv) The openings in a grate shall have a minimum width of 0.25 inches and a maximum length of 1.5 inches. A grate opening that is neither square nor rectangular in shape, may not be greater than 0.75 inches measured in any dimension.

(v) The designing architect or engineer shall ensure that outlets are connected to pipes of equal diameter.

(vi) The designing architect or engineer shall design the outlet system to ensure that no outlet can be cut out of the suction line by a valve or other means.

(b) Anti-vortex drains:

(i) The anti-vortex drain shall have an anti-vortex design.

(ii) Systems with anti-vortex drains shall have the capacity of taking 100 percent of the designed circulation flow. The total velocity of water through the open area of an anti-vortex drain may not exceed the manufacturer's recommended maximum velocity or a maximum of three feet per second through the open area of the drain, whichever is more restrictive.

(iii) Where multiple anti-vortex drains are used, they shall be separated by at least four feet (1.22 meters) but not greater than thirty feet.

(iv) Outlets shall have a suitable protective grate securely fastened in such a way that the use of tools are required to remove it. A pool may not be operated with broken, damaged or missing drain covers.

(2) The designing architect or engineer shall locate outlets centered in the deepest area of the pool to permit the pool to be completely and easily emptied.

(3) The designing architect or engineer shall provide one main drain outlet for each 30 feet, 9.14 meters, of pool width. Multiple main drain outlets may not be spaced more than 30 feet, 9.14 meters, apart nor spaced closer than eight feet, 2.44 meters, apart. The designing architect or engineer shall locate the outermost main drain outlets within 15 feet, 4.57 meters, from side walls.

(4) If an outlet discharge pipe is eight inches, 20.32 cm, or greater in diameter it shall have an additional device that shall prevent the passage of an object greater than six inches, 15.24 cm,

in diameter. Such a device may not alter the required flow design characteristics.

(5) Devices or methods used for draining pools shall prevent overcharging the sanitary sewer.

(6) The pool owner or Certified Pool Operator shall retrofit each swimming pool pump on existing pools that do not meet the current requirements of R392-302-18 with a vacuum switch on the suction side of the pump to prevent entrapment. The CPO shall inspect and test the vacuum switch at least once a week or on a frequency established by the manufacturer to ensure proper operation. The CPO shall test the switch in the manner specified by the manufacturer. The CPO shall log the results of each inspection and test and retain them for a minimum of two years. The CPO shall make records of inspections, tests, and maintenance available for review by the department or local health department upon request.

(7) Spa pool outlets shall meet all of the requirements of subsections R392-302-18(1)-(6), however, the following exceptions apply:

(a) The designing architect or engineer shall design a spa to ensure that each separate pumping system in the spa provides for either:

(i) Two or more grated outlets whose pipe diameter sizes are equal. The designing architect or engineer shall ensure that system design ensures that no outlet can be cut out of the suction line by a valve or other means. Multiple pumps may utilize the same outlets, provided the outlets are sized to accommodate 100 percent of the total combined designed flow from all pumps and that the flow characteristics of the system meet the requirements of subsection R392-302-18(1)(a)(iii).

(ii) Multiple pumps may share anti-vortex drains if the drains are sized to accommodate 100 percent of the total combined designed flow from multiple pumps and the flow characteristics of the system meet the requirements of subsection R392-302-18(1)(b)(iii).

(b) The design shall space multiple spa outlets at least three feet apart from each other.

(c) The department may exempt an acrylic or fiberglass spa from the requirement to locate outlets at the deepest point in the pool, if the outlets are located on side walls within three inches of the pool floor, and a wet-vacuum is available on site to remove any water left in the pool after draining.

(8) A wading pool shall have drainage to waste through a quick opening valve to facilitate emptying the wading pool should accidental bowel discharge or other contamination occur.

### **R392-302-19. Overflow Gutters and Skimming Devices.**

(1) A pool having a surface area of over 3,500 square feet, 325.15 square meters, must have overflow gutters. A pool having a surface area less than 3,500 square feet, 325.15 square meters, must ~~be provided with~~ have either overflow gutters or skimmers provided.

(2) Overflow gutters must extend completely around the pool, except at steps, ramps, or recessed ladders. The gutter system must be capable of continuously removing pool water at 100 percent of the maximum flow rate. This system must be connected to the circulation system by means of a surge tank.

(3) Overflow gutter must be designed and constructed in compliance with the following requirements:

(a) The opening into the gutter beneath the coping must be at least three inches, 7.62 cm, in height with a depth of at least three inches, 7.62 cm.

(b) Gutters must be designed to prevent entrapment of any part of a bather's body.

(c) The edge must be rounded so it can be used as a handhold and must be no thicker than 2.5 inches, 6.35 cm, for the top two inches, 5.08 cm.

(d) Gutter outlet pipes must be at least two inches, 5.08 cm, in diameter. The outlet grates must have clear openings and be equal to at least one and one-half times the cross sectional area of the outlet pipe.

(4) Skimmers complying with National Sanitation Foundation NSF 50-1992 standards or equivalent are permitted on any pool with not more than 3,500 square feet, 325.15 square meters, of surface area. At least one skimming device must be provided for each 500 square feet, 46.45 square meters, of water surface area or fraction thereof. Where two or more skimmers are required, they must be spaced to provide an effective skimming action over the entire surface of the pool.

(5) Skimming devices must be built into the pool wall and must meet the following general specifications:

(a) The piping and other components of a skimmer system must be designed for a total capacity of at least 80 percent of the maximum flow rate of the circulation system.

(b) Skimmers must be designed with a minimum flow rate of 25 gallons, 94.64 liters, per minute and a maximum flow rate of 55 gallons, 208.12 liters, per minute. Alternatively, skimmers may also be designed with a minimum of 3.125 gallons, 11.83 liters, to 6.875 gallons, 26.02 liters, per lineal inch, 2.54 cm, of weir.

(6) Each skimmer weir must be automatically adjustable and must operate freely with continuous action to variations in water level over a range of at least four inches, 10.16 cm. The weir must operate at all flow variations.

(7) An easily removable and cleanable basket or screen through which all overflow water passes, must be provided to trap large solids.

(8) The skimmer must be provided with a device to prevent air-lock in the suction line. These devices may include an equalizer pipe, surge tank, or other arrangement that will assure a sufficient amount of water for pump suction in the event the pool water drops below the weir level.

(a) If an equalizer pipe is used, the following requirements must be met:

(i) An equalizer pipe must be sized to meet the capacity requirements for the filter and pump.

(ii) An equalizer pipe may not be less than two inches, 5.08 cm, in diameter.

(iii) This pipe must be located at least one foot, 30.48 cm, below a valve or equivalent device that will remain tightly closed under normal operating conditions.

(iv) The equalizer pipe must have an antivortex cover.

(9) The skimmer weir and basket must be maintained in a clean and sanitary condition.

(10) Wading pool overflow systems must be connected to the main drain to prevent entrapment of bathers on the bottom of the pool.

(11) A spa pool must have a minimum number of surface skimmers based on one skimmer for each 100 square feet, 9.29 square meters of surface area.

### **R392-302-20. Filtration.**

(1) The filter system must provide for isolation of individual filters for backwashing or other service.

(2) The filtration system must be designed to allow the pool operator to easily observe the discharge backwash water from the filter in order to determine if the filter cells are clean.

(3) A public pool must use either a rapid sand filter, hi-rate sand filter, diatomaceous earth filter, or a cartridge filter.

(4) The following requirements are applicable to gravity and pressure rapid sand filters, all of which must comply with the standards of the National Sanitation Foundation, NSF 50-1992, or is determined to be equivalent by the department.

(a) Rapid sand filters must be designed for a filter rate of three gallons, 11.36 liters, or less, per minute per square foot, 929 cm<sup>2</sup>, of bed area at time of maximum head loss. The filter bed surface area must be sufficient to meet the design rate of flow required by Section R392-302-[+5]16, Table [2]1, for required turnover.

(b) The filter system must be provided with influent pressure, vacuum, or compound gauges to indicate the condition of the filters. Air-relief valves must be provided at or near the high point of the filter or piping system.

(c) The filter system must be designed with necessary valves and piping to permit:

(i) filtering of all pool water;

(ii) individual backwashing of filters to a sanitary sewer at a minimum rate of 15 gallons, 56.78 liters, per minute per square foot, 929 cm<sup>2</sup>, of filter area;

(iii) isolation of individual filters;

(iv) complete drainage of all parts of the system;

(v) necessary maintenance, operation and inspection in a convenient manner.

(d) Each pressure type filter tank must be provided with an access opening of at least a standard size 11 inch, 27.94 cm, by 15 inch, 38.10 cm, manhole with a cover.

(5) Hi-rate sand filters must comply with the standards of the National Sanitation Foundation, NSF 50-1992, or be determined to be equivalent by the department.

(a) Hi-rate sand filters must be designed for a filter rate of less than 18 gallons, 68.14 liters, per minute per square foot, 929 cm<sup>2</sup>, of bed area. The filter bed area must be sufficient to meet the design rate of flow required by Section R392-302-[+5]16, Table [2]1, for required turnover. Minimum flow rates must be at least 13 gallons, 49.21 liters, per minute per square foot, 929 cm<sup>2</sup>, of bed area.

(b) The filter tank and all components must be installed in compliance with the manufacturer's recommendations.

(c) An air-relief valve must be provided at or near the high point of the filter.

(d) The filter system must be provided with an influent pressure gauge to indicate the condition of the filter.

(6) Diatomaceous earth filters, whether of the vacuum or pressure type, must comply in all respects with the standards of the National Sanitation Foundation, NSF 50-1992, or be determined to be equivalent standards by the department. The filtering area must

be compatible with the design pump capacity as required by Section R392-302-[+5]16, Table [2]1.

(a) The design rate of filtration may not exceed 2.0 g.p.m./sq.ft., 7.57 liters/929 cm<sup>2</sup>, of effective filtering surface without continuous body feed, nor greater than 2.5 g.p.m./sq.ft., 9.46 liters/929 cm<sup>2</sup>, with continuous body feed.

(b) Where body feed is provided, the feeder device must be accurate to within 10 percent, must be capable of continual feeding within a calibrated range, and must be adjustable from two to six ppm. The device must feed at the design capacity of the circulation pump.

(c) Where fabric is used, filtering area must be determined on the basis of effective filtering surfaces.

(d) The filter and all component parts must be designed and constructed of materials which will withstand normal continuous use without significant deformation, deterioration, corrosion or wear which could adversely affect filter operations.

(e) If a precoat device is ~~used~~ supplied ~~it must be equipped~~ with a potable water supply, then the water must be delivered through an air gap ~~in compliance with the Uniform Plumbing Code as adopted by the state~~.

(f) The filter plant must be provided with influent pressure, vacuum, or compound gauges to indicate the condition of the filter. In vacuum-type filter installations where the circulating pump is rated at two horsepower or higher, an adjustable high vacuum automatic shut-off device must be provided to prevent damage to the pump. Air-relief valves must be provided at or near the high point of the filter system.

(g) A filter must be designed to facilitate cleaning by one or more of the following methods: backwashing, air-bump-assist backwashing, automatic or manual water spray, or agitation.

(h) The filter system must provide for complete and rapid draining of the filter.

(i) Diatomaceous earth filter backwash water must discharge to the sanitary sewer system through a separation tank. The separation tank must have a visible precautionary statement warning the user not to start up the filter pump without first opening the air relief valve.

(j) Personal protection equipment suitable for preventing inhalation of diatomaceous earth must be provided.

(7) The department may waive National Sanitation Foundation, NSF 50-1992, standards for diatomaceous earth filters and approve site-built or custom-built vacuum diatomite filters, if the diatomaceous earth filter elements are easily accessible for cleaning by hand hosing after each filtering cycle. Site-built or custom-built vacuum diatomaceous earth filters must comply with all design requirements as specified in Subsection R392-302-[+9]20(6). Any design which provides the equivalent washing effectiveness as determined by the department may be acceptable. Where the department or the local health department determines that a potential cross-connection exists, a hose bib in the vicinity of the filter to facilitate the washing operation must be equipped with a vacuum breaker listed by the International Association of Plumbing and Mechanical Officials, IAPMO, the American Society of Sanitary Engineering, A.S.S.E., or other nationally recognized standard.

(8) Vacuum or pressure type cartridge filters must comply with the standards of the National Sanitation Foundation, NSF 50-

1992, or equivalent standards covering such filters as determined by the department.

(a) Sufficient filter area must be provided to meet the design pump capacity as required by Subsection R392-302-~~[45]~~16, Table ~~[2]~~1.

(b) The designed rate of filtration may not exceed 0.375 gallons, 1.42 liters, per minute per square foot, 929 cm<sup>2</sup>, of effective filter area.

(c) The filter and all component parts must be designed and constructed of materials which will withstand normal continuous use without significant deformation, deterioration, corrosion or wear which could adversely affect filter operations. The filter element must be constructed of polyester fiber only.

(d) The filter must be fitted with influent and effluent pressure gauges, vacuum, or compound gauges to indicate the condition of the filter. In vacuum type filter installations where the circulating pump is rated at two horsepower or higher, an adjustable high vacuum automatic shut-off must be provided to prevent damage to the pump. Air-relief valves must be provided at or near the high point of the filter system.

(e) Cleaning of cartridge type filters must be accomplished in accordance with the manufacturer's recommendations.

#### **R392-302-21. Disinfectant and Chemical Feeders.**

(1) A pool must be equipped with a disinfectant feeder or feeders which conform to the National Sanitation Foundation, NSF 50-1992, standards relating to adjusted output rate chemical-feeding equipment and flow through chemical feeding equipment for swimming pools, or be deemed equivalent by the department.

(2) A spa pool must be equipped with oxidation reduction potential controllers which monitor chemical demands, including pH and disinfectant demands, and regulate the amount of chemicals fed into the pool circulation system. A spa pool constructed and approved prior to September 16, 1996 is exempt from this requirement if it is able to meet bacteriological quality as required in Subsection R392-302-~~[26]~~27(~~[8]~~10). Supervisory water testing, calibration checks, inspection and cleaning of sensor probes and chemical injectors must be performed in accordance with the manufacturer's recommendations. If specific manufacturer's recommendations are not made, the~~the~~ inspections, calibration checks, and cleaning of sensor probes must be done at least weekly.

(3) Where compressed chlorine gas is used, the following additional features must be provided:

(a) Chlorine and chlorinating equipment must be located in a secure, well-ventilated enclosure separate from other equipment systems or equipment rooms. Such enclosures may not be below ground level. If an enclosure is a room within a building, it must be provided with vents near the floor which terminate at a location out-of-doors. Enclosures must be located to prevent contamination of air inlets to any buildings and areas used by people. Forced air ventilation capable of providing at least one complete air change per minute, must be provided for enclosures.

(b) Substances which are incompatible with chlorine may not be kept in the chlorine enclosure.

(c) Chlorine cylinders must be secured to prevent their falling over. An approved valve stem wrench must be maintained on the chlorine cylinder so the supply can be shut off quickly in case of emergency. Valve protection hoods and cap nuts must be kept in place except when the cylinder is connected.

(d) Doors to chlorine gas and equipment rooms must be labeled DANGER CHLORINE GAS in letters at least four inches, 10.16 cm, in height and display the United States Department of Transportation placard and I.D. number for chlorine gas.

(e) The chlorinator must be designed so that leaking chlorine gas will be vented to the out-of-doors.

(f) The chlorinator must be a solution feed type, capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere. Injector water must be furnished from the pool circulation system with necessary water pressure increases supplied by a booster pump. The booster must be interlocked with both the pool circulation pump and with a flow switch on the return line.

(g) Chlorine feed lines may not carry pressurized chlorine gas.

(h) An unbreakable bottle of ammonium hydroxide, of approximately 28 percent solution in water, must be readily available for chlorine leak detection.

(i) A self-contained breathing apparatus approved by NIOSH for entering environments that are immediately dangerous to life or health must be available and must have a minimum capacity of fifteen minutes.

(j) The breathing apparatus must be kept in a closed cabinet located outside of the room in which the chlorinator is maintained, and must be accessible without use of a key or lock combination.

(k) The facility operator shall demonstrate to the local health department through training documentation, that all persons who operate, or handle gas chlorine equipment, including the equipment specified in Subsections R392-203-~~[20]~~21(3)(h) and (i) are knowledgeable about safety and proper equipment handling practices to protect themselves, staff members, and the public from accidental exposure to chlorine gas.

(l) The facility operator or his designee shall immediately notify the local health department of any inadvertent escape of chlorine gas.

(4) Bactericidal agents, other than chlorine and bromine, and their feeding apparatus may be acceptable if approved by the department. Each bactericidal agent must be registered by the U.S. Environmental Protection Agency for use in swimming pools.

(5) Equipment of the positive displacement type and piping used to apply chemicals to the water must be sized, designed, and constructed of materials which can be cleaned and maintained free from clogging at all times. Materials used for such equipment and piping must be resistant to the effects of the chemicals in use.

(6) All auxiliary chemical feed pumps must be wired electrically to the main circulation pump so that the operation of these pumps is dependent upon the operation of the main circulation pump. If a chemical feed pump has an independent timer, the main circulation pump and chemical feed pump timer must be interlocked.

#### **R392-302-22. Safety Requirements and Lifesaving Equipment.**

(1) A public pool where a lifeguard is required under Subsection R392-302-~~[29]~~30(2) and having a water surface area greater than 2,000 square feet, 185.8 square meters, must have at least one elevated lifeguard platform or chair, located to provide a clear unobstructed view of the pool bottom by lifeguards on duty. At least one additional elevated lifeguard platform or chair must be provided for each additional 2,000 square feet, 185.8 square meters, of water surface area or fraction thereof.

(2) A public pool must have at least one unit of lifesaving equipment. One unit of lifesaving equipment must consist of the following: a Coast Guard-approved ring buoy with an attached rope equal in length to the maximum width of the pool plus 10 feet~~[attached 60 foot, 18.29 meters]~~, American Red Cross-approved rescue tube; a life pole or shepherd's crook type pole with blunted ends and a minimum length of 12 feet, 3.66 meters. The facility operator may substitute a rescue tube for a ring~~buoy~~ buoy where lifeguard service is provided. Additional units must be provided at the rate of one for each 2,000 square feet, 185.8 square meters, of surface area or fraction thereof. The operator of a pool that has lifeguard services shall provide at least one backboard designed with straps and head stabilization capability.

(3) A public pool must be equipped with a Utah Department of Health standard 27-unit first aid kit which includes the following items:

- 2 Units 1 inch adhesive compress.
- 2 Units 2 inch bandage compress.
- 2 Units 3 inch bandage compress.
- 2 Units 4 inch bandage compress.
- 2 Units 3 inch square plain gauze pads.
- 2 Units gauze roller bandage.
- 2 Units eye dressing packet.
- 1 Unit plain absorbent gauze, .5 sq. yard.
- 1 Unit plain absorbent gauze, 24 inches by 72 inches.
- 2 Units bandage tape.
- 1 Unit butterfly closures, 1 box.
- 1 Unit 3 inch ace bandage.
- 1 Unit assorted adhesive band-aids, 1 box.
- 2 Units triangular bandages.
- 1 Unit microshield.
- 1 Unit scissors.
- 1 Unit tweezers.
- 1 Unit latex gloves, 6 pairs per unit.

(a) The 27 unit first-aid kit must be kept filled, available and ready for use.

(4) Lifesaving equipment must be mounted in readily accessible, conspicuous places around the pool deck. It must be maintained in good repair and operable condition. Lifesaving equipment may not be used or removed by anyone for any reason other than its intended purpose.

(5) Where no lifeguard service is provided in accordance with Subsection R392-302-~~29~~30(2), a warning sign must be placed in plain view and shall state: WARNING - NO LIFEGUARD ON DUTY and BATHERS SHOULD NOT SWIM ALONE, with clearly legible letters, at least four inches high, 10.16 cm. In addition, the sign must also state CHILDREN 14 AND UNDER SHOULD NOT USE POOL WITHOUT RESPONSIBLE ADULT SUPERVISION.

(6) Where lifeguard service is required, the facility must have a readily accessible area designated and equipped for emergency first aid care.

TABLE ~~[3]~~  
Safety Equipment and Signs

	POOLS WITH LIFEGUARD	POOLS WITH NO LIFEGUARD
Elevated Chair	1/2,000 ft. <sup>2</sup> 185.8 m <sup>2</sup> or fraction	None
Backboard	1/Facility	None
Room for Emergency Care	1/Facility	None
Ring Buoy with <del>[-60-]</del> <del>[18.29 meter rope]</del> <u>an attached rope equal in length to the maximum width of the pool plus 10 feet</u> (1)	1/2,000 ft. <sup>2</sup> 185.8 m <sup>2</sup> or fraction	1/2,000 ft. <sup>2</sup> 185.8m <sup>2</sup> or fraction
Rescue Tube	1/2,000 ft. <sup>2</sup> <del>185.8 m2</del> or fraction	None None
Life Pole or Shepherds Crook	1/2,000 ft. <sup>2</sup> 185.8 m <sup>2</sup> or fraction	1/2,000 ft. <sup>2</sup> 185.8 m <sup>2</sup> or fraction
First Aid Kit	1/Facility	1/Facility

~~(1) A Rescue Tube may be substituted for a Ring Buoy if Lifeguards are present.]~~

(7) A spa pool is exempt from Section R392-302-2~~[+]~~[+], except for Section R392-302-2~~[+]~~[+](3).

(8) The water temperature in a spa pool may not exceed 105 degrees Fahrenheit.

**R392-302-23. Lighting, Ventilation and Electrical Requirements.**

(1) ~~[An outdoor]~~A pool constructed after September 16, 1996 may not be used for night swimming in the absence of underwater lighting. The local health ~~[officer]~~department may grant an exemption to this if it can be demonstrated to him that a 6 inch, 15.24 cm, diameter black disk on a white background placed in the deepest part of the pool can be clearly observed from the pool deck during night time hours. The local health ~~[officer]~~department shall keep a record of this exemption on file. The pool operator shall keep a record of this exemption on file at the facility.

(2) Where night swimming is permitted and underwater lighting is used, refer to Table ~~[4]~~[4] for illumination requirements.

TABLE ~~[4]~~[4]  
Underwater Illumination Requirements

Class	Application	Lamp lumens per square foot of pool surface area- Indoor	Lamp lumens per square foot of pool surface area- Outdoor	Illuminance Uniformity: Maximum to Minimum
I	International, Professional, Tournament	100	60	2.0 : 1

II	College and Diving	75	50	2.5 : 1
III	High School Without Diving	50	30	3.0 : 1
IV	Recreational	30	15	4.0 : 1

(3) Where night swimming is permitted and underwater luminaires are used, area lighting must be provided for the deck areas and directed away from the pool surface as practical to reduce glare. The luminance must be at least 5 horizontal foot candles of light per square foot, 929 cm<sup>2</sup> of deck area, but less than the luminance level for the pool shell.

(4) Electrical wiring must conform with Article 680 of the National Electrical Code, [1990,] as adopted by the State.

(a) Wiring may not be routed under a pool or within the area extending five feet (1.52 meters) horizontally from the inside wall of the pool as provided in Article 680 of the National Electric Code, without the written approval of the department. The department may deny the installation and use of any electrical appliance, device, or fixture, if its power service is routed under a pool or within the area extending five feet (1.52 meters) horizontally from the inside wall of the pool, except in the following circumstances:

- (i) For underwater lighting,
- (ii) electrically powered automatic pool shell covers, and
- (iii) competitive judging, timing, and recording apparatus.

(5) Buildings containing indoor pools, bathhouses, dressing rooms, shower rooms, and toilet spaces must be ventilated in accordance with American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 62-1989 6.1.1., which is incorporated and adopted by reference.

**R392-302-24. Dressing Rooms.**

(1) All areas and fixtures within dressing rooms must be maintained in a clean and sanitary condition. Dressing rooms must be equipped with minimum fixtures as required in Subsection R392-302-[24]25(1). The local health [officer]department may exempt any bathers from the total number of bathers used to calculate the fixtures required in Subsection R392-302-[24]25(1) who have private use fixtures available within 150 feet, 45.7 meters of the pool.

(2) A separate dressing room must be provided for each sex. The entrances and exits must be designed to break the line of sight into the dressing areas from other locations.

(3) Dressing rooms must be constructed of materials that have smooth, non-slip surfaces, and are impervious to moisture.

(4) Floors must slope to a drain and be constructed to prevent accumulation of water.

- (5) Carpeting may not be installed on dressing room floors.
- (6) Junctions between walls and floors must be coved.
- (7) Partitions between dressing cubicles must be raised at least 10 inches, 25.4 cm, above the floor or must be placed on continuous raised masonry or concrete bases at least four inches, 10.16 cm, high.

(8) Lockers must be set either on solid masonry bases four inches, 10.16 cm, high or on legs elevating the bottom locker at least 10 inches, 25.4 cm, above the floor.

- (a) Lockers must have louvers for ventilation.

(9) A dressing room must exit to the shallowest area of the pool. The dressing room exit door and the pool deck must be

separated by at least 10 feet, 3.05 meters, and be connected by an easily cleanable walkway.

**R392-302-25. Toilets and Showers.**

(1) The minimum number of toilets and showers for dressing room fixtures must be based upon the designed maximum [~~attendance of bathers~~]bather load. Required numbers of fixtures must be based upon 50 percent of the total number of bathers being male and 50 percent being female, except where the facility is used exclusively by one sex. The minimum number of sanitary fixtures must be in accordance with Table 4, [~~Group A occupancies for gymnasiums of the Uniform Building Code 1994, Appendix Chapter 29, which is adopted by reference.~~]

TABLE [5]4

Sanitary Fixture Minimum Requirements

Water Closets

Male	Female
1:1 to 25	1:1 to 25
2:26 to 75	2:26 to 75
3:76 to 125	3:76 to 125
4:126 to 200	4:126 to 200
5:201 to 300	5:201 to 300
6:301 to 400	6:301 to 400

Over 400, add one fixture for each additional 200 males or 150 females.

Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases may not be reduced to less than one half of the minimum specified.

(2) Lavatories must be provided on the basis of one for each water closet up to four, then one for each two additional water closets.

(3) One shower head for each sex must be provided for each 50 bathers or fraction thereof.

(4) Potable water must be provided at all shower heads. Water heaters and thermostatically controlled mixing valves must be inaccessible to bathers and must be capable of providing 2 gpm, 7.57 liters/per minute, of 90 degree F. water to each shower head for each bather.

(5) Soap must be dispensed at all lavatories. Soap dispensers must be constructed of metal or plastic. Use of bar soap is prohibited.

(6) Fixtures must be designed so that they may be readily cleaned. Fixtures must withstand frequent cleaning and disinfecting.

(7) At least one covered waste can must be provided in each restroom.

**R392-302-26. Visitor and Spectator Areas.**

(1) When a four foot, 1.22 meters, fence is not present as described in Subsection R392-302-[13]14(3), then visitors, spectators, or animals may not be allowed within ten feet, 3.05 meters, of the pool or five feet, 1.53 meters, of the pool deck. Animals assisting handicapped individuals are exempt from this requirement.

(2) Food or drink is prohibited within ten feet, 3.05 meters, of the pool. Beverages must be served in non-breakable containers.

(3) Trash containers must be provided in visitor and spectator areas. The entire area must be kept free of litter and maintained in a clean, sanitary condition.

**R392-302-27. Disinfection and Quality of Water.**

(1) A public pool must be continuously disinfected by a process which meets all of the following requirements:

(a) Is registered with the United States Environmental Protection Agency as a disinfecting process or disinfectant product for water.

(b) Imparts a disinfectant residual which may be easily and accurately measured by a field test procedure appropriate to the disinfectant in use.

(c) Is compatible for use with other chemicals normally used in pool water treatment.

(d) Does not create harmful or deleterious physiological effects on bathers if used according to manufacturer's specifications.

(e) Does not create an undue safety hazard if handled, stored and used according to manufacturer's specifications.

(2) If the active disinfecting agent is chlorine, the unstabilized free chlorine residual, as measured by the diethyl-p-phenylene diamine, leuco crystal violet test or other test method approved by the department, must meet the concentration levels listed in Table [7]6 for all circumstances, bather loads, and the pH level of the water.

(3) If cyanuric acid is used to stabilize the free residual chlorine, or if one of the chlorinated isocyanurate compounds is used as the disinfecting chemical, the concentration of cyanuric acid in the water must be at least ten ppm, but may not exceed 100 ppm and the free residual chlorine, as measured by the diethyl-p-phenylene diamine, leuco crystal violet test or other test method approved by the department, must meet concentrations levels shown in Table [7]6, depending upon the pH of the water.

(4) If disinfection of the pool water is accomplished by bromine or iodine, the disinfectant must be within the ranges specified in Table [7]6.

(5) An easy to operate, pool side disinfectant testing kit, compatible with the disinfectant in use and accurate to within 0.2 ppm, must be provided at each public pool. If stabilized chlorine is used, a testing kit for cyanuric acid, accurate to within 10.0 ppm must be provided.

(a) Test kit reagents may not be used if they have exceeded their expiration dates.

(6) Circulation equipment must be operated 24 hours continuously during the operating seasons.

(7) The water must have sufficient clarity at all times so that a black disc, six inches, 15.24 cm, in diameter, is readily visible if placed on a white field at the deepest point of the pool. The facility must be closed immediately if this requirement is not met.

(8) In a public pool, the difference between the total chlorine and the free chlorine must not be greater than 0.5 ppm as determined by the diethyl-p-phenylene diamine, leuco crystal violet tests or other test method approved by the department.

(a) If the concentration of combined residual chlorine is greater than 0.5 ppm the pool water must be breakpoint chlorinated to oxidize and reduce the concentration of combined chlorines.

(9) A water sample must be collected from a pool at least once per month while it is in use, and must be submitted to a laboratory

approved by the [Utah Department of Health]department to perform Safe Drinking Water Program testing.

(a) ~~[The testing laboratory must promptly report the results of such analysis to the local health department having jurisdiction and to the facility operator. When requested, results of such analysis must be made available to the Utah Department of Health, Division of Epidemiology and Laboratory Services, Bureau of Environmental Services.]~~The laboratory shall subject the sample to the standard 35 degree Celsius heterotrophic plate count and test for coliform organisms utilizing either a membrane filter test, a multiple tube fermentation test, or a Colilert test.

(b) ~~[When less than two samples per month are collected and submitted for bacteriological analysis, the local health department shall conduct a follow-up inspection for each failing sample to identify the causes for the sample failure. This follow-up shall be conducted within three working days following the reporting of the sample failure to the local health department.]~~The testing laboratory must promptly report the results of such analysis to the local health department having jurisdiction and to the facility operator. When requested, the lab or local health department shall mail the results of such analysis to the Utah Department of Health.

(c) When less than two samples per month are collected and submitted for bacteriological analysis, the local health department shall conduct a follow-up inspection for each failing sample to identify the causes for the sample failure. The local health department shall conduct a follow-up within three working days following the reporting of the sample failure to the local health department.

(10) Not more than 15 percent of the samples covering a four month period of time may fail bacteriological quality standards. A seasonal or other pool in operation less than four months may only fail bacteriological quality standards with an initial pre-opening sample prior to the opening of the operating season. If a seasonal or other pool in operation less than four months in a year is sampled on a once per month basis, then failure of any bacteriological water quality sample shall require submission of a second sample within one working day after the sample report has been received.

(a) A pool water sample fails bacteriological quality standards if it:

(i) contains more than 200 bacteria per milliliter, as determined by the standard 35 degrees Celsius heterotrophic plate count[~~or~~];

(ii) shows positive test, confirmed test, for coliform organisms in any of the five 10-milliliter portions of a sample; or

(iii) contains more than 1.0 coliform organisms per 50 ml if the membrane filter test is used[-]; or

(iv) indicates a positive MMO-MUG type test approved by the EPA.

(11) Pool water temperatures, excluding spas and special purpose pools, must meet the following requirements:

(a) Pool water temperatures for general use must be within the range of 82 degrees Fahrenheit, 27.8 degrees Celsius, to 86 degrees Fahrenheit, 30.0 degrees Celsius.

(b) The water in a pool dedicated primarily for swim training and high exertion activities must be within the temperature range of 78 degrees Fahrenheit, 25.6 degrees Celsius, to 82 degrees Fahrenheit, 27.8 degrees Celsius to reduce safety hazards associated with hyperthermia.

(c) The minimum water temperature for a pool is 78 degrees Fahrenheit, 25.6 degrees Celsius.

(d) The local health department may grant an exemption to the pool water temperature requirements for a special purpose pool including a cold plunge pool, but may not exempt maximum hot water temperatures for a spa pool.

(12) Total dissolved solids in a public pool may not exceed 2,500 ppm.

(13) Total alkalinity must be with the range from 100-125 ppm for plaster pools, 80-150 ppm for a spa pool, and 125-150 ppm for a painted or fiberglass pool.

(14) A calcium hardness of at least 200 ppm must be maintained.

(15) The saturation index value of the pool water must be within the range of positive 0.3 and minus 0.3. The saturation index shall be calculated in accordance with Table [6]5.

TABLE [6]5

CHEMICAL VALUES AND FORMULA FOR CALCULATING SATURATION INDEX

Formula for Calculating the Saturation Index:  $SI = pH + TF + CF + AF - 12.1$  where SI means saturation index, TF means temperature factor, CF means calcium factor, and AF means alkalinity factor.

Temperature		Calcium Hardness		Total Alkalinity	
deg. F	TF	ppm	CF	ppm	AF
32	0.0	5	0.3	5	0.7
37	0.1	25	1.0	25	1.4
46	0.2	50	1.3	50	1.7
53	0.3	75	1.5	75	1.9
60	0.4	100	1.6	100	2.0
66	0.5	150	1.8	150	2.2
76	0.6	200	1.9	200	2.3
84	0.7	300	2.1	300	2.5
94	0.8	400	2.2	400	2.6
105	0.9	800	2.5	800	2.9
128	1.0	1,000	2.6	1,000	3.0

If the SATURATION INDEX is 0, the water is chemically in balance. If the INDEX is a minus value, corrosive tendencies are indicated. If the INDEX is a positive value, scale-forming tendencies are indicated.

EXAMPLE: Assume the following factors:  
 pH 7.5, Temperature 80 degrees F, 19 degrees C, Calcium Hardness 235 Total Alkalinity 100  
 1- pH - 7.5  
 2- TF - 0.7  
 3- CF - 1.9  
 4- AF - 2.0  
 TOTAL:  $12.1 - 12.1 = 0.0$   
 This water is balanced.

TABLE [7]6

DISINFECTANT LEVELS AND CHEMICAL PARAMETERS

	POOLS	SPAS	SPECIAL PURPOSE
Stabilized(2) C <sub>12</sub> (ppm)			
pH 7.2 to 7.6	2.0(1)	3.0(1)	2.0(1)
pH 7.7 to 8.0	3.0(1)	5.0(1)	3.0(1)
Non-Stabilized C <sub>12</sub> (ppm)			
pH 7.2 to 7.6	1.0(1)	2.0(1)	2.0(1)
pH 7.7 to 8.0	2.0(1)	3.0(1)	3.0(1)
Bromine (ppm)	4.0(1)	4.0(1)	4.0(1)

Iodine (ppm)	1.0(1)	1.0(1)	1.0(1)
UV + H <sub>2</sub> O <sub>2</sub> (ppm)	40.0(1)	40.0(1)	40.0(1)
pH	7.2 to 7.8	7.2 to 7.8	7.2 to 7.8
Total Dissolved Solids (ppm)	2,500	2,500	2,500
Cyanuric Acid (ppm)	10 to 100	10 to 100	10 to 100
Temperature (degrees F)		105 degrees F. Max.	
Calcium Hardness (ppm)	200(1)	200(1)	200(1)
Total Alkalinity (ppm)	100 to 125	80 to 150	100 to 125
	(plaster pools)	125 to 150	(painted or fiberglass pools)
Saturation Index (see Table [6]5)	Plus or Minus	Plus or Minus	Plus or Minus
	0.3	0.3	0.3
Chloramines (combined Cl <sub>2</sub> residual, ppm)	0.5	0.5	0.5

(1) Minimum Value

**R392-302-28. Cleaning Pools.**

(1) Visible dirt on the bottom of the pool must be removed at least once every 24 hours or more frequently as needed to keep the pool free of visible dirt.

(2) The pool water surface must be cleaned as often as needed to keep the pool free of visible scum or floating matter.

(3) Pool shell surfaces, handrails, floors, walls, and ceilings of rooms enclosing pools, dressing rooms and equipment rooms, must be kept clean, sanitary, and in good repair.

(4) A hydrotherapy pool must be drained, cleaned and sanitized after each individual use. Small lap pools, or other types of pools used for medically supervised therapy activities are exempt from the draining, cleaning, and disinfecting requirements if the pool has recirculation, filtration, and disinfection in compliance with Subsections R392-302-[7]8(3), R392-302-[15]16(1), and R392-302-[26]27(a-e).

**R392-302-29. Supervision of Pools.**

(1) Public pools in operation after September 16, 1998 must be operated by a qualified operator as evidenced by a current National Swimming Pool Foundation Certified Pool Operator, CPO, certification, a National Recreation and Parks Association Aquatic Facility Operator, AFO, certification, or an equivalent certification approved by the department. Local health department[s] may require certification of pool operators prior to this date if [they] determine that the operation of the pool poses undue health or safety risks to the public, including the failure of bacteriological water quality samples in excess of 15 percent of samples over time.

(a) Approved certifications will be valid for five years from the date of issue.

(b) The local health department may revoke the certification of a pool operator for cause, including failure to comply with the requirements of this rule, or creating or allowing undue health or safety hazards. The local health department shall notify the department of any revocations.

(2) The pool operator must keep written records of all information pertinent to the operation, maintenance and sanitation of each pool facility. Records must be available at the facility and

be readily accessible. The pool operator must make records available to the department or the local health department having jurisdiction upon their request. These records must include disinfectant residual in the pool water, pH and temperature of the pool water, pool circulation rate, quantities of chemicals and filter aid used, filter head loss, filter washing schedule, cleaning and disinfecting schedule for pool decks and dressing rooms, bather load, and other information required by the local health department. The pool operator must keep the records at the facility, for at least two operating seasons.

(a) The pool operator shall measure and record the level of disinfectant residuals, pH, and pool water temperature at least four times a day.

(b) The pool operator shall read flow rate gauges and record the pool circulation rate at least four times a day.

(3) Bather load must be limited if necessary to insure the safety of bathers and pool water quality as required in Section R392-302-~~[26]~~27.

(4) A sign must be posted in the immediate vicinity of the pool stating the location of the nearest telephone and emergency telephone numbers which shall include:

(a) Name and phone number of nearest police, fire and rescue unit;

(b) Name and phone number of nearest ambulance service;

(c) Name and phone number of nearest hospital.

(~~[#]~~5) If a telephone is not available at poolside, emergency telephone numbers must be provided in a form that can be taken to a telephone.

### **R392-302-30. Supervision of Bathers.**

(1) Access to the pool must be prohibited when the facility is not open for use.

(2) Lifeguard service must be provided at a public pool or a private pool if direct fees ~~[or membership fees]~~ are charged, public funds support the operation of the pool, or if the pool is used for public uses including swimming lessons, scuba diving instruction, and aquatic competitions. If a pool is normally exempt from the requirement to provide lifeguard services, but is used for some public uses, then lifeguard services are required during the period of public use. For other pools, lifeguard service must be provided, or signs must be clearly posted indicating that lifeguard service is not provided.

(3) A lifeguard must meet each of the following:

(a) Be trained and certified by the American Red Cross, or an equivalent program as approved by the department in Basic Level First Aid, C.P.R. for professional rescuers, and Life Guarding.

(b) Be on duty at all times when the pool is open to use by bathers, except as provided in Subsection R392-302-~~[29]~~30(2).

(c) Have full authority to enforce all rules of safety and sanitation.

(4) A lifeguard may not have any other duties to perform other than the supervision and safety of bathers while he or she is assigned lifeguarding duties.

(5) Where lifeguard service is required, the number of lifeguards must be sufficient to allow for continuous supervision of all bathers, and surveillance over total pool floor areas.

(6) Lifeguards must be relieved in the rotation of lifeguarding responsibilities at least every 15 minutes with a work break of at

least 10 minutes every hour to maintain mental alertness and to prevent mental and physical fatigue.

(7) The facility operator and staff is responsible for the enforcement of the following personal hygiene and behavior rules:

(a) A bather using the facility must take a cleansing shower before entering the pool enclosure. A bather leaving the pool to use the toilet must take a second cleansing shower before returning to the pool enclosure.

(b) A person having a communicable disease transmissible by water must be excluded from public pools. A person having any exposed sub-epidermal tissue, including open blisters, cuts, or other lesions may not use a public pool.

(c) Running, boisterous or rough play, except supervised water sports, is prohibited.

(d) Easily readable placards embodying the above rules of personal hygiene and behavior must be conspicuously posted in the pool enclosure and in the dressing rooms and offices.

(8) A spa pool must have an easily readable caution sign mounted adjacent to the entrance to the spa or hot tub which contains the following information:

(a) The word "caution" centered at the top of the sign in large, bold letters at least two inches in height.

(b) Elderly persons and those suffering from heart disease, diabetes or high blood pressure should consult a physician before using the spa pool.

(c) Persons suffering from a communicable disease transmissible via water may not use the spa pool. Persons using prescription medications should consult a physician before using the spa.

(d) Individuals under the influence of alcohol or other impairing chemical substances should not use the spa pool.

(e) Bathers should not use the spa pool alone.

(f) Pregnant women should not use the spa pool without consulting their physicians.

(g) Persons should not spend more than 15 minutes in the spa in any one session.

(h) Children under the age of 14 must be accompanied and supervised by at least one responsible adult over the age of 18 years, when lifeguards are not on duty.

(i) Children under the age of five years are prohibited from bathing in a spa or hot tub.

(j) Running or engaging in unsafe activities or horseplay in or around the spa pool is prohibited.

(9) Water jets and air induction ports on spa pools must be controlled by an automatic timer which limits the duration of their use to 15 minutes per each cycle of operation. The operator shall mount the timer switch in a location which requires the bather to exit the spa before the timer can be reset for another 15 minute cycle or part thereof.

### **R392-302-31. Special Purpose Pools.**

(1) Special purpose pools must meet the requirements of all Sections of R392-302 in addition to those of this Section as they apply to special design features and uses of special purpose pools.

(2) Slide flumes must meet the following requirements for design, materials, construction, and maintenance:

(a) The flumes within enclosed slides must be designed to prevent accumulation of hazardous concentrations of toxic chemical fumes.

(b) All curves, turns, and tunnels within the path of a slide flume must be designed so that body contact with the flume or tunnel does not present an injury hazard. The slide flume must be banked to keep the slider's body safely inside the flume.

(c) The flume must be free of hazards including joints and mechanical attachments separations, splinters, holes, cracks, or abrasive characteristics.

(d) Wall thickness of flumes must be thick enough so that the continuous and combined action of hydrostatic, dynamic, and static loads and normal environmental deterioration will not cause structural failures which could result in injury. The facility operator or owner shall insure that repairs or patchwork maintains original designed levels of safety and structural integrity. The facility operator or owner shall insure that repairs or patchwork is performed in accordance with manufacturer's guidelines.

(e) Multiple-flume slides must have parallel exits or be constructed, so that the projected path of their centerlines do not intersect within a distance of less than 8 feet, 2.44 meters, beyond the point of forward momentum of the heaviest bather permitted by the engineered design.

(f) A slide flume exit must provide safe entry into the splash pool. Design features for safe entry include a water backup, and a deceleration distance adequate to reduce the slider's exit velocity to a safe speed. Other methods may be acceptable if safe exiting from the slide flume is demonstrated to the department.

(3) The design of water slides or vehicle slides must incorporate the following clearances from the flumes:

(a) A distance between the side of a slide flume exit and a splash pool side wall of at least four feet, 1.22 meters.

(b) A distance between nearest sides of adjacent slide flume exits must be at least six feet, 1.83 meters.

(c) A distance between a slide flume exit and the opposite end of the splash pool, excluding steps, must be at least 20 feet, 6.10 meters.

(d) A vehicle slide must maintain the following clearances:

(e) A distance between the side of the flume exit and the pool side wall of at least six feet, 1.83 meters.

(f) A distance between nearest sides of adjacent vehicle slide flume exits of at least eight feet, 2.44 meters.

(g) A distance between the flume exit and the opposite end of the splash pool, excluding steps, must be long enough to provide clear, unobstructed travel for at least 8 feet, 2.44 meters, beyond the point of forward momentum of the heaviest bather permitted by the engineered design.

(4) Vehicles, including toboggans, sleds, inflatable tubes, and mats must be designed and manufactured of materials which will safeguard the safety of riders.

(5) splash pools must meet the following depth requirements:

(a) The depth of a water slide splash pool at the end of a horizontally oriented slide flume exit must be at least three feet, 9.14 cm, but may be required to be deeper if the pool design incorporates special features that may increase risks to bathers as determined by the department.

(b) The depth must be maintained in front of the flume for a distance of at least 20 feet, 6.10 meters, from which point the splash pool floor may have a constant slope upward. Slopes may not be designed or constructed steeper than a 1 to 10 ratio.

(c) The operating water depth of a vehicle slide splash pool, at the flume exit, must be a minimum of 3 feet 6 inches, 1.07

meters. This depth must be maintained to the point at which forward travel of the vehicle ends. From the point at which forward travel ends, the floor may have a constant upward slope to the pool exit at a ratio not to exceed 1 to 10.

(d) The department may waive minimum depth and distance requirements for a splash pool and approve a special exit system if the designer can demonstrate to the department that safe exit from the flume into the splash pool can be assured.

(6) Pump reservoir areas must be accessible for cleaning and maintenance by a three foot, 91.44 cm, minimum width walkway.

(7) A travel path with a minimum width of four feet, 1.22 meters, must be provided between the splash pool deck and the top of the flume.

(8) Stairways serving a slide may not retain standing water. Stairways must have non-slip surfaces and shall conform to the requirements of applicable building codes.

(9) Splash pool overflow reservoirs must have sufficient volume to contain at least two minutes of flow from the splash pool overflow. Splash pool overflow reservoirs must have enough water to insure that the splash pool will maintain a constant water depth.

(10) The circulation and filtration equipment of a special purpose pool must be sized to turn over the entire system's water at least once every hour.

(11) Splash pool overflow reservoirs must circulate water through the water treatment system and return when flume supply service pumps are turned off.

(12) Flume pumps and motors must be sized, as specified by the flume manufacturer, and must meet all National Sanitation Foundation, NSF 50-1992, Section 6. Centrifugal Pumps, standards for pool pumps.

(13) Flume supply service pumps must have check valves on all suction lines.

(14) The splash pool and the splash pool overflow reservoir must be designed to prohibit bather entrapment as water flows from the splash pool to the overflow reservoir.

(15) Perimeter overflow gutter systems must meet the requirements of Section R392-302-[+8]19, except that gutters are not required directly under slide flumes or along the weirs which separate splash pools and splash pool overflow reservoirs.

(16) The operation of hydrotherapy pools must meet the following requirements:

(a) Trained medical or physiotherapy personnel must administer the operation of hydrotherapy pools by direct supervision.

(b) Therapy staff or other designated staff members must drain, clean and sanitize hydrotherapy pools after each individual use.

(17) A caution sign must be mounted adjacent to the entrance to a water slide that states at least the following warnings:

(a) The word caution centered at the top of the sign in large bold letters at least two inches in height.

(b) No running, standing, kneeling, tumbling, or stopping on flumes or in tunnels.

(c) No head first sliding at any time.

(d) The use of a slide while under the influence of alcohol or impairing drugs is prohibited.

(e) Only one person at a time may travel the slide.

(f) Obey instructions of lifeguards and other staff at all times.

(g) Keep all parts of the body within the flume.

(h) Leave the splash pool promptly after exiting from the slide.

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**KEY: pools, spas, water slides**  
~~[September 16, 1996]~~**November 15, 2000** 26-15-2  
**Notice of Continuation October 20, 1997**



**Health, Health Systems Improvement,  
Emergency Medical Services  
R426-6  
Emergency Medical Services Grants  
Program Rules**

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 23185  
FILED: 10/02/2000, 06:20  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The new Emergency Medical Services (EMS) Systems Act, Title 26, Chapter 8a, states that per capita grants are to be distributed by the Department and competitive grants are awarded by the committee. We have separated the grants programs into two sets of rules, Per Capita Grants Program Rules and Competitive Grants Program Rules.

SUMMARY OF THE RULE OR CHANGE: The proposed change will delete all reference to "per capita" rules in the "Competitive" Grants Program Rules. The proposed changes will also make competitive grantees ineligible for funding or reimbursement if they are more than six months in arrears in payments owed to the Department. The proposed changes will have Emergency Medical Services (EMS) service area grantees with multiple local EMS Committee jurisdictions' grants reviewed separately by the Grants Subcommittee rather than going through local prioritizations.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no cost to the Bureau by changing this proposed rule. This could affect agencies in state government, such as the Highway Patrol. They will not need to go through each county's prioritizations, but can bring grant requests directly to the Grants Subcommittee for review.

❖LOCAL GOVERNMENTS: There will be no cost to local government for these changes. This will make it necessary for any payments they may owe to the Health Department to be paid before they can become eligible for competitive

grants. However, because the non-profit agencies are now eligible for competitive funds, agencies could receive less money in competitive funds. This proposed change was brought about by the revision in the Emergency Medical Services Systems Act, Title 26, Chapter 8a, that allows for-profit agencies to be eligible for competitive grant funds.

❖OTHER PERSONS: The only agencies involved with EMS grants are local ambulance services, first response agencies, and dispatch agencies. Most of these agencies are local government. However, the agencies that are not local government must be entities providing emergency medical care. There is no cost to them because this is a grant program. They would receive funds through competitive grants each year. It will make it necessary for any payments they may owe to the Health Department to be paid before they can become eligible for competitive grants.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs to anyone in order to comply with the proposed rule change because it is a grants program and the money is granted to agencies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The only new requirement in this rule makes an application ineligible for a grant if the applicant is six months or more in arrears on payments owed to the Department. This is an appropriate requirement. Rod L. Betit

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

Health  
Health Systems Improvement,  
Emergency Medical Services  
Cannon Health Building  
288 North 1460 West  
PO Box 142004  
Salt Lake City, UT 84114-2004, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljjohnso@doh.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 11/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2000

AUTHORIZED BY: Rod L. Betit, Executive Director

**R426. Health, Health Systems Improvement, Emergency Medical Services.**

**R426-6. Emergency Medical Services Competitive Grants Program Rules.**

**R426-6-1. Authority and Purpose.**

(1) This rule is established under Title 26, Chapter 8a.

(2) The purpose of this rule is to provide guidelines for the equitable distribution of competitive grant funds specified under the Emergency Medical Services Grants Program.

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**R426-6-3. Eligibility.**

~~[(1) Per capita grants are available only to: (a) licensed and designated non-profit entities, including political subdivisions of local or state government; and (b) licensed and designated providers that are the only primary emergency medical services for a service area.]~~

[~~(2)1~~] Competitive grants are available for use specifically related to the provision of emergency medical services.

[~~(3)2~~] Grantees must be in compliance with the EMS Systems Act and all EMS rules during the grant period.

(3) An applicant that is six months or more in arrears in payments owed to the Department is ineligible for competitive grant consideration.

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**R426-6-5. Competitive Grant Process.**

(1) The Grant Program Guidelines, outlining the review schedule, funding amounts, eligible expenditures, and awards schedule shall be established annually by the EMS Committee.

(2) The department may accept only complete applications which are submitted by the deadlines established by the EMS Committee.

(3) It is the intent of the EMS Committee that there be local EMS council or committee review and prioritization of grant applications. Therefore, copies of grant applications shall be provided by grant applicants to their respective county EMS councils or committees and the multi-county EMS councils or committees, where organized, for a period of at least 30 days for review and prioritization before consideration by the State Grants subcommittee. State reviews may not be conducted for grant proposals which have not been first submitted to the county or the multi-county EMS councils or committees.

(4) Agencies that are licensed or designated, whose EMS service area includes multiple local EMS Committee jurisdictions ~~[must submit a grant for each county that will be affected by the grant request. Each application must be provided to each respective county EMS council or committee for a period of at least 30 days for review and prioritization before consideration.]~~ will be reviewed separately by the State Grants Subcommittee.

(5) The Grants Subcommittee shall review the competitive grant applications and forward its recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Subcommittee recommendations and forward to the Department.

(6) Grant recipients shall provide matching funds in the amount of 50% of total approved expenditures or a greater amount as annually set forth in the Grant Guidelines.

(7) The Grants Subcommittee may recommend reducing or waiving the matching fund requirements where appropriate in order to respond to special or pressing local or state EMS problems.

(8) The Grants Subcommittee shall make recommendations based upon the following criteria:

- (a) the impact on patient care;
  - (b) a description of the size and significant impediments of the geographic service area;
  - (c) the population demographics of the service area;
  - (d) the urgency of the need;
  - (e) call volume;
  - (f) the per capita grant allocated to each agency, and its relative benefit on the agency to provide EMS service;
  - (g) local county prioritization;
  - (h) a description of the agency; and
  - (i) percent of responses to non-residents of the service area.
- (9) Applications requesting grant award extensions past June 30, must be made to the department by May 30 of the grant year. Requests made after that time will not be accepted. Grants extensions may only be given for unforeseen circumstances.

(10) The Department may withhold payment of grant funds to a grantee that is six months or more in arrears in payments owed to the Department until the overdue payments are paid in full.

**~~[R426-6-6. Per Capita Grant Process:~~**

~~(1) Agency applicants shall verify agency personnel rosters as part of the grant application process.~~

~~(2) The department shall determine the amounts of the per capita grants by prorating available funds on a per capita basis by county.~~

~~(3) The Department shall allocate funds to licensed EMS providers, designated dispatch agencies and designated first response units by using the following point totals for their personnel: certified Dispatchers = 1; certified Basic EMTs and EMT-IVs = 2; certified Intermediate EMTs = 3; and certified Paramedics = 4. The number of certified personnel is based upon the personnel rosters of each licensed EMS provider, designated dispatch agency and designated first response unit as of January 1 immediately prior to the grant year, which begins July 1.~~

~~(4) Certified personnel will receive per capita funding for only one agency per county.~~

~~(5) Agencies that cover multiple counties will receive points for their personnel from the county where the certified person lives.~~

~~(6) No matching funds are required for per capita grants.~~

~~(7) Grant awards are effective on July 1 and must be used by June 30 of the following year. No extensions will be given.~~

~~(8) Per capita funds may be used as matching funds for competitive grants.~~

**~~[R426-6-7]6. High School Training Program Grant.~~**

(1) The department shall provide a grant by contract with a single non-profit entity for the purpose of teaching the "What To Do Until the Ambulance Arrives" program or a similar program to Utah high school students. Any change to the curriculum of the program must be approved by the Department and the Utah State Board of Education. These programs are limited to Utah high schools for Utah high school students.

(2) The contract will be effective from July 1 through June 30. Contract awards may not be extended or amended.

**~~R426-6-[8]7. Interim or Emergency Grant Awards.~~**

(1) The Grants Review Subcommittee may recommend interim or emergency grants if all the following are met:

- (a) Grant funds are available;

- (b) The applicant clearly demonstrates the need;
  - (c) the application was not rejected by the Grants Review Subcommittee during the current grant cycle; and
  - (d) Delay of funding to the next scheduled grant cycle would impair the agency's ability to provide EMS care.
- (2) Applicants for interim or emergency grants shall:
- (a) submit an interim/emergency grant application, following the same format as annual grant applications; and
  - (b) submit the interim/emergency grant application to the Department at least 30 days prior to the EMS Committee meeting at which the grant application will be reviewed.
- (3) The Grants Review Subcommittee shall review the interim/emergency grant application and forward recommendations to the EMS Committee. The EMS Committee shall review and comment on the Grants Review Subcommittee recommendations and forward to the Department.

**KEY: emergency medical services**  
~~April 30,~~2000  
 Notice of Continuation December 2, 1997

26-8a



Health, Health Systems Improvement,  
 Emergency Medical Services  
**R426-7**  
 Emergency Medical Services  
 Prehospital Data System Rules

**NOTICE OF PROPOSED RULE**  
 (New)  
 DAR FILE No.: 23186  
 FILED: 10/02/2000, 06:20  
 RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule will move data requirements from the old Ambulance, Paramedic, and Dispatch rules and combine them into one set. The rule will establish minimum mandatory Emergency Medical Systems (EMS) data reporting requirements for Prehospital Data Set, Emergency Department (ED) Data Set, and Air Medical Service Data Set. The rule will implement consistent data requirements across all data sets.

SUMMARY OF THE RULE OR CHANGE: The proposed rule establishes mandatory EMS minimum data reporting requirements for Prehospital, ED, and Air Medical Service Data Sets.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: There will be no cost to the Bureau by implementing this proposed rule. This does not affect state government.
  - ❖LOCAL GOVERNMENTS: This rule is being followed by all local government providers at the present time, therefore, there is no additional cost to them.
  - ❖OTHER PERSONS: The rule only affects EMS licensed and designated services and hospitals. These agencies have been following this rule, so there is no additional cost to them.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional costs to anyone in order to comply with the proposed rule because they have been following this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule simply consolidates existing requirements into a single rule. It should have no new fiscal impact on businesses. The requirements have been reviewed and appear to be reasonable and appropriate. Rod L. Betit

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

Health  
 Health Systems Improvement,  
 Emergency Medical Services  
 Cannon Health Building  
 288 North 1460 West  
 PO Box 142004  
 Salt Lake City, UT 84114-2004, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohnso@doh.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 11/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2000

AUTHORIZED BY: Rod L. Betit, Executive Director

**R426. Health, Health Systems Improvement, Emergency Medical Services.**

**R426-7. Emergency Medical Services Prehospital Data System Rules.**

**R426-7-1. Authority and Purpose.**

- (1) This rule is established under Title 26 chapter 8a.
- (2) The purpose of this rule is to establish minimum mandatory EMS data reporting requirements.

**R426-7-2. Prehospital Data Set.**

- (1) Licensees or designees shall collect data as identified by the Department in this rule.

(2) The data shall be submitted to the Department monthly within 30 days of end of the month.

(3) The data shall be submitted in an electronic format determined and approved by the Department. Agencies who respond to less than 10 calls per month may submit data in a Department-approved alternate format.

(4) If the Department determines that there are errors in the data, it may return the data to the data supplier for corrections. The data supplier shall correct the data and resubmit it to the Department within 30 days of receipt from the Department. If data is returned to the agency for corrections, the agency is not in compliance with this rule until corrected data is returned, accepted and approved by the Department.

(5) The minimum required data elements include:

Patient Last Name  
Patient First Name  
Incident Number  
Service Number  
Unit Permit Number  
Incident Date  
Incident Street  
Incident City  
Incident State  
Incident Zip  
Incident County  
Time Dispatched  
Time Enroute  
Time Arrived Scene  
Time Left Scene  
Time at Destination  
Dispatch Code  
Patient Age  
Patient Race  
Patient Gender  
Patient Source  
ECG Code 1  
ECG Code 2  
ECG Code 3  
Injury Illness 1  
Injury Illness 2  
Injury Illness 3  
Injury Illness 4  
Injury Illness 5  
Injury Illness 6  
Medication 1  
Medication 2  
Medication 3  
Medication 4  
Medication 5  
Medication 6  
Treatment 1  
Treatment 2  
Treatment 3  
Treatment 4  
Treatment 5  
Treatment 6  
Destination Code  
Disposition Code  
Patient Date of Birth

EMT 1  
EMT 2  
Location Code  
Init Systolic BP  
Init Respiration  
Init Temperature  
Init Pulse Rate  
Glasgow Eye Open  
Glasgow Verbal  
Glasgow Motor  
Glasgow Total  
Revised Trauma Score (RTS)  
Narrative Line 1  
Narrative Line 2  
Narrative Line 3  
Narrative Line 4  
Narrative Line 5

#### **R426-7-3. ED Data Set.**

(1) All hospitals licensed in Utah shall provide patient data as identified by the Department.

(2) This data shall be submitted at least quarterly to the Department. Corporate submittal is preferred.

(3) The data must be submitted in an electronic format determined and approved by the Department.

(4) If the Department determines that there are errors in the data, it may return the data to the data supplier for corrections. The data supplier shall correct the data and resubmit it to the Department within 30 days of receipt from the Department. If data is returned to the hospital for corrections, the hospital is not in compliance with this rule until corrected data is returned, accepted and approved by the Department.

(5) The minimum required data elements include:

Unique Patient Control Number  
Record Type  
Provider Identifier (hospital)  
Patient Social Security Number  
Patient Control Number  
Type of Bill  
Patient Name  
Patient's Address (postal zip code)  
Patient Date of Birth  
Patient's Gender  
Admission Date  
Admission Hour  
Discharge Hour  
Discharge Status  
Disposition from Hospital  
Patient's Medical Record Number  
Revenue Code 1 ("001" sum of all charges)  
Total Charges by Revenue Code 1 ("001" last total Charge Field, is sum)  
Revenue Code 2 ("450" used for record selection)  
Total Charges by Revenue Code 2 (Charges associated with code 450)  
Primary Payer Identification  
Estimated Amount Due  
Secondary Payer Identification  
Estimated Amount Due

Tertiary Payer Identification  
Estimated Amount Due  
Patient Estimated Amount Due  
Principal Diagnosis Code  
Secondary Diagnosis Code 1  
Secondary Diagnosis Code 2  
Secondary Diagnosis Code 3  
Secondary Diagnosis Code 4  
Secondary Diagnosis Code 5  
Secondary Diagnosis Code 6  
Secondary Diagnosis Code 7  
Secondary Diagnosis Code 8  
External Cause of Injury Code (E-Code)  
Procedure Coding Method Used  
Principal Procedure  
Secondary Procedure 1  
Secondary Procedure 2  
Secondary Procedure 3  
Secondary Procedure 4, and  
Secondary Procedure 5

**R426-7-4. Air Medical Service Data Set.**

(1) All air medical services licensed in Utah shall provide patient data as identified by the Department.

(2) This data shall be submitted at least quarterly to the Department. Corporate submittal is preferred.

(3) The data must be submitted in an electronic format determined and approved by the Department.

(4) If the Department determines that there are errors in the data, it may return the data to the data supplier for corrections. The data supplier shall correct the data and resubmit it to the Department within 30 days of receipt from the Department. If data is returned to the hospital for corrections, the hospital is not in compliance with this rule until corrected data is returned, accepted and approved by the Department.

(5) The minimum required data elements include:

Service Number  
Unit Permit Number  
Incident Number  
Multiple Patients  
Dispatch Code  
Type of Service  
Vehicle Type  
Incident Street Location  
City  
County  
State  
Zip Code  
Latitude/Longitude  
Type of Location  
Patient Source  
Factors Affecting Care  
Injury/Illness Categories Codes  
ICD9 Codes  
E Codes  
Treatments Given  
Reason Destination Was Determined  
Safety Equipment Used  
Suspected Alcohol and Drugs

Body Fluids Exposure  
Resp Rate  
Systolic  
Glasgow Coma Score  
Total for Revised Trauma Score  
GCS-Eye Open  
GCS-Verbal Response  
GCS-Motor Response  
Glasgow Total  
VS-Initial-Time  
VS-Initial-HR  
VS-Initial-BP-Systolic  
VS-Initial-BP-Diastolic  
VS-Initial-Respiration  
VS-Initial-Temp  
VS-Initial-Pulse Ox  
VS-Initial-Glucose  
VS-Change-Time  
VS-Change-HR  
VS-Change-BP-Systolic  
VS-Change-BP-Diastolic  
VS-Change-Respiration  
VS-Change-Temp  
VS-Change-Pulse Ox  
VS-Change-Glucose  
VS-Change-Time  
VS-Change-HR  
VS-Change-BP-Systolic  
VS-Change-BP-Diastolic  
VS-Change-Respiration  
VS-Change-Temp  
VS-Change-Pulse Ox  
VS-Change-Glucose  
ECG-Initial-Time  
ECG-Initial-Rhythm Code  
ECG-Repeat-Time  
ECG-Repeat-Rhythm Code  
ECG-Repeat-Time  
ECG-Repeat-Rhythm Code  
Medications Given-Time  
Medications Given-Code  
Medications Given-Dose  
Medications Given-Unit of Measurement  
Medications Given-Time  
Medications Given-Code  
Medications Given-Dose  
Medications Given-Unit of Measurement  
Medications Given-Time  
Medications Given-Code  
Medications Given-Dose  
Medications Given-Unit of Measurement  
Medications Given-Time  
Medications Given-Code  
Medications Given-Dose  
Medications Given-Unit of Measurement

- [Injury or Onset-Date](#)
- [Injury or Onset-Time](#)
- [Dispatch Notified-Date](#)
- [Dispatch Notified-Time](#)
- [Unit Notified-Date](#)
- [Unit Notified-Time](#)
- [Unit Enroute-Date](#)
- [Unit Enroute-Time](#)
- [Arrival at Scene-Date](#)
- [Arrival at Scene-Time](#)
- [Arrival at Patient-Date](#)
- [Arrival at Patient-Time](#)
- [Left Scene-Date](#)
- [Left Scene-Time](#)
- [Arrival at Destination-Date](#)
- [Arrival at Destination-Time](#)
- [Back in Service-Date](#)
- [Back in Service-Time](#)
- [Motor Function-Left-Moves Arms](#)
- [Motor Function-Right-Moves Arms](#)
- [Motor Function-Left-Moves Legs](#)
- [Motor Function-Right-Moves Legs](#)
- [Destination Transferred To](#)
- [Disposition](#)
- [Patient Last Name](#)
- [Patient First Name](#)
- [Patient Middle Initial](#)
- [Place of Residence Zip Code](#)
- [Social Security Number](#)
- [Date of Birth](#)
- [Sex](#)
- [Age](#)
- [Race](#)
- [On-line Medical Control Physician](#)
- [Responders-Last Name](#)
- [Responders-First Name](#)
- [Responders-Crew Member Type](#)
- [Responders-Last Name](#)
- [Responders-First Name](#)
- [Responders-Crew Member Type](#)
- [Responders-Last Name](#)
- [Responders-First Name](#)
- [Responders-Crew Member Type](#)

**R426-7-5. Penalty for Violation of Rule.**

As required by Section 63-46a-3(5): Any person or agency who violates any provision of this rule, per incident, may be assessed a penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years is a violation of a class A misdemeanor as provided in Section 26-23-6.

**KEY: emergency medical services**  
**2000**

**28-8a**



# Health, Health Systems Improvement, Child Care Licensing **R430-6** Background Screening

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 23169  
FILED: 09/19/2000, 10:25  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to define the background screening process using the Bureau of Criminal Identification (BCI) and Child Abuse Management Information System (MIS) database to protect children receiving child care services in licensed and certified child care programs. The Utah Department of Health, Bureau of Licensing has been asked by the Your Community Connection (YCC) child care center in Ogden to add a definition of "volunteer" to the background screening rule.

SUMMARY OF THE RULE OR CHANGE: Add a definition of "volunteer" to Section R430-6-3, which is the definitions section of the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is anticipated that the cost to screen volunteers can be absorbed by the current staff without an increase in costs. There may be as many as 100 volunteers who are regularly scheduled in child care settings who will be subject to the background screening.

❖LOCAL GOVERNMENTS: There is no cost or savings to local government, since they have no enforcement authority to perform background screening processes on volunteers. If a local government authority operates a child care setting and is required to do background screening for volunteers the cost will be \$24 per person. There are no government-operated child care settings at present.

❖OTHER PERSONS: \$2,400 aggregate cost to ensure that approximately 100 volunteers who are regularly scheduled and who have not resided in Utah for the past 5 years will undergo a background screening. A savings of \$24,000 may be realized, since most of the volunteers are not regularly scheduled and only provide services once or twice a year for special holidays and events.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A \$24 fee is charged for each volunteer who has not resided in Utah for the past five years. This fee is a pass-through amount sent to the Federal Bureau of Investigation (FBI) to process the finger print card.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will clarify which volunteers at a child care provider must receive a background screening. Those that are regularly scheduled or have not continuously resided in Utah for the past five years will be screened. This cost for about 100 volunteers is offset by the savings to 1,000 that might otherwise have needed to be screened. Rod L. Betit

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

Health  
Health Systems Improvement,  
Child Care Licensing  
Cannon Health Building  
288 North 1460 West  
PO Box 142003  
Salt Lake City, UT 84114-2003, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at (801) 538-6320, by FAX at (801) 538-6325, or by Internet E-mail at dwynkoop@doh.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 11/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2000

AUTHORIZED BY: Rod L. Betit, Executive Director

**R430. Health, Health Systems Improvement, Child Care Licensing.**

**R430-6. Background Screening.**

**R430-6-3. Definitions.**

Terms used in this rule are defined in Title 26, Chapter 39. In addition:

(1) "Covered Individual" means all proposed employees of a child care facility, including owners, volunteers (excluding parents), existing employees, members of governing bodies, and, for family care settings, all individuals residing in the home where a child care program is to be licensed, who are 18 years old and over.

(2) "Department" means the Utah Department of Health.

(3) "Substantiated" means a finding by the Department of Human Services, at the completion of an investigation by the Department of Human Services, that there is a reasonable basis to conclude that one or more of the following types of abuse or neglect has occurred:

- (a) physical abuse;
- (b) sexual abuse;
- (c) sexual exploitation;
- (d) abandonment;
- (e) medical neglect resulting in death, disability, or serious illness; or
- (f) chronic or severe neglect.

(4) "Volunteer" means an individual whose duties require contact with children or food on a regularly scheduled basis of one

or more times per month. Volunteers are considered covered individuals and shall submit to background screening.

**R430-6-4. Bureau of Criminal Identification.**

(1) The Utah Code, Section 26-39-107, requires that a BCI be conducted on covered individuals requesting to be licensed, to renew a license, to be a residential certificate provider, or to renew a certificate or to be employed or volunteer in a licensed or residential certificate child care setting.

(a) Immediately upon or prior to employing or licensing or certifying a covered individual, the child care facility shall submit applicant information, fees and releases to the Department to allow the Department to perform a criminal background screening and child abuse screening.

(b) If a covered individual applicant has lived in Utah less than two years, or has unexplained gaps in work or residence record, the covered individual shall request a criminal background screening from the state or country of former residence. The covered individual shall submit the out-of-state criminal background screening within 90-days after application for review by the Department.

(c) If a covered individual has been serving a full-time religious mission out-of-state or has been in military service out-of-state for the immediate past two years, the covered individual shall submit to the Department a letter from their clergy or commanding officer documenting that the covered individual was not convicted of any felony or serious misdemeanor crimes during the time period of the religious or military service.

(2) If the BCI screening indicates that the covered individual has a criminal record that indicates there is a conviction for a felony or misdemeanor, the covered individual shall submit a fingerprint card, waiver and fee upon request by the Department. The Department shall submit them to the Criminal Investigations and Technical Services Division for additional screening.

(a) The fingerprint card that the covered individual submits shall be prepared either by the local law enforcement agency or an agency approved by local law enforcement.

(b) The Criminal Investigations and Technical Services Division, shall report the background screening and forward the fingerprint card to the Department. The Department shall review the criminal convictions within the past five years to determine whether to approve the covered individual for licensing, certification or employment.

(c) If based upon the BCI screening, the Department denies the covered individual a license or certificate, volunteer position or employment, the Department shall send a Notice of Agency Action to the child care provider or covered individual stating that the application is denied.

(3) The Department shall make the following determination if a covered individual has a criminal history record:

(a) If the covered individual was convicted of a felony, the covered individual may not provide child care, volunteer, or own or operate a child care program with a license or certificate issued by the Department.

(b) If the covered individual was convicted of a misdemeanor within the past five years, the covered individual may not provide child care, volunteer, or own or operate a child care program with a license or certificate issued by the Department if the misdemeanor involves offenses identified in the Utah Criminal Code as offenses

against the family, offenses against the person, pornography, prostitution, or any type of sexual offense.

(c) If the covered individual is a person with a felony or misdemeanor conviction who resides in a home where child care is provided, the Department shall not issue a license or certificate for day care in the home.

(4) The Executive Director may consider an approval for issuing a license, certificate, or employment of a covered individual who has been convicted of a misdemeanor but not a misdemeanor involving offenses identified in the Utah Criminal Code as offenses against the family, offenses against the person, pornography, prostitution, or any type of sexual offense, according to the following criteria:

(a) If the convictions were older than five years, the covered individual may provide child care and operate a child care program with a license or certificate issued by the Department.

(b) If the convictions were within the last five years, the Department shall make a comprehensive review of the individual circumstances. If the Department finds that the covered individual's conduct is not adverse to the public health, morals, welfare, and safety of children, the covered individual may provide child care and operate a child care program with a license or certificate issued by the Department.

(c) If the convictions demonstrate a pattern of behavior which indicates that the covered individual's conduct is adverse to the public health, morals, welfare, and safety of children, the covered individual may not provide child care and operate a child care program with a license or certificate issued by the Department.

(5) The Department shall rely on the BCI as conclusive evidence of the conviction and the Department may revoke or deny a license, certificate and employment based on that evidence.

(6) If the covered individual is denied a license, certificate or employment based upon the BCI and the covered individual disagrees with the BCI report, the covered individual may seek redress through the Criminal Investigations and Technical Services Division, as provided in Section 77-18-~~2~~10 through 77-18-15.

(7) All covered individuals shall report all felony and misdemeanor convictions of covered individuals for offenses identified in the Utah Criminal Code as offenses against the family, offenses against the person, pornography, prostitution, or any type of sexual offense to the Department within 48 hours of conviction.

**KEY: child care facilities**

~~August 20, 1998~~2000

26-39



Human Services, Substance Abuse

**R544-4**

Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 23168

FILED: 09/18/2000, 16:52

RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** To update the required educational requirements for Driving Under the Influence (DUI) Instructors and to establish rules for certification of programs that provide DUI services to convicted offenders.

**SUMMARY OF THE RULE OR CHANGE:** The curriculum required to be used in educational classes has changed and the training requirements for instructors have changed to reflect this new curriculum.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 41-6-44, 76-5-207, 62A-8-103, 62A-8-107, 62A-8-301 through 62A-8-303, and 17A-3-701

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** Salary costs of sending five staff through the training. Covered in present budget appropriations

❖**LOCAL GOVERNMENTS:** None--local governments do not do DUI services.

❖**OTHER PERSONS:** At least a \$30 cost per offender for materials needed in the class. Some programs may increase the cost of their services due to a required increase in the number of hours of service required.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Programs offering this service will have to insure that their instructors have been trained. The actual training has no cost but some programs may have to pay for lodging and meals for the instructor. The length of the services involved will increase from 10 to 16 hours which may cause some programs to have increased costs for the payment of instructors.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** No anticipated costs have been identified in relation to this rule change.

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

Human Services  
Substance Abuse  
Room 201, Human Services Building  
120 North 200 West  
Salt Lake City, UT 84101, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Douglas M. Cox at the above address, by phone at (801) 538-3939, by FAX at (801) 538-4696, or by Internet E-mail at dcox@hs.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 11/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2000

AUTHORIZED BY: Pat Fleming, Director

**R544. Human Services, Substance Abuse.**

**R544-4. Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders.**

**R544-4-1. Purpose and Statutory Authority.**

A. Purpose. These rules prescribe standards for approval of programs and certification of instructors for providing alcohol and drug education to court-referred offenders convicted of a Driving Under the Influence (DUI) violation of Sections 41-6-43, 41-6-44, 41-6-45, and 73-18-12 through 73-18-12.2.

B. Statutory Authority. These standards are promulgated by the Utah Department of Human Services through ~~the Office of~~ Licensing (hereinafter referred to as "Office") ~~and through~~ the Division of Substance Abuse (hereinafter referred to as "Division") as authorized by Sections 41-6-44, ~~62A-2-101 to 62A-2-116;~~ 62A-8-103, 62A-8-107, 17A-3-701, 62A-8-301-303 and 76-5-207.

C. Intent. The objective of the DUI Educational Program is to: (1) eliminate ~~the frequency of~~ alcohol and other drug-related traffic offenses by helping the offender examine ~~his~~ the behavior which resulted in his arrest, (2) assist him in implementing behavior changes to cope with problems associated with alcohol and other drug use, and (3) impress upon him the severity of the DUI offense.

~~D. Scope of Standards. These standards provide a framework of licensure procedures and establish guidelines to operate responsible and humane educational programs for the individual convicted of driving under the influence.]~~

**R544-4-2. Definitions as Used in These Standards.**

A. "DUI Educational Program" herein referred to as program is an instructional program operated by a licensed substance abuse treatment program which satisfies the standards established by the ~~Office~~ Division ~~and is a minimum of ten hours in duration.]~~

B. "DUI" is driving or being in actual physical control of a vehicle while under the influence of alcohol or any drug or the combined influence of alcohol and any drug to a degree which renders the person incapable of safely driving a vehicle. In these standards, "DUI" shall refer to individuals convicted of violating Sections 41-6-43, 41-6-44, 41-6-45, and 73-18-12 through 73-18-12.2.

~~C. "Program" is any organization or individual that undertakes to establish and operate an Educational Program.]~~

~~C~~[D]. "Certificate[Licensure]" is a written authorization issued by the ~~Office~~ Division to indicate that the Program has been found to be in compliance with these standards.

D[E]. "Offender" is an individual convicted of violating Section 41-6-43, 41-6-44, 41-6-45, or 73-18-12 through 73-18-12.2.

E[F]. "[Assessment/Evaluation]screening" is a diagnostic tool process using the SASSI or other Division approved screening

tool used to assess the presence and severity of alcohol and other drug abuse in order to identify the need for additional assessment.

F[G]. "Instructor" is a person who has been certified by the Division to conduct instruct in educational programs for court-referred offenders convicted of DUI.

**R544-4-3. ~~Licensure~~ Certification Requirements for DUI Educational Programs.**

A. In order to operate, ~~an~~ a DUI Educational Program shall make application to the ~~Office~~ Division at least 60 days prior to the planned effective date. The ~~application form will be provided by the Office~~ Division will provide the application form.

B. Application for licensure certification will require that the program provide, among other things:

1. a brief description and purpose of program, plus explanation of program's relationship with other components of the local DUI system, i.e., Local Substance Abuse Authorities, local courts, police, Probation and Parole, Alcoholics or Narcotics Anonymous, etc.,
2. the geographical area to be served,
3. the ownership and person or group responsible for program operation,
4. the location and time that DUI classes are normally held,
5. a list of instructors employed by the program, and
6. ~~payment of a licensing fee, the amount of which to be determined by the Office~~ a copy of their substance abuse treatment license.

C. A ~~an~~ a DUI Educational Program shall also:

1. ensure that offenders receive no less than ~~10~~ 16 hours of face-to-face instruction using the Division's approved curriculum with no more than 4 hours of instruction occurring in any calendar day.
2. allow no more than 25 persons, including offenders and others to a class,
3. follow the recommendations of the ~~assessment/evaluation~~ screening which ~~have~~ has been provided,
4. ensure that ~~assessments/evaluations~~ screenings are conducted by staff from a licensed treatment program who have been trained in administering ~~and evaluating assessments~~ the screening tool.
5. report the number of offenders completing the DUI Educational Program to the Division ~~and/or the Office, upon request,~~
6. have policies ~~outlining procedures for~~ ensuring confidentiality of information maintained on offenders,
7. ensure that instructors follow ~~a~~ the Division-approved curriculum,
- ~~8. furnish the local Driver License Division with written proof that the offender has completed the course;]~~
- 8[9]. have available for review a copy of the program's charter, constitution, or bylaws,
- 9[10]. outline the eligibility criteria for admission to the program, including ~~assessment/evaluation~~ the screening tool used, ~~where applicable,~~ and
- 1[1]0. ensure that all instructors employed by the program ~~shall complete~~ have completed the Division required DUI training/certification ~~sponsored or approved by the Division;]~~ and

1[2]1. comply with all applicable local, state and federal laws and regulations.

D. An offender's participation in the DUI Educational Program shall not be a substitute for treatment required by the courts. [~~However, education may be combined with the required treatment.~~]

E. The [~~Office~~] Division shall issue the program a [~~license~~] certificate after determination has been made that the applicant is in compliance with these standards.

F. The [~~Office~~] Division Director has the authority to grant exceptions to any of the [~~license~~] certification requirements, [~~where deemed necessary.~~]

#### **R544-4-[4]5. Instructor Certification.**

By this rule the Division hereby establishes certification requirements for Instructors, which [~~consist~~] consist of the following:

A[~~B~~]. All instructors employed by [~~the~~] any DUI Educational Program shall be certified by the Division [~~within 90 days of~~] employment by the prior to instructing the state approved DUI curriculum for any DUI Educational Program.

B[~~C~~]. [~~During the 90-day period, a~~] All instructors shall [~~attend and complete the requirements of the instructor training sponsored by the Division.~~]

1. [~~acquire a minimum of 30 hours "hands-on" experience teaching court-referred DUI offenders in the DUI Instructors Manual or other Division-approved curriculum (unless training is provided by the Division). Training in preparation for the "hands-on" teaching shall be provided by a DUI instructor previously certified by the Division. The certified instructor shall be physically present in the classroom at all times.~~]

2. [~~apply to the Division to take a test which the instructor must pass at 70%. Instructors who fail the test will have an opportunity to take an alternate exam within 30 days.~~]

C[~~D~~]. Requirements in A[~~;~~] and B[~~;~~ and C] above shall be complete and verifiable.

D[~~E~~]. The instructor agrees, as a condition of certification, to use only [~~a~~] the Division-approved curriculum when conducting a [~~n~~] DUI Educational Program.

E[~~F~~]. The instructors must agree to attend all required DUI training sessions sponsored or approved by the Division.

#### **R544-4-[5]6. Recertification of Instructors.**

A. An instructor must recertify every twenty-four months by: [~~1. attending~~] annually, on a calendar year basis attending and completing the requirements of any Division-sponsored or approved DUI training[s] sessions. The instructor must sign a register at those [~~conferences~~] training sessions which [~~has~~] have been set aside for DUI instructor recertification. [~~Attendance at these conference(s) must be within 18 months prior to certification expiration, or~~]

2. [~~taking the DUI instructors' exam and pass by 70%. Recertifying instructors who fail the exam will have the opportunity to take an alternate exam within 30 days.~~]

B. It is the responsibility of the instructor to notify the Division immediately of any address change.

C. The Division Director or designee has the authority to grant exceptions to any of the certification requirements, [~~where deemed necessary.~~]

#### **R544-4-[6]7. Corrective Action for a Program or an Instructor.**

If the Division becomes aware that a [~~n~~] DUI education program or an instructor is in violation of these standards, it shall proceed with the following steps:

1. Within 30 days of becoming aware of the violation, the Division shall notify the program or the instructor in writing of the area(s) of noncompliance.

2. Within 30 days of receiving notification of violation, the program or the instructor shall submit a written plan to the Division for achieving compliance.

3. If the written plan is not accepted as satisfactory by the Division within 30 days [~~as satisfactory, shall be~~] the program or the instructor shall be notified that [~~he has~~] they have been suspended until compliance is achieved.

4. A [~~n~~] program or an instructor must cease conducting [~~the~~] any DUI Educational Program until the suspension [~~of certification~~] is lifted.

5. If the Division does not receive written evidence of compliance within 30 days of notification of suspension, the Division shall [~~proceed with steps to~~] revoke the program or instructor's certification.

#### **R544-4-[7]8. Revocation of a Program's or an Instructor's Certification.**

A. The Division [~~may~~] shall revoke the certification of [~~an~~] a program or an instructor for the following reasons:

1. If the program or the instructor fails to provide the Division by certified mail with written evidence of compliance within 30 days of notification of suspension. [~~respond in writing to the notification of suspension from the Division;~~]

2. If the instructor fails to take corrective action as agreed upon in written communication with the Division],

2[~~3~~]. If the program or the instructor continues to conduct [~~ing~~] an any DUI Educational Program during the period of suspension, or

3[~~4~~]. If any program or instructor receives more than two notices of noncompliance with these standards in a one-year period.

B. If [~~the~~] any program or instructor's certification is revoked, [~~he~~] they may not reapply for recertification for a period of six months.

#### **R544-4-[8]9. Redress Procedures for Programs or Instructors.**

A. [~~An~~] Any program or instructor whose certification has been revoked may request in writing an informal hearing with the Division Director [~~of the Division~~] or his designee within ten days of receiving notice of revocation. [~~The request shall be in writing.~~] Within ten days following the close of the hearing, the Division shall inform the program or the instructor in writing of the decision as required under Section 63-46b-5 and R503-2-1 through R503-2-21.

B. If [~~he~~] they so choose[s], the program or the instructor may appeal in writing the decision of the Division Director by requesting a reconsideration hearing with the Office of Administrative Hearings as provided for under Section 63-46b-13.

#### **R544-4-[9]4. On-site Survey of Program.**

A. After a review of the application, a site review will be scheduled by a designated representative of the [~~Office~~] Division. With [~~E~~] each initial application and application for renewal the

applicant agrees, as a condition of program [~~licensure~~]certification, to permit representative(s) of the [~~Office~~], Division, and/or the local substance abuse authority as authorized by the Division to enter and survey the physical facility, program operation, client records and to interview staff for determining compliance with applicable laws.

B. The DUI Educational Program also agrees to allow representatives from the [~~Office~~] Division[;] and [~~for representatives~~] from the local substance abuse authority as authorized by the Division to attend the classes held. Such visits may be announced or unannounced.

C. Review Procedures. Within 30 days after completion of the on-site survey, the [~~Office~~]Division shall notify the applicant of action taken: approval, denial, or request for further information.

**KEY: DUI programs, [~~licensing~~]certification of instructors**  
[~~November 5, 1997~~]2000 41-6-44  
Notice of Continuation June 25, 1997 [62A-2-101-116  
]62A-8-103  
[62A-8-110]17A-3-701  
[62A-8-105  
]73-18-12.1-2



Natural Resources; Oil, Gas and Mining; Coal  
**R645-105**  
Blaster Training, Examination and Certification

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 23170  
FILED: 09/21/2000, 14:08  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes made in this rule action are made in response to comments received during a routine five-year review mandated by the Utah Administrative Rulemaking Act. (DAR Note: See Section 63-46a-9 for requirements regarding five-year reviews.)

SUMMARY OF THE RULE OR CHANGE: This change aligns the Utah Rules for Blaster Certification to be the same as the Federal requirements for explosives handling, requiring a person to be at least 21 years of age before being certified as a blaster.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5  
FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost is anticipated at this time from these changes due to their minor effect on the coal regulatory program requirements.

❖LOCAL GOVERNMENTS: The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.

❖OTHER PERSONS: The changes made in these rule amendments to actual on-the-ground compliance measures for coal mining operations are minor. Because the standard is already established at the federal level, there will be no impact from these rules

COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be coal mine operators, their compliance would not be changed significantly from these rule changes as no new demands or requirements are created from this action. The standard already exists at the federal level.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Fiscal impact to business is neutral since federal rules of identical effectiveness prevail if state rules do not exist.

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

Natural Resources  
Oil, Gas and Mining; Coal  
Suite 1210, Natural Resources Building  
1594 West North Temple  
PO Box 145801  
Salt Lake City, UT 84114-5801, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 11/15/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/25/2000, 10:00 a.m., Suite 1040A, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/2000

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

**R645. Natural Resources; Oil, Gas and Mining; Coal.**  
**R645-105. Blaster Training, Examination and Certification.**



**R645-105-300. Examination.**

310. Candidates for blaster certification will meet the following qualifications:

- 311. Have one year practical field experience involving blasting prior to taking the examination;
- 312. Take an approved blaster training course as required by R645-105-210; ~~and~~
- 313. Pass the written examination; and
- 314. Be twenty-one years of age or older.
- 320. Examination will be administered by the Division or its designee and will include, at a minimum, the topics set forth in R645-105-240 and R645-105-250.

.....

**KEY: reclamation, coal mines**  
~~[1990]~~**2000** 40-10-1, et seq.  
**Notice of Continuation June 1, 2000**



Natural Resources; Oil, Gas and  
 Mining; Coal  
**R645-301-700**  
 Hydrology

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 23171  
 FILED: 09/21/2000, 14:08  
 RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes made in this rule action are made in response to comments received during the informal review process.

SUMMARY OF THE RULE OR CHANGE: This change modifies the Utah Coal Regulatory Program to be no less effective than the Federal Coal Regulatory Program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5  
 FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

ANTICIPATED COST OR SAVINGS TO:  
 ❖THE STATE BUDGET: No cost is anticipated at this time from these changes due to their minor effect on the coal regulatory program requirements.  
 ❖LOCAL GOVERNMENTS: The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.  
 ❖OTHER PERSONS: The changes made in these rule amendments to actual on-the-ground compliance measures for coal mining operations are minor. Because the standard is already established at the federal level, there will be no impact from these rules  
 COMPLIANCE COSTS FOR AFFECTED PERSONS: The affected persons in this case would be coal mine operators, their

compliance would not be changed significantly from these rule changes as no new demands or requirements are created from this action. The standard already exists at the federal level.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Fiscal impact to business is neutral since federal rules of identical effectiveness prevail if state rules do not exist.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 Natural Resources  
 Oil, Gas and Mining; Coal  
 Suite 1210, Natural Resources Building  
 1594 West North Temple  
 PO Box 145801  
 Salt Lake City, UT 84114-5801, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 11/15/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/25/2000, 10:00 a.m., Suite 1040A, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/2000

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

**R645. Natural Resources; Oil, Gas and Mining; Coal.**  
**R645-301. Coal Mine Permitting: Permit Application Requirements.**  
**R645-301-700. Hydrology.**

- 710. Introduction.
- 711. General Requirements. Each permit application will include descriptions of:
  - 711.100. Existing hydrologic resources as given under R645-301-720.
  - 711.200. Proposed operations and potential impacts to the hydrologic balance as given under R645-301-730.
  - 711.300. The methods and calculations utilized to achieve compliance with hydrologic design criteria and plans given under R645-301-740.
  - 711.400. Applicable hydrologic performance standards as given under R645-301-750.
  - 711.500. Reclamation activities as given under R645-301-760.
  - 712. Certification. All cross sections, maps and plans required by R645-301-722 as appropriate, and R645-301-731.700 will be prepared and certified according to R645-301-512.
  - 713. Inspection. Impoundments will be inspected as described under R645-301-514.300.

720. Environmental Description.

721. General Requirements. Each permit application will include a description of the existing, premining hydrologic resources within the proposed permit and adjacent areas that may be affected or impacted by the proposed coal mining and reclamation operation.

722. Cross Sections and Maps. The application will include cross sections and maps showing:

722.100. Location and extent of subsurface water, if encountered, within the proposed permit or adjacent areas. For UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES, location and extent will include, but not limited to areal and vertical distribution of aquifers, and portrayal of seasonal differences of head in different aquifers on cross-sections and contour maps;

722.200. Location of surface water bodies such as streams, lakes, ponds and springs, constructed or natural drains, and irrigation ditches within the proposed permit and adjacent areas;

722.300. Elevations and locations of monitoring stations used to gather baseline data on water quality and quantity in preparation of the application;

722.400. Location and depth, if available, of water wells in the permit area and adjacent area; and

722.500. Sufficient slope measurements or contour maps to adequately represent the existing land surface configuration of proposed disturbed areas for UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES and the proposed permit area for SURFACE COAL MINING AND RECLAMATION ACTIVITIES will be measured and recorded to take into account natural variations in slope, to provide accurate representation of the range of natural slopes and reflect geomorphic differences of the area to be disturbed.

723. Sampling and Analysis. All water quality analyses performed to meet the requirements of R645-301-723 through R645-301-724.300, R645-301-724.500, R645-301-725 through R645-301-731, and R645-301-731.210 through R645-301-731.223 will be conducted according to the methodology in the current edition of "Standard Methods for the Examination of Water and Wastewater" or the methodology in 40 CFR Parts 136 and 434. Water quality sampling performed to meet the requirements of R645-301-723 through R645-301-724.300, R645-301-724.500, R645-301-725 through R645-301-731, and R645-301-731.210 through R645-301-731.223 will be conducted according to either methodology listed above when feasible. "Standard Methods for the Examination of Water and Wastewater" is a joint publication of the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and is available from the American Public Health Association, 1015 Fifteenth Street, NW, Washington, D. C. 20036.

724. Baseline Information. The application will include the following baseline hydrologic, geologic and climatologic information, and any additional information required by the Division.

724.100. Ground Water Information. The location and ownership for the permit and adjacent areas of existing wells, springs and other ground-water resources, seasonal quality and quantity of ground water, and usage. Water quality descriptions will include, at a minimum, total dissolved solids or specific conductance corrected to 25 degrees C, pH, total iron and total

manganese. Ground-water quantity descriptions will include, at a minimum, approximate rates of discharge or usage and depth to the water in the coal seam, and each water-bearing stratum above and potentially impacted stratum below the coal seam.

724.200. Surface water information. The name, location, ownership and description of all surface-water bodies such as streams, lakes and impoundments, the location of any discharge into any surface-water body in the proposed permit and adjacent areas, and information on surface-water quality and quantity sufficient to demonstrate seasonal variation and water usage. Water quality descriptions will include, at a minimum, baseline information on total suspended solids, total dissolved solids or specific conductance corrected to 25 degrees C, pH, total iron and total manganese. Baseline acidity and alkalinity information will be provided if there is a potential for acid drainage from the proposed mining operation. Water quantity descriptions will include, at a minimum, baseline information on seasonal flow rates.

724.300. Geologic Information. Each application will include geologic information in sufficient detail, as given under R645-301-624, to assist in:

724.310. Determining the probable hydrologic consequences of the operation upon the quality and quantity of surface and ground water in the permit and adjacent areas, including the extent to which surface- and ground-water monitoring is necessary; and

724.320. Determining whether reclamation as required by the R645 Rules can be accomplished and whether the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.

724.400. Climatological Information.

724.410. When requested by the Division, the permit application will contain a statement of the climatological factors that are representative of the proposed permit area, including:

724.411. The average seasonal precipitation;

724.412. The average direction and velocity of prevailing winds; and

724.413. Seasonal temperature ranges.

724.420. The Division may request such additional data as deemed necessary to ensure compliance with the requirements of R645-301 and R645-302.

724.500. Supplemental information. If the determination of the PHC required by R645-301-728 indicates that adverse impacts on or off the proposed permit area may occur to the hydrologic balance, or that acid-forming or toxic-forming material is present that may result in the contamination of ground-water or surface-water supplies, then information supplemental to that required under R645-301-724.100 and R645-301-724.200 will be provided to evaluate such probable hydrologic consequences and to plan remedial and reclamation activities. Such supplemental information may be based upon drilling, aquifer tests, hydrogeologic analysis of the water-bearing strata, flood flows, or analysis of other water quality or quantity characteristics.

724.700. Each permit application that proposes to conduct coal mining and reclamation operations within a valley holding a stream or in a location where the permit area or adjacent area includes any stream will meet the requirements of R645-302-320.

725. Baseline Cumulative Impact Area Information.

725.100. Hydrologic and geologic information for the cumulative impact area necessary to assess the probable cumulative hydrologic impacts of the proposed coal mining and reclamation

operation and all anticipated coal mining and reclamation operations on surface- and ground-water systems as required by R645-301-729 will be provided to the Division if available from appropriate federal or state agencies.

725.200. If this information is not available from such agencies, then the applicant may gather and submit this information to the Division as part of the permit application.

725.300. The permit will not be approved until the necessary hydrologic and geologic information is available to the Division.

726. Modeling. The use of modeling techniques, interpolation or statistical techniques may be included as part of the permit application, but actual surface- and ground-water information may be required by the Division for each site even when such techniques are used.

727. Alternative Water Source Information. If the probable hydrologic consequences determination required by R645-301-728 indicates that the proposed SURFACE COAL MINING AND RECLAMATION ACTIVITY may proximately result in contamination, diminution, or interruption of an underground or surface source of water within the proposed permit or adjacent areas which is used for domestic, agricultural, industrial or other legitimate purpose, then the application will contain information on water availability and alternative water sources, including the suitability of alternative water sources for existing premining uses and approved postmining land uses.

728. Probable Hydrologic Consequences (PHC) Determination.

728.100. The permit application will contain a determination of the PHC of the proposed coal mining and reclamation operation upon the quality and quantity of surface and ground water under seasonal flow conditions for the proposed permit and adjacent areas.

728.200. The PHC determination will be based on baseline hydrologic, geologic and other information collected for the permit application and may include data statistically representative of the site.

728.300. The PHC determination will include findings on:

728.310. Whether adverse impacts may occur to the hydrologic balance;

728.320. Whether acid-forming or toxic-forming materials are present that could result in the contamination of surface- or ground-water supplies;

728.330. What impact the proposed coal mining and reclamation operation will have on:

728.331. Sediment yield from the disturbed area;

728.332. Acidity, total suspended and dissolved solids and other important water quality parameters of local impact;

728.333. Flooding or streamflow alteration;

728.334. Ground-water and surface-water availability; and

728.335. Other characteristics as required by the Division; and

728.340. Whether the proposed SURFACE COAL MINING AND RECLAMATION ACTIVITY will proximately result in contamination, diminution or interruption of an underground or surface source of water within the proposed permit or adjacent areas which is used for domestic, agricultural, industrial or other legitimate purpose; Or

728.350. Whether the UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES conducted after October 24, 1992 may result in contamination, diminution or interruption of

State-appropriated water in existence at the time the application is submitted and used for legitimate purposes within the permit or adjacent areas.

728.400. An application for a permit revision will be reviewed by the Division to determine whether a new or updated PHC determination will be required.

729. Cumulative Hydrologic Impact Assessment (CHIA).

729.100. The Division will provide an assessment of the probable cumulative hydrologic impacts of the proposed coal mining and reclamation operation and all anticipated coal mining and reclamation operations upon surface- and ground-water systems in the cumulative impact area. The CHIA will be sufficient to determine, for purposes of permit approval whether the proposed coal mining and reclamation operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The Division may allow the applicant to submit data and analyses relevant to the CHIA with the permit application.

729.200. An application for a permit revision will be reviewed by the Division to determine whether a new or updated CHIA will be required.

730. Operation Plan.

731. General Requirements. The permit application will include a plan, with maps and descriptions, indicating how the relevant requirements of R645-301-730, R645-301-740, R645-301-750 and R645-301-760 will be met. The plan will be specific to the local hydrologic conditions. It will contain the steps to be taken during coal mining and reclamation operations through bond release to minimize disturbance to the hydrologic balance within the permit and adjacent areas; to prevent material damage outside the permit area; to support approved postmining land use in accordance with the terms and conditions of the approved permit and performance standards of R645-301-750; to comply with the Clean Water Act (33 U.S.C. 1251 et seq.); and to meet applicable federal and Utah water quality laws and regulations. The plan will include the measures to be taken to: avoid acid or toxic drainage; prevent to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow; provide water treatment facilities when needed; and control drainage. For the purposes of SURFACE COAL MINING AND RECLAMATION ACTIVITIES the plan will include measures to be taken to protect or replace water rights and restore approximate premining recharge capacity. The plan will specifically address any potential adverse hydrologic consequences identified in the PHC determination prepared under R645-301-728 and will include preventative and remedial measures.

The Division may require additional preventative, remedial or monitoring measures to assure that material damage to the hydrologic balance outside the permit area is prevented. Coal mining and reclamation operations that minimize water pollution and changes in flow will be used in preference to water treatment.

731.100. Hydrologic-Balance Protection.

731.110. Ground-Water Protection. In order to protect the hydrologic balance, coal mining and reclamation operations will be conducted according to the plan approved under R645-301-731 and the following:

731.111. Ground-water quality will be protected by handling earth materials and runoff in a manner that minimizes acidic, toxic or other harmful infiltration to ground-water systems and by

managing excavations and other disturbances to prevent or control the discharge of pollutants into the ground water; and

731.112. For the purposes of SURFACE COAL MINING AND RECLAMATION ACTIVITIES ground-water quantity will be protected by handling earth materials and runoff in a manner that will restore approximate premining recharge capacity of the reclaimed area as a whole, excluding coal mine waste disposal areas and fills, so as to allow the movement of water to the ground-water system.

731.120. Surface-Water Protection. In order to protect the hydrologic balance, coal mining and reclamation operations will be conducted according to the plan approved under R645-301-731 and the following:

731.121. Surface-water quality will be protected by handling earth materials, ground-water discharges and runoff in a manner that minimizes the formation of acidic or toxic drainage; prevents, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow outside the permit area; and, otherwise prevent water pollution. If drainage control, restabilization and revegetation of disturbed areas, diversion of runoff, mulching or other reclamation and remedial practices are not adequate to meet the requirements of R645-301-731.100 through R645-301-731.522, R645-301-731.800 and R645-301-751, the operator will use and maintain the necessary water treatment facilities or water quality controls; and

731.122. Surface-water quantity and flow rates will be protected by handling earth materials and runoff in accordance with the steps outlined in the plan approved under R645-301-731.

731.200. Water Monitoring.

731.210. Ground-Water Monitoring. Ground-water monitoring will be conducted according to the plan approved under R645-301-731.200 and the following:

731.211. The permit application will include a ground-water monitoring plan based upon the PHC determination required under R645-301-728 and the analysis of all baseline hydrologic, geologic and other information in the permit application. The plan will provide for the monitoring of parameters that relate to the suitability of the ground water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance set forth in R645-301-731. It will identify the quantity and quality parameters to be monitored, sampling frequency and site locations. It will describe how these data may be used to determine the impacts of the operation upon the hydrologic balance. At a minimum, total dissolved solids or specific conductance corrected to 25 degrees C, pH, total iron, total manganese and water levels will be monitored;

731.212. Ground-water will be monitored and data will be submitted at least every three months for each monitoring location. Monitoring submittals will include analytical results from each sample taken during the approved reporting period. When the analysis of any ground-water sample indicates noncompliance with the permit conditions, then the operator will promptly notify the Division and immediately take the actions provided for in R645-300-145 and R645-301-731;

731.213. If an applicant can demonstrate by the use of the PHC determination and other available information that a particular water-bearing stratum in the proposed permit and adjacent areas is not one which serves as an aquifer which significantly ensures the

hydrologic balance within the cumulative impact area, then monitoring of that stratum may be waived by the Division;

731.214. Ground-water monitoring will proceed through mining and continue during reclamation until bond release. Consistent with the procedures of R645-303-220 through R645-303-228, the Division may modify the monitoring requirements including the parameters covered and the sampling frequency if the operator demonstrates, using the monitoring data obtained under R645-301-731.214 that:

731.214.1. The coal mining and reclamation operation has minimized disturbance to the prevailing hydrologic balance in the permit and adjacent areas and prevented material damage to the hydrologic balance outside the permit area; water quantity and quality are suitable to support approved postmining land uses and the SURFACE COAL MINING AND RECLAMATION ACTIVITY has protected or replaced the water rights of other users; or

731.214.2. Monitoring is no longer necessary to achieve the purposes set forth in the monitoring plan approved under R645-301-731.211.

731.215. Equipment, structures and other devices used in conjunction with monitoring the quality and quantity of ground water on-site and off-site will be properly installed, maintained and operated and will be removed by the operator when no longer needed.

731.220. Surface-Water Monitoring. Surface-water monitoring will be conducted according to the plan approved under R645-301-731.220 and the following:

731.221. The permit application will include a surface-water monitoring plan based upon the PHC determination required under R645-301-728 and the analysis of all baseline hydrologic, geologic and other information in the permit application. The plan will provide for the monitoring of parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in R645-301-731 as well as the effluent limitations found in R645-301-751;

731.222. The plan will identify the surface water quantity and quality parameters to be monitored, sampling frequency and site locations. It will describe how these data may be used to determine the impacts of the operation upon the hydrologic balance:

731.222.1. At all monitoring locations in streams, lakes and impoundments, that are potentially impacted or into which water will be discharged and at upstream monitoring locations, the total dissolved solids or specific conductance corrected to 25 degrees C, total suspended solids, pH, total iron, total manganese and flow will be monitored; and

731.222.2. For point-source discharges, monitoring will be conducted in accordance with 40 CFR Parts 122 and 123, R645-301-751 and as required by the Utah Division of Environmental Health for National Pollutant Discharge Elimination System (NPDES) permits;

731.223. Surface-water monitoring data will be submitted at least every three months for each monitoring location. Monitoring submittals will include analytical results from each sample taken during the approved reporting period. When the analysis of any surface water sample indicates noncompliance with the permit conditions, the operator will promptly notify the Division and immediately take the actions provided for in R645-300-145 and

R645-301-731. The reporting requirements of this paragraph do not exempt the operator from meeting any National Pollutant Discharge Elimination System (NPDES) reporting requirements;

731.224. Surface-water monitoring will proceed through mining and continue during reclamation until bond release. Consistent with R645-303-220 through R645-303-228, the Division may modify the monitoring requirements, except those required by the Utah Division of Environmental Health, including the parameters covered and sampling frequency if the operator demonstrates, using the monitoring data obtained under R645-301-731.224 that:

731.224.1. The operator has minimized disturbance to the hydrologic balance in the permit and adjacent areas and prevented material damage to the hydrologic balance outside the permit area; water quantity and quality are suitable to support approved postmining land uses and the SURFACE COAL MINING AND RECLAMATION ACTIVITY has protected or replaced the water rights of other users; or

731.224.2. Monitoring is no longer necessary to achieve the purposes set forth in the monitoring plan approved under R645-301-731.221.

731.225. Equipment, structures and other devices used in conjunction with monitoring the quality and quantity of surface water on-site and off-site will be properly installed, maintained and operated and will be removed by the operator when no longer needed.

731.300. Acid- and Toxic-Forming Materials.

731.310. Drainage from acid- and toxic-forming materials and underground development waste into surface water and ground water will be avoided by:

731.311. Identifying and burying and/or treating, when necessary, materials which may adversely affect water quality, or be detrimental to vegetation or to public health and safety if not buried and/or treated; and

731.312. Storing materials in a manner that will protect surface water and ground water by preventing erosion, the formation of polluted runoff and the infiltration of polluted water. Storage will be limited to the period until burial and/or treatment first become feasible, and so long as storage will not result in any risk of water pollution or other environmental damage.

731.320. Storage, burial or treatment practices will be consistent with other material handling and disposal provisions of R645 Rules.

731.400. Transfer of Wells. Before final release of bond, exploratory or monitoring wells will be sealed in a safe and environmentally sound manner in accordance with R645-301-631, R645-301-738, and R645-301-765. With the prior approval of the Division, wells may be transferred to another party for further use. However, at a minimum, the conditions of such transfer will comply with Utah and local laws and the permittee will remain responsible for the proper management of the well until bond release in accordance with R645-301-529, R645-301-551, R645-301-631, R645-301-738, and R645-301-765.

731.500. Discharges.

731.510. Discharges into an underground mine.

731.511. Discharges into an underground mine are prohibited, unless specifically approved by the Division after a demonstration that the discharge will:

731.511.1. Minimize disturbance to the hydrologic balance on the permit area, prevent material damage outside the permit area and otherwise eliminate public hazards resulting from coal mining and reclamation operations;

731.511.2. Not result in a violation of applicable water quality standards or effluent limitations;

731.511.3. Be at a known rate and quality which will meet the effluent limitations of R645-301-751 for pH and total suspended solids, except that the pH and total suspended solids limitations may be exceeded, if approved by the Division; and

731.511.4. Meet with the approval of MSHA.

731.512. Discharges will be limited to the following:

731.512.1. Water;

731.512.2. Coal processing waste;

731.512.3. Fly ash from a coal fired facility;

731.512.4. Sludge from an acid-mine-drainage treatment facility;

731.512.5. Flue-gas desulfurization sludge;

731.512.6. Inert materials used for stabilizing underground mines; and

731.512.7. Underground mine development wastes.

731.513. Water from the underground workings of an UNDERGROUND COAL MINING AND RECLAMATION ACTIVITY may be diverted into other underground workings according to the requirements of R645-301-731.100 through R645-301-731.522 and R645-301-731.800.

731.520. Gravity Discharges from UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES.

731.521. Surface entries and accesses to underground workings will be located and managed to prevent or control gravity discharge of water from the mine. Gravity discharges of water from an underground mine, other than a drift mine subject to R645-301-731.522, may be allowed by the Division if it is demonstrated that the untreated or treated discharge complies with the performance standards of R645-301 and R645-302 and any additional NPDES permit requirements.

731.522. Notwithstanding anything to the contrary in R645-301-731.521, the surface entries and accesses of drift mines first used after January 21, 1981 and located in acid-producing or iron-producing coal seams will be located in such a manner as to prevent any gravity discharge from the mine.

731.530. State-appropriated water supply. The permittee will promptly replace any State-appropriated water supply that is contaminated, diminished or interrupted by UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES conducted after October 24, 1992, if the affected water supply was in existence before the date the Division received the permit application for the activities causing the loss, contamination or interruption. The baseline hydrologic and geologic information required in R645-301-700. will be used to determine the impact of mining activities upon the water supply.

731.600. Stream Buffer Zones.

731.610. No land within 100 feet of a perennial stream or an intermittent stream will be disturbed by coal mining and reclamation operations, unless the Division specifically authorizes coal mining and reclamation operations closer to, or through, such a stream. The Division may authorize such activities only upon finding that:

731.611. Coal mining and reclamation operations will not cause or contribute to the violation of applicable Utah or federal water quality standards and will not adversely affect the water quantity and quality or other environmental resources of the stream; and

731.612. If there will be a temporary or permanent stream channel diversion, it will comply with R645-301-742.300.

731.620. The area not to be disturbed will be designated as a buffer zone, and the operator will mark it as specified in R645-301-521.260.

731.700. Cross Sections and Maps. Each application will contain for the proposed permit area:

731.710. A map showing the locations of water supply intakes for current users of surface water flowing into, out of and within a hydrologic area defined by the Division, and those surface waters which will receive discharges from affected areas in the proposed permit area;

731.720. A map showing the locations of each water diversion, collection, conveyance, treatment, storage and discharge facility to be used. The map will be prepared and certified according to R645-301-512;

731.730. A map showing locations and elevations of each station to be used for water monitoring during coal mining and reclamation operations. The map will be prepared and certified according to R645-301-512;

731.740. A map showing the locations of each existing and proposed sedimentation pond, impoundment and coal processing waste bank, dam or embankment. The map will be prepared and certified according to R645-301-512;

731.750. Cross sections for each existing and proposed sedimentation pond, impoundment and coal processing waste bank, dam or embankment. The cross sections will be prepared and certified according to R645-301-512.200; and

731.760. Other relevant cross sections and maps required by the Division depending on the structures and facilities located in the permit area.

731.800. Water Rights and Replacement. Any person who conducts SURFACE COAL MINING AND RECLAMATION ACTIVITIES will replace the water supply of an owner of interest in real property who obtains all or part of his or her supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source, where the water supply has been adversely impacted by contamination, diminution, or interruption proximately resulting from the surface mining activities. Baseline hydrologic information required in R645-301-624.100 through R645-301-624.200, R645-301-625, R645-301-626, R645-301-723 through R645-301-724.300, R645-301-724.500, R645-301-725 through R645-301-731, and R645-301-731.210 through R645-301-731.223 will be used to determine the extent of the impact of mining upon ground water and surface water.

732. Sediment Control Measures.

732.100. Siltation Structures. Siltation structures will be constructed and maintained to comply with R645-301-742.214. Any siltation structure that impounds water will be constructed and maintained to comply with R645-301-512.240, R645-301-514.300, R645-301-515.200, R645-301-533.100 through R645-301-533.600, R645-301-733.220 through R645-301-733.224, and R645-301-743.

732.200. Sedimentation Ponds.

732.210. Sedimentation ponds whether temporary or permanent, will be designed in compliance with the requirements of R645-301-356.300, R645-301-356.400, R645-301-513.200, R645-301-742.200 through R645-301-742.240, and R645-301-763. Any sedimentation pond or earthen structure which will remain on the proposed permit area as a permanent water impoundment will also be constructed and maintained to comply with the requirements of R645-301-743, R645-301-533.100 through R645-301-533.600, R645-301-512.240, R645-301-514.310 through R645-301-514.321 and R645-301-515.200.

732.220. Each plan will, at a minimum, comply with the MSHA requirements given under R645-301-513.100 and R645-301-513.200.

732.300. Diversions. All diversions will be constructed and maintained to comply with the requirements of R645-301-742.100 and R645-301-742.300.

732.400. Road Drainage. All roads will be constructed, maintained and reconstructed to comply with R645-301-742.400.

732.410. The permit application will contain a description of measures to be taken to obtain Division approval for alteration or relocation of a natural drainageway under R645-301-358, R645-301-512.250, R645-301-527.100, R645-301-527.230, R645-301-534.100, R645-301-534.200, R645-301-534.300, R645-301-542.600, R645-301-742.410, R645-301-742.420, R645-301-752.200, and R645-301-762.

732.420. The permit application will contain a description of measures, other than use of a rock headwall, to be taken to protect the inlet end of a ditch relief culvert, for Division approval under R645-301-358, R645-301-512.250, R645-301-527.100, R645-301-527.230, R645-301-534.100, R645-301-534.200, R645-301-534.300, R645-301-542.600, R645-301-742.410, R645-301-742.420, R645-301-752.200, and R645-301-762.

733. Impoundments.

733.100. General Plans. Each permit application will contain a general plan and detailed design plans for each proposed water impoundment within the proposed permit area. Each general plan will:

733.110. Be prepared and certified as described under R645-301-512;

733.120. Contain maps and cross sections;

733.130. Contain a narrative that describes the structure;

733.140. Contain the results of a survey as described under R645-301-531;

733.150. Contain preliminary hydrologic and geologic information required to assess the hydrologic impact of the structure; and

733.160. Contain a certification statement which includes a schedule setting forth the dates when any detailed design plans for structures that are not submitted with the general plan will be submitted to the Division. The Division will have approved, in writing, the detailed design plan for a structure before construction of the structure begins.

733.200. Permanent and Temporary Impoundments.

733.210. Permanent and temporary impoundments will be designed to comply with the requirements of R645-301-512.240, R645-301-514.300, R645-301-515.200, R645-301-533.100 through R645-301-533.600, R645-301-733.220 through R645-301-733.226, R645-301-743.240, and R645-301-743. Each plan for an impoundment meeting the size or other criteria of the Mine Safety

and Health Administration will comply with the requirements of 30 CFR 77.216-1 and 30 CFR 77.216-2. The plan required to be submitted to the District Manager of MSHA under 30 CFR 77.216 will be submitted to the Division as part of the permit application package. For impoundments not included in R645-301-533.610 the Division may establish through the State program approval process engineering design standards that ensure stability comparable to a 1.3 minimum static safety factor in lieu of engineering tests to establish compliance with the minimum static safety factor of 1.3 specified in R645-301-533.110.

733.220. A permanent impoundment of water may be created, if authorized by the Division in the approved permit based upon the following demonstration:

733.221. The size and configuration of such impoundment will be adequate for its intended purposes;

733.222. The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet applicable Utah and federal water quality standards, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below applicable Utah and federal water quality standards;

733.223. The water level will be sufficiently stable and be capable of supporting the intended use;

733.224. Final grading will provide for adequate safety and access for proposed water users;

733.225. The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational or domestic uses; and

733.226. The impoundment will be suitable for the approved postmining land use.

733.230. The Division may authorize the construction of temporary impoundments as part of coal mining and reclamation operations.

733.240. If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment will promptly inform the Division according to R645-301-515.200.

734. Discharge Structures. Discharge structures will be constructed and maintained to comply with R645-301-744.

735. Disposal of Excess Spoil. Areas designated for the disposal of excess spoil and excess spoil structures will be constructed and maintained to comply with R645-301-745.

736. Coal Mine Waste. Areas designated for the disposal of coal mine waste and coal mine waste structures will be constructed and maintained to comply with R645-301-746.

737. Noncoal Mine Waste. Noncoal mine waste will be stored and final disposal of noncoal mine waste will comply with R645-301-747.

738. Temporary Casing and Sealing of Wells. Each well which has been identified in the approved permit application to be used to monitor ground water conditions will comply with R645-301-748 and be temporarily sealed before use and for the purposes of SURFACE COAL MINING AND RECLAMATION ACTIVITIES protected during use by barricades, or fences, or other protective devices approved by the Division. These devices will be periodically inspected and maintained in good operating condition by the operator conducting SURFACE COAL MINING AND RECLAMATION ACTIVITIES.

740. Design Criteria and Plans.

741. General Requirements. Each permit application will include site-specific plans that incorporate minimum design criteria as set forth in R645-301-740 for the control of drainage from disturbed and undisturbed areas.

742. Sediment Control Measures.

742.100. General Requirements.

742.110. Appropriate sediment control measures will be designed, constructed and maintained using the best technology currently available to:

742.111. Prevent, to the extent possible, additional contributions of sediment to stream flow or to runoff outside the permit area;

742.112. Meet the effluent limitations under R645-301-751; and

742.113. Minimize erosion to the extent possible.

742.120. Sediment control measures include practices carried out within and adjacent to the disturbed area. The sedimentation storage capacity of practices in and downstream from the disturbed areas will reflect the degree to which successful mining and reclamation techniques are applied to reduce erosion and control sediment. Sediment control measures consist of the utilization of proper mining and reclamation methods and sediment control practices, singly or in combination. Sediment control methods include, but are not limited to:

742.121. Retaining sediment within disturbed areas;

742.122. Diverting runoff away from disturbed areas;

742.123. Diverting runoff using protected channels or pipes through disturbed areas so as not to cause additional erosion;

742.124. Using straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds and other measures that reduce overland flow velocities, reduce runoff volumes or trap sediment;

742.125. Treating with chemicals; and

742.126. For the purposes of UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES, treating mine drainage in underground sumps.

742.200. Siltation Structures. Siltation structures shall be designed in compliance with the requirements of R645-301-742.

742.210. General Requirements.

742.211. Additional contributions of suspended solids and sediment to streamflow or runoff outside the permit area will be prevented to the extent possible using the best technology currently available.

742.212. Siltation structures for an area will be constructed before beginning any coal mining and reclamation operations in that area and, upon construction, will be certified by a qualified registered professional engineer to be constructed as designed and as approved in the reclamation plan.

742.213. Any siltation structures which impounds water will be designed, constructed and maintained in accordance with R645-301-512.240, R645-301-514.300, R645-301-515.200, R645-301-533.100 through R645-301-533.600, R645-301-733.220 through R645-301-733.224, and R645-301-743.

742.214. For the purposes of UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES, any point-source discharge of water from underground workings to surface waters which does not meet the effluent limitations of R645-301-751 will be passed through a siltation structure before leaving the permit area.

- 742.220. Sedimentation Ponds.
- 742.221. Sedimentation ponds, when used, will:
- 742.221.1. Be used individually or in series;
- 742.221.2. Be located as near as possible to the disturbed area and out of perennial streams unless approved by the Division; and
- 742.221.3. Be designed, constructed, and maintained to:
- 742.221.31. Provide adequate sediment storage volume;
- 742.221.32. Provide adequate detention time to allow the effluent from the ponds to meet Utah and federal effluent limitations;
- 742.221.33. Contain or treat the 10-year, 24-hour precipitation event ("design event") unless a lesser design event is approved by the Division based on terrain, climate, or other site-specific conditions and on a demonstration by the operator that the effluent limitations of R645-301-751 will be met;
- 742.221.34. Provide a nonclogging dewatering device adequate to maintain the detention time required under R645-301-742.221.32.
- 742.221.35. Minimize, to the extent possible, short circuiting;
- 742.221.36. Provide periodic sediment removal sufficient to maintain adequate volume for the design event;
- 742.221.37. Ensure against excessive settlement;
- 742.221.38. Be free of sod, large roots, frozen soil, and acid- or toxic forming coal-processing waste; and
- 742.221.39. Be compacted properly.
- 742.222. Sedimentation ponds meeting the size or other qualifying criteria of the MSHA, 30 CFR 77.216(a) will comply with all the requirements of that section, and will have a single spillway or principal and emergency spillways that in combination will safely pass a 100-year, 6-hour precipitation event or greater event as demonstrated to be necessary by the Division.
- 742.223. Sedimentation ponds not meeting the size or other qualifying criteria of the MSHA, 30 CFR 77.216(a) will provide a combination of principal and emergency spillways that will safely discharge a 25-year, 6-hour precipitation event or greater event as demonstrated to be needed by the Division. Such ponds may use a single open channel spillway if the spillway is:
- 742.223.1. Of nonerodible construction and designed to carry sustained flows; or
- 742.223.2. Earth- or grass-lined and designed to carry short-term infrequent flows at non-erosive velocities where sustained flows are not expected.
- 742.224. In lieu of meeting the requirements of R645-301-742.223.1 and 742.223.2 the Division may approve a temporary impoundment as a sedimentation pond that relies primarily on storage to control the runoff from the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer in accordance with R645-301-512.200 that the sedimentation pond will safely control the design precipitation event. The water will be removed from the pond in accordance with current, prudent, engineering practices and any sediment pond so used will not be located where failure would be expected to cause loss of life or serious property damage.
- 742.225. An exception to the sediment pond location guidance in R645-301-742.224 may be allowed where:
- 742.225.1. Impoundments meeting the NRCS Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR Sec. 77.216(a) shall be designed to control the precipitation of the

probable maximum precipitation of a 6-hour event, or greater event specified by the Division.

742.225.2. ~~Impoundments meeting the NRCS Class B or C criteria for dams in TR-60, or the size or other criteria of 30 CFR Sec. 77.216(a) shall be designed to control the precipitation of the probable maximum precipitation of a 6-hour event, or greater event specified by the Division.~~ Impoundments not included in R645-301-742.225.1 shall be designed to control the precipitation of the 100-year 6-hour event, or greater event if specified by the Division.

742.230. Other Treatment Facilities.

742.231. Other treatment facilities will be designed to treat the 10-year, 24-hour precipitation event unless a lesser design event is approved by the Division based on terrain, climate, other site-specific conditions and a demonstration by the operator that the effluent limitations of R645-301-751 will be met.

742.232. Other treatment facilities will be designed in accordance with the applicable requirements of R645-301-742.220.

742.240. Exemptions. Exemptions to the requirements of R645-301-742.200 and R645-301-763 may be granted if the disturbed drainage area within the total disturbed area is small and the operator demonstrates that siltation structures and alternate sediment control measures are not necessary for drainage from the disturbed areas to meet the effluent limitations under R645-301-751 or the applicable Utah and federal water quality standards for the receiving waters.

742.300. Diversions.

742.310. General Requirements.

742.311. With the approval of the Division, any flow from mined areas abandoned before May 3, 1978, and any flow from undisturbed areas or reclaimed areas, after meeting the criteria of R645-301-356.300, R645-301-356.400, R645-301-513.200, R645-301-742.200 through R645-301-742.240, and R645-301-763 for siltation structure removal, may be diverted from disturbed areas by means of temporary or permanent diversions. All diversions will be designed to minimize adverse impacts to the hydrologic balance within the permit and adjacent areas, to prevent material damage outside the permit area and to assure the safety of the public. Diversions will not be used to divert water into underground mines without approval of the Division in accordance with R645-301-731.510.

742.312. The diversion and its appurtenant structures will be designed, located, constructed, maintained and used to:

742.312.1. Be stable;

742.312.2. Provide protection against flooding and resultant damage to life and property;

742.312.3. Prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow outside the permit area; and

742.312.4. Comply with all applicable local, Utah, and federal laws and regulations.

742.313. Temporary diversions will be removed when no longer needed to achieve the purpose for which they were authorized. The land disturbed by the removal process will be restored in accordance with R645-301 and R645-302. Before diversions are removed, downstream water-treatment facilities previously protected by the diversion will be modified or removed, as necessary, to prevent overtopping or failure of the facilities. This requirement will not relieve the operator from maintaining water-treatment facilities as otherwise required. A permanent diversion

or a stream channel reclaimed after the removal of a temporary diversion will be designed and constructed so as to restore or approximate the premining characteristics of the original stream channel including the natural riparian vegetation to promote the recovery and the enhancement of the aquatic habitat.

742.314. The Division may specify additional design criteria for diversions to meet the requirements of R645-301-742.300.

742.320. Diversion of Perennial and Intermittent Streams.

742.321. Diversion of perennial and intermittent streams within the permit area may be approved by the Division after making the finding relating to stream buffer zones under R645-301-731.600.

742.322. The design capacity of channels for temporary and permanent stream channel diversions will be at least equal to the capacity of the unmodified stream channel immediately upstream and downstream from the diversion.

742.323. The requirements of R645-301-742.312.2 will be met when the temporary and permanent diversion for perennial and intermittent streams are designed so that the combination of channel, bank and floodplain configuration is adequate to pass safely the peak runoff of a 10-year, 6-hour precipitation event for a temporary diversion and a 100-year, 6-hour precipitation event for a permanent diversion.

742.324. The design and construction of all stream channel diversions of perennial and intermittent streams will be certified by a qualified registered professional engineer as meeting the performance standards of R645-301 and R645-302 and any design criteria set by the Division.

742.330. Diversion of Miscellaneous Flows.

742.331. Miscellaneous flows, which consist of all flows except for perennial and intermittent streams, may be diverted away from disturbed areas if required or approved by the Division. Miscellaneous flows will include ground-water discharges and ephemeral streams.

742.332. The design, location, construction, maintenance, and removal of diversions of miscellaneous flows will meet all of the performance standards set forth in R645-301-742.310.

742.333. The requirements of R645-301-742.312.2 will be met when the temporary and permanent diversions for miscellaneous flows are designed so that the combination of channel, bank and floodplain configuration is adequate to pass safely the peak runoff of a 2-year, 6-hour precipitation event for a temporary diversion and a 10-year, 6-hour precipitation event for a permanent diversion.

742.400. Road Drainage.

742.410. All Roads.

742.411. To ensure environmental protection and safety appropriate for their planned duration and use, including consideration of the type and size of equipment used, the design and construction or reconstruction of roads will incorporate appropriate limits for surface drainage control, culvert placement, culvert size, and any necessary design criteria established by the Division.

742.412. No part of any road will be located in the channel of an intermittent or perennial stream unless specifically approved by the Division in accordance with applicable parts of R645-301-731 through R645-301-742.300.

742.413. Roads will be located to minimize downstream sedimentation and flooding.

742.420. Primary Roads.

742.421. To minimize erosion, a primary road is to be located, insofar as practical, on the most stable available surfaces.

742.422. Stream fords by primary roads are prohibited unless they are specifically approved by the Division as temporary routes during periods of construction.

742.423. Drainage Control.

742.423.1. Each primary road will be designed, constructed or reconstructed and maintained to have adequate drainage control, using structures such as, but not limited to, bridges, ditches, cross drains, and ditch relief drains. The drainage control system will be designed to pass the peak runoff safely from a 10-year, 6-hour precipitation event, or an alternative event of greater size as demonstrated to be needed by the Division.

742.423.2. Drainage pipes and culverts will be constructed to avoid plugging or collapse and erosion at inlets and outlets.

742.423.3. Drainage ditches will be designed to prevent uncontrolled drainage over the road surface and embankment. Trash racks and debris basins will be installed in the drainage ditches where debris from the drainage area may impair the functions of drainage and sediment control structures.

742.423.4. Natural stream channels will not be altered or relocated without the prior approval of the Division in accordance with R645-301-731.100 through R645-301-731.522, R645-301-731.600, R645-301-731.800, R645-301-742.300, and R645-301-751.

742.423.5. Except as provided in R645-301-742.422, drainage structures will be used for stream channel crossings, made using bridges, culverts or other structures designed, constructed and maintained using current, prudent engineering practice.

743. Impoundments.

743.100. General Requirements. The requirements of R645-301-743 apply to both temporary and permanent impoundments. Impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Natural Resources Conservation Service Technical Release No. 60 (210-VI-TR60, Oct. 1985), "Earth Dams and Reservoirs," shall comply with the, "Minimum Emergency Spillway Hydrologic Criteria," table in TR-60 and the requirements of this section. Copies may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, order No. PB 87-157509-AS. Copies may be inspected at the Division of Oil Gas and Mining Offices, 1594 West North Temple, Salt Lake City, Utah 84114 or at the Division of Administrative Rules, Archives Building, Capitol Hill Complex, Salt Lake City, Utah 84114-1021.

743.110. Impoundments meeting the criteria of the MSHA, 30 CFR 77.216(a) will comply with the requirements of 77.216 and R645-301-512.240, R645-301-514.300, R645-301-515.200, R645-301-533.100 through R645-301-533.600, R645-301-733.220 through R645-301-733.224, and R645-301-743. The plan required to be submitted to the District Manager of MSHA under 30 CFR 77.216 will also be submitted to the Division as part of the permit application.

743.120. The design of impoundments will be prepared and certified as described under R645-301-512. Impoundments will have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume. Impoundments meeting the NRCS Class B or C criteria for dams in TR-60 shall comply with the freeboard hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60.

743.130. Impoundments will include either a combination of principal and emergency spillways or a single spillway as specified in 743.131 which will be designed and constructed to safely pass the design precipitation event or greater event specified in R645-301-743.200 or R645-301-743.300.

743.131. The Division may approve a single-open channel spillway that is:

743.131.1. Of nonerodible construction and designed to carry sustained flows; or

743.131.2. Earth-or grass lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

743.131.3 Except as specified in R645-301-742.224 the required design precipitation event for an impoundment meeting the spillway requirements of R645-301-743.130 is:

743.131.4 For an impoundment meeting the NRCS Class B or C criteria for dams in TR-60, the emergency spillway hydrograph criteria in the "Minimum Emergency Spillway Hydrologic Criteria" table in TR-60, or greater event as specified by the Division.

743.131.5 For an impoundment meeting or exceeding the size or other criteria of 30 CFR Sec. 77.216(a), a 100-year 6-hour event, or greater event as specified by the Division.

743.131.6 For an impoundment not included in R645-301-743.131.4 or 743.131.5, a 25-year 6-hour event, or greater event as specified by the Division.

743.132 In lieu of meeting the requirements of 743.131 the Division may approve an impoundment which meets the requirements of the sediment pond criteria of R645-301-742.224 and 742.225.

743.140. Impoundments will be inspected as described under R645-301-514.300.

743.200. The design precipitation event for the spillways for a permanent impoundment meeting the size or other criteria of MSHA rule 30 CFR 77.216(a) is a 100-year, 6-hour precipitation event, or such larger event as demonstrated to be needed by the Division.

743.300. The design precipitation event for the spillways for an impoundment not meeting the size or other criteria of MSHA rule 30 CFR 77.216(a) is a 25-year, 6-hour precipitation event, or such larger event as demonstrated to be needed by the Division.

744. Discharge Structures.

744.100. Discharge from sedimentation ponds, permanent and temporary impoundments, coal processing waste dams and embankments, and diversions will be controlled, by energy dissipators, riprap channels and other devices, where necessary to reduce erosion to prevent deepening or enlargement of stream channels, and to minimize disturbance of the hydrologic balance.

744.200. Discharge structures will be designed according to standard engineering design procedures.

745. Disposal of Excess Spoil.

745.100. General Requirements.

745.110. Excess spoil will be placed in designated disposal areas within the permit area, in a controlled manner to:

745.111. Minimize the adverse effects of leachate and surface water runoff from the fill on surface and ground waters;

745.112. Ensure permanent impoundments are not located on the completed fill. Small depressions may be allowed by the Division if they are needed to retain moisture or minimize erosion,

create and enhance wildlife habitat or assist revegetation, and if they are not incompatible with the stability of the fill; and

745.113. Adequately cover or treat excess spoil that is acid- and toxic-forming with nonacid nontoxic material to control the impact on surface and ground water in accordance with R645-301-731.300 and to minimize adverse effects on plant growth and the approved postmining land use.

745.120. Drainage control. If the disposal area contains springs, natural or manmade water courses, or wet weather seeps, the fill design will include diversions and underdrains as necessary to control erosion, prevent water infiltration into the fill and ensure stability.

745.121. Diversions will comply with the requirements of R645-301-742.300.

745.122. Underdrains will consist of durable rock or pipe, be designed and constructed using current, prudent engineering practices and meet any design criteria established by the Division. The underdrain system will be designed to carry the anticipated seepage of water due to rainfall away from the excess spoil fill and from seeps and springs in the foundation of the disposal area and will be protected from piping and contamination by an adequate filter. Rock underdrains will be constructed of durable, nonacid-, nontoxic-forming rock (e.g., natural sand and gravel, sandstone, limestone or other durable rock) that does not slake in water or degrade to soil materials and which is free of coal, clay or other nondurable material. Perforated pipe underdrains will be corrosion resistant and will have characteristics consistent with the long-term life of the fill.

745.200. Valley Fills and Head-of-Hollow Fills.

745.210. Valley fills and head-of-hollow fills will meet the applicable requirements of R645-301-211, R645-301-212, R645-301-412.300, R645-301-512.210, R645-301-514.100, R645-301-528.310, R645-301-535.100 through R645-301-535.130, R645-301-535.500, R645-301-536.300, R645-301-542.720, R645-301-553.240, and R645-301-745.100 and the requirements of R645-301-745.200 and R645-301-535.200.

745.220. Drainage Control.

745.221. The top surface of the completed fill will be graded such that the final slope after settlement will be toward properly designed drainage channels. Uncontrolled surface drainage may not be directed over the outslope of the fill.

745.222. Runoff from areas above the fill and runoff from the surface of the fill will be diverted into stabilized diversion channels designed to meet the requirements of R645-301-742.300 and to safely pass the runoff from a 100-year, 6-hour precipitation event.

745.300. Durable Rock Fills. The Division may approve disposal of excess durable rock spoil provided the following conditions are satisfied:

745.310. Except as provided in R645-301-745.300, the requirements of R645-301-211, R645-301-212, R645-301-412.300, R645-301-512.210, R645-301-514.100, R645-301-528.310, R645-301-535.100 through R645-301-535.130, R645-301-535.500, R645-301-536.300, R645-301-542.720, R645-301-553.240, and R645-301-745.100 are met;

745.320. The underdrain system may be constructed simultaneously with excess spoil placement by the natural segregation of dumped materials, provided the resulting underdrain system is capable of carrying anticipated seepage of water due to rainfall away from the excess spoil fill and from seeps and springs

in the foundation of the disposal area and the other requirements for drainage control are met; and

745.330. Surface water runoff from areas adjacent to and above the fill is not allowed to flow onto the fill and is diverted into stabilized diversion channels designed to meet the requirements of R645-301-742.300 and to safely pass the runoff from a 100-year, 6-hour precipitation event.

745.400. Preexisting Benches. The Division may approve the disposal of excess spoil through placement on preexisting benches, provided that the requirements of R645-301-211, R645-301-212, R645-301-412.300, R645-301-512.210, R645-301-512.220, R645-301-514.100, R645-301-535.100, R645-301-535.112 through R645-301-535.130, R645-301-535.300 through R645-301-536.300, R645-301-542.720, R645-301-553.240, R645-301-745.100, R645-301-745.300, and R645-301-745.400 and the requirements of R645-301-535.400 are met.

746. Coal Mine Waste.

746.100. General Requirements.

746.110. All coal mine waste will be placed in new or existing disposal areas within a permit area which are approved by the Division.

746.120. Coal mine waste will be placed in a controlled manner to minimize adverse effects of leachate and surface water runoff on surface and ground water quality and quantity.

746.200. Refuse Piles.

746.210. Refuse piles will meet the requirements of R645-301-512.230, R645-301-515.200, R645-301-528.320, R645-301-536 through R645-301-536.200, R645-301-536.500, R645-301-542.730, and R645-301-746.100 and the additional requirements of R645-301-210, R645-301-513.400, R645-301-514.200, R645-301-528.322, R645-301-536.900, R645-301-553.250, and R645-301-746.200 and the requirements of the MSHA, 30 CFR 77.214 and 77.215.

746.211. If the disposal area contains springs, natural or manmade water courses, or wet weather seeps, the design will include diversions and underdrains as necessary to control erosion, prevent water infiltration into the disposal facility and ensure stability.

746.212. Uncontrolled surface drainage may not be diverted over the outslope of the refuse pile. Runoff from areas above the refuse pile and runoff from the surface of the refuse pile will be diverted into stabilized diversion channels designed to meet the requirements of R645-301-742.300 to safely pass the runoff from a 100-year, 6-hour precipitation event. Runoff diverted from undisturbed areas need not be commingled with runoff from the surface of the refuse pile.

746.213. Underdrains will comply with the requirements of R645-301-745.122.

746.220. Surface Area Stabilization.

746.221. Slope protection will be provided to minimize surface erosion at the site. All disturbed areas, including diversion channels that are not ripped or otherwise protected, will be revegetated upon completion of construction.

746.222. No permanent impoundments will be allowed on the completed refuse pile. Small depressions may be allowed by the Division if they are needed to retain moisture, minimize erosion, create and enhance wildlife habitat, or assist revegetation, and if they are not incompatible with stability of the refuse pile.

746.300. Impounding structures. New and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste will meet the requirements of R645-301-512.230, R645-301-515.200, R645-301-528.320, R645-301-536 through R645-301-536.200, R645-301-536.500, R645-301-542.730, and R645-301-746.100.

746.310. Coal mine waste will not be used for construction of impounding structures unless it has been demonstrated to the Division that the use of coal mine waste will not have a detrimental effect on downstream water quality or the environment due to acid seepage through the impounding structure. The potential impact of acid mine seepage through the impounding structure will be discussed in detail.

746.311. Each impounding structure constructed of coal mine waste or intended to impound coal mine waste will be designed, constructed and maintained in accordance with R645-301-512.240, R645-301-513.200, R645-301-514.310 through R645-301-514.330, R645-301-515.200, R645-301-533.100 through R645-301-533.500, R645-301-733.230, R645-301-733.240, R645-301-743.100, and R645-301-743.300. Such structures may not be retained permanently as part of the approved postmining land use.

746.312. Each impounding structure constructed of coal mine waste or intended to impound coal mine waste that meets the criteria of 30 CFR 77.216(a) will have sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the probable maximum precipitation of a 6-hour precipitation event, or greater event as demonstrated to be needed by the Division.

746.320. Spillways and outlet works will be designed to provide adequate protection against erosion and corrosion. Inlets will be protected against blockage.

746.330. Drainage control. Runoff from areas above the disposal facility or runoff from the surface of the facility that may cause instability or erosion of the impounding structure will be diverted into stabilized diversion channels designed to meet the requirements of R645-301-742.300 and designed to safely pass the runoff from a 100-year, 6-hour design precipitation event.

746.340. Impounding structures constructed of or impounding coal mine waste will be designed and operated so that at least 90 percent of the water stored during the design precipitation event will be removed within a 10-day period following that event.

746.400. Return of Coal Processing Waste to Abandoned Underground Workings. Each permit application to conduct UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES will, if appropriate, include a plan of proposed methods for returning coal processing waste to abandoned underground workings as follows:

746.410. The plan will describe the source of the hydraulic transport mediums, method of dewatering the placed backfill, retention of water underground, treatment of water if released to surface streams and the effect on the hydrologic regime;

746.420. The plan will describe each permanent monitoring well to be located in the backfilled areas, the stratum underlying the mined coal and gradient from the backfilled area; and

746.430. The requirements of R645-301-513.300, R645-301-528.321, R645-301-536.700, R645-301-746.410 and R645-746.420 will also apply to pneumatic backfilling operations, except where

the operations are exempted by the Division from requirements specifying hydrologic monitoring.

747. Disposal of Noncoal Mine Waste.

747.100. Noncoal mine waste, including but not limited to grease, lubricants, paints, flammable liquids, garbage, machinery, lumber and other combustible materials generated during coal mining and reclamation operations will be placed and stored in a controlled manner in a designated portion of the permit area or state-approved solid waste disposal area.

747.200. Placement and storage of noncoal mine waste within the permit area will ensure that leachate and surface runoff do not degrade surface or ground water.

747.300. Final disposal of noncoal mine waste within the permit area will ensure that leachate and drainage does not degrade surface or underground water.

748. Casing and Sealing of Wells. Each water well will be cased, sealed, or otherwise managed, as approved by the Division, to prevent acid or other toxic drainage from entering ground or surface water, to minimize disturbance to the hydrologic balance, and to ensure the safety of people, livestock, fish and wildlife, and machinery in the permit and adjacent area. If a water well is exposed by coal mining and reclamation operations, it will be permanently closed unless otherwise managed in a manner approved by the Division. Use of a drilled hole or borehole or monitoring well as a water well must comply with the provision of R645-301-731.100 through R645-301-731.522 and R645-301-731.800.

750. Performance Standards.

All coal mining and reclamation operations will be conducted to minimize disturbance to the hydrologic balance within the permit and adjacent areas, to prevent material damage to the hydrologic balance outside the permit area and support approved postmining land uses in accordance with the terms and conditions of the approved permit and the performance standards of R645-301 and R645-302. For the purposes of SURFACE COAL MINING AND RECLAMATION ACTIVITIES, operations will be conducted to assure the protection or replacement of water rights in accordance with the terms and conditions of the approved permit and the performance standards of R645-301 and R645-302.

751. Water Quality Standards and Effluent Limitations. Discharges of water from areas disturbed by coal mining and reclamation operations will be made in compliance with all Utah and federal water quality laws and regulations and with effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR Part 434.

752. Sediment Control Measures. Sediment control measures must be located, maintained, constructed and reclaimed according to plans and designs given under R645-301-732, R645-301-742 and R645-301-760.

752.100. Siltation structures and diversions will be located, maintained, constructed and reclaimed according to plans and designs given under R645-301-732, R645-301-742 and R645-301-763.

752.200. Road Drainage. Roads will be located, designed, constructed, reconstructed, used, maintained and reclaimed according to R645-301-732.400, R645-301-742.400 and R645-301-762 and to achieve the following:

752.210. Control or prevent erosion, siltation and the air pollution attendant to erosion by vegetating or otherwise stabilizing

all exposed surfaces in accordance with current, prudent engineering practices;

752.220. Control or prevent additional contributions of suspended solids to stream flow or runoff outside the permit area;

752.230. Neither cause nor contribute to, directly or indirectly, the violation of effluent standards given under R645-301-751;

752.240. Minimize the diminution to or degradation of the quality or quantity of surface- and ground-water systems; and

752.250. Refrain from significantly altering the normal flow of water in streambeds or drainage channels.

753. Impoundments and Discharge Structures. Impoundments and discharge structures will be located, maintained, constructed and reclaimed to comply with R645-301-733, R645-301-734, R645-301-743, R645-301-745 and R645-301-760.

754. Disposal of Excess Spoil, Coal Mine Waste and Noncoal Mine Waste. Disposal areas for excess spoil, coal mine waste and noncoal mine waste will be located, maintained, constructed and reclaimed to comply with R645-301-735, R645-301-736, R645-301-745, R645-301-746, R645-301-747 and R645-301-760.

755. Casing and Sealing of Wells. All wells will be managed to comply with R645-301-748 and R645-301-765. Water monitoring wells will be managed on a temporary basis according to R645-301-738.

760. Reclamation.

761. General Requirements. Before abandoning a permit area or seeking bond release, the operator will ensure that all temporary structures are removed and reclaimed, and that all permanent sedimentation ponds, diversions, impoundments and treatment facilities meet the requirements of R645-301 and R645-302 for permanent structures, have been maintained properly and meet the requirements of the approved reclamation plan for permanent structures and impoundments. The operator will renovate such structures if necessary to meet the requirements of R645-301 and R645-302 and to conform to the approved reclamation plan.

762. Roads. A road not to be retained for use under an approved postmining land use will be reclaimed immediately after it is no longer needed for coal mining and reclamation operations, including:

762.100. Restoring the natural drainage patterns;

762.200. Reshaping all cut and fill slopes to be compatible with the postmining land use and to complement the drainage pattern of the surrounding terrain.

763. Siltation Structures.

763.100. Siltation structures will be maintained until removal is authorized by the Division and the disturbed area has been stabilized and revegetated. In no case will the structure be removed sooner than two years after the last augmented seeding.

763.200. When the siltation structure is removed, the land on which the siltation structure was located will be regraded and revegetated in accordance with the reclamation plan and R645-301-358, R645-301-356, and R645-301-357. Sedimentation ponds approved by the Division for retention as permanent impoundments may be exempted from this requirement.

764. Structure Removal. The application will include the timetable and plans to remove each structure, if appropriate.

765. Permanent Casing and Sealing of Wells. When no longer needed for monitoring or other use approved by the Division upon a finding of no adverse environmental or health and safety effects,

or unless approved for transfer as a water well under R645-301-731.100 through R645-301-731.522 and R645-301-731.800, each well will be capped, sealed, backfilled, or otherwise properly managed, as required by the Division in accordance with R645-301-529.400, R645-301-631.100, and R645-301-748. Permanent closure measures will be designed to prevent access to the mine workings by people, livestock, fish and wildlife, machinery and to keep acid or other toxic drainage from entering ground or surface waters.

**KEY: reclamation, coal mines**  
~~February 1,~~ 2000 **40-10-1 et seq.**  
 Notice of Continuation June 6, 1997

◆ ————— ◆

**Natural Resources; Oil, Gas and  
 Mining; Coal  
 R645-400**

**Inspection and Enforcement: Division  
 Authority and Procedures**

**NOTICE OF PROPOSED RULE**

(Amendment)  
 DAR FILE NO.: 23172  
 FILED: 09/21/2000, 14:08  
 RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The changes made in this rule action are being made in response to comments received during a routine five-year review mandated by the Utah Administrative Rulemaking Act. (**DAR Note:** See Section 63-46a-9 for requirements regarding five-year reviews.)

**SUMMARY OF THE RULE OR CHANGE:** This change modifies the Utah Coal Regulatory Program to be no less effective than the Federal Coal Regulatory Program.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 40-10-6.5

**FEDERAL REQUIREMENT FOR THIS RULE:** Pub. L. No. 95-87, The Surface Mining Control and Reclamation Act

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** No cost is anticipated at this time from these changes due to their minor effect on the coal regulatory program requirements.
- ◆ **LOCAL GOVERNMENTS:** The changes made in these rule amendments make no demands of local governments, thus there will be little or no impact in this regard.
- ◆ **OTHER PERSONS:** The changes made in these rule amendments to actual on-the-ground compliance measures for coal mining operations are minor. Because the standard is already established at the federal level, there will be no impact from these rules

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The affected persons in this case would be coal mine operators, their compliance would not be changed significantly from these rule changes as no new demands or requirements are created from this action. The standard already exists at the federal level.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Fiscal impact to business is neutral since federal rules of identical effectiveness prevail if state rules do not exist.

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

Natural Resources  
 Oil, Gas and Mining; Coal  
 Suite 1210, Natural Resources Building  
 1594 West North Temple  
 PO Box 145801  
 Salt Lake City, UT 84114-5801, or  
 at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at rdaniels@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 11/15/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/25/2000, 10:00 a.m., Suite 1040A, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/2000

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

**R645. Natural Resources; Oil, Gas and Mining; Coal.  
 R645-400. Inspection and Enforcement: Division Authority  
 and Procedures.**

**R645-400-100. General Information on Authority and  
 Procedures.**

110. Right of Entry.

111. Within the State of Utah, Division representatives may enter upon and through any coal exploration or coal mining and reclamation operation without advance notice upon presentation of appropriate credentials. No search warrant will be required, except that the State may provide for its use with respect to entry into a building.

112. Division representatives may inspect any monitoring equipment or method of exploration or operation and have access to and may copy any records required under the approved State Program. Division representatives may exercise these rights at reasonable times, without advance notice, upon presentation of appropriate credentials. No search warrant will be required, except that the State may provide for its use with respect to entry into a building.

120. Enforcement Authority. Nothing in the Federal Act or the State Program will be construed as eliminating any additional enforcement rights or procedures which are available under State law to the Division, but which are not specifically enumerated in Sections 40-10-20 and 40-10-22 of the Act.

130. Inspection Program.

131. The Division will conduct an average of at least one partial inspection per month of each active coal mining and reclamation operation under its jurisdiction, and will conduct a partial inspection of each inactive coal mining and reclamation operation under its jurisdiction as are necessary to ensure effective enforcement of the State Program. A partial inspection is an on-site or aerial review of a person's compliance with some of the permit conditions and requirements imposed under the State Program.

132. The Division will conduct an average of at least one complete inspection per calendar quarter of each active or inactive coal mining and reclamation operation under its jurisdiction. A complete inspection is an on-site review of a person's compliance with all permit conditions and requirements imposed under the State Program, within the entire area disturbed or affected by the coal mining and reclamation operation. Abandoned sites may be inspected on a frequency as determined by the procedures set out in the definition of "abandoned sites" which is found in R645-100-200.

133. The Division will conduct inspections of coal explorations as are necessary to ensure compliance with the State Program.

134. Aerial Inspection.

134.100. Aerial inspections will be conducted in a manner which reasonably ensures the identification and documentation of conditions at each coal mining and reclamation operation inspected.

134.200. Any potential violation observed during an aerial inspection will be investigated on-site within three (3) days: provided, that any indication of a condition, practice or violation constituting cause for the issuance of a cessation order under section 40-10-22(1)(b) of the Act will be investigated on site immediately, and provided further, that an on-site investigation of a potential violation observed during an aerial inspection will not be considered to be an additional partial or complete inspection for the purposes of R645-400-131 and R645-400-132.

135. The inspections required under R645-400-131 through R645-400-134 will:

135.100. Be carried out on an irregular basis, so as to monitor compliance at all operations, including those which operate nights, weekends, or holidays;

135.200. Occur without prior notice to the permittee or any agent or employee of such permittee, except for necessary on-site meetings; and

135.300. Include the prompt filing of inspection reports adequate to enforce the requirements of the approved State Program.

136. For the purposes of R645-400 an inactive coal mining and reclamation operation is one for which:

136.100. The Division has secured from the permittee the written notice provided for under R645-301-515.320; or

136.200. Reclamation Phase II as defined at R645-301-880.320 has been completed and the liability of the permittee has been reduced by the Division in accordance with the State Program.

140. Availability of Records.

141. The Division will make available to the Director of the Office, upon request, copies of all documents relating to applications for and approvals of existing, new, or revised coal exploration approvals or coal mining and reclamation operations permits and all documents relating to inspection and enforcement actions.

142. Copies of all records, reports, inspection materials, or information obtained by the Division will be made immediately available to the public in the area of mining until at least five years after expiration of the period during which the subject operation is active or is covered by any portion of a reclamation bond so that they are conveniently available to residents of that area, except:

142.100. As otherwise provided by federal law; and

142.200. For information not required to be made available under R645-203, R645-300-124 or R645-400-144.

143. The Division will ensure compliance with R645-400-142 by either:

143.100. Making copies of all records, reports, inspection materials, and other subject information available for public inspection at a federal, Utah or local government office in the county where the mining is occurring or proposed to occur; or

143.200. At the Division's option and expense, providing copies of subject information promptly by mail at the request of any resident of the area where the mining is occurring or is proposed to occur. Provided, that the Division will maintain for public inspection, at a federal, Utah or local government office in the county where the mining is occurring or proposed to occur, a description of the information available for mailing and the procedure for obtaining such information.

144. In order to protect preparation for hearings and enforcement proceedings, the Director of the Office and the Division may enter into agreements regarding procedures for the special handling of investigative and enforcement reports and other such materials.

150. Public Participation. The State Program provides for public participation in the enforcement of the State Program in R645-400-200, R645-400-300, R645-401, and the Board's Procedural Rules.

160. Compliance Conference.

161. Compliance conferences between a permittee and an authorized representative of the Division are provided for and described in R645-400-162 through R645-400-165.

162. A permittee may request an on-site compliance conference with an authorized representative of the Division to review the compliance status of any condition or practice proposed at any coal exploration or coal mining and reclamation operation. Any such conference will not constitute an inspection within the meaning of UCA ~~40-10-19~~~~[40-10-22]~~ and R645-400-130, or any applicable permit or exploration approval.

163. The Division may accept or refuse any request to conduct a compliance conference under R645-400-162.

164. The authorized representative at any compliance conference will review such proposed conditions and practices in order to advise whether any such condition or practice may become a violation of any requirement of the Act, the approved State Program or any applicable permit or exploration approval.

165. Neither the holding of a compliance conference under this section nor any opinion given by the authorized representative at such a conference will affect:

165.100. Any rights or obligations of the Division or of the permittee with respect to any inspection, notice of violation or cessation order, whether prior or subsequent to such compliance conference; or

165.200. The validity of any notice of violation or cessation order issued with respect to any condition or practice reviewed at the compliance conference.

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**R645-400-300. Provisions of State Enforcement.**

310. Cessation Orders.

311. The Division will immediately order a cessation of coal mining and reclamation operations or of the relevant portion thereof, if it finds, on the basis of any Division inspection, any violation of the State Program, or any condition of a permit or an exploration approval under the State Program, which:

311.100. Creates an imminent danger to the health or safety of the public; or

311.200. Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

312. Coal mining and reclamation operations conducted by any person without a valid coal mining permit constitute a condition or practice which causes or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources, unless such operations are an integral, uninterrupted extension of previously permitted operations, and the person conducting such operations has filed a timely and complete application for a permit to conduct such operations.

313. If the cessation ordered under R645-400-311 will not completely abate the imminent danger or harm in the most expeditious manner physically possible, the Division will impose affirmative obligations on the person to whom it is issued to abate the violation. The order will specify the time by which abatement will be accomplished.

314. When a notice of violation has been issued under R645-400-320 and the permittee fails to abate the violation within the abatement period fixed or subsequently extended by the Division then the Division will immediately order a cessation of coal exploration or coal mining and reclamation operations or of the portion relevant to the violation. A cessation order issued under R645-400-314 will require the permittee to take all steps the Division deems necessary to abate the violations covered by the order in the most expeditious manner physically possible.

315. A cessation order issued under R645-400-311 or R645-400-314 will be in writing, signed by the authorized representative of the Division who issued it, and will set forth with reasonable specificity:

315.100. The nature of the violation;

315.200. The remedial action or affirmative obligation required, if any, including interim steps, if appropriate;

315.300. The time established for abatement, if appropriate, including the time for meeting any interim steps;

315.400. A reasonable description of the portion of the coal exploration or coal mining and reclamation operations to which it applies; and

315.500. The order will remain in effect until the violation has been abated or until vacated, modified or terminated in writing by the Division.

316. Reclamation operations and other activities intended to protect public health and safety and the environment will continue during the period of any order unless otherwise provided in the order.

317. The Division may modify, terminate or vacate a cessation order for good cause, and may extend the time for abatement if the failure to abate within the time previously set was not caused by lack of diligence on the part of the permittee.

318. The Division will terminate a cessation order by written notice to the permittee, when it is determined that all conditions, practices or violations listed in the order have been abated. Termination will not affect the right of the Board to assess civil penalties for those violations under R645-401.

319. Within sixty days after issuing a cessation order, the Division will notify in writing any person who has been identified under ~~R645-300-148~~[R645-300-147] and R645-301-112.300 and 112.400 as owning or controlling the permittee, that the cessation order was issued and that the person has been identified as an owner or controller.

320. Notices of Violation.

321. The Division will issue a notice of violation if, on the basis of a Division inspection carried out during the enforcement of a State Program it finds a violation of the State Program or any condition of a permit or an exploration approval imposed under the State Program which does not create an imminent danger or harm for which a cessation order must be issued under R645-400-310.

322. When on the basis of any Division inspection other than one described in R645-400-321, the Division determines that there exists a violation of the State Program or any condition of a permit or an exploration approval required by the Act which does not create an imminent danger or harm for which a ~~or the~~ cessation order must be issued under R645-400-310, the Division will issue a notice of violation to the permittee or his agent fixing a reasonable time not to exceed 90 days for the abatement of the violation and providing opportunity for a conference before the Division.

323. A notice of violation issued under R645-400-320 will be in writing, signed by the authorized representative of the Division, and will set forth reasonable specificity:

323.100. The nature of the violation;

323.200. The remedial action required, which may include interim steps;

323.300. A reasonable time for abatement, which may include time for accomplishment of interim steps; and

323.400. A reasonable description of the portion of the coal exploration or coal mining and reclamation operations to which it applies.

324. The Division may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the permittee. The total time for abatement under a notice of violation, including all extensions, will not exceed 90 days from the date of

issuance except upon a showing by the permittee that it is not feasible to abate the violation within 90 calendar days due to one or more of the circumstances in R645-400-327. An extended abatement date pursuant to this section will not be granted when the permittee's failure to abate within 90 days has been caused by lack of diligence or intentional delay by the permittee in completing the remedial action required.

325. If the permittee fails to meet any time set for abatement or for accomplishment of an interim step, the Division will issue a cessation order under R645-400-314.

326. The Division will terminate a notice of violation by written notice to the permittee, when the Division determines that all violations listed in the notice of violation have been abated. Termination will not affect the right of the Board to assess civil penalties for those violations which have been abated, nor will termination affect the right of the Board to assess civil penalties for those violations under R645-401.

327. Circumstances which may qualify a coal mining and reclamation operation for an abatement period of more than 90 days are:

327.100. Where the permittee of an ongoing permitted operation has timely applied for and diligently pursued a permit renewal or other necessary approval of designs or plans but such permit or approval has not been or will not be issued within 90 days after a valid permit expires or is required, for reasons not within the control of the permittee;

327.200. Where there is a valid judicial order precluding abatement within 90 days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;

327.300. Where the permittee cannot abate within 90 days due to a labor strike;

327.400. Where climatic conditions preclude abatement within 90 days or where, due to climatic conditions, abatement within 90 days clearly would cause more environmental harm than it would prevent; or

327.500. Where abatement within 90 days requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act of 1977.

328. Other information on abatement times extended beyond 90 days.

328.100. Whenever an abatement time in excess of 90 days is permitted, interim abatement measures will be imposed to the extent necessary to minimize harm to the public or the environment.

328.200. If any of the conditions in R645-400-327 exists, the permittee may request the authorized representative of the Division to grant an abatement period exceeding 90 days. The authorized representative will not grant such an abatement period without the concurrence of the Director or his or her designee and the abatement period granted will not exceed the shortest possible time necessary to abate the violation. The permittee will have the burden of establishing by clear and convincing proof that he or she is entitled to any extension under the provisions of R645-400-324 and R645-400-327.

328.300. In determining whether or not to grant an abatement period exceeding 90 days the authorized representative may consider any relevant written or oral information from the permittee or any other source. The authorized representative will promptly and fully document in the file his or her reasons for granting or

denying the request. The Director or designee of the Director specified in R645-400-328.200 will review this document before concurring in or disapproving the extended abatement date and will promptly and fully document the reasons for his or her concurrence or disapproval in the file.

328.400. Any determination made under R645-400-328.200 or R645-400-328.300 will contain a right of appeal to the Board under R645-400-360.

328.500. No extension granted under R645-400-328.200 or R645-400-328.300 may exceed 90 days in length. Where the condition or circumstance which prevented abatement within 90 days exists at the expiration of any such extension, the permittee may request a further extension in accordance with the procedures of R645-400-328.200.

329. Enforcement actions at abandoned sites. The Division may refrain from using a notice of violation or cessation order for a violation at an abandoned site, as defined in R645-100-200., if abatement of the violation is required under any previously issued notice on order.

330. Suspension or Revocation of Permits.

331. The Board will issue an order to a permittee requiring him or her to show cause why his or her permit and right to mine under the State Program should not be suspended or revoked, if the Board determines that a pattern of violations of any requirements of the State Program, or any permit condition required by the Act exists or has existed, and that each violation was caused by the permittee willfully or through an unwarranted failure to comply with those requirements or conditions. A finding of unwarranted failure to comply will be based upon a demonstration of greater than ordinary negligence on the part of the permittee. Violations by any person conducting coal mining and reclamation operations on behalf of the permittee will be attributed to the permittee, unless the permittee establishes that they were acts of deliberate sabotage.

332. Pattern of Violation.

332.100. The Director may determine that a pattern of violations exists or has existed, based upon two or more Division inspections of the permit area within a 12-month period, after considering the circumstances, including:

332.110. The number of violations, cited on more than one occasion, of the same or related requirements of the State Program or the permit; and

332.120. The number of violations, cited on more than one occasion, of different requirements of the State Program or the permit; and

332.130. The extent to which the violations were isolated departures from lawful conduct.

332.200. If after the review described in R645-400-332, the Director determines that a pattern of violation exists or has existed and that each violation was caused by the permittee willfully or through unwarranted failure to comply, he or she will recommend that the Board issue an order to show cause as provided in R645-400-331.

332.300. The Director will promptly review the history of violations of any permittee who has been cited for violations of the same or related requirements of the State Program, or the permit during three or more state inspections of the permit area within a 12-month period. If, after such review, the Director determines that a pattern of violations exists or has existed, he or she will

recommend that the Board issue an order to show cause as provided in paragraph R645-400-331.

333. Number of Violations.

333.100. In determining the number of violations within a 12-month period, the Director will consider only violations issued as a result of a state inspection carried out during enforcement of the State Program.

333.200. The Director may not consider violations issued as a result of inspections other than those mentioned in R645-400-333.100 in determining whether to exercise his or her discretion under R645-400-332.100, except as evidence of the willful or unwarranted nature of the permittee's failure to comply.

334. Whenever a permittee fails to abate a violation contained in a notice of violation or cessation order within the abatement period set in the notice or order or as subsequently extended, the Director will review the permittee's history of violations to determine whether a pattern of violations caused by the permittee's willful or unwarranted failure to comply exists pursuant to this section, and will make a recommendation to the Board concerning whether or not an order to show cause should issue pursuant to R645-400-331.

335. Hearing Procedures.

335.100. If the permittee files an answer to the show cause order and requests a hearing, a formal public hearing on the record will be conducted pursuant to the R641 Rules before the Board or at the Board's option by an administrative hearing officer. The hearing officer will be a person who meets minimum requirements for a hearing officer under Utah law. At such hearing the Division will have the burden of establishing a prima facie case for suspension or revocation of the permit based upon clear and convincing evidence. The ultimate burden of persuasion that the permit should not be suspended or revoked will rest with the permittee.

The Board or Officer will give 30 days written notice of the date, time and place of the hearing to the Director, the permittee and any intervenor. Upon receipt of the notice the Director will publish it, if practicable, in a newspaper of general circulation in the area of the coal mining and reclamation operations, and will post it at the Division office closest to those operations. Upon written request by the permittee, such hearing may at the Board's option be held at or near the mine site within the county in which the permittee's operations are located.

335.200. Within 60 days after the hearing, the Board will prepare a written determination, or the Officer will prepare a written determination to the Board, as to whether or not a pattern of violation exists. If the determination is prepared by the hearing officer, it will be reviewed by the Board which will make the final decision thereon. If the Board finds a pattern of violations and revokes or suspends the permit and the permittee's right to mine under the State Program, the permittee will immediately cease coal mining operations on the permit area and will:

335.210. If the permit and the right to mine under the State Program are revoked, complete reclamation within the time specified in the order; or

335.220. If the permit and the right to mine under the State Program are suspended, complete all affirmative obligations to abate all conditions, practices, or violations as specified in the order.

340. Service of Notices of Violation, Cessation Orders and Show Cause Orders.

341. A notice of violation or cessation order will be served on the permittee or his designated agent promptly after issuance, as follows:

341.100. By tendering a copy at the coal exploration or coal mining and reclamation operation to the designated agent or to the individual who, based upon reasonable inquiry by the authorized representative, appears to be in charge of the coal exploration or coal mining and reclamation operation referred to in the notice or order. If no such individual can be located at the site, a copy may be tendered to any individual at the site who appears to be an employee or agent of the permittee. Service will be complete upon tender of the notice or order and will not be deemed incomplete because of refusal to accept.

341.200. As an alternative to R645-400-341.100, service may be made by sending a copy of the notice or order by certified mail or by hand to the permittee or his designated agent. Service will be complete upon tender of the notice or order by mail and will not be deemed incomplete because of refusal to accept.

342. A show cause order may be served on the permittee in either manner provided in R645-400-341.

343. Designation by any person of an agent for service of notices and orders will be made in writing to the Division.

350. Informal Public Hearing.

351. Except as provided in R645-400-352 and R645-400-353 a notice of violation or cessation order which requires cessation of mining, expressly or by necessary implication, will expire within 30 days after it is served unless an informal public hearing has been held within that time. The hearing will be held at or reasonably close to the mine site so that it may be viewed during the hearing or at any other location acceptable to the Division and the permittee. The Division office nearest to the mine site will be deemed to be reasonably close to the mine site unless a closer location is requested and agreed to by the Division. Expiration of a notice or order will not affect the Board's right to assess civil penalties for the violations mentioned in the notice or order under R645-401.

352. A notice of violation or cessation order will not expire as provided in R645-400-351, if the condition, practice or violation in question has been abated or if the informal public hearing has been waived, or if, with the consent of the permittee, the informal public hearing is held later than 30 days after the notice or order was served. For purposes of R645-400-352:

352.100. The informal public hearing will be deemed waived if the permittee:

352.110. Is informed, by written notice served in the manner provided in R645-400-352.200, that he or she will be deemed to have waived an informal public hearing unless he or she requests one within 30 days after service of the notice; and

352.120. Fails to request an informal public hearing within that time;

352.200. The written notice referred to in R645-400-352.110 will be delivered to the permittee by an authorized representative or sent by certified mail to the permittee no later than five days after the notice or order is served on the permittee; and

352.300. The permittee will be deemed to have consented to an extension of the time for holding the informal public hearing if his or her request is received on or after the 21st day after service of

the notice or order. The extension of time will be equal to the number of days elapsed after the 21st day.

353. The Division will give as much advance notice as is practicable of the time, place, and subject matter of the informal public hearing to:

353.100. The permittee; and

353.200. Any person who filed a report which led to that notice or order.

354. The Division will also post notice of the hearing at the office closest to the mine site, and publish it, where practicable, in a newspaper of general circulation in the area of the mine.

355. An informal public hearing will be conducted by a representative of the Board who may accept oral or written arguments and any other relevant information from any person attending.

356. Within five days after the close of the informal public hearing, the Division will affirm, modify or vacate the notice or order in writing. The decision will be sent to:

356.100. The permittee; and

356.200. Any person who filed a report which led to the notice or order.

357. The granting or waiver of an informal public hearing will not affect the right of any person to formal review under UCA 40-10-22(3). At such formal review proceedings, no evidence as to statements made or evidence produced at an informal public hearing will be introduced as evidence or to impeach a witness.

360. Board Review of Citations.

361. Petition Process.

361.100. A permittee issued a notice of violation or cessation order under R645-400-320 or R645-400-310 or a person having an interest which is or may be adversely affected by the issuance, modification, vacation or termination of a notice or order, may request review of the Division's action by filing an application for review and request for hearing pursuant to UCA 40-10-22(3) and the Board's Rules within 30 days after receiving notice of the action.

361.200. Upon written petition by the operator or an interested party, the Board, at its discretion, or a hearing examiner appointed by the Board, pursuant to UCA 40-6-10(6), may be requested to hold a hearing at the site of the operation or within such reasonable proximity to the site that any viewings of the site can be conducted during the course of public hearing.

361.300. The Board will issue an order concerning the cessation order within 30 days after its next regularly scheduled hearing of receipt of the petition for review of the Division's cessation order.

362. The filing of a petition for review and request for a hearing under R645-400-360 will not operate as a stay of any notice or order, or of any modification, termination or vacation of either.

370. Inability to Comply.

371. No cessation order or notice of violation issued under R645-400-300 may be vacated because of inability to comply.

372. Inability to comply may not be considered in determining whether a pattern of violations exists.

373. Unless caused by lack of diligence, inability to comply may be considered only in mitigation of the amount of civil penalty under R645-401 and of the duration of the suspension of a permit under R645-400-330.

380. Compliance Conference.

381. A permittee may request an on-site compliance conference with an authorized representative to review the compliance status of any condition or practice proposed at any coal exploration or coal mining and reclamation operation. Any such conference will not constitute an inspection within the meaning of UCA ~~40-10-19[40-10-22]~~ or R645-400-100.

382. The Division may accept or refuse any request to conduct a compliance conference under R645-400-381. Where the Division accepts such a request, reasonable notice of the scheduled date and time of the compliance conference will be given to the permittee.

383. The authorized representative at any compliance conference will review such proposed conditions and practices as the permittees may request in order to determine whether any such condition or practice may become a violation of any requirement of the Act or of any applicable permit or exploration proposal.

384. Neither the holding of any compliance conference under R645-400-380 nor any opinion given by the authorized representative at such a conference will affect:

384.100. Any rights or obligations of the Division or of the permittee with respect to any inspection, notice of violation or cessation order, whether prior or subsequent to such conference; or

384.200. The validity of any notice of violation or cessation order issued with respect to any condition or practice reviewed at the compliance conference.

390. Injunctive Relief.

391. The Division may request the Utah Attorney General's office to institute a civil action for relief, including a permanent or temporary injunction, restraining order or any other order, in the district court for the district in which the coal exploration or coal mining and reclamation operation is located or in which the permittee has his principal office, whenever that permittee, in violation of the State Program or any condition of an exploration approval or permit:

391.100. Violates or fails or refuses to comply with any order or decision of the Division under the State Program;

391.200. Interferes with, hinders or delays the Division in carrying out the provisions of the State Program;

391.300. Refuses to admit the Division to a mine;

391.400. Refuses to permit inspection of a mine by the Division;

391.500. Refuses to furnish any required information or report;

391.600. Refuses to permit access to or copying of any required records; or

391.700. Refuses to permit inspection of monitoring equipment.

392. No citizen suits may be brought pursuant to UCA 40-10-21 if the Board, Division or State Attorney General has commenced and is diligently prosecuting a civil action under R645-400-391, however, in any such action in a state court any interested person may intervene as permitted by and in accordance with Rule 24 of the Utah Rules of Civil Procedure.

**KEY: reclamation, coal mines**

**[October 1, 1999]2000**

**Notice of Continuation June 1, 2000**

**40-10-1 et seq.**

◆ ————— ◆

**Tax Commission, Auditing**  
**R865-19S-109**  
**Sales Tax Nature of Veterinarians'**  
**Purchases and Sales Pursuant to Utah**  
**Code Ann. Sections 59-12-103 and 59-**  
**12-104**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 23187

FILED: 10/02/2000, 12:58

RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Section 59-12-103 imposes a sales tax on sales of tangible personal property and certain services. Section 59-12-104 provides a list of transactions exempt from the sales tax.

**SUMMARY OF THE RULE OR CHANGE:** The proposed section indicates what purchases by a veterinarian are subject to sales tax; allows veterinarians to determine whether the veterinarian's purchases of food, medicine, and vitamins will be resold by the veterinarian or used in the veterinarian's practice; provides that medical services performed by a veterinarian are not subject to sales tax and grooming services performed by a veterinarian in connection with a medical procedure are not subject to tax.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 59-12-103 and 59-12-104

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** The proposed rule allows the veterinarian to determine whether purchases of food, medicine, and vitamins will be used by the veterinarian in the veterinarian's practice, or resold by the veterinarian. Past practice did not allow the veterinarian this option. All food, medicine, and vitamins administered by the veterinarian were deemed used in the veterinarian's practice, and as such the veterinarian was required to pay sales tax on those purchases. Thus, the proposed rule will allow the veterinarian to shift the point of collection of the sales tax from the veterinarian to the animal owner. If the shift is from the veterinarian to a non-farm animal owner, sales tax will be imposed on the veterinarian's markup of food, medicine, and vitamins. If the shift is from the veterinarian to a farm animal owner qualifying for a sales tax exemption, there will be no tax collected on the sale of those goods to the animal owner. Since the veterinarian did not pay sales tax on the purchase of those goods for resale, there is a loss of sales tax revenue. In addition, the proposed rule provides that grooming services performed in connection with a medical procedure are exempt from sales tax. However, there is a strong possibility that these services were always considered by the veterinarian as part of the tax exempt medical services he

provided. The net effect of the changes resulting from the rule will be insignificant.

❖**LOCAL GOVERNMENTS:** The proposed rule allows the veterinarian to determine whether purchases of food, medicine, and vitamins will be used by the veterinarian in the veterinarian's practice, or resold by the veterinarian. Past practice did not allow the veterinarian this option. All food, medicine, and vitamins administered by the veterinarian were deemed used in the veterinarian's practice, and as such the veterinarian was required to pay sales tax on those purchases. Thus, the proposed rule will allow the veterinarian to shift the point of collection of the sales tax from the veterinarian to the animal owner. If the shift is from the veterinarian to a non-farm animal owner, sales tax will be imposed on the veterinarian's markup of food, medicine, and vitamins. If the shift is from the veterinarian to a farm animal owner qualifying for a sales tax exemption, there will be no tax collected on the sale of those goods to the animal owner. Since the veterinarian did not pay sales tax on the purchase of those goods for resale, there is a loss of sales tax revenue. In addition, the proposed rule provides that grooming services performed in connection with a medical procedure are exempt from sales tax. However, there is a strong possibility that these services were always considered by the veterinarian as part of the tax exempt medical services he provided. The net effect of the changes resulting from the rule will be insignificant.

❖**OTHER PERSONS:** If the veterinarian shifts the collection of sales tax to the animal owners, owners of non-farm animals will pay sales tax on the veterinarian's markup of food, medicine, and vitamins. If the veterinarian shifts the collection of sales tax to the animal owners, a farm animal owner qualifying for a sales tax exemption will not pay the sales tax the veterinarian paid and then passed through to the animal owner to recover his costs.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None-- Veterinarians will need to keep records segregating the food, medicine, and vitamins they purchased to use in their practice, and those they purchase to resell. Veterinarians are, however, already required to do this.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There will be no fiscal impact on businesses. They will be required to maintain the same records as under the previous rule.

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

Tax Commission  
 Auditing  
 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 11/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R865. Tax Commission, Auditing.**

**R865-19S. Sales and Use Tax.**

**R865-19S-109. Sales Tax Nature of Veterinarians' Purchases and Sales Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104.**

A. Purchases of tangible personal property by a veterinarian are exempt from sales and use tax if the property will be resold by the veterinarian.

1. Except as provided in E., a veterinarian must collect sales tax on tangible personal property that the veterinarian resells.

B. Purchases of tangible personal property by a veterinarian are subject to sales and use tax if the property will be used or consumed in the veterinarian's practice.

C. The determination of whether a veterinarian's purchase of food, medicine, or vitamins is a sale for resale or a purchase that will be used or consumed in the veterinarian's practice shall be made by the veterinarian.

1. For food, medicine, or vitamins that the veterinarian will resell, the veterinarian shall comply with A.

2. For food, medicine, or vitamins that the veterinarian will use or consume in the veterinarian's practice, the veterinarian shall comply with B.

D. A veterinarian is not required to collect sales and use tax on:

- 1. medical services;
- 2. boarding services; or
- 3. grooming services required in connection with a medical procedure.

E. Sales of tangible personal property by a veterinarian are exempt from sales and use tax if:

1. the sales are exempt from sales and use tax under Section 59-12-104; and

2. the veterinarian obtains from the purchaser a certificate as set forth in rule R865-19S-23.

F. If a sale by a veterinarian consists of items that are subject to sales and use tax as well as items or services that are not taxable, the nontaxable items or services must be separately stated on the invoice or the entire sale is subject to sales and use tax.

**KEY: charities, tax exemptions, religious activities, sales tax**  
~~[(October 14, 1998)]~~2000 **59-12-103**  
**Notice of Continuation May 22, 1997** **59-12-104**

**End of the Notices of Proposed Rules Section**



## NOTICES OF CHANGES IN PROPOSED RULES

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

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

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends November 14, 2000. At its option, the agency may hold public hearings.

From the end of the waiting period through February 12, 2001, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

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**The Changes in Proposed Rules Begin on the Following Page.**

Public Safety, Law Enforcement and Technical Services, Regulatory Licensing

R724-10

Regulation of Bail Bond Agents

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23033
FILED: 10/02/2000, 12:09
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change is in response to a comment made by the Utah Insurance Department (UID). The UID regulates bail bond agents. The Department of Public Safety regulates bail bond recovery and enforcement agents. This change is made to reflect that distinction.

SUMMARY OF THE RULE OR CHANGE: This change amends the words "bail bond agents" in the title and Section R724-10-1 to "bail bond recovery and enforcement agents," and the words "bail bond agents" in the keyword section to "bail bond recovery agent" and "bail bond enforcement agent."

(DAR Note: The original proposed new rule upon which this change in proposed rule is based was published in the August 15, 2000, Utah State Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-11-103(5)

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: This change will have no fiscal impact on the state budget because it merely clarifies the name of the type of agents regulated by the department.
LOCAL GOVERNMENTS: This change will have no fiscal impact on local government because it merely clarifies the name of the type of agents regulated by the department.
OTHER PERSONS: This change will have no fiscal impact on other persons (applicants) because it merely clarifies the name of the type of agents regulated by the department.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because this change merely clarifies the name of the type of agents regulated by the department.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change will have no fiscal impact on businesses because it merely clarifies the name of the type of agents regulated by the department.

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

Public Safety
Law Enforcement and Technical Services,
Regulatory Licensing
3888 West 5400 South

PO Box 148280
Taylorsville, UT 84114-8230, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jamie Allred at the above address, by phone at (801) 965-3868, by FAX at (801) 965-4749, or by Internet E-mail at jallred@dps.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 11/14/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2000

AUTHORIZED BY: Richard A. Greenwood, Deputy Commissioner

R724. Public Safety, Law Enforcement and Technical Services, Regulatory Licensing.

R724-10. Regulation of Bail Bond Recovery and Enforcement Agents.

R724-10-1. Purpose.

The purpose of this rule is to regulate bail bond recovery and enforcement agents as provided by Title 53, Chapter 11, the "Bail Bond Recovery Act."

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R724-10-3. Definitions.

A. Terms used in this rule are defined in Section 53-11-102.

B. In addition:

1. "Moral turpitude" as used in Subsection 53-11-108(2)(a)(vi), means a conviction of any crime listed in R724-4-3(M). In addition, a crime of moral turpitude means a conviction of an offense involving:

- a. the use of alcohol, or;
b. the unlawful use of narcotics or other controlled substances.

2. "Division" means the [Criminal Investigation] Law Enforcement and Technical Services Division of the Department of Public Safety.

3. "Peace officer" as used in Subsection 53-11-108(2)(c), means anyone who is employed either full time or part time by the federal, state or local government in one of the officer classifications listed in Subsection 53-13-102.

.....

KEY: bail bond enforcement agent, bail bond recovery agent, license

2000

53-11-103(5)



## NOTICES OF 120-DAY (EMERGENCY) RULES

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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.

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### Public Service Commission, Administration

## R746-340

### Substantive Rules Governing Telecommunications Utilities

#### NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 23188  
FILED: 10/02/2000, 14:45  
RECEIVED BY: NL

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Establish service quality standards for retail public telecommunications services as required by Section 54-8b-3.3.

SUMMARY OF THE RULE OR CHANGE: Implement those portions of proposed amendments to Rule R746-340, which have not been opposed in a pending rulemaking, in order for the Commission to continue with the pending rulemaking proceeding and comply with statutory deadlines. Also the following changes were made: 1) the title of the rule was changed from "Substantive Rules Governing Telecommunications Utilities" to "Service Quality for Telecommunications Corporations."; 2) in Subsection R746-340-1(A) the Code reference was changed to 54-8b-2(16); 3) the term "telecommunications utility" was changed throughout the rule to "telecommunications corporation"; 4) definitions were added for the terms: "Allowed Service Disruption Event", added at Subsection R746-340-1(B)(1), which also changes the numbering of that subsection,

"Choke network trunk groups" added at Subsection R746-340-1(B)(5), "Commitment" added at Subsection R746-340-1(B)(7), "Customer Trouble Reports" added at Subsection R746-340-1(B)(9), "Division" added at Subsection R746-340-1(B)(10), "Held Order" added at Subsection R746-340-1(B)(13), "Interconnection Trunk Group" added at Subsection R746-340-1(B)(14), "Voice Grade Service" added at Subsection R746-340-1(B)(19), and "Wire Center" added at Subsection R746-340-1(B)(20); and 5) the following sections were added: Section R746-340-7. End User Service Standards for All Telecommunications Corporations; Section R746-340-8. End User Service Standards for Incumbent Telecommunications Corporations with 30,000 or More Access Lines in Utah, Not Subject to Sufficient Competition; Section R746-340-9. Reporting Requirements for Compliance with Section R746-340-8 Standards; and Section R746-340-10. Price-Listed Service Information for Telecommunications Corporations.

(**DAR Note:** The "pending rulemaking" to which the Public Service Commission refers is the proposed amendment to Rule R746-340 published in the August 15, 2000, *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-8b-3.3

#### ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None are expected as state agencies are already enforcing existing service quality rules and attempting to resolve customer complaints.
- ❖LOCAL GOVERNMENTS: No local government activity is required by the emergency rule.
- ❖OTHER PERSONS: As the emergency rule incorporates service standards agreed to as a part of the Qwest/US West

merger, compliance costs do not arise from the emergency rule, but the merger conditions agreed to by the telecommunications corporation affected by the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Emergency rule is based upon the service standards agreed to in the US West/Qwest merger and standards to which no objection was received in the pending rulemaking proceeding.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The telecommunications corporation affected by the emergency rule, Qwest, has agreed to incur the costs of service quality standards as part of the public benefit offered in support of the approval of its merger with US West Communications. The emergency rule attempts to incorporate the service standards agreed to in the merger approval, hence compliance costs do not directly arise from the emergency rule, but from the companies' merger offering. The emergency rule is submitted as the pending rulemaking process does not permit the Commission to resolve disputed proposals, formulate a final retail service quality rule and make it effective on the date required by statute.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

The Commission has proposed amendments to the rule, but continued efforts are needed to adequately consider comments submitted and propose additional changes in light of the comments received. This process will extend beyond a statutorily imposed deadline by which the Commission is required to have service quality rules in effect.

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

Public Service Commission  
Administration  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
Salt Lake City, UT 84111, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

THIS RULE IS EFFECTIVE ON: 10/02/2000

AUTHORIZED BY: Barbara Stroud (designee), Paralegal

#### **R746. Public Service Commission, Administration.**

##### **~~[R746-340. Substantive Rules Governing Telecommunications Utilities.~~**

##### **~~R746-340-1. General.~~**

~~— A. Application of Rules -- These rules promulgated herein shall apply to each telephone corporation, as defined in Section 54-2-1(24):~~

~~— 1. These rules govern the furnishing of communications services and facilities to the public by a telecommunications utility; hereinafter referred to as "utility," subject to the jurisdiction of the Commission. The purpose of these rules is to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.~~

~~— 2. The adoption of these rules by the Commission shall in no way preclude it from altering or amending its rules pursuant to applicable statutory procedures, nor shall the adoption of these rules preclude the Commission from granting temporary exemptions to rules in exceptional cases as provided in R746-100-16, Deviation from Rules.~~

~~— B. Definitions -- In the interpretation of these rules, the following definitions shall apply:~~

~~— 1. "Central Office" -- A building that contains the necessary telecommunications equipment and operating arrangements for switching, connecting, and inter-connecting the required local, interoffice, and interexchange services for the general public.~~

~~— 2. "Central Office Area" -- A geographic area served by a central office.~~

~~— 3. "CFR" means the Code of Federal Regulations, 1991 edition.~~

~~— 4. "Commission" -- Public Service Commission of Utah.~~

~~— 5. "Customer" -- A person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency, provided with telecommunications services by a utility.~~

~~— 6. "Exchange" -- A unit established by a utility for the administration of telecommunication services in a specified area for which a separate local rate schedule is provided. It may consist of one or more central office areas together with associated outside plant facilities used in furnishing telecommunications services in that area.~~

~~— 7. "Exchange Service Area" -- The geographical territory served by an exchange.~~

~~— 8. "Local Access Line" -- A facility, totally within one central office area, providing a telecommunications connection between a customer's service location and the serving central office.~~

~~— 9. "Out of Service" -- When there exists neither incoming or outgoing telecommunication capability.~~

~~— 10. "Party Line Service" -- A grade of local exchange service which provides for a number of customers to be served by the same local access line.~~

~~— 11. "Tariff" -- A portion or the entire body of rates, tolls, rentals, charges, classifications and rules, filed by the telecommunications utility and approved by the Commission.~~

~~— 12. "Telecommunications Utility" -- A "telephone corporation" as defined in Section 54-2-1(24):~~

**R746-340-2. Records and Reports:**

— A. Availability of Records -- Each utility shall make its books and records open to inspection by representatives of the Commission during normal operating hours.

— B. Retention of Records -- All records required by these rules shall be preserved for the period of time specified at 47 CFR 32, incorporated by this reference.

— C. Reports --

— 1. Each utility shall maintain records of its operations in sufficient detail to permit review of its service performance.

— 2. Central offices with more than 500 local access lines, shall each report as promptly as possible to the Commission and the local news media, when applicable, failure or damage to the equipment or facilities which disrupts the local or toll service of 25 percent or more of the local access lines in that central office for a time period in excess of two hours.

— D. Uniform System of Accounts -- The Uniform System of Accounts for Class A and Class B telephone utilities, as prescribed by the Federal Communications Commission at 47 CFR 32 is the prescribed system of accounts to record the results of Utah intrastate operations.

— E. Data to be Filed with the Commission --

— 1. Tariffs -- Each utility shall have its tariff on file with the Commission in accordance with the rules governing the filing of tariffs as prescribed by the Commission.

— 2. Exchange Maps -- Each utility shall have on file with the Commission an exchange area boundary map for each of its exchanges within the state. Each map shall clearly show the boundary lines of the exchange area wherein the utility serves. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall show the location of major highways, section lines, geographic township and range lines and major landmarks located outside municipalities. An approximate distance scale shall be shown on each map.

**R746-340-3. Engineering:**

— A. Utility plant shall be designed, constructed, maintained and operated in accordance with the provisions outlined in the National Electrical Safety Code, 1993 edition, incorporated by reference.

— B. When party-line service is to be provided, no more than eight customers shall be connected on one local access line, unless approved by the Commission. The utility may re-group customers as may be necessary to carry out the provisions of this rule.

**R746-340-4. Emergency Operation:**

— 1. Utilities shall make reasonable arrangements to meet emergencies resulting from failures of service, unusual and prolonged increases in traffic, illness of personnel, fire, storm or other acts of God, and inform its employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telecommunication service.

— 2. Each central office shall have a minimum of three hours battery reserve.

— 3. In central offices exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

**R746-340-5. Maintenance:**

— A. Maintenance of Plant and Equipment --

— 1. Each utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system to permit the rendering of safe, adequate and continuous service at all times.

— 2. Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and the adequate service performance of the plant affected.

— B. Customer Trouble Reports --

— 1. Each utility shall provide for the receipt of customer trouble reports at all hours, and shall make a full and prompt investigation of and response to each complaint. The utility shall maintain a record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, and the action taken to clear the trouble or satisfy the complaint.

— 2. Provision shall be made to clear emergency out-of-service trouble at all hours, consistent with the bona fide needs of customers and the personal safety of utility personnel.

— 3. Provisions shall be made to clear other out-of-service trouble not requiring unusual repair, within 48 hours of the report received by the utility, unless the customer agrees to another arrangement.

— 4. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

— C. Inspections and Tests -- Each utility shall adopt a program of periodic tests, inspections and preventative maintenance aimed at achieving efficient operation of its system and rendering safe, adequate, and continuous service.

— D. Planned Service Interruptions -- If service must be interrupted for purposes of rearranging facilities or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency or alternative service shall be provided, during the period of the interruption, to assure communication is available for local law enforcement and public safety units and agencies.

**R746-340-6. Safety:**

— A. Safety -- Each utility shall:

— 1. require its employees to use suitable tools and equipment to perform their work in a safe manner;

— 2. instruct employees in safe work practices;

— 3. exercise reasonable care in minimizing the hazards to which its employees, customers and the general public may be subjected.

**KEY: procedure, telecommunications, telephone utility regulation**

**1988** **54-4-1**

**Notice of Continuation June 26, 1998** **54-4-14**

**54-4-23**

**54-2-1(24)]**

**R746-340. Service Quality for Telecommunications Corporations.**

**R746-340-1. General.**

A. Application of Rules -- These rules promulgated herein shall apply to each telecommunications corporation, as defined in 54-8b-2(16).

1. These rules govern the furnishing of communications services and facilities to the public by a telecommunications corporation subject to the jurisdiction of the Commission. The purpose of these rules is to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.

2. The adoption of these rules by the Commission shall in no way preclude it from altering or amending its rules pursuant to applicable statutory procedures, nor shall the adoption of these rules preclude the Commission from granting temporary exemptions to rules in exceptional cases as provided in R746-100-16, Deviation from Rules.

B. Definitions -- In the interpretation of these rules, the following definitions shall apply:

1. "Allowed Service Disruption Event" -- an event when a telecommunications corporation is prevented from providing adequate service due to:

- a. A customer's act;
- b. A customer's failure to act;
- c. A governmental agency's delay in granting a right-of-way or other required permit;
- d. A disaster or an act of nature that would not have been reasonably anticipated and prepared for by a normal telecommunications corporation;

e. A disaster of sufficient intensity to give rise to an emergency being declared by state government;

f. A cable cut outside a telecommunications corporation's control affecting more than 20 pairs;

g. Public calling events, busy calling or dial tone loss due to mass calling or dial-up event.

2. "Central Office" -- A building that contains the necessary telecommunications equipment and operating arrangements for switching, connecting, and inter-connecting the required local, interoffice, and interexchange services for the general public.

3. "Central Office Area" -- A geographic area served by a central office.

4. "CFR" means the Code of Federal Regulations, 1999 edition.

5. "Choke Network Trunk Groups" -- A network with special trunking and special prefixes in place to manage the use of mass-calling-numbers.

6. "Commission" -- Public Service Commission of Utah.

7. "Commitment" -- A promise by a telecommunications corporation to a customer specifying a date and time to provide a service.

8. "Customer" -- A person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency, provided with telecommunications services by a telecommunications corporation.

9. Customer trouble reports include:

a. "Trouble Report" -- A customer report attributable to the malfunction of a telecommunications corporation's facilities and includes repeat trouble reports.

b. "Out of Service Trouble Report" -- A report used when a customer reports there is neither incoming nor outgoing telecommunications capability.

c. "Repeat Trouble Report" -- A report received on a customer access line within 30 days of a closed trouble report.

10. "Division" -- The Division of Public Utilities.

11. "Exchange" -- A unit established by a telecommunications corporation for the administration of telecommunications services in a specified geographic area. It may consist of one or more central office areas together with associated outside plant facilities used in furnishing telecommunications services in that area.

12. "Exchange Service Area" -- The geographical territory served by an exchange.

13. Held Order -- A request for basic exchange line service delayed beyond the initial commitment date due to a lack of facilities which the telecommunications corporation is responsible for providing.

14. "Interconnection Trunk Group" -- Connects the telecommunications corporation's central office or wire center with other telecommunications corporation's facilities.

15. "Local Access Line" -- A facility, totally within one central office area, providing a telecommunications connection between a customer's service location and the serving central office.

16. "Out of Service" -- When there exists neither incoming or outgoing telecommunications capability.

17. "Party Line Service" -- A grade of local exchange service which provides for more than one customer to be served by the same local access line.

18. "Tariff" -- A portion or the entire body of rates, tolls, rentals, charges, classifications and rules, filed by the telecommunications corporation and approved by the Commission.

19. "Voice Grade Service" -- Service that at a minimum, includes:

a. providing access to E911, which identifies the exact location of the emergency caller;

b. Two-way communications with a clear voice each way;

c. Ability to either place or receive calls; and

d. Voice band between 300 HZ and 3000 HZ.

20. "Wire Center" -- The building in which one or more local switching systems are installed and where the outside cable plant is connected to the central office equipment.

#### **R746-340-2. Records and Reports.**

A. Availability of Records -- Each telecommunications corporation shall make its books and records open to inspection by representatives of the Commission, the Division, or the Committee of Consumer Services (or any successor agencies) during normal operating hours.

B. Retention of Records -- All records required by these rules shall be preserved for the period of time specified at 47 CFR 42, incorporated by this reference.

C. Reports --

1. Each telecommunications corporation shall maintain records of its operations in sufficient detail to permit review of its service performance.

2. Central offices with more than 500 local access lines, shall each report as promptly as possible to the Commission and the local news media, including, but not limited to, radio, TV, and newspaper when applicable, failure or damage to the equipment or facilities which disrupts the local or toll service of 25 percent or more of the local access lines in that central office area for a time period in excess of two hours.

D. Uniform System of Accounts -- The Uniform System of Accounts for Class A and Class B telephone utilities, as prescribed by the Federal Communications Commission at 47 CFR 32 is the

prescribed system of accounts to record the results of Utah intrastate operations.

**E. Data to be Filed with the Commission --**

1. **Tariffs** -- Each telecommunications corporation shall have its tariff on file with the Commission in accordance with the rules governing the filing of tariffs as prescribed by the Commission and shall also provide the same information to the Commission in electronic format.

2. **Exchange Maps** -- Each telecommunications corporation shall have on file with the Commission an exchange area boundary map for each of its exchanges within the state. Each map shall clearly show the boundary lines of the exchange area wherein the utility serves. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall show the location of major highways, section lines, geographic township and range lines and major landmarks located outside municipalities. An approximate distance scale shall be shown on each map.

**R746-340-3. Engineering.**

A. **Utility Plant** -- Utility plant shall be designed, constructed, maintained and operated in accordance with the provisions outlined in the National Electrical Safety Code, 1993 edition, incorporated by reference.

B. **Party-line Service** -- When party-line service is to be provided, no more than eight customers shall be connected on one local access line, unless approved by the Commission. The telecommunications corporation may re-group customers as may be necessary to carry out the provisions of this rule.

**R746-340-4. Emergency Operation.**

A. **Emergency Service** -- Telecommunications corporations shall make reasonable arrangements to meet emergencies resulting from failures of service, unusual and prolonged increases in traffic, illness of personnel, fire, storm or other acts of God, and inform its employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telecommunications service.

B. **Battery Power** -- Each central office shall have a minimum of three hours battery reserve.

C. **Auxiliary Power** -- n central offices exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

**R746-340-5. Maintenance.**

**A. Maintenance of Plant and Equipment --**

1. Each telecommunications corporation shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system to permit the rendering of safe, adequate and continuous service at all times.

2. Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and the adequate service performance of the plant affected.

**B. Customer Trouble Reports --**

1. Each telecommunications corporation shall provide for the receipt of customer trouble reports at all hours, and shall make a full and prompt investigation of and response to each complaint. The

telecommunications corporation shall maintain a record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, and the action taken to clear the trouble or satisfy the complaint.

2. Provision shall be made to clear emergency out-of-service trouble at all hours, consistent with the bona fide needs of customers and the personal safety of telecommunications corporation personnel.

3. Provisions shall be made to clear other out-of-service trouble not requiring unusual repair, within 48 hours of the report received by the utility, unless the customer agrees to another arrangement.

4. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

C. **Inspections and Tests** -- Each telecommunications corporation shall adopt a program of periodic tests, inspections and preventative maintenance aimed at achieving efficient operation of its system and rendering safe, adequate, and continuous service. The inspection and testing program must be approved by the Commission.

D. **Planned Service Interruptions** -- If service must be interrupted for purposes of rearranging facilities or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each telecommunications corporation shall attempt to notify each affected customer in advance of the interruption. Emergency or alternative service shall be provided, during the period of the interruption, to assure communication is available for local law enforcement and public safety units and agencies.

**R746-340-6. Safety.**

**A. Safety** -- Each telecommunications corporation shall:

1. Require its employees to use suitable tools and equipment to perform their work in a safe manner;

2. Instruct employees in safe work practices;

3. Exercise reasonable care in minimizing the hazards to which its employees, customers and the general public may be subjected.

**R746-340-7. End User Service Standards For All Telecommunications Corporations.**

**A. Public Telecommunications Services** -- A telecommunications corporation providing public telecommunications services shall, excluding documented Allowed Service Disruption events listed under R746-340-1(B)(13):

1. Meet minimum voice grade requirements as defined in R746-340-1(B)(20);

2. Meet network call completion standards:

a. Provide dial tone within three seconds on at least 98 percent of tested calls placed during average daily busy hours each month for each wire center; and

b. Assure that no interoffice facilities entirely within a telecommunications corporation's network, except choke network trunks, exceed one percent blocking. Intertandem facilities shall be governed by R746-365. The minimum engineering design standard applicable to interconnection trunk groups shall be p.01.

**R746-340-8. End User Service Standards for Incumbent Telecommunications Corporations with 30,000 or More Access Lines in Utah, Not Subject to Sufficient Competition.**

Except, after public notice and hearing, as ordered by the Commission upon finding that sufficient competition exists in a defined geographic area to waive one or more of the following standards and rely upon market operations to ensure adequate end user service quality, each incumbent telecommunications corporation with 30,000 or more access lines in Utah shall comply with the following service standards with respect to tariffed public telecommunications services.

**A. Installations -- Excluding documented Allowed Service Disruption events listed in R746-340-1(B)(12), a telecommunications corporation shall:**

**1. Install 90 percent of all new, transfer, and change orders within three business days or on the customer-requested due dates, whichever is later, on a wire center basis. Beginning July 2001, install 95 percent of all new, transfer, and change orders within three business days or on the customer-requested due dates, whichever is later, on a wire center basis;**

**2. Allow no more than five held orders per 1,000 new, transfer and change orders at the end of any month on a statewide basis for all areas not previously exempted under this rule. Beginning January 1, 2002, allow no more than four held orders per 1,000 new, transfer and change orders at the end of any month on a statewide basis for all areas not previously exempted under this rule;**

**3. Meet 90 percent of all new, transfer and change order installation commitments, excluding "I Reports," on a wire center basis, unless the customer requests a later date;**

**4. Automatically credit \$10 to a residential customer, \$40 to a small business customer, for missing an installation commitment.**

**B. Repairs -- Excluding documented Allowed Service Disruption Events listed in R746-340-1(B)(12), a telecommunications corporation shall:**

**1. Repair 80 percent of all out-of-service troubles within one business day, on a wire center basis. Beginning July 1, 2001, repair 85 percent of all out-of-service troubles within one business day, on a wire center basis;**

**2. Repair 90 percent of all troubles within two business days, on a wire center basis;**

**3. Automatically credit \$10 to a residential customer, \$40 to a small business customer, for missing a repair commitment.**

**4. Trouble reports received after 4:00 p.m. Monday through Friday are deemed received at 8:00 a.m. on the following business day.**

**C. Billing Requirements -- Excluding documented Allowed Service Disruption events listed in R746-340-1(B)(13), a telecommunications corporation shall:**

**1. Correct a billing error upon receiving a customer request by correcting the error on the customers account within one week.**

**2. Maintain and provide to the Division upon request, evidence documenting its activities, the purposes, dates, volumes, and times of those activities in:**

**a. Making billing corrections within one week,**

**b. Investigating to determine whether or how to make billing corrections,**

**D. Disconnection of Service Requirements -- Excluding documented Allowed Service Disruption events listed in R746-340-1(B)(13), a telecommunications corporation shall:**

**1. Disconnect a customer for nonpayment no earlier than the disconnect date listed on the telecommunications corporation's disconnect notice to the customer;**

**2. Maintain and provide to the Division upon request, evidence documenting its activities and the dates of those activities when disconnecting customers no earlier than the disconnect dates specified on their disconnect notices; and disconnecting only those customers eligible to be disconnected.**

**E. Incoming Repair and Business Office Calls -- Excluding documented Allowed Service Disruption events listed in R746-340-1(B)(12), a telecommunications corporation shall:**

**1. Assure that incoming repair and business office calls experience no more than a 120-second time in queue on average.**

**2. Beginning January 1, 2001 through July 7, 2001, assure that incoming repair and business office calls experience no more than a 45-second time in queue on average.**

**3. Beginning July 8, 2001, assure incoming repair and business office calls experience no more than a 35-second time in queue on average.**

**R746-340-9. Reporting Requirements For Compliance with R746-340-8 Standards.**

**A. Reporting Requirements -- A telecommunications corporation, subject to R746-340-8, shall separately document the specific cause, the duration, and the magnitude of each failure to comply with a R746-340-8 requirement. A telecommunications corporation shall provide quarterly service quality monitoring reports covering the measures listed under R746-340-8. Monthly results will be recorded, summarized, and reported quarterly and on a wire-center basis as applicable. Wire-center specific data shall be treated as proprietary until 120 days after the close of the last month reflected in the report.**

**B. Monthly Results -- For each requirement, the reported monthly results shall measure outcomes both meeting and not meeting the R746-340-8 standards.**

**C. Audits of Service Outcomes or Complaints -- A telecommunications corporation shall cooperate in Division audits regarding its service outcomes or Commission complaints regarding those outcomes.**

**R746-340-10. Price-Listed Service Information for Telecommunications Corporations.**

**A. Information Requirements -- A telecommunications corporation authorized by the Commission to provide price-listed telecommunications services shall:**

**1. Make current prices, service descriptions, and definitions of the geographic areas served available to the public;**

**2. Provide the same information to the Commission in electronic format; and**

**3. If maintaining a web site, make current prices, service descriptions, and definitions of the geographic areas served available to the public on that web site.**

**KEY:** procedure, telecommunications, telephone utility regulation

**October 2, 2000**

54-4-1

54-4-14

54-4-23



**End of the Notices of 120-Day (Emergency) Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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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).

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## Commerce, Occupational and Professional Licensing **R156-63** Security Personnel Licensing Act Rules

### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23182  
FILED: 09/28/2000, 10:42  
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 63, provides for the licensure of contract security companies, armed private security officers, unarmed private security officers, and alarm response runners. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-63-201(3) provides that the Security Services 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 63, with respect to security personnel.

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 1995, several amendments have been made to the rule. In July 1995, the Division received one written letter from the National Association of Security Companies which addressed some concerns regarding the proposed rules. The National Association of Security

Companies' concerns were addressed through a change in proposed rule filing in September 1995, with the rules becoming effective on October 16, 1995. The rules were amended in January 1996, May 1996, and August 1996, with no written comments received. The rules were again amended in May 1998. One letter from the local Professional Association of Security Officers (PASCO) was received indicating their organization had no opposition to the proposed rules. The rules were again amended in April 1999. One letter was received from Brinks, Inc. agreeing with the proposed changes in the rule. The rule was most recently amended in June 2000 and no written comments were received.

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 63, with respect to security personnel.

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:  
Clyde Ormond at the above address, by phone at (801) 530-6254, by FAX at (801) 530-6511, or Internet E-mail at [brdopl.cormond@email.state.ut.us](mailto:brdopl.cormond@email.state.ut.us).

AUTHORIZED BY: A. Gary Bowen, Director

EFFECTIVE: 09/28/2000



## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Abbreviations

AMD = Amendment  
CPR = Change in Proposed Rule  
NEW = New Rule  
R&R = Repeal and Reenact  
REP = Repeal

### Alcoholic Beverage Control

#### Administration

No. 23038 (AMD): R81-1-3. General Policies.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23040 (AMD): R81-3. Package Agencies.  
Published: August 15, 2000  
Effective: October 2, 2000

### Commerce

#### Occupational and Professional Licensing

No. 23032 (AMD): R156-55d. Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules.  
Published: August 15, 2000  
Effective: September 18, 2000

No. 23028 (AMD): R156-59. Professional Employer Organization Act Rules.  
Published: August 15, 2000  
Effective: September 18, 2000

### Human Services

#### Recovery Services

No. 23031 (AMD): R527-450. Federal Tax Refund Intercept.  
Published: August 15, 2000  
Effective: September 18, 2000

### Judicial Conduct Commission

#### Administration

No. 23037 (R&R): R595-1. Rules of Procedure.  
Published: August 15, 2000  
Effective: September 18, 2000

### Natural Resources

#### Parks and Recreation

No. 22873 (AMD): R651-606. Camping.  
Published: June 1, 2000  
Effective: September 28, 2000

### Public Service Commission

#### Administration

No. 22988 (AMD): R746-310-8. Billing Adjustments.  
Published: July 15, 2000  
Effective: September 22, 2000

### Workforce Services

#### Employment Development

No. 23047 (NEW): R986-100. Employment Support Programs.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23048 (NEW): R986-200. Family Employment Program.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23055 (REP): R986-211. Financial Assistance General Provisions.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23056 (REP): R986-212. Financial Assistance Coverage and Conditions of Eligibility.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23057 (REP): R986-213. Financial Assistance Need and Amount of Assistance.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23058 (REP): R986-214. Financial Assistance Applications, Redetermination, and Change Reporting.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23059 (REP): R986-215. Financial Assistance Verification and Safeguarding Requirements.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23060 (REP): R986-216. Financial Assistance Emergency Work Program (EWP).  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23061 (REP): R986-218. Financial Assistance General Assistance/Self-Sufficiency Program.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23062 (REP): R986-219. Financial Assistance Notice, Hearings, and Conciliation.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23063 (REP): R986-220. Financial Assistance Tables.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23064 (REP): R986-221. Demonstration Programs.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23065 (REP): R986-222. Adoption Assistance Program.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23049 (NEW): R986-300. Refugee Resettlement Program.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23050 (NEW): R986-400. General Assistance and Working Toward Employment.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23066 (REP): R986-411. General Provisions.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23067 (REP): R986-412. Conditions of Eligibility.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23068 (REP): R986-413. Program Standards.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23069 (REP): R986-414. Income.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23070 (REP): R986-415. Assets.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23071 (REP): R986-416. Benefits.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23072 (REP): R986-417. Documentation.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23073 (REP): R986-418. Case Management.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23074 (REP): R986-419. Income Limits.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23075 (REP): R986-420. Maximum Allotments.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23076 (REP): R986-421. Demonstration Programs.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23051 (NEW): R986-500. Adoption Assistance.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23077 (REP): R986-501. Displaced Homemaker Program.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23052 (NEW): R986-700. Child Care Assistance.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23078 (REP): R986-701. Child Care Assistance General Provisions.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23079 (REP): R986-702. Conditions of Eligibility and Client Payment Amount.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23080 (REP): R986-703. Child Care Programs.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23081 (REP): R986-704. Income Rules and Eligibility Calculations.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23082 (REP): R986-705. Resources.  
Published: August 15, 2000  
Effective: October 2, 2000

## NOTICES OF RULE EFFECTIVE DATES

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No. 23083 (REP): R986-706. Provider Payment and Contracting.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23084 (REP): R986-707. Eligibility.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23053 (NEW): R986-800. Displaced Homemaker Program.  
Published: August 15, 2000  
Effective: October 2, 2000

No. 23054 (NEW): R986-900. Food Stamps.  
Published: August 15, 2000  
Effective: October 2, 2000

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

**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, 2000, including notices of effective date received through October 2, 2000, the effective dates of which are no later than October 15, 2000. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

**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
<b>ADMINISTRATIVE SERVICES</b>					
<u>Facilities Construction and Management</u>					
R23-2	Procurement of Architectural and Engineering Services	22821	5YR	05/04/2000	2000-11/101
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	22836	AMD	see CPR	2000-11/4
R25-7	Travel-Related Reimbursements for State Employees	22836	CPR	09/02/2000	2000-14/54
<u>Fleet Operations</u>					
R27-1 (Changed to R27-10)	Identification Mark for State Motor Vehicles	22728	AMD	06/01/2000	2000-9/2
R27-2	Fleet Operations Adjudicative Proceedings	22807	NSC	05/23/2000	Not Printed
R27-10	Identification Mark for State Motor Vehicles	22808	NSC	06/26/2000	Not Printed

**RULES INDEX**

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R28-1	State Surplus Property Disposal	22729	AMD	06/01/2000	2000-9/3
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	22809	NSC	05/23/2000	Not Printed
<u>Purchasing and General Services</u>					
R33-3	Source Selection and Contract Formation	22678	AMD	06/15/2000	2000-6/3
R33-5	Construction and Architect-Engineer Selection	22679	AMD	06/15/2000	2000-6/10
R33-5-510	Application	22971	NSC	08/01/2000	Not Printed
<u>Records Committee</u>					
R35-2	Declining Appeal Hearings	22787	NSC	05/23/2000	Not Printed
<b>AGRICULTURE AND FOOD</b>					
<u>Animal Industry</u>					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	22930	AMD	08/02/2000	2000-13/3
R58-7-2	Definitions	22913	AMD	07/18/2000	2000-12/5
R58-14	Holding Live Racoons or Coyotes in Captivity	22905	AMD	07/18/2000	2000-12/5
R58-17	Aquaculture and Aquatic Animal Health	22931	5YR	06/15/2000	2000-13/73
R58-17-2	Definitions	22879	NSC	06/26/2000	Not Printed
R58-18	Elk Farming	22932	AMD	08/02/2000	2000-13/7
R58-20	Domesticated Elk Hunting Parks	22933	AMD	08/02/2000	2000-13/10
R58-21	Trichomoniasis	22934	NEW	08/02/2000	2000-13/11
R58-21-3	Trichomoniasis - Rules - Prevention and Control	23088	NSC	09/01/2000	Not Printed
R58-22	Equine Infectious Anemia (EIA)	22935	NEW	08/02/2000	2000-13/12
<u>Plant Industry</u>					
R68-2	Utah Commercial Feed Act Governing Feed	22753	NSC	05/01/2000	Not Printed
R68-8-7	Labeling of Agricultural Seed Varieties	22646	AMD	05/30/2000	2000-5/4
<u>Regulatory Services</u>					
R70-310	Grade A Pasteurized Milk	22657	5YR	02/10/2000	2000-5/64
R70-310	Grade A Pasteurized Milk	22658	AMD	04/03/2000	2000-5/5
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<u>Administration</u>					
R861-1A	Administrative Procedures	22904	NSC	06/27/2000	Not Printed
R861-1A-12	Policies and Procedures Regarding Public Disclosure Pursuant to Utah Code Ann. Section 59-1-210	22889	NSC	06/27/2000	Not Printed

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R861-1A-20	Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-401, 59-1-501, 59-2-1007, 59-7-517, 59-10-533, 59-12-144, 59-13-210, and 63-46b-3	22890	NSC	06/27/2000	Not Printed
R861-1A-36	Signatures on Tax Return Information Pursuant to Utah Code Ann. Sections 59-10-512 and 59-12-107	22802	AMD	06/21/2000	2000-10/44
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R865-6F	Franchise Tax	22991	NSC	08/01/2000	Not Printed
R865-6F-14	Extent to Which Federal Income Tax Provisions Are Followed for Corporation Franchise Tax Purposes Pursuant to Utah Code Ann. Sections 59-7-106, 59-7-108, 59-7-118, and 59-7-121	22891	NSC	06/27/2000	Not Printed
R865-6F-16	Apportionment of Income of Long-Term Construction Contractors Pursuant to Utah Code Ann. Section 59-7-118	22892	NSC	06/27/2000	Not Printed
R865-6F-18	Corporations Exempt From The Franchise Tax Pursuant to Utah Code Ann. Section 59-7-105	22893	NSC	06/27/2000	Not Printed
R865-6F-19	Taxation of Trucking Companies Pursuant to Utah Code Ann. Sections 59-7-301 through 59-7-321	22894	NSC	06/27/2000	Not Printed
R865-6F-26	Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-7-608	22895	NSC	06/27/2000	Not Printed
R865-6F-27	Order of Credits Applied Against Utah Corporate Franchise Tax Due Pursuant to Utah Code Ann. Sections 9-2-413, 59-6-102, 59-7-104, 59-7-109, 59-7-109.5, 59-7-110, 59-7-110.5, 59-7-110.7, 59-7-110.8, 59-10-603, and 59-13-202	22896	NSC	06/27/2000	Not Printed
R865-6F-29	Taxation of Railroads Pursuant to Utah Code Ann. Sections 59-7-301 through 59-7-321	22897	NSC	06/27/2000	Not Printed
R865-9I	Income Tax	22992	NSC	08/01/2000	Not Printed
R865-9I-6	Returns by Husband and Wife, Either or Both of Whom is a Nonresident Pursuant to Utah Code Ann. Section 59-10-119	22984	AMD	08/31/2000	2000-14/37
R865-9I-46	Medical Savings Account Tax Deduction Pursuant to Utah Code Ann. Sections 31A-32-106 and 59-10-114	22898	NSC	06/27/2000	Not Printed
R865-9I-48	Adoption Expenses Deduction Pursuant to Utah Code Ann. Section 59-10-114	22899	NSC	06/27/2000	Not Printed
R865-11Q-1	Time Period Within Which an Employer Must Obtain an Experience Modification Factor Pursuant to Utah Code Ann. Section 35A-3-202	22900	NSC	06/27/2000	Not Printed
R865-12L-9	Sellers With No Fixed Place of Business Pursuant to Utah Code Ann. Section 59-12-207	22710	AMD	06/21/2000	2000-8/29
R865-12L-16	Notification to Tax Commission Upon County, City, or Town Imposition of Certain Taxes Pursuant to Utah Code Ann. Sections 59-12-118, 59-12-302, 59-12-501, 59-12-502, 59-12-603, 59-12-703, 59-12-802, and 59-12-804	22803	AMD	06/21/2000	2000-10/45
R865-13G	Motor Fuel Tax	22993	NSC	08/01/2000	Not Printed
R865-16R	Severance Tax	22996	5YR	07/07/2000	2000-15/30

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R865-19S-103	Municipal Energy Sales and Use Tax Pursuant to Utah Code Ann. Sections 10-1-303 and 10-1-306	22758	AMD	06/21/2000	2000-9/181
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R873-22M-27	Issuance of Special Group License Plates Pursuant to Utah Code Ann. Sections 41-1a-408, 41-1a-409 and 41-1a-414	22901	NSC	06/27/2000	Not Printed
R873-22M-36	Access to Protected Motor Vehicle Records Pursuant to Utah Code Ann. Section 41-1a-116	22902	NSC	06/27/2000	Not Printed
R873-22M-38	Procedure for Reinstatement of Registration Revoked for Lack of Owner's or Operator's Security Pursuant to Utah Code Ann. Section 41-1a-1220	22804	AMD	06/20/2000	2000-10/47
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R877-23V	Motor Vehicle Enforcement	22995	NSC	08/01/2000	Not Printed
R877-23V-18	Qualifications for a Salvage Vehicle Buyer License Pursuant to Utah Code Ann. Section 41-3-202	22987	AMD	08/31/2000	2000-14/41
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R884-24P	Property Tax	23011	NSC	08/01/2000	Not Printed
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R884-24P-44	Farm Machinery and Equipment Exemption Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-1101	22508	AMD	01/20/2000	99-23/107
R884-24P-57	Judgement Levies Pursuant to Utah Code Ann. Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330	22805	AMD	06/21/2000	2000-10/47
R884-24P-60	Age-Based Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Section 59-2-405.1	22903	NSC	06/27/2000	Not Printed
R884-24P-62	Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201	22522	AMD	01/20/2000	99-24/40
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<u>Motor Carrier</u>					
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R920-50	Tramway Operations Safety Rules	22978	AMD	08/31/2000	2000-14/43
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<u>Unclaimed Property</u>					
R966-1	Requirements for Claims where no Proof of Stock Ownership Exists	22799	NSC	05/23/2000	Not Printed
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<u>Administration</u>					
R982-601-105	Reporting Requirements	22833	NSC	05/25/2000	Not Printed
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R986-211	Financial Assistance General Provisions	23055	REP	10/02/2000	2000-16/63
R986-212	Financial Assistance Coverage and Conditions of Eligibility	23056	REP	10/02/2000	2000-16/65
R986-213	Financial Assistance Need and Amount of Assistance	23057	REP	10/02/2000	2000-16/70
R986-214	Financial Assistance Applications, Redeterminations, and Change Reporting	23058	REP	10/02/2000	2000-16/74
R986-215	Financial Assistance Verification and Safeguarding Requirements	23059	REP	10/02/2000	2000-16/76
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R986-300	Refugee Resettlement Program	23049	NEW	10/02/2000	2000-16/88
R986-400	General Assistance and Working Toward Employment	23050	NEW	10/02/2000	2000-16/90
R986-411	General Provisions	23066	REP	10/02/2000	2000-16/94
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R986-414	Income	23069	REP	10/02/2000	2000-16/100
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R986-418-812	Claims Against the Household	22834	NSC	05/25/2000	Not Printed
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R986-501	Displaced Homemaker Program	23077	REP	10/02/2000	2000-16/113
R986-700	Child Care Assistance	23052	NEW	10/02/2000	2000-16/115
R986-701	Child Care Assistance General Provisions	23078	REP	10/02/2000	2000-16/119
R986-702	Conditions of Eligibility and Client Payment Amount	23079	REP	10/02/2000	2000-16/121
R986-703	Child Care Programs	23080	REP	10/02/2000	2000-16/123
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R994-202-103	Employee Leasing Companies	22548	AMD	02/02/2000	2000-1/60
R994-202-103	Employee Leasing Companies	22824	NSC	05/25/2000	Not Printed
R994-204	Included Employment	22721	5YR	04/04/2000	2000-9/187
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R994-308-106	Interest Earned on Cash Deposits	22827	NSC	05/25/2000	Not Printed
R994-315-105	Waiver of Penalty for Failure to Report	22614	AMD	04/21/2000	2000-4/66
R994-403	Claim for Benefits	22828	NSC	05/25/2000	Not Printed
R994-404	Wage Freeze Following Workers' Compensation	22829	NSC	05/25/2000	Not Printed
R994-405-503	Evidence and Burden of Proof	22800	AMD	06/16/2000	2000-10/49
R994-700	Licensing and Regulation of Private Employment Agencies	22705	REP	06/16/2000	2000-7/16

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**ABBREVIATIONS**

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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	23005	R277-472	NSC	08/01/2000	Not Printed
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	22754	R527-200	NSC	05/01/2000	Not Printed
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	22838	R307-102-1	NSC	08/03/2000	Not Printed
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	22730	R309-302	5YR	04/10/2000	2000-9/185
	22604	R309-405	NEW	04/17/2000	2000-3/25
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	22850	R477-12	AMD	07/05/2000	2000-11/82
	22854	R477-15	AMD	07/05/2000	2000-11/87
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	22428	R652-40-300	NSC	05/25/2000	Not Printed
	22681	R652-50-610	AMD	07/13/2000	2000-6/40
	22819	R652-70-2400	AMD	02/29/2000	99-21/47
	22835	R652-120	5YR	05/09/2000	2000-11/102
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	22795	R850-40-300	NSC	08/01/2000	Not Printed
	22664	R850-130-400	NSC	02/25/2000	Not Printed
<b><u>ADMINISTRATIVE RESPONSIBILITY</u></b>					
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	23057	R986-213	REP	10/02/2000	2000-16/70
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	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47
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	22838	R307-102-1	NSC	08/03/2000	Not Printed
	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
	22688	R307-115	NSC	03/20/2000	Not Printed
	23133	R307-115	5YR	09/06/2000	2000-19/161
	22686	R307-121-2	NSC	03/20/2000	Not Printed
	22687	R307-122-2	NSC	03/20/2000	Not Printed
	22605	R307-150	AMD	04/06/2000	2000-3/21
	23090	R307-170	5YR	08/07/2000	2000-17/79
	23089	R307-205	5YR	08/02/2000	2000-17/86
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	22668	R307-801	AMD	08/01/2000	2000-13/67
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<b><u>AIRSPACE</u></b>					
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<b><u>AIR TRAFFIC</u></b>					
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<b><u>AIR TRAVEL</u></b>					
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	22888	R156-65	REP	07/18/2000	2000-12/21
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	22752	R81-1-12	NSC	05/01/2000	Not Printed
	22812	R81-1-12	AMD	07/03/2000	2000-10/4
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	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
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	22879	R58-17-2	NSC	06/26/2000	Not Printed
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	22668	R307-801	CPR	08/01/2000	2000-13/67
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<b><u>AVIATION SAFETY</u></b>					
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	22972	R657-6	AMD	08/15/2000	2000-14/10
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	22651	R657-46	AMD	04/04/2000	2000-5/51
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	22820	R527-67	5YR	05/03/2000	2000-11/102	
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	22556	R527-200	AMD	02/01/2000	2000-1/37	
	22754	R527-200	NSC	05/01/2000	Not Printed	
	22937	R527-332	NEW	08/01/2000	2000-13/44	
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	22478	R156-56-602	AMD	see CPR	99-22/7
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	22791	R156-56-706	AMD	07/01/2000	2000-10/18
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	22889	R861-1A-12	NSC	06/27/2000	Not Printed
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	22675	R606-3-2	NSC	03/20/2000	Not Printed
	22997	R606-3	5YR	07/07/2000	2000-15/28
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	22709	R309-114 (Changed to R309-710)	AMD	06/12/2000	2000-8/9
	23099	R309-150	5YR	08/10/2000	2000-17/87
	22883	R309-200 (Changed to R309-110)	AMD	08/15/2000	2000-12/23

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	22885	R309-210 (Changed to R309-545)	AMD	08/15/2000	2000-12/38
	22730	R309-302	5YR	04/10/2000	2000-9/184
	22604	R309-405	NEW	04/17/2000	2000-3/25
	22704	R309-605	NEW	06/12/2000	2000-7/8
	22927	R309-605	NSC	06/27/2000	Not Printed
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<b><u>DRUG/ALCOHOL EDUCATION</u></b>					
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	22946	R277-455	AMD	08/01/2000	2000-13/20
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	22719	R277-702	AMD	05/16/2000	2000-8/8
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	22659	R510-302	AMD	05/16/2000	2000-5/43
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	22910	R156-55b-304	NSC	06/26/2000	Not Printed
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	22876	R512-1	AMD	07/20/2000	2000-12/49
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	22844	R477-6	AMD	07/05/2000	2000-11/62
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	22674	R606-2-2	NSC	03/20/2000	Not Printed
	22998	R606-4	5YR	07/07/2000	2000-15/29
	22999	R606-5	5YR	07/07/2000	2000-15/29
	22676	R606-5-2	NSC	03/20/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	22548	R994-202-103	AMD	02/02/2000	2000-1/60
	22824	R994-202-103	NSC	05/25/2000	Not Printed
	22800	R994-405-503	AMD	06/16/2000	2000-10/49
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	22676	R606-5-2	NSC	03/20/2000	Not Printed
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	22825	R994-204-303	NSC	05/25/2000	Not Printed
	22722	R994-205	5YR	04/04/2000	2000-9/188
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	22709	R309-114 (Changed to R309-710)	AMD	06/12/2000	2000-8/9
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	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
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	22706	R651-611-4	AMD	05/16/2000	2000-8/18
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	22773	R315-2	AMD	07/15/2000	2000-9/45
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	22539	R315-3	NSC	01/25/2000	Not Printed
	22654	R315-3-20	NSC	02/25/2000	Not Printed
	22541	R315-5	NSC	01/25/2000	Not Printed
	22542	R315-7	NSC	01/25/2000	Not Printed
	22778	R315-7	AMD	07/15/2000	2000-9/93
	22543	R315-8	NSC	01/25/2000	Not Printed

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	22545	R315-16	NSC	01/25/2000	Not Printed
	22780	R315-16	AMD	07/15/2000	2000-9/147
	23165	R315-16	5YR	09/15/2000	2000-19/161
	22546	R315-50	NSC	01/25/2000	Not Printed
	22547	R315-101	NSC	01/25/2000	Not Printed
	22781	R315-101	AMD	07/15/2000	2000-9/157
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	22631	R432-8	5YR	02/01/2000	2000-4/70
	22632	R432-9	5YR	02/01/2000	2000-4/71
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	22636	R432-13	5YR	02/01/2000	2000-4/73
	22637	R432-14	5YR	02/01/2000	2000-4/74
	22638	R432-30	5YR	02/01/2000	2000-4/74
	22976	R432-100-33	AMD	08/31/2000	2000-14/8
	22655	R432-270	5YR	02/09/2000	2000-5/64
	22743	R432-270	NSC	05/01/2000	Not Printed
	22852	R432-300	AMD	08/08/2000	2000-11/39
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	22838	R307-102-1	NSC	08/03/2000	Not Printed
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	22671	R686-100	AMD	04/03/2000	2000-5/53
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	22816	R765-605	AMD	06/15/2000	2000-10/39
	23025	R765-610	AMD	09/15/2000	2000-16/36
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	22793	R765-685	AMD	07/01/2000	2000-10/43
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	22891	R865-6F-14	NSC	06/27/2000	Not Printed
	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
	22894	R865-6F-19	NSC	06/27/2000	Not Printed
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	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
	22992	R865-9I	NSC	08/01/2000	Not Printed
	22984	R865-9I-6	AMD	08/31/2000	2000-14/37
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	22629	R501-12	AMD	03/17/2000	2000-4/38
	22661	R501-13	R&R	04/15/2000	2000-5/32
	22695	R501-19	NEW	05/02/2000	2000-6/28
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	22703	R414-304	EMR	03/09/2000	2000-7/19
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	22899	R865-9I-48	NSC	06/27/2000	Not Printed
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	23088	R58-21-3	NSC	09/01/2000	Not Printed
	22935	R58-22	NEW	08/02/2000	2000-13/12
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	23046	R590-148-14	NSC	09/01/2000	Not Printed
	22641	R590-153	AMD	04/11/2000	2000-4/48
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22875	R590-199	NEW	07/21/2000	2000-11/91	
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	22667	R590-132	5YR	02/15/2000	2000-5/67
	22746	R590-164	5YR	04/11/2000	2000-9/187
	22747	R590-164	NSC	05/23/2000	Not Printed
	22416	R590-197	NEW	01/25/2000	99-20/30
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	22577	R156-31c-201	AMD	02/15/2000	2000-2/11
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	22801	R156-63	AMD	06/15/2000	2000-10/24
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	22888	R156-65	REP	07/18/2000	2000-12/21
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	22954	R414-31	NSC	08/01/2000	Not Printed
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	23086	R414-33	5YR	08/02/2000	2000-17/88
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	22957	R414-54	NSC	08/01/2000	Not Printed
	22513	R414-61	NEW	see CPR	99-24/15
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	23129	R414-63	EMR	09/15/2000	2000-18/90
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<b><u>MEDICAL EXAMINER</u></b>					
Health, Medical Examiner	22818	R448-10	NEW	06/19/2000	2000-10/27
	22817	R448-20	NEW	06/19/2000	2000-10/29
<b><u>MENTAL HEALTH</u></b>					
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<b><u>MIGRANT LABOR</u></b>					
Health, Epidemiology and Laboratory Services, Environmental Services	23180	R392-501	NSC	10/01/2000	Not Printed
<b><u>MINERAL RESOURCES</u></b>					
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<b><u>MOTOR FUEL</u></b>					
Tax Commission, Auditing	22993	R865-13G	NSC	08/01/2000	Not Printed
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	22808	R27-10	NSC	06/26/2000	Not Printed
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	22724	R307-320	5YR	04/05/2000	2000-9/184
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Tax Commission, Motor Vehicle	22994	R873-22M	NSC	08/01/2000	Not Printed
	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47
Tax Commission, Motor Vehicle Enforcement	22995	R877-23V	NSC	08/01/2000	Not Printed
	22987	R877-23V-18	AMD	08/31/2000	2000-14/41
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Natural Resources; Forestry, Fire and State Lands	22819	R652-40-300	NSC	05/25/2000	Not Printed
School and Institutional Trust Lands, Administration	22795	R850-40-300	NSC	08/01/2000	Not Printed
<b><u>NATUROPATHIC PHYSICIANS</u></b>					
Commerce, Occupational and Professional Licensing	22507	R156-71	AMD	01/04/2000	99-23/14
	22700	R156-71-202	AMD	05/02/2000	2000-7/7
	22792	R156-71-202	AMD	06/15/2000	2000-10/26
<b><u>NATUROPATHS</u></b>					
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	22700	R156-71-202	AMD	05/02/2000	2000-7/7
	22792	R156-71-202	AMD	06/15/2000	2000-10/26
<b><u>NEED STANDARD</u></b>					
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<b><u>NURSES</u></b>					
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	22663	R156-31b-304	NSC	02/24/2000	Not Printed
	22577	R156-31c-201	AMD	02/15/2000	2000-2/11
<b><u>OCCUPATIONAL LICENSING</u></b>					
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	22645	R156-1-308a	AMD	03/20/2000	2000-4/12
	22861	R156-46b	AMD	07/06/2000	2000-11/6
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
	22965	R156-55c-102	NSC	08/01/2000	Not Printed
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<b><u>ONSITE WASTEWATER SYSTEMS</u></b>					
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	22691	R317-4	NSC	03/20/2000	Not Printed
<b><u>OPERATING PERMIT</u></b>					
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<b><u>ORGAN TRANSPLANTS</u></b>					
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	22958	R414-58	NSC	08/01/2000	Not Printed
<b><u>OVERFLOW AND DRAINS</u></b>					
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<b><u>OVERPAYMENTS</u></b>					
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	22937	R527-332	NEW	08/01/2000	2000-13/44
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	22660	R307-110-19	NSC	02/25/2000	Not Printed
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	22872	R651-601	AMD	07/04/2000	2000-11/97
	22968	R651-601	NSC	08/01/2000	Not Printed
	22873	R651-606	AMD	09/28/2000	2000-11/98
	22969	R651-606	NSC	09/28/2000	Not Printed
	22474	R651-611	AMD	01/03/2000	99-22/17
	22706	R651-611-4	AMD	05/16/2000	2000-8/18
	22874	R651-634	NEW	07/04/2000	2000-11/99
<b><u>PARTICULATE MATTER</u></b>					
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	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
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<b><u>PEACE OFFICER</u></b>					
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	22836	R25-7	CPR	09/02/2000	2000-14/54
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<b><u>PERFORMANCE STANDARDS</u></b>					
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	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
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	22844	R477-6	AMD	07/05/2000	2000-11/62
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	22738	R156-17a-602	NSC	05/01/2000	Not Printed
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<b><u>PLUMBING</u></b>					
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	22963	R251-710	NSC	08/01/2000	Not Printed
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	22670	R277-514	AMD	04/03/2000	2000-5/8
	23006	R277-514	NSC	08/01/2000	Not Printed
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	22786	R156-59	NSC	07/10/2000	Not Printed
	23028	R156-59	AMD	09/18/2000	2000-16/9
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	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
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	23060	R986-216	REP	10/02/2000	2000-16/77
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	22574	R131-7	NEW	03/13/2000	2000-2/7
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	22550	R746-401	NSC	01/25/2000	Not Printed
	22784	R746-405	NSC	05/01/2000	Not Printed
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Environmental Quality, Radiation Control	22603	R313-34	AMD	03/10/2000	2000-3/86
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	23024	R277-476	NEW	09/01/2000	2000-15/14
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	22214	R645-301-500	CPR	02/01/2000	2000-1/64
	22906	R645-400	5YR	06/01/2000	2000-12/58
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	23178	R392-401	NSC	10/01/2000	Not Printed
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	22897	R865-6F-29	NSC	06/27/2000	Not Printed	
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	23024	R277-476	NEW	09/01/2000	2000-15/14
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	22892	R865-6F-16	NSC	06/27/2000	Not Printed
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	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
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	22824	R994-202-103	NSC	05/25/2000	Not Printed
	22721	R994-204	5YR	04/04/2000	2000-9/187
	22825	R994-204-303	NSC	05/25/2000	Not Printed
	22722	R994-205	5YR	04/04/2000	2000-9/188
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	23144	R313-12-3	NSC	10/01/2000	Not Printed
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	23184	R313-15	NSC	10/01/2000	Not Printed
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	22491	R317-501	REP	02/16/2000	99-23/45
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