

UTAH STATE BULLETIN

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

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

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SPECIAL NOTICES

COMMUNITY AND ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT, LIBRARY

PUBLIC NOTICE OF AVAILABLE UTAH STATE PUBLICATIONS

The Utah State Library Division has made available Utah State Publications List No. 02-06, dated March 15, 2002 (<http://library.utah.gov/02-06.html>); and List No. 02-07, dated April 1, 2002 (<http://library.utah.gov/02-07.html>). For copies of the complete lists, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773; or view them on the World Wide Web at the addresses above.

End of the Special Notices Section

Notices of Proposed Rules Begin on the Following Page

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between March 16, 2002, 12:00 a.m., and April 1, 2002, 11:59 p.m. are included in this, the April 15, 2002, 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 Rules being repealed are completely struck out.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 each rule that is 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 May 15, 2002. 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 August 13, 2002, 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 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Agriculture and Food, Plant Industry
R68-20
Utah Organic Standards

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
 DAR FILE No.: 24654
 FILED: 03/28/2002, 15:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Adopt the December 2000 edition of 7 CFR Part 205, National Organic Program Final Rule.

SUMMARY OF THE RULE OR CHANGE: Adopt the Code of Federal Regulations (CFR). The text that was in R68-20 was a duplication of the National Organic Program Final Rule and is being replaced by the reference to 7 CFR Part 205. Also included in the new rule is the Utah fee and the Utah Department of Agriculture and Food (UDAF) seal information.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 4-2-2(1)(j); Sections 4-3-2 and 4-4-2; Subsection 4-5-17(1); Sections 4-9-2, 4-11-3, and 4-12-3; Subsection 4-14-6(5); Section 4-16-3; and Subsections 4-32-7(7)(a)(ii) and 4-37-109(2)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 7 CFR Part 205, December 2000 edition

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There will be no cost to state budget. The cost will be to the producers of the organic products.
- ❖ LOCAL GOVERNMENTS: There will be no cost to local government. The cost will be to the producers of the organic products.
- ❖ OTHER PERSONS: There is no cost or savings associated with the amendments to this rule. Fees are set through the legislative appropriations process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost or savings associated with the amendments to this rule. Fees are set through the legislative appropriations process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be a certification fee in accordance with the fee schedule in the annual appropriations act passed by the legislature and signed by the governor. There is a penalty fee for violations and a possible hearing for continuing violations.

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

AGRICULTURE AND FOOD
 PLANT INDUSTRY
 350 N REDWOOD RD
 SALT LAKE CITY UT 84116-3087, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dick Wilson, Marolyn Leetham, or Seth Winterton at the above address, by phone at 801-538-7180, 801-538-7114, or 801-538-7141, by FAX at 801-538-7126, 801-538-7126, or 801-538-7126, or by Internet E-mail at agmain.dwilson@state.ut.us, agmain.mleetham@state.ut.us, or agmain.swintert@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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Cary Peterson, Commissioner

R68. Agriculture and Food, Plant Industry.

~~**R68-20. Utah Organic Standards.**~~

~~**R68-20-1. Authority.**~~

~~— Promulgated under authority of Sections 4-2-2(1)(j), 4-3-2, 4-4-2, 4-5-17(1), 4-9-2, 4-11-3, 4-12-3, 4-14-6(5), 4-16-3, 4-32-7(7)(a)(ii), 4-37-109(2).~~

~~**R68-20-2. Definitions and Terms.**~~

~~— A. For the purpose of this rule, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand.~~

~~— 1. "Accreditation" means the procedure by which USDA gives a formal recognition that a body or person is competent to carry out specific tasks.~~

~~— 2. "Accredited laboratory" means a laboratory that has met and continues to meet the requirements specified in the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 138) for pesticide residue analysis of fresh fruit and vegetables and/or pesticide residue analysis of products derived from livestock and fowl.~~

~~— 3. "Act" means the Organic Foods Production Act of 1990, as amended (7 U.S.C. 6501 et seq.).~~

~~— 4. "Action level" means the concentration of poisonous or deleterious substances at or above which the Food and Drug Administration will take legal action against a product to remove it from the market. Action levels are based on un-avoidability of the poisonous or deleterious substances and do not represent permissible levels of contamination where it is avoidable.~~

~~— 5. "Active ingredient in pesticide formulations" means any substance (or group of structurally similar substances) as specified by the EPA in 40 CFR 152.3(b), that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant, within the meaning of section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136(a)).~~

~~— 6. "Administrator" means the Administrator for the Agricultural Marketing Service (AMS), United States Department of Agriculture, or the representative to whom authority has been delegated to act in the stead of the Administrator.~~

~~— 7. "Agricultural inputs" means all substances or materials used in the production or handling of organic agricultural products.~~

—8. "Agricultural Marketing Service (AMS)" means the Agricultural Marketing Service of the United States Department of Agriculture.

—9. "Agricultural product" means any product or commodity of agriculture, raw or processed, including any commodity or product derived from livestock, that is marketed for human or livestock use or consumption.

—10. "Allowed (permitted)" means materials and/or practices which may be used for the production of organic crops, livestock, and processed products with no restrictions.

—11. "Allowed synthetic" means a substance that is included on the approved list of synthetic substances permitted for use in organic production, processing, or handling.

—12. "Annual crop" means a crop produced by a plant whose entire life cycle is completed in a single growing season.

—13. "Appeal" means the process whereby an operator can request a decision taken by a certification agent be reconsidered.

—14. "Area of operations" means the types of operations: crops, livestock, wild crop harvesting, handling, or any combination thereof, that a certifying agent may be accredited to certify.

—15. "Audit" means a systematic and functionally independent examination to determine whether activities and related results comply with planned objectives.

—16. "Audit trail" means documentation that is sufficient to determine the source, transfer of ownership, and transportation of any agricultural product labeled as "100 percent organic," the organic ingredients of any agricultural product labeled as "organic" or "made with organic (specified ingredients)" or the organic ingredients of any agricultural product containing less than 70 percent organic ingredients identified as organic in an ingredients statement.

—17. "Biennial crop" means a crop produced by plants which normally require two years to reach maturity, produce harvested portions, and then die.

—18. "Biodegradable" means subject to biological decomposition into simpler biochemical or chemical components.

—19. "Biologic" means all viruses, serums, toxins, and analogous products of natural or synthetic origin, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms and the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment or prevention of diseases of animals.

—20. "Breeder stock" means female livestock whose offspring may be incorporated into an organic operation at the time of their birth.

—21. "Buffer zone (area)" means land that adjoins an organically managed area which, as described in the producer's Organic Plan, serves to protect the managed area from contamination by prohibited materials. Buffer zones are managed under specific requirements and must be a minimum of twenty five feet, or other means as approved. Practices that may be used in buffer zones to prevent contamination of the organically managed area may include establishment of physical barriers, diversion of runoff, notification of neighbors, posting of borders, or other appropriate means.

—22. "Bulk" means the presentation to consumers at retail sale of an agricultural product in unpackaged, loose form, enabling the consumer to determine the individual pieces, amount, or volume of the product purchased.

—23. "Certification or certified" means a determination made by a certifying agent that a farm, wild crop harvesting, or handling operation is in compliance with this rule, which is documented by a

certificate that identifies the entity certified, the effective date of certification, and the types of agricultural products for which certification is granted.

—24. "Certified operation" means a processing, manufacturing, livestock housing or other site or structure maintained or operated to grow, raise or handle organically produced agricultural products that is part of a certified organic farm, a certified organic wild crop harvesting operation, or a certified organic handling operation.

—25. "Certifying agent's operation" means all sites, facilities, personnel and records used by a certifying agent to conduct certification activities under this rule.

—26. "Certification agent" means an individual who is responsible for verifying that a product sold or labeled as "organic" or "made with organic ingredients" is produced, processed, handled, and/or imported according to organic standards.

—27. "Claims" means oral, written, implied, or symbolic representations, statements, or advertising or other forms of communication presented to the public or buyers of agricultural products that relate to the organic certification process or the term, "100 percent organic," "organic," or "made with organic (specified ingredients)," or, in the case of agricultural products containing less than 70 percent organic ingredients, the term, "organic," on the ingredients panel.

—28. "Commercially unavailable" means the documented inability to obtain a production input or ingredient in an appropriate form, quality, quantity, or variety to be feasibly and economically used to fulfill an essential function in a system of organic farming, processing, and/or handling.

—29. "Commingling" means physical contact between unpackaged organically produced and non-organically produced agricultural products during production, transportation, storage or handling, other than during the manufacture of a multi-ingredient product containing both types of ingredients.

—30. "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food, or the Commissioner's representative.

—31. "Complaint" means an objection by an operator to the policies, procedures or decisions of a certification agent, other than an appeal; an objection by a certification agent to the policies, procedures or decisions of an accreditation body; an objection by anyone to a product or service provided by a certified operator.

—32. "Compost" means the product of a carefully managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil. Compost used in an organic operation is produced in compliance with the Natural Resource Conservation Service's practice standard for a composting facility (Code 317) and utilizes methods to raise the temperature of the raw materials to the levels needed to stabilize nutrients and kill pathogens.

—33. "Control" means any method that reduces or limits damage by, or populations of, pests, weeds or diseases to levels that do not significantly reduce productivity.

—34. "Co-processor" means a processor who does not take legal title to the ingredients or final products which are manufactured for another party, and whose processing activities are covered by the organic certification of the other party.

—35. "Critical control point" means any point, step or procedure in a certified production or handling operation where loss of control may result in a loss of an organic product's integrity, such as the commingling of organic products with non-organic products or contact of organic products with prohibited substances.

—36. "Crop" means a plant or part of a plant intended to be marketed or consumed as an agricultural product.

—37. "Crop residues" means the plant parts remaining in a field after the harvest of a crop, which include stalks, stems, leaves, roots and weeds.

—38. "Crop rotation" means the practice of alternating the species or families of annual and/or biennial crops grown on a specific field in a planned pattern or sequence so as to break weed, pest, and disease cycles and to improve soil fertility and organic matter content.

—39. "Crop year" means the normal growing season for a given crop.

—40. "Cultivation" means digging up or cutting the soil to prepare a seed bed, control weeds, aerate the soil or work organic matter, crop residues or fertilizers into the soil.

—41. "Cultural practices" means management methods which are used to enhance crop or livestock health and/or prevent weed, pest or disease problems without the use of external inputs, including, but not limited to: selection of appropriate varieties and breeds of livestock, selection of appropriate planting sites, control of timing and density of plantings, irrigation and extension of the growing season with greenhouses, cold frames or wind breaks; construction of livestock facilities designed to optimize animal health depending on species or type, management of stocking rates, etc.

—42. "Detectable residue" means the amount or presence of chemical residue or sample component that can be reliably observed or found in the sample matrix by the current approved analytical methodology.

—43. "Disease vectors" means plants or animals that harbor or transmit organisms which may attack crops or livestock.

—44. "Distributor" means a handler that purchases products under its own name, usually from a shipper, processor, or another distributor. Distributors may or may not take physical possession of the merchandise. A distributor is required to be certified if that person both takes title to the organic products and substantially transforms, processes, repackages or re-labels these products.

—45. "Drift" means the physical movement of pesticides, fertilizers, genetically engineered organisms, or other prohibited materials onto a certified organic field, farm, or facility.

—46. "Emergency pest or disease treatment program" means a mandatory program authorized by a state, federal or local agency for the purpose of controlling or eradicating a pest or disease.

—47. "Employee" means any person who will be involved in certification decisions.

—48. "Estimated national mean" means the mean level of detected pesticide residues as described in certain pesticide/commodity pairs or combinations established by USDA's Pesticide Data Program.

—49. "Excluded methods" means methods used to genetically modify organisms or influence their growth and development by means that are not possible under natural conditions or processes and are not considered compatible with organic production. Such methods would include recombinant DNA, cell fusion, and micro and macro encapsulation. Such methods would not include the use of traditional breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture.

—50. "Feed" means edible material consumed by animals that contribute energy, nutrients or both to the diet. Feed may be concentrates (feeds that are low in fiber and high in total digestible nutrients, e.g., grains) or roughage (hay, silage, fodder). The term feed encompasses all agricultural products, including pasture,

ingested by livestock for nutritional purposes but, for these purposes, excludes mineral and vitamin supplements and feed additives.

—51. "Feed additive" means a substance or combination of substances added to feed in micro quantities to fulfill a specific nutritional need, i.e., nutrients in the form of amino acids, vitamins, and minerals.

—52. "Feed supplement" means an article for the diet of an animal which contains one or more additives and is intended to be:

- (a) Further diluted and mixed to produce a complete feed; or
- (b) Fed undiluted as a supplement to other feeds; or
- (c) Offered free choice with other parts of the ration separately available.

—A feed additive supplement is safe for the animal and will not produce unsafe residues in the edible products from food-producing animals if fed according to directions.

—53. "Fertilizer" means any substance containing one or more recognized plant nutrient(s) which is used primarily for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth.

—54. "Field" means an area of land identified as a discrete and distinguishable unit within a farm operation.

—55. "Foliar nutrient" means any liquid substance applied directly to the foliage of a growing plant for the purpose of delivering essential nutrient(s) in an immediately available form.

—56. "Food (and food products)" means material, usually of plant or animal origin, containing or consisting of essential body nutrients, as carbohydrates, fats, proteins, vitamins, and/or minerals, that is taken in and assimilated by an organism to maintain life and growth. Food products include all agricultural and horticultural products of the soil, apiary and apiary products, poultry and poultry products, livestock and livestock products, dairy products and aquaculture products that are used as food.

—57. "Food additive," as defined by FDA, means any substance which becomes a component of or affects the characteristics of a feed or food if such substance is not generally recognized among experts qualified by scientific training and experience to evaluate its safety as having been adequately shown through scientific procedures to be safe under the conditions of its intended use. Excepted are substances having "prior sanction" and pesticide chemicals under certain conditions.

—58. "Forage" means feed, including pasture, often consisting of coarsely chopped leaves and stalks of grasses and legumes.

—59. "Formulated product" means a commercial product composed of more than one substance.

—60. "Genetically engineered/modified organisms (GEO/GMOs)" means organisms made with techniques that alter the molecular or cellular biology of an organism by means that are not possible under natural conditions or processes. Genetic engineering includes recombinant DNA, cell fusion, micro and macro-encapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes. It shall not include breeding, conjugation, fermentation, hybridization, in vitro fertilization, and tissue culture.

—61. "Handle" means to sell, process, package, or store agricultural products.

—62. "Handler" means any person engaged in the business of handling agricultural products. This includes producers who handle crops or livestock of their own production. The term handler shall not apply to final retailers that are exempt under R68-20-6(A)(6)(b).

—63. "Handling operation" means any operation or portion of an operation that receives or otherwise acquires agricultural products and processes, packages, or stores such products.

—64. "Immediate family" means the spouse, minor children, or blood relatives who reside in the immediate household of a certifying agent or an employee, inspector, contractor, or other personnel of the certifying agent. For the purpose of this rule, the interest of a spouse, minor child, or blood relative who is a resident of the immediate household of a certifying agent or an employee, inspector, contractor, or other personnel of the certifying agent shall be considered to be an interest of the certifying agent or an employee, inspector, contractor, or other personnel of the certifying agent.

—65. "Incidental additive" means an additive present in agricultural products at an insignificant level that does not have any technical or functional effect in the product and is therefore not an active ingredient.

—66. "Inert ingredient" means any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) other than an active ingredient which is intentionally included in any pesticide product used in organic crop or livestock production and handling (40 CFR 152.3(m)).

—67. "Ingredient" means any substance used in the preparation of a food or fiber product that is still present in the final product as used or consumed, even if in a modified form.

—68. "Inspection (organic)" means the on-site examination of production, handling and management systems to assess if performance of the operation is in compliance with prescribed organic standards.

—69. "Inspector" means a person who performs inspections on behalf of a certification agent.

—70. "Internal review" means an assessment of the objectives and performance of a certification or accreditation program that is undertaken by the program itself.

—71. "Ionizing radiation (irradiation)" means high energy emissions from radionuclides, (such as cobalt 60 or cesium 137), capable of altering a food's molecular structure for the purpose of controlling microbial contaminants, pathogens, parasites and pests in food, preserving a food, or inhibiting physiological processes such as sprouting or ripening.

—72. "Label" means any display of written, printed, or graphic material on the immediate container of an agricultural product, or any such material affixed to any agricultural product or affixed to a bulk container containing an agricultural product.

—73. "Labeling" means any written, printed or graphic representation on the label of a product, accompanies the product, or is displayed near the product at the point of sale, for the purpose of promoting its sale or disposal.

—74. "License" means an agreement or contract that grants a certified operator the right to use a certificate or certification mark in accordance with organic standards and certification requirements.

—75. "Livestock" means any cattle, sheep, goats, swine, poultry, ratite, equine animals, wild or domesticated game including Cervidae and bison, rabbits, or other cultivated animals raised for food, fiber or the production of food, fiber, or other agricultural products.

—76. "Lot" means any number of containers which contain an agricultural product of the same kind located in the same conveyance, warehouse, or packing house and which are available for inspection at the same time.

—77. "Manure" means feces, urine, bedding, and other waste incidental to an animal. It does not include sewage sludge or human waste products.

—78. "Market information" means any written, printed, audio-visual or graphic information, including advertising, pamphlets, flyers, catalogues, posters and signs, that are used to assist in the sale or promotion of a product.

—79. "Mulch" means any material, such as wood chips, leaves, straw, paper or plastic that serves to suppress weed growth, moderate soil temperature or conserve soil moisture.

—80. "Municipal sludge (bio-solids)" means semi-solid residuals produced by municipal wastewater treatment processes.

—81. "National List" means a list of allowed and prohibited substances as provided for in section 2118 of the OFPA (7 U.S.C. 6517).

—82. "National organic program (NOP)" means the program authorized by the Organic Foods Production Act for the purpose of implementing its provisions.

—83. "National Organic Standards Board (NOSB)" means a board established by the USDA Secretary under 7 U.S.C. 6518 to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of the National Organic Program.

—84. "Natural resources of the operation" means the physical, hydrological, and biological features of a production operation, including soil, water, wetlands, woodlands, and wildlife.

—85. "Non agricultural ingredient" means a substance that is not a product of agriculture, such as a mineral or a bacterial culture, that is used as an ingredient in an agricultural product. For the purposes of this rule, a non agricultural ingredient also includes any substance, such as gums, citric acid or pectin, that is extracted, isolated from, or is a fraction of an agricultural product, so that the identity of the agricultural product is unrecognizable in the extract, isolate or fraction.

—86. "Non retail container" means any container used for shipping or storage of an agricultural product that is not used in the retail display or sale of the product.

—87. "Non synthetic (natural)" means a substance that is derived from mineral, plant or animal matter and does not undergo a synthetic process.

—88. "Non toxic" means not known to cause adverse physiological effects in animals, plants, humans or the environment.

—89. "Organic" means a labeling term that refers to an agricultural product produced in accordance with this rule.

—90. "Organic matter" means the remains, residues or waste products of any living organism.

—91. "Organic plan" means a written plan for management of an organic crop, livestock, wild harvesting, processing, handling or grower group operation which specifies the organic management system used by the operation in order to comply with organic standards and which has been agreed upon by both the operator and the certification agent.

—92. "Package" means a container or wrapping that bears a label and which encloses an agricultural product, except for agricultural products in bulk containers, shipping containers, or shipping cartons.

—93. "Perennial crop" means any crop, other than a biennial crop, that can be harvested from the same planting for more than one crop year, or that requires at least one year after planting before harvest.

—94. "Person" means an individual, partnership, association, corporation, or an organized group of persons whether incorporated or not, cooperative, or other entity.

—95. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

—96. "Planting stock" means any plant or plant tissue, including rhizomes, shoots, leaf or stem cuttings, roots, crowns, or tubers used in plant production or propagation.

—97. "Practice standard" means the guidelines and requirements through which a production or handling operation implements a required component of its production or handling organic system plan. A practice standard integrates a series of allowed and prohibited actions, materials, and conditions to establish a minimum level performance for planning, conducting, and maintaining a function, such as livestock health care or facility pest management, essential to an organic operation.

—98. "Private entity" means any domestic or foreign non-governmental for profit or not for profit organization providing certification services.

—99. "Processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, distilling, slaughtering, eviscerating, preserving, dehydrating, freezing, dyeing, or otherwise manufacturing, including packaging, canning, jarring, or otherwise enclosing in a container other than normal post harvest packing of crops performed by producers.

—100. "Producer" means a person or organization who engages in the business of growing or producing organic food, feed, fiber crops, or livestock.

—101. "Production lot number/identifier" means identification of a product based on the production sequence of the product showing the date, time, and place of production; used for quality control purposes.

—102. "Prohibited" means a substance or practice which is not allowed, or not provided for in this rule, to be used in organic production, processing or handling.

—103. "Reciprocity (organic)" means mutual or cooperative recognition between organic certification agents based on equivalent standards and verified competency assessment or accreditation.

—104. "Records" means any information in written, visual, or electronic form that documents the activities of producers, processors, handlers, inspectors, and certification agents. Such records can be used to verify compliance with organic standards.

—105. "Residue" means that portion of a pesticide or other chemical substance that remains on a plant or the edible portion of a plant after evaporation of water, metabolization, proteolysis, hydrolysis, or other chemical reaction or reduction has occurred.

—106. "Residue testing" means an official or validated analytical procedure that detects, identifies, and measures the presence of chemical substances, their metabolites, or degradation products in or on raw or processed agricultural products.

—107. "Responsibly connected" means any person who is a partner, officer, director, holder, manager, or owner of 10 percent or more of the voting stock of an applicant or a recipient of certification or accreditation.

—108. "Retail" means to sell directly to the ultimate consumer.

—109. "Revocation of accreditation" means an action taken by an accreditation body that results in the loss of authorization of a certification agent to carry out certification activities.

—110. "Revocation of certification" means an action taken by a certification agent that results in the loss of authorization of a farm, livestock, wild crop harvesting, or handling operation to market its products as organic or made with organic ingredients.

—111. "Routine use" means regularly scheduled or periodic administration of substances or management practices without documentation of specific need.

—112. "Sewage sludge" means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to: domestic seepage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

—113. "Slaughter stock" means any animal that is intended to be slaughtered for consumption by humans or animals.

—114. "Soil and water quality" means observable indicators of the physical, chemical, or biological condition of soil and water, including the presence of environmental contaminants.

—115. "Split operation" means an operation that produces or handles non-organic agricultural products in addition to agricultural products produced organically.

—116. "Subtherapeutic use" means administration of an animal drug or a veterinary drug at levels that are below the levels used to treat clinically sick animals, for the purpose of preventing disease, increasing weight gain, or improving feed efficiency.

—117. "Suspension of certification" means an action taken by a certification agent that results in the temporary loss of ability of a farm, livestock, wild crop harvesting, or handling operation, or a portion of such operation, to market its products as organic or made with organic ingredients.

—118. "Synthetic" means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

—119. "Synthetic volatile solvent" means a synthetic substance used as a solvent, which evaporates readily, such as hexane or isopropyl alcohol.

—120. "System of organic production and handling" means a system designed to produce agricultural products by the use of methods and substances that maintain the integrity of organic agricultural products until they reach the consumer. This is accomplished by using, where possible, cultural, biological and mechanical methods, as opposed to using substances, to fulfill any specific function within the system so as to: maintain long term soil fertility; increase soil biological activity; ensure effective pest management; recycle wastes to return nutrients to the land; provide attentive care for farm animals; and handle the agricultural products without the use of extraneous synthetic additives or processing in accordance to this rule.

—121. "Tolerance" means the maximum legal level of a pesticide residue in or on a raw or processed agricultural commodity as set by the Environmental Protection Agency under FFDCA, Section 408.

—122. "Transition period" means the time between the start of organic management and certification as organic of the crop or livestock production system or site.

—123. "Transitional product" means a product from an operation or portion thereof which has completed one or more years of the

transition period toward becoming a certified organic operation and is under the supervision of a certification agent.

— 124. "Transplant" means a seedling or cutting raised to be replanted in another situation in order to raise an agricultural product.

— 125. "Treated (seeds and nursery stock)" means a seed, plant propagation material or other material purchased for use as a production input in an organic farming or handling operation that has been treated or combined with a synthetic pesticidal substance (that does not appear on the National List) prior to having been purchased.

— 126. "Utah Department of Agriculture and Food Organic Seal" means the seal to be displayed on packaging of certified organic foods and food products intended for retail sale, indicating compliance with provisions of this rule.

— 127. "Unavoidable residual environmental contamination (UREC)" means background levels of naturally occurring or synthetic chemicals that are present in the soil or present in organically produced agricultural products that are below established tolerances.

— 128. "Untreated (seeds and nursery stock)" means seeds, planting stock, or transplants to which no prohibited materials have been applied.

— 129. "Wild crop" means any plant or portion of a plant that is collected or harvested from an area of land that is not maintained under cultivation or other agricultural management.

R68-20-3. Applicability.

— (A) What has to be certified:

— (1) Except for operations exempt or excluded in R68-20-3(B) and R68-20-3(C) of this chapter, each production or handling operation or specified portion of a production or handling operation that produces or handles crops, livestock, livestock products, or other agricultural products that are intended to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients)" shall be certified according to the provisions of the Utah Organic Standards rule.

— (2) Any production or handling operation that has been certified by a certifying agent on the date that the certifying agent first receives its accreditation under this rule shall be considered certified to the standards of this rule until the operation's anniversary date of certification. Such recognition shall only be available to those operations certified by a certifying agent that receive their USDA accreditation within 18 months from the date of publication of the final USDA rule.

— (B) Exemptions from certification:

— (1) A handling operation or portion of a handling operation that handles agricultural products that contain less than 70 percent organic ingredients by total weight of the finished product (excluding water and salt) is exempt from the requirements in this rule, except:

— (a) The provisions for prevention of contact of organic products with prohibited substances set forth in R68-20-6(E) with respect to any organically produced ingredients used in an agricultural product;

— (b) The labeling provisions of R68-20-6(F)(10)(b); and

— (c) The record keeping provisions in R68-20-3(D).

— (2) A handling operation or portion of a handling operation that handles agricultural products that contain at least 70 percent organic ingredients by total weight of the finished product (excluding water and salt) that chooses to not use the word,

"organic," on any panel other than the information panel is exempt from the requirements in this rule, except:

— (a) The provisions for prevention of contact of organic products with prohibited substances set forth in R68-20-4, R68-20-5 and R68-20-6(E) with respect to any organically produced ingredients used in an agricultural product;

— (b) The labeling provisions of R68-20-6(F)(10)(b); and

— (c) The record keeping provisions in R68-20-3(D).

— (C) Exemptions and Exclusions from certification:

— (1) Exemptions.

— (a) A handling operation that is a retail food establishment or portion of a retail food establishment that handles organically produced agricultural products but does not process them is exempt from the requirements in this part.

— (b) A production or handling operation that sells agricultural products as "organic" but whose gross agricultural income from organic sales totals \$5000.00 or less annually is exempt from certification, and from submitting an organic system plan for acceptance or approval, but must comply with the labeling requirements under R68-20-3(D). The product from such operations shall not be used as ingredients identified as organic in processed products produced by another handling operation.

— (c) A handling operation or portion of a handling operation that only handles agricultural products that contain less than 70 percent organic ingredients by total weight of the finished product (excluding water and salt) is exempt from the requirements of this part, except:

— (i) the provisions for prevention of contact of organic products with prohibited substances set forth in R68-20-7 with respect to any organically produced ingredients used in an agricultural product.

— (ii) the labeling provisions of R68-20-3(D)

— (iii) the record keeping provisions in R68-20-3(D)

— (d) A handling operation or portion of a handling operation that only identifies organic ingredients on the information panel is exempt from the requirements from this part, except:

— (i) The provisions for prevention of contact of organic products with prohibited substances set forth in R68-20-7 with respect to any organically produced ingredients used in an agricultural product.

— (ii) the labeling provisions of R68-20-3(D) and

— (iii) the record keeping provisions in R68-20-3(D)

— (2) Exclusions:

— (a) A handling operation or portion of a handling operation is excluded from the requirements of this part, except for the requirements for the prevention of commingling and contact with prohibited substances as set forth in R68-20-7 with respect to any organically produced products, if such operation or portion of the operation only sells organic agricultural products labeled as "100 percent organic", or "made with organic (specified ingredients or food group(s))" that

— (i) are packaged or otherwise enclosed in a container prior to being received or acquired by the operation; and

— (ii) Remain in the same package or container and are not otherwise processed while in the control of the handling operation.

— (b) A handling operation that is a retail operation that is a retail food establishment or portion of a retail food establishment that processes, on the premises of the retail food establishment, raw and ready to eat food from agricultural products that were previously labels as "100 percent organic", "organic", or "made with organic (specified ingredients or food group(s))" is excluded from the requirements of this part, except:

—(i) The provisions for prevention of contact of organic products with prohibited substances set forth in R68-20-7 with respect to any organically produced ingredients used in an agricultural product.

—(ii) the labeling provisions of R68-20-3(D) and

—(iii) the record keeping provisions in R68-20-3(D)

—(D) Records to be maintained by exempt operations.

—(1) Any handling operation exempt from certification pursuant to R68-20-3 (B)(1) or (B)(2) or (B)(3) shall maintain records sufficient to:

—(a) Prove that ingredients identified as organic were organically produced and handled; and

—(b) Verify quantities produced from such ingredients.

—(2) Records shall be maintained for no less than 3 years beyond their creation and the operations shall allow representatives of the secretary and the applicable state program's governing state official access to these records for inspection and copying during normal business hours to determine compliance with the applicable regulations set forth in this rule.

—(E) Use of the term, "organic." Any agricultural product that is sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients)" shall be:

—(1) Produced in accordance with the requirements specified in R68-20-3(B), R68-20-4(C) through (H), R68-20-5(B) through (K), and all other applicable requirements of this rule;

—(2) Handled in accordance with the requirements specified in R68-20-3(B) of this chapter, R68-20-6(C) through (E), and all other applicable requirements of this rule; and

—(3) Produced and handled in compliance with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), concerning meat, poultry, and egg products; the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); and any other applicable Federal statute and its implementing regulations.

—(F) Record keeping by certified operations:

—(1) A certified operation shall maintain records concerning the production, harvesting, and handling of agricultural products that are or that are intended to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients)."

—(2) Such records shall:

—(a) Be adapted to the particular business that the certified operation is conducting;

—(b) Fully disclose all activities and transactions of the certified operation in sufficient detail as to be readily understood and audited;

—(c) Be maintained for not less than 5 years beyond their creation; and

—(d) Be sufficient to demonstrate compliance with this rule.

—(3) The certified operation shall make such records available for inspection and copying during normal business hours by the Commissioner, his designee, or the certifying agent.

—(G) Foreign applicants.

This rule shall apply equally to domestic and foreign applicants for accreditation, accredited certifying agents, domestic and foreign applicants for certification as organic production or handling operations, and certified organic production and handling operations unless otherwise specified.

R68-20-4. Crop Production Standards.

—Organic Crop Production and Handling Requirements

—(A) General. The producer or handler of a production or handling operation wishing to sell, label, or represent agricultural products as "100 percent organic," "organic," or "made with organic (specified ingredients)" must comply with the applicable regulations of this rule. Practices implemented in accordance with this rule shall maintain or improve the natural resources of the operation, including soil and water quality.

—(B) Organic production and handling system plan.

—(1) The producer or handler of a production or handling operation, except as exempt or excluded under R68-20-3(B), wishing to sell, label, or represent agricultural products as "100 percent organic," "organic," or "made with organic (specified ingredients)" shall develop an organic production or handling system plan that is agreed to by the producer or handler and an accredited certifying agent. An organic system plan shall meet the requirements set forth in this rule to establish a system of organic production or handling.

—(2) An organic production or handling system plan shall include:

—(a) A description of practices and procedures to be performed and maintained, including the frequency with which they will be performed;

—(b) A list of each substance to be used as a production or handling input, indicating its composition, source, and location(s) where it will be used;

—(c) A description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented;

—(d) A description of the record-keeping system implemented to comply with the requirements established in this rule;

—(e) A description of practices and procedures to prevent commingling of organic and non-organic products and to prevent contact of organic production and handling operations and products with prohibited substances; and

—(f) Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.

—(C) Land requirements. Any field or farm parcel from which harvested crops are intended to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients)" shall:

—(1) Have been managed in accordance with the requirements of this rule;

—(2) Have had no prohibited substances, as listed in this rule, applied to it for a period of 3 years immediately preceding harvest of the crop; and

—(3) Have distinct, defined boundaries and buffer zones such as runoff diversions to prevent the unintended application of a prohibited substance to the crop or contact with a prohibited substance applied to adjoining land that is not under organic management.

—(D) Soil fertility and crop nutrient management practice standard.

—(1) The producer shall select and implement tillage and cultivation practices that maintain or improve the physical, chemical, and biological condition of soil and minimize soil erosion.

—(2) The producer shall manage crop nutrients and soil fertility through rotations, cover crops, and application of plant and animal materials.

—(3) The producer shall manage animal and plant waste materials to maintain or improve soil organic matter content in a

manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances. Animal and plant waste materials include:

- (a) Raw animal manure, which shall be composted unless it is:
 - (i) Applied to land used for a crop not intended for human consumption;
 - (ii) Incorporated into the soil not less than 120 days prior to the harvest of a product whose edible portion has direct contact with the soil surface or soil particles; or
 - (iii) Incorporated into the soil not less than 90 days prior to the harvest of a product whose edible portion does not have direct contact with the soil surface or soil particles;
- (b) Other uncomposted plant or animal wastes, such as aged, fully decomposed animal manure;
- (c) A composted product produced in a facility in compliance with the Natural Resources Conservation Service's practice standard for a composting facility (Code 317); and
- (d) A composted or uncomposted plant or animal waste material that has been chemically altered by a manufacturing process, provided that the material is included on the National List of Synthetic Substances allowed for use in organic crop production established in this rule.
- (4) In addition to crop rotations and plant and animal waste materials, a producer may supply soil and crop nutrients by applying:
 - (a) A mined substance of low solubility;
 - (b) A mined substance of high solubility, when justified by soil or crop tissue analysis;
 - (c) Ash obtained from the burning of a plant or animal material, except as prohibited in R68-20-7(D)(1) and (5)(c), provided that the material burned has not been treated or combined with a prohibited substance or the ash is not included on the National List of nonsynthetic substances prohibited for use in organic crop production; and
 - (d) A crop nutrient supplement included on the National List of Synthetic Substances allowed for use in organic production, when justified by soil or crop tissue analysis.
- (5) The producer shall not use:
 - (a) Any fertilizer or commercially blended fertilizer or composted product that contains a synthetic substance not included on the National List of Synthetic Substances allowed for use in organic production;
 - (b) Sewage sludge (bio-solids);
 - (c) Burning as a means of disposal for crop residues produced on the operation, except that pruning's from perennial crops may be burned to suppress the spread of disease.
- (E) Seeds and planting stock practice standard.
 - (1) The producer shall use organically grown seeds, annual seedlings, and planting stock, except that:
 - (a) Non-organically produced untreated seeds and planting stock may be used to produce an organic crop when an equivalent organically produced variety is not commercially available;
 - (b) Non-organically produced seeds and planting stock that have been treated with a substance included on the National List of Synthetic Substances allowed for use in organic crop production may be used to produce an organic crop when an equivalent organically produced or untreated variety is not commercially available;

- (c) Non-organically produced annual seedlings may be used to produce an organic crop when a temporary variance has been granted in accordance with this rule;
- (d) Non-organically produced planting stock to be used to produce a perennial crop may be sold, labeled, or represented as organically produced only after the planting stock has been maintained under a system of organic management for a period of no less than 1 year; and
- (e) Seeds, annual seedlings, and planting stock treated with prohibited substances may be used to produce an organic crop when the application of the materials is a requirement of Federal or State phytosanitary regulations.
- (f) The producer of an organic operation shall not use seeds or planting stock produced with excluded methods.
- (F) Crop rotation practice standard.
 - The producer shall implement a crop rotation including, but not limited to, sod, cover crops, green manure crops, and catch crops that provide the following functions that are applicable to the operation:
 - (1) Maintain or improve soil organic matter content;
 - (2) Provide for pest management in annual and perennial crops;
 - (3) Manage deficient or excess plant nutrients; and
 - (4) Provide erosion control.
 - (G) Crop pest, weed, and disease management practice standard.
 - (1) The producer shall use management practices to prevent crop pests, weeds, and diseases including, but not limited to:
 - (a) Crop rotation and soil and crop nutrient management practices, as provided for in this rule;
 - (b) Sanitation measures to remove disease vectors, weed seeds, and habitat for pest organisms; and
 - (c) Cultural practices that enhance crop health, including selection of plant species and varieties with regard to suitability to site specific conditions and resistance to prevalent pests, weeds, and diseases.
 - (2) Pest problems may be controlled through mechanical or physical methods including, but not limited to:
 - (a) Augmentation or introduction of predators or parasites of the pest species;
 - (b) Development of habitat for natural enemies of pests;
 - (c) Nonsynthetic, nontoxic controls such as lures, traps, and repellents.
 - (3) Weed problems may be controlled through:
 - (a) Mulching with fully biodegradable materials;
 - (b) Mowing;
 - (c) Livestock grazing;
 - (d) Hand weeding and mechanical cultivation;
 - (e) Flame, heat, or electrical means; or
 - (f) Plastic or other synthetic mulches, provided that they are removed from the field at the end of the growing or harvest season.
 - (4) Disease problems may be controlled through:
 - (a) Management practices which suppress the spread of disease organisms; or
 - (b) Application of nonsynthetic biological, botanical, or mineral inputs.
 - (5) When the practices provided for in R68-20-4(G)(3)(a), (b), (c), and (d) of this section are insufficient to prevent or control crop pests, weeds, and diseases, a biological or botanical substance or a substance included on the National List of Synthetic Substances allowed for use in organic production may be applied to prevent;

suppress, or control pests, weeds, or diseases, provided that the conditions for using the substance are documented in the organic system plan.

—(6) The producer must not use lumber treated with arsenate of other prohibited materials for new installations or replacement purposes in contact with soil or livestock.

—(H) Wild crop harvesting practice standard.

—(1) Any wild crop that is intended to be sold, labeled, or represented as organic must be harvested from a designated area that has had no prohibited substance, as set forth in R68-20-7, applied to it for a period of 3 years immediately preceding the harvest of the wild crop.

—(2) A wild crop shall be harvested in a manner that ensures that such harvesting or gathering will not be destructive to the environment and will sustain the growth and production of the wild crop.

R68-20-5. Livestock Production Standards.

—Organic Livestock Production Requirements

—(A) Organic Livestock Plan.

—All certified organic livestock operators shall complete and file an Organic Livestock Plan. The following information shall be submitted concerning a livestock operation:

—(1) Source and status of livestock:

—(a) A list of all livestock maintained or to be maintained by the operation and to be purchased in the certification year for the production of organic agricultural products, indicating the species, source, projected number to be maintained and purchased, intended use (slaughter stock, egg, milk or fiber production), and whether the livestock originate from a certified organic or conventional livestock operation; and

—(b) A detailed description of the livestock identification system.

—(2) Living conditions:

—(a) A description of the livestock's housing and living conditions, including access to outside, type and availability of indoor housing, amount of time spent in indoor housing, and justification of the need for such time;

—(b) A description of management practices and inputs used to manage flies, predators, and other livestock pests;

—(c) A description of manure handling, including composting procedures, storage, utilization, and measures taken to avoid environmental degradation.

—(3) Feed requirements:

—(a) For livestock operations which grow or produce organic crops for feed, an organic production and handling system plan shall be included, as described in R68-20-4(B);

—(b) A description of the system for managing land grazed by livestock, including stocking rate, predominant forage species, length of time each unit is grazed before rotation, length of time not grazed each year, and techniques for preventing overgrazing, waste runoff, and erosion;

—(c) A list of all livestock feed used or intended for use, indicating type, source(s), estimated amount needed, estimated amount to be purchased, what, if any, portion of the feed will not be organically produced, and certification documentation of purchased feed;

—(d) A list of feed sources available for use in situations requiring emergency feed sources;

—(e) A list of all livestock feed supplements and/or additives used or intended for use, indicating type, source(s), reason for use and projected amount to be used in feed ration; and

—(f) Documentation that adequate fresh water is available as a water source for livestock.

—(4) Health care:

—(a) description of the management strategies used to promote livestock health, including preventive measures taken for disease and parasite control;

—(b) The name, address, and phone number of the veterinarian, if applicable;

—(c) Medical treatment records of each individual animal or flock, including a list of any animal drugs, including parasiticides, that are used or are intended for use, indicating date of use, withdrawal period, type of medication, source(s), documentation of need for use, and intended use of the animal;

—(d) For dairy animals, information from milk test reports showing average somatic cell and bacteria count results for the past 4 months; and

—(e) A description of all physical alteration done to the livestock, including type of surgical practice, reason for use, name of person responsible, and steps taken to prevent livestock stress.

—(5) Slaughter practices:

—(a) Name and address of slaughter facility;

—(b) Description of handling and transport for slaughter.

—(6) Record-keeping system:

—(a) Description of the livestock operation's record-keeping system, including information on livestock sources, breeding, animal identification types and sources of feed and feed supplements and additives, health care, transport, slaughter and sales.

—(7) Split operation requirements for organic livestock plans:

—(a) A list shall be submitted that shall include projected livestock quantities, when known, that shall indicate the species and projected numbers of organic and non-organic livestock, and that shall include all livestock products produced or intended to be produced both organically and non-organically. Such information may be designated "confidential" so that it will not be released by the certification agent.

—(b) A list of prohibited substances used for livestock production in the non-certified portion of the farm;

—(c) A list of all sites, equipment, and/or facilities, that are used for both organic and non-organic production, harvest, handling, or storage, and identification of organic and non-organic production sites or facilities on the operation map (such information may be designated "confidential" so that it will not be released by the certification agent);

—(d) A description of measures taken by the operation to protect livestock or products from contamination by prohibited substances;

—(e) A description of measures used to prevent commingling of organic and non-organic products. Animals diverted to conventional market shall be clearly identified and documented;

—(f) A description of any additional records that are needed for audit trail verification of sales of organic and non-organic products.

—(8) The Organic Livestock Plan shall be approved by a certification agent, and shall be updated annually.

—(9) Operators shall notify the certification agent of all proposed major changes (R68-20-8(G)) to the Organic Livestock Plan.

—(10) The plan shall describe the management practices and inputs used or intended to be used by the operation and identify all steps taken by the operation to maintain compliance with all

applicable organic livestock production requirements as specified in these standards.

— (11) Major changes requiring notification of certifier include:

— (a) Significant expansion or reduction in animal numbers, other than projected in the Organic Plan;

— (b) Additions or withdrawal of acreage certified; and

— (c) Changes in products requiring a change to the certificate.

— (B) Living Conditions.

— (1) Certified organic livestock operations shall be based on systems that maximize animal health and allow for the natural behavior of animals. Such a production environment shall include the following with no exceptions granted for large livestock concentrations:

— (a) Access to shade, shelter, fresh air, outdoors, and direct sunlight suitable to the species, the stage of production, the climate, and the environment;

— (b) Adequate clean and dry bedding, appropriate to the husbandry system. If the bedding is typically consumed by the animal species, it shall comply with the organic feed standard in R68-2-5(E); and

— (c) A housing design which provides for:

— (i) Natural maintenance;

— (ii) Comfort behaviors and the opportunity to exercise;

— (iii) Temperature levels, ventilation and air circulation suitable to the species;

— (iv) Reduced potential for livestock injury; and

— (v) Access to an outdoor exercise area with a surface that is predominantly grass, wood shavings, soil or other non-artificial bedding, this includes access to pasture for ruminant animals.

— (d) Ample access to fresh water and feed according to the needs of the species and type of animals;

— (e) When natural daylight is prolonged by artificial lighting it shall not lead to a day length which is longer than 20 hours unless this limitation endangers the well-being of the animal.

— (2) Proper livestock health management may include periods of time when livestock are housed indoors. Temporary indoor housing may be justified for:

— (a) Inclement weather;

— (b) Conditions where the health, safety or well-being of the animal could be jeopardized;

— (c) The protection of plant, soil or water quality;

— (d) The stage of animal production;

— (e) The stage of implementation of an operation's Organic Livestock Plan;

— (f) Confinement of beef cattle and sheep for fattening only if the confinement area is large enough to allow freedom of movement.

— (3) Prohibited: The following living conditions are prohibited for organic production:

— (a) Continuous confinement;

— (b) Landless animal husbandry systems;

— (c) Cages for poultry;

— (d) White veal production;

— (e) The use of treated lumber in new installations where toxic substances may contaminate livestock; and

— (f) Routine maintenance of sows and piglets in farrowing crates for more than 4 days.

— (C) Manure Management.

— (1) Manure management practices used to maintain any area in which livestock are housed, pastured, or penned shall be implemented in a manner that:

— (a) Optimizes recycling of nutrients;

— (b) Minimizes soil and water degradation;

— (c) Does not contribute to contamination of crops, soil, or water by nitrates, heavy metals, or pathogenic organisms;

— (d) Does not include burning or any practice inconsistent with organic standards; and

— (e) Does not include human waste products and sewage sludge (bio-solids).

— (2) All manure storage and handling facilities, including composting facilities, shall be designed, constructed and operated to provide containment of runoff where manure is stockpiled.

— (3) Manure application rates shall be at levels that do not contribute to ground and/or surface water contamination. The timing of application and application methods shall not increase the potential for run-off into ponds, rivers and streams and shall be consistent with the following guidelines: manure shall be composted 120 days if a root crop is grown, or the crop is grown in contact with soil, or 90 days if the crop is grown and harvested above the soil.

— (D) Sources of Livestock.

— (1) Origin of livestock: Livestock, including slaughter stock, on a certified organic farm, and the products of such livestock, that are to be sold, labeled or represented as organically produced, shall have been under organic management from birth or hatching, or, in the case of mammals, shall be the offspring of breeder stock which have been under organic management since at least the last third of gestation, with the following exceptions:

— (a) Breeder stock: Livestock may be designated as breeder stock for offspring that are to be raised as organic slaughter stock, provided that female breeder stock are managed in accordance with organic standards during at least the last third of gestation in order for their offspring to qualify as organic slaughter stock;

— (b) Dairy stock: Livestock may be designated as organic dairy livestock for the production of organic milk or milk products, provided that, for replacement animals, cows shall be managed in accordance with organic standards for at least 12 months prior to the production of the milk or milk products that are to be sold, labeled or represented as organic. Other dairy species from conventional sources shall be managed organically 12 months prior to production or from birth if less than 12 months to production.

— (i) Replacement dairy animals from conventional sources shall not exceed 10% of the milking herd on an annual basis. Exceptions, with specific time limits, may be granted by the certification agent for unforeseen severe natural or man-made disasters or when organic replacement animals are not commercially available in a region.

— (ii) When an entire district herd is converted to organic production, the producer may for the first 9 months of the year, provide a minimum of 80% feed that is organic or raised from land included in the organic system plan and managed in compliance with organic crop requirements and provide feed in compliance with R68-20-5(E) for the final 3 months.

— (iii) Once a dairy operation has been converted to organic production, all dairy animals shall be under organic management from the last third of gestation, except that:

— (1) In order for dairy stock to be sold as organic slaughter stock, all organic slaughter stock standards shall apply.

— (c) Poultry: Poultry may be designated as organic poultry for the production of organic meat or eggs, provided that they are brought onto an organic livestock operation beginning no later than the second day of life, and are managed organically from that point on.

— (d) Livestock used for the production of non-edible livestock products: Livestock may be designated as livestock from which

skin, fur, feathers, fibers and all non-edible products obtained from them can be sold, labeled or represented as organically produced, provided that such livestock are fed 100% certified organic feed and managed organically for one year (12 months) prior to the collection or harvest of non-edible organic products.

—(e) Other livestock: (Organic aquaculture standards are still under development and are not included in this rule at this time.)

—(f) The producer of an organic livestock operation shall maintain records sufficient to preserve the identity of all organically managed animals and edible and nonedible animal products produced on the operation.

—(2) Prohibited Sources of Livestock:

—(a) Breeder or dairy stock that have not been under continuous organic management from the last third of gestation before birth may not be sold, labeled, or represented as organic slaughter stock;

—(b) Genetically engineered animals and animals from embryo transfer and/or cloning techniques are prohibited for use as organic breeding, production, or slaughter stock;

—(c) Organically produced animals that have been diverted to conventional production shall not be transferred back to organic production.

—(E) Feed Requirements.

—(1) All certified organic livestock shall be fed certified organically produced and handled feeds.

—(2) Any feed or forage purchased from off farm shall be certified as meeting the requirements for organic production and handling.

—(3) Requirements for Pasture.

—(a) Lands on which livestock are grazed or pastured shall be certified, and the Organic Plan shall contain management measures designed to maximize edible forage throughout the grazing season, establish appropriate stocking rates, and maintain or improve soil fertility and range land health, as approved by the certification agent.

—(b) Buffer zones for pastures. Pastures used for grazing shall include buffer zones where the pastures border known sources of contaminants, including land to which prohibited substances have been applied.

—(c) Pasture Requirement. Access to managed pasture shall be provided for ruminant animals.

—(d) Temporary exceptions shall only be allowed for:

—(i) Inclement weather;

—(ii) Conditions where the health, safety or well being of the animal could be jeopardized;

—(iii) The protection of plant, soil or water quality;

—(iv) The animal's stage of production; or

—(v) The stage of implementation of an operation's Organic Livestock Plan.

—(e) When pasture is not available to ruminant animals for any of the above reasons, certified organic forage shall be made available.

—(4) Weaning.

—(a) Young mammalian livestock shall receive adequate natural colostrum milk. Slaughter stock which receive synthetic colostrum shall be sold as non-organic or used as breeding stock.

—(b) All mammalian livestock shall receive natural whole milk until weaning. Temporary use of non-medicated milk replacer shall be documented in an operation's Organic Livestock Plan, and shall be approved by the certification agent.

—(c) Early weaning shall require written justification (under 4 weeks for piglets, 3 months for beef and dairy and 18 kg or 2 months for sheep and goats).

—(5) Feed Emergency. A feed emergency is a temporary, unplanned shortage of certified organic feed due to conditions that are entirely beyond an operator's control, such as fire, drought, flood, or other natural disasters.

—(a) To qualify for an emergency exemption from organic feed requirements, the operator shall document efforts to obtain organic feed in advance of the depletion of feed reserves, establish an emergency feed plan in the Organic Livestock Plan, and receive approval from the certification agent.

—(b) In the case of a feed emergency, the operator shall notify the certification agent of the emergency, and shall obtain feed based on the following order of preference:

—(i) Certified organic feed;

—(ii) Non-certified organic feed;

—(iii) Feed grown under organic management for two years;

—(iv) Feed grown under organic management for one year; or

—(v) non-GEO/GMO feed

—(vi) Conventional feed.

—(c) Transitional or conventional feed shall be fed first to animals furthest away in time from production of products intended to be sold as organic.

—(6) Feed Additives. Additives fed to organic livestock shall meet the following requirements:

—(a) Feed additives that are non-synthetic may be from any source, provided that the additive is not listed in R68-20-7(D) as a non-synthetic substance prohibited for organic livestock production.

—(b) Synthetic feed additives shall be on the National List of Synthetic Substances allowed for organic livestock production (R68-20-7(C)).

—(7) Feed Supplements. Supplements fed to organic livestock shall meet the following requirements:

—(a) Feed supplements that are non-synthetic, such as salt, limestone, (calcium carbonate), and kelp, shall be from any source, provided that the supplement is not listed in R68-20-7(D) as a non-synthetic substance prohibited for organic livestock production.

—(b) Synthetic feed supplements shall be on the National List of Synthetic Substances allowed for organic livestock production (R68-20-7(C)). Permitted supplements include vitamins and minerals. Listed synthetic vitamins and minerals may be fed to livestock under organic management only as necessary for the purpose of fulfilling the documented nutritional requirements of the livestock, and their use shall be reported in the Organic Livestock Plan.

—(8) Feed concentrates. Feed concentrates shall be organically produced. These include, but are not limited to: agricultural grains, beans, seeds, meals, beet pulp, brewer's grains, distillers' grains, and molasses.

—(9) Prohibited feeds, concentrates, additives and supplements. The following substances or methods are prohibited for the feeding of organic livestock:

—(a) Any synthetic substance that does not appear on the National List of Synthetic Substances allowed for organic livestock production (R68-20-7(C)). This includes but is not limited to synthetic preservatives, stabilizers, and coloring agents;

—(b) The use of the following, whether implanted, injected, or administered orally, for the purpose of stimulating the growth or production of livestock:

—(i) Hormones or growth stimulators;

—(ii) Antibiotics or other animal drugs;

—(iii) Synthetic amino acids, vitamins, or trace elements fed above levels needed for adequate nutrition;

—(c) Plastic pellets for roughage;

- (d) Manure feeding or re-feeding;
- (e) Feed formulas containing urea;
- (f) Any feed made from meal that has been extracted by the use of synthetic solvents, e.g., hexane;
- (g) Medicated feeds and milk replacers;
- (h) Synthetic colostrum replacer for slaughter stock;
- (i) Synthetic silage and forage preservatives;
- (j) The feeding of poultry and mammalian slaughter by-products to organic poultry and mammals;
- (k) Genetically engineered organisms, including their derivatives, in feeds and feed concentrates; and
- (l) Genetically engineered organisms, including their derivatives, in feed supplements and feed additives.
- (m) Intentional malnutrition;
- (n) Use of feed, feed additives, or feed supplements in violation of the Federal Food, Drug and Cosmetic Act.
- (10) Plastic and other synthetic materials used for bale wraps, silage covers, and other uses to protect or preserve feed shall be disposed of appropriately or recycled. Plastic shall not be incorporated into the soil or burned as a means of disposal.
- (F) Water.
 - (1) Livestock shall have access to clean drinking water.
 - (2) If the primary source of livestock drinking water comes from surface waters (e.g., ponds and creeks) that collect from land that has been treated with prohibited substances, or a well or other source suspected to be contaminated, that water may be tested for residues of prohibited substances, as determined by the certification agent.
 - (a) Residues of prohibited substances shall be less than maximum contaminant levels as established by the Safe Drinking Water Act.
 - (b) The certification agent may require further testing of livestock products to determine that no residues of contaminants are found in organic products above the maximum allowable mean.
 - (3) Problems resulting from improper water management such as aquifer depletion, excessive puddling, and soil erosion will be monitored during the annual inspection. If the inspector's reports indicate concern about any of these factors, information will be immediately reviewed by authorized Utah Department of Agriculture and Food personnel.
- (G) Livestock Health Care.
 - (1) Producers shall maintain a production environment that promotes livestock health and limits livestock stress.
 - (2) Organic livestock producers shall take all necessary steps to maintain the health of their animals. These may include, but are not limited to:
 - (a) Balanced, complete nutrition;
 - (b) Selection and breeding of animals for resistance and immunity to disease and parasites;
 - (c) Establishment of appropriate housing with regard to suitability for site specific conditions of species and type;
 - (d) Proper sanitation and hygiene with approved materials;
 - (e) Exercise, freedom of movement, and reduction of stress;
 - (f) Pasture management and proper drainage;
 - (g) Timely attention to routine production chores such as hoof trimming and grooming
 - (h) Quarantine of incoming stock (minimum of 30 days for large mammals after their introduction into an organic operation);
 - (i) Quarantine of sick or injured animals;
 - (j) Vaccinations as required by law or for diseases endemic to an area, as documented in the Organic Livestock Plan and approved by the certification agent;
 - (k) Testing for diseases before introducing new animals;
 - (l) Administering veterinary biologic, vitamins, and minerals;
 - (m) Treatment of animals only for specific diseases as defined by a veterinarian.
 - (n) Thorough cleansing and appropriate dressing of all open wounds to prevent infection and the need for antibiotics;
 - (o) Culling weak animals; and
 - (p) Feeding colostrum for at least 24 hours.
 - (3) Livestock producers are required to manage livestock to reduce the risk of parasite infestation through cultural and biological practices, which may include, but are not limited to:
 - (a) Quarantine and fecal examination for all incoming stock (minimum of 30 days for incoming large mammals after their introduction into an organic operation);
 - (b) Pasture rotation, sanitation and management including drainage;
 - (c) Periodic fecal examinations and culling seriously infested individuals;
 - (d) Wildlife management to prevent infection of pastures with parasites;
 - (e) Vector and intermediate host control;
 - (f) Release of beneficial organisms;
 - (g) Natural dusting wallows for poultry; and
 - (h) Good sanitation and disinfecting of facilities with approval materials.
 - (4) If methods pursuant to R68-20-5(G) of this chapter are not adequate, in the event of documented sickness or infestation with parasites, organic producers are permitted to use the following:
 - (a) Non-synthetic substances that are not on the National List of Non-Synthetic Substances prohibited for livestock production (R68-20-7(D)); or
 - (b) Synthetic substances that are on the National List of Synthetic Substances allowed for organic livestock production (R68-20-7(C)).
 - (i) Any use of a synthetic parasiticide shall require written justification, approval by the certification agent, and shall be recorded in the operation's Organic Livestock Plan.
 - (ii) As part of the Organic Livestock Plan, synthetic parasiticides are allowed for:
 - 1) Breeder stock, but not during the last third of gestation if progeny is to be sold as organic; and
 - 2) Dairy stock, including bovine, ovine and caprine species, when used a minimum of 90 days prior to the production of milk or milk products that are to be sold, labeled, or represented as organically produced.
 - (iii) Synthetic parasiticides are prohibited for:
 - 1) All livestock for slaughter;
 - 2) Lactating animals, if the milk or progeny is to be sold as organic.
- (5) All appropriate medications shall be used to restore an animal to health when methods acceptable to organic production fail.
 - (a) Any use of a synthetic medication shall require a written justification for use, approval by the certification agent, and shall be recorded in the operation's Organic Livestock Plan.
 - (b) If a prohibited material is used on an animal, that animal cannot be used thereafter for organic production or be sold, labeled

or represented as organic. The following livestock health care substances and methods are prohibited:

— (i) The use of antibiotics or synthetic parasiticides in slaughter stock, dairy stock, or other stock producing edible or non-edible products;

— (ii) The use of antibiotics in dairy stock less than 90 days prior to lactation for new herds or replacements, and less than one year for stock producing non-edible products prior to the harvest of such products that are to be sold, labeled or represented as organically produced;

— (iii) The use of antibiotics or synthetic parasiticides in breeder stock during the last third of gestation. Such use results in a non-organic status for the progeny of the affected pregnancy;

— (iv) Any synthetic substance, including any medication, antibiotic, hormone, or parasiticide, that is not on the National List of Substances allowed for organic livestock production (R68-20-7(C));

— (v) Any non-synthetic substance that is on the Prohibited Non-Synthetic List (R68-20-7(D));

— (vi) Subtherapeutic doses of any antibiotic;

— (vii) Routine use of synthetic parasiticides;

— (viii) Administration of any medication, other than vaccinations, in the absence of illness, including hormones for breeding purposes or reproductive treatment; and

— (ix) Use of any animal drug in violation of the Federal Food, Drug, and Cosmetic Act.

— (e) The action of a producer to withhold treatment to maintain the organic status of an animal which results in the otherwise avoidable suffering or death of an animal are grounds for decertification.

— (d) Livestock treated with a prohibited substance shall be clearly identified and shall not be sold, labeled, or represented as organically produced.

— (6) Physical alterations:

— (a) Physical alterations may only be conducted for the animal's ultimate benefit, and these practices shall be administered in ways that minimize pain and stress.

— (i) If used they shall be carried out with the utmost care for the health and well being of the animal.

— (ii) Suffering shall be minimized and anesthetics used when appropriate.

— (2) The following physical alterations are regulated and may be used only if the following conditions are met:

— (i) Beak trimming of poultry:

— 1) Beak trimming may be done no later than 10 days old;

— 2) Beak trimming may only be done for protection of the flock, using the most humane methods available; and

— 3) Beak trimming may only be done in conjunction with good organic management practices as defined by these standards.

— (ii) Dehorning, castration, freeze branding, and removal of extra teats may only be done at a young age, using the most humane methods.

— (3) The following physical alterations are not allowed:

— (i) Tail cutting, with the exception of lambs;

— (ii) Wing burning;

— (iii) Teeth cutting, with the exception of pigs;

— (iv) Toe clipping of poultry;

— (v) De-spurring of poultry, unless performed for the protection of other birds in the flock; and

— (vi) All other livestock mutilation practices not specifically mentioned above.

— (7) Reproduction:

— (a) Natural service is preferred. Artificial insemination is allowed.

— (b) Embryo transfer and cloning are not allowed.

— (H) Audit Trail.

— (1) An audit trail shall be maintained which permits tracing the sources and amounts of all animals, feeds, feed supplements, feed additives, and medications.

— (2) Organic livestock shall be traced from birth to slaughter, including purchase and sales.

— (3) Livestock health records which show all health problems and the practices and materials used for treatment shall be maintained.

— (4) With the exception of poultry, rabbits, bees and other small animals, organic livestock shall be individually identified. All large animals (including pigs, goats, cattle, sheep, etc.) shall be identified by numbered tags, names, tattoos, etc., suitable to the species and production system.

— (a) Each animal that is treated with a veterinary drug shall be clearly identified with a tag that corresponds to a record of the material used and date of treatment.

— (b) Paints and crayons used to mark livestock shall not contain prohibited materials and shall be used in a manner that does not contaminate the livestock or livestock products.

— (5) Poultry, rabbits, bees and other small animals that are not individually identified are to be tracked by lots or other applicable units, wherein all individuals have received the same inputs and treatment.

— (I) Slaughter.

— (1) Animal stress, injury, and accidental mortality shall be minimized during loading, unloading, shipping, holding, and slaughter.

— (2) No synthetic tranquilizers or stimulants shall be administered prior to or during transport.

— (3) Stunning is to be in accordance with the Humane Slaughter Act of 1978.

— (4) Carcass marking agents shall be approved for use by the local governmental regulatory agency and meet requirements of these standards.

— (5) Meat products shall be clearly identifiable back to the primary producer and through to point of sale. Care shall be exercised to keep certified products isolated from all possible contamination and prohibited materials during transit and at point of sale.

— (6) Slaughter shall occur at certified organic facilities under sanitary conditions and in accordance with all applicable laws and regulations.

— (7) Organic animals and animal products shall be clearly identified and segregated to prevent commingling with non-organic animals and animal products.

— (8) Use of mobile slaughter units requires written justification by the producer.

— (J) Milk Handling.

— (1) Organic dairy operations shall comply with all applicable regulatory requirements as specified in the Grade A Pasteurized Milk Ordinance as adopted in R70-3-10.

— (2) Cleaning milking equipment with scalding water and substances listed on the approved materials list (R68-20-7(E)).

— (3) Sanitizing udders with approved substances (R68-20-7(E)).

R68-20-6. Handling and Labeling Standards.~~Organic Handling Requirements~~~~(A) Applicability.~~

~~(1) "Handling" includes selling, processing, packaging or storing agricultural products. A "handler" includes any person engaged in the business of handling agricultural products, but not including final retailers who are exempt under R68-20-6(6) and R68-20-6(6)(b). A "handling operation" includes any operation or portion of an operation that receives processes, packages, or stores agricultural products.~~

~~(2) Handlers who hold legal title to organic products shall be responsible for maintaining the organic integrity of the organic products they handle. Handlers who shall be certified include food services, jobbers, packers, shippers, and processors who take legal title to organic products, including livestock feed, as well as retailers and distributors who process and substantially transform, re-pack, label, or re-label organic products.~~

~~(3) The activity of individuals or businesses who do not take legal title to organic products but act as agents, licensees, employees, contractors, subcontractors, co-packers, or co-processors, and who process, package, or store organic agricultural products for a certified organic farming or handling operation shall be covered by the certification of that organic farming or handling operation. Such activity shall be described in the Organic Plan and shall be inspected and scrutinized with the same rigor and to the same standards as the certified organic operation for which they act as an agent, licensee, employee, contractor, subcontractor, co-packer, or co-processor.~~

~~(4) Individuals and businesses that do not need to be certified include brokers, commission merchants, and truckers which do not take legal title to organic products.~~

~~(5) Handlers who are not subject to certification shall follow applicable Organic Good Manufacturing and Handling Practices, as described in R68-20-6(D), to prevent commingling and contamination of organic products by prohibited substances, and maintain the integrity of ingredients identified as "organic" in the ingredient statements.~~

~~(a) Non-certified retailers are responsible to maintain documentation of certification from suppliers. Distributors not required to be certified shall maintain audit trail records of organic products sufficient to document source and certification of products so that retailers have access to verification information.~~

~~(b) Produce shall be shipped in boxes clearly identified with grower's name and address and certification agent. Other commodities shall be shipped in bags or containers that are identified by lot number and certification agent, or are linked to and accompanied by appropriate documents that provide the information required in R68-20-6(F)(7)(a).~~

~~(6) Retailers, who do not process, substantially transform, re-pack, or re-label are exempt from certification.~~

~~(a) All retail operations that process organic foods; produce organic products under their own name, for example private labels; or that handle certified organic goods which are not in a final package, shall be certified. Examples of types of retail activities that require certification:~~

~~(i) Multi-ingredient food preparation;~~

~~(ii) Salad bars, juice bars;~~

~~(iii) Bakeries; and~~

~~(iv) Store labeling or branding of organic products.~~

~~(b) Examples of types of retail activities that do NOT require certification:~~

~~(i) Normal produce handling and display;~~

~~(ii) Re packaging for weight, including cutting of meat. Original identification of organic certification shall be posted or maintained on label; and~~

~~(iii) Bulk or bin sales, as long as item is clearly labeled with certification information.~~

~~(B) Organic Handling Plan.~~

~~General requirements.~~

~~(a) All certified organic handlers shall complete and file an Organic Handling Plan.~~

~~(b) It shall be approved by the certification agent.~~

~~(c) Operators shall notify the certification agent of all proposed major changes to the Organic Handling Plan. Major changes are limited to:~~

~~(i) Additional processes and/or products;~~

~~(ii) Withdrawal of process and/or products from certification; and~~

~~(iii) Changes to certificate such as products, processes, name of responsible person, and change in ownership of operation.~~

~~(d) The plan shall describe all steps taken by the operation to maintain compliance with all applicable organic handling requirements as specified in these standards.~~

~~(e) The plan shall address all elements of organic handling that are applicable to a particular handling operation, including:~~

~~(i) The handling system description;~~

~~(ii) Procedures for assuring organic integrity;~~

~~(iii) Material inputs or ingredients;~~

~~(iv) Ingredient and finished product storage;~~

~~(v) Transportation;~~

~~(vi) Audit trail system; and~~

~~(vii) Pest management.~~

~~(C) Organic Handling Requirements.~~

~~(1) Mechanical or biological methods, including, but not limited to, cooking, baking, curing, distilling, heating, drying, mixing, grinding, churning, separating, extracting, slaughtering, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, chilling, or otherwise manufacturing, and the packaging, canning, jarring, or otherwise enclosing food in a container may be used to process an organically produced agricultural product intended for the purpose of retarding spoilage or otherwise preparing the agricultural product for market.~~

~~(2) Nonagricultural substances allowed under R68-20-7(G) and non-organically produced agricultural products allowed under R68-20-7(H) may be used:~~

~~(a) in or on a processed agricultural product intended to be sold, labeled, or represented as "organic". Pursuant to R68-20-6(F)(2)(b), if not commercially available in organic form.~~

~~(b) In or on a processed agricultural product intended to be sold, labeled or represented as "made with organic" (specified ingredients or food group(s)), pursuant to R68-20-6(F)(2)(c).~~

~~(3) The handler of an organic handling operation shall not use in or on an agricultural product intended to be sold, labeled, or represented as "100 percent organic," organic," or "made with organic (specified ingredients or food group(s)) or in or on any ingredients labeled as organic):"~~

~~(a) An ingredient produced with excluded methods; or~~

~~(b) A volatile synthetic solvent or any other synthetic processing aid not allowed under R68-20-7(G). Except, that, nonorganic ingredients in products labeled "made with organic(specified ingredients or food groups(s))" are not subject to this requirement.~~

~~—(D) Good Manufacturing Practices.~~~~—(1) All certified organic handlers and processors shall comply with the Good Manufacturing Practices (GMP's) in 21 Code of Federal Regulations 110, the Utah Wholesome Food Act and the Utah Food Protection rule.~~~~—(2) Sanitation.~~~~—(a) Cleanliness. Necessary precautions shall be taken to protect against contamination of food, food contact surfaces, or food packaging materials with microorganisms or foreign substances including, but not limited to: perspiration, hair, cosmetics, tobacco, chemicals, metal fragments, glass shards, soil, medicines applied to the skin, substances that are not included on the National List of Substances Allowed for Processed Food, and non-synthetic substances included on the National List of Prohibited Non-synthetic Substances.~~~~—(b) Sanitation of Food Contact Surfaces. In organic handling operations, treatment of food contact surfaces, including utensils and food contact surfaces of equipment, with cleaning compounds and sanitizers shall be done in such a way as to prevent the loss of organic integrity.~~~~—(i) Extra rinses, flushes, purges and/or analysis may be required prior to the production of organic products.~~~~—(ii) Records shall be maintained to verify protection of organic integrity.~~~~—(3) Facility pest management practice standard.~~~~—(a) The producer or handler of an organic facility shall use management practices to prevent pests, including, but not limited to:~~~~—(i) Removal of pest habitat, food sources, and breeding areas;~~~~—(ii) Prevention of access to handling facilities; or~~~~—(iii) Management of environmental factors, such as temperature, light, humidity, atmosphere, and air circulation to prevent pest reproduction.~~~~—(b) Pests may be controlled through:~~~~—(i) Mechanical or physical controls including, but not limited to: traps, light, or sound; or~~~~—(ii) Lures and repellents using nonsynthetic or synthetic substances consistent with R68-20-7.~~~~—(c) If the practices provided for in R68-20-6(D)(3)(a) and (b) of this section are not effective to prevent or control facility pests, a nonsynthetic or a synthetic substance consistent with the National List may be applied.~~~~—(E) Commingling and contact with prohibited substance prevention practice standard.~~~~—(1) The handler of an organic handling operation shall implement measures necessary to prevent the commingling of organic and non-organic products and protect organic products from contact with prohibited substances.~~~~—(2) The following are prohibited for use in the handling of any organically produced agricultural product or ingredient labeled in accordance with R68-20-6(F) or this rule.~~~~—(a) Packaging materials and storage containers or bins that contain a synthetic fungicide, preservative, or fumigant;~~~~—(b) The use or reuse of any bag or container that had been in contact with any substance in such a manner as to compromise the organic integrity of any organically produced products or ingredient placed in those containers unless, reusable bag or container has been thoroughly cleaned and poses no risk of contact of the organically produced product or ingredient with the substance used.~~~~—(F) Labels, Labeling, and Market Information.~~~~—(1) Use of the term, "organic."~~~~—(a) The term, "organic," may only be used on labels and in labeling of raw or processed agricultural products, including ingredients, that have been produced and handled in accordance with R68-20. The term "organic" may not be used in a product name to modify a non-organic ingredient in the product.~~~~—(b) Products for export, produced and certified to foreign national organic standards or foreign contract buyer requirements, may be labeled in accordance with the organic labeling requirements of the receiving country or contract buyer, provided that the shipping containers and shipping documents meet the labeling requirements specified in R68-20-6(F)(8)(c).~~~~—(c) Products produced in a foreign country and exported for sale in the United States shall be certified pursuant to R68-20-8 and labeled pursuant to R68-20-6(F).~~~~—(d) Livestock feeds produced in accordance with the requirements of R68-20 must be labeled in accordance with the requirements of R68-20-6(F)(7).~~~~—(2) Product composition.~~~~—(a) Products sold, labeled, or represented as "100 percent organic." A raw or processed agricultural product sold, labeled, or represented as "100 percent organic" shall contain (by weight or fluid volume, excluding water and salt) 100 percent organically produced ingredients. If labeled as organically produced, such product shall be labeled pursuant to R68-20-6(F)(4).~~~~—(b) Products sold, labeled, or represented as "organic." A raw or processed agricultural product sold, labeled, or represented as "organic" shall contain (by weight or fluid volume, excluding water and salt) not less than 95 percent organically produced raw or processed agricultural product. Any remaining product ingredients shall be organically produced, unless not commercially available in organic form or shall be nonagricultural substances or non-organically produced agricultural products produced consistent with the National List in R68-20-7. If labeled as organically produced, such product shall be labeled pursuant to R68-20-6(F)(4).~~~~—(c) Products sold, labeled, or represented as "made with organic (specified ingredients or food group(s))." Multi-ingredient agricultural products sold, labeled, or represented as "made with organic (specified ingredients or food group(s))" shall contain (by weight or fluid volume, excluding water and salt) at least 70 percent organically produced agricultural products which are produced and handled pursuant to requirements in R68-20-6. No ingredients may be produced using prohibited practices specified in R68-20-6(F)(f)(iv),(v),(vi), and (vii). If labeled as containing organically produced ingredients or food groups, such products shall be labeled pursuant to R68-20-6(F)(5).~~~~—(d) Products with less than 70 percent organic ingredients. The organic ingredients in multi-ingredient agricultural product containing less than 70 percent organically produced ingredients (by weight or fluid volume, excluding water and salt) shall be produced and handled pursuant to requirements in R68-20-6. The non-organic ingredients may be produced and handled without regard to the requirements of this rule. Multi-ingredient agricultural product containing less than 70 percent organically produced ingredients may represent the organic nature of the product only as provided in R68-20-6(F)(6).~~~~—(e) Livestock Feed.~~~~—(i) A raw or processed livestock feed product sold, labeled, or represented as "100 percent organic" must contain (by weight or fluid volume, excluding salt and water) not less than 100 percent organically produced raw or processed agricultural product.~~

— (ii) A raw or processed livestock feed product sold, labeled or represented as "organic" must be produced in conformance with R68-20-5(B) and (R68-20-6(E)).

— (f) All products labeled as "100 percent organic" or "organic" and all ingredients identified as "organic" in the ingredient statement of any product shall not:

— (i) Be produced using excluded methods or products of excluded methods as ingredients or processing aids;

— (ii) Be produced using sewage sludge;

— (iii) Be processed using ionizing radiation;

— (iv) Be processed using processing aids not approved on the National List of Allowed and Prohibited Substances in R68-20-7, except that products labeled as "100 percent organic," if processed, shall be processed using organically produced processing aids;

— (v) Contain sulfites, nitrates, or nitrites added during the production or handling process; Except, that, wine containing added sulfites may be labeled "made with organic grapes";

— (vi) Be produced using non-organic ingredients when organic ingredients are available; or

— (vii) Include organic and non-organic forms of the same ingredient.

— (3) Calculating the percentage of organically produced ingredients.

— (a) The percentage of all organically produced ingredients in an agricultural product sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))," or that include organic ingredients shall be calculated by:

— (i) Dividing the total net weight (excluding water and salt) of combined organic ingredients at formulation by the total weight (excluding water and salt) of the finished product.

— (ii) Dividing the fluid volume of all organic ingredients (excluding water and salt) by the fluid volume of the finished product (excluding water and salt) if the product and ingredients are liquid. If the liquid product is identified on the principal display panel or information panel as being reconstituted from concentrates, the calculation shall be made on the basis of single strength concentrations of the ingredients and finished product.

— (iii) For products containing organically ingredients in both solid and liquid form, dividing the combined weight of the solid ingredients and the weight of the liquid ingredients (excluding water and salt) by the total weight (excluding water and salt) of the finished product.

— (b) The percentage of all organically produced ingredients in an agricultural product shall be rounded down to the nearest whole number.

— (c) The percentage shall be determined by the handler who affixes the label on the consumer package and verified by the certifying agency of the handler. The handler may use the information provided by the certified operation in determining the percentage.

— (4) Packaged products labeled "100 percent organic" or "organic."

— (a) Agricultural products in packages described in R68-20-6(F)(2)(a) and (b) may display, on the principal display panel, information panel, and any other panel of the package and on any labeling or market information concerning the product, the following terms:

— (i) The term, "100 percent organic" or "organic," as applicable, to modify the name of the product;

— (ii) The products labeled "organic" the percentage of organic ingredients in the product; (the size of the percentage statement must not exceed one-half the size of the largest type size on the panel which the statement is displayed and must appear in its entirety in the same type size, style, and color without highlighting).

— (iii) The term "organic" to identify the organic ingredients in multi-ingredient products labeled "100 percent organic";

— (iv) The UDAF Organic Seal;

— (v) The seal, logo, or other identifying mark USDA of the certifying agent which certified the production or handling operation producing the finished product and any other certifying agency which certified production or handling operations producing raw organic product or organic ingredients used in the finished product: Provided that the handler producing the finished product maintain records, pursuant to this rule, verifying organic certification of the operations producing such ingredients, and: Provided further, That, such seals or marks are not, individually, displayed more prominently than the UDAF Seal.

— (b) Agricultural products in packages described in R68-20-6(F)(2)(a) and (b) shall:

— (i) For products labeled "organic", identify each organic ingredient in the ingredient statement with the word "organic", or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced. Water or salt included as ingredients cannot be identified as organic.

— (ii) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "Certified organic by...", or similar phrase, identify the name of the certifying agent that certified the handler of the finished product and may display the business address, internet address, or telephone number of the certifying agent in such label.

— (5) Packaged products labeled "made with organic (specified ingredients or food group(s))."

— (a) Agricultural products in packages described in R68-20-6(F)(2)(c) may display on the principal display panel, information panel, and any other panel and on any labeling or market information concerning the product:

— (i) The statement:

— (A) "made with organic (specified ingredients)" Provided that the statement does not list more than three organically produced ingredients; or

— (B) "made with organic (specified food group(s))", Provided, that the statement does not list more than three of the following food groups: beans, fish, fruits, grains, herbs, meats, nuts, oils, poultry, seeds, spices, sweeteners, and vegetables or processed milk products; and provided further, that all ingredients of each listed food group in the product must be organically produced; and

— (C) Which appears in letters that do not exceed one-half the size of the largest type size on the panel and which appears in its entirety in the same type size, style, and color without highlighting.

— (ii) The percentage of organic ingredients in the product. The size of the percentage statement must not exceed one-half the size of the largest type size on the panel on which the statement is displayed and must appear in its entirety in the same type, size, style and without highlighting.

— (iii) The seal, logo, or other identifying mark of USDA, UDAF or the certifying agent that certified the handler of the finished product.

— (b) Agricultural products in packages described in R68-20-6(F)(2)(e) shall:

—(i) In the ingredient statement, identify each organic ingredient with the word "organic" or with an asterisk or other reference mark which is defined below the ingredient statement or indicate the ingredient is organically produced. Water or salt included as ingredients cannot be identified as organic.

—(ii) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "Certified organic by...," or similar phrase, identify the name of the certifying agent that certified the handler of the finished product. Except, that the business address, internet address, or telephone number of the certifying agent may be included in such label.

—(e) Agricultural products in packages described in R68-20-6(F)(2)(c) shall not display the UDAF Organic Seal.

—(6) Multi-ingredient packaged products with less than 70 percent organic ingredients:

—(a) An agricultural product with less than 70 percent organically produced ingredients may only identify the organic content of the product by:

—(i) Identifying each organically produced ingredient with the word "organic", or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced, and

—(ii) If the organically produced ingredients are identified in the ingredient statement, displaying the products percentage of organic contents on the information panel.

—(b) Agricultural products with less than 70 percent organically produced ingredients shall not display:

—(i) The UDAF Organic Seal nor

—(ii) Any certifying agent's seal, logo, or other identifying mark which represents organic certification of a product or product ingredients.

—(7) Labeling of livestock feed:

—(a) Livestock feed products described in R68-20-6(F)(2)(e)(I) and (e)(ii) may display on any package panel the following terms:

—(i) The statement "100 percent organic" or "organic" as applicable, to modify the name of the feed product.

—(ii) The UDAF seal

—(iii) The seal, logo, or other identifying mark of USDA or the certifying agent which certified the production or handling operation producing the raw or processed organic ingredients used in the finished product, provided, that such seals or marks are not displayed more prominently than the UDAF seal.

—(iv) The word "organic" or an asterisk or other reference mark which is defined on the package to identify ingredients that are organically produced. Water or salt included as ingredients cannot be identified as organic.

—(b) Livestock feed products described in R68-20-6(F)(2)(e)(I) and (e)(ii) shall:

—(i) On the information panel, below the information identifying the manner of distributor of the product and preceded by the statement, "Certified organic by ***" or a similar phrase, display the name of the certifying agent that certified the handler of the finished product. The business address, internet address, or telephone number of the certifying agent may be included in such label.

—(ii) Comply with other UDAF or Federal Agency feed labeling requirements as applicable.

—(8) Labeling of non-retail containers used for only shipping or storage of raw or processed agricultural products labeled as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))."

—(a) Non-retail containers used only to ship or store raw or processed agricultural product labeled as containing organic ingredients may display the following terms or marks:

—(i) The name and contact information of the certifying agent which certified the handler which assembled the final product;

—(ii) Identification of the product as "organic";

—(iii) Special handling instructions needed to maintain the organic integrity of the product;

—(iv) The UDAF Organic Seal;

—(v) The seal, logo, or other identifying mark of USDA the certifying agent that certified the organic production or handling operation that produced or handled the finished product.

—(b) Non-retail containers used to ship or store raw or processed agricultural product labeled as containing organic ingredients shall display the production lot number of the product, if applicable.

—(c) Shipping containers of domestically produced product labeled as organic intended for export to international markets may be labeled in accordance with any shipping container labeling requirements of the foreign country of destination or the container labeling specifications of a foreign contract buyer, provided further that the shipping containers and shipping documents accompanying such organic product are clearly marked "for export only," and provided further that proof of such container marking and export shall be maintained by the handler, in accordance with record keeping requirements for exempt and excluded operations under R68-20-3(B).

—(9) Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as "100 percent organic" or "organic."

—(a) Agricultural products in other than packaged form may use the term "100 percent organic" or "organic" as applicable, to modify the name of the product in retail display, labeling, and display containers: Provided, that the term, "organic" is used to identify the organic ingredients listed in the ingredient statement.

—(b) If the product is prepared in a certified facility, the retail display, labeling, and display containers may use:

—(i) The UDAF Organic Seal;

—(ii) The seal, logo, or other identifying mark of USDA or the certifying agent that certified the production or handling operation producing the finished product and any other certifying agent which certified operations producing raw organic product or organic ingredients used in the finished product provided that such seals or marks are not, individually, displayed more prominently than the UDAF Organic Seal.

—(10) Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as "made with organic (specified ingredients or food group(s))."

—(a) Agricultural products containing between 70 and 95 percent organically produced ingredients may use the phrase, "made with organic (specified ingredients or food group(s))," to modify the name of the product in retail display, labeling, and display containers.

—(i) Such statement shall not list more than three organic ingredients or food groups, and

—(ii) In any such display of the product's ingredient statement, the organic ingredients are identified as "organic."

—(b) If prepared in a certified facility, such agricultural products labeled as "made with organic (specified ingredients or food group(s))" in retail displays, display containers, and market information may display the certifying agent's seal, logo, or other identifying mark.

— (11) Agricultural products produced on an exempt or excluded operation.

— (a) An agricultural product organically produced or handled on an exempt or excluded operation shall not:

— (i) Display the UDAF or USDA Organic Seal or any certifying agent's seal or other identifying mark which represents the exempt or excluded operation as a certified organic operation, or

— (ii) Be represented as a certified organic product or certified organic ingredient to any buyer.

— (b) An agricultural product organically produced or handled on an exempt or excluded operation may be identified as an organic product or organic ingredient in a multi-ingredient product produced by the exempt or excluded operation. Such product or ingredient shall not be identified as "organic" in a product processed by others.

— (c) Such product is subject to labeling requirements specified in R68-20-6(F)(1)(a) and R68-20-6(F)(2)(e)(i) through (vii).

— (12) UDAF Organic Seal.

— (a) The UDAF Organic Seal may be used only for agricultural products (raw or processed) described in R68-20-6(F)(2)(a) and (b).

— (13) The USDA seal may be used in accordance to 7 CFR, Part 205, National Organic Program.

R68-20-7. List of Allowed and Prohibited Substances in Organic Production and Handling.

— (A) Introduction.

— Under the Organic Foods Production Act (OFPA) of 1990 (7 U.S.C. 6501 et seq.), the National Organic Standards Board was designated to propose a National List of approved and prohibited substances to be included in the standards for organic production and handling. Substance names listed below are similar to items listed in the 2000 proposed USDA National Organic Program 7 CFR Part 205.

— (B) To be sold or labeled as "organic," or "made with organic (specified ingredients)," the product shall be produced and handled without the use of:

— (1) Synthetic substances and ingredients, except as provided in R68-20-7(C) and (E).

— (2) Nonagricultural substances used in or on processed products, except as otherwise provided in R68-20-7(G).

— (3) Nonsynthetic substances prohibited in R68-20-7(D) or (F).

— (4) Materials, processes, or techniques prohibited in R68-20-6(F).

— (C) Synthetic substances allowed for use in organic crop production:

— (1) As algicides, disinfectants and sanitizers, including irrigation system cleaning systems:

— (a) Alcohols;

— (i) Ethanol;

— (ii) Isopropanol;

— (b) Chlorine materials * Residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act;

— (i) Calcium hypochlorite;

— (ii) Chlorine dioxide;

— (iii) Sodium hypochlorite;

— (e) Hydrogen peroxide;

— (d) Soap-based algicides/demisters.

— (2) As herbicides, weed barriers, as applicable:

— (a) Herbicides, soap-based for use in farmstead maintenance (roadways, ditches, right of ways, building perimeters) and ornamental crops;

— (b) Mulches;

— (i) Newspaper or other recycled paper, without glossy or colored inks;

— (ii) Plastic mulch and covers (petroleum-based other than polyvinyl chloride (PVC));

— (3) As compost feedstocks—Newspapers or other recycled paper, without glossy or colored inks;

— (4) As animal repellents—Soaps, Ammonium—for use as a large animal repellent only, no contact with soil or edible portion of crop;

— (5) As insecticides (including acaricides or mite control);

— (a) Ammonium carbonate—for use as bait in insect traps only, no direct contact with crop or soil;

— (b) Boric acid—structural pest control, no direct contact with organic food or crops;

— (e) Elemental sulfur;

— (d) Lime sulfur—including calcium polysulfide;

— (e) Oils, horticultural—narrow range oils as dormant, suffocating, and summer oils;

— (f) Soaps, insecticidal;

— (g) Sticky traps/barriers;

— (6) As insect attractants—pheromones;

— (7) As rodenticides;

— (a) Sulfur dioxide—underground rodent control only (smoke bombs);

— (b) Vitamin D3;

— (8) As plant disease control;

— (a) Coppers, fixed—copper hydroxide, copper oxide, copper oxychloride. Includes products exempted from EPA tolerance. Provided that copper-based materials must be used in a manner that minimizes accumulation in the soil and shall not be used as herbicides;

— (b) Copper sulfate—Substance shall be used in a manner that minimizes accumulation of copper in the soil;

— (c) Hydrated lime—must be used in a manner that minimizes copper accumulation in the soil.

— (d) Hydrogen peroxide;

— (e) Lime sulfur

— (f) Oils, horticultural, narrow range oils as dormant, suffocating, and summer oils;

— (g) Potassium bicarbonate;

— (h) Elemental sulfur.

— (i) Streptomycin, for fire blight control in apples and pears only.

— (j) Tetracycline (oxytetracycline calcium complex) for fire blight control only.

— (k) As snail or slug bait—none

— (9) As plant or soil amendments:

— (a) Aquatic Plant Extracts (other than hydrolyzed)—Extraction process is limited to the use of Potassium Hydroxide or Sodium Hydroxide; solvent amount used is limited to that amount necessary for extraction;

— (b) Humic acids—naturally occurring deposits, water and alkali extracts only;

— (c) Lignin sulfonate—chelating agent, dust suppressant, floatation agent;

— (d) Micronutrients—not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Soil deficiency shall be documented by soil or tissue test;

— (e) Elemental Sulfur

—(f) Magnesium sulfate allowed with a documented soil deficiency;

—(i) Soluble boron products;

—(ii) Sulfates, carbonates, oxides, or silicates of zinc, iron, copper, manganese, molybdenum, selenium, and cobalt;

—(e) Liquid fish products can be pH adjusted with sulfuric, citric or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5;;

—(f) Vitamins, B1, C, and E.

—(10) As floating agents in post harvest handling:

—(a) Lignin sulfonate;

—(b) Sodium silicate for tree fruit and fiber processing;

—(11) Synthetic inert ingredients as classified by the Environmental Protection Agency (EPA), for use with nonsynthetic substances or synthetic substances listed in this section and used as an active pesticide ingredient in accordance with any limitations on the use of such substances.

—(a) EPA List 4—Inerts of Minimal Concern.

—(D) Nonsynthetic substances prohibited for use in organic crop production:

—(1) Ash from manure burning;

—(2) Arsenic;

—(3) Lead salts;

—(4) Sodium fluoaluminat (mined);

—(5) Strychnine;

—(6) Tobacco dust.

—(7) Potassium chloride unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the soil.

—(8) Sodium Nitrate unless use is restricted to no more than 20% of the crops total nitrogen requirement.

—(E) Synthetic substances allowed for use in organic livestock production in accordance with any restrictions specified in this chapter and in R68-20-3 and R68-20-5.

—(1) As disinfectants, sanitizers, and medical treatments as applicable:

—(a) Alcohols;

—(i) Ethanol—disinfectant and sanitizer only, prohibited as a feed additive;

—(ii) Isopropanol—disinfectant only;

—(b) Aspirin—approved for health care use to reduce inflammation;

—(c) Chlorine materials—disinfecting and sanitizing facilities and equipment. Residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.

—(i) Calcium hypochlorite;

—(ii) Chlorine dioxide;

—(iii) Sodium hypochlorite;

—(d) Chlorohexidine—Allowed for surgical procedures conducted by a veterinarian. Allowed for use as a teat dip when alternative germicidal agents and/or physical barriers have lost their effectiveness;

—(e) Electrolytes—without antibiotics;

—(f) Glucose;

—(g) Glycerin—allowed as a livestock teat dip, shall be produced through the hydrolysis of fats or oils.;

—(h) Iodine;

—(i) Hydrogen peroxide;

—(j) Magnesium sulfate;

—(k) Oxytocin use in post parturition therapeutic applications.

—(l) Parasiticides—Ivermectin—Prohibited in slaughter stock. Allowed in emergency treatment for dairy and breeder stock when organic system plan approved preventive management does not prevent infestation. Milk or milk products from a treated animal cannot be labeled as provided for in R68-20-6 for 90 days following treatment. In breeder stock, treatment cannot occur during the last third of gestation if the progeny will be sold as organic; and must not be used during the lactation period of breeding stock.

—(m) Phosphoric acid—allowed as an equipment cleaner; provided that, no direct contact with organically managed livestock or land occurs.

—(n) Vaccines and biologic;

—(2) As topical treatment, external parasiticide or local anesthetic as applicable;

—(a) Iodine;

—(b) Lidocaine—as a local anesthetic. Use requires a withdrawal period of 90 days after administering to livestock intended for slaughter and 7 days after administering to dairy animals;

—(c) Lime, Hydrated (Bordeaux mixes);

—(d) Mineral Oil—for topical use and as a lubricant;

—(e) Procaine—as a local anesthetic, use requires a withdrawal period of 90 days after administering to livestock intended for slaughter and 7 days after administering to dairy animals;

—(f) Copper sulfate;

—(3) As feed supplements—Milk Replacers—without antibiotics, as emergency use only. No non milk products or products from bovine somatotropin (BST) treated animals;

—(4) As feed additives:

—(a) Trace minerals used for enrichment or fortification when FDA approved including:

—(i) Copper sulfate;

—(ii) Magnesium sulfate;

—(b) Vitamins—accepted for enrichment or fortification. Limited to those approved by the FDA for livestock use;

—(c) As synthetic inert ingredients as classified by the EPA for use with nonsynthetic substances or a synthetic substance listed in this section and used as an active ingredient in accordance with any limitations on the use of such substances.

—(d) EPA List 4 inerts of minimum concern.

—(F) Nonsynthetic substances prohibited for use in organic livestock production:

—(1) Livestock slaughter by products, including blood, meat, and bone meal as feed for all mammals and poultry.

—(2) strychnine

—(G) Nonagricultural (non organic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients)."

—The following nonagricultural substances may be used only in accordance with any restrictions specified in this chapter and chapters R68-20-3(E) and R68-20-6.

—(1) Non-synthetics allowed:

—(a) Agar agar;

—(b) Acids;

—(i) Alginate;

—(ii) Citric—produced by microbial fermentation of carbohydrate substances;

—(iii) Lactic;

—(c) Baking powder—aluminum free;

—(d) Bentonite;

—(e) Calcium carbonate;

~~— (f) Calcium chloride;~~
~~— (g) Carrageenan;~~
~~— (h) Cornstarch (native);~~
~~— (i) Dairy cultures— non-EM;~~
~~— (j) Diatomaceous earth— food filtering aid only;~~
~~— (k) Enzymes— shall be derived from edible, nontoxic plants, nonpathogenic fungi, or nonpathogenic bacteria;~~
~~— (l) Gums— Water extracted only (arabic, guar, locust bean, carob bean);~~
~~— (m) Kaolin;~~
~~— (n) Kelp— for use only as a thickener and dietary supplement;~~
~~— (o) Lecithin— unbleached;~~
~~— (p) Nitrogen— Oil free grades;~~
~~— (q) Oxygen— Oil free grades;~~
~~— (r) Pectin (high methoxy);~~
~~— (s) Perlite— for use only as a filter aid in food processing;~~
~~— (t) Potassium chloride;~~
~~— (u) Potassium iodide;~~
~~— (v) Sodium bicarbonate;~~
~~— (w) Sodium carbonate;~~
~~— (x) Yeast— nonsynthetic, non-EM;~~
~~— (i) Autolysate;~~
~~— (ii) Bakers;~~
~~— (iii) Brewers;~~
~~— (iv) Nutritional;~~
~~— (v) Smoked— growth on petrochemical substrate and sulfite waste liquor prohibited. Nonsynthetic smoke flavoring process shall be documented;~~
~~— (2) Synthetics allowed:~~
~~— (a) Alginates;~~
~~— (b) Ammonium bicarbonate— for use only as a leavening agent;~~
~~— (c) Ammonium carbonate— for use only as a leavening agent;~~
~~— (d) Ascorbic acid;~~
~~— (e) Calcium citrate;~~
~~— (f) Calcium hydroxide;~~
~~— (g) Calcium phosphates (monobasic and dibasic);~~
~~— (h) Carbon dioxide;~~
~~— (i) Chlorine materials— disinfecting and sanitizing food contact surfaces, except that residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act;~~
~~— (1) Calcium hypochlorite;~~
~~— (2) Chlorine dioxide;~~
~~— (3) Sodium hypochlorite;~~
~~— (j) Ethylene— allowed for post harvest ripening of tropical fruit;~~
~~— (k) Ferrous sulfate— for iron enrichment or fortification of foods when required by regulation or recommended (independent organization);~~
~~— (l) Glycerides (mono and di)— for use only in drum drying of food;~~
~~— (m) Glycerin— produced by hydrolysis of fats and oils;~~
~~— (n) Hydrogen peroxide;~~
~~— (o) Lecithin— bleached;~~
~~— (p) Magnesium carbonate— for use only in agricultural products labeled "made with organic (specified ingredients)," prohibited in agricultural products labeled "organic";~~
~~— (q) Magnesium chloride— derived from sea water;~~
~~— (r) Magnesium stearate— for use only in agricultural products labeled "made with organic (specified ingredients)," prohibited in agricultural products labeled "organic";~~

~~— (s) Magnesium sulfate;~~
~~— (t) Nutrient vitamins and minerals, in accordance with 21 CFR 104.20, Nutritional Quality Guidelines For Foods;~~
~~— (u) Ozone;~~
~~— (v) Pectin (low methoxy);~~
~~— (w) Phosphoric acid— cleaning of food contact surfaces and equipment only;~~
~~— (x) Potassium acid tartrate;~~
~~— (y) Potassium tartrate made from tartaric acid;~~
~~— (z) Potassium carbonate;~~
~~— (aa) Potassium citrate;~~
~~— (bb) Potassium hydroxide— prohibited for use in lye peeling of fruits and vegetables;~~
~~— (cc) Potassium iodide— for use only in agricultural products labeled "made with organic (specified ingredients)," prohibited in agricultural products labeled "organic";~~
~~— (dd) Potassium phosphate— for use only in agricultural products labeled "made with organic (specific ingredients)," prohibited in agricultural products labeled "organic";~~
~~— (ee) Silicon dioxide;~~
~~— (ff) Sodium citrate;~~
~~— (gg) Sodium hydroxide— prohibited for use in lye peeling of fruits and vegetables;~~
~~— (hh) Sodium phosphates— for use only in dairy foods;~~
~~— (ii) Tocopherols— derived from vegetable oil when rosemary extracts are not a suitable alternative;~~
~~— (jj) Xanthan gum;~~
~~— (H) Non organically produced agricultural products allowed as ingredients in or on processed products labeled as organic or made with organic ingredients may be used in accordance with any restrictions specified in R68-20-3(E) and R68-20-6.~~

~~R68-20-8. Certification and Re-certification Requirements.~~

~~— (A) General requirements for certification.~~
~~— A person seeking to receive or maintain organic certification under this rule shall:~~
~~— (1) Comply with the rule and applicable organic production and handling requirements of this chapter;~~
~~— (2) Establish, implement, and update annually an organic production, handling, or livestock plan that is submitted to an accredited certifying agent as described in R68-20-4(B), R68-20-5(A) or R68-20-6(B);~~
~~— (3) Permit on site inspections with complete access to the production or handling operation, including non-certified areas and structures, by the certifying agent as described in R68-20-8(D);~~
~~— (4) Maintain all records applicable to the organic operation for not less than 5 years beyond their creation and allow an authorized UDAF or the certifying agent access to such records during normal business hours for review and copying to determine compliance with the rule.~~
~~— (5) Submit the applicable fees charged by the certifying agent; and~~
~~— (6) Immediately notify the certifying agent concerning any:~~
~~— (a) Application, including drift, of a prohibited substance to any field, production unit, site, facility, livestock, or product that is part of an operation; and~~
~~— (b) Change in a certified operation or any portion of a certified operation that may affect its compliance with this rule.~~
~~— (B) Application for Certification.~~
~~— A person seeking certification of a production or handling operation under this subpart shall submit a request for certification~~

to a certifying agent. The request shall include the following information:

— (1) An organic production or handling system plan, as described in R68-20-4(A);

— (2) The name of the person completing the application; the applicant's business name, address, and telephone number; and, when the applicant is a corporation, the name, address, and telephone number of the person authorized to act on the applicant's behalf.

— (3) The name(s) of any organic certifying agent(s) to which application has previously been made, the year(s) of application, and the outcome of the application(s) submission, including a copy of any notification of noncompliance or denial of certification issued to the applicant for certification and a description of the actions taken by the applicant to correct the deficiencies noted in the notification of noncompliance, including evidence of such correction; and

— (4) Other information necessary to determine compliance with this rule.

— (C) Review of application.

— (1) Upon acceptance of an application for certification a certifying agent shall:

— (a) Review the application to ensure completeness;

— (b) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of this chapter;

— (c) Verify that an applicant who previously applied to another certifying agent and received a notification of noncompliance, has submitted documentation to support the correction of any deficiencies identified in such notification; and

— (d) Schedule an on-site inspection of the operation to determine whether the applicant qualifies for certification if the review of application materials reveals that the production or handling operation may be in compliance with this rule.

— (2) The certifying agent shall communicate to the applicant its findings on the review of application materials specified in R68-20-8(A).

— (3) The applicant may withdraw its application at any time. An applicant who withdraws its application shall be liable for the costs of services provided up to the time of withdrawal of its application. An applicant that voluntarily withdrew its application prior to the issuance of a notice of noncompliance will not be issued a notice of noncompliance. Similarly, an applicant that voluntarily withdrew its application prior to the issuance of a notice of certification denial will not be issued a notice of certification denial.

— (D) On-site inspections.

— (1) A certifying agent shall conduct an initial on-site inspection of each production unit, facility, and site that is included in an operation for which certification is requested and an on-site inspection of each certified operation annually thereafter, for the purpose of determining whether to approve the request for certification or whether the certification of the operation shall continue.

— (2) A certifying agent may conduct additional on-site inspections of applicants for certification and certified operations to determine compliance with this rule.

— (3) UDAF may require that additional inspections be performed by the certifying agent for the purpose of determining compliance with this rule.

— (4) Additional inspections may be announced or unannounced at the discretion of the certifying agent or as required by UDAF.

— (5) Scheduling. The initial on-site inspection shall be conducted within a reasonable time following a determination that the applicant appears to comply or may be able to comply with this rule. On-site inspections shall be conducted when the applicant or an authorized representative of the applicant who is knowledgeable about the operation is present and at a time when land, facilities, and activities that demonstrate the operation's compliance with or capability to comply with the applicable provisions of this chapter can be observed, except that this requirement does not apply to unannounced on-site inspections.

— (6) Verification of information. The on-site inspection of an operation shall verify:

— (a) The operation's compliance or capability to comply with this rule;

— (b) That the information, including the organic production or handling system plan, provided in accordance with R68-20-4(B), R68-20-5(A) or R68-20-6(B) and R68-20-8(A) and (G), accurately reflects the practices used or to be used by the applicant for certification or by the certified operation;

— (c) That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of the certifying agent, may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples.

— (7) Exit interview. The inspector shall conduct an exit interview with an authorized representative of the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector shall also address the need for any additional information as well as any issues of concern.

— (E) Approval of application for certification.

— (1) Within a reasonable time after completion of the initial on-site inspection, a certifying agent shall review the on-site inspection report, the results of any analysis for substances conducted, and any additional information requested from or supplied by the applicant. If the certifying agent determines that the organic system plan and all procedures and activities of the applicant's operation are in compliance with this rule and that the applicant is able to conduct operations in accordance with the plan, the agent shall approve the application for certification. The approval may include restrictions as a condition of continued certification.

— (2) The certifying agent shall issue a certificate of organic operation which specifies the:

— (a) Name and address of the certified operation;

— (b) Effective date of certification;

— (c) Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; and

— (d) Name, address, and telephone number of the certifying agent.

— (3) Once certified, a production or handling operation's organic certification continues in effect until surrendered by the organic operation or suspended or revoked by the certifying agent, or UDAF.

— (F) Denial of application for certification.

— (1) When the certifying agent has reason to believe, based on a review of the information specified in R68-20-8(C) and (E), that an applicant for certification is not able to comply or is not in compliance with this rule, the certifying agent shall provide a written notification of noncompliance to the applicant. When correction of noncompliance is not possible, a notification of noncompliance and

a notification of denial of application for certification may be combined in one notification.

— (2) Upon receipt of such notification of noncompliance, the applicant may:

— (a) Correct deficiencies and submit a description of the corrective actions taken with supporting documentation to the certifying agent;

— (b) Correct deficiencies and submit a new application to another certifying agent, provided that the applicant shall include a complete application, the notification of noncompliance received from the first certifying agent, and a description of the corrective actions taken with supporting documentation; or

— (c) Submit written information to rebut the noncompliance described in the notification of noncompliance.

— (3) After issuance of a notification of noncompliance, the certifying agent shall:

— (a) Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal, conduct an on-site inspection if necessary, and;

— (i) When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue the applicant an approval of certification; or

— (ii) When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, issue the applicant a written notice of denial of certification.

— (b) Issue a written notice of denial of certification to an applicant who fails to respond to the notification of noncompliance.

— (c) Provide notice of approval or denial to UDAF as described in this chapter.

— (4) A notice of denial of certification shall state the reason(s) for denial and the applicant's right to:

— (a) Reapply for certification as described in R68-20-8(B);

— (b) Request mediation pursuant to this rule; or

— (c) File an appeal pursuant to this rule.

— (5) An applicant for certification who has received a written notification of noncompliance or a written notice of denial of certification may apply for certification again at any time with any certifying agent. When such applicant submits a new application to a certifying agent other than the agent who issued the notification of noncompliance or notice of denial of certification, the applicant for certification shall include a copy of the notification of noncompliance or notice of denial of certification and a description of the actions taken, with supporting documentation, to correct the deficiencies noted in the notification of noncompliance.

— (6) A certifying agent who receives a new application for certification, which includes a notification of noncompliance or a notice of denial of certification, shall treat the application as a new application and begin a new application process, as described in this chapter.

— (7) Notwithstanding R68-20-8(A), if a certifying agent has reason to believe that an applicant for certification has willfully made a false statement or otherwise purposefully misrepresented the applicant's operation or its compliance with the certification requirements pursuant to this chapter, the certifying agent may deny certification pursuant to R68-20-8(F) without first issuing a notification of noncompliance.

— (G) Re-certification.

— (1) To re-certify, a certified operation shall annually submit the following information, as applicable, to the certifying agent:

— (a) An updated organic production or handling system plan which includes:

— (i) A summary statement, supported by documentation, detailing any deviations from, changes to, modifications to, or other amendments made to the previous year's organic system plan during the previous year; and

— (ii) Any additions or deletions to the previous year's organic system plan, intended to be undertaken in the coming year; and

— (b) Other information as deemed necessary by the certifying agent to determine compliance with this rule.

— (2) Following the receipt of the information specified in R69-20-8(G)(1)(a), the certifying agent shall arrange and conduct an on-site inspection of the certified operation.

— (3) If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified, that a certified operation is not complying with the requirements of this rule, the certifying agent shall provide a written notification of noncompliance to the operation.

— (4) If the certifying agent determines that the certified operation is complying with this rule and that any of the information specified on the certificate of organic operation has changed, the certifying agent shall issue an updated certificate of organic operation.

R68-20-9. Compliance.

— Unlawful acts specified.

— (A) The following acts are prohibited:

— (1) The manufacture, sale, or delivery, holding or offering for sale any food that is adulterated or misbranded.

— (2) The adulteration or misbranding of any food.

— (3) The distribution in commerce of a commodity that is contained in a package or bears a label that does not conform to this rule.

— (4) The dissemination of false advertising.

— (5) The removal or disposal of detained or embargoed food.

— (6) The alteration, mutilation, destruction, obliteration, or removal of the label of any food, if that act is done while the food is held for sale and results in the food being misbranded or adulterated.

— (7) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by this rule.

— (B) General.

— (1) UDAF may inspect and review certified production and handling operations and accredited certifying agents for compliance with the rule.

— (2) UDAF may initiate suspension or revocation proceedings, or regulatory action against a certified operation:

— (a) When UDAF has reason to believe that a certified operation has violated or is not in compliance with the provisions of the rule.

— (b) When a certifying agent fails to take appropriate action to enforce the rule.

— (3) Each notification noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation and suspension or revocation issued pursuant to R68-20-9(D) and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.

— (C) Investigation of certified operations.

— (1) A certifying agent may investigate complaints of noncompliance with the rule concerning production and handling operations certified as organic by the certifying agent.

— (2) A certifying agent shall notify UDAF within 1 working day (8:00 a.m. to 5:00 p.m. Monday through Friday, except holidays) of all compliance proceedings and actions taken pursuant to this rule.

Failure to notify UDAF may result in additional regulatory action as provided for by law, which includes; citations, administrative orders, and orders of corrective action.

—(3) UDAF may investigate complaints of noncompliance with the rule concerning organic production or handling operations operating in the state.

—(D) Noncompliance procedure for certified operations.

—(1) Notification. When an inspection, review, or investigation of a certified operation by a certifying agent or UDAF reveals any noncompliance with the rule a written notification of noncompliance shall be given to the certified operation. Such notification shall provide:

—(a) A description of each noncompliance;

—(b) The facts upon which the notification of noncompliance is based; and

—(c) The date by which the certified operation shall rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

—(2) Resolution. When a certified operation demonstrates that each noncompliance has been resolved, the certifying agent, or UDAF, as applicable, will send the certified operation a written notification of noncompliance resolution.

—(3) Regulatory Action. Failure to comply with this rule may result in additional regulatory action as provided for by law, which includes; citations, administrative orders, and orders of corrective action.

—(4) Proposed suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period or is not adequate to demonstrate that each noncompliance has been corrected, the certifying agent or UDAF shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state:

—(a) The reasons for the proposed suspension or revocation;

—(b) The proposed effective date of such suspension or revocation;

—(c) The impact of a suspension or revocation on future eligibility for certification; and

—(d) The right to request a hearing pursuant to R51-2-6 or to file an appeal pursuant to R51-2-13.

—(5) Willful Violation. Notwithstanding R68-20-9(D)(1), if a certifying agent or UDAF has reason to believe that a certified operation has willfully violated the rule, the certifying agent or UDAF shall send the certified operation a notification of proposed suspension or revocation of certification of the entire operation, or a portion of the operation, as applicable to the noncompliance.

—(6) Suspension or revocation.

—(a) If the certified operation fails to correct the noncompliance, to resolve the issue through rebuttal or a hearing, or to file an appeal of the proposed suspension or revocation of certification, the certifying agent or UDAF shall send the certified operation a written notification of suspension or revocation.

—(b) A certifying agent or UDAF shall not send a notification of suspension or revocation to a certified operation that has requested a hearing pursuant to R51-2-6 or filed an appeal pursuant to R51-2-13 while final resolution of either is pending.

—(7) Eligibility.

—(a) A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to UDAF for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with this rule.

—(b) A certified operation or a person responsibly connected with an operation whose certification has been revoked will be ineligible to receive certification for a period of not more than 5 years following the date of such revocation. Except that, UDAF may, when in the best interest of the certification program, reduce or eliminate the period of ineligibility.

—(8) Violations of the rule. In addition to suspension or revocation, any certified operation that:

—(a) Knowingly sells or labels a product as organic, except in accordance to the rule, shall be subject to a civil penalty of not more than \$5,000.00 per violation.

—(b) Makes a false statement to UDAF or a certifying agent shall be subject to a civil penalty of not more than \$5,000.00 per violation.

—(E) Hearing.

—Any dispute with respect to denial or certification or proposed suspension or revocation of certification under this rule shall, at the request of the applicant for certification or certified operation, be heard by UDAF. A hearing shall be requested in writing to UDAF. The parties involved in the hearing shall have no more than 10 days to reach an agreement following a hearing. If the hearing is unsuccessful, the applicant for certification or certified operation shall have 10 days from termination of the hearing to appeal the certifying agent's decision to the UDAF, pursuant to R51-2-13. Any agreement reached during or as a result of the hearing process shall be in compliance with the rule. UDAF may review any hearing agreement for conformity to the rule.

—(F) Inspection and testing of agricultural products to be sold or labeled "organic".

—(1) All agricultural products that are to be sold, labeled, or represented as "100 percent organic", "organic", or made with organic (specified ingredients or food group(s)) shall be made accessible by certified organic production or handling operations for examination by UDAF or the certifying agent.

—(2) UDAF or the certifying agent may require pre-harvest or post-harvest testing of any agricultural product to be sold "100 percent organic", "organic", or "made with organic" (specified ingredients or food group(s)) when there is a reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using excluded methods. Such test may be conducted by UDAF or certifying agency at the expense of the handler and/or operator.

—(3) An inspector representing UDAF or certifying agent must perform the pre-harvest tissue test sample collection pursuant to R68-20-9(F)(2). Sample integrity must be maintained throughout the chain of custody, and residue testing must be made in accordance with methods described in the most current edition of the Official Methods of Analysis of the AOAC, international or other current applicable validated methodology determining the presence of contaminants in agricultural products.

—(4) Results of all analyses and test performed under this section:

—(a) Shall be promptly provided to UDAF by the applicable certifying party that requested the testing; and

—(b) Will be available for public access, unless the testing is part of an ongoing compliance investigation.

—(5) If test results indicate a specific agricultural product contains pesticide residue or environmental contaminants that exceed the food and Drug Administration's or the Environmental Protection Agency's regulatory tolerances, the certifying agent must promptly report such data to the Federal Health Agency whose regulatory tolerance or action level has been exceeded.

—(G) Exclusion from organic sale.

—(1) When residue testing detects prohibited substance at levels that are greater than 5 percent of the environmental Protection Agency's tolerance for the specific residue detected or unavoidable residual environmental contamination, the agricultural product must not be sold, labeled, or represented as organically produced. USDA, UDAF, or certifying agent may conduct an investigation of the certified operation to determine the cause of the prohibited substance.

—(H) Emergency pest or disease treatment.

—When a prohibited substance is applied to a certified operation due to Federal or State emergency pest eradication or disease treatment program and the certified operation otherwise meets the requirements of this rule, the certification status of the operation shall not be affected as a result of the application of the prohibited substance, provided that:

—(1) Any harvested crop or plant part to be harvested that has contact with a prohibited substance applied as the result of a Federal or State emergency pest eradication or disease treatment program cannot not be sold, labeled, or represented as organically produced; and

—(2) Any livestock that are treated with a prohibited substance applied as the result of a Federal or State emergency pest or disease treatment program or product derived from such treated livestock cannot be sold, labeled, or represented as organically produced, except that:

—(a) Milk or milk products may be sold, labeled, or represented as organically produced beginning 12 months following the last date that the dairy animal was treated with the prohibited substance; and

—(b) The offspring of gestating mammalian breeder stock treated with a prohibited substance may be considered organic, provided that the breeder stock was not in the last third of gestation on the date that the breeder stock was treated with the prohibited substance.

—(H) Embargo.

—Embargo and Destruction of Adulterated Food Products Authorized.

—(1) The embargo of adulterated food products is authorized under Section 4-5 Utah Code Annotated.

—(a) The regulatory authority may place a hold order on food found to be misbranded or adulterated and unfit for human consumption.

—(b) The regulatory authority may issue a hold order to the person in charge or to a person who owns or controls the food, without prior warning, notice of a hearing, or a hearing on the hold order.

—(2) Regulatory authority may order the person in charge or the owner or other person who owns or has custody of the food to bring the food into compliance with this rule or to destroy or denature the food under the regulatory authority's supervision.

—(i) Continuing Violations.

—Each day on which a violation occurs, is a separate violation under this rule.

R68-20-10. Fees for Organic Certification.

—Fees for Organic Certification Services.

—(A) Fees shall be in accordance with the fee schedule in the annual appropriations act passed by the legislature and signed by the Governor. The person, firm, corporation or other organization requesting registration as a producer, handler, processor or accreditation agency or requesting inspection or laboratory services shall pay such fees. The person, firm, corporation or other organization selling certified organic products in the state shall pay gross sales fees. All fees are payable to Utah Department of Agriculture and Food.

—(B) Registration of producers, handlers, processors or combinations thereof. Annual registration is required for all producers, handlers, processors or combinations thereof and shall be paid by January 1st each year. Applications for registration may be obtained from Utah Department of Agriculture and Food and submitted with the annual fees.

—(C) Registration of certification agencies. Annual registration is required for all certification agencies and shall be paid by January 1st each year. Applications for registration may be obtained from Utah Department of Agriculture and Food and submitted with the annual fees.

—(D) Gross sales fees. Payment of annual gross sales fees shall accompany the annual registration application and fees and shall be based on the previous year's gross sales.

KEY: inspections

December 18, 2001

4-2-2(i)(j)

4-3-2

4-4-2

4-5-17(1)

4-9-2

4-11-3

4-12-3

4-14-6(5)

4-16-3

4-32-7(7)(a)(ii)

4-37-109(2)]

R68-20. Utah Organic Standards.

R68-20-1. Authority.

Promulgated under authority of Sections 4-2-2(1)(j), 4-3-2, 4-4-2, 4-5-17(1), 4-9-2, 4-11-3, 4-12-3, 4-14-6(5), 4-16-3, 4-32-7(7)(a)(ii), 4-37-109(2).

A. The Utah Department of Agriculture and Food (UDAF) adopts and incorporates by reference CFR, December 2000 edition, Title 7 Part 205, National Organic Program Final Rule.

1. UDAF will make available to all its applicants for certification and producers of organic products, copies of the National Organic Program Final Rule.

R68-20-2. Definitions and Terms.

A. For the purpose of this rule, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand.

1. "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food, or the commissioner's representative.

2. "Distributor" means a handler that purchases products under its own name, usually from a shipper, processor, or another distributor. Distributors may or may not take physical possession of the merchandise. A distributor is required to be certified if that person both takes title to the organic products and substantially transforms, processes, repackages or re-labels these products.

3. "Food (and food products)" means material, usually of plant or animal origin, containing or consisting of essential body nutrients, as carbohydrates, fats, proteins, vitamins, and minerals, that is taken in and assimilated by an organism to maintain life and growth. Food products include all agricultural and horticultural products of the soil, apiary and apiary products, poultry and poultry products, livestock and livestock products, dairy products and aquaculture products.

4. "Registration" means an agreement or contract that grants a certified operator the right to use a certificate or certification mark in accordance with organic standards and certification requirements.

5. "Utah Department of Agriculture and Food Organic Seal" means the seal to be displayed on packaging of certified organic foods and food products intended for retail sale, indicating compliance with provisions of this rules.

R68-20-3. Compliance.

A. Violations of the State Organic Program will be handled in compliance to Section 4-2-12.

R68-20-4. Fees for Organic Certification.

Fees for Organic Certification Services.

A. Fees shall be in accordance with the fee schedule in the annual appropriations act passed by the Legislature and signed by the Governor. The person, firm, corporation or other organization requesting registration as a producer, handler, processor or certification agency or requesting inspection or laboratory services shall pay such fees. All fees are payable to the Utah Department of Agriculture and Food.

B. Registration of producers, handlers, processors or combinations thereof. Applications for registration may be obtained from the Utah Department of Agriculture and Food and submitted with the annual fees. Annual registration is required for all producers, handlers, processors or combinations thereof and shall be paid by April 1 each year.

C. Registration of Certification agencies Applications for registration may be obtained from the Utah Department of Agriculture and Food and submitted with the annual fees. Annual registration is required for all certification agencies and shall be paid by April 1 each year.

D. Gross sales fees. Payment of annual gross sales fees shall accompany the annual registration application and fees and shall be based on the previous year's gross sales of state certified producers and processors.

R68-20-5. UDAF Seal.

Use of the UDAF Organic Seal

A. The UDAF seal may be used only for raw or processed agricultural products in paragraphs (a), (b), (c)(1), and (c)(2) of CFR 205.301.

B. The UDAF seal must replicate the form and design and must be printed legibly and conspicuously.

1. On a white background with a double black circle the words, Utah Department of Agriculture and Food, within the borders of the circles. At the bottom of the circle a teal green horizontal line.

2. Within the inner circle a black outline of the State of Utah, and inscribed in italics in a teal green color, slanting upward from left to right, the word "Certified Organic".

3. A copy of the seal is available at the Department of Agriculture and Food, 350 North Redwood Road, PO Box 146500, Salt Lake City, Utah 84114-6500.

KEY: inspections

2002

4-2-2(i)(i)

4-3-2

4-4-2

4-5-17(1)

4-9-2

4-11-3

4-12-3

4-14-6(5)

4-16-3

4-32-7(7)(a)(ii)

4-37-109(2)



Commerce, Corporations and Commercial Code

R154-2

Uniform Commercial Code, Revised Article 9 Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 24598

FILED: 03/18/2002, 09:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Clean up citations and inaccurate information.

SUMMARY OF THE RULE OR CHANGE: Fix incorrect citations and to correct filing information.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 70A, Chapter 9a

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--This rule change is for filing efficiency and will show no change in costs.
- ❖ LOCAL GOVERNMENTS: None--This rule change is for filing efficiency and will show no change in costs.
- ❖ OTHER PERSONS: None--This rule change is for filing efficiency and will show no change in costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule change is for filing efficiency and will show no change in costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change will enable individuals and businesses to better file UCC forms but there are no additional costs involved.

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

COMMERCE
CORPORATIONS AND COMMERCIAL CODE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kathy Berg at the above address, by phone at 801-530-6216, by FAX at 801-630-6438, or by Internet E-mail at kberg@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Ted Boyer Jr., Executive Director

R154. Commerce, Corporations and Commercial Code.
R154-2. Utah Uniform Commercial Code, Revised Article 9 Rules.
R154-2-100. Authority and Purpose.

These rules are adopted by the division under the authority of Subsections 46-1-2(1) and 46-1-2(11)(c), to enable the division to facilitate the implementation of the Revised Article 9 of the Uniform Commercial Code.

R154-2-101. Place to File.

The filing office is the office for filing UCC documents relating to all types of collateral except for timber to be cut, as-extracted collateral and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures.

R154-2-102. Filing Office Identification.

In addition to the promulgation of these rules, the filing office will disseminate information of its location, mailing address, telephone and fax numbers, and its internet and other electronic "addresses" through usual and customary means.

102.1 On-line information service. The filing officer offers on-line information services at the agency's web site.

R154-2-103. Office Hours.

Although the filing office maintains regular office hours, it receives transmissions electronically[~~and by telecopier~~] 24 hours per day, 365 days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic communications may be retrieved and processed periodically (but no less often than once each day the filing office is open for business) on a batch basis.

R154-2-104. UCC Document Delivery.

UCC documents may be tendered for filing at the filing office as follows.

104.1 Personal delivery, at the filing office street address. The file time for a UCC document delivered by this method is when delivery of the UCC document is received by the filing office (even

though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

104.2 Courier delivery, at the filing office street address. The file time for a UCC document delivered by this method is, notwithstanding the time of delivery, at the earlier of the time the UCC document is first examined by a filing officer for processing (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected), or the next close of business following the time of delivery. A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

104.3 Postal service delivery, to the filing office mailing address. The file time for a UCC document delivered by this method is the next close of business following the time of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.

104.4 Electronic delivery. UCC documents may be submitted electronically via the agency's online services portal. The file time for a UCC document delivered by this method is the time that the filing office's system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable.

R154-2-105. Search Request Delivery.

UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office. Requirements concerning search requests are set forth in rule R154-2-149.

R154-2-106. Filing Fees.

Filing fees will be established by the Utah State Legislature in conjunction with the annual budgetary process and current fees will be posted on the division web page and available at the filing office.

R154-2-107. Methods of Payment.

The division will enhance payment options as they become available. Filing fees and fees for public records services may be paid by the following methods.

107.1 Cash. The filing officer discourages cash payment unless made in person to the cashier at the filing office.

107.2 Checks. Checks made payable to the filing office or the State of Utah, including checks in an amount to be filled in by a filing officer but not to exceed a particular amount, will be accepted for payment.

107.3 Credit card. The filing office accepts payments using credit cards issued by approved credit card issuers. A current list of approved credit card issuers is available from the filing office. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the approved card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed to the filing office that payment will be forthcoming.

R154-2-108. Overpayment and Underpayment Policies.

108.1 Overpayment. Overpayment will be handled in accordance with State and/or Agency refund policy.

108.2 Underpayment. Upon receipt of a document with an insufficient fee, the document shall be rejected as provided in rule R154-2-118.

R154-2-109. Fees for Public Records Services.

Fees for public records services are posted on the web page or at the filing office.

R154-2-110. New Practices and Technologies.

The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical and/or other technologies, and, without limiting the foregoing, to maintain and operate, a non-paper-based Article 9 filing system utilizing any of such technologies. In developing and utilizing technologies and practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with, and whenever possible be uniform with, technologies, practices, policies and regulations adopted in connection with Article 9 filing systems in other states.

R154-2-111. The Duties and Responsibilities of the Filing Officer with Respect to the Administration of the UCC Are Ministerial.

In accepting for filing or refusing to file a UCC document pursuant to these rules, the filing officer does none of the following:

111.1 Determine the legal sufficiency or insufficiency of a document.

111.2 Determine that a security interest in collateral exists or does not exist.

111.3 Determine that information in the document is correct or incorrect, in whole or in part.

111.4 Create a presumption that information in the document is correct or incorrect, in whole or in part.

R154-2-112. Duty to File.

Provided that there is no ground to refuse acceptance of the document under rule R154-2-115, a UCC document is filed upon its receipt by the filing officer with the filing fee and the filing officer shall promptly assign a file number to the UCC document and index it in the information management system.

R154-2-113. Grounds for Refusal of UCC Document.

The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper: it requires a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.

113.1 Debtor name and address. An initial financing statement or an amendment that purports to add a debtor shall be refused if the document fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement, or for the debtor purporting to be added in the case of such an amendment. If the document contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the debtor name(s) that was (were) indexed, and a statement that debtors with illegible or missing names or addresses were not indexed.

113.2 Additional debtor identification. An initial financing statement or an amendment adding one or more debtors shall be refused if the document fails to identify whether each named debtor (or

each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the document does not include in legible form the organization type, state of organization and organization number (if it has one) or a statement that it does not have one.

113.3 Secured party name and address. An initial financing statement, an amendment purporting to add a secured party of record, or an assignment, shall be refused if the document fails to include a legible secured party (or assignee in the case of an assignment) name and address. If the document contains more than one secured party (or assignee) name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the secured party (or assignee) names that were indexed, and a statement that secured parties with illegible or missing names or addresses were not indexed.

113.4 Lack of identification of initial financing statement. A UCC document other than an initial financing statement shall be refused if the document does not provide a file number of a financing statement in the UCC information management system that has not lapsed.

113.5 Identifying information. A UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, is an initial filing statement.

113.6 Timeliness of continuation. A continuation shall be refused if it is not received within six months prior to expiration or the first working day after that period.

113.6.1 First day permitted. The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, minus six months. A continuation may be filed any time during that six month period preceding the lapse date, provided the filing office is open. In the event the filing office is closed on the lapse date or the date six months preceding the lapse date - such as a weekend day or scheduled holiday - the continuation may be filed on the next business day.

113.6.2 Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses.

113.7 Fee. A document shall be refused if the document is accompanied by less than the full filing fee tendered.

113.8 Means of communication. UCC documents communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC documents shall be refused.

R154-2-114. Grounds Not Warranting Refusal.

The sole grounds for the filing officer's refusal to accept a UCC document for filing are enumerated in rule R154-2-115. The following are examples of defects that do not constitute grounds for refusal to accept a document. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC document for filing.

114.1 Errors. The UCC document contains or appears to contain a misspelling or other apparently erroneous information.

114.2 Incorrect names.

114.2.1 The UCC document appears to identify a debtor incorrectly.

114.2.2 The UCC document appears to identify a secured party or a secured party of record incorrectly.

114.3 Extraneous information. The UCC document contains additional or extraneous information of any kind.

114.4 Insufficient information. The UCC document contains less than the information required by Article 9 of the UCC, provided that the document contains the information required in rule R154-2-116.

114.5 Collateral description. The UCC document incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.

114.6 Excessive fee. The document is accompanied by funds in excess of the full filing fee.

R154-2-115. Time Limit.

The filing officer shall determine whether criteria exist to refuse acceptance of a UCC document for filing not later than the second business day after the date the document would have been filed had it been accepted for filing and shall index a UCC document not so refused within the same time period.

R154-2-116. Procedure Upon Refusal.

If the filing officer finds grounds under rule R154-2-115 to refuse acceptance of a UCC document, the filing officer shall return the document, if written, to the remitter. The filing officer shall send a notice that contains the date and time the document would have been filed had it been accepted for filing (unless such date and time are stamped on the document), and a brief description of the reason for refusal to accept the document under rule R154-2-115. The notice shall be sent to a secured party or the remitter no later than the second business day after the determination to refuse acceptance of the document. A refund may be delivered with the notice or under separate cover.

R154-2-117. Acknowledgment.

At the request of a filer or remitter who files a paper or paper-based UCC document, the filing officer shall ~~either (i) send to said filer or remitter an image of the record of the UCC document showing the file number assigned to it and the date and time of filing or (ii) upon the original of such paper or paper-based UCC document, note the file number and the date and time of filing on the copy and deliver or send it to said filer or remitter.~~ For UCC documents not filed in paper or paper-based form the filing officer shall communicate to the filer or remitter the information in the filed document, the file number and the date and time of filing.

R154-2-118. Other Notices.

Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. THE RESPONSIBILITY FOR THE LEGAL EFFECTIVENESS OF FILING RESTS WITH FILERS AND REMITTERS AND THE FILING OFFICE BEARS NO RESPONSIBILITY FOR SUCH EFFECTIVENESS.

R154-2-119. Division Director Discretion.

The Director of the Division of Corporations and Commercial Code shall have discretionary authority according to UCA Subsection 13-1a-6(1) to refuse to file a document which is determined to be non-compliant with UCA Sections 70A-9a-501 through 70A-9a-527.

R154-2-120. Refusal Errors.

If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC document that was refused for filing

should not have been refused under rule R154-2-11[~~5~~], the filing officer will file the UCC document as provided in these rules with a filing date and time assigned when such filing occurs. The filing officer will also file an ~~administrative action~~ ~~correction statement~~ (and such demonstration of error shall constitute the secured party's authorization to do so) that states that the effective date and time of filing is the date and time the UCC document was originally tendered for filing, and sets forth such date and time.

R154-2-121. UCC Information Management System.

The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which have not lapsed. The rules in this section describe the UCC information management system.

R154-2-122. Primary Data Elements.

The primary data elements used in the UCC information management system are the following.

122.1 Identification numbers.

122.1.1 Each initial financing statement is identified by its file number. Identification of the initial financing statement is applied to written UCC documents or otherwise permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

122.1.2 A UCC document other than an initial financing statement is identified by the initial UCC file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

122.2 Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

122.3 Filing date and filing time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

122.4 Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

122.5 Status of financing statement. In the information management system, each financing statement has a status of active or inactive.

122.6 Page count. The total number of pages in a UCC document is maintained in the information management system.

122.7 Lapse indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in rule R154-2-134.

R154-2-123. Names of Debtors Who Are Individuals.

For the purpose of this rule, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC document who is an individual.

123.1 Individual name fields. The names of individuals are stored in fields that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

123.2 Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, as provided in rule R154-2-137, when a UCC document is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

123.3 Titles and suffixes after names. Titles, suffixes or indications of status such as "M.D." and "esquire" and "senior, junior, III, etc." shall not be entered in the UCC information management system.

123.4 Truncation - individual names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The length of data entry name fields are as follows.

123.4.1 First name: 14 characters.

123.4.2 Middle name: 14 characters.

123.4.3 Last name: 14 characters.

R154-2-124. Names of Debtors That Are Organizations.

This rule applies to the name of an organization who is a debtor or a secured party on a UCC document. These names are not case-sensitive.

124.1 Single field. The names of organizations are stored in fields that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

124.2 Truncation - organization names. The organization name field in the UCC database is fixed in length. The maximum length is [50]125 characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

R154-2-125. Estates.

Although they are not human beings, estates are treated as if the decedent were the debtor under rule 125.

R154-2-126. Initial Financing Statement.

Upon the filing of an initial financing statement the status of a debtor named on the document shall be active and shall continue as active until one year after the financing statement lapses.

R154-2-127. Amendment.

Upon the filing of an amendment the status of the parties and the status of the financing statement shall have no effect upon the status of any debtor or secured party so long as the amendment is a collateral, address, debtor name, or secured party name change or the addition or deletion of a debtor or secured party.

R154-2-128. Procedure Upon Lapse.

If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of

such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system.

R154-2-129. XML Documents.

The division may implement, at its own discretion, appropriate means of electronic submission of UCC documents.

R154-2-130. Filing and Data Entry Procedures.

It is the policy of the filing officer to promptly file a document that conforms to these rules. Except as provided in these rules, data is transferred from a UCC document to the information management system exactly as the data are set forth in the document. Personnel who create reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind.

R154-2-131. Document Indexing and Other Procedures Before Archiving.

This section contains a chronological description of the indexing procedures and correspondence procedures followed by the filing officer prior to archiving a UCC document or returning the UCC document to the remitter.

131.1 Date and time stamp. The date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system at the earliest possible time.

131.2 Cash management. Transactions necessary for payment of the filing fee are performed.

131.3 Document review. The filing office determines whether a basis exists to refuse the document under rule R154-2-115.

131.3.1 File stamp. The document is stamped. If there is no basis for refusal of the document, it is deemed filed and a unique identification number and the filing date is [stamped on the document or] permanently associated with the record of the document maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the document was received.

131.3.2 Correspondence. If there is a basis for refusal of the document, notification of refusal to accept the document is prepared as provided in rule R154-2-116. If there is no basis for refusal of the document, an acknowledgment of filing is prepared as provided. If the document was tendered in person notice of refusal or acknowledgment of the filing is given to the remitter by personal or USPS delivery. If the document is tendered online such notice or acknowledgment is transmitted to the remitter by online response. For documents submitted in any other way, notice of refusal is sent to the remitter or the first secured party named on the UCC document if so requested by regular mail or by overnight courier if the remitter provides a prepaid waybill or access to the remitter's account with the courier.

131.4 Data entry. Data entry and indexing functions are performed as described in this section.

R154-2-132. Filing Date.

The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date or, if the filing office is not so open on that date, the filing date is the next date the filing office is so open, except that, in each case, UCC documents received after 5:00 p.m. shall be deemed

received on the following day. The filing officer may perform any duty relating to the document on the filing date or on a date after filing date.

R154-2-133. Filing Time.

The filing time of a UCC document is determined as provided in rule R154-2-104.

R154-2-134. Lapse Date and Time.

A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility or manufactured housing). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if timely continuation statement is filed. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.

R154-2-135. Errors of the Filing Officer.

The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of a corrected document, the filing officer shall proceed as follows. A record relating to the relevant initial financing statement will be placed in the UCC information management system stating the date of the correction and explaining the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

R154-2-136. Errors Other Than Filing Office Errors.

An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment ~~[or it can be disclosed by a correction statement]~~.

R154-2-137. Data Entry of Names - Designated Fields.

A filing should designate whether a name is a name of an individual or an organization and, if an individual, also designates the first, middle and last names. When this is done, the following rules shall apply.

137.1 Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC document ~~[, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name]~~.

137.2 Individual names. On a form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name fields in the UCC information management system exactly as set forth on the form.

137.3 Designated fields encouraged. The filing office encourages the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names. Such forms diminish the possibility of filing office error and help assure that filers expectations are met. However, filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office may cause filings to be ineffective. All documents submitted through direct data entry or through electronic means will be required to use designated name fields.

R154-2-138. Data Entry of Names - No Designated Fields.

A UCC document that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to

specify whether the debtor is an individual or an organization should be refused by the filing office. If it is accepted for filing in error, the following rules shall apply.

138.1 Identification of organizations. When not set forth in a field designated for individual names, a name is treated as an organization name if it contains words or abbreviations that indicate status such as the following and similar words or abbreviations in foreign languages: association, church, college, company, co., corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmbH, S.A. de C.V., limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative and other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing officer will use his own judgment.

138.2 Identification of individuals. A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one of the following titles, or the equivalent of one of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, CPA. In such cases, the title is not entered.

138.3 Individual and organization names on a single line. Where it is apparent that the name of an individual and the name of an entity are stated on a single line and not in a designated individual name field ~~[, the name of the individual and the name of the entity shall be entered as two separate debtors, one as an individual and one as an entity]~~. Additional filing fees for the additional debtor name(s) may be required.

138.4 Individual names. The failure to designate the last name of an individual debtor in an initial financing statement or an amendment adding such debtor to a financing statement should cause a filing to be refused. If the filing is accepted in error, or if only the last name is designated, the following data entry rules apply.

138.4.1 Freestanding initials. An initial in the first position of the name is treated as a first name. An initial in the second position of the name is treated as a middle name.

138.4.2 Combined initials and names. An initial and a name to which the initial apparently corresponds is entered into one name field only (e.g., "D. (David)" in the name "John D. (David) Rockefeller" is entered as "John" (first name); "D. (David)" (middle name); "Rockefeller" (last name)).

138.4.3 Multiple individual names on a single line. Two individual names contained in a single line are entered as two, different debtors (e.g., the debtor name "John and Mary Smith" is entered as two debtors: "John Smith", and "Mary Smith").

138.4.4 One word names. A one word name is entered as a last name (e.g., "Cher" is treated as a last name).

138.4.5 Nicknames. A nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first name (e.g., "William (Bill) Jones").

R154-2-139. Verification of Data Entry.

The Division of Corporations and Commercial Code will enter the data as it is presented and encourages the filer to check the information on the database.

R154-2-140. Initial Financing Statement.

A new record is opened in the UCC information management system for each initial financing statement that bears the file number of

the financing statement and the date and time of filing.

140.1 The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until one year after the financing statement lapses. Debtor addresses might not be included in the searchable index except to the extent the filing office offers or intends to offer limited searches or limited copy requests.

140.2 The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.

140.3 The record is indexed according to the name of the debtor(s) and is maintained for public inspection.

140.4 A lapse date is established for the financing statement, unless the initial financing statement indicates it is filed against a transmitting utility, and the lapse date is maintained as part of the record.

R154-2-141. Amendment.

A record is created for the amendment that bears the file number for the initial filing statement to which it is associated and the date and time of filing.

141.1 The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.

141.2 The name and address of each additional debtor and secured parties are entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and are not removed until one year after the financing statement lapses.

141.3 If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.

R154-2-142. Correction Statement.

A record is created for the correction statement that bears the file number of the original filing and the date and time of filing of the correction statement. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved.

R154-2-143. Global Filings.

143.1 The filing officer may accept for filing a single UCC document for the purpose of amending more than one financing statement, for one or both of the following purposes: amendment to change secured party name exactly as entered; amendment to change secured party address exactly as entered. The global filings will be accepted on active filings only.

143.2 A blanket filing shall consist of a written document describing the requested amendment on a form approved by the filing office, and a machine readable file furnished by the remitter and created to the filing officer's specifications containing appropriate indexing information. A copy of blanket filing specifications is available from the filing officer upon request.

R154-2-144. Archives - Data Retention.

Data in the UCC information management system relating to financing statements that have lapsed are retained for five years from the date of lapse. Such data will be [maintained in the system for one

~~year from the date of lapse and will thereafter be maintained in archives according to State of Utah Archives policy]purged.~~

R154-2-145. Notice of Bankruptcy.

The filing officer takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Accordingly, financing statements will lapse in the information management system as scheduled unless properly continued.

R154-2-146. Search Requests and Reports.

The filing officer maintains for public inspection a searchable index for all records of UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates.

R154-2-147. Search Requests.

Search requests shall contain the following information.

147.1 Name searched. A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization. The full name of an individual shall consist of a first name, a middle name or initial, and a last name, although a search request may be submitted with no middle name or initial and, if only a single name is presented (e.g., ?Cher?) it will be treated as a last name. The full name of an organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted.

147.2 Requesting party. The name and address of the person to whom the search report is to be sent.

147.3 Fee. The appropriate fee shall be enclosed, payable by a method described in rule R154-2-107.

R154-2-148. Optional Information.

A UCC search request may contain~~[any of]~~ the following information:

~~[148.1 A request that the search of a debtor name be limited to debtors in a particular city.~~

~~—148.2—~~Instructions on the mode of delivery requested, if other than by ordinary mail or electronic means, will be honored if the requested mode is then made available by the filing office.

R154-2-149. Rules Applied to Search Requests.

Computerized searches will create results based on standardized search logic applied to the name presented to the filing officer by the person requesting the search. The following parameters are used to conduct searches:

149.1 There is no limit to the number of matches that may be returned in response to the search criteria.

149.2 No distinction is made between upper and lower case letters.

149.3 Punctuation marks and accents are disregarded.

149.4 The word "the" at the beginning of the search criteria is used as part of the name searched.

149.5 Business names are searched exactly as they are printed on the search request.

149.6 After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in active financing statements in the UCC information management system, the search will reveal only names of debtors that are contained in active financing statements and, as

modified, exactly match the name requested, as modified.
 149.7 The division may permit "wild card" searches on all names.

R154-2-150. Search Responses.

Reports created in response to a search request shall include the following.

- 150.1 Filing officer. Identification of the filing officer and the certification of the filing officer required by the UCC.
- 150.2 Report date. The date the report was generated.
- 150.3 Name searched. Identification of the name searched.
- 150.4 Certification date. The certification date applicable to the report; i.e., the date and time through the search is effective to reveal all relevant UCC documents filed on or prior to that date.
- 150.5 Identification of initial financing statements. Identification of each unexpired initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.
- 150.6 History of financing statement. For each initial financing statement on the report, a listing of all related UCC documents filed by the filing officer on or prior to the certification date.

R154-2-151. Agricultural Liens.

Rules effecting agricultural liens are found at R154-1.

KEY: banking, equipment leasing, filing documents
~~July 26, 2001~~ **2002**
 70A-9a et seq.



**Commerce, Occupational and
 Professional Licensing**
R156-56
**Utah Uniform Building Standard Act
 Rules**

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE No.: 24651
 FILED: 03/28/2002, 09:44

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Uniform Building Code Commission has approved these amendments to modify the scheduled change in stair tread and rise dimensions and modify the dimensions that have been in effect. See also additional separate rule filing which propose to keep or modify prior stair dimensions. Due to a wide disagreement on what is the best alternative, different stair dimensions rule filings are being made so that adoption of one of the options can be timely implemented after the public hearing occurs. This amendment is a compromise alternative which adds some additional tread spaces to the stairs but not the rise. (DAR NOTE: The other filing dealing with the changes in stair dimensions is under DAR No. 24652 in this Bulletin.)

SUMMARY OF THE RULE OR CHANGE: Subsection R156-56-704(26) is added which amends Section 1003.3.3.3,

Exception #5 providing that the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 10 inches (254 mm). All remaining subsections in this section have been renumbered. Subsection R156-56-711(10) has been amended to delete the July 1, 2002, provisions, change the minimum tread depth to 10 inches (254 mm), and provide that a nosing is not required where the tread depth is a minimum of 11 inches (279 mm).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-5-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There should be no affect on the state budget as this amendment would only affects stair dimensions in residences. Nonresidential stair dimensions are not being changed. The Division will incur minimal costs, less than \$100, to reprint the rule once all proposed amendments are made effective. Any costs incurred by the Division will be absorbed in its budget.
- ❖ LOCAL GOVERNMENTS: There should be no affect on the local government budget because this amendment would only affect stair dimensions in residences. Nonresidential stair dimensions are not being changed.
- ❖ OTHER PERSONS: If this proposed amendment is adopted, it would result in an increase in the costs of putting stairways in residential housing particularly on smaller houses. Larger residential houses would not likely be affected. Opponents of this change state the average additional cost per home could be as much as \$2,632 for the full change. It has not been determined how much of this cost can be saved by the compromise amendment. The proponents of the change state these costs are vastly overstated but acknowledge some costs would be incurred. However, the additional costs result in safer steps which may result in lower medical costs for falls. It is impossible to determine aggregate impact because this would depend on the number of smaller homes built which cannot be determined. Normally, larger homes would have no savings or additional costs resulting from this amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If this proposed amendment is adopted, it would result in an increase in the costs of putting stairways in residential housing particularly on smaller houses. Larger residential houses would not likely be affected. Opponents of this change state the average additional cost per home could be as much as \$2,632 for the full change. It has not been determined how much of this cost can be saved by the compromise amendment. The proponents of the change state these costs are vastly overstated but acknowledge some costs would be incurred. However, the additional costs result in safer steps which may result in lower medical costs for falls.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment modifies the current provision regarding stair dimensions for residential homes and increases the required tread depth. Proponents of this amendment believe that fewer accidents would occur on stairs with this increased tread depth, and thus result in a positive fiscal impact on the insurance business.

Challengers of this amendment believe the provision could result in a negative business impact to builders of residential homes, perhaps as much as \$2,632 per home. Either view, however, is speculative. The effect of the new provision on accidents and injuries is not ascertainable. Also, the fiscal impact to builders would depend on the number of homes built. Ted Boyer, Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@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 PM on 05/15/2002

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2002 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.

R156-56. Utah Uniform Building Standard Act Rules.

R156-56-704. Statewide Amendments to the IBC.

The following are adopted as amendments to the IBC to be applicable statewide:

(1) All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under Subsection R156-56-701(1)(b).

(2) Section 101.4.1 is deleted and replaced with the following:

101.4.1 Electrical. The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(3) In Section 202, the following definition is added:

ASSISTED LIVING FACILITY. See Section 308.1.1.

(4) Section 302.3.3 is deleted and replaced with the following:

302.3.3 Separated uses. Each portion of the building shall be individually classified as to use and shall be considered separated from other occupancies when completely separated from adjacent areas by fire barrier walls or horizontal assemblies or both having a fire-resistance rating determined in accordance with this sections.

302.3.3.1 All occupancies. Each fire area shall be separated from other occupancies in other fire areas in accordance with Table 302.3.3 based on the occupancy in the fire areas, and shall comply with the height limitations based on the use of that space and the

type of construction classification. In each story the building area shall be such that the sum or the ratios of the floor area of each use divided by the allowable area for each use shall not exceed 1.

Exceptions for R-3 and U Groups:

1. The private garage shall be separated from the residence and its attic area by means of materials approved for one-hour fire resistive construction applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1 3/8 inches (35 mm) thick or doors in compliance with Section 714.2.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

2. Ducts in the private garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gage (.48 mm) sheet steel and shall have no openings into the garage.

3. A separation is not required between a Group R-3 and Group U carport provided the carport is entirely open on two or more sides and there are not enclosed spaces above.

Where the building is equipped throughout with an automatic sprinkler system, the fire resistance ratings in Table 302.3.3 shall be reduced by one hour but not to less than one hour and to not less than that required for floor construction according to the type of construction. The one hour reduction shall not apply to fire area separations when H-1, H-2, H-3, or I-2 occupancies are included in the areas being separated.

Table 302.3.3, entitled "Required Separation of Occupancies", dated January 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 302.3.3 identifies what type of separation of occupancies requirements are mandated in various types of property use classifications.

(5) Section 305.2 is deleted and replaced with the following:

305.2 Day care. The building or structure, or portion thereof, for educational, supervision, child day care centers, or personal care services of more than four children shall be classified as a Group E occupancy. See Section 419 for special requirements for Group E child day care centers.

Exception: Areas used for child day care purposes with a Residential Certificate, Family License or Family Group License may be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 and as applicable in Section 101.2.

Child day care centers providing care for more than 100 children 2 1/2 years or less of age shall be classified as Group I-4.

(6) In Section 308 the following definitions are added:

308.1.1 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

TYPE 1 ASSISTED LIVING FACILITY. A residential facility that provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

TYPE 2 ASSISTED LIVING FACILITY. A residential facility that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.

SEMI-INDEPENDENT. A person who is:

A. Physically disabled but able to direct his or her own care; or
B. Cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

(7) Section 308.2 is deleted and replaced with the following:

308.2 Group I-1. This occupancy shall include a building or part thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, type 1 assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3. A facility such as above, housing at least six and not more than 16 persons, shall be classified as a Group R-4.

(8) Section 308.3 is deleted and replaced with the following:

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than three persons who are not capable of self-preservation. This group shall include, but not be limited to the following: hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities, ambulatory surgical centers with two or more operating rooms where care is less than 24 hours and type 2 assisted living facilities. Type 2 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type 2 assisted living facilities as defined in 308.1.1 with at least six and not more than sixteen residents shall be classified as a Group I-1 facility.

(9) Section 308.3.1 is deleted and replaced with the following:

308.3.1 Child care facility. A child care facility that provides care on a 24 hour basis to more than four children 2 1/2 years of age or less shall be classified as Group I-2.

(10) Section 308.5 is deleted and replaced with the following:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with four or fewer persons shall be classified as an R-3. Places of worship during religious functions and Group E child day care centers are not included.

(11) Section 308.5.2 is deleted and replaced with the following:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24 hour basis for more than 100 children 2 1/2 years of age or less shall be classified as Group I-4.

(12) In Section 310.1 the R-3 section is deleted and replaced with the following:

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2 or I and where buildings do not contain more than two dwelling units, or adult and child care facilities that provide accommodations for four or fewer persons of any age for less than 24 hours. Areas used for day care purposes may be located in a Residential Group, R-3 occupancy provided the building substantially complies with the requirements for a dwelling unit and under all of the following conditions:

1. Compliance with the Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

2. Use is approved by the State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act, UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care Standards.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator.

(13) A new section 310.4 is added as follows:

310.4 Floor-level exit signs. Where exit signs are required by section 1003.2.10.1, additional approved exit signs that are internally or externally illuminated, photoluminescent or self-luminous, shall be provided in all corridors serving guest rooms of R-1 occupancies. The bottom of such signs shall not be less than 6 inches (152 mm) nor more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit access doors, the sign shall be on the door or adjacent to the door with the closest edge of the sign with 8 inches (203 mm) of the door frame.

(14) In section 403.10.1.1 the exception is deleted.

(15) A new section 419 is added as follows:

Section 419 Group E Child Day Care Centers. Group E child day care centers shall comply with Section 419.

419.1 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

Exception: Child day care spaces for children over the age of 24 months may be located on the second floor of buildings equipped with automatic fire protection throughout and an automatic fire alarm system.

419.2 Egress. All Group E child day care spaces with an occupant load of 10 or more shall have a second means of egress. If the second means of egress is not an exit door leading directly to the exterior, the room shall have an emergency escape and rescue window complying with Section 1009.

(16) Section 706.3.5 is deleted and replaced with the following:

706.3.5 Separation of mixed occupancies. Where the provisions of Section 302.3.3 are applicable, the fire barrier separating mixed occupancies shall have a fire-resistance rating of not less than that indicated in Section 302.3.3 based on the occupancies being separated.

(17) A new Section 706.3.6 is added as follows:

706.3.6. Single occupancy fire areas. The fire barrier separating a single occupancy into different fire areas shall have a fire resistance rating of not less than that indicated in Table 706.3.6.

TABLE 706.3.6
FIRE-RESISTANCE RATING REQUIREMENTS
FOR FIRE BARRIER ASSEMBLIES BETWEEN
FIRE AREAS

OCCUPANCY GROUP	FIRE-RESISTANCE RATING (IN HOURS)
H-1, H-2	4
F-1, H-3, S-1	3
A, B, E, F-2, H-4, H-5, I	2
M, R, S-2	2
U	1

(18) Section 710.3 is deleted and replaced with the following:

710.3 Fire-resistance rating. The fire-resistance rating of floor and roof assemblies shall not be less than that required by the building type of construction. Where the floor assembly separates mixed occupancies, the assembly shall have a fire-resistance rating of not less than that required in Section 302.3.3 based on the occupancies being separated. Where the floor assembly separates a single occupancy into different fire areas, the assembly shall have a fire-resistance rating of not less than that required by Section

706.3.6. Floor assemblies separating dwelling units or guestrooms shall be a minimum of 1-hour fire-resistance-rated construction.

Exception: Dwelling unit and guestroom separations in buildings of Type IIB, IIIB and VB construction shall have fire-resistance ratings of not less than 1/2 hour in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

(19) In section 902, the definition for record drawings is deleted and replaced with the following:

RECORD DRAWINGS. Drawings ("as built") that document all aspects of a fire protection system as installed.

(20) Section 903.2.5 is deleted and replaced with the following:

903.2.5 Group I. An automatic sprinkler system shall be provided throughout buildings with Group I fire areas. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

(21) Section 903.2.9 Group R-4 is deleted and replaced with the following:

An automatic sprinkler system shall be provided throughout buildings with Group R-4 fire areas that contain more than eight occupants. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

(22) Section 905.5.3 is deleted and replaced with the following:

905.5.3 Class II system 1-inch hose. A minimum 1-inch (25.4 mm) hose shall be permitted to be used for hose stations in light-hazard occupancies where investigated and listed for this service and where approved by the code official.

(23) In section 1002, the definition for exit discharge is deleted and replaced with the following:

EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way or safe dispersal area.

(24) In section 1003.2.12.1 the exception is deleted and replaced with the following:

Exceptions:

1. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards whose top rail serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.

2. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm).

(25) Section 1003.2.12.2 is deleted and replaced with the following:

1003.2.12.2 Opening limitations. Open guards shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surface, a sphere 8 inches (203 mm) in diameter shall not pass. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exceptions:

1. The triangular openings formed by the riser, tread and

bottom rail at the open side of a stairway shall be of a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.

2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening.

3. In occupancies in Group I-3, F, H or S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.

4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies, and galleries shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

~~(26) Section 1003.3.3.3, Exception #5 is deleted and replaced with the following:~~

5. In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, as applicable in Section 101.2, and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 10 inches (254 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of the adjacent treads and at a right angle to the tread's leading edge. The walking surface of the treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2-percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

(2[6]7) Section 1003.3.3.11.3 is amended to include the following exception at the end of the section:

Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy shall be permitted to have a maximum cross sectional dimension of 3.28 inches (83 mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16 mm) and 1.5 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6 mm) deep on each side and shall be at least 0.5 (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(2[7]8) In Section 1004.3.2.5 Exception 2 is deleted.

(2[8]9) New sections 1006.2.3, 1006.2.3.1 and 1006.2.3.2 are added as follows:

1006.2.3 Safe dispersal areas. Where approved by the code official, the exit discharge is permitted to lead to a safe dispersal area on the same property as the structure being discharged. The proximity and size of such safe dispersal area shall be based on such factors as the occupant load served, the mobility of occupants, the type of construction of the building, the fire protection systems installed in the building, the height of the building and the degree of hazard of the occupancy. In any case, the entire safe dispersal area shall be located not less than 50 feet (15 420 mm) from the structure served.

1006.2.3.1 School ground fences and gates. School grounds shall be permitted to be fenced and gates therein equipped with locks, provided safe dispersal areas are located between the school and fence with the entire dispersal area no less than 50 feet (15 420mm) from school buildings. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

1006.2.3.2 Reviewing stands, grandstands and bleachers. Safe dispersal areas serving reviewing stands, grandstands and bleachers shall accommodate a number of persons equal to the total capacity of the stand or building served. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

(~~29~~30) Section 1207.2 is deleted and replaced with the following:

1207.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Rooms in one- and two-family dwellings, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not more than 4 feet (1219 mm) on center or projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms without habitable spaces in one- and two-family dwellings having a ceiling height of not less than 6 feet 8 inches (2033mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.

4. Mezzanines constructed in accordance with Section 505.1.

(~~30~~1) Section 1207.3 is deleted and replaced with the following:

1207.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

Exception: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet 4.64 m²) of gross floor area.

(~~31~~2) Section 1207.4 subparagraph 1 is deleted and replaced with the following:

1. The unit shall have a living room of not less than 165 square feet (15.3 m) of floor area. An additional 100 square feet (9.3 m) of floor area shall be provided for each occupant of such unit in excess of two.

(~~32~~3) In Section 1605.2.1, the formula shown as "f₂ = 0.2 for other roof configurations" is deleted and replaced with the following:

f₂ = 0.20 + .025(A-5) for other configurations where roof snow load exceeds 30 psf

f₂ = 0 for roof snow loads of 30 psf (1.44kN/m²) or less.

Where A = Elevation above sea level at the location of the structure (ft/1000).

(~~33~~4) In Section 1605.3.1 and section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

Flat roof snow loads of 30 pounds per square foot (1.44 kN/m²) or less need not be combined with seismic loads. Where flat roofs

exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads.

$$W_s = (0.20 + 0.025(A-5))P_r$$

Where

W_s = Weight of snow to be included, psf

A = Elevation above sea level at the location of the structure (ft/1000)

P_r = Design roof snow load, psf

(~~34~~5) Section 1608.1 is deleted and replaced with the following:

Except as modified in section 1608.1.1, design snow loads shall be determined in accordance with Section 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607.

(~~35~~6) Section 1608.1.1 is added as follows:

1608.1.1 Utah Snow Loads. The ground snow load, P_g, to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: P_g = (P_o² + S²(A-A_o)²)^{0.5} for A greater than A_o, and P_g = P_o for A less than or equal to A_o.

WHERE

P_g = Ground snow load at a given elevation (psf)

P_o = Base ground snow load (psf) from Table No. 1608.1.1(a) (~~ft./1000~~)

S = Change in ground snow load with elevation (psf/100 ft.) From Table No. 1608.1.1(a)

A = Elevation above sea level at the site (ft./1000)

A_o = Base ground snow elevation from Table 1608.1.1(a) (~~ft./1000~~)

The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g, may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table 1608.1.1(b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with section 1607.11 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.

(~~36~~7) Table 1608.1.1(a) and Table 1608.1.1(b) are added as follows:

TABLE NO. 1608.1.1(a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P _o	S	A _o
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7

Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6400 ft.	85	121
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

TABLE NO. 1608.1.1(b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS

	Roof Snow Load (PSF)	Ground Snow Load (PSF)	
Beaver County			
Beaver	5920 ft.	43	62
Box Elder County			
Brigham City	4300 ft.	30	43
Tremonton	4290 ft.	30	43
Cache County			
Logan	4530 ft.	35	50
Smithfield	4595 ft.	35	50
Carbon County			
Price	5550 ft.	30	43
Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farmington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57
Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	25	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50

NOTES

(1) The IBC requires a minimum live load - See 1607.11.2.

(3[7]8) Section 1608.2 is deleted and replaced with the following:

1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

(3[8]9) Section 1614.2 is deleted and replaced with the following:

1614.2 Change in Occupancy. When a change of occupancy results in a structure being reclassified to a higher Seismic Use Group, or when such change of occupancy results in a design occupant load increase of 100% or more, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. This is not required if the design occupant load increase is less than 25 persons and the Seismic Use Group does not change.

2. Specific detailing provisions required for a new structure are not required to be met where it can be shown an equivalent level of performance and seismic safety contemplated for a new structure is obtained. Such analysis shall consider the regularity, overstrength,

redundancy and ductility of the structure within the context of the specific detailing provided. Alternatively, the building official may allow the structure to be upgraded in accordance with the latest edition of the "Guidelines for Seismic Rehabilitation of Existing Buildings" or another nationally recognized standard for retrofit of existing buildings.

(~~39~~40) In Section 1616.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads of 30 psf or less need not be included. Where the roof snow load exceeds 30 psf, the snow load shall be included, but may be adjusted in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$

WHERE:

W_s = Weight of snow to be included in seismic calculation;

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

For the purposes of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding.

(~~40~~1) In Section 1617.2.2, the fourth definition of r_{maxi} is deleted and replaced with the following:

=For shear walls, r_{maxi} shall be taken as the maximum value of the product of the shear in the wall or wall pier and $10/1_w$ (3.3/ 1_w for SI), divided by the story shear, where 1_w is the length of the wall or wall pier in feet (m). The ratio $10/1_w$ need not be taken greater than 1.0 for buildings of light frame construction.

(~~41~~2) In Section 1617.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(~~42~~3) In Section 1617.5.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(~~43~~4) In Section 1618.4, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(~~44~~5) Section 1805.5 is deleted and replaced with the following:

1805.5 Foundation walls. Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.4 and 1805.5.8 through 1805.5.8.2. Concrete foundation walls may also be constructed in accordance with Section 1805.5.9.

(~~45~~6) New sections 1805.5.8, 1805.5.8.1 1805.5.8.2 and 1805.5.9 are added as follows:

1805.5.8 Seismic requirements. Tables 1805.5(1) through 1805.5(4) shall be subject to the following limitations based on the seismic design category assigned to the structure as defined in Section 1616.

1805.5.8.1 Seismic requirements for concrete foundation walls. Concrete foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. Provide two No. 5 bars around window and door openings. Such bars shall extend at least 24 inches (610 mm) beyond the corners of the openings.

2. Seismic Design Category C. Tables shall not be used except as permitted for plain concrete members in Section 1910.4.

3. Seismic Design Categories D, E and F. Tables shall not be used except as allowed for plain concrete members in ACI 318, Section 22.10.

1805.5.1.2. Seismic requirements for masonry foundation walls. Masonry foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. No additional seismic requirements.

2. Seismic Design Category C. The requirements of Section 2106.4 shall apply.

3. Seismic Design Category D. The requirements of Section 2106.5 shall apply.

4. Seismic Design Categories E and F. The requirements of Section 2106.6 shall apply.

1805.5.9 Empirical foundation design. Group R, Division 3 Occupancies three stories or less in height, and Group U Occupancies, which are constructed in accordance with Section 2308, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, shall be permitted to have concrete foundations constructed in accordance with Table 1805.5.9.

(~~46~~7) Table 1805.5.9 is added as follows:

Max. Height	2' (610 mm)	4' (1219 mm)	6' (1829 mm)	8' (2438 mm)	9' (2743 mm)	Over 9' (2743 mm)
Top Edge Support	None	None	Floor or roof dia-phragm(6)	Same as 6'	Same as 6'	Engi-neering required
Minimum Thickness	6"	6"	8"	8"	8"	Same as above
Vertical Note Steel(2)	(5)	#4 @ 32"	#4 @ 24"	#4 @ 24"	#4 @ 16"	Same as above
Horizontal Steel(3)	2-#4 Bars	4-#4 Bars	5-#4 Bars	6-#4 Bars	7-#4 Bars	Same as above
Steel at Openings(4)	2-#4 Bars above;	2-#4 Bars above;	2-#4 Bars above;	2-#4 Bars above;	2-#4 Bars above;	Same as above
	1-#4 Bar each side	1-#4 Bar each side	1-#4 Bar each side	1-#4 Bar each side	1-#4 Bar each side	
	1-#4 Bar below	1-#4 Bar below	1-#4 Bar below	1-#4 Bar below	1-#4 Bar below	
Max. Lintel Length	2' (610mm)	3' (914mm)	6' (1829mm)	6' (1829mm)	6' (1829mm)	Same as above
Min. Lintel Depth	2" for each ft. of opening width; Min. 6"	Same as 2'	Same as 2'	Same as 2'	Same as 2'	Same as above

Notes:

(1) Based on 3,000 psi (20.6 Mpa) concrete and 60,000 psi (414 Mpa) reinforcing steel.

(2) To be placed in the center of the wall, and extend from the footing to within three inches (76 mm) of the top of the wall; dowels of #4 bars to match vertical steel placement shall be provided in the footing, extending 24 inches (610 mm) into the foundation wall.

(3) One bar shall be located in the top four inches (102 mm), one bar in the bottom four inches (102 mm) and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1805.9. Corner reinforcing shall be provided so as to lap 24 inches (610 mm).

(4) Bars shall be placed within two inches (51 mm) of the openings and extend 24 inches (610 mm) beyond the edge of the opening; vertical bars may terminate three inches (76 mm) from the top of the concrete.

(5) Dowels of #4 bar at 32 inches on center shall be provided in the footing, extending 18 inches (457 mm) into the foundation wall.

(6) Diaphragm shall conform to the requirements of Section 2308.

(7) Footing shall be a minimum of nine inches thick by 20 inches wide.

(8) Soil backfill shall be soil classification types GW, GP, SW, or PS, per Table 1610.1. Soil shall be submerged or saturated in groundwater.

(4[7]8) A new section 2902.1.1 is added as follows:

2902.1.1 Unisex toilets and bath fixtures. Fixtures located within unisex toilet and bathing rooms complying with section 2902 are permitted to be included in determining the minimum number of fixtures for assembly and mercantile occupancies.

(4[8]9) A new section 2306.1.4 is added as follows:

2306.1.4 The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Load Duration Factors, C_d , of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1524 M).

([49]50) Section 2308.6 is deleted and replaced with the following:

2308.6 Foundation plates or sills. Foundations and footings shall be as specified in Chapter 18. Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 and shall be bolted or anchored by one of the following:

1. Foundation plates or sill shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece.

2. Foundation plates or sills shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 32 inches (816 mm) apart. There shall be a minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from each end of each piece.

A properly sized nut and washer shall be tightened on each bolt to the plate.

(5[0]1) A new section 3402.5 is added as follows:

3402.5 Parapets and other appendages. Building constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 an U occupancies.

Original Plans and/or structural calculations may be utilized to demonstrate that the parapet or appendages are structurally adequate. When found to be deficient because of design or deteriorated

condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

The maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F. If the required parapet height exceeds this maximum height, a bracing system designed using the coefficients specified in Table 1621.2 shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors shall be added. Approved alternative methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

(5[4]2) Section 3408.1 is deleted and replaced with the following:

3408.1 Scope: The provision of sections 3408.2 through 3408.5 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exceptions:

1. When maintenance, additions or alteration occur, Type B dwelling units required by section 1107.5.4 are not required to be provided in existing buildings and facilities.

2. When a change of occupancy in a building or portion of a building results in multiple dwelling units as determined in section 1107.5.4, not less than 20 percent of the dwelling units shall be Type B dwelling units. These dwelling units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling units shall be Type A dwelling units.

(5[2]3) Referenced standards number 1557-91 under ASTM in chapter 35 is deleted and replaced with the following:

TABLE		
Standard Number	Title	Code Section
D1557-91 E01	Laboratory Compaction	1508.15.2
	Characteristics of soil using Modified Effort	K1.1.2, K1.7.5

(5[3]4) A new appendix K, Grading, is added as follows:

APPENDIX K - GRADING

K1.1 GENERAL

K1.1.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern.

K1.1.2 Standards. The following standards of quality shall apply:

1. ASTM D1557-91 E01, Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lb/ft).

K1.2 DEFINITIONS

K1.2.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DOWN DRAIN. A device for collecting water from a swale or

ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

K1.3 PERMITS REQUIRED

K1.3.1 Permits required. Except as exempted in Section K1.3.2, no grading shall be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.

K1.3.2 Exemptions. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional for the sole purpose of preparing a soils report.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. The listed exemptions shall not apply to areas located in a floodway or floodplain regulated under Appendix G.

K1.4 PERMIT APPLICATION AND SUBMITTALS

K1.4.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

K1.4.2 Site plan requirements. In addition to the provisions of Section 106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

K1.4.3 Soils report. A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any

structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.

K1.4.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short period (S_s) greater than 0.5g as determined by Section 1615, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

Exception: A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.

K1.5 INSPECTIONS

K1.5.1 General. Inspections shall be governed by Section 109 of this code.

K1.5.2 Special inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the building official.

K1.6 EXCAVATIONS

K1.6.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50%) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67%) provided that all the following are met:
 - (a) it is not intended to support structures or surcharges;
 - (b) it is adequately protected against erosion;
 - (c) it is no more than 8 feet (2438 mm) in height; and
 - (d) it is approved by the building official.
2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100%)

K1.7 FILLS

K1.7.1 General. Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.

K1.7.2 Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

K1.7.3 Benching. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20%) and the depth of the fill exceeds five feet (1524 mm) benching shall be provided in accordance with Figure K1.7.3 dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. A key shall be provided which is at least 10 feet (3048 mm) in width and two feet (610 mm) in depth.

K1.7.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305mm) in any dimension shall be included in fills.

K1.7.5 Compaction. All fill material shall be compacted to 90% of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

K1.7.6 Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2

horizontal to 1 vertical (50%) shall be justified by soils reports or engineering data.

K1.8 SETBACKS

K1.8.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure K1.8.1, dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference, unless substantiating data is submitted justifying reduced setbacks.

K1.8.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure K1.8.1, or than is required to accommodate any required interceptor drains, whichever is greater.

K1.8.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure K1.8.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

K1.9 DRAINAGE AND TERRACING

K1.9.1 General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33%).

K1.9.2 Terraces. Terraces at least six feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5%) and shall be paved with concrete not less than three inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of five feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m²) (projected) without discharging into a down drain.

K1.9.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of one foot (305 mm) and a minimum width of three feet (915 mm). The slope shall be approved by the building official, but shall not be less than 50 horizontal to 1 vertical (2%). The drain shall be paved with concrete not less than three inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.

K1.9.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in

the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

K1.10 EROSION CONTROL

K1.10.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

K1.10.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

R156-56-711. Statewide Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable statewide:

(1) All amendments to the IBC under Section R156-56-704, the NEC under Section R156-56-708, the IFGC under Section R156-56-709 and the IECC under Section R156-56-710 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC.

(2) In Section R202, the definition of "Backsiphonage" is deleted and replaced with the following:

BACKSIPHONAGE: The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(3) In Section R202 the following definition is added:

CERTIFIED BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In Section R202 the definition of "Cross Connection" is deleted and replaced with the following:

CROSS CONNECTION. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow, Water Distribution").

(5) In Section R202 the following definition is added:

HEAT exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(6) In section R202 the definition of "Potable Water" is deleted and replaced with the following:

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section R202 the definition of "Water Heater" is deleted and replaced with the following:

WATER HEATER. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use externally to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(8) Section R304.3 is deleted and replaced with the following:

R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(9) Section R309.2 is deleted and replaced with the following:

R309.2 Separation required. The garage shall be separated from the residence and its attic area by installation of materials approved for one-hour fire-resistive construction applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by installation of materials approved for one-hour fire-resistive construction.

(10) Section R314.2[~~until July 1, 2002,~~] is deleted and replaced with the following:

R314.2 Trends and risers. The maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be ~~9 inches (229 mm)]~~ 10 inches (254 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2-percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R314.2.1 Profile. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19.1 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed shall not exceed the smallest nosing projection by more than 3/8 inches (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions:

1. A nosing is not required where the tread depth is a minimum of ~~10 inches (254 mm)]~~ 11 inches (279 mm).

2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.]

~~(3) After July 1, 2002, the provisions of Section R314.2 apply as originally published in the IRC without amendment.~~

(11) Section R315.2 is deleted and replaced with the following:

R315.2 Handrail grip size. The handgrip portion of handrails shall have a circular cross section of 1 1/4 inches (32mm) minimum to 2 5/8 inches (67mm) maximum. Edges shall have a minimum radius of 1/8 inch (3.2mm).

Exception: Non-circular handrails shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83mm) measured 2 inches (51 mm) down from the top of the crown. Such

handrail is required to have an indentation on both sides between 0.625 inch (16mm) and 1.5 inches (38mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6mm) deep on each side and shall be at least 0.5 inch (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(12) In Section 321.3.2 Exception 1.1 is deleted and replaced with the following:

1.1 By a horizontal distance of not less than the width of a stud space regardless of stud spacing, or

(13) Section R403.1.6.1 is deleted and replaced with the following:

R403.1.6.1 Foundation anchorage in Seismic Design Categories D₁ and D₂. In addition to the requirements of Section R403.1.6, the following requirements shall apply to light-wood frame structures in Seismic Design Categories D₁ and D₂. Anchor bolts shall be located within 12 inches (305 mm) from the ends of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls. Plate washers a minimum of 2 inches by 2 inches by 3/16 inch (51 mm by 4.8 mm) thick shall be used on each bolt.

Exceptions:

a. When anchor bolt spacing does not exceed 32 inches (816 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls.

b. When anchor bolt spacing does not exceed 32 inches (816 mm) apart, a properly sized round washer may be used.

The maximum anchor bolt spacing shall be 4 feet (1219 mm) for two-story structures.

(14) In Section R703.7 Stone and masonry veneer, general the following exceptions are added:

Exceptions:

3. For detached one- or two-family dwellings with a maximum nominal thickness of 4 inches (102 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D₁, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete or masonry wall, provided the following criteria are met:

(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.

(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 45% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.

(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2100 lbs (952.5 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3700 lbs. (1678 kg). In all cases, the hold down connector force shall be transferred to the foundation.

(d) Cripple walls shall not be permitted.

4. For detached one- and two-family dwellings with a maximum actual thickness of 3 inches (76 mm) of exterior masonry

veneer with a backing of wood frame located in Seismic Design Category D₂, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete on masonry wall, provided the following criteria are met:

(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.

(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 55% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.

(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2300 lbs (1043 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3900 lbs. (1769 kg). In all cases, the hold down connector force shall be transferred to the foundation.

(d) Cripple walls shall not be permitted.

(15) Section P2602.2 is added as follows:

P2602.2 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction.

(16) Section P2602.3 is added as follows:

P2602.3 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(17) Section P2801.2 is added as follows:

P2801.2 Water heater seismic bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(18) Section P2902.1.1 is added as follows:

P2902.1.1 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly, and the spring loaded check valve assembly described in amended Section 608.16.4 of the International Plumbing Code.

(19) Section P2903.9.3 is deleted and replaced with the following:

P2903.9.3 Valve requirements. Valves serving individual fixtures, appliances, risers, and branches shall be provided with access. An individual shutoff valve shall be required on the water supply pipe to each water closet, lavatory, kitchen sink, and appliance.

(20) Section P3003.2.1 is added as follows:

Section P3003.2.1 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(21) In Section P3103.6, the following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

(22) In Section P3104.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed below grade in accordance with Chapter 30, and Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent.

(23) Chapter 43, Referenced Standards, is amended as follows: The following reference standard is added:

TABLE

USC- FCCCHR 9th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Section P2902
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KEY: contractors, building codes, building inspection, licensing
[January 1, 2002

Notice of Continuation June 3, 1997

58-1-106(1)

58-1-202(1)

58-56-1

58-56-4(2)

58-56-6(2)(a)



**Commerce, Occupational and
Professional Licensing**

R156-56

**Utah Uniform Building Standard Act
Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24652

FILED: 03/28/2002, 09:52

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Uniform Building Code Commission has approved these amendments

to modify the scheduled change in stair tread and rise dimensions and keep the dimensions that have been in effect.

See also additional separate rule filing which propose to keep or modify prior stair dimensions. Due to a wide disagreement on what is the best alternative, different stair dimensions rule filings are being made so that adoption of one of the options can be timely implemented after the public hearing occurs. This amendment deletes the scheduled change in stair tread and rise dimensions and keeps the dimensions that have been in effect. (DAR NOTE: The other filing dealing with the changes in stair dimensions is under DAR No. 24651 in this Bulletin.)

SUMMARY OF THE RULE OR CHANGE: Subsection R157-56-704(26) is added which amends Section 1003.3.3.3, Exception #5 providing that the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). All remaining subsections in this section have been renumbered. Subsection R156-56-711(10) has been amended to delete the July 1, 2002, provisions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-5-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There should be no affect on the state budget as this amendment would only affect stair dimensions in residences. Nonresidential stair dimensions are not being changed. The Division will incur minimal costs, less than \$100, to reprint the rule once all proposed amendments are made effective. Any costs incurred by the Division will be absorbed in its budget.

❖ **LOCAL GOVERNMENTS:** There should be no affect on the local government budget because this amendment would only affects stair dimensions in residences. Nonresidential stair dimensions are not being changed.

❖ **OTHER PERSONS:** If this proposed amendment is NOT adopted, it would result in an increase in the costs of putting stairways in residential housing particularly on smaller houses. Larger residential houses would not likely be affected. Opponents of this change state the average additional cost per home could be as much as \$2,632. The proponents of the change state these costs are vastly overstated but acknowledge some costs would be incurred. However, the additional costs result in safer steps which may result in lower medical costs for falls. It is impossible to determine aggregate impact because this would depend on the number of smaller homes built which cannot be determined. Normally, larger homes would have no savings or additional costs resulting from this amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If this proposed amendment is NOT adopted, it would result in an increase in the costs of putting stairways in residential housing particularly on smaller houses. Larger residential houses would not likely be affected. Opponents of this change state the average additional cost per home could be as much as \$2,632. The proponents of the change state these costs are vastly overstated but acknowledge some costs would be incurred.

However, the additional costs result in safer steps which may result in lower medical costs for falls.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment removes the time limitation on the current provision regarding stair dimensions (which was a modification of the provision in the International Residential Code) make the current provisions applicable after July 1, 2002. Challengers of this amendment believe that more accidents could occur in homes with this less demanding provision regarding the structure of stairways in homes. They believe that there could be a negative fiscal impact on the insurance business if the provision led to more accidents and injuries on stairways. Supporters of this amendment believe that if the amendment is not adopted, the applicable and more demanding provision of the International Residential Code regarding stairways could result in a negative business impact to builders of residential homes. Either view, however, is speculative. The effect of the new provision on accidents and injuries is not ascertainable. Also, the fiscal impact to builders would depend on the number of homes built. Ted Boyer, Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@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 PM on 05/15/2002

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2002 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-704. Statewide Amendments to the IBC.**

The following are adopted as amendments to the IBC to be applicable statewide:

(1) All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under Subsection R156-56-701(1)(b).

(2) Section 101.4.1 is deleted and replaced with the following:

101.4.1 Electrical. The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(3) In Section 202, the following definition is added:

ASSISTED LIVING FACILITY. See Section 308.1.1.

(4) Section 302.3.3 is deleted and replaced with the following:

302.3.3 Separated uses. Each portion of the building shall be individually classified as to use and shall be considered separated from other occupancies when completely separated from adjacent areas by fire barrier walls or horizontal assemblies or both having a fire-resistance rating determined in accordance with this sections.

302.3.3.1 All occupancies. Each fire area shall be separated from other occupancies in other fire areas in accordance with Table 302.3.3 based on the occupancy in the fire areas, and shall comply with the height limitations based on the use of that space and the type of construction classification. In each story the building area shall be such that the sum or the ratios of the floor area of each use divided by the allowable area for each use shall not exceed 1.

Exceptions for R-3 and U Groups:

1. The private garage shall be separated from the residence and its attic area by means of materials approved for one-hour fire resistive construction applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1 3/8 inches (35 mm) thick or doors in compliance with Section 714.2.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

2. Ducts in the private garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gage (.48 mm) sheet steel and shall have no openings into the garage.

3. A separation is not required between a Group R-3 and Group U carport provided the carport is entirely open on two or more sides and there are not enclosed spaces above.

Where the building is equipped throughout with an automatic sprinkler system, the fire resistance ratings in Table 302.3.3 shall be reduced by one hour but not to less than one hour and to not less than that required for floor construction according to the type of construction. The one hour reduction shall not apply to fire area separations when H-1, H-2, H-3, or I-2 occupancies are included in the areas being separated.

Table 302.3.3, entitled "Required Separation of Occupancies", dated January 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 302.3.3 identifies what type of separation of occupancies requirements are mandated in various types of property use classifications.

(5) Section 305.2 is deleted and replaced with the following:

305.2 Day care. The building or structure, or portion thereof, for educational, supervision, child day care centers, or personal care services of more than four children shall be classified as a Group E occupancy. See Section 419 for special requirements for Group E child day care centers.

Exception: Areas used for child day care purposes with a Residential Certificate, Family License or Family Group License may be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 and as applicable in Section 101.2.

Child day care centers providing care for more than 100 children 2 1/2 years or less of age shall be classified as Group I-4.

(6) In Section 308 the following definitions are added:

308.1.1 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

TYPE 1 ASSISTED LIVING FACILITY. A residential facility that provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

TYPE 2 ASSISTED LIVING FACILITY. A residential facility that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.

SEMI-INDEPENDENT. A person who is:

A. Physically disabled but able to direct his or her own care; or

B. Cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

(7) Section 308.2 is deleted and replaced with the following:

308.2 Group I-1. This occupancy shall include a building or part thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, type 1 assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3. A facility such as above, housing at least six and not more than 16 persons, shall be classified as a Group R-4.

(8) Section 308.3 is deleted and replaced with the following:

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than three persons who are not capable of self-preservation. This group shall include, but not be limited to the following: hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities, ambulatory surgical centers with two or more operating rooms where care is less than 24 hours and type 2 assisted living facilities. Type 2 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type 2 assisted living facilities as defined in 308.1.1 with at least six and not more than sixteen residents shall be classified as a Group I-1 facility.

(9) Section 308.3.1 is deleted and replaced with the following:

308.3.1 Child care facility. A child care facility that provides care on a 24 hour basis to more than four children 2 1/2 years of age or less shall be classified as Group I-2.

(10) Section 308.5 is deleted and replaced with the following:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with four or fewer persons shall be classified as an R-3. Places of worship during religious functions and Group E child day care centers are not included.

(11) Section 308.5.2 is deleted and replaced with the following:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24 hour basis for more than 100 children 2 1/2 years of age or less shall be classified as Group I-4.

(12) In Section 310.1 the R-3 section is deleted and replaced with the following:

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2 or I and where buildings do not contain more than two dwelling units, or adult and child care facilities that provide accommodations for four or fewer persons of any age for less than 24 hours. Areas used for day care purposes may be located in a Residential Group, R-3 occupancy provided the building substantially complies with the requirements for a dwelling unit and under all of the following conditions:

1. Compliance with the Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

2. Use is approved by the State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act, UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care Standards.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator.

(13) A new section 310.4 is added as follows:

310.4 Floor-level exit signs. Where exit signs are required by section 1003.2.10.1, additional approved exit signs that are internally or externally illuminated, photoluminescent or self-luminous, shall be provided in all corridors serving guest rooms of R-1 occupancies. The bottom of such signs shall not be less than 6 inches (152 mm) nor more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit access doors, the sign shall be on the door or adjacent to the door with the closest edge of the sign with 8 inches (203 mm) of the door frame.

(14) In section 403.10.1.1 the exception is deleted.

(15) A new section 419 is added as follows:

Section 419 Group E Child Day Care Centers. Group E child day care centers shall comply with Section 419.

419.1 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

Exception: Child day care spaces for children over the age of 24 months may be located on the second floor of buildings equipped with automatic fire protection throughout and an automatic fire alarm system.

419.2 Egress. All Group E child day care spaces with an occupant load of 10 or more shall have a second means of egress. If the second means of egress is not an exit door leading directly to the exterior, the room shall have an emergency escape and rescue window complying with Section 1009.

(16) Section 706.3.5 is deleted and replaced with the following:

706.3.5 Separation of mixed occupancies. Where the provisions of Section 302.3.3 are applicable, the fire barrier separating mixed occupancies shall have a fire-resistance rating of not less than that indicated in Section 302.3.3 based on the occupancies being separated.

(17) A new Section 706.3.6 is added as follows:

706.3.6. Single occupancy fire areas. The fire barrier separating a single occupancy into different fire areas shall have a fire resistance rating of not less than that indicated in Table 706.3.6.

TABLE 706.3.6
FIRE-RESISTANCE RATING REQUIREMENTS
FOR FIRE BARRIER ASSEMBLIES BETWEEN
FIRE AREAS

OCCUPANCY GROUP	FIRE-RESISTANCE RATING (IN HOURS)
H-1, H-2	4
F-1, H-3, S-1	3
A, B, E, F-2, H-4, H-5, I	2
M, R, S-2	2
U	1

(18) Section 710.3 is deleted and replaced with the following:

710.3 Fire-resistance rating. The fire-resistance rating of floor and roof assemblies shall not be less than that required by the building type of construction. Where the floor assembly separates mixed occupancies, the assembly shall have a fire-resistance rating of not less than that required in Section 302.3.3 based on the occupancies being separated. Where the floor assembly separates a single occupancy into different fire areas, the assembly shall have a fire-resistance rating of not less than that required by Section 706.3.6. Floor assemblies separating dwelling units or guestrooms shall be a minimum of 1-hour fire-resistance-rated construction.

Exception: Dwelling unit and guestroom separations in buildings of Type IIB, IIIB and VB construction shall have fire-resistance ratings of not less than 1/2 hour in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

(19) In section 902, the definition for record drawings is deleted and replaced with the following:

RECORD DRAWINGS. Drawings ("as built") that document all aspects of a fire protection system as installed.

(20) Section 903.2.5 is deleted and replaced with the following:

903.2.5 Group I. An automatic sprinkler system shall be provided throughout buildings with Group I fire areas. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

(21) Section 903.2.9 Group R-4 is deleted and replaced with the following:

An automatic sprinkler system shall be provided throughout buildings with Group R-4 fire areas that contain more than eight occupants. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

(22) Section 905.5.3 is deleted and replaced with the following:

905.5.3 Class II system 1-inch hose. A minimum 1-inch (25.4 mm) hose shall be permitted to be used for hose stations in light-hazard occupancies where investigated and listed for this service and where approved by the code official.

(23) In section 1002, the definition for exit discharge is deleted and replaced with the following:

EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way or safe dispersal area.

(24) In section 1003.2.12.1 the exception is deleted and replaced with the following:

Exceptions:

1. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards whose top rail serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.

2. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm).

(25) Section 1003.2.12.2 is deleted and replaced with the following:

1003.2.12.2 Opening limitations. Open guards shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surface, a sphere 8 inches (203 mm) in diameter shall not pass. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail at the open side of a stairway shall be of a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.

2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening.

3. In occupancies in Group I-3, F, H or S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.

4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies, and galleries shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

(26) Section 1003.3.3.3, Exception #5 is deleted and replaced with the following:

5. In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, as applicable in Section 101.2, and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of the adjacent treads and at a right angle to the tread's leading edge. The walking surface of the treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2-percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

(2[6]7) Section 1003.3.3.11.3 is amended to include the following exception at the end of the section:

Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy shall be permitted to have a maximum cross sectional dimension of 3.28 inches (83 mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16 mm) and 1.5 inches (38 mm) down from the top or

crown of the cross section. The indentation shall be a minimum of 0.25 inch (6 mm) deep on each side and shall be at least 0.5 (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(2[7]8) In Section 1004.3.2.5 Exception 2 is deleted.

(2[8]9) New sections 1006.2.3, 1006.2.3.1 and 1006.2.3.2 are added as follows:

1006.2.3 Safe dispersal areas. Where approved by the code official, the exit discharge is permitted to lead to a safe dispersal area on the same property as the structure being discharged. The proximity and size of such safe dispersal area shall be based on such factors as the occupant load served, the mobility of occupants, the type of construction of the building, the fire protection systems installed in the building, the height of the building and the degree of hazard of the occupancy. In any case, the entire safe dispersal area shall be located not less than 50 feet (15 420 mm) from the structure served.

1006.2.3.1 School ground fences and gates. School grounds shall be permitted to be fenced and gates therein equipped with locks, provided safe dispersal areas are located between the school and fence with the entire dispersal area no less than 50 feet (15 420mm) from school buildings. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

1006.2.3.2 Reviewing stands, grandstands and bleachers. Safe dispersal areas serving reviewing stands, grandstands and bleachers shall accommodate a number of persons equal to the total capacity of the stand or building served. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

(29)30) Section 1207.2 is deleted and replaced with the following:

1207.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Rooms in one- and two-family dwellings, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not more than 4 feet (1219 mm) on center or projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms without habitable spaces in one- and two-family dwellings having a ceiling height of not less than 6 feet 8 inches (2033mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.

4. Mezzanines constructed in accordance with Section 505.1.

(3[0]1) Section 1207.3 is deleted and replaced with the following:

1207.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

Exception: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet (4.64 m²) of gross floor area.

(3[4]2) Section 1207.4 subparagraph 1 is deleted and replaced with the following:

1. The unit shall have a living room of not less than 165 square feet (15.3 m) of floor area. An additional 100 square feet (9.3 m) of floor area shall be provided for each occupant of such unit in excess of two.

(3[2]3) In Section 1605.2.1, the formula shown as " $f_2 = 0.2$ for other roof configurations" is deleted and replaced with the following:

$f_2 = 0.20 + .025(A-5)$ for other configurations where roof snow load exceeds 30 psf

$f_2 = 0$ for roof snow loads of 30 psf (1.44kN/m²) or less.

Where A = Elevation above sea level at the location of the structure (ft/1000).

(3[3]4) In Section 1605.3.1 and section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

Flat roof snow loads of 30 pounds per square foot (1.44 kNm²) or less need not be combined with seismic loads. Where flat roofs exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads.

$$W_s = (0.20 + 0.025(A-5))P_f$$

Where

W_s = Weight of snow to be included, psf

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

(3[4]5) Section 1608.1 is deleted and replaced with the following:

Except as modified in section 1608.1.1, design snow loads shall be determined in accordance with Section 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607.

(3[5]6) Section 1608.1.1 is added as follows:

1608.1.1 Utah Snow Loads. The ground snow load, P_g , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 + S^2(A-A_o)^2)^{0.5}$ for A greater than A_o , and $P_g = P_o$ for A less than or equal to A_o .

WHERE

P_g = Ground snow load at a given elevation (psf)

P_o = Base ground snow load (psf) from Table No. 1608.1.1(a) (ft./1000)

S = Change in ground snow load with elevation (psf/100 ft.)

From Table No. 1608.1.1(a)

A = Elevation above sea level at the site (ft./1000)

A_o = Base ground snow elevation from Table 1608.1.1(a) (ft./1000)

The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table 1608.1.1(b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with section 1607.11 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a

load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.

(3[6]7) Table 1608.1.1(a) and Table 1608.1.1(b) are added as follows:

TABLE NO. 1608.1.1(a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P_o	S	A_o
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. 1608.1.1(b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS

	Roof Snow Load (PSF)	Ground Snow Load (PSF)
Beaver County		
Beaver	5920 ft. 43	62
Box Elder County		
Brigham City	4300 ft. 30	43
Tremonton	4290 ft. 30	43
Cache County		
Logan	4530 ft. 35	50
Smithfield	4595 ft. 35	50
Carbon County		
Price	5550 ft. 30	43
Daggett County		
Manila	5377 ft. 30	43
Davis County		
Bountiful	4300 ft. 30	43
Farmington	4270 ft. 30	43
Layton	4400 ft. 30	43
Fruit Heights	4500 ft. 40	57
Duchesne County		
Duchesne	5510 ft. 30	43
Roosevelt	5104 ft. 30	43
Emery County		
Castledale	5660 ft. 30	43
Green River	4070 ft. 25	36
Garfield County		
Panguitch	6600 ft. 30	43
Grand County		
Moab	3965 ft. 25	36
Iron County		
Cedar City	5831 ft. 30	43

Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6400 ft.	85	121
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

(1) The IBC requires a minimum live load - See 1607.11.2.

(3[7]8) Section 1608.2 is deleted and replaced with the following:

1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an

extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

(3[8]9) Section 1614.2 is deleted and replaced with the following:

1614.2 Change in Occupancy. When a change of occupancy results in a structure being reclassified to a higher Seismic Use Group, or when such change of occupancy results in a design occupant load increase of 100% or more, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. This is not required if the design occupant load increase is less than 25 persons and the Seismic Use Group does not change.

2. Specific detailing provisions required for a new structure are not required to be met where it can be shown an equivalent level of performance and seismic safety contemplated for a new structure is obtained. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the specific detailing provided. Alternatively, the building official may allow the structure to be upgraded in accordance with the latest edition of the "Guidelines for Seismic Rehabilitation of Existing Buildings" or another nationally recognized standard for retrofit of existing buildings.

([39]40) In Section 1616.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads of 30 psf or less need not be included. Where the roof snow load exceeds 30 psf, the snow load shall be included, but may be adjusted in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$

WHERE:

W_s = Weight of snow to be included in seismic calculation;

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

For the purposes of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding.

(4[0]1) In Section 1617.2.2, the fourth definition of r_{maxi} is deleted and replaced with the following:

=For shear walls, r_{maxi} shall be taken as the maximum value of the product of the shear in the wall or wall pier and $10/l_w$ ($3.3/1_w$ for SI), divided by the story shear, where l_w is the length of the wall or wall pier in feet (m). The ratio $10/l_w$ need not be taken greater than 1.0 for buildings of light frame construction.

(4[4]2) In Section 1617.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(4[2]3) In Section 1617.5.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(4[3]4) In Section 1618.4, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(4[4]5) Section 1805.5 is deleted and replaced with the following:

1805.5 Foundation walls. Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.4 and 1805.5.8 through 1805.5.8.2. Concrete foundation walls may also be constructed in accordance with Section 1805.5.9.

(4[5]6) New sections 1805.5.8, 1805.5.8.1 1805.5.8.2 and 1805.5.9 are added as follows:

1805.5.8 Seismic requirements. Tables 1805.5(1) through 1805.5(4) shall be subject to the following limitations based on the seismic design category assigned to the structure as defined in Section 1616.

1805.5.8.1 Seismic requirements for concrete foundation walls. Concrete foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. Provide two No. 5 bars around window and door openings. Such bars shall extend at least 24 inches (610 mm) beyond the corners of the openings.
2. Seismic Design Category C. Tables shall not be used except as permitted for plain concrete members in Section 1910.4.
3. Seismic Design Categories D, E and F. Tables shall not be used except as allowed for plain concrete members in ACI 318, Section 22.10.

1805.5.1.2. Seismic requirements for masonry foundation walls. Masonry foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. No additional seismic requirements.
2. Seismic Design Category C. The requirements of Section 2106.4 shall apply.
3. Seismic Design Category D. The requirements of Section 2106.5 shall apply.
4. Seismic Design Categories E and F. The requirements of Section 2106.6 shall apply.

1805.5.9 Empirical foundation design. Group R, Division 3 Occupancies three stories or less in height, and Group U Occupancies, which are constructed in accordance with Section 2308, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, shall be permitted to have concrete foundations constructed in accordance with Table 1805.5.9.

(4[6]7) Table 1805.5.9 is added as follows:

Max. Height	2' (610 mm)	4' (1219 mm)	6' (1829 mm)	8' (2438 mm)	9' (2743 mm)	Over 9' (2743 mm)
Top Edge Support	None	None	Floor or roof diaphragm(6)	Same as 6'	Same as 6'	Engineering required
Minimum Thickness	6"	6"	8"	8"	8"	Same as above
Vertical Steel(2)	Note (5)	#4 @ 32"	#4 @ 24"	#4 @ 24"	#4 @ 16"	Same as above
Horizontal Steel(3)	2-#4 Bars	4-#4 Bars	5-#4 Bars	6-#4 Bars	7-#4 Bars	Same as above

Steel at Openings(4)	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	Same as above
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Max. Lintel Length	2' (610mm)	3' (914mm)	6' (1829mm)	6' (1829mm)	6' (1829mm)	Same as above
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Min. Lintel Depth	2" for each ft. of opening width; Min. 6"	Same as 2'	Same as 2'	Same as 2'	Same as 2'	Same as above
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Notes:

- (1) Based on 3,000 psi (20.6 Mpa) concrete and 60,000 psi (414 Mpa) reinforcing steel.
- (2) To be placed in the center of the wall, and extend from the footing to within three inches (76 mm) of the top of the wall; dowels of #4 bars to match vertical steel placement shall be provided in the footing, extending 24 inches (610 mm) into the foundation wall.
- (3) One bar shall be located in the top four inches (102 mm), one bar in the bottom four inches (102 mm) and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1805.9. Corner reinforcing shall be provided so as to lap 24 inches (610 mm).
- (4) Bars shall be placed within two inches (51 mm) of the openings and extend 24 inches (610 mm) beyond the edge of the opening; vertical bars may terminate three inches (76 mm) from the top of the concrete.
- (5) Dowels of #4 bar at 32 inches on center shall be provided in the footing, extending 18 inches (457 mm) into the foundation wall.
- (6) Diaphragm shall conform to the requirements of Section 2308.
- (7) Footing shall be a minimum of nine inches thick by 20 inches wide.
- (8) Soil backfill shall be soil classification types GW, GP, SW, or PS, per Table 1610.1. Soil shall be submerged or saturated in groundwater.

(4[7]8) A new section 2902.1.1 is added as follows:

2902.1.1 Unisex toilets and bath fixtures. Fixtures located within unisex toilet and bathing rooms complying with section 2902 are permitted to be included in determining the minimum number of fixtures for assembly and mercantile occupancies.

(4[8]9) A new section 2306.1.4 is added as follows:

2306.1.4 The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Load Duration Factors, C_d, of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1524 M).

([49]50) Section 2308.6 is deleted and replaced with the following:

2308.6 Foundation plates or sills. Foundations and footings shall be as specified in Chapter 18. Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 and shall be bolted or anchored by one of the following:

1. Foundation plates or sill shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece.

2. Foundation plates or sills shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 32 inches (816 mm) apart. There shall be a minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from each end of each piece.

A properly sized nut and washer shall be tightened on each bolt to the plate.

(5[0]1) A new section 3402.5 is added as follows:

3402.5 Parapets and other appendages. Building constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 and U occupancies.

Original Plans and/or structural calculations may be utilized to demonstrate that the parapet or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

The maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F. If the required parapet height exceeds this maximum height, a bracing system designed using the coefficients specified in Table 1621.2 shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors shall be added. Approved alternative methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

(5[4]2) Section 3408.1 is deleted and replaced with the following:

3408.1 Scope: The provision of sections 3408.2 through 3408.5 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exceptions:

1. When maintenance, additions or alteration occur, Type B dwelling units required by section 1107.5.4 are not required to be provided in existing buildings and facilities.

2. When a change of occupancy in a building or portion of a building results in multiple dwelling units as determined in section 1107.5.4, not less than 20 percent of the dwelling units shall be Type B dwelling units. These dwelling units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling units shall be Type A dwelling units.

(5[2]3) Referenced standards number 1557-91 under ASTM in chapter 35 is deleted and replaced with the following:

TABLE		
Standard Number	Title	Code Section
D1557-91 E01	Laboratory Compaction Characteristics of soil using Modified Effort	1508.15.2 K1.1.2, K1.7.5

(5[3]4) A new appendix K, Grading, is added as follows:
APPENDIX K - GRADING

K1.1 GENERAL

K1.1.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern.

K1.1.2 Standards. The following standards of quality shall apply:

1. ASTM D1557-91 E01, Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lb/ft).

K1.2 DEFINITIONS

K1.2.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

K1.3 PERMITS REQUIRED

K1.3.1 Permits required. Except as exempted in Section K1.3.2, no grading shall be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.

K1.3.2 Exemptions. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.

2. Excavation for construction of a structure permitted under this code.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells, or trenches for utilities.

6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

7. Exploratory excavations performed under the direction of a registered design professional for the sole purpose of preparing a soils report.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. The listed exemptions shall not apply to areas located in a floodway or floodplain regulated under Appendix G.

K1.4 PERMIT APPLICATION AND SUBMITTALS

K1.4.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

K1.4.2 Site plan requirements. In addition to the provisions of Section 106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

K1.4.3 Soils report. A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.

K1.4.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short period (S_s) greater than 0.5g as determined by Section 1615, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

Exception: A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.

K1.5 INSPECTIONS

K1.5.1 General. Inspections shall be governed by Section 109 of this code.

K1.5.2 Special inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the building official.

K1.6 EXCAVATIONS

K1.6.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50%) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67%) provided that all the following are met:

- (a) it is not intended to support structures or surcharges;
- (b) it is adequately protected against erosion;
- (c) it is no more than 8 feet (2438 mm) in height; and
- (d) it is approved by the building official.

2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100%)

K1.7 FILLS

K1.7.1 General. Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.

K1.7.2 Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other

unsuitable materials, and scarifying the ground to provide a bond with the fill material.

K1.7.3 Benching. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20%) and the depth of the fill exceeds five feet (1524 mm) benching shall be provided in accordance with Figure K1.7.3 dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. A key shall be provided which is at least 10 feet (3048 mm) in width and two feet (610 mm) in depth.

K1.7.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305mm) in any dimension shall be included in fills.

K1.7.5 Compaction. All fill material shall be compacted to 90% of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

K1.7.6 Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50%) shall be justified by soils reports or engineering data.

K1.8 SETBACKS

K1.8.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure K1.8.1, dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. unless substantiating data is submitted justifying reduced setbacks.

K1.8.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure K1.8.1, or than is required to accommodate any required interceptor drains, whichever is greater.

K1.8.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure K1.8.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

K1.9 DRAINAGE AND TERRACING

K1.9.1 General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33%).

K1.9.2 Terraces. Terraces at least six feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5%) and shall be paved with concrete not less than three inches (76 mm) in

thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of five feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m²) (projected) without discharging into a down drain.

K1.9.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of one foot (305 mm) and a minimum width of three feet (915 mm). The slope shall be approved by the building official, but shall not be less than 50 horizontal to 1 vertical (2%). The drain shall be paved with concrete not less than three inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.

K1.9.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

K1.10 EROSION CONTROL

K1.10.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

K1.10.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

R156-56-711. Statewide Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable statewide:

(1) All amendments to the IBC under Section R156-56-704, the NEC under Section R156-56-708, the IFGC under Section R156-56-709 and the IECC under Section R156-56-710 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC.

(2) In Section R202, the definition of "Backsiphonage" is deleted and replaced with the following:

BACKSIPHONAGE: The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(3) In Section R202 the following definition is added:

CERTIFIED BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In Section R202 the definition of "Cross Connection" is deleted and replaced with the following:

CROSS CONNECTION. Any physical connection or potential connection or arrangement between two otherwise separate piping

systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow, Water Distribution").

(5) In Section R202 the following definition is added:

HEAT exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(6) In section R202 the definition of "Potable Water" is deleted and replaced with the following:

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section R202 the definition of "Water Heater" is deleted and replaced with the following:

WATER HEATER. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use externally to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(8) Section R304.3 is deleted and replaced with the following:

R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(9) Section R309.2 is deleted and replaced with the following:

R309.2 Separation required. The garage shall be separated from the residence and its attic area by installation of materials approved for one-hour fire-resistive construction applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by installation of materials approved for one-hour fire-resistive construction.

(10) Section R314.2~~[, until July 1, 2002,]~~ is deleted and replaced with the following:

R314.2 Trends and risers. The maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2-percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R314.2.1 Profile. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19.1 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inches (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical

or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions:

1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less. [

~~(3) After July 1, 2002, the provisions of Section R314.2 apply as originally published in the IRC without amendment.~~

] (11) Section R315.2 is deleted and replaced with the following:

R315.2 Handrail grip size. The handgrip portion of handrails shall have a circular cross section of 1 1/4 inches (32mm) minimum to 2 5/8 inches (67mm) maximum. Edges shall have a minimum radius of 1/8 inch (3.2mm).

Exception: Non-circular handrails shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16mm) and 1.5 inches (38mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6mm) deep on each side and shall be at least 0.5 inch (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(12) In Section 321.3.2 Exception 1.1 is deleted and replaced with the following:

1.1 By a horizontal distance of not less than the width of a stud space regardless of stud spacing, or

(13) Section R403.1.6.1 is deleted and replaced with the following:

R403.1.6.1 Foundation anchorage in Seismic Design Categories D₁ and D₂. In addition to the requirements of Section R403.1.6, the following requirements shall apply to light-wood frame structures in Seismic Design Categories D₁ and D₂. Anchor bolts shall be located within 12 inches (305 mm) from the ends of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls. Plate washers a minimum of 2 inches by 2 inches by 3/16 inch (51 mm by 4.8 mm) thick shall be used on each bolt.

Exceptions:

a. When anchor bolt spacing does not exceed 32 inches (816 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls.

b. When anchor bolt spacing does not exceed 32 inches (816 mm) apart, a properly sized round washer may be used.

The maximum anchor bolt spacing shall be 4 feet (1219 mm) for two-story structures.

(14) In Section R703.7 Stone and masonry veneer, general the following exceptions are added:

Exceptions:

3. For detached one- or two-family dwellings with a maximum nominal thickness of 4 inches (102 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D₁, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the

lower 10 feet (3048 mm) has a backing of concrete or masonry wall, provided the following criteria are met:

(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.

(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 45% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.

(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2100 lbs (952.5 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3700 lbs. (1678 kg). In all cases, the hold down connector force shall be transferred to the foundation.

(d) Cripple walls shall not be permitted.

4. For detached one- and two-family dwellings with a maximum actual thickness of 3 inches (76 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D₂, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete on masonry wall, provided the following criteria are met:

(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.

(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 55% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.

(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2300 lbs (1043 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3900 lbs. (1769 kg). In all cases, the hold down connector force shall be transferred to the foundation.

(d) Cripple walls shall not be permitted.

(15) Section P2602.2 is added as follows:

P2602.2 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction.

(16) Section P2602.3 is added as follows:

P2602.3 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(17) Section P2801.2 is added as follows:
 P2801.2 Water heater seismic bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(18) Section P2902.1.1 is added as follows:
 P2902.1.1 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly, and the spring loaded check valve assembly described in amended Section 608.16.4 of the International Plumbing Code.

(19) Section P2903.9.3 is deleted and replaced with the following:
 P2903.9.3 Valve requirements. Valves serving individual fixtures, appliances, risers, and branches shall be provided with access. An individual shutoff valve shall be required on the water supply pipe to each water closet, lavatory, kitchen sink, and appliance.

(20) Section P3003.2.1 is added as follows:
 Section P3003.2.1 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(21) In Section P3103.6, the following sentence is added at the end of the paragraph:
 Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

(22) In Section P3104.4, the following sentence is added at the end of the paragraph:
 Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed below grade in accordance with Chapter 30, and Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent.

(23) Chapter 43, Referenced Standards, is amended as follows:
 The following reference standard is added:

TABLE

USC- FCCCHR 9th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Section P2902
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KEY: contractors, building codes, building inspection, licensing
~~January 1, 2002~~
Notice of Continuation June 3, 1997
58-1-106(1)
58-1-202(1)

58-56-1
58-56-4(2)
58-56-6(2)(a)



**Commerce, Occupational and
 Professional Licensing
 R156-56
 Utah Uniform Building Standard Act
 Rules**

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 24653
 FILED: 03/28/2002, 10:02

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division is proposing amendments to make several technical amendments or correct minor errors; to allow the fire protection committee to join with the Utah Fire Prevention Board to form the Uniform Code Analysis Council to consider issues which affect both the fire and building codes; and to adopt amendments to the building codes approved by the Uniform Building Code Commission after review by the various subcommittees.

SUMMARY OF THE RULE OR CHANGE: In Section R156-56-202: changed the Fire Protection Advisory Committee from seven to five members and an addition was made that allows the Fire Protection Advisory Committee to join with the Utah Fire Prevention Board to form the Uniform Code Analysis Council to consider issues which affect both the fire and building codes. In Section R156-56-701: a technical amendment is made which adopts Chapter 16 of the 2001 edition of the Supplement to the International Building Code. In Section R156-56-704: added an amendment to Section 1003.3.3.11 Exemption #4 regarding handrails; added an amendment to Section 1604.5 regarding snow load formula; and added an amendment to Section 3006.5 by adding an exception for shunt trip on hydraulic elevators with a rise over 50 feet. This amendment is to make this rule consistent with the current rule already adopted by the Elevator Advisory Board. Subsection numbering has been updated throughout this section due to the addition of various amendments. In Subsections R156-56-707(57) and (58): minor wording changes were made affecting Sections 1204 and 1205. In Section R156-56-711: added an amendment affecting Section R315.1 Handrails. Subsection numbering number has been updated in this section due to the addition of an amendment. In Section R156-56-712: added an amendment affecting Morgan City Corp. which specifies additional exemptions from building permit requirements for agricultural structures.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-5-106(1), and 58-1-202(1)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Adds Chapter 16 of the 2001 edition of the Supplement to the International Building Code (IBC)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division of Occupational and Professional Licensing will incur minimal costs, less than \$100, to reprint this rule once all proposed amendments have been made effective. Any costs incurred will be absorbed in the Division's current budget. The Division anticipates no costs or savings to other state agencies as most of the amendments will not affect other state agencies and some amendments only affect residential property.

❖ LOCAL GOVERNMENTS: The Division anticipates no costs or savings to local governments as most of the amendments will not affect local governments and some amendments being proposed only affect residential property.

❖ OTHER PERSONS: The Division anticipates no additional costs to other persons as a result of these proposed amendments. The amendment made in Section R156-56-711 regarding handrails in residences will save about \$295 on affected homes. It is impossible to determine an aggregate impact because it would depend on the number of homes built which would be affected by the proposed amendment. The Division is unable to determine the number of homes that will be built.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division anticipates no additional costs to other persons as a result of these proposed amendments. The amendment made in Section R156-56-711 regarding handrails in residences will save about \$295 on affected homes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In addition to nonsubstantive reference corrections, the proposed amendments appear to include substantive changes allowing the Fire Protection Advisory Committee to participate in the Uniform Code Analysis Council, and modifying the recently adopted International Residential Code as to handrail and building permit requirements. The amendment regarding the Fire Protection Committee appears to have no fiscal impact to businesses. The clarification of the handrail requirements apparently is a positive fiscal impact to builders of residential homes (allowing them to save approximately \$295 per affected home), but that impact cannot be ascertained as it would depend on the number of residences built. Finally, Morgan City's exemption from the permit requirement for certain agricultural buildings will prevent a negative fiscal impact to Morgan City. Ted Boyer, Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@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 PM on 05/15/2002

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2002 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-202. Advisory Peer Committees Created - Membership - Duties.**

(1) There is created in accordance with Subsection 58-1-203(6) and 58-56-5(10)(e), the following committees as advisory peer committees to the Uniform Building Codes Commission:

(a) the Education Advisory Committee consisting of seven members;

(b) the Plumbing and Health Advisory Committee consisting of nine members;

(c) the Structural Advisory Committee consisting of seven members;

(d) the Architectural Advisory Committee consisting of seven members;

(e) the Fire Protection Advisory Committee consisting of ~~seven~~ five members;

(i) This committee shall join together with the Fire Advisory and Code Analysis Committee of the Utah Fire Prevention Board to form the Unified Code Analysis Council.

(ii) The Unified Code Analysis Council shall meet as directed by the Utah Fire Prevention Board or as directed by the Uniform Building Code Commission or as needed to review fire prevention and building code issues that require definitive and specific analysis.

(iii) The Unified Code Analysis Council shall select one of its members to act in the position of chair and another to act as vice chair. The chair and vice chair shall serve for one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of the calendar year.

(iv) The chair or vice chair shall report to the Utah Fire Prevention Board or Uniform Building Code Commission recommendations of the council with regard to the review of fire and building codes.

(f) the Mechanical Advisory Committee consisting of seven members; and

(g) the Electrical Advisory Committee consisting of seven members.

(2) The committees shall be appointed and serve in accordance with Section R156-1-205. The membership of each committee shall be made up of individuals who have direct knowledge or involvement in the area of code involved in the title of that committee.

(3) The duties and responsibilities of the committees shall include:

(a) review of requests for amendments to the adopted codes as assigned to each committee by the division with the collaboration of the commission; and

(b) submission of recommendations concerning the requests for amendment.

R156-56-701. Specific Editions of Uniform Building Standards.

(1) In accordance with Subsection 58-56-4(3), and subject to the limitations contained in Subsection (5), (6), and (7), the following codes are hereby incorporated by reference and adopted as the construction standards to be applied to building construction, alteration, remodeling and repair and in the regulation of building construction, alteration, remodeling and repair in the state:

(a) the 2000 edition of the International Building Code (IBC) as modified by Chapter 11 and Chapter 16 of the 2001 edition of the Supplement to the International Building Code, promulgated by the International Code Council, and amendments adopted under these rules together with standards incorporated into the IBC by reference, including but not limited to, the 2000 edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council and the 2000 edition of the International Residential Code (IRC) promulgated by the International Code Council shall become effective on January 1, 2002;

(b) the 1999 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2000;

(c) the 2000 edition of the International Plumbing Code (IPC) promulgated by the International Code Council and amendments adopted under these rules in Section R156-56-707 shall become effective on January 1, 2001;

(d) the 2000 edition of the International Mechanical Code (IMC) together with all applicable standards set forth in the 2000 International Fuel Gas Code (IFGC) (formerly included as part of the IMC) and amendments adopted under these rules in Section R156-56-708 shall become effective on January 1, 2002;

(e) subject to the provisions of Subsection (4), the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code) as promulgated by the Department of Housing and Urban Development and published in the Federal Register as set forth in 24 CFR parts 3280 and 3282 as revised April 1, 1990; and

(f) subject to the provisions of Subsection (4), the 1994 edition of NCSBCS A225.1 Manufactured Home Installations promulgated by the National Conference of States on Building Codes and Standards (NCSBCS).

(2) Amendments adopted by rule to prior editions of the Uniform Building Standards shall remain in effect until specifically amended or repealed.

(3) The manufacturer, dealer or homeowner shall be permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction or NCSBCS/ANSI 225.1, Manufactured Home Installations, provided the design is approved in writing by a professional engineer or architect licensed in Utah. Guidelines for Manufactured Housing Installation as promulgated by the International Conference of Building Officials may be used as a reference guide.

(4) Pursuant to the Federal Manufactured Home Construction and Safety Standards Section 604(d), a manufactured home may be installed in the state of Utah which does not meet the local snow load requirements as specified in Subsection R156-56-704; however

all such homes which fail to meet the standards of Subsection R156-56-704 shall have a protective structure built over the home which meets the International Building Code and the snow load requirements under Subsection R156-56-704.

(5) To the extent that the building codes adopted under Subsection (1) establish local administrative functions or establish a method of appeal which pursuant to Section 58-56-8 are designated to be established by the compliance agency, such provisions are not included in the codes adopted hereunder but authority over such provisions are reserved to the compliance agency to establish such provisions.

(6) To the extent that the building codes adopted under Subsection (1) establish provisions, standards or references to other codes which by state statutes are designated to be established or administered by other state agencies or local city, town or county jurisdictions, such provisions are not included in the codes adopted herein but authority over such provisions are reserved to the agency or local government having authority over such provisions. Provisions excluded under this Subsection include but are not limited to:

(a) the International Property Maintenance Code;

(b) the International Private Sewage Disposal Code, authority over which would be reserved to the Department of Health and the Department of Environmental Quality;

(c) the International Fire Code which pursuant to Section 58-3-7 authority is reserved to the Utah Fire Prevention Board; and

(d) day care provisions which are in conflict with the Child Care Licensing Act, authority over which is designated to the Utah Department of Health.

(7) To the extent that the codes adopted under Subsection (1) establish provisions that exceed the authority granted to the Division, under the Utah Uniform Building Standards Act, to adopt codes or amendments to such codes by rulemaking procedures, such provisions, to the extent such authority is exceeded, are not included in the codes adopted.

R156-56-704. Statewide Amendments to the IBC.

The following are adopted as amendments to the IBC to be applicable statewide:

(1) All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under Subsection R156-56-701(1)(b).

(2) Section 101.4.1 is deleted and replaced with the following:
101.4.1 Electrical. The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(3) In Section 202, the following definition is added:

ASSISTED LIVING FACILITY. See Section 308.1.1.

(4) Section 302.3.3 is deleted and replaced with the following:
302.3.3 Separated uses. Each portion of the building shall be individually classified as to use and shall be considered separated from other occupancies when completely separated from adjacent areas by fire barrier walls or horizontal assemblies or both having a fire-resistance rating determined in accordance with this sections.

302.3.3.1 All occupancies. Each fire area shall be separated from other occupancies in other fire areas in accordance with Table 302.3.3 based on the occupancy in the fire areas, and shall comply with the height limitations based on the use of that space and the type of construction classification. In each story the building area

shall be such that the sum or the ratios of the floor area of each use divided by the allowable area for each use shall not exceed 1.

Exceptions for R-3 and U Groups:

1. The private garage shall be separated from the residence and its attic area by means of materials approved for one-hour fire resistive construction applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1 3/8 inches (35 mm) thick or doors in compliance with Section 714.2.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

2. Ducts in the private garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gage (.48 mm) sheet steel and shall have no openings into the garage.

3. A separation is not required between a Group R-3 and Group U carport provided the carport is entirely open on two or more sides and there are not enclosed spaces above.

Where the building is equipped throughout with an automatic sprinkler system, the fire resistance ratings in Table 302.3.3 shall be reduced by one hour but not to less than one hour and to not less than that required for floor construction according to the type of construction. The one hour reduction shall not apply to fire area separations when H-1, H-2, H-3, or I-2 occupancies are included in the areas being separated.

Table 302.3.3 is deleted and replaced with:

Table 302.3.3, entitled "Required Separation of Occupancies", dated January 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 302.3.3 identifies what type of separation of occupancies requirements are mandated in various types of property use classifications.

(5) Section 305.2 is deleted and replaced with the following:

305.2 Day care. The building or structure, or portion thereof, for educational, supervision, child day care centers, or personal care services of more than four children shall be classified as a Group E occupancy. See Section 419 for special requirements for Group E child day care centers.

Exception: Areas used for child day care purposes with a Residential Certificate, Family License or Family Group License may be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 and as applicable in Section 101.2.

Child day care centers providing care for more than 100 children 2 1/2 years or less of age shall be classified as Group I-4.

(6) In Section 308 the following definitions are added:

308.1.1 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

TYPE 1 ASSISTED LIVING FACILITY. A residential facility that provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

TYPE 2 ASSISTED LIVING FACILITY. A residential facility that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.

SEMI-INDEPENDENT. A person who is:

A. Physically disabled but able to direct his or her own care; or
B. Cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

(7) Section 308.2 is deleted and replaced with the following:

308.2 Group I-1. This occupancy shall include a building or part thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, type 1 assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3. A facility such as above, housing at least six and not more than 16 persons, shall be classified as a Group R-4.

(8) Section 308.3 is deleted and replaced with the following:

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than three persons who are not capable of self-preservation. This group shall include, but not be limited to the following: hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities, ambulatory surgical centers with two or more operating rooms where care is less than 24 hours and type 2 assisted living facilities. Type 2 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type 2 assisted living facilities as defined in 308.1.1 with at least six and not more than sixteen residents shall be classified as a Group I-1 facility.

(9) Section 308.3.1 is deleted and replaced with the following:

308.3.1 Child care facility. A child care facility that provides care on a 24 hour basis to more than four children 2 1/2 years of age or less shall be classified as Group I-2.

(10) Section 308.5 is deleted and replaced with the following:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with four or fewer persons shall be classified as an R-3. Places of worship during religious functions and Group E child day care centers are not included.

(11) Section 308.5.2 is deleted and replaced with the following:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24 hour basis for more than 100 children 2 1/2 years of age or less shall be classified as Group I-4.

(12) In Section 310.1 the R-3 section is deleted and replaced with the following:

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2 or I and where buildings do not contain more than two dwelling units, or adult and child care facilities that provide accommodations for four or fewer persons of any age for less than 24 hours. Areas used for day care purposes may be located in a Residential Group, R-3 occupancy provided the building substantially complies with the requirements for a dwelling unit and under all of the following conditions:

1. Compliance with the Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

2. Use is approved by the State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act, UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care Standards.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator.

(13) A new section 310.4 is added as follows:

310.4 Floor-level exit signs. Where exit signs are required by section 1003.2.10.1, additional approved exit signs that are internally or externally illuminated, photoluminescent or self-luminous, shall be provided in all corridors serving guest rooms of R-1 occupancies. The bottom of such signs shall not be less than 6 inches (152 mm) nor more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit access doors, the sign shall be on the door or adjacent to the door with the closest edge of the sign with 8 inches (203 mm) of the door frame.

(14) In section 403.10.1.1 the exception is deleted.

(15) A new section 419 is added as follows:

Section 419 Group E Child Day Care Centers. Group E child day care centers shall comply with Section 419.

419.1 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

Exception: Child day care spaces for children over the age of 24 months may be located on the second floor of buildings equipped with automatic fire protection throughout and an automatic fire alarm system.

419.2 Egress. All Group E child day care spaces with an occupant load of 10 or more shall have a second means of egress. If the second means of egress is not an exit door leading directly to the exterior, the room shall have an emergency escape and rescue window complying with Section 1009.

(16) Section 706.3.5 is deleted and replaced with the following:

706.3.5 Separation of mixed occupancies. Where the provisions of Section 302.3.3 are applicable, the fire barrier separating mixed occupancies shall have a fire-resistance rating of not less than that indicated in Section 302.3.3 based on the occupancies being separated.

(17) A new Section 706.3.6 is added as follows:

706.3.6. Single occupancy fire areas. The fire barrier separating a single occupancy into different fire areas shall have a fire resistance rating of not less than that indicated in Table 706.3.6.

TABLE 706.3.6
FIRE-RESISTANCE RATING REQUIREMENTS
FOR FIRE BARRIER ASSEMBLIES BETWEEN
FIRE AREAS

OCCUPANCY GROUP	FIRE-RESISTANCE RATING (IN HOURS)
H-1, H-2	4
F-1, H-3, S-1	3
A, B, E, F-2, H-4, H-5, I M, R, S-2	2
U	1

(18) Section 710.3 is deleted and replaced with the following:
710.3 Fire-resistance rating. The fire-resistance rating of floor and roof assemblies shall not be less than that required by the building type of construction. Where the floor assembly separates mixed occupancies, the assembly shall have a fire-resistance rating of not less than that required in Section 302.3.3 based on the occupancies being separated. Where the floor assembly separates a single occupancy into different fire areas, the assembly shall have a fire-resistance rating of not less than that required by Section 706.3.6.

Floor assemblies separating dwelling units or guestrooms shall be a minimum of 1-hour fire-resistance-rated construction.

Exception: Dwelling unit and guestroom separations in buildings of Type IIB, IIIB and VB construction shall have fire-resistance ratings of not less than 1/2 hour in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

(19) In [s]Section 902, the definition for record drawings is deleted and replaced with the following:

RECORD DRAWINGS. Drawings ("as built") that document all aspects of a fire protection system as installed.

(20) Section 903.2.5 is deleted and replaced with the following:

903.2.5 Group I. An automatic sprinkler system shall be provided throughout buildings with Group I fire areas. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

(21) Section 903.2.9 Group R-4 is deleted and replaced with the following:

An automatic sprinkler system shall be provided throughout buildings with Group R-4 fire areas that contain more than eight occupants. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

(22) Section 905.5.3 is deleted and replaced with the following:

905.5.3 Class II system 1-inch hose. A minimum 1-inch (25.4 mm) hose shall be permitted to be used for hose stations in light-hazard occupancies where investigated and listed for this service and where approved by the code official.

(23) In section 1002, the definition for exit discharge is deleted and replaced with the following:

EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way or safe dispersal area.

(24) In section 1003.2.12.1 the exception is deleted and replaced with the following:

Exceptions:

1. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards whose top rail serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.

2. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm).

(25) Section 1003.2.12.2 is deleted and replaced with the following:

1003.2.12.2 Opening limitations. Open guards shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surface, a sphere 8 inches (203 mm) in diameter shall not pass. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail at the open side of a stairway shall be of a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.

2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening.

3. In occupancies in Group I-3, F, H or S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.

4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies, and galleries shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

(26) Section 1003.3.3.11 Exemption #4 is deleted and replaced with the following:

4. R315.1 Handrails. Handrails shall be provided on at least one side of stairways consisting of four or more risers. Handrails shall have a minimum height of 34 inches (864 mm) and a maximum height of 38 inches (965 mm) measured vertically from the nosing of the treads. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser to a point directly above the lowest riser of the stairway. The ends of the handrail shall be returned into a wall or shall terminate in newel post or safety terminals. A minimum clear space of 1 1/2 inches (38 mm) shall be provided between the wall and the handrail.

(267) Section 1003.3.3.11.3 is amended to include the following exception at the end of the section:

Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy shall be permitted to have a maximum cross sectional dimension of 3.285 inches (83 mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16 mm) and 1.5 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6 mm) deep on each side and shall be at least 0.5 (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(278) In Section 1004.3.2.5 Exception 2 is deleted.

(289) New sections 1006.2.3, 1006.2.3.1 and 1006.2.3.2 are added as follows:

1006.2.3 Safe dispersal areas. Where approved by the code official, the exit discharge is permitted to lead to a safe dispersal area on the same property as the structure being discharged. The proximity and size of such safe dispersal area shall be based on such factors as the occupant load served, the mobility of occupants, the type of construction of the building, the fire protection systems installed in the building, the height of the building and the degree of hazard of the occupancy. In any case, the entire safe dispersal area shall be located not less than 50 feet (15 420 mm) from the structure served.

1006.2.3.1 School ground fences and gates. School grounds shall be permitted to be fenced and gates therein equipped with locks, provided safe dispersal areas are located between the school and fence with the entire dispersal area no less than 50 feet (15

420mm) from school buildings. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

1006.2.3.2 Reviewing stands, grandstands and bleachers. Safe dispersal areas serving reviewing stands, grandstands and bleachers shall accommodate a number of persons equal to the total capacity of the stand or building served. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

(2930) Section 1207.2 is deleted and replaced with the following:

1207.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Rooms in one- and two-family dwellings, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not more than 4 feet (1219 mm) on center or projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms without habitable spaces in one- and two-family dwellings having a ceiling height of not less than 6 feet 8 inches (2033mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.

4. Mezzanines constructed in accordance with Section 505.1.

(301) Section 1207.3 is deleted and replaced with the following:

1207.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

Exception: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet (4.64 m²) of gross floor area.

(312) Section 1207.4 subparagraph 1 is deleted and replaced with the following:

1. The unit shall have a living room of not less than 165 square feet (15.3 m) of floor area. An additional 100 square feet (9.3 m) of floor area shall be provided for each occupant of such unit in excess of two.

(33) Section 1604.5, footnote "c" is added to Table 160.5 Classification of Buildings and Other Structures for Importance Factors:

c. For determining "W" per sections 1616.4.1, 1617.4.1, 1617.5.1, or 1618.4, the Snow Factor I, may be taken as 1.0.

(324) In Section 1605.2.1, the formula shown as "f₂ = 0.2 for other roof configurations" is deleted and replaced with the following:

f₂ = 0.20 + .025(A-5) for other configurations where roof snow load exceeds 30 psf

f₂ = 0 for roof snow loads of 30 psf (1.44kN/m²) or less.

Where A = Elevation above sea level at the location of the structure (ft/1000).

(335) In Section 1605.3.1 and section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

Flat roof snow loads of 30 pounds per square foot (1.44 kNm²) or less need not be combined with seismic loads. Where flat roofs exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads.

$$W_s = (0.20 + 0.025(A-5))P_f$$

Where

W_s = Weight of snow to be included, psf

A = Elevation above sea level at the location of the structure (ft./1000)

P_f = Design roof snow load, psf

(3[4]6) Section 1608.1 is deleted and replaced with the following:

Except as modified in section 1608.1.1, design snow loads shall be determined in accordance with Section 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607.

(3[5]7) Section 1608.1.1 is added as follows:

1608.1.1 Utah Snow Loads. The ground snow load, P_g, to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: P_g = (P_o² + S²(A-A_o)²)^{0.5} for A greater than A_o, and P_g = P_o for A less than or equal to A_o.

WHERE

P_g = Ground snow load at a given elevation (psf)

P_o = Base ground snow load (psf) from Table No. 1608.1.1(a) [(ft./1000)]

S = Change in ground snow load with elevation (psf/100 ft.)

From Table No. 1608.1.1(a)

A = Elevation above sea level at the site (ft./1000)

A_o = Base ground snow elevation from Table 1608.1.1(a) (ft./1000)

The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g, may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table 1608.1.1(b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with section 1607.11 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.

(3[6]8) Table 1608.1.1(a) and Table 1608.1.1(b) are added as follows:

TABLE NO. 1608.1.1(a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P _o	S	A _o
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8

Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. 1608.1.1(b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS

		Roof Snow Load (PSF)	Ground Snow Load (PSF)
Beaver County			
Beaver	5920 ft.	43	62
Box Elder County			
Brigham City	4300 ft.	30	43
Tremonton	4290 ft.	30	43
Cache County			
Logan	4530 ft.	35	50
Smithfield	4595 ft.	35	50
Carbon County			
Price	5550 ft.	30	43
Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farmington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57
Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	25	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50

Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6400 ft.	85	121
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

(1) The IBC requires a minimum live load - See 1607.11.2.

(3[7]9) Section 1608.2 is deleted and replaced with the following:

1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

([38]40) Section 1614.2 is deleted and replaced with the following:

1614.2 Change in Occupancy. When a change of occupancy results in a structure being reclassified to a higher Seismic Use Group, or when such change of occupancy results in a design occupant load increase of 100% or more, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. This is not required if the design occupant load increase is less than 25 persons and the Seismic Use Group does not change.

2. Specific detailing provisions required for a new structure are not required to be met where it can be shown an equivalent level of

performance and seismic safety contemplated for a new structure is obtained. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the specific detailing provided. Alternatively, the building official may allow the structure to be upgraded in accordance with the latest edition of the "Guidelines for Seismic Rehabilitation of Existing Buildings" or another nationally recognized standard for retrofit of existing buildings.

([39]41) In Section 1616.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads of 30 psf or less need not be included. Where the roof snow load exceeds 30 psf, the snow load shall be included, but may be adjusted in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$

WHERE:

W_s = Weight of snow to be included in seismic calculation;

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

For the purposes of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding.

(4[0]2) In Section 1617.2.2, the fourth definition of r_{maxi} is deleted and replaced with the following:

=For shear walls, r_{maxi} shall be taken as the maximum value of the product of the shear in the wall or wall pier and $10/1_w$ ($3.3/1_w$ for SI), divided by the story shear, where l_w is the length of the wall or wall pier in feet (m). The ratio $10/1_w$ need not be taken greater than 1.0 for buildings of light frame construction.

(4[1]3) In Section 1617.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(4[2]4) In Section 1617.5.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(4[3]5) In Section 1618.4, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(4[4]6) Section 1805.5 is deleted and replaced with the following:

1805.5 Foundation walls. Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.4 and 1805.5.8 through 1805.5.8.2. Concrete foundation walls may also be constructed in accordance with Section 1805.5.9.

(4[5]7) New sections 1805.5.8, 1805.5.8.1 1805.5.8.2 and 1805.5.9 are added as follows:

1805.5.8 Seismic requirements. Tables 1805.5(1) through 1805.5(4) shall be subject to the following limitations based on the seismic design category assigned to the structure as defined in Section 1616.

1805.5.8.1 Seismic requirements for concrete foundation walls. Concrete foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. Provide two No. 5 bars around window and door openings. Such bars shall extend at least 24 inches (610 mm) beyond the corners of the openings.

2. Seismic Design Category C. Tables shall not be used except as permitted for plain concrete members in Section 1910.4.

3. Seismic Design Categories D, E and F. Tables shall not be used except as allowed for plain concrete members in ACI 318, Section 22.10.

~~[1805.5.1.2]~~1805.5.8.2 Seismic requirements for masonry foundation walls. Masonry foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. No additional seismic requirements.

2. Seismic Design Category C. The requirements of Section 2106.4 shall apply.

3. Seismic Design Category D. The requirements of Section 2106.5 shall apply.

4. Seismic Design Categories E and F. The requirements of Section 2106.6 shall apply.

1805.5.9 Empirical foundation design. Group R, Division 3 Occupancies three stories or less in height, and Group U Occupancies, which are constructed in accordance with Section 2308, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, shall be permitted to have concrete foundations constructed in accordance with Table 1805.5.9.

(4[6]8) Table 1805.5.9 is added as follows:

TABLE 1805.5.9
Empirical Foundation Walls (1,8)

Max. Height	2' (610 mm)	4' (1219 mm)	6' (1829 mm)	8' (2438 mm)	9' (2743 mm)	Over 9' (2743 mm)
Top Edge Support	None	None	Floor or roof diaphragm (6)	Same as 6'	Same as 6'	Engineering required
Minimum Thickness	6"	6"	8"	8"	8"	Same as above
Vertical Steel (2)	#4 @ (5)	#4 @ 32"	#4 @ 24"	#4 @ 24"	#4 @ 16"	Same as above
Horizontal Steel (3)	2-#4 Bars	4-#4 Bars	5-#4 Bars	6-#4 Bars	7-#4 Bars	Same as above
Steel at Openings (4)	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	Same as above
Max. Lintel Length	2' (610mm)	3' (914mm)	6' (1829mm)	6' (1829mm)	6' (1829mm)	Same as above
Min. Lintel Depth	2" for each ft. of opening width; Min. 6"	Same as 2'	Same as 2'	Same as 2'	Same as 2'	Same as above

Notes:

(1) Based on 3,000 psi (20.6 Mpa) concrete and 60,000 psi (414 Mpa) reinforcing steel.

(2) To be placed in the center of the wall, and extend from the footing to within three inches (76 mm) of the top of the wall; dowels of #4 bars to match vertical steel placement shall be provided in the footing, extending 24 inches (610 mm) into the foundation wall.

(3) One bar shall be located in the top four inches (102 mm), one bar in the bottom four inches (102 mm) and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1805.9. Corner reinforcing shall be provided so as to lap 24 inches (610 mm).

(4) Bars shall be placed within two inches (51 mm) of the openings and extend 24 inches (610 mm) beyond the edge of the opening; vertical bars may terminate three inches (76 mm) from the top of the concrete.

(5) Dowels of #4 bar at 32 inches on center shall be provided in the footing, extending 18 inches (457 mm) into the foundation wall.

(6) Diaphragm shall conform to the requirements of Section 2308.

(7) Footing shall be a minimum of nine inches thick by 20 inches wide.

(8) Soil backfill shall be soil classification types GW, GP, SW, or PS, per Table 1610.1. Soil shall be submerged or saturated in groundwater.

(4[7]9) A new section 2902.1.1 is added as follows:

2902.1.1 Unisex toilets and bath fixtures. Fixtures located within unisex toilet and bathing rooms complying with section 2902 are permitted to be included in determining the minimum number of fixtures for assembly and mercantile occupancies.

([48]50) A new section 2306.1.4 is added as follows:

2306.1.4 The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Load Duration Factors, C_d, of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1524 M).

([49]51) Section 2308.6 is deleted and replaced with the following:

2308.6 Foundation plates or sills. Foundations and footings shall be as specified in Chapter 18. Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 and shall be bolted or anchored by one of the following:

1. Foundation plates or sill shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece.

2. Foundation plates or sills shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 32 inches (816 mm) apart. There shall be a minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from each end of each piece.

A properly sized nut and washer shall be tightened on each bolt to the plate.

(52) Section 3006.5 Shunt Trip, the following exception is added:

Exception: Hydraulic elevators and roped hydraulic elevators with a rise of 50 feet or less.

(5[0]3) A new section 3402.5 is added as follows:

3402.5 Parapets and other appendages. Building constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages

evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 an U occupancies.

Original Plans and/or structural calculations may be utilized to demonstrate that the parapet or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

The maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F. If the required parapet height exceeds this maximum height, a bracing system designed using the coefficients specified in Table 1621.2 shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors shall be added. Approved alternative methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

(5[4]4) Section 3408.1 is deleted and replaced with the following:

3408.1 Scope: The provision of sections 3408.2 through 3408.5 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exceptions:

1. When maintenance, additions or alteration occur, Type B dwelling units required by section 1107.5.4 are not required to be provided in existing buildings and facilities.
2. When a change of occupancy in a building or portion of a building results in multiple dwelling units as determined in section 1107.5.4, not less than 20 percent of the dwelling units shall be Type B dwelling units. These dwelling units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling units shall be Type A dwelling units.

(5[2]5) Referenced standards number 1557-91 under ASTM in chapter 35 is deleted and replaced with the following:

TABLE		
Standard Number	Title	Code Section
D1557-91 E01	Laboratory Compaction Characteristics of soil using Modified Effort	1508.15.2 K1.1.2, K1.7.5

(5[3]6) A new appendix K, Grading, is added as follows:

APPENDIX K - GRADING

K1.1 GENERAL

K1.1.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern.

K1.1.2 Standards. The following standards of quality shall apply:

1. ASTM D1557-91 E01, Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lb/ft).

K1.2 DEFINITIONS

K1.2.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

K1.3 PERMITS REQUIRED

K1.3.1 Permits required. Except as exempted in Section K1.3.2, no grading shall be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.

K1.3.2 Exemptions. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional for the sole purpose of preparing a soils report.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. The listed exemptions shall not apply to areas located in a floodway or floodplain regulated under Appendix G.

K1.4 PERMIT APPLICATION AND SUBMITTALS

K1.4.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

K1.4.2 Site plan requirements. In addition to the provisions of Section 106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

K1.4.3 Soils report. A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.

K1.4.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short period (S_s) greater than 0.5g as determined by Section 1615, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

Exception: A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.

K1.5 INSPECTIONS

K1.5.1 General. Inspections shall be governed by Section 109 of this code.

K1.5.2 Special inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the building official.

K1.6 EXCAVATIONS

K1.6.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50%) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67%) provided that all the following are met:
 - (a) it is not intended to support structures or surcharges;
 - (b) it is adequately protected against erosion;
 - (c) it is no more than 8 feet (2438 mm) in height; and
 - (d) it is approved by the building official.
2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100%)

K1.7 FILLS

K1.7.1 General. Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.

K1.7.2 Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

K1.7.3 Benching. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20%) and the depth of the fill exceeds five feet (1524 mm) benching shall be provided in accordance with Figure K1.7.3 dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. A key shall be provided which is at least 10 feet (3048 mm) in width and two feet (610 mm) in depth.

K1.7.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305mm) in any dimension shall be included in fills.

K1.7.5 Compaction. All fill material shall be compacted to 90% of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

K1.7.6 Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50%) shall be justified by soils reports or engineering data.

K1.8 SETBACKS

K1.8.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure K1.8.1, dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference, unless substantiating data is submitted justifying reduced setbacks.

K1.8.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure K1.8.1, or than is required to accommodate any required interceptor drains, whichever is greater.

K1.8.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure K1.8.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

K1.9 DRAINAGE AND TERRACING

K1.9.1 General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33%).

K1.9.2 Terraces. Terraces at least six feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5%) and shall be paved with concrete not less than three inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of five feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m²) (projected) without discharging into a down drain.

K1.9.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of one foot (305 mm) and a minimum width of three feet (915 mm). The slope shall be approved by the building official,

but shall not be less than 50 horizontal to 1 vertical (2%). The drain shall be paved with concrete not less than three inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.

K1.9.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

K1.10 EROSION CONTROL

K1.10.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

K1.10.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

R156-56-707. Statewide Amendments to the IPC.

The following are adopted as amendments to the IPC to be applicable statewide:

(1) In Section 202, the definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

(2) In Section 202, the definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(3) In Section 202, the following definition is added:

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In Section 202, the definition for "Cross Connection" is deleted and replaced with the following:

Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").

(5) In Section 202, the following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(6) In Section 202, the definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section 202, the definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(8) Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(9) Section 312.9 is deleted in its entirety and replaced with the following:

312.9 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly, and the spring loaded check valve assembly described in Section 608.16.4.

(10) A new section 403.7 is added as follows:

403.7 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-100-21, Utah Administrative Code.

(11) Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one of the following:

1. one floor drain with a wall mounted hose bibb;
2. one floor drain with a deep seal trap; or
3. at least one emergency floor drain with trap primer.

(12) Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

(13) Section 502.4 is deleted in its entirety.

(14) Section 502.6 is deleted and replaced with the following:

502.6 Water Heater Seismic Bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(15) Section 504.6.2 is deleted and replaced with the following:

504.6.2 Material. Relief valve discharge piping shall be of those materials listed in Section 605.5 or shall be tested, rated and approved for such use in accordance with ASME A112.4.1. Piping from safety pan drains shall be of those material listed in Table 605.5 and Table 701.1.

(16) Section 504.7.1 is amended as follows:

The measurement of "3/4 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

(17) Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1, 73-3-3, and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

(18) Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

(19) Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

(20) Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture.

Exceptions:

- A. bath tubs and showers.
 - B. in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.
2. On the water supply pipe to each appliance or mechanical equipment.

(21) Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

(22) Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

(23) In Section 608.1, the following sentence is added at the end of the paragraph:

Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

(24) Table 608.1 is deleted and replaced with the following:

TABLE 608.1
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 and CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	<ol style="list-style-type: none"> a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary

Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)	Low	Backpressure or Backsiphonage 1/2" - 16"	<ol style="list-style-type: none"> a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance. b. Shall be installed in a horizontal position unless listed or approved for vertical installation.
Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)	High or Low	Backsiphonage 1/2" - 2"	<ol style="list-style-type: none"> a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.
Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)	High or Low	Backsiphonage 1/4" - 2"	<ol style="list-style-type: none"> a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.
Atmospheric Vacuum Breaker (ASSE 1001, USC-FCCCHR)	High or Low	Backsiphonage	<ol style="list-style-type: none"> a. Shall not be installed in an area that could be subjected to backpressure or back

sewer, storm drains, or vents.

d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.

a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.

b. Shall be installed in a horizontal position unless listed or approved for vertical installation.

a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.

b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.

c. Shall not be installed below ground or in a vault or pit.

d. Shall be installed in a vertical position only.

a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.

b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.

c. Shall not be installed below ground or in a vault or pit.

d. Shall be installed in a vertical position only.

a. Shall not be installed in an area that could be subjected to backpressure or back

CSA CAN/CSA-B64.1.1

- drainage conditions.
- b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.
- c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.
- d. Shall be installed on the discharge (downstream) side of any valves.
- e. The AVB shall be installed in a vertical position only.

General Installation Criteria

The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.

The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.

In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.

Assemblies shall be maintained as an intact assembly.

Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure	ASSE 1012 CSA CAN/ CSA-B64.3
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure	ASSE 1032 1/4" - 3/8"
Hose-connection Vacuum Breaker	Low	Backsiphonage	ASSE 1011 CSA CAN/ CSA-B64.2
Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage	ASSE 1019 CSA CAN/ CSA-B64.2.2
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/ CSA-B64.7

Hose Connection Backflow Preventer
 Low
 Backsiphonage
 ASSE 1052
 Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

(25) Table 608.1.1 is added as follows:

TABLE 608.1.1
 Specialty Backflow Devices for low hazard use only

Device	Degree of Hazard	Application	Applicable Standard
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/ CSA-B125
Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure	ASSE 1024 1/4" - 1"

(26) In Section 608.3.1, the following sentence is added at the end of the paragraph:

All piping and hoses shall be installed below the atmospheric vacuum breaker.

(27) Section 608.7 is deleted in its entirety.

(28) In Section 608.8, the following sentence is added at the end of the paragraph:

In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

(29) In Section 608.11, the following sentence is added at the end of the paragraph:

The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

(30) Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

(31) Section 608.13.4 is deleted in its entirety.

(32) Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

(33) Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304

mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

(34) In Section 608.15.4.2, the following is added at the end of the paragraph:

In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used.

(35) Section 608.16.1 is deleted and replaced with the following:

608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a vented dual check valve meeting ASSE Standard 1022 and installed according to the requirements of this chapter.

(36) In Section 608.16.2, the first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

(37) Section 608.16.3 is deleted and replaced with the following:

608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls.

Exceptions:

1. Single wall heat exchangers shall be permitted when all of the following conditions are met:

a. Utilize a heat transfer medium of potable water or contains only substances which are recognized as safe by the United States Food and Drug Administration (FDA);

b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and

c. The equipment is permanently labeled to indicate only additives recognized as safe by the FDA shall be used.

2. Steam systems that comply with paragraph 1 above.

3. Approved listed electrical drinking water coolers.

(38) Section 608.16.4 is deleted and replaced with the following:

Section 608.16.4 Connections to automatic fire sprinkler systems and standpipe systems. The potable water supply to automatic fire sprinkler and standpipe systems shall be protected against backflow by an alarm check valve and spring loaded check valve assembly as shown on the diagram entitled "Riser Detail", dated July 1, 1999, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference.

EXCEPTIONS:

1. When systems are installed as a portion of the water distribution system in accordance with the requirements of this code and are not provided with a fire department connection, isolation of the water supply system shall not be required.

2. Isolation of the water distribution system is not required for deluge, preaction or dry pipe systems.

3. When the sprinkler supply line is less than four inches in diameter and a resilient seated spring loaded single check valve, approved and testable for back flow prevention is not available, then an alternate, approved for fire sprinkler system use, spring loaded check valve is allowed.

(39) Section 608.16.4.1 is deleted and replaced with the following:

Section 608.16.4.1 Additives or nonpotable source. Where systems contain chemical additives or antifreeze, or where systems are connected to a nonpotable secondary water supply, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer. Where chemical additives or antifreeze are added to only a portion of an automatic fire sprinkler or standpipe system, the reduced pressure principle backflow preventer shall be permitted to be located so as to isolate that portion of the system.

Exception:

1. For systems that use antifreeze only consisting of strictly pure glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol, equipment specified in Section 608.16.4 shall be used.

(40) Section 608.16.4.2 is added as follows:

Section 608.16.4.2 Testing Procedures. The testing procedures are as follows:

1. The check valves are to be tested by a currently certified Class II Backflow Technician in accordance with Rule R309-302 available from the Department of Environmental Quality.

2. All other mechanical devices attached to or part of a class I or class II fire sprinkler system shall be tested by a licensed fire sprinkler contractor.

(41) Section 608.16.6 is deleted and replaced with the following:

608.16.6 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double check valve backflow preventer or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

(42) Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

(43) Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

(44) Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

(45) Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

(46) Section 608.17 is deleted in its entirety.

(47) Section 701.2 is deleted and replaced with the following:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann., (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(48) Section 802.1.1 is deleted and replaced with the following:

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap.

Exception: This requirement shall not apply to dishwashing machines and dishwashing sinks. If used for dishwashing and food preparation, a minimum of one compartment of the dishwashing sink shall be drained through an indirect waste pipe by means of an air gap or an air break.

(49) Section 802.3 is amended as follows:

The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".

(50) Section 802.3.2 is deleted in its entirety and replaced with the following:

802.3.2 Open hub waste receptors. Waste receptors for clear water waste shall be permitted in the form of a hub or pipe extending not more than 1/2 inch above a water impervious floor and are not required to have a strainer.

(51) In Section 904.6, the following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

(52) In Section 905.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed in accordance with Sections 702.2, 905.2 and 905.3 and provided with a wall clean out.

(53) Section 1002.4.1 is added as follows:

1002.4.1 Emergency floor drains. Each emergency floor drain shall be installed with a trap seal primer. Trap seal primer shall conform to ASSE 1018 or ASSE 1044.

(54) Section 1003.3.5 is added as follows:

1003.3.5 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

(55) Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm and sanitary drainage prohibited. The combining of sanitary and storm drainage systems is prohibited.

(56) Section 1108 is deleted in its entirety.

(57) Section 1204 is amended to read ~~added as follows~~:

1204 Fuel gas piping systems. All fuel gas piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the [1998]International Mechanical Code.

(58) Section 1205 is amended to read ~~added as follows~~:

Section 1205 CNG GAS-DISPENSING SYSTEMS

1205.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.

1205.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the 1998 International Mechanical Code.

1205.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with NFPA 52 and the fire code as adopted by the State Fire Marshal.

(59) Chapter 14, Referenced Standards, is amended as follows: NSF - Standard Reference Number 61-99 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC-	Foundation for Cross-Connection	Table 608.1
FCCCHR	Control and Hydraulic Research	
9th	University of Southern California	
Edition	Kaprielian Hall 300	
Manual	Los Angeles CA 90089-2531	
of Cross		
Connection		
Control		

(60) Appendix C of the IPC, Gray Water Recycling Systems, shall not be adopted by any jurisdiction until approved by the Department of Health and the Department of Environmental Quality.

R156-56-711. Statewide Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable statewide:

(1) All amendments to the IBC under Section R156-56-704, the NEC under Section R156-56-708, the IFGC under Section R156-56-709 and the IECC under Section R156-56-710 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC.

(2) In Section R202, the definition of "Backsiphonage" is deleted and replaced with the following:

BACKSIPHONAGE: The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(3) In Section R202 the following definition is added:

CERTIFIED BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(4) In Section R202 the definition of "Cross Connection" is deleted and replaced with the following:

CROSS CONNECTION. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems(see "Backflow, Water Distribution").

(5) In Section R202 the following definition is added:

HEAT exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(6) In section R202 the definition of "Potable Water" is deleted and replaced with the following:

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(7) In Section R202 the definition of "Water Heater" is deleted and replaced with the following:

WATER HEATER. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use externally to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(8) Section R304.3 is deleted and replaced with the following:

R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(9) Section R309.2 is deleted and replaced with the following:

R309.2 Separation required. The garage shall be separated from the residence and its attic area by installation of materials approved for one-hour fire-resistive construction applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by installation of materials approved for one-hour fire-resistive construction.

(10) Section R314.2, until July 1, 2002, is deleted and replaced with the following:

R314.2 Trends and risers. The maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2-percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R314.2.1 Profile. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19.1 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inches (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions:

1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

(3) After July 1, 2002, the provisions of Section R314.2 apply as originally published in the IRC without amendment.

(11) Section R315.1 is deleted and replaced with the following:

R315.1 Handrails. Handrails shall be provided on at least one side of stairways consisting of four or more risers. Handrails shall have a minimum height of 34 inches (864 mm) and a maximum height of 38 inches (965 mm) measured vertically from the nosing of the treads. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser to a point directly above the lowest riser of the stairway. The ends of the handrail shall be returned into a wall or shall terminate in newel post or safety terminals. A minimum clear space of 1 1/2 inches (38 mm) shall be provided between the wall and the handrail.

(1[+]2) Section R315.2 is deleted and replaced with the following:

R315.2 Handrail grip size. The handgrip portion of handrails shall have a circular cross section of 1 1/4 inches (32mm) minimum to 2 5/8 inches (67mm) maximum. Edges shall have a minimum radius of 1/8 inch (3.2mm).

Exception: Non-circular handrails shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16mm) and 1.5 inches (38mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6mm) deep on each side and shall be at least 0.5 inch (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(1[2]3) In Section 321.3.2 Exception 1.1 is deleted and replaced with the following:

1.1 By a horizontal distance of not less than the width of a stud space regardless of stud spacing, or

(1[3]4) Section R403.1.6.1 is deleted and replaced with the following:

R403.1.6.1 Foundation anchorage in Seismic Design Categories D₁ and D₂. In addition to the requirements of Section R403.1.6, the following requirements shall apply to light-wood frame structures in Seismic Design Categories D₁ and D₂. Anchor bolts shall be located within 12 inches (305 mm) from the ends of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls. Plate washers a minimum of 2 inches by 2 inches by 3/16 inch (51 mm by 4.8 mm) thick shall be used on each bolt.

Exceptions:

a. When anchor bolt spacing does not exceed 32 inches (816 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls.

b. When anchor bolt spacing does not exceed 32 inches (816 mm) apart, a properly sized round washer may be used.

The maximum anchor bolt spacing shall be 4 feet (1219 mm) for two-story structures.

(1[4]5) In Section R703.7 Stone and masonry veneer, general the following exceptions are added:

Exceptions:

3. For detached one- or two-family dwellings with a maximum nominal thickness of 4 inches (102 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category

D₁, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete or masonry wall, provided the following criteria are met:

(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.

(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 45% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.

(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2100 lbs (952.5 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3700 lbs. (1678 kg). In all cases, the hold down connector force shall be transferred to the foundation.

(d) Cripple walls shall not be permitted.

4. For detached one- and two-family dwellings with a maximum actual thickness of 3 inches (76 mm) of exterior masonry veneer with a backing of wood frame located in Seismic Design Category D₂, the masonry veneer shall not exceed 20 feet (6096 mm) in height above a noncombustible foundation, with an additional 8 feet (2438 mm) permitted for gabled ends, or 30 feet (9144 mm) in height with an additional 8 feet (2438 mm) permitted for gabled ends where the lower 10 feet (3048 mm) has a backing of concrete on masonry wall, provided the following criteria are met:

(a) Braced wall panels shall be constructed with a minimum of 7/16 inch (11.1 mm) thick sheathing fastened with 8d common nails at 4 inches (102 mm) on center on panel edges and at 12 inches (305 mm) on center on intermediate supports.

(b) The bracing of the top story shall be located at each end and at least every 25 feet (7620 mm) on center but not less than 55% of the braced wall line. The bracing of the first story shall be as provided in Table R602.10.3.

(c) Hold down connectors shall be provided at the ends of braced walls for the second floor to first floor wall assembly with an allowable design of 2300 lbs (1043 kg). Hold down connectors shall be provided at the ends of each wall segment of the braced walls for the first floor to foundation assembly with an allowable design of 3900 lbs. (1769 kg). In all cases, the hold down connector force shall be transferred to the foundation.

(d) Cripple walls shall not be permitted.

(1[5]6) Section P2602.2 is added as follows:

P2602.2 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction.

(1[6]7) Section P2602.3 is added as follows:

P2602.3 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code

Ann, (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(1[7]8) Section P2801.2 is added as follows:

P2801.2 Water heater seismic bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(1[8]9) Section P2902.1.1 is added as follows:

P2902.1.1 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly, and the spring loaded check valve assembly described in amended Section 608.16.4 of the International Plumbing Code.

([19]20) Section P2903.9.3 is deleted and replaced with the following:

P2903.9.3 Valve requirements. Valves serving individual fixtures, appliances, risers, and branches shall be provided with access. An individual shutoff valve shall be required on the water supply pipe to each water closet, lavatory, kitchen sink, and appliance.

(2[0]1) Section P3003.2.1 is added as follows:

Section P3003.2.1 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(2[1]2) In Section P3103.6, the following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

(2[2]3) In Section P3104.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed below grade in accordance with Chapter 30, and Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent.

(2[3]4) Chapter 43, Referenced Standards, is amended as follows:

The following reference standard is added:

TABLE

USC- FCCCHR 9th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Section P2902
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R156-56-712. Local Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable to the following jurisdictions:

(1) City of Farmington:

Sections R328.1 and R328.2 are added as follows:

R328.1 When required. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:

1. the structure is over two stories high, as defined by the building code;
2. the nearest point of structure is more than 150 feet from the public way;
3. the total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or

4. the structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

R328.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief. Such system shall be installed in accordance with NFPA 13-D.

(2) Morgan City Corp:

Section R105.2 Work Exempt From Permit, the following is added:

10. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria is met:

- a. The parcel of property involved is zoned for the keeping of farm animals or has grand fathered animal rights.
- b. The structure is setback not less than 50 feet from the rear or side of dwellings, and not less than 10 feet from property lines and other structures.
- c. The structure does not exceed 1000 square feet of floor area, and is limited to 20 feet in height. Height is measured from the average grade to the highest point of the structure.
- d. Before construction, a site plan is submitted to, and approved by the building official.

Electrical, plumbing, and mechanical permits shall be required when that work is included in the structure.

([2]3) City of North Salt Lake:

Sections R328.1 and R328.2 are added as follows:

R328.1 When Required. An automatic sprinkler system shall be installed throughout every dwelling when the following condition is present:

1. The structure is over 6,200 square feet.

R328.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves, or in enclosed attic spaces, unless required by the fire chief. Such system shall be installed in accordance with NFPA 13-D.

([3]4) Park City Corporation:

Section R905.7 is deleted and replaced with the following:

R905.7 Wood shingles. The installation of wood shingles shall comply with the provisions of this section.

Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

Section R905.8 is deleted and replaced with the following:

R905.8 Wood Shakes. The installation of wood shakes shall comply with the provisions of this section. Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

Appendix K is adopted.

KEY: contractors, building codes, building inspection, licensing
[January 1, 2002
Notice of Continuation June 3, 1997
58-1-106(1)
58-1-202(1)
58-56-1
58-56-4(2)
58-56-6(2)(a)

▼ ————— ▼

**Commerce, Occupational and
Professional Licensing**
R156-56-704
Statewide Amendments to the IBC

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 24650
 FILED: 03/28/2002, 09:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Uniform Building Code Commission has approved this amendment which modifies the fire sprinkler requirements of the recently adopted International Building Code (IBC) affecting buildings which are used for Group R-4 occupancies which may include child, juvenile, or adult care facilities which are occupied by more than 8 but less than 16 occupants. The current code

requires a fire sprinkler for more than 8 occupants, but previously required a fire sprinkler for 16 occupants. This amendment is a compromise that has been worked out with representatives from the Uniform Building Code Commission, the Fire Prevention Board, the Department of Health, and the Department of Human Services.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-56-704(21), affecting Section 903.2.9 Group R-4, a new exception is added with respect to buildings not more than 4,500 gross square feet and not containing more than 16 residents.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** If this amendment is not adopted, the costs to state agencies obtaining these types of facilities would increase substantially. However, it is impossible to determine the amount of such costs. The Division of Occupational and Professional Licensing will incur minimal costs, approximately \$100, to reprint this rule once all proposed amendments have been made effective. Any costs incurred will be absorbed in the Division's budget.

❖ **LOCAL GOVERNMENTS:** If this amendment is not adopted, the costs of local government agencies obtaining these types of facilities would increase substantially. However, it is impossible to determine the amount of such costs.

❖ **OTHER PERSONS:** If this amendment is not adopted, the costs to the owners of these types of facilities would increase substantially as much as several thousand dollars per facility. However, it is impossible to determine the exact amount of such costs or how many such persons would be affected.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If this amendment is not adopted, the costs to the owners of these types of facilities would increase substantially as much as several thousand dollars per facility. However, it is impossible to determine the exact amount of such costs or how many such persons would be affected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment modifies the recently adopted IBC provision regarding automatic sprinklers to allow an exception for buildings with less than 16 residents where the building has adequate fire alarm and power systems to protect its residents in the event of a fire. The adoption of the amendment will prevent a negative fiscal impact to businesses affected by the amendment, including various state-owned facilities. Ted Boyer, Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@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 PM on 05/15/2002

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2002 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing. R156-56. Utah Uniform Building Standard Act Rules. R156-56-704. Statewide Amendments to the IBC.

The following are adopted as amendments to the IBC to be applicable statewide:

(1) All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under Subsection R156-56-701(1)(b).

(2) Section 101.4.1 is deleted and replaced with the following:
101.4.1 Electrical. The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(3) In Section 202, the following definition is added:
ASSISTED LIVING FACILITY. See Section 308.1.1.

(4) Section 302.3.3 is deleted and replaced with the following:
302.3.3 Separated uses. Each portion of the building shall be individually classified as to use and shall be considered separated from other occupancies when completely separated from adjacent areas by fire barrier walls or horizontal assemblies or both having a fire-resistance rating determined in accordance with this sections.

302.3.3.1 All occupancies. Each fire area shall be separated from other occupancies in other fire areas in accordance with Table 302.3.3 based on the occupancy in the fire areas, and shall comply with the height limitations based on the use of that space and the type of construction classification. In each story the building area shall be such that the sum or the ratios of the floor area of each use divided by the allowable area for each use shall not exceed 1.

Exceptions for R-3 and U Groups:

1. The private garage shall be separated from the residence and its attic area by means of materials approved for one-hour fire resistive construction applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1 3/8 inches (35 mm) thick or doors in compliance with Section 714.2.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

2. Ducts in the private garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be

constructed of a minimum No. 26 gage (.48 mm) sheet steel and shall have no openings into the garage.

3. A separation is not required between a Group R-3 and Group U carport provided the carport is entirely open on two or more sides and there are not enclosed spaces above.

Where the building is equipped throughout with an automatic sprinkler system, the fire resistance ratings in Table 302.3.3 shall be reduced by one hour but not to less than one hour and to not less than that required for floor construction according to the type of construction. The one hour reduction shall not apply to fire area separations when H-1, H-2, H-3, or I-2 occupancies are included in the areas being separated.

Table 302.3.3, entitled "Required Separation of Occupancies", dated January 1, 2002, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 302.3.3 identifies what type of separation of occupancies requirements are mandated in various types of property use classifications.

(5) Section 305.2 is deleted and replaced with the following:

305.2 Day care. The building or structure, or portion thereof, for educational, supervision, child day care centers, or personal care services of more than four children shall be classified as a Group E occupancy. See Section 419 for special requirements for Group E child day care centers.

Exception: Areas used for child day care purposes with a Residential Certificate, Family License or Family Group License may be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 and as applicable in Section 101.2.

Child day care centers providing care for more than 100 children 2 1/2 years or less of age shall be classified as Group I-4.

(6) In Section 308 the following definitions are added:

308.1.1 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

TYPE 1 ASSISTED LIVING FACILITY. A residential facility that provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

TYPE 2 ASSISTED LIVING FACILITY. A residential facility that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.

SEMI-INDEPENDENT. A person who is:

A. Physically disabled but able to direct his or her own care; or
B. Cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

(7) Section 308.2 is deleted and replaced with the following:

308.2 Group I-1. This occupancy shall include a building or part thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, type 1 assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3. A facility such as above, housing at least six and not more than 16 persons, shall be classified as a Group R-4.

(8) Section 308.3 is deleted and replaced with the following:

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than three persons who are not capable of self-preservation. This group shall include, but not be limited to the following: hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities, ambulatory surgical centers with two or more operating rooms where care is less than 24 hours and type 2 assisted living facilities. Type 2 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type 2 assisted living facilities as defined in 308.1.1 with at least six and not more than sixteen residents shall be classified as a Group I-1 facility.

(9) Section 308.3.1 is deleted and replaced with the following:

308.3.1 Child care facility. A child care facility that provides care on a 24 hour basis to more than four children 2 1/2 years of age or less shall be classified as Group I-2.

(10) Section 308.5 is deleted and replaced with the following:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with four or fewer persons shall be classified as an R-3. Places of worship during religious functions and Group E child day care centers are not included.

(11) Section 308.5.2 is deleted and replaced with the following:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24 hour basis for more than 100 children 2 1/2 years of age or less shall be classified as Group I-4.

(12) In Section 310.1 the R-3 section is deleted and replaced with the following:

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2 or I and where buildings do not contain more than two dwelling units, or adult and child care facilities that provide accommodations for four or fewer persons of any age for less than 24 hours. Areas used for day care purposes may be located in a Residential Group, R-3 occupancy provided the building substantially complies with the requirements for a dwelling unit and under all of the following conditions:

1. Compliance with the Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

2. Use is approved by the State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act, UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care Standards.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator.

(13) A new section 310.4 is added as follows:

310.4 Floor-level exit signs. Where exit signs are required by section 1003.2.10.1, additional approved exit signs that are internally or externally illuminated, photoluminescent or self-luminous, shall be provided in all corridors serving guest rooms of R-1 occupancies. The bottom of such signs shall not be less than 6 inches (152 mm) nor more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit access doors, the sign shall be on the door or adjacent to the door

with the closest edge of the sign with 8 inches (203 mm) of the door frame.

(14) In section 403.10.1.1 the exception is deleted.

(15) A new section 419 is added as follows:

Section 419 Group E Child Day Care Centers. Group E child day care centers shall comply with Section 419.

419.1 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

Exception: Child day care spaces for children over the age of 24 months may be located on the second floor of buildings equipped with automatic fire protection throughout and an automatic fire alarm system.

419.2 Egress. All Group E child day care spaces with an occupant load of 10 or more shall have a second means of egress. If the second means of egress is not an exit door leading directly to the exterior, the room shall have an emergency escape and rescue window complying with Section 1009.

(16) Section 706.3.5 is deleted and replaced with the following:

706.3.5 Separation of mixed occupancies. Where the provisions of Section 302.3.3 are applicable, the fire barrier separating mixed occupancies shall have a fire-resistance rating of not less than that indicated in Section 302.3.3 based on the occupancies being separated.

(17) A new Section 706.3.6 is added as follows:

706.3.6. Single occupancy fire areas. The fire barrier separating a single occupancy into different fire areas shall have a fire resistance rating of not less than that indicated in Table 706.3.6.

TABLE 706.3.6
FIRE-RESISTANCE RATING REQUIREMENTS
FOR FIRE BARRIER ASSEMBLIES BETWEEN
FIRE AREAS

OCCUPANCY GROUP	FIRE-RESISTANCE RATING (IN HOURS)
H-1, H-2	4
F-1, H-3, S-1	3
A, B, E, F-2, H-4, H-5, I M, R, S-2	2
U	1

(18) Section 710.3 is deleted and replaced with the following:

710.3 Fire-resistance rating. The fire-resistance rating of floor and roof assemblies shall not be less than that required by the building type of construction. Where the floor assembly separates mixed occupancies, the assembly shall have a fire-resistance rating of not less than that required in Section 302.3.3 based on the occupancies being separated. Where the floor assembly separates a single occupancy into different fire areas, the assembly shall have a fire-resistance rating of not less than that required by Section 706.3.6. Floor assemblies separating dwelling units or guestrooms shall be a minimum of 1-hour fire-resistance-rated construction.

Exception: Dwelling unit and guestroom separations in buildings of Type IIB, IIIB and VB construction shall have fire-resistance ratings of not less than 1/2 hour in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

(19) In section 902, the definition for record drawings is deleted and replaced with the following:

RECORD DRAWINGS. Drawings ("as built") that document all aspects of a fire protection system as installed.

(20) Section 903.2.5 is deleted and replaced with the following:

903.2.5 Group I. An automatic sprinkler system shall be provided throughout buildings with Group I fire areas. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

(21) Section 903.2.9 Group R-4 is deleted and replaced with the following:

An automatic sprinkler system shall be provided throughout buildings with Group R-4 fire areas that contain more than eight occupants. Listed quick response or residential sprinkler heads shall be installed in patient or resident sleeping areas.

Exception: Buildings not more than 4,500 gross square feet and not containing more than 16 residents, provided that building is equipped throughout with a fire alarm system that is interconnected and receives its primary power from the building wiring and a commercial power system.

(22) Section 905.5.3 is deleted and replaced with the following:

905.5.3 Class II system 1-inch hose. A minimum 1-inch (25.4 mm) hose shall be permitted to be used for hose stations in light-hazard occupancies where investigated and listed for this service and where approved by the code official.

(23) In section 1002, the definition for exit discharge is deleted and replaced with the following:

EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way or safe dispersal area.

(24) In section 1003.2.12.1 the exception is deleted and replaced with the following:

Exceptions:

1. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards whose top rail serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.

2. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm).

(25) Section 1003.2.12.2 is deleted and replaced with the following:

1003.2.12.2 Opening limitations. Open guards shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surface, a sphere 8 inches (203 mm) in diameter shall not pass. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail at the open side of a stairway shall be of a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.

2. At elevated walking surfaces for access to and use of electrical, mechanical, or plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening.

3. In occupancies in Group I-3, F, H or S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.

4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies, and galleries shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.

(26) Section 1003.3.3.11.3 is amended to include the following exception at the end of the section:

Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy shall be permitted to have a maximum cross sectional dimension of 3.28 inches (83 mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16 mm) and 1.5 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6 mm) deep on each side and shall be at least 0.5 (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(27) In Section 1004.3.2.5 Exception 2 is deleted.

(28) New sections 1006.2.3, 1006.2.3.1 and 1006.2.3.2 are added as follows:

1006.2.3 Safe dispersal areas. Where approved by the code official, the exit discharge is permitted to lead to a safe dispersal area on the same property as the structure being discharged. The proximity and size of such safe dispersal area shall be based on such factors as the occupant load served, the mobility of occupants, the type of construction of the building, the fire protection systems installed in the building, the height of the building and the degree of hazard of the occupancy. In any case, the entire safe dispersal area shall be located not less than 50 feet (15 420 mm) from the structure served.

1006.2.3.1 School ground fences and gates. School grounds shall be permitted to be fenced and gates therein equipped with locks, provided safe dispersal areas are located between the school and fence with the entire dispersal area no less than 50 feet (15 420mm) from school buildings. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

1006.2.3.2 Reviewing stands, grandstands and bleachers. Safe dispersal areas serving reviewing stands, grandstands and bleachers shall accommodate a number of persons equal to the total capacity of the stand or building served. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m²) of net clear area per occupant.

(29) Section 1207.2 is deleted and replaced with the following:

1207.2 Minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Rooms in one- and two-family dwellings, bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not more than 4 feet (1219 mm) on center or projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms without habitable spaces in one- and two-family dwellings having a ceiling height of not less than 6 feet 8 inches (2033mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.

4. Mezzanines constructed in accordance with Section 505.1.

(30) Section 1207.3 is deleted and replaced with the following:
1207.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

Exception: Every kitchen in a one- and two-family dwelling shall have not less than 50 square feet (4.64 m²) of gross floor area.

(31) Section 1207.4 subparagraph 1 is deleted and replaced with the following:

1. The unit shall have a living room of not less than 165 square feet (15.3 m) of floor area. An additional 100 square feet (9.3 m) of floor area shall be provided for each occupant of such unit in excess of two.

(32) In Section 1605.2.1, the formula shown as " $f_2 = 0.2$ for other roof configurations" is deleted and replaced with the following:

$f_2 = 0.20 + .025(A-5)$ for other configurations where roof snow load exceeds 30 psf

$f_2 = 0$ for roof snow loads of 30 psf (1.44kN/m²) or less.

Where A = Elevation above sea level at the location of the structure (ft/1000).

(33) In Section 1605.3.1 and section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

Flat roof snow loads of 30 pounds per square foot (1.44 kNm²) or less need not be combined with seismic loads. Where flat roofs exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads.

$$W_s = (0.20 + 0.025(A-5))P_f$$

Where

W_s = Weight of snow to be included, psf

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

(34) Section 1608.1 is deleted and replaced with the following:

Except as modified in section 1608.1.1, design snow loads shall be determined in accordance with Section 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607.

(35) Section 1608.1.1 is added as follows:

1608.1.1 Utah Snow Loads. The ground snow load, P_g , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 + S^2(A-A_o)^2)^{0.5}$ for A greater than A_o , and $P_g = P_o$ for A less than or equal to A_o .

WHERE

P_g = Ground snow load at a given elevation (psf)

P_o = Base ground snow load (psf) from Table No. 1608.1.1(a) [~~(ft./1000)~~]

S = Change in ground snow load with elevation (psf/100 ft.) From Table No. 1608.1.1(a)

A = Elevation above sea level at the site (ft./1000)

A_0 = Base ground snow elevation from Table 1608.1.1(a) (ft./1000)

The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table 1608.1.1(b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with section 1607.11 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.

(36) Table 1608.1.1(a) and Table 1608.1.1(b) are added as follows:

TABLE NO. 1608.1.1(a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P_o	S	A_0
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. 1608.1.1(b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS

	Roof Snow Load (PSF)	Ground Snow Load (PSF)
Beaver County		
Beaver	5920 ft.	43
Box Elder County		
Brigham City	4300 ft.	30
Tremonton	4290 ft.	30
Cache County		
Logan	4530 ft.	35
Smithfield	4595 ft.	35
Carbon County		
Price	5550 ft.	30

Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farmington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57
Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	25	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6400 ft.	85	121
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36

Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

(1) The IBC requires a minimum live load - See 1607.11.2.

(37) Section 1608.2 is deleted and replaced with the following:
 1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

(38) Section 1614.2 is deleted and replaced with the following:
 1614.2 Change in Occupancy. When a change of occupancy results in a structure being reclassified to a higher Seismic Use Group, or when such change of occupancy results in a design occupant load increase of 100% or more, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. This is not required if the design occupant load increase is less than 25 persons and the Seismic Use Group does not change.
2. Specific detailing provisions required for a new structure are not required to be met where it can be shown an equivalent level of performance and seismic safety contemplated for a new structure is obtained. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the specific detailing provided. Alternatively, the building official may allow the structure to be upgraded in accordance with the latest edition of the "Guidelines for Seismic Rehabilitation of Existing Buildings" or another nationally recognized standard for retrofit of existing buildings.

(39) In Section 1616.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads of 30 psf or less need not be included. Where the roof snow load exceeds 30 psf, the snow load shall be included, but may be adjusted in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$

WHERE:

- W_s = Weight of snow to be included in seismic calculation;
- A = Elevation above sea level at the location of the structure (ft/1000)
- P_f = Design roof snow load, psf

For the purposes of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding.

(40) In Section 1617.2.2, the fourth definition of r_{maxi} is deleted and replaced with the following:

=For shear walls, r_{maxi} shall be taken as the maximum value of the product of the shear in the wall or wall pier and $10/l_w$ ($3.3/l_w$ for SI), divided by the story shear, where l_w is the length of the wall or wall pier in feet (m). The ratio $10/l_w$ need not be taken greater than 1.0 for buildings of light frame construction.

(41) In Section 1617.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(42) In Section 1617.5.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(43) In Section 1618.4, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(44) Section 1805.5 is deleted and replaced with the following:

1805.5 Foundation walls. Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.4 and 1805.5.8 through 1805.5.8.2. Concrete foundation walls may also be constructed in accordance with Section 1805.5.9.

(45) New sections 1805.5.8, 1805.5.8.1 1805.5.8.2 and 1805.5.9 are added as follows:

1805.5.8 Seismic requirements. Tables 1805.5(1) through 1805.5(4) shall be subject to the following limitations based on the seismic design category assigned to the structure as defined in Section 1616.

1805.5.8.1 Seismic requirements for concrete foundation walls. Concrete foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. Provide two No. 5 bars around window and door openings. Such bars shall extend at least 24 inches (610 mm) beyond the corners of the openings.
2. Seismic Design Category C. Tables shall not be used except as permitted for plain concrete members in Section 1910.4.
3. Seismic Design Categories D, E and F. Tables shall not be used except as allowed for plain concrete members in ACI 318, Section 22.10.

1805.5.1.2. Seismic requirements for masonry foundation walls. Masonry foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. No additional seismic requirements.
2. Seismic Design Category C. The requirements of Section 2106.4 shall apply.
3. Seismic Design Category D. The requirements of Section 2106.5 shall apply.
4. Seismic Design Categories E and F. The requirements of Section 2106.6 shall apply.

1805.5.9 Empirical foundation design. Group R, Division 3 Occupancies three stories or less in height, and Group U Occupancies, which are constructed in accordance with Section 2308, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, shall be permitted to have concrete foundations constructed in accordance with Table 1805.5.9.

(46) Table 1805.5.9 is added as follows:

Max. Height	2' (610 mm)	4' (1219 mm)	6' (1829 mm)	8' (2438 mm)	9' (2743 mm)	Over 9' (2743 mm)
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Top Edge Support	None	None	Floor or roof diaphragm(6)	Same as 6'	Same as 6'	Engineering required
Minimum Thickness	6"	6"	8"	8"	8"	Same as above
Vertical Steel(2)	Note (5)	#4 @ 32"	#4 @ 24"	#4 @ 24"	#4 @ 16"	Same as above
Horizontal Steel(3)	2-#4 Bars	4-#4 Bars	5-#4 Bars	6-#4 Bars	7-#4 Bars	Same as above
Steel at Openings(4)	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	2-#4 Bars above; 1-#4 Bar each side 1-#4 Bar below	Same as above
Max. Lintel Length	2' (610mm)	3' (914mm)	6' (1829mm)	6' (1829mm)	6' (1829mm)	Same as above
Min. Lintel Depth	2" for each ft. of opening width; Min. 6"	Same as 2'	Same as 2'	Same as 2'	Same as 2'	Same as above

Notes:

- (1) Based on 3,000 psi (20.6 Mpa) concrete and 60,000 psi (414 Mpa) reinforcing steel.
- (2) To be placed in the center of the wall, and extend from the footing to within three inches (76 mm) of the top of the wall; dowels of #4 bars to match vertical steel placement shall be provided in the footing, extending 24 inches (610 mm) into the foundation wall.
- (3) One bar shall be located in the top four inches (102 mm), one bar in the bottom four inches (102 mm) and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1805.9. Corner reinforcing shall be provided so as to lap 24 inches (610 mm).
- (4) Bars shall be placed within two inches (51 mm) of the openings and extend 24 inches (610 mm) beyond the edge of the opening; vertical bars may terminate three inches (76 mm) from the top of the concrete.
- (5) Dowels of #4 bar at 32 inches on center shall be provided in the footing, extending 18 inches (457 mm) into the foundation wall.
- (6) Diaphragm shall conform to the requirements of Section 2308.
- (7) Footing shall be a minimum of nine inches thick by 20 inches wide.
- (8) Soil backfill shall be soil classification types GW, GP, SW, or PS, per Table 1610.1. Soil shall be submerged or saturated in groundwater.

(47) A new section 2902.1.1 is added as follows:

2902.1.1 Unisex toilets and bath fixtures. Fixtures located within unisex toilet and bathing rooms complying with section 2902 are permitted to be included in determining the minimum number of fixtures for assembly and mercantile occupancies.

(48) A new section 2306.1.4 is added as follows:

2306.1.4 The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Load Duration Factors, C_d , of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1524 M).

(49) Section 2308.6 is deleted and replaced with the following:

2308.6 Foundation plates or sills. Foundations and footings shall be as specified in Chapter 18. Foundation plates or sills resting on concrete or masonry foundations shall comply with Section 2304.3.1 and shall be bolted or anchored by one of the following:

1. Foundation plates or sill shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 6 feet (1829 mm) apart. There shall be a minimum of two bolts or anchor straps per piece with one bolt or anchor strap located not more than 12 inches (305 mm) or less than 4 inches (102 mm) from each end of each piece.

2. Foundation plates or sills shall be bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors. Bolts shall be embedded at least 7 inches (178 mm) into concrete or masonry, and spaced not more than 32 inches (816 mm) apart. There shall be a minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from each end of each piece.

A properly sized nut and washer shall be tightened on each bolt to the plate.

(50) A new section 3402.5 is added as follows:

3402.5 Parapets and other appendages. Building constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 an U occupancies.

Original Plans and/or structural calculations may be utilized to demonstrate that the parapet or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

The maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F. If the required parapet height exceeds this maximum height, a bracing system designed using the coefficients specified in Table 1621.2 shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors shall be added. Approved alternative methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

(51) Section 3408.1 is deleted and replaced with the following:

3408.1 Scope: The provision of sections 3408.2 through 3408.5 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exceptions:

1. When maintenance, additions or alteration occur, Type B dwelling units required by section 1107.5.4 are not required to be provided in existing buildings and facilities.

2. When a change of occupancy in a building or portion of a building results in multiple dwelling units as determined in section 1107.5.4, not less than 20 percent of the dwelling units shall be Type B dwelling units. These dwelling units may be located on any floor of the building provided with an accessible route. Two percent, but

not less than one, of the dwelling units shall be Type A dwelling units.

(52) Referenced standards number 1557-91 under ASTM in chapter 35 is deleted and replaced with the following:

TABLE		
Standard Number	Title	Code Section
D1557-91 E01	Laboratory Compaction Characteristics of soil using Modified Effort	1508.15.2 K1.1.2, K1.7.5

(53) A new appendix K, Grading, is added as follows:

APPENDIX K - GRADING

K1.1 GENERAL

K1.1.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern.

K1.1.2 Standards. The following standards of quality shall apply:

1. ASTM D1557-91 E01, Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lb/ft).

K1.2 DEFINITIONS

K1.2.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

K1.3 PERMITS REQUIRED

K1.3.1 Permits required. Except as exempted in Section K1.3.2, no grading shall be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.

K1.3.2 Exemptions. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.

2. Excavation for construction of a structure permitted under this code.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells, or trenches for utilities.

6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

7. Exploratory excavations performed under the direction of a registered design professional for the sole purpose of preparing a soils report.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. The listed exemptions shall not apply to areas located in a floodway or floodplain regulated under Appendix G.

K1.4 PERMIT APPLICATION AND SUBMITTALS

K1.4.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

K1.4.2 Site plan requirements. In addition to the provisions of Section 106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

K1.4.3 Soils report. A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.

K1.4.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short period (S_s) greater than 0.5g as determined by Section 1615, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

Exception: A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.

K1.5 INSPECTIONS

K1.5.1 General. Inspections shall be governed by Section 109 of this code.

K1.5.2 Special inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the building official.

K1.6 EXCAVATIONS

K1.6.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50%) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67%) provided that all the following are met:

- (a) it is not intended to support structures or surcharges;
- (b) it is adequately protected against erosion;
- (c) it is no more than 8 feet (2438 mm) in height; and
- (d) it is approved by the building official.

2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100%)

K1.7 FILLS

K1.7.1 General. Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.

K1.7.2 Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

K1.7.3 Benching. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20%) and the depth of the fill exceeds five feet (1524 mm) benching shall be provided in accordance with Figure K1.7.3 dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. A key shall be provided which is at least 10 feet (3048 mm) in width and two feet (610 mm) in depth.

K1.7.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305mm) in any dimension shall be included in fills.

K1.7.5 Compaction. All fill material shall be compacted to 90% of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

K1.7.6 Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50%) shall be justified by soils reports or engineering data.

K1.8 SETBACKS

K1.8.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure K1.8.1, dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. unless substantiating data is submitted justifying reduced setbacks.

K1.8.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure K1.8.1, or than is required to accommodate any required interceptor drains, whichever is greater.

K1.8.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure K1.8.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

K1.9 DRAINAGE AND TERRACING

K1.9.1 General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33%).

K1.9.2 Terraces. Terraces at least six feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5%) and shall be paved with concrete not less than three inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of five feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m²) (projected) without discharging into a down drain.

K1.9.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of one foot (305 mm) and a minimum width of three feet (915 mm). The slope shall be approved by the building official, but shall not be less than 50 horizontal to 1 vertical (2%). The drain shall be paved with concrete not less than three inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.

K1.9.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

K1.10 EROSION CONTROL

K1.10.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

K1.10.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

KEY: contractors, building codes, building inspection, licensing
[January 1, 2002

Notice of Continuation June 3, 1997

58-1-106(1)

58-1-202(1)

58-56-1

58-56-4(2)

58-56-6(2)(a)



Community and Economic
Development, Community
Development, History
R212-7
Cultural Resource Management

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 24623
FILED: 03/26/2002, 08:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendments are being proposed after a division review to make policies and procedures more clear.

SUMMARY OF THE RULE OR CHANGE: The proposed amendments add and delete language recommended by Kent Bishop from the Governor's Office of Planning and Budget to help make the policies and procedures more clear.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 9-8-302 and 9-8-404; 36 CFR 800 (01/11/2001 edition); 16 USC 470 Sec. 106; and 16 USC 470 Sec. 110

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This is an amendment, there are no additional costs associated with these changes. The changes are just clarifications.
- ❖ LOCAL GOVERNMENTS: This is an amendment, there are no additional costs associated with these changes. The changes are just clarifications.
- ❖ OTHER PERSONS: This is an amendment, there are no additional costs associated with these changes. The changes are just clarifications.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to this rule are for clarification purposes only and will not impact the industry or consumers financially.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment will have absolutely no fiscal impact on businesses.

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

COMMUNITY AND ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT, HISTORY
300 RIO GRANDE
SALT LAKE CITY UT 84101-1182, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Alycia Aldrich at the above address, by phone at 801-533-3556, by FAX at 801-533-3503, or by Internet E-mail at aldrich@history.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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Wilson Martin, Program Manager/
Preservation

R212. Community and Economic Development, Community Development, History.

R212-7. Cultural Resource Management.

R212-7-1. Scope and Applicability.

Purpose: to establish time frames and procedures in response to state and federal agency requests in conformance with applicable state and federal cultural resource management laws, rules, and regulations contained in Section 9-8-404, Utah Code; 36 CFR 800 (01-11-2001 edition) and 16 USC 470 Section 110 of the National Historic Preservation Act as amended. These federal laws and regulations are incorporated by reference in this rule.

R212-7-2. Definitions.

A. Terms used in this rule are defined in Section 9-8-302, 36 CFR 800 (01-11-2001 edition), and 16 USC 470 Section 110 of the National Historic Preservation Act as amended.

B. In addition:

1. "division" means the Division of State History;
2. "director" means the director of the Division of State History;
- ~~3. "agency" means the federal or state agency seeking division comments.~~

R212-7-3. Conformance of Division to State Rules and Federal Regulations.

~~[A. The Division of State History will follow applicable regulations pursuant to an annually executed agreement with the National Park Service and state rules to insure that its activities take into account the effect on cultural.~~

~~1.]~~ A. The division shall seek creative solutions to avoid or minimize adverse effects on cultural resources and seek ways to allow adverse effects to be mitigated creatively when they cannot be avoided.

[B.] 1. In [the interest of the public] that regard, the division shall encourage alternative proposals which may allow for the destruction of a site(s) or area(s) when alternative mitigation or treatment plans can be made which will allow for the development, endowment, promotion, scientific investigation of other resources more suited to public education, education involvement, appreciation and science.

R212-7-4. Division Responsibility to Other Agencies.

1. The division may consult with or provide professional information to state and federal agencies requesting consultation under Section 9-8-404, Utah Code and under 16 USC 470 Sections 106 and 110 of the Historic Preservation Act of 1966 as amended. These federal regulations are incorporated [here] by reference in this rule.

2. The information provided to a consulting person or entity will be ~~regarding~~ limited to standards and regulations that have been issued by the U.S. Secretary of the Interior [Standards].

3. If the division responds, then it shall state that the federal or state agency shall take into account the comments.

4. Responses may be provided within 30 days of receipt of request.

5. Adequate completion of permit requirements for excavation on lands may satisfy mitigation as far as the State Historic Preservation Officer is concerned.

KEY: historic preservation, cultural resources[*], management [1992]2002

Notice of Continuation September 26, 2001

9-8-302

9-8-404

16 USC 470 Sec. 106

16 USC 470 Sec. 110



Education, Administration

R277-101

Public Participation in Utah State Board of Education Meetings

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 24658

FILED: 04/01/2002, 14:10

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed and reenacted as a result of the State Board of Education's desire to better facilitate citizen involvement and participation in State Board of Education decisions.

SUMMARY OF THE RULE OR CHANGE: The previous rule had more specific provisions for spokespersons desiring to address the Board. Also, the previous rule had proscriptive directions for the Board to respond to public comments. The new rule provides procedures for public citizens to make comments at State Board of Education meetings and influence Board decisions. The new rule also is simpler and allows the Board more flexibility and discretion in receiving public comments.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs or savings to state budget. Public comment exchange with Board members costs nothing.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. The rule applies only to State Board of Education meetings.

❖ **OTHER PERSONS:** There are no anticipated costs or savings to other persons. Citizen participation is free.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for citizens to participated in State Board of Education meetings. Streamlined and simplified opportunities are emphasized.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY UT 84111-3272, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

R277. Education, Administration.

~~[R277-101. Public Participation in Utah State Board of Education Meetings.~~

~~R277-101-1. Definitions.~~

~~"Board" means the Utah State Board of Education.~~

~~R277-101-2. Authority and Purpose.~~

~~A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 52-4-1 which directs that the actions of the Board be taken openly and that its deliberations be conducted openly and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.~~

~~B. The purpose of this rule is to describe procedures to be followed by the Board in its conduct of the people's business in order to:~~

~~(1) hear from those who desire to be heard on public education matters in the state;~~

~~(2) conserve the time of the Board; and~~

~~(3) enable staff to provide timely and essential information.~~

~~R277-101-3. Requests to Participate.~~

~~A. An individual or a spokesman for a group desiring to make a presentation to the Board may request time on the agenda of the Board for a specific meeting by contacting the chairman or the executive officer of the Board prior to the time the agenda is prepared and mailed to the Board, which is two weeks in advance of the scheduled Board meeting.~~

— B. The request shall specify the amount of time the presenter desires and shall state the general nature of the matter to be presented. In preparing the agenda the executive officer shall give due consideration to meeting the requests to address the Board.

— C. If the presentation is to cover a list of grievances for which answers are expected to be provided, make requests of the Board which require finances, or make allegations for which a defense is appropriate, the individual making the request to appear before the Board shall present specific grievances, requests, or allegations in writing to the executive officer at least one week prior to the meeting.

R277-101-4. Board Presentations.

— A. In introducing the agenda item to the Board, the chairman shall instruct the presenter and those who may be attending the meeting in support of the presenter in the procedures to be followed. The procedures include the following:

— (1) each person who speaks is first recognized by the chairman and identified by name and title;

— (2) each person speaks to the agenda and presents information, either orally or written, which bears directly on the matter at hand;

— (3) courteous behavior and appropriate use of language to dignify the meeting is expected; and

— (4) the time allotted is strictly followed after which time the presenter and supporters are dismissed. If they desire to remain at the open meeting they are regarded as spectators only and may speak only if recognized by the chairman.

— B. The chairman may choose to hear all grievances, requests, or allegations at one time; or, if responses by the staff or Board are called for, the chairman may ask for the presentation of one item at a time followed by a response.

— C. The procedures in Subsections 4(A) and (B) need not be followed by those who are making reports to the Board on studies ordered by the Board or other matters for which the Board has asked for a report. However, all written materials to be presented to the Board shall be in the agenda mailed two weeks prior to the Board meeting.

R277-101-5. Board Action.

— A. In responding to reports and presentations, the Board may use the following options:

— (1) Receive the report: This action indicates that the Board has heard the report, the report shall be recognized in the minutes and written material shall become a part of the record;

— (2) Receive the report and refer it to staff: This is done when there is need for further study and recommendation at a subsequent meeting of the Board.

— (3) Take no action: If this option is taken the chairman of the Board thanks the presenter and moves on to the next item on the agenda. Reference to the report shall be included in the minutes with the notation that the Board took no action.

— B. In emergency situations, the Board may alter the above procedures as it deems appropriate, by a majority vote of Board members present.

KEY: school boards, open government

1987

Notice of Continuation September 12, 1997

52-4-1

53A-1-401(3)]

R277-101. Public Participation in Utah State Board of Education Decisions.

R277-101-1. Definitions.

— A. "Board" means the Utah State Board of Education.

— B. "Chair" means duly elected Chairman of the Board, Vice-chair, or Chair of a Board standing committee.

R277-101-2. Authority and Purpose.

— A. This rule is authorized under Utah Constitution, Article X, Section 3 which vests general control and supervision of public education in the Board, Section 52-4-1 which directs that the actions of the Board be taken openly and that its deliberations be conducted openly and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

— B. The purpose of this rule is to describe procedures to be followed by the Board in its conduct of the public's business in order to:

— (1) hear from those who desire to be heard on public education matters in the state;

— (2) conserve the time of the Board;

— (3) enable staff to provide timely and essential information; and

— (4) balance desire for public information with other demands on the Board's time.

R277-101-3. Public Participation.

— A. Citizens may attend meetings of the Board.

— B. Citizens may speak to the Board:

— (a) to issues not on the agenda during the time designated for public comment.

— (i) Priority shall be given to those individuals or groups who, prior to the meeting, have submitted a written request to address the Board, including a brief description of the issue to be addressed.

— (ii) No action shall be taken by the Board on issues raised during the public comment portion of the meeting.

— (iii) At the Board's discretion, a Board member may request that an item raised during public comment be placed on a future agenda for possible action.

— (iv) The Chair may limit the time available for individual comments; number of comments and time limits shall be stated prior to the public comment portion of the agenda.

— (v) The Chair may request groups to designate a spokesperson.

— (b) to items on the agenda during the time designated for public comment, or at the discretion of and as invited by the Chair, when the item is properly before the Board or committee. The Chair may request that public comments be provided in writing.

— C. All presentations to the Board or one of its committees shall exemplify courteous behavior and appropriate language.

— D. Following any presentation to the Board or one of its committees, individuals and groups may remain as spectators to the meeting.

— E. Additional comments to the Board or committees may only be made as recognized and invited by the Chair.

KEY: school boards, open government

2002

Art X Sec 3

52-4-1

53A-1-401(3)



Education, Administration
R277-477
 Distribution of Funds from the School
 Trust Lands Account

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 24659
 FILED: 04/01/2002, 14:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule was amended to clarify the State Office of Education's role as a facilitator between schools and the Utah School Boards Association in the implementation of the School Learning And Nurturing Development (LAND) Trust Program.

SUMMARY OF THE RULE OR CHANGE: The amendments make provisions for charter schools, and provide for information on School LAND Trust Programs to be disseminated to the Legislature and interested parties.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-16-101.5(3)(c)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to state budget--only clarifications for school districts and charter schools.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government--only clarifications for school districts and charter schools.

❖ OTHER PERSONS: There are no anticipated costs or savings to other persons--only clarifications for school districts and charter schools.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons--only clarifications for school districts and charter schools.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

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

EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY UT 84111-3272, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

R277. Education, Administration.

R277-477. Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program.

R277-477-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Fall Enrollment Report" means the census of students registered in Utah public schools as determined by enrollment on the first school day in October of each year.

~~[B]C.~~ "Funds" means interest and dividend income as defined under Section 53A-16-101.5(2).[

~~—C. "Host school district" means a school district in which a public charter school is located.]~~

D. "Student" means a child in grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report of the school district, charter school, or USDB.

E. "USDB" means the Utah Schools for the Deaf and the Blind.

F. "USOE" means the Utah State Office of Education.

R277-477-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which places general control and supervision of the public school system under the Board, by Section 53A-16-101.5(3)(c) which allows the Board to adopt rules regarding the time and manner in which the student count shall be made for allocation of school trust lands funds, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to:

(1) provide ~~[a formula for]~~ direction on the distribution of interest [income] and dividends from the [P]permanent State School Fund [to public schools] through school districts, and

(2) provide a process for the dissemination of accurate and uniform information among the Legislature, Board, local school boards and districts, schools, the School and Institutional Trust Lands Administration, State Treasurer, State Director of Finance and others as may be necessary to facilitate effective administration and implementation of the School LAND Trust Program.

R277-477-3. Distribution of Funds - Determination of Proportionate Share.

A. Funds shall be distributed to school districts, charter schools, and the USDB as provided under Section 53A-16-101.5(3)(a). The distribution shall be based on the state's total fall enrollment as reflected in the audited October 1 Fall Enrollment Report from the previous school year.

B. Each school district and the USOE, with regard to charter schools and the USDB, shall distribute funds received under R277-477-3A to each school, including schools that have opened since the prior October 1 Enrollment Report, on an equal per student basis[

~~using the previous school year's audited October 1 Fall Enrollment Report]. Local school boards and the USOE may adjust distributions, maintaining an equal per student distribution for school openings and closures and for boundary changes occurring after the audited October 1 Fall Enrollment Report of the prior year. All schools receiving funds shall have [satisfied the criteria of the law and this rule] a current school plan for enhancing or improving academic excellence consistent with Section 53A-16-101.5 approved by the local school board and electronically submitted to the USOE.~~

~~C. [For purposes of this rule, funds for charter schools under both the 10% calculation and the 90% calculation shall be distributed to the public school districts in which the charter schools are located. The host school districts shall, in turn, distribute to charter schools their proportionate per pupil shares.] All charter schools shall be considered collectively as a unit to receive a base amount under Section 53A-16-101.5(3)(a)(i).~~

~~D. [Interest and dividend income shall be distributed from the Permanent State School Fund according to the School Finance Reference Manual.~~

~~(1) Distribution to school districts and the USDB shall occur monthly.~~

~~(2) Due to fluctuations in investment returns, monthly allocations may vary in amount.] In order to receive its allocation, a school shall satisfy the requirements of Section 53A-16-101.5(4)(5)(6).~~

~~E. Interest and dividend income from the permanent State School Fund shall be distributed to school districts at the close of the state fiscal year as the USOE receives the funds in the Uniform School Fund.~~

~~F. Each school board shall establish a policy for timely distribution of the funds to eligible schools.~~

~~[E]G. In a year-end report, each [school district] local board shall provide to the USOE:~~

~~(1) the names of schools and the funds distributed under this rule[-];~~

~~(2) required school plan information as designated in R277-477-4;~~

~~(3) a list of 10 percent of the district schools, or five schools implementing exemplary plans to be used to inform the public; and~~

~~(4) the date on which funds were made available to each school.~~

~~H. Funds not used in the school approved plan may be carried over by the school to the next school year and added to the School LAND Trust Program funds available for expenditure in that school the following year.~~

~~I. Schools serving only youth in custody may form committees and submit plans to the district serving the students. Youth in custody schools shall receive the same per pupil distribution as other schools in the district providing services.~~

~~J. Plans submitted by schools chartered by the Board shall be reviewed and approved by the charter school governing body and then submitted to the Board or its designee for final approval.~~

~~K. Plans submitted by schools chartered by local school boards shall be reviewed and approved by the charter school and then submitted to the local school board for approval.~~

R277-477-4. Information to USOE.

~~A. Information on each school's plan to address critical academic needs shall be completed via the School LAND Trust Program website maintained through the USOE for accurate and uniform reporting.~~

~~B. To facilitate submission of information by schools, each school board shall establish a timeline for timely submission of information and approval.~~

~~C. Timelines shall allow for school committee reconsideration and editing of the school plan when local school boards request changes.~~

KEY: schools, trust lands funds[~~z~~]

~~[December 2, 2000]2002~~

Art X Sec 3

53A-16-101.5(3)(c)

53A-1-401(3)

Education, Administration

R277-702

Procedures for the Utah General Educational Development Certificate

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24661

FILED: 04/01/2002, 14:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule was amended to provide for security in General Educational Development (GED) testing and to clarify appropriate security practices. Additionally, the scoring scales are altered and the minimum passing standard for individual GED subtests have been raised to be consistent with national passing scores.

SUMMARY OF THE RULE OR CHANGE: The amendments to the rule provide a new section on security and security requirements for GED testing. Also, the state scoring scales are changed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-402(1)(b)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to state budget. Most test examiners have followed security procedures previously.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. GED testing is a state procedure.

❖ OTHER PERSONS: There are no anticipated costs or savings to other persons. Test takers will not be affected because of clarified security practices.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. There are no additional costs imposed on test administrators or test takers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses. Steven O. Laing

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at clear@usoe.k12.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

R277. Education, Administration.

R277-702. Procedures for the Utah General Educational Development Certificate.

R277-702-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- B. "GED Test" means the General Educational Development Test developed by the American Council on Education.
- C. "Utah General Educational Development Certificate" means a certificate issued by the Board acknowledging competency on the part of the certificate holder in the GED test areas.

R277-702-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-402(1)(b) which directs the Board to adopt rules regarding access to programs, competency levels and graduation requirements, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to describe the standards and procedures for obtaining a Utah General Educational Development Certificate.

R277-702-3. Eligibility for GED Testing.

- A. Admission to a GED Test requires the following:
 - (1) that the applicant be at least 18 years of age and the applicant's graduating class has graduated; or
 - (2) that if the applicant is 17 or 18 years of age and the applicant's graduating class has not graduated, the GED testing center requires the following:
 - (a) a letter from the school district within which the applicant resides indicating the applicant is not regularly enrolled in school; and
 - (b) a letter from the applicant's parent or guardian authorizing the test or a marriage certificate from the applicant if the applicant is married.

R277-702-4. Administrative Procedures and Standards for Testing and Certification.

A. The Board contracts with the General Educational Testing Service of the American Council on Education to administer the GED testing program in the state. The Board may contract with educational institutions within the state to administer the tests and provide related testing services. The number and location of the institutions designated as testing centers is determined in a manner that ensures that the test is reasonably accessible to potential applicants. Testing centers shall meet the GED Testing Service requirements in the GED Examiner's Manual.

B. Persons desiring to take a GED Test shall complete an application available from any official GED testing center of the Board and be eligible to take the GED Test under Subsection 3.

C. Persons desiring to obtain a Utah General Educational Development Certificate shall obtain a standard score of at least 410 on each of the five test components of the GED Test and obtain an overall average standard score of 450 on the five tests combined.

R277-702-5. Fee.

A. The Board, or its designee, shall adopt uniform fees for the General Educational Development Certificate and uniform forms, deadlines, and accounting procedures to administer this program.

B. A GED testing center, after consultation with the Board or its designee, shall adopt fees and forms for its GED testing.

R277-702-6. Official Transcripts.

Test scores shall be accepted by the Board when original scores are reported by:

- A. Board-approved GED testing centers;
- B. Transcript service of the Defense Activity for Non-Traditional Educational Support (DANTES);
- C. Veterans Administration hospitals and centers; or
- D. GED Testing Service.

R277-702-7. Adult High School Credit.

A local board of education may adopt standards and procedures for awarding up to five (5) units of credit on the basis of test results which may be applied toward an adult high school diploma only.

R277-702-8. GED Testing Security.

A. Access to GED tests shall be limited to the State Administrator of GED Testing; state authorized GED Examiners; and during actual testing, those examinees without high school diplomas or GED. Any other access to GED tests must be cleared in writing through the State Administrator of GED Testing.

B. All test administrators shall conduct GED test administration in strict accordance with the procedures and guidelines specified in the GED test administration manual, school district rules and policies, and Board rules.

C. Teachers, administrators, and school personnel shall not:

- (1) provide students directly or indirectly with specific questions, answers, or the subject matter of any specific item from any official GED test;

- (2) allow students access to any testing material, in any form, prior to test administration with the exception of GED demographic sheets; and

- (3) knowingly and intentionally do anything that would inappropriately affect the security, validity, or reliability of GED test scores of any individual student or group taking the GED test.

D. Violation of any of these rules may subject licensed educators to possible disciplinary action under Section 53A-8-104 or Rules of Professional Practices and Conduct for Utah Educators, R686-103-6(I), or both.

KEY: adult education, educational testing, student competency
~~May 16, 2000~~ **2002**

Notice of Continuation January 14, 1998

53A-1-402(1)(b)

53A-1-401(3)

▼ ————— ▼

Environmental Quality, Water Quality

R317-10

Certification of Wastewater Work Operators

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 24664

FILED: 04/01/2002, 15:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments were initially recommended by the Utah Wastewater Operator Council to clarify and improve application of the existing rule. The Water Quality Board concurs with the Council's recommendation.

SUMMARY OF THE RULE OR CHANGE: The proposed amendments add a new subsection (R317-10-5(D), Contracts) that specifically allows contracts in lieu of having a directly employed certified operators. The proposed amendments outline the minimum elements of a contract, and require approval by the Executive Secretary. Subsection R317-10-11(E) is added to clarify that continuing education units (CEUs) must be earned during the three years prior to the expiration date of the current certificate. Several other editorial changes are also proposed.

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The proposed amendments will be addressed using existing staff and resources. No impact to state budget is anticipated.

❖ **LOCAL GOVERNMENTS:** A small percentage of communities have been using contracted certified wastewater works operators to meet the requirements of the current rule. The proposed amendments authorize this practice and provide procedures and requirements for the use of contracted certified operators. No additional significant costs are anticipated. Communities that use a contracted operator in lieu of a directly employed certified operator may realize a net cost savings.

❖ **OTHER PERSONS:** The proposed amendments apply to political subdivisions of the state that operate wastewater treatment work and sewerage systems. No impacts to other persons are anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A small percentage of communities have been using contracted certified wastewater works operators to meet the requirements of the current rule. The proposed amendments authorize this practice and provide procedures and requirements for the use of contracted certified operators. No significant additional costs are anticipated. Communities that use a contracted operator in lieu of a directly employed certified operator may realize a net cost savings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendments apply to political subdivisions of the state that operate wastewater treatment work and sewerage systems. No impacts to businesses are anticipated.

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

ENVIRONMENTAL QUALITY
 WATER QUALITY
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY UT 84116-3231, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@deq.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 PM on 05/15/2002

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/09/2002 at 10:30 AM, Cannon Health Department Building, Room 125, 288 N 1460 W, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/20/2002

AUTHORIZED BY: Don Ostler, Director

R317. Environmental Quality, Water Quality.
R317-10. Certification of Wastewater Works Operators.
R317-10-1. Objectives.

The certification program is established in order to assist in protecting the quality of waters in the state of Utah by helping ensure that personnel in charge of wastewater works are trained, experienced, reliable and efficient; to protect the public health and the environment and provide for the health and safety of wastewater works operators; and to establish standards and methods whereby wastewater works operating personnel can demonstrate competency.

R317-10-2. Scope.

These certification rules apply to all wastewater treatment works and sewerage systems, with the exception of ~~[Individual] Onsite Wastewater [Disposal]~~ Systems and Large Underground Wastewater Disposal Systems as defined in R317-1-1.

This includes both wastewater collection systems and wastewater treatment systems except underground wastewater disposal systems. Wastewater works operated by political subdivisions must ~~[have]~~ employ certified operators as required in this rule. Operators of wastewater systems not requiring certified operators (such as industrial wastewater treatment systems) may be certified according to provisions of these rules for testing and certification.

R317-10-3. Authority.

The Certification Program for Wastewater Works Operators is authorized by Section 19-5-104 of the Utah Code Annotated.

R317-10-4. Definitions.

A. "Board" means the Water Quality Board.

B. "Category" means type of certification (collection or wastewater treatment).

C. "Certificate" means a certificate issued by the Council, stating that the recipient has met the minimum requirements for the specified operator grade described in this rule.

D. "Certified Operator" means a person with the appropriate education and experience, as specified in this rule, that has successfully completed the certification exam or otherwise meets the requirements of this rule.

E. "Chief Operator" means the supervisor in direct responsible charge of all shift operators for a collection or treatment system.

F. "Collection System" means the system designed to collect and transport sewage from the beginning points that the collection entity regards as their responsibility to maintain and operate, to the points where the treatment facility assumes responsibility for operation and maintenance.

G. "Council" means the Utah Wastewater Operator Certification Council.

H. "Continuing Education Unit (CEU)" means ten contact hours of participation in and successful completion of an organized and approved continuing education experience. College credit in approved courses may be substituted for CEUs on an equivalency basis as defined in this rule.

I. "Direct Responsible Charge (DRC)" means active on-site charge and performance of operation duties. The person in direct responsible charge is generally a supervisor over wastewater treatment or collection who independently makes decisions affecting all treatment or system processes during normal operation which may effect the quality, safety, and adequacy of treatment of wastewater discharged from the plant. In cases where only one operator is employed, this operator shall be considered to be in direct responsible charge.

J. "Executive Secretary" means the Executive Secretary of the Water Quality Board.

K. "Grade Level" means any one of the possible steps within a certification category of either wastewater collection or wastewater treatment. There are four levels each for collection and treatment system operators, Grade I being the lowest and Grade IV the highest level. There is one level for lagoon operators.

L. "Grandfather Certificate" means a certificate issued to an operator, without taking an examination, by virtue of the operator

meeting experience and other requirements in R317-10-11.G of this rule.

M. "Operating Experience" means experience gained in operating a wastewater treatment plant or collection system which enables the operator to make correct supervisory, operational, safety, and maintenance decisions affecting personnel, water quality, public health, regulatory compliance, and wastewater works operation, efficiency, and longevity.

N. "Operator" means any person who is directly involved in or may be responsible for operation of any wastewater works or facilities treating wastewater.

O. "Population Equivalent (P.E.*)" means the population which would contribute an equivalent waste load based on the calculation of total pounds of B.O.D. contributed divided by 0.2. This calculation may be used where a significant amount of industrial waste is discharged to a wastewater system.

P. "Restricted Certificate" means a certificate issued upon passing the certification examination when other requirements have not been met.

Q. "Small Lagoon System" means a wastewater lagoon system designed to serve fewer than 3500 design population equivalent.

R. "Wastewater Works" means facilities for collecting, pumping, treating or disposing of sanitary wastewater.

R317-10-5. Wastewater Works Owner Responsibilities.

A. The chief operator and supervisors who make process decisions for the system must be certified at the level of the facility classification. All other operators in direct responsible charge must be certified at no less than one grade lower than the facility classification or at the lowest required facility classification except as provided in B below. All facilities must have an operator certified at the facility level on duty or on call. If a facility or system undergoes a re-rating, all operators considered to be in DRC must be certified at the appropriate level within one year after notification of the new rating.

B. Upon termination of employment of the Chief Operator, considered in DRC, the Executive Secretary must be notified within 10 working days by the facility owner. The wastewater works must have a certified operator or an operator with a restricted certificate at the appropriate level within one year from the date the vacancy occurred. If the wastewater works is newly constructed, a certified operator or an operator with a restricted certificate at the appropriate level must be employed within one year after the system is deemed operable. ~~[It is recommended that during the time no certified operator is employed, a certified operator be on call to assist as needed in the operation of the wastewater works.]~~

C. Those required to be certified may operate a system with a restricted certificate of the required grade[;] for up to one year for a Class I or Class II facility, or up to two years for a Class III or Class IV facility, but may not continue to operate a system if they are unable to obtain an unrestricted certificate at the end of the stipulated period.

D. Contracts

1. General. In lieu of employing a DRC operator as part of its workforce, a facility owner may enter into a contract for DRC services with an operator certified at the appropriate level, or with another public or private entity with operators certified at the appropriate level.

2. Any such contract must be reviewed and approved by the Executive Secretary.

3. If the contract is with another entity, it must include the names of the certified individuals who will be in direct responsible charge of the operation of the facility. At a minimum the contract must contain the following elements:

- a. A clear description of the overall duties and responsibilities of the facility owner and the responsibilities of the contracted DRC operator(s) related to the supervision of the facility's operation, including the frequency of visits and the duties to be performed.
- b. Identification of the contract period and effective date of the contract
- c. Consideration
- d. Termination clause
- e. Execution by authorized signatories

R317-10-6. Facility Classification System.

[A-]Treatment plants and collection systems shall be classified in accordance with Table 1.

TABLE 1
FACILITY CLASSIFICATION SYSTEM

FACILITY CATEGORY		CLASS			
		I	II	III	IV
Collection (1)	Pop. Served	3,500 and less	3,501 to 15,000	15,001 to 50,000	50,001 and greater
Treatment Plant (2)	Range of Fac. Points	30 and less	31 to 55	56 to 75	76 and greater
Small Lagoon Systems(3)	Design Pop. Equiv.	3,500 and less			

(1) Simple "in-line" treatment (such as booster pumping, preventive chlorination, or odor control) is considered an integral part of a collection system.

(2) Treatment plants shall be assigned "facility points" in accordance with Table 2 "Wastewater Treatment Plant Classification System".

(3) A combined certificate shall be issued for treatment works/collection system operation.

TABLE 2
WASTEWATER TREATMENT PLANT CLASSIFICATION SYSTEM

Each Unit process should have points assigned only once.

Item	Points
SIZE (2 PT Minimum - 20 PT Maximum)	
Max. Population equivalent (PE) served, peak day(1)	1 - 10
Design flow average day or peak month average, whichever is larger(2)	1 - 10
Variation in raw waste:(3)	
Variations do not exceed those normally or typically expected	0
Recurring deviations or excessive variations of 100 - 200% in strength and/or flow	2
Recurring deviations or excessive variations of more than 200% in strength and/or flow	4
Raw wastes subject to toxic waste discharges	6
Impact of septage of truck-hauled waste	0 - 4
PRELIMINARY TREATMENT	
Plant pumping of main flow	3
Screening, comminution	3
Grit removal	3
Equalization	1

PRIMARY TREATMENT	
Clarifiers	5
Imhoff tanks or similar	5
SECONDARY TREATMENT	
Fixed Film reactor trickling filters, RBC's	10
Activated sludge	15
Stabilization ponds w/o aeration	5
Stabilization ponds w/aeration	8
TERTIARY TREATMENT	
Polishing ponds, wetlands for advanced waste treatment	2
Chemical/physical advanced waste treatment w/o secondary	15
Chemical/physical advanced waste treatment following secondary	10
Biological or chemical/biological advanced waste treatment	12
Nitrification by designed extended aeration only	2
Ion exchange for advanced waste treatment	10
Reverse osmosis, electrodialysis for advanced waste treatment	15
Advanced waste treatment chemical recovery, carbon regeneration	4
Media Filtration	4
ADDITIONAL TREATMENT PROCESSES	
Chemical additions (2 pts./each for max. Of 6 pts.)	2 - 6
Dissolved air flotation (for other than sludge thickening)	8
Intermittent sand filter	2
Recirculating intermittent sand filter	3
Microscreens	5
Generation of oxygen	5
SOLIDS HANDLING	
Solids conditioning	2
Solids thickening	5
Anaerobic digestion of solids	10
Utilization of digester gas for heating or cogeneration	5
Aerobic digestion of solids	6
Evaporative sludge drying	2
Mechanical dewatering of solids	8
Solids reduction (including incineration, wet oxidation)	12
On-site landfill for solids	2
Solids composting	10
Land application of biosolids by contractor	2
Land application of biosolids under direction of DRC operator	10
Disinfection: [0-]	10
Chlorination or ultraviolet irradiation	5
Ozonation	10
Effluent discharge: (0-10 pt max.)	
Mechanical Post aeration	2
Direct recycle and reuse	6
INSTRUMENTATION (0-6 Pt. Max.)	
Use of SCADA, similar instrumentation systems to provide data with no process operation	0
Use of SCADA, similar instrumentation systems to provide data with limited process operation	2
Use of SCADA, similar instrumentation systems to provide data with moderate process operation	4
Use of SCADA, similar instrumentation systems to provide data with extensive/total process operation	6
Laboratory Control: (0-15 pt. Max)	
Bacteriological/biological (0-5 pt. Max)):	
Lab work done outside the plant	0
Membrane filter procedures	3
Use of fermentation tubes or any dilution method (fecal coliform determination)	5
Chemical/physical (0-10):	
Lab work done outside the plant	0
Push-button, visual methods for simple tests (i.e. pH, settleable solids)	3
Additional procedures (ie, DO, COD, BOD, gas analysis, titrations, solids volatile content)	5

More advanced determinations (ie, specific constituents; nutrients, total oils, phenols)	7
Highly sophisticated instrumentation (i.e., atomic absorption, gas chromatography) 1-10	10
(1) 1 pt. per 10,000 P.E. or part; maximum of 10 points	
(2) 1 pt. per MGD or part	
(3) Key concept is frequency and/or intensity of deviation or excessive variation from normal or typical fluctuations; such deviation may be in terms of strength, toxicity, shock loads, inflow and infiltration, with point values ranging from 0 - 6.	
(4) Key concept is the degree of dilution provided under low flow conditions with point values ranging from 0 - 6.	
(5) Key concept is to credit laboratory analyses done on-site by plant personnel with point values ranging from 0 - 20.	

R317-10-7. Qualifications for Operator Grades.

A. General

1. "Qualification Points" means total of years of education and experience required. All substitutions are year for year equivalents. A college "year" is considered 45 quarter hours or 30 semester hours of credit.

2. College-level education must be in a job-related field to be credited. However, partial credit may be given for non-job related education at the discretion of the Council.

3. Experience may be substituted for a high school education or a graduate equivalence degree in Grades I and II only.

4. Education may be substituted for experience, as specified below.

B. Grade I - 13 points required

1. Twelve years education (one point per year).

2. One year operating experience (one point per year).

3. Experience may be substituted for all or any part of the education requirements, on a one-to-one basis.

4. Education may not be substituted for experience.

C. Grade II - 14 points required

1. Twelve years education (one point per year)

2. Two years operating experience (one point per year)

3. Up to one year of additional education may be substituted for an equivalent amount of operating experience.

4. Experience may be substituted for all or any part of the education requirement, on a one-to-one basis.

D. Grade III - 16 points required

1. Twelve years education (one point per year)

2. Four years operating experience (one point per year)

3. Up to 2 years of additional education may be substituted for an equivalent amount of operating experience. Relevant and specialized operator training may be substituted for education requirement, where 25 CEUs is equivalent to 1 year of education.

4. At least one year of the operating experience must have been at a Class II facility or higher.

E. Grade IV - 18 points required

1. Twelve years education (one point per year)

2. Six years operating experience (one point per year)

3. Up to 2 years of additional education may be substituted for an equivalent amount of operating experience. Relevant and specialized training may be substituted for education where 25 CEUs equal 1 year of education.

4. At least two years of the operating experience must have been at a Class III facility or higher.

R317-10-8. Council.

A. Members of the Council shall be appointed by the Board from recommendations made by interested organizations including

the Department of Environmental Quality, Utah League of Cities and Towns, Water Environment Association of Utah, the Professional Wastewater Operators Division of the Water Environment Association of Utah, the Utah Rural Water Association, Utah Valley State College, and the Civil/Environmental Engineering Departments of Utah's universities. The Council shall serve at the discretion of the Board to oversee the certification program.

B. The Council shall consist of eight members as follows:

1. Three members who are operators holding valid certificates.

At least one shall be a wastewater collection system operator.

2. One member with three years' management experience in wastewater treatment and collection, who shall represent municipal wastewater management.

3. One member who is a civil or environmental engineering faculty member of a university in Utah.

4. One non-voting member who is a Senior Environmental Engineer in the Division of Water Quality or other duly designated person who shall represent the Board.

5. One member from the private sector.

6. One member representing vocational training.

C. Voting Council members shall serve as follows:

1. Terms of office shall be for three years with two members retiring each year (except for the third year when three shall retire).

2. Appointments to succeed a Council member who is unable to serve his full term shall be for the remainder of the unexpired term.

3. Council members may be reappointed, but they do not automatically succeed themselves.

D. Each year the Council shall elect from its membership a Chairman and Vice Chairman.

E. The duties of the Council shall include:

1. Preparing and conducting examinations for the various grades of operators, and issuing and distributing the certificates.

2. Regularly reviewing the certification examinations to ensure compatibility between the examinations and operator responsibilities.

3. Ensuring that the certification examinations and training curricula are compatible.

4. Distributing examination applications and notices.

5. Receiving all applications for certification and evaluating the record of applicants as required to establish their qualifications for certification under this rule.

6. Maintaining records of operator qualifications and certification.

7. Preparing an annual report for distribution to the Board and other interested parties.

F. A majority of voting members shall constitute a quorum for the purpose of transacting official Council business.

R317-10-9. Application for Examination.

Prior to taking an examination, an applicant must file a formal application of intention with the Council, accompanied by evidence of qualifications for certification in accordance with the provisions of this rule on application forms available from the Council.

R317-10-10. Examination.

A. The time and place of examinations to qualify for a certificate shall be determined by the Council. All examinations shall be graded and the applicant notified of the results. Examination fees shall be charged to cover the costs of testing.

B. Normally, all examinations for certification shall be written. However, upon request an oral examination will be given. Such examination shall be conducted by at least two Council members in a manner that will ensure the integrity of the certification program.

C. In the event an applicant fails an exam, the applicant may request to review the exam within 30 days following receipt of the exam score. The Council shall not review examination questions for the purpose of changing individual examination scores. However, questions may be edited for future examinations. If an error is found in the grading of the exam, credit may be given.

R317-10-11. Certificates.

A. All certificates shall indicate one of the following grades for which they are issued.

1. Wastewater Works Operator - Grades I through IV.
2. Wastewater Works Operator - Restricted Grades I through IV.
3. Wastewater Collection System Operator - Grades I through IV.
4. Wastewater Collection System Operator - Restricted Grade I through IV.
5. Small Lagoon System Operator - Grade I Wastewater Works/Collection System Combined.
6. Small Lagoon System Operator - Restricted Grade I Wastewater Works/Collection System Combined.

B. An applicant shall have the opportunity to take any grade of examination higher than the classification of the system which he or she operates. A restricted certificate shall be issued if the applicant passes the exam but lacks the experience or education required for a particular grade.

An unrestricted certificate shall be issued if the applicant passes the exam and the experience and education requirements appropriate to the particular grade are met. Restricted certificates shall become unrestricted when the appropriate experience and education requirements are met and a change in status fee is paid. A restricted certificate does not qualify a person as a certified operator at the grade level that the restricted certificate is issued, until the limiting conditions are met, except as provided in R317-10-5. Upon application, a restricted certificate may be renewed subject to the conditions in C below. Replacement certificates may be obtained by payment of a duplicate certificate fee.

C. Certificates shall continue in effect for a period of up to three years unless revoked prior to that time. The certificate must be renewed each three years by payment of a renewal fee and submittal of evidence of required CEUs. The certificates expire on December 31 of the last year of the certificate. Operators considered in DRC must renew by the expiration date in order for the wastewater works to remain in compliance with this rule. Request for renewal shall be made on forms supplied by the Council. It shall be the responsibility of the operator to make application for certificate renewal.

D. An expired certificate may be reinstated within three months after expiration by payment of a reinstatement fee. After three months, an expired certificate cannot be reinstated, and the operator must retest to become certified. The required CEU[s] for renewal must be accrued before expiration of the certificate.

E. CEUs must be earned during the 3 year period prior to the expiration date of the certificate.

[F]. The Council may, after appropriate review, waive examination of applicants holding a valid certificate or license issued in compliance with other certification plans having equivalent

standards, and issue a comparable Utah certificate upon payment of a reciprocity fee.

If the applicant is working in another state at the time of application, or has relocated to Utah but has not yet obtained employment in the wastewater field in Utah, a letter of intent to issue a certificate by reciprocity may be provided. When the applicant provides proof of employment in the wastewater field in Utah, and meets all other requirements, a certificate may be issued.

[F]. A grandfather certificate shall be issued, upon application and payment of an administrative fee, to qualified operators who must be certified (chief operators, supervisors, or anyone considered in direct responsible charge). The certificate shall be valid only for the wastewater works at which the operator is employed as that facility existed on March 16, 1991. The certificate may not be transferred to another facility or person. If the facility undergoes an addition of a new process, even if the facility classification does not change, or the collection system has a change in rating, the respective operator must obtain a restricted or unrestricted certificate within one year as specified in this rule. Grandfather certificates shall be issued for a period of up to three years and must be renewed to remain in effect. Renewal shall include the payment of a renewal fee and submittal of evidence of required CEUs. The renewal fee shall be the same as that charged for renewal of other certificates. The grandfather certificate shall be issued if the currently employed operator:

1. Was a chief operator or person in direct responsible charge of the wastewater works on March 16, 1991; and
2. Had been employed at least ten years in the operation of the wastewater works prior to March 16, 1991; and
3. Demonstrates to the Council his capability to operate the wastewater works at which he is employed by providing employment history and references.

R317-10-12. CEUs and Approved Training.

A. CEUs shall be required for renewal of each certificate according to the following schedule:

TABLE 3
REQUIRED CEUS FOR RENEWAL OF EACH CERTIFICATE

OPERATOR GRADE	CEUS REQUIRED IN A 3-YEAR PERIOD
Grade I	2
Grade II	2
Grade III	3
Grade IV	3

B. All CEUs for certificate renewal shall be subject to review for approval to ensure that the training is applicable to wastewater works operation and meets CEU criteria. Identification of approved training, appropriate CEU or credit assignment and verification of successful completion is the responsibility of the Council. Training records shall be maintained by the Council.

C. All in-house or in-plant training which is intended to meet any part of the CEU requirements must be approved by the Council. In-house or in-plant training must meet the following general criteria to be approved:

1. Instruction must be under the supervision of an instructor approved by the Council.
2. An outline must be included with all submittals listing subjects to be covered and the time allotted to each subject.

3. A list of the teacher's objectives must be submitted which documents the essential points of the instruction ("need-to-know" information) and the methods used to illustrate these principles.

4. No more than one-half of required CEU credits over a three year period following issuance of a certificate shall be given for registration and attendance at the annual technical program meetings of the Water Environment Association of Utah, the Water Environment Federation, Rural Water Association of Utah, or similar organizations.

5. Training must be related to the responsibilities of a wastewater works operator. If a person holds two wastewater operator certificates (treatment and collection), ~~they may receive~~ [CEU credit may be received for each certificate from one training experience only if the training is applicable to each certificate. It is recommended that at least one-half the required CEU[^s] be technical training directly related to the job duties.

R317-10-13. Appeals of Decisions of the Council.

Any person may request a hearing before the Council of an action or decision by the Council affecting that person. The person must file the request within 90 days of the Council's decision. The hearing will be at a time and location set by the Council. If the affected party does not agree with the decision of the Council after the hearing, an appeal may be made to the Executive Secretary of the Board for a hearing before the Board. Notice of the appeal must be filed with the Executive Secretary of the Board within 30 days of the final action of the Council. All appeals should be submitted to: Wastewater Operator Certification Council, Division of Water Quality, Department of Environmental Quality, State of Utah, Salt Lake City, Utah 84114-4870.

R317-10-14. Certificate Suspension and Revocation Procedures.

A. Prior to the Council's recommendation to the Executive Secretary of the suspension or revocation of a certificate, the individual shall be informed in writing of the reasons the Council is considering such action and allowing the individual an opportunity for a hearing before the Council.

B. Grounds for suspending or revoking an operator's certificate may be any of the following:

1. Demonstrated disregard for the public health and safety;
2. Misrepresentation or falsification of figures and/or reports submitted to the State;
3. Cheating on a certification exam;
4. Falsely obtaining or altering a certificate;
- or
5. Gross negligence, incompetence or misconduct in the performance of duties as an operator.

C. Suspension or revocation may result where it may be shown that circumstances and events relative to the operation of the wastewater works were under the operator's jurisdiction and control. Circumstances beyond the control of an operator shall not be grounds for suspension or revocation action.

D. Following an appropriate hearing on these matters, the Council may recommend that the Executive Secretary take formal action.

E. Any suspension or revocation decision by the Executive Secretary may be appealed to the Board. Written request for a hearing before the Board must be filed with the Executive Secretary within 30 days of the decision.

R317-10-15. Noncompliance.

A. Noncompliance with these Certification rules is a violation of Section 19-5-115 Utah Code Annotated.

B. Cases of noncompliance shall be referred to the Board for appropriate enforcement action.

KEY: water pollution, operator certification, wastewater treatment

[February 4, 1999]2002

**Notice of Continuation December 12, 1997
19-5**



Health, Health Systems Improvement, Child Care Licensing **R430-100-8** Records

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24638

FILED: 03/26/2002, 12:10

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Reorganize and renumber Section R430-100-8 to be more customer friendly and understandable. No change in content is proposed.

SUMMARY OF THE RULE OR CHANGE: The rule remains the same in content, the change is in the renumbering and organization.

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** \$1,450 to copy and mail the change to the 290 providers.

❖ **LOCAL GOVERNMENTS:** There is no additional cost or savings with this rule change.

❖ **OTHER PERSONS:** There is no content change to affect consumers, providers of child care, or others. The rule should be easier to understand so some cost savings may be realized.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Reorganization of rule structure for clarity. No change in the requirements for providers. Affected persons may realize a cost savings by avoiding confusion on the rule requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule reorganization will make it easier for providers to understand which records must be kept at the facility and which can be stored elsewhere. There are no changes to the requirements imposed on providers and therefore it could have a slight positive impact on businesses. 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 BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at 801-538-6152, 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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Rod Betit, Executive Director

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

R430-100. Child Care Center.

R430-100-8. Records.

(1) Records shall be appropriately stored and protected against access by unauthorized individuals.

(a) Care givers shall not disclose or discuss personal information regarding children and their relatives with any unauthorized person.

(b) Confidential information shall only be seen and discussed with care givers who need the information to provide services.

(c) The director shall obtain written permission from parents or legal guardians before sharing information except as provided in paragraph a and b above.

~~[(2) The licensee and director shall maintain the following written records and the records shall be immediately accessible except for those records designated to be on site;~~

~~(a) Policies and procedures shall be on site;~~

~~(b) Records for each enrolled child shall be available on site and include the following:~~

~~(i) Utah School Immunization record;~~

~~(ii) Transportation and medical treatment releases;~~

~~(iii) An admission agreement that includes the child's name, date of birth; date of enrollment; the parent or guardian's name, address and phone number; the name, address, and phone number of a person to be notified in the event of an emergency when the parent or guardian cannot be located; and the names of people authorized to pick up the child; and~~

~~(iv) Current medication administration release form.~~

~~(c) Records for each enrolled child which shall be available within 24 hours include the following:~~

~~(i) A six week child attendance record;~~

~~(ii) A six week record of injuries, incident and accident reports; and~~

~~(iii) A six week record of medications administered.~~

~~(d) Personnel records for each currently employed care giver and staff, which shall be available on site include:~~

~~(i) Employment application with emergency contact information; and~~

~~(ii) Food Handler's permit for care givers who prepare or serve meals or snacks, obtained within 30 days of hire.~~

~~(e) Personnel records for each currently employed care giver and staff which shall be available within 24 hours shall include the following:~~

~~(i) Date of employment;~~

~~(ii) Initial health evaluation form;~~

~~(iii) Criminal Background Screening initial clearance form or the waiver for annual renewal;~~

~~(iv) A six week record of hours worked for current care givers and staff;~~

~~(v) Results of TB screening, obtained within 30 days of hire;~~

~~(vi) Documented in-service training hours;~~

~~(vii) Documentation of orientation training completion; and~~

~~(viii) First Aid and CPR course completion.~~

~~(f) All variance requests granted by the Department;~~

~~(g) A log of the results of the past 12 months fire and disaster drills shall be on site;~~

~~(h) A current Local Health Department inspection shall be on site;~~

~~(i) A current Local fire inspection shall be on site; and~~

~~(j) Required current animal vaccination records shall be on site.~~

~~(3) The following records shall be accessible for Department review:~~

~~(a) Personnel files of terminated employees;~~

~~(b) Records for disenrolled children; and~~

~~(c) Director qualifications.~~

~~(4) Custodial parents and legal guardians shall have access to the records on their own children.~~

~~(5) Closed records of employees and disenrolled children shall be retained for one year. (2) The licensee and director shall maintain written records.~~

~~(a) The following records shall be maintained on-site:~~

~~(i) Policies and procedures;~~

~~(ii) Records for each enrolled child to include:~~

~~(A) Utah School Immunization record;~~

~~(B) transportation and medical treatment releases;~~

~~(C) an admission agreement that includes the child's name, date of birth, date of enrollment; the parent or guardian's name, address and phone number; the name, address and phone number of a person to be notified in the event of an emergency when the parent or guardian cannot be located; and the names of people authorized to pick up the child; and~~

~~(D) current medication administration release form.~~

~~(iii) Personnel records for each currently employed care giver and staff, which shall include:~~

~~(A) Employment application with emergency contact information; and~~

~~(B) Food Handler's permit for care givers who prepare or serve meals or snacks, obtained within 30 days of hire.~~

~~(iv) A log of the results of the past 12 months fire and disaster drills;~~

~~(v) A current Local Health Department inspection;~~

~~(vi) A current Local Fire Department inspection;~~

~~(vii) Required current animal vaccination records.~~

- (b) The following records shall be available within 24 hours:
- (i) For every enrolled child:
- (A) a six week child attendance record;
- (B) a six week record of injuries, incident, and accident reports; and
- (C) a six week record of medications administered.
- (ii) For each currently employed care giver and staff:
- (A) date of employment;
- (B) initial health evaluation form;
- (C) criminal background screening initial clearance form or the waiver for annual renewal;
- (D) a six week record of hours worked;
- (E) results of TB screening, obtained within 30 days of hire;
- (F) documented in-service training hours;
- (G) documentation of orientation training completion; and (H) first aide and CPR course completion.
- (iii) All variance requests granted by the Department.

KEY: child care facilities
[February 15,]2002
26-39

▼ ————— ▼

Health, Health Systems Improvement, Licensing **R432-2** General Licensing Provisions

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 24637
 FILED: 03/26/2002, 12:09

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule identifies specific circumstances when a conditional license is issued to a licensed health care facility and defines by rule conditions constituting a change of ownership.

SUMMARY OF THE RULE OR CHANGE: In Section R432-2-16, changes that if there is a determination of substandard quality of care, immediate jeopardy, or a pattern of violations which would result in a ban on admissions the Bureau would issue a conditional license. In Section R432-2-19, defines by rule conditions of a change of ownership for a licensed health care facility.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** \$2,000 to print and mail the rule change to all licensed health care providers.
- ❖ **LOCAL GOVERNMENTS:** None--Local governments do not participate in regulating the change of ownership.
- ❖ **OTHER PERSONS:** As a result of the new definition of change of ownership, the Bureau of Licensing estimates that \$5,000 will be saved by about 10 regulated facilities that will not need

to apply for a change of ownership when a change of management occurs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: About 10 facilities will save \$500 per facility when they are not required to apply for a change of ownership when the management changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will have a positive fiscal impact on businesses regulated, since fewer will need to apply for a change of ownership when a management change occurs. Rod L. Betit

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

HEALTH
 HEALTH SYSTEMS IMPROVEMENT, LICENSING
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY UT 84116-3231, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at 801-538-6152, 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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Rod Betit, Executive Director

R432. Health, Health Systems Improvement, Licensing.

R432-2. General Licensing Provisions.

R432-2-16. Conditional License.

(1) A conditional license is a remedial license issued to a licensee if there is a determination of substandard quality of care, immediate jeopardy or a pattern of violations which would result in a ban on admissions at the facility or if the licensee is found to have:

- (a) a Class I violation or a Class II violation that remains uncorrected after the specified time for correction;
- (b) more than three cited repeat Class I or II violations from the previous year; or
- (c) fails to fully comply with administrative requirements for licensing.

(2) A standard license is revoked by the issuance of a conditional license.

(3) The Department may not issue a conditional license after the expiration of a provisional license.

(4) In granting a conditional license, the Department shall be assured that the lack of full compliance does not harm the health, safety, and welfare of the patients.

(5) The Department shall establish the period of time for the conditional license based on an assessment of the nature of the existing violations and facts available at the time of the decision.

(6) The Department shall set conditions whereby the licensee must comply with an accepted plan of correction.

(7) If the licensee fails to meet the conditions before the expiration date of the conditional license, the license shall automatically expire.

R432-2-19. Change In Ownership.

(1) As used in this section, an "owner" is any person or entity:

(a) ultimately responsible for operating a health care facility;
or

(b) legally responsible for decisions and liabilities in a business management sense or that bears the final responsibility for operating decisions made in the capacity of a governing body.

(2) The owner of the health care facility does not need to own the real property or building where the facility operates.

(3) A property owner is also an owner of the facility if he:

(a) retains the right or participates in the operation or business decisions of the enterprise;

(b) has engaged the services of a management company to operate the facility; or

(c) takes over the operation of the facility.

(4) A licensed provider whose ownership or controlling ownership interest has changed must submit a Request for Agency Action/License Application and fees to the department 30 days prior to the proposed change

(5) Changes in ownership that require action under subsection (4) include any arrangement that:

(a) transfers the business enterprise or assets to another person or firm, with or without the transfer of any real property rights;

(b) removes, adds, or substitutes an owner or part owner; or

(c) in the case of an incorporated owner:

(i) is a merger with another corporation if the board of directors of the surviving corporation differs by 20 percent or more from the board of the original licensee; or

(ii) creates a separate corporation, including a wholly owned subsidiary, if the board of directors of the separate corporation differs by 20 percent or more from the board of the original licensee.

(6) A person or entity that contracts with an owner to manage the enterprise, subject to the owner's general approval of operating decisions it makes is not an owner, unless the parties have agreed that the managing entity is also an owner.

(7) A transfer between departments of government agencies for management of a government-owned health care facility is not a change of ownership under this section.

KEY: health care facilities

~~April 21, 1999~~2002

Notice of Continuation January 11, 1999

26-21-9

26-21-11

26-21-12

26-21-13



Human Services, Recovery Services
R527-200-6
Informal Adjudicative Proceedings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24600

FILED: 03/19/2002, 09:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 62A-11-304.4 as amended by S.B. 24 in the 2002 General Session of the legislature requires the Office of Recovery Services (ORS) to release a parent's location information to the other parent, or the other parent's attorney, under specified conditions, one of which is that the party whose location is being sought is given notice and the opportunity to contest the release of the information under Section 62A-11-304.4 of the Administrative Procedures Act. It is, therefore, necessary to include this proceeding under "Informal Adjudicative Proceedings" in the rule. (DAR NOTE: S.B. 24 can be found at UT L 2002 ch 59, and will be effective 05/09/2002.)

SUMMARY OF THE RULE OR CHANGE: Subsection R527-200-6(17) has been added which provides that a party contesting release of his/her location information may be given an administrative review (an informal adjudicative proceeding under the Administrative Procedures Act).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-11-203, 62A-11-304.1, 62A-11-304.2, 62A-11-304.4, and 62A-11-307.2; and Title 63, Chapter 46b

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The proposed rule change implements the requirement in Subsection 62A-11-304.4(5)(a)(iii) that a party whose location is being sought is given notice of the opportunity to contest release of his/her location information. Notice must, therefore, be given in every instance that ORS receives a written request to release this information on a parent whose location is being sought, and an administrative review must be conducted in accordance with the Administrative Procedures Act when the proposed release is contested. The cost to the state budget associated with this process is dependent upon the number of written requests received and the number of administrative reviews requested, neither of which is currently known because the amended statute is not yet in effect.

❖ LOCAL GOVERNMENTS: None--Administrative rules of the Office of Recovery Services do not apply to local governments.

❖ OTHER PERSONS: There will be costs to other persons due to the change in this rule that implements the amended statute (Section 62A-11-304.4). Custodial parents and Noncustodial parents whose location information is on file with ORS may find it necessary to pay expenses associated with contesting the release of that information. Those costs will vary depending upon the number of people who request an administrative review, and whether they have expenses for preparing a response, gathering and sending documentation, or legal counsel.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A parent whose location information is on file with ORS may be affected by the

proposed rule change if ORS receives a written request to release that information. Unless the parent whose location information is being sought contests the release of the information by requesting an administrative review as provided in the proposed rule, the information may be given to the other parent or the other parent's attorney. The parent requesting an administrative review may have costs that include expenses for preparing a response, gathering and sending documentation, and legal counsel.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed change adds another informal adjudicative proceeding to the rule, as mandated by Section 62A-11-304.4. The change is not expected to directly affect businesses in any way, because it is solely concerned with the legal process for determining if a parent's location information on file with the Office of Recovery Services may be released to the other parent or the other parent's attorney.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Wayne Braithwaite at the above address, by phone at 801-536-8986, by FAX at 801-536-8509, or by Internet E-mail at wbraithw@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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.

R527-200. Administrative Procedures.

R527-200-6. Informal Adjudicative Proceedings.

The following actions are considered to be informal adjudicative proceedings:

1. hearings, conferences, or administrative reviews to establish or modify child support orders;
2. conferences to determine paternity;
3. conferences or hearings to establish a judgment for genetic testing costs;
4. conferences or hearings to establish a judgment for birth expenses;
5. conferences or hearings to establish or modify an order regarding liability for medical and dental expenses of a dependent child;
6. administrative reviews to establish an order when a notice to enroll a child in a medical insurance plan is contested;

7. conferences or hearings to establish an order against a garnishee enforcing an administrative garnishment;

8. administrative reviews to determine whether the information concerning a support debt which will be reported to consumer reporting agencies is accurate;

9. conferences or hearings to establish the cause of an overpayment obligation, and to modify, or renew the obligation;

10. hearings, conferences, or administrative reviews to amend an administrative order;

11. hearings, conferences, or administrative reviews to set aside an administrative order;

12. administrative reviews to establish an order which determines past-due support following a request for agency action;

13. administrative reviews to establish an order when an office determination of noncooperation is contested by IV-A or Non-IV-A Medicaid recipients;

14. conferences or hearings to establish a judgment against a responsible party for costs and/or fees, and to impose penalties associated with legal action taken by the office;

15. administrative reviews to establish an order of non-disclosure when a determination is made not to disclose a parent's identifying information to another state in an interstate case action; [and]

16. conferences or hearings to approve or deny requests for waiver or deferral of estate recovery for reimbursement of Medicaid[-]; and

17. administrative reviews to determine whether location information on a custodial or noncustodial parent should be released to the other party or to the other party's legal counsel in accordance with the provisions of Utah Code Title 62A, Chapter 11.

KEY: administrative law, child support, overpayment*, welfare fraud

~~[March 5,] 2002~~

Notice of Continuation May 7, 2001

62A-11-203

2A-11-304.1

62A-11-304.2

62A-11-304.4

62A-11-307.2

63-46b



Public Safety, Fire Marshal **R710-1** Concerns Servicing Portable Fire Extinguishers

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24656

FILED: 03/29/2002, 13:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Fire Prevention Board met in a regularly scheduled Board meeting on March 12, 2002, and directed that R710-1 be amended. The Board directed that the existing rule be amended to add

the requirement that skills and knowledge be demonstrated when asked, pictured identification must be provided from technicians when asked for, and the re-examination testing process be modified for certificate of registration holders.

SUMMARY OF THE RULE OR CHANGE: The summary of proposed amendments to R710-1 are as follows: 1) in Subsection R710-1-3(3.4), the Board proposes to add the requirement that an applicant, license holder, or certified employee may be asked during an inspection to demonstrate skills or knowledge used in servicing portable fire extinguishers; 2) in Subsection R710-1-4(4.4), it is proposed that pictured identification of the applicant for a certificate of registration may be requested by the State Fire Marshal; 3) in Subsection R710-1-4(4.8), it is proposed that the re-examination process be modified to allow a 25-question open book re-examination that would be mailed to the holder of a valid certificate of registration at least 60 days before the renewal date. The certificate holder would then complete the re-examination and return the re-examination to the State Fire Marshal's Office for processing; and 4) the rule was renumbered in the format that service technicians, license holders, and the fire service are accustomed to.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There would be an anticipated cost of \$300 to reprint the newly adopted rule and send it out to all those affected by the rule change.
- ❖ **LOCAL GOVERNMENTS:** There would be no aggregate anticipated cost or savings to local government because these proposed amendments to not affect local government.
- ❖ **OTHER PERSONS:** There would be an anticipated savings to those valid certificate of registration holders who needed to recertify. This savings would be shown by not requiring the certificate of registration holder to take the full written and practical examination which usually took a full day from work and the technician was required to have the tests administered at the State Fire Marshal's Office.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be a savings seen by licensed companies and certificate of registration holders by not having to come to the State Fire Marshal's Office and take the full written and practical examination costing the employee a full days work. The 25-question open book re-examination could be completed at the work site.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact to businesses by the enactment of these proposed rule amendments.

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

PUBLIC SAFETY
FIRE MARSHAL
Room 302

5272 S COLLEGE DR
MURRAY UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Gary A. Wise, State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-1. Concerns Servicing Portable Fire Extinguishers.

R710-1-1. Adoption, Title, Purpose, and Prohibitions.

Pursuant to Section 53-7-204, Utah Code Annotated 1953, the Utah Fire Prevention Board adopts minimum rules to provide regulation to those concerns that service Portable Fire Extinguishers.

There is adopted as part of these rules the following code which is incorporated by reference:

1.1 National Fire Protection Association (NFPA), Standard 10, Standard for Portable Fire Extinguishers, 1998 edition, except as amended by provisions listed in R710-1-8, et seq.

1.2 A copy of the above mentioned standard is on file in the Office of Administrative Rules and the State Fire Marshal's Office.

1.3 Validity.

If any section, subsection, sentence, clause, or phrase, of these rules is, for any reason, held to be unconstitutional, contrary to statute, or exceeding the authority of the SFM, such decision shall not affect the validity of the remaining portion of these rules.

1.4 Order of Precedence.

In the event of any difference between these rules and any adopted reference material, the text of these rules shall govern. When a specific provision varies from a general provision, the specific provision shall apply.

R710-1-2. Definitions.

2.1 "Annual" means a period of one year or 365 calendar days.

2.2 "Board" means Utah Fire Prevention Board.

2.3 "Branch Office" means any location, other than the primary business location, where business license, telephone, advertising and servicing equipment is utilized.

2.4 "Certificates of Registration" means a written document issued by the SFM to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.

2.5 "Concern" means a person, firm, corporation, partnership, or association, licensed by the SFM.

2.6 "Employee" means those persons who work for a licensed concern, and may include, but shall not be limited to, those persons who work on a contractual basis.

2.7 "License" means a written document issued by the SFM authorizing a concern to engage in the business of servicing portable fire extinguishers.

2.8 "NFPA" means National Fire Protection Association.

2.9 "Repair" means any work performed on, or to, any portable fire extinguisher, and not defined as charging, recharging, or hydrostatic testing.

2.10 "SFM" means State Fire Marshal.

2.11 "UCA" means Utah State Code Annotated 1953 as amended.

2.12 "USDOT" means the United States Department of Transportation.

R710-1-3. Licensing.

~~[3-0]~~3.1 License Required.

No person or concern shall engage in the servicing of portable fire extinguishers without a license issued by the SFM, pursuant to these rules, expressly authorizing such concern to perform such acts.

~~[3-1]~~3.2 Application.

~~(a)~~3.2.1 Application for a license to engage in the business of, or perform the servicing of portable fire extinguishers, shall be made in writing to the SFM on forms provided by the SFM. A separate application for license shall be made for each separate place or business location of the applicant (branch office).

~~(b)~~3.2.2 ~~[As of January 1, 1999, t]~~The application for a license to engage in the business of, or perform the servicing of portable fire extinguishers, shall be accompanied with proof of public liability insurance. The public liability insurance shall be issued by a public liability insurance carrier showing coverage of at least \$100,000 for each incident, and \$300,000 in total coverage. The licensee shall notify the SFM within thirty days after the public liability insurance coverage required is no longer in effect for any reason.

~~[3-2]~~3.3 Signature of Application.

The application shall be signed by the applicant. If the application is made by a partnership, it shall be signed by all partners. If the application is made by a corporation or association other than a partnership, it shall be signed by a principal officer.

~~[3-3]~~3.4 Equipment Inspection.

The applicant or licensee shall allow the SFM, and any of his properly authorized deputies to enter, examine, and inspect any premise, building, room, establishment, or vehicle, used by the applicant in servicing portable fire extinguishers to determine compliance with the provisions of these rules. The inspection will be conducted during normal business hours, and the owner or manager will be given a minimum of 24 hours notice before the appointed inspection. The equipment inspection may be conducted on an annual basis, and consent to inspect will be obtained. The applicant, license holder or certified employee of the license holder, may be asked during the inspection by the SFM or any of his deputies, to demonstrate skills or knowledge used in servicing of portable fire extinguishers.

~~[3-4]~~3.5 Issuance.

Following receipt of the properly completed application, and compliance with the provision of the statute and these rules, the SFM shall issue a license.

~~[3-5]~~3.6 Original, Valid Date.

Original licenses shall be valid from the date of issuance through December 31st of the year in which issued. Thereafter, each license shall be renewed annually and renewals thereof shall be valid from January 1st through December 31st. Original licenses purchased after July 1st and up to November 1st can be purchased one time, at a one-half year fee. Licenses issued on or after

November 1st will be valid through December 31st of the following year.

~~[3-6]~~3.7 Renewal, Valid Date.

Application for renewal shall be made before January 1st of each year. Application for renewal shall be made in writing on forms provided by the SFM.

~~[3-7]~~3.8 Refusal to Renew.

The SFM may refuse to renew any license in the same manner, and for any reason, that he is authorized, pursuant to Section 9 of these rules to deny a license. The applicant shall, upon such refusal, have the same rights as are granted by Section 9 of these rules to an applicant for an original license which has been denied by the SFM.

~~[3-8]~~3.9 Change of Address.

Every licensee shall notify the SFM, in writing, within thirty (30) days, of any change of his address or location.

~~[3-9]~~3.10 Under Another Name.

No licensee shall conduct his licensed business under a name other than the name or names which appears on his license.

~~[3-10]~~3.11 List of Licensed Concerns.

The SFM shall make available, upon request and without cost, to the chief fire official of each local fire authority, the name, address, and license number of each concern that is licensed pursuant to these rules. Upon request, single copies of such list shall be furnished, without cost, to a licensed concern.

~~[3-11]~~3.12 Inspection.

The holder of any license shall submit such license for inspection upon request of the SFM, or any of his properly authorized deputies, or any local fire official.

~~[3-12]~~3.13 SFM Notification and Certification of Registration.

Every licensed concern shall, within thirty (30) days of employment, and within thirty (30) days of termination of any employee, report to the SFM, the name, address, and certificate of registration number, of every person performing any act of servicing portable fire extinguishers for such licensed concern in writing.

~~[3-13]~~3.14 Type.

~~(a)~~3.14.1 Every license shall be identified by type. The type of license issued shall be determined on the basis of the act or acts performed by the licensee or by any of the employees. Every licensed concern shall be staffed by qualified personnel, and shall be properly equipped to perform the act or acts for the type of license issued.

~~(b)~~3.14.2 Licenses shall authorize any one, or any combination of the following types of activities:

~~(1)~~3.14.2.1 Type 1 - Conducting of all activities, as per (2), (3), and (4) below, or

~~(2)~~3.14.2.2 Type 2 - Conducting hydrostatic tests of fire extinguisher cylinders that are listed with the United States Department of Transportation (USDOT), or

~~(3)~~3.14.2.3 Type 3 - Conducting hydrostatic tests of fire extinguisher cylinders which are not listed with the United States Department of Transportation (USDOT), or

~~(4)~~3.14.2.4 Type 4 - Servicing, inspecting, and maintaining all types of extinguishers, excluding hydrostatic testing.

~~(e)~~3.14.3 No licensed concern shall be prohibited from taking orders for the performance of any act or acts for which the concern has not been licensed to perform. Such orders shall be consigned to another licensed concern that is authorized to perform such act or acts.

~~[3-14]~~3.15 Examination.

Every person who performs any act or acts within the scope of the license shall pass an examination in accordance with the provisions of section 4 of these rules.

~~[3-15]~~3.16 Duplicate License.

A duplicate license may be issued by the SFM to replace any previously issued license, which has been lost or destroyed, upon the submission of a written statement from the licensee to the SFM. Such statement shall attest to the fact that the license has been lost or destroyed.

~~[3-16]~~3.17 Employer Responsibility.

Every concern shall be responsible for the acts of its employees insofar as such acts apply to the marketing, sale, distribution, and servicing of any portable fire extinguisher.

~~[3-17]~~3.18 Minimum Age.

No license shall be issued to any person as licensee who is under eighteen (18) years of age.

~~[3-18]~~3.19 Restrictive Use.

~~[3-19]~~3.19.1 No license shall constitute authorization for any licensee, or any of his employees, to enter upon, or into, any property or building other than by consent of the owner or manager.

~~[3-20]~~3.19.2 No license shall constitute authorization for any licensee, or any of his employees, to enforce any provision, or provisions, of this rule, or the ~~[Uniform]~~International Fire Code.

~~[3-19]~~3.20 Non-Transferable.

No license issued pursuant to this section shall be transferred from one concern to another.

~~[3-20]~~3.21 Registration Number.

~~[3-21]~~3.21.1 Every license shall be identified by a number, delineated as E-(number). Such number may be transferred from one concern to another only when approved by the SFM.

~~[3-21]~~3.22 Minimum Materials and Equipment Required.

At each business location or vehicle of the applicant where servicing work is performed the following minimum material and equipment requirements shall be maintained:

~~[3-22]~~3.22.1 Type 4 license:

~~[3-22]~~3.22.1.1 Nitrogen tank.

~~[3-22]~~3.22.1.2 Nitrogen regulator and hose assembly.

~~[3-22]~~3.22.1.3 Minimum of twelve (12) recharge adapters.

~~[3-22]~~3.22.1.4 Valve cleaning brush.

~~[3-22]~~3.22.1.5 Scoop.

~~[3-22]~~3.22.1.6 Funnel for A:B:C.

~~[3-22]~~3.22.1.7 Funnel for B:C.

~~[3-22]~~3.22.1.8 A closed receptacle for dry chemical.

~~[3-22]~~3.22.1.9 Fifty pound scale.

~~[3-22]~~3.22.1.10 A scale for cartridges.

~~[3-22]~~3.22.1.11 'O' Ring lubricant.

~~[3-22]~~3.22.1.12 Tag hole Punch.

~~[3-22]~~3.22.1.13 Approved seals maximum fourteen (14) pound break strength.

~~[3-22]~~3.22.1.14 A copy of NFPA Standard 10 (1998 Edition), statute, and these rules.

~~[3-22]~~3.22.1.15 Minimum parts:

~~[3-22]~~3.22.1.15.1 A supply of O rings needed for standard service.

~~[3-22]~~3.22.1.15.2 A supply of valve stems for standard service.

~~[3-22]~~3.22.1.15.3 A supply of nozzles and hoses for standard extinguishers.

~~[3-22]~~3.22.1.15.4 Pressure gauges for extinguisher types: 100, 150, 175, 195, 240 lbs.

~~[3-22]~~3.22.1.15.5 Carry handles and replacement handles for extinguishers.

~~[3-22]~~3.22.1.15.6 Rivets or steel roll pins for handles and levers.

~~[3-22]~~3.22.1.15.7 Dry chemical cartridges as required by manufacture specifications, to include 4 lb., 10 lb., 20 lb. and 30 lb.

~~[3-22]~~3.22.1.15.8 Inspection light for cylinders.

~~[3-22]~~3.22.1.15.9 A variety of pull pins to secure handle.

~~[3-22]~~3.22.1.15.10 Carbon Dioxide continuity tester for hoses.

~~[3-22]~~3.22.1.16.11 Halon closed recovery system.

~~[3-22]~~3.22.2 Type 3 License:

~~[3-22]~~3.22.2.1 Approved testing pump with a current calibration certificate for the attached gauges.

~~[3-22]~~3.22.2.2 Test cage or suitable safety barrier.

~~[3-22]~~3.22.2.3 Approved hydro test labels.

~~[3-22]~~3.22.2.4 Hydrostatic test adapters or approved equal.

~~[3-22]~~3.22.2.5 Heater which produces a heated air or dry air for drying cylinders, or other approved dryer not to exceed 150 degrees Far. (66 degrees C).

~~[3-22]~~3.22.3 Type 2 License:

Current registration number from the United States Department of Transportation (USDOT), verifying the concern as a qualified cylinder requalification facility under the provisions of the Code of Federal Regulations, 49 CFR, Section 173.34, shall be maintained for all concerns holding a type 1 or 2 license. A copy of the certification letter must be submitted to the SFM. All equipment required to perform the functions allowed as a qualified cylinder requalification facility, shall be maintained in good working order and available for inspection by the SFM.

~~[3-22]~~3.22.4 Type 1 License:

All of the equipment, provisions, and numbers as required in License types 2, 3, and 4 shall be required for a Type 1 License.

~~[3-22]~~3.23 Records.

Accurate records shall be maintained for five years back by the licensee of all service work performed. These records shall include the name and address of all servicing locations, and the date and name of the person performing the work. These records shall be made available to the SFM, or authorized deputies, upon request.

R710-1-4. Certificates of Registration.

~~[4-0]~~4.1 Required Certificates of Registration.

No person shall service any portable fire extinguisher without a certificate of registration issued by the SFM pursuant to these rules expressly authorizing such person to perform such acts. The provisions of this section apply to the state, universities, a county, city, district, public authority, and any other political subdivision or public corporation in this State.

~~[4-1]~~4.2 Exemptions.

The provisions of this section shall not apply to any person servicing any portable fire extinguisher owned by such person, when the portable fire extinguisher is not required by any statute, rule, or ordinance, to be provided or installed.

~~[4-2]~~4.3 Application.

Application for a certificate of registration to service portable fire extinguishers shall be made in writing to the SFM on forms provided by him. The application shall be signed by the applicant.

~~[4-3]~~4.4 Examination.

The SFM shall require all applicants for a certificate of registration to take and pass a written examination, which may be supplemented by practical tests, when deemed necessary, to determine the applicant's knowledge of servicing portable fire extinguishers. Picture identification of the applicant for a certificate of registration may be requested by the SFM or his deputies. Examinations will be given according to the following schedule:

~~(a)~~4.4.1 On the first and third Tuesdays of each month. When holidays conflict with these days, the day immediately following will be used. An appointment shall be made to take an examination at least 24 hours in advance of the examination date.

~~(b)~~4.4.2 Examinations may be given at various field locations as deemed necessary by the SFM. Appointments for field examinations are required.

~~(4)~~4.4.5 Issuance.

Following receipt of the properly completed application, compliance with the provisions of these rules, and the successful completion of the required examination, the SFM shall issue a certificate of registration.

~~(4)~~4.4.6 Original and Renewal Valid Date.

Original certificates of registration shall be valid from the date of issuance through December 31st of the year in which issued. Thereafter, each certificate of registration shall be renewed annually and renewals thereof shall be valid from January 1st through December 31st. Original certificates purchased after July 1st and up to November 1st can be purchased one time, at a one-half year fee. Certificates of registration issued on or after November 1st will be valid through December 31st of the following year.

~~(4)~~4.4.7 Renewal Date.

Application for renewal shall be made by January 1st of each year. Application for renewal shall be made in writing on forms provided by the SFM.

~~(4)~~4.4.8 Re-examination.

Every holder of a valid certificate of registration shall take a re-examination every five years, from date of original certificate, to comply with the provisions of Section ~~(4)~~4.4 of these rules~~[-]as follows:~~

4.8.1 The re-examination to comply with the provisions of Section 4.4 of these rules shall consist of one 25 question open book examination, to be mailed to the certificate holder at least 60 days before the renewal date.

4.8.2 The 25 question re-examination will consist of questions that focus on changes in the last five years to NFPA 10, the statute, or the adopted administrative rules. The re-examination may also consist of questions that focus on practices of concern as noted by the Board or the SFM.

4.8.3 The certificate holder is responsible to complete the re-examination and return it to the SFM in sufficient time to renew.

4.8.4 The certificate holder is responsible to return to the SFM the correct renewal fees to complete that certificate renewal.

~~(4)~~4.4.9 Refusal to Renew.

The SFM may refuse to renew any certificate of registration in the same manner and for any reason that he is authorized, pursuant to Section 10, to deny an original certificate of registration. The applicant shall, upon such refusal, have the same rights as are granted by Section 10 of these rules to an applicant for an original certificate of registration which has been denied by the SFM.

~~(4)~~4.4.10 Inspection.

The holder of a certificate of registration shall submit such certificate for inspection, upon request of the SFM, any of his properly authorized deputies, or any local fire official.

~~(4)~~4.4.11 Type.

~~(a)~~4.11.1 Every certificate of registration shall indicate the type of act or acts to be performed and for which the applicant has qualified.

~~(b)~~4.11.2 No person holding a valid certificate of registration shall be authorized to perform any act unless he is a licensee or is employed by a licensed concern.

~~(4)~~4.12 Change of Address.

Any change in home address of any holder of a valid certificate of registration shall be reported in writing, by the registered person to the SFM within thirty (30) days of such change. Such change shall also be made on the reverse side of the certificate of registration by the holder.

~~(4)~~4.13 Duplicate.

A duplicate certificate of registration may be issued by the SFM to replace any previously issued certificate which has been lost or destroyed upon the submission of a written statement to the SFM from the certified person. Such statement shall attest to the certificate having been lost or destroyed.

~~(4)~~4.14 Minimum Age.

No certificate of registration shall be issued to any person who is under ~~(eighteen (18))~~18 years of age.

~~(4)~~4.15 Restrictive Use.

~~(a)~~4.15.1 A certificate of registration may be used for identification purposes only as long as such certificate remains valid and while the holder is employed by a licensed concern.

~~(b)~~4.15.2 Regardless of the acts authorized to be performed by a licensed concern, only those acts for which the applicant for a certificate of registration has qualified shall be permissible by such applicant.

~~(4)~~4.16 Contents of Examination.

~~(a)~~4.16.1 The examination required under the provisions of Section 3.14, shall include a written test of the applicant's knowledge of the provisions of these rules, and may include an actual demonstration of his ability to perform the acts indicated on the application.

~~(b)~~4.16.2 Examinations shall, in the opinion of the SFM, be compatible with the type of work to be performed by the applicant and with the equipment with which he will function.

~~(c)~~4.16.3 The written portion of the examination shall be divided into the following groups:

~~(1)~~4.16.3.1 Provisions relating to these Rules Governing Concerns Servicing Portable Fire Extinguishers.

~~(2)~~4.16.3.2 Hydrostatic testing of fire extinguisher cylinders that are listed with the USDOT.

~~(3)~~4.16.3.3 Hydrostatic testing of fire extinguisher cylinders which are not listed with the USDOT.

~~(4)~~4.16.3.4 Accepted servicing and inspection practices of portable fire extinguishers as required in NFPA, Standard 10.

~~(4)~~4.17 Right to Contest.

~~(a)~~4.17.1 Every person who takes an examination for a certificate of registration shall have the right to contest the validity of individual questions of such examination.

~~(b)~~4.17.2 Every contention as to the validity of individual questions of an examination shall be made in writing within 48 hours after taking said examination. Contentions shall state the reason for the objection.

~~(c)~~4.17.3 The decision as to the action to be taken on the submitted contention shall be by the SFM, and such decision shall be final.

~~(d)~~4.17.4 The decision made by the SFM, and the action taken, shall be reflected in all future examinations, but shall not affect the grades established in any past examination.

~~(4)~~4.18 Passing Grade.

To successfully pass the written examination, the applicant must obtain a minimum grade of seventy percent (70%) in each portion of the examination taken. Each portion of the examination shall be separately graded.

~~[4.18]~~4.19 Non-Transferable.

Certificates of Registration shall not be transferable. Individual certificates of registration shall be carried by the person to whom issued.

~~[4.19]~~4.20 New Employees.

New employees of a licensed concern may perform the various acts while under the direct supervision of persons holding a valid certificate of registration for a period not to exceed forty-five (45) days from the initial date of employment. By the end of such period, new employees shall have taken and passed the required examination.

~~[4.20]~~4.21 Certificate Identification.

Every certificate shall be identified by a number, delineated as EE-(number). Such number shall not be transferred from one person to another.

R710-1-5. Seal of Registration.~~[5.0]~~5.1 Description.

The official seal of registration of the SFM shall consist of the following:

~~[(a)]~~5.1.1 The image of the State of Utah shall be in the center with an outer ring stating, "Utah State Fire Marshal".

~~[(+)]~~5.1.1.1 The top portion of the outer ring shall have the wording "Utah State".

~~[(2)]~~5.1.1.2 The Bottom portion of the outer ring shall have the wording "Fire Marshal".

~~[(b)]~~5.1.2 Appending above the top portion and in a centered position, shall be a box provided for displaying the type of license.

~~[(c)]~~5.1.3 Appending below the bottom portion and in a centered position, shall be a box provided for the displaying of the license number assigned to the concern.

~~[5.4]~~5.2 Use of Seal.

No person or concern shall produce, reproduce, or use this seal in any manner or for any purpose except as herein provided.

~~[5.2]~~5.3 Permissive Use.

Licensed concerns shall use the Seal of Registration on every service tag conforming to section 10.

~~[5.3]~~5.4 Cease Use Order.

No person or concern shall continue the use of the Seal of Registration in any manner or for any purpose after receipt of a notice in writing from the SFM to that effect, or upon the suspension or revocation of the concern's license.

~~[5.4]~~5.5 Legibility.

Every reproduction of the Seal of Registration and every letter and number placed thereon, shall be of sufficient size to render such seal, letter, and number distinct and clearly legible.

R710-1-6. Service Tags.

6.1 Size and Color.

Tags shall be not more than five and one-half inches (5-1/2") in height, nor less than four and one-half inches (4-1/2") in height, and not more than three inches (3") in width, nor less than two and one-half inches (2-1/2") in width.

6.2 Attaching Tag.

One service tag shall be attached to each portable fire extinguisher in such a position as to be conveniently inspected.

6.3 Tag Information.

~~[(a)]~~6.3.1 Service tags shall bear the following information:

~~[(+)]~~6.3.1.1 Provisions of Section 6.7.

~~[(2)]~~6.3.1.2 Type of license.

~~[(3)]~~6.3.1.3 Approved Seal of Registration of the SFM.

~~[(4)]~~6.3.1.4 License registration "E" number.

~~[(5)]~~6.3.1.5 Certificate of registration "EE" number of individual who performed or supervised the service or services performed.

~~[(6)]~~6.3.1.6 Signature of individual whose certificate of registration number appears on the tag.

~~[(7)]~~6.3.1.7 Concern's name.

~~[(8)]~~6.3.1.8 Concern's address.

~~[(9)]~~6.3.1.9 Type of service performed.

~~[(40)]~~6.3.1.10 Type of extinguisher serviced.

~~[(11)]~~6.3.1.11 Date service is performed.

~~[(b)]~~6.3.2 The above information shall appear on one side of the service tag. All other desired printing or information shall be placed on the reverse side of the tag.

6.4 Legibility.

~~[(a)]~~6.4.1 The certificate of registration number required in Section 6.3(5), and the signature required in Section 6.3(6), shall be printed or written distinctly.

~~[(b)]~~6.4.2 All information pertaining to date, type of servicing, and type of extinguisher serviced shall be indicated on the card by perforations in the appropriate space provided. Each perforation shall clearly indicate the desired information.

6.5 Format.

Subject to the use requirements of Section 6.4, the following format shall be used for all service tags:

EXAMPLE OF SERVICE TAG

Exception: Service tags may be printed or otherwise established for any number of years not in excess of five (5) years. ILLUSTRATION ON FILE IN STATE FIRE MARSHAL'S OFFICE

6.6 New Tag.

A new service tag shall be attached to the extinguisher each time a service is performed.

6.7 Tag Wording.

The following wording shall be placed at the top or reinforced ring end of every tag: "DO NOT REMOVE, BY ORDER OF THE STATE FIRE MARSHAL".

6.8 Removal.

No person or persons shall remove a service tag, hydrostatic test tag or label, 6 year maintenance service tag or label, or verification of service collar, except when further service is performed. At that time the expired tag, label or collar shall be removed and a new tag, label or collar shall replace the expired one.

No person or persons shall deface, modify, or alter any service tag, hydrostatic test tag or label, 6 year maintenance service tag or label, or verification of service collar that is required to be attached to any portable fire extinguisher.

6.9 Restrictive Use.

~~[(a)]~~6.9.1 Portable fire extinguishers which do not conform with the minimum rules, shall be permanently removed from service, and shall not be tagged.

~~[(b)]~~6.9.2 Any extinguisher which fails a hydrostatic test shall be condemned, and so stamped or etched into the cylinder or shell.

~~[(c)]~~6.9.3 Extinguishers, other than one which has failed a hydrostatic test, may be provided with a tag stating the extinguisher is "Condemned" or "Rejected". Such tags shall be red in color, and shall be not less, in size, than that of an approved service tag.

~~[(d)]~~6.9.4 Service tags shall only be placed on portable fire extinguishers and wheeled units as allowed in these rules.

R710-1-7. Portable Fire Extinguisher Rated Classification Labels.

7.1 Use of Label.

Any label bearing the rated classification and listing shall not be placed upon any extinguisher unless specifically authorized by the manufacturer. Any extinguisher, other than carbon dioxide, without this manufacturer's label shall not be serviced.

7.2 Labels Prohibited.

Company labels or advertisement stickers other than those required herein shall not be affixed to fire extinguishers.

R710-1-8. Amendments and Additions.

8.1 Restricted Service.

Any extinguisher requiring a hydrostatic test as required, shall not be serviced until such extinguisher has been subjected to, and passed the required hydrostatic test.

8.2 Service.

At the time of installation, and at each annual inspection, all servicing shall be done in accordance with the manufacturer's instructions, adopted statutes, and these rules. Extinguishers shall be placed in an operable condition, free from defects which may cause malfunctions. Nozzles and hoses shall be free of obstructions or substances which may cause an obstruction.

8.3 Seals or Tamper Indicator.

Seals or tamper indicators shall be constructed of approved plastic or non-ferrous wire which can be easily broken, and so arranged that removal cannot be accomplished without breakage. Such seals or tamper indicators shall be used to retain the locking pin in a locked position. Seals or tamper indicators shall be removed annually to ensure that the pull pin is free.

8.4 New Extinguishers

A new extinguisher that has the date of manufacture printed on the label by the manufacturer, or date of manufacture stamped on the extinguisher by the manufacturer, does not require a service tag attached to the extinguisher until one year after the date of manufacture.

8.5 Class K Portable Fire Extinguishers

NFPA, Standard 10, Section 2-3.2 and Section 2-3.2.1, 1998 edition, is deleted and replaced with the following:

~~(a)~~8.5.1 Class K labeled portable fire extinguishers shall be provided for the protection of commercial food heat-processing equipment using vegetable or animal oils and fat cooking media. A placard shall be provided and placed above the Class K portable fire extinguisher that states that if a fire protection system exists, it shall be activated prior to use of the Class K portable fire extinguisher.

~~(b)~~8.5.2 Those existing sodium or potassium bicarbonate dry-chemical portable fire extinguishers, having a minimum rating of 40-B, and specifically placed for protection of commercial food heat-processing equipment, may remain in the kitchen to be used for other applications, except the protection of commercial food heat-processing equipment using vegetable or animal oils or fat cooking media.

R710-1-9. Adjudicative Proceedings.

9.1 All adjudicative proceedings performed by the agency shall proceed informally as authorized by UCA, Sections 63-46b-4 and 63-46b-5.

9.2 The issuance, renewal, or continued validity of a license or certificate of registration may be denied, suspended, or revoked, if the SFM finds that the applicant, person employed for, or the person

having authority and management of a concern servicing portable fire extinguishers commits any of the following violations:

~~(a)~~9.2.1 The person or applicant is not the real person in interest.

~~(b)~~9.2.2 Material misrepresentation or false statement in the application.

~~(c)~~9.2.3 Refusal to allow inspection by the SFM, or his duly authorized deputies.

~~(d)~~9.2.4 The person or applicant for a license or certificate of registration does not have the proper facilities and equipment, to conduct the operations for which application is made.

~~(e)~~9.2.5 The person or applicant for a certificate of registration does not possess the qualifications of skill or competence to conduct the operations for which application is made, as evidenced by failure to pass the examination and/or practical tests pursuant to Section 4.15 of these rules.

~~(f)~~9.2.6 The person or applicant fails to place a verification of service collar when required on the valve assembly of any fire extinguisher when the following occurs:

~~(i)~~9.2.6.1 re-charge;

~~(ii)~~9.2.6.2 required maintenance.

~~(g)~~9.2.7 The person or applicant refuses to take the examination required by Section 4.3 and Section 3.14 of these rules.

~~(h)~~9.2.8 The person or applicant has been convicted of any of the following:

~~(i)~~9.2.8.1 a violation of the provisions of these rules;

~~(ii)~~9.2.8.2 a crime of violence or theft; or

~~(iii)~~9.2.8.3 any crime that bears upon the person or applicant's ability to perform their functions and duties.

~~(j)~~9.2.9 The person servicing portable fire extinguishers does not maintain adequate facilities, equipment, or knowledge, to conduct operations as required in the manufacturer's instructions, statute, and rules.

~~(k)~~9.2.10 The person or applicant is involved in conduct which could be considered criminal, although such conduct did not result in the filing of criminal charges against the person, but where the evidence shows that the criminal act did occur, that the person committed the act, and that the burden by a preponderance of evidence could be established.

9.3 A person whose license or certificate of registration is suspended or revoked by the SFM shall have an opportunity for a hearing before the Board if requested by that person within 20 days after receiving notice.

9.4 All adjudicative proceedings, other than criminal prosecution, taken by the SFM to enforce the Utah Fire Prevention and Safety Act, and these rules, shall commence in accordance with UCA, Section 63-46b-3.

9.5 The Board shall act as the hearing authority, and shall convene after timely notice to all parties involved. The Board shall be the final authority on the suspension or revocation of a license or certificate of registration.

9.6 The Board shall direct the SFM to issue a signed order to the parties involved giving the decision of the Board within a reasonable time of the hearing pursuant to UCA, Section 63-46b-5(i).

9.7 Reconsideration of the Board decision may be requested in writing within 20 days of the date of the decision pursuant to UCA, Section 63-46b-13.

9.8 After a period of three years from the date of revocation, the Board shall review the submitted written application of a person whose license or certificate of registration has been revoked. After

timely notice to all parties involved, the Board shall convene to review the revoked persons application, and that person shall be allowed to present themselves and their case before the Board. After the hearing, the Board shall direct the SFM to allow the person to complete the licensing or certification process or shall direct that the revocation be continued.

9.9 Judicial review of all final Board actions resulting from informal adjudicative proceedings shall be conducted pursuant to UCA, Section 63-46b-15.

R710-1-10. Fees.

10.1 Fee Schedule.

~~(a)~~10.1.1 Licenses and Certificates of Registration (new and renewals):

[TABLE]

(1) 10.1.1.1	License (any type)	\$200.00
(2) 10.1.1.2	Branch office license	100.00
(3) 10.1.1.3	Certificate of registration	30.00
(4) 10.1.1.4	Duplicate	30.00
(5) 10.1.1.5	License Transfer	50.00
(6) 10.1.1.6	Application for exemption	100.00
(b) 10.1.2	Examinations:	

[TABLE]

(1) 10.1.2.1	Initial examination.	20.00
(2) 10.1.2.2	Re-examination	15.00
(3) 10.1.2.3	Five year examination.	20.00

10.2 Payment of Fees.

The required fee shall accompany the application for license or certificate of registration. License or certificate of registration fees will be refunded if the application is denied.

10.3 Late Renewal Fees.

~~(a)~~10.3.1 Any license or certificate of registration not renewed before January 1st will be subject to an additional fee equal to 10% of the required inspection fee.

~~(b)~~10.3.2 When a certificate of registration has expired for more than one year, an application shall be made for an original certificate as if the application was being made for the first time. Examinations will be re-taken with initial examination fees.

KEY: fire prevention, extinguishers
~~February 1, 2000~~ **May 16, 2002**
Notice of Continuation June 19, 1997
53-7-204



Public Safety, Fire Marshal
R710-7

**Concerns Servicing Automatic Fire
Suppression Systems**

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 24657
FILED: 04/01/2002, 11:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Fire Prevention Board met in a regularly scheduled Board meeting on March 12, 2002, and directed that R710-7 be amended. The Board directed that the existing rule be amended to update some incorporated references, add the requirement that skills and knowledge be demonstrated when asked, pictured identification must be provided from technicians when asked for, and the re-examination testing process be modified for certificate of registration holders.

SUMMARY OF THE RULE OR CHANGE: The summary of proposed amendments to R710-7 are as follows: 1) in Subsection R710-7-1(1.1), the Board proposes to update three incorporated references from the National Fire Protection Association (NFPA); 2) in Subsection R710-7-3(3.5), the Board proposes to add the requirement that an applicant, license holder, or certified employee may be asked during an inspection to demonstrate skills or knowledge used in servicing automatic fire suppression systems; 3) in Subsection R710-7-4(4.3), it is proposed that pictured identification of the applicant for a certificate of registration may be requested by the State Fire Marshal; 4) in Subsection R710-7-4(4.10), it is proposed that the re-examination process be modified to allow a 25-question open book re-examination that would be mailed to the holder of a valid certificate of registration at least 60 days before the renewal date. The certificate holder would then complete the re-examination and return the re-examination to the State Fire Marshal's Office for processing; and 5) the rule was renumbered in the format that service technicians, license holders, and the fire service are accustomed to.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: National Fire Protection Association (NFPA), Standard 12, Standard on Carbon Dioxide Extinguishing Systems, 2000 edition; National Fire Protection Association (NFPA), Standard 96, Ventilation Control and Fire Protection of Commercial Cooking Operations, 2001 edition; and National Fire Protection Association (NFPA), Standard 2001, Clean Agent Fire Extinguishing Systems, 2000 edition

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There would be an anticipated cost of \$300 to reprint the newly adopted rule and send it to all those affected by the rule change. There would also be an approximate cost of \$150 to purchase two sets of the updated incorporated references for the State Fire Marshal's Office.
- ❖ LOCAL GOVERNMENTS: There would be no anticipated cost or savings to local government because these proposed amendments do not affect local government.
- ❖ OTHER PERSONS: There would be an anticipated cost of approximately \$75 to purchase the three proposed incorporated references to the updated. There would be a savings seen by licensed companies and certificate of registration holders by not having to come to the State Fire Marshal's Office and take the full written and practical examination costing the employee a full day's work. The 25-

question open book re-examination could be completed at the work site.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost for affected persons would be the cost of the proposed incorporated references at approximately \$75 for the three references.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact on businesses is approximately \$75 to purchase the proposed updated incorporated references.

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

PUBLIC SAFETY
FIRE MARSHAL
Room 302
5272 S COLLEGE DR
MURRAY UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Gary A. Wise, State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-7. Concerns Servicing Automatic Fire Suppression Systems.

R710-7-1. Adoption of Codes.

Pursuant to Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, the Utah State Fire Prevention Board adopts rules to provide regulation to those concerns that service Automatic Fire Suppression Systems. These rules do not apply to standpipe systems, deluge systems, or automatic fire sprinkler systems.

There is adopted as part of these rules the following codes which are incorporated by reference:

1.1 National Fire Protection Association, Standard 12, Standard on Carbon Dioxide Extinguishing Systems, [1998]2000 edition; N.F.P.A., Standard 12A, Halon 1301 Fire Extinguishing Systems, 1997 edition; N.F.P.A., Standard 12B, Halon 1211 Fire Extinguishing Systems, 1990 edition; N.F.P.A., Standard 17, Standard for Dry Chemical Extinguishing Systems, 1998 edition; N.F.P.A., Standard 17A, Standard for Wet Chemical Extinguishing Systems, 1998 edition; N.F.P.A., Standard 96, Ventilation Control and Fire Protection of Commercial Cooking Operations, [1998]2001 edition; N.F.P.A., Standard 2001, Clean Agent Fire Extinguishing Systems, [1996]2000 edition. The definitions contained in these pamphlets shall pertain to these regulations.

1.2 Validity

If any section, subsection, sentence, clause, or phrase, of these rules is, for any reason, held to be unconstitutional, contrary to statute, or exceeding the authority of the SFM, such decision shall not affect the validity of the remaining portion of these rules.

1.3 Systems Prohibited

No person shall market, distribute, sell, install or service any automatic fire suppression system in this state, unless:

~~(a)~~ 1.3.1 It complies with these rules.

~~(b)~~ 1.3.2 It has been tested by, and bears the label of a testing laboratory which is accepted by the SFM as qualified to test automatic fire suppression systems.

~~(c)~~ 1.3.3 Automatic fire suppression systems using dry chemical, manufactured before November 1994, shall not be installed where grease laden vapors are produced. Systems in use prior to November 1994, are allowed to remain in service in the original installation.

1.4 Copies of the above listed codes are on file in the Office of Administrative Rules and the Office of the State Fire Marshal.

R710-7-2. Definitions.

2.1 "Annual" means a period of one year or 365 days.

2.2 "Board" means Utah Fire Prevention Board.

2.3 "Branch Office" means any location, other than the primary business location, where business license, telephone, advertising and servicing equipment is utilized.

2.4 "Certificates of Registration" means a written document issued by the SFM to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.

2.5 "Concern" means a person, firm, corporation, partnership, or association, licensed by the SFM.

2.6 "Employee" means those persons who work for a licensed concern which may include but are not limited to assigned agents and others who work on a contractual basis with a licensee using service tags of the licensed concern.

2.7 "Hydrostatic Test" means subjecting any cylinders requiring periodic pressure testing procedures specified in these rules.

2.8 "Inspection Authority" means the local fire authority, or the SFM, and their authorized representatives.

2.9 "License" means a written document issued by the SFM authorizing a concern to engage in the business of servicing automatic fire suppression systems.

2.10 "N.F.P.A." means National Fire Protection Association.

2.11 "Recognized Testing Laboratory" means a State Fire Marshal list of acceptable labs.

2.12 "Service" means a complete check of an automatic fire suppression system which includes the required service procedures set forth by a manufacturer of an approved system or the minimum service requirements as provided as set forth in adopted N.F.P.A. standards.

2.13 "System" means an Automatic Fire Suppression System.

2.14 "SFM" means Utah State Fire Marshal.

2.15 "UCA" means Utah State Code Annotated, 1953 as amended.

R710-7-3. Licensing.

~~3-0~~3.1 License Required

No person or concern shall engage in the business of selling, installing, servicing, repairing, testing or modifying any automatic fire suppression system without obtaining a license from the SFM,

pursuant to these rules, expressly authorizing such concern to perform such acts.

~~[3-4]~~3.2 Type of License

~~[(a)]~~3.2.1 Every license shall be identified by type. The type of license shall be determined on the basis of the act or acts performed by the licensee or any of the employees. Every licensed concern shall be staffed by qualified personnel and shall be properly equipped to perform the act or acts for the type of license issued.

~~[(b)]~~3.2.2 Licenses shall be any one, or combination of the following:

~~[(1)]~~3.2.2.1 Class H1 - A licensed concern which is engaged in the installation, modification, service, or maintenance of engineered and/or pre-engineered automatic fire suppression systems.

~~[(2)]~~3.2.2.2 Class H2 - A licensed concern which is engaged in service and maintenance only of automatic fire suppression systems to include hydrostatic testing.

~~[3-2]~~3.3 Application

~~[(a)]~~3.3.1 Application for a license to conduct business as an automatic fire suppression system concern, shall be made in writing to the SFM on forms provided by the SFM. A separate application for license shall be made for each separate place or business location of the applicant (branch office).

~~[(b)]~~3.3.2 ~~[As of January 1, 1999, t]~~The application for a license to conduct business as an automatic fire suppression system concern, shall be accompanied with proof of public liability insurance. The public liability insurance shall be issued by a public liability insurance carrier showing coverage of at least \$100,000 for each incident, and \$300,000 in total coverage. The licensee shall notify the SFM within thirty days after the public liability insurance coverage required is no longer in effect for any reason.

~~[3-3]~~3.4 Signature of Applicant

The application shall be signed by the applicant. If the application is made by a partnership, it shall be signed by all partners. If the application is made by a corporation or association other than a partnership, it shall be signed by a principal officer.

~~[3-4]~~3.5 Equipment Inspection

The applicant or licensee shall allow the SFM and any of his authorized deputies to enter, examine, and inspect any premises, building, room or vehicle used by the applicant in the service of automatic fire suppression systems to determine compliance with the provisions of these rules. The inspection will be conducted during normal business hours, and the owner or manager shall be given a minimum of 24 hours notice before the appointed inspection. The equipment inspection may be conducted on an annual basis, and consent to inspect will be obtained. The applicant, license holder or certified employee of the license holder, may be asked during the inspection by the SFM or any of his deputies, to demonstrate skills or knowledge used in servicing of automatic fire suppression systems.

~~[3-5]~~3.6 Issuance and Posting of License

Following receipt of the properly completed application, and compliance with the provisions of the statute and these rules, the SFM shall issue a license. Every license issued pursuant to the provisions of these rules shall be posted in a conspicuous place on the premises of the licensed concern.

~~[3-6]~~3.7 Original, Valid Date

Original licenses shall be valid from the date of issuance through December 31 of the year in which issued. Thereafter, each license shall be renewed annually and renewals shall be valid from January 1 through December 31. Original licenses purchased after July 1 and up to November 1 can be purchased one time, at a one-

half year fee. Licenses issued on or after November 1 will be valid through December 31 of the following year.

~~[3-7]~~3.8 Renewal, Valid Date

Application for renewal shall be made before January 1 of each year on forms provided by the SFM. The failure to renew the license will cause the license to become invalid on January 1 of the next year.

~~[3-8]~~3.9 Duplicate License

A duplicate license may be issued by the SFM to replace any previously issued license, which has been lost or destroyed, upon request.

~~[3-9]~~3.10 Refusal to Renew

SFM may refuse to renew any license that is authorized, pursuant to Section 8 of these rules. The applicant will, upon such refusal, have the same rights as are granted by Section 8 of these rules to an applicant for an original license which has been denied by the SFM.

~~[3-10]~~3.11 Change of Address

Every licensee shall notify the SFM, in writing, within thirty (30) days, of any change of address or location of business.

~~[3-11]~~3.12 Under Another Name

No licensee shall conduct the licensed business under a name other than the name or names which appears on the license.

~~[3-12]~~3.13 Hiring and Termination

Every licensed concern shall, within thirty (30) days of employment or termination of an employee or contracted agent shall notify the SFM of the name, address, and certification number of that person.

~~[3-13]~~3.14 Minimum Age

No license shall be issued to any person as licensee who is under eighteen (18) years of age.

~~[3-14]~~3.15 Employer Responsibility

Every concern is responsible for the acts of its employees or assigned agents relating to installation and servicing of automatic fire suppression systems.

~~[3-15]~~3.16 Restrictive Use

No license shall constitute authorization for any licensee, or any of the employees or contracted agents, to enter upon, or into, any property, building, or machinery without the consent of the owner or manager. No license shall grant authorization to enforce the Uniform Fire Code or these rules.

~~[3-16]~~3.17 Non-Transferable

No license issued pursuant to this section shall be transferred from one concern to another.

~~[3-17]~~3.18 Registration Number

Every license shall be identified by a number, delineated as H-(number). Such number may only be transferred from one concern to another when approved by the SFM.

~~[3-18]~~3.19 Minimum Materials and Equipment Required

At each business location or vehicle of the applicant where servicing work is performed the following minimum material and equipment requirements shall be maintained:

~~[(a)]~~3.19.1 Calibrated scales with ability to:

~~[(1)]~~3.19.1.1 Weigh gas cartridges to within 1/4 ounce of manufacturers specifications.

~~[(2)]~~3.19.1.2 Weigh cylinders accurately for systems being serviced.

~~[(b)]~~3.19.2 Nitrogen Pressure Filling Equipment

~~[(1)]~~3.19.2.1 Nitrogen Supply

~~[(2)]~~3.19.2.2 Pressure Regulator - 750 p.s.i. minimum

~~[(3)]~~3.19.2.3 Filling Adapters

- ~~(e)~~3.19.3 Dry Chemical Systems
- ~~(4)~~3.19.3.1 Extinguishing agents, compatible with systems serviced
- ~~(2)~~3.19.3.2 Fusible links
- ~~(3)~~3.19.3.3 Safety pins
- ~~(4)~~3.19.3.4 An assortment of gaskets and "O" Rings compatible with systems serviced
- ~~(5)~~3.19.3.5 Gas cartridges as required according to manufacture's specifications
- ~~(6)~~3.19.3.6 Current reference manuals, to include manufacture's service manuals
- ~~(7)~~3.19.3.7 Cocking or Lockout Tool
- ~~(4)~~3.19.4 Halon and CO2 Systems
- ~~(4)~~3.19.4.1 Have access to, or meet the requirements for a U.L. approved filling station.
- ~~(2)~~3.19.4.2 Have available in inventory, or have immediate access to, detectors compatible with systems serviced.
- ~~(3)~~3.19.4.3 Calibration equipment such as electrical testers and detector testers.
- ~~(4)~~3.19.4.4 Control panel components
- ~~(5)~~3.19.4.5 Release valves
- ~~(6)~~3.19.4.6 Current reference manuals
- This list does not, however, include all items that may be necessary in order to conduct a complete system installation, modification or service.

~~(3-19)~~3.20 Records

Accurate records shall be maintained for five years back by the licensee of all service work performed. These records shall be made available to the SFM, or authorized deputies, upon request. These records shall include the following:

- ~~(4)~~3.20.1 The name and address of all serviced locations
- ~~(2)~~3.20.2 Type of service performed
- ~~(3)~~3.20.3 Date and name of person performing the work

R710-7-4. Certificates of Registration.

~~(4-0)~~4.1 Required Certificates of Registration

No person shall service any automatic fire suppression system without a certificate of registration issued by the SFM pursuant to these rules expressly authorizing such person to perform such acts.

~~(4-1)~~4.2 Application

Application for a certificate of registration to work on automatic fire suppression systems shall be made in writing to the SFM on forms provided by the SFM. The application shall be signed by the applicant.

~~(4-2)~~4.3 Examination

The SFM shall require all applicants for a certificate of registration to take and pass a written examination, which may be supplemented by practical tests to determine the applicant's knowledge to work on automatic fire suppression systems. Pictured identification of the applicant for a certificate of registration may be requested by the SFM or his deputies. Examinations will be given according to the following schedule:

~~(a)~~4.3.1 On the first and third Tuesdays of each month. When holidays conflict with these days, the day immediately following will be used. An appointment will be made to take an examination at least 24 hours in advance of the examination date.

~~(b)~~4.3.2 Examinations may be given at various field locations as deemed necessary by the SFM. Appointments for field examinations are required.

~~(4-3)~~4.4 Examination - Passing Grade

To successfully pass the written examination, the applicant must obtain a minimum grade of seventy percent (70%) in each portion of the examination taken.

~~(4-4)~~4.5 Contents of Examination

The examination required shall include a written test of the applicant's knowledge of the work to be performed, the provisions of these rules, and may include an actual demonstration of his ability to perform the acts indicated on the application.

~~(4-5)~~4.6 Right to Contest

Every person who takes an examination for a certificate of registration shall have the right to contest the validity of individual questions of such examination. Every contention as to the validity of individual questions of the examination shall be made in writing within 48 hours after taking said examination. The decision of the SFM shall be final.

~~(4-6)~~4.7 Issuance

Following receipt of the completed application, compliance with the provisions of these rules, and the successful completion of the required examination, the SFM shall issue a certificate of registration.

~~(4-7)~~4.8 Original and Renewal Valid Date

Original certificates of registration will be valid from the date of issuance through December 31 of the year in which issued. Thereafter, each certificate of registration will be renewed annually and renewals will be valid from January 1 through December 31. Original certificates purchased after July 1 and up to November 1 can be purchased one time, at a one-half year fee. The failure to renew a certificate of registration will cause the certificate of registration to become invalid of January 1 of the next year. The holder of an invalid certificate of registration shall not perform any work on automatic fire suppression systems. Original certificates of registration issued on or after November 1 will be valid through December 31 of the following year.

~~(4-8)~~4.9 Renewal Date

Application for renewal will be made before January 1st of each year. Application for renewal will be made in writing on forms provided by the SFM.

~~(4-9)~~4.10 Re-examination

Every holder of a valid certificate of registration will take a re-examination every five (5) years, from the date of original certificate, to comply with the provisions of Section ~~(4-2)~~4.3 of these rules as follows:

4.10.1. The re-examination to comply with the provisions of Section 4.3 of these rules shall consist of one 25 question open book examination to be mailed to the certificate holder at least 60 days before the renewal date.

4.10.2 The 25 question re-examination will consist of questions that focus on changes in the last five years to the NFPA standards, the statute, and adopted practices of concerns noted by the Board or SFM.

4.10.3 The certificate holder is responsible to complete the re-examination and return it to the SFM in sufficient time to renew.

4.10.4 The certificate holder is responsible to return to the SFM the correct renewal fees to complete that certificate renewal.

~~(4-10)~~4.11 Refusal to Renew

The SFM may refuse to renew any certificate of registration for the reasons that is authorized pursuant to Section 8 of these rules. The applicant will, upon such refusal, have the same rights as are granted by Section 8 of these rules to an applicant for an original certificate of registration which has been denied by the SFM.

~~(4-11)~~4.12 Inspection

The holder of a certificate of registration will submit such certificate for inspection, upon request of the SFM, any authorized deputies, or any local fire official.

~~[4.12]~~4.13 Change of Address

Any change of address of any holder of a certificate of registration will be reported by the registered person to the SFM within thirty (30) days of such change. Such change will also be made by the holder of the certificate of registration on the reverse side of the certificate of registration card.

~~[4.13]~~4.14 Duplicate

A duplicate certificate of registration may be issued by the SFM to replace any previously issued certificate which has been lost or destroyed.

~~[4.14]~~4.15 Minimum Age

No certificate of registration shall be issued to any person who is under eighteen (18) years of age.

~~[4.15]~~4.16 Restrictive Use

~~(a)~~4.16.1 No certificate of registration will constitute authorization for any person to enter upon or into any property or building.

~~(b)~~4.16.2 No certificate of registration will constitute authorization for any person to enforce any provisions of these rules or the Uniform Fire Code.

~~(c)~~4.16.3 Regardless of the acts authorized to be performed by the licensed concern, only those acts for which the applicant for a certificate of registration has qualified will be permissible by such applicant.

~~[4.16]~~4.17 Non-Transferable

Certificates of registration will not be transferable. Individual certificates of registration will be carried by the person to whom issued.

~~[4.17]~~4.18 Limited Issuance

No certificate of registration will be issued to any person unless that person is a licensee or an employee of a licensed concern.

~~[4.18]~~4.19 New Employees

New employees of a licensed concern may perform the various acts while under the direct supervision of a person holding a valid certificate of registration for a period not to exceed forty-five (45) days from the initial date of employment.

~~[4.19]~~4.20 Certificate Identification

Every certificate will be identified by a number, delineated as HE-(number).

R710-7-5. Service Tags and Labels.

~~[5.0]~~5.1 Size and Color

Tags shall be not more than five and one-half inches (5-1/2") in height, nor less than four and one-half inches (4-1/2") in height, and not more than three inches (3") in width, nor less than two and one-half inches (2-1/2") in width. Tags may be any color except red.

~~[5.4]~~5.2 Attaching Tag

One service tag will be attached to each automatic fire suppression system in such a position as to be conveniently inspected

~~[5.2]~~5.3 Signature and Certificate Number

~~(a)~~5.3.1 The signature and certificate of registration number of the person performing the work shall be signed legibly on the service tag.

~~(b)~~5.3.2 All information pertaining to complete date, type of servicing, and type of system will be indicated on the tag by perforations in the appropriate space provided.

~~[5.3]~~5.4 New Tag

A new service tag will be attached to a properly functioning system each time service is performed. A system not in compliance shall not receive a service tag, but shall receive a non-compliance tag as required in Section 5.8.

~~[5.4]~~5.5 Tag Warning

The following wording shall be placed at the top or reinforced ring end of every tag: "DO NOT REMOVE, BY ORDER OF THE STATE FIRE MARSHAL".

~~[5.5]~~5.6 Removal

No person shall deface, modify, alter or remove any active service label or tag attached to or required to be attached to any automatic fire suppression system.

~~[5.6]~~5.7 Service Tag Information

All service tags shall be designed as required by the SFM.

~~[5.7]~~5.8 Six Year Maintenance and Hydrostatic Test Labels

~~(a)~~5.8.1 Six year maintenance and hydrostatic test labels will be affixed by a heatless process. The labels will be applied only when the system is recharged or undergoes six year maintenance servicing or hydrostatic testing.

~~(b)~~5.8.2 Six year maintenance and hydrostatic test labels shall be durable to withstand the effects of weather and adverse conditions.

~~(c)~~5.8.3 Six year maintenance and hydrostatic test labels will be designed as shown below:

EXAMPLE OF SIX YEAR AND HYDROSTATIC TEST LABEL

~~[5.8]~~5.9 Non-Compliance Tags

~~(a)~~5.9.1 Non-compliance tags will be affixed to any system failing to meet service specifications and will be placed in a conspicuous location on that system.

~~(b)~~5.9.2 Non-compliance tags shall be red in color.

~~(c)~~5.9.3 A system shall receive a non-compliance tag, when the system fails to fully comply with manufactures specifications or these rules.

~~(d)~~5.9.4 After placing the non-compliance tag on the system, the service person shall notify the local fire chief or his authorized representative. The service person shall also furnish a copy of the service report to the authority having jurisdiction.

~~(e)~~5.9.5 Non-compliance tags will be designed as required by the SFM.

R710-7-6. Requirements For All Approved Systems.

~~[6.0]~~ ~~General~~

~~— For the purpose of these rules, every automatic fire suppression system required by any governmental statute, ordinance, or rule, will conform to the provisions of this section.~~

~~[6.1]~~ Service

~~(a)~~6.1.1 Maintenance will be conducted on extinguishing systems at least every six months or immediately after use or activation.

~~(b)~~6.1.2 When fusible links are a required portion of the system, fusible links will be replaced yearly or as required by the manufacturer of the system.

~~(c)~~6.1.3 Fusible links will show the date when installed by year only.

~~(d)~~6.1.4 Fusible links will not be used after February 1 of the next year showing a previous years date.

6.2 Interchanging of Parts

Interchanging of parts from different manufactured systems is prohibited. Parts shall be specifically listed and compatible for use with the designed system.

6.3 Return of parts

All replaced parts to the system serviced will be returned to the system owner or manager after completion of the service. Parts that are required to be returned to the manufacturer due to warranty are exempt.

6.4 Restricted Service

Any system requiring a hydrostatic test, will not be serviced until such system has been subjected to, and passed, the required test. A non-compliance tag will not be accepted to meet the requirements of this section.

6.5 Service

At the time of installation, and during any service, all servicing will be done in accordance with the manufacturers instructions, adopted statutes, and these rules. Systems will be placed and remain in an operable condition, free from defects which may cause malfunctions. Discharge nozzles and piping will be free of obstructions or substances.

R710-7-7. Adjudicative Proceedings.

7.1 All adjudicative proceedings performed by the agency shall proceed informally as authorized by UCA, Sections 63-46b-4 and 63-46b-5.

7.2 The issuance, renewal, or continued validity of a license or certificate of registration may be denied, suspended, or revoked, if the SFM finds that the applicant, person employed for, or the person having authority and management of a concern servicing automatic fire suppression systems commits any of the following violations:

~~(a)~~7.2.1 The person or applicant is not the real person in interest.

~~(b)~~7.2.2 Material misrepresentation or false statement on the application.

~~(c)~~7.2.3 Refusal to allow inspection by the SFM, his duly authorized deputies.

~~(d)~~7.2.4 The person or applicant for a license or certificate of registration does not have the proper facilities and equipment, to conduct the operations for which application is made.

~~(e)~~7.2.5 The person or applicant for a certificate of registration does not possess the qualifications of skill or competence to conduct the operations for which application was made, as evidenced by failure to pass the examination and practical tests pursuant to Section 4.2 of these rules.

~~(f)~~7.2.6 The person or applicant has been convicted of any of the following:

~~(i)~~7.2.6.1 a violation of the provisions of these rules;

~~(ii)~~7.2.6.2 a crime of violence or theft; or

~~(iii)~~7.2.6.3 any crime that bears upon the person or applicant's ability to perform their functions and duties.

~~(g)~~7.2.7 The person servicing automatic fire suppression systems does not maintain adequate facilities, equipment, or knowledge, to conduct operations as required in the manufacturer's instructions, statute, and rules.

~~(h)~~7.2.8 The person or applicant is involved in conduct which could be considered criminal, although such conduct did not result in the filing of criminal charges against the person, but where the evidence shows that the criminal act did occur, that the person committed the act, and that the burden by a preponderance of evidence could be established.

7.3 A person whose license or certificate of registration is suspended or revoked by the SFM shall have an opportunity for a hearing before the Board if requested by that person within 20 days after receiving notice.

7.4 All adjudicative proceedings, other than criminal prosecution, taken by the SFM to enforce the Utah Fire Prevention and Safety Act, and these rules, shall commence in accordance with UCA, Section 63-46b-3.

7.5 The Board shall act as the hearing authority, and shall convene after timely notice to all parties involved. The Board shall be the final authority on the suspension or revocation of a license or certificate of registration.

7.6 The Board shall direct the SFM to issue a signed order to the parties involved giving the decision of the Board within a reasonable time of the hearing pursuant to UCA, Section 63-46b-5(i).

7.7 Reconsideration of the Board decision may be requested in writing within 20 days of the date of the decision pursuant to UCA, Section 63-46b-13.

7.8 After a period of three years from the date of revocation, the Board shall review the submitted written application of a person whose license or certificate of registration has been revoked. After timely notice to all parties involved, the Board shall convene to review the revoked persons application, and that person shall be allowed to present themselves and their case before the Board. After the hearing, the Board shall direct the SFM to allow the person to complete the licensing or certification process or shall direct that the revocation be continued.

7.9 Judicial review of all final Board actions resulting from informal adjudicative proceedings is available pursuant to UCA, Section 63-46b-15.

R710-7-8. Fees.

~~[8.0]~~8.1 Fee Schedule

~~(a)~~8.1.1 Licenses (New and Renewals)

~~(+)~~8.1.1.1 Type H1 (Marketing and Installation) . . . \$200.00

If the concern currently is licensed to service portable fire extinguishers the fee is \$100.00.

~~(-)~~8.1.1.2 Type H2 (Service Only) \$100.00

If the concern currently is licensed to service portable fire extinguishers the fee is \$50.00.

~~(+)~~8.1.1.3 Branch Office License. \$100.00

~~(b)~~8.1.2 Certificates of Registration (New and Renewals)

~~(+)~~8.1.2.1 Certificate of Registration. \$30.00

If the individual currently is certified as a portable fire extinguisher technician the fee is \$10.00

~~(e)~~8.1.3 License Transfer \$50.00

~~(d)~~8.1.4 Examinations

~~(+)~~8.1.4.1 Initial Examination. \$20.00

~~(-)~~8.1.4.2 Re-Examination \$15.00

~~(-)~~8.1.4.3 Five (5) Year Examination. \$20.00

~~[8.1]~~8.2 Payment of Fees

The required fee will accompany the application for license or certificate of registration. License or certificate of registration fees will be refunded if the application is denied.

~~[8.2]~~8.3 Late Renewal Fees

~~(a)~~8.3.1 Any license or certificate of registration not renewed before January 1 will be subject to an additional fee equal to 10% of the required inspection fee.

~~(b)~~8.3.2 When a certificate of registration has expired for more than one year, an application will be made for an original certificate as if the application was being made for the first time. Examinations will be re-taken with initial fees.

KEY: fire prevention, systems
~~February 1, 2000~~ **May 16, 2002**
 Notice of Continuation June 19, 1997
 53-7-204

▼ ————— ▼

**Public Service Commission,
 Administration
 R746-400
 Public Utility Reports**

NOTICE OF PROPOSED RULE
 (New Rule)
 DAR FILE NO.: 24655
 FILED: 03/29/2002, 09:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To place in rule form, utility regulatory agencies' current information gathering practices.

SUMMARY OF THE RULE OR CHANGE: The proposed rule places in one rule the various, current information practices of the Division of Public Utilities and Public Service Commission and provides that report forms will be available at least 60 days prior to their due date. The rule permits reporting entities to provide alternative information sources in lieu of a specific Utah report.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-1-10, 54-3-2, 54-3-21, 54-3-22, 54-3-26, 54-4-16, 54-4-22, 54-5-1.5, 54-8b-2.5, 54-8b-10, 54-8b-15, 54-12-2, and 54-13-3

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** None--The proposed rule follows existing practice and agency activity is expected to remain the same.
- ❖ **LOCAL GOVERNMENTS:** None--The proposed rule does not affect any local government activity.
- ❖ **OTHER PERSONS:** No significant change in costs or savings is anticipated as the proposed rule follows existing practices. Utilities currently providing information/reports to the state agencies may see some reduction in costs as the rule permits agencies to accept alternative sources of information in lieu of a specific Utah report.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional compliance costs arising from the proposed rule. Utilities are already preparing information reports used to comply with existing statute-directed reporting requirements. The rule follows existing practice and procedural standards which have evolved through past compliance with reporting requirements. Some savings may result from the rules as it allows agencies to accept alternative information sources (prepared for other than Utah reporting purposes) in lieu of a Utah report.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Commission does not anticipate any fiscal impact resulting from the proposed rule. Utah statutory provisions directing the reporting practices have existed for many years and utilities long ago established their reporting functions to provide the requested information. New utilities which may begin operations in the State will have their internal reporting processes set up for their management and operational needs and these processes can be used to provide the information needed to comply with the reporting requirements set by Utah law.

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

PUBLIC SERVICE COMMISSION
 ADMINISTRATION
 HEBER M WELLS BLDG
 160 E 300 S
 SALT LAKE CITY UT 84111-2316, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud.pupsc@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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Barbara Stroud, Paralegal

R746. Public Service Commission, Administration.

R746-400. Public Utility Reports.

R746-400-1. Scope and Applicability.

This rule is promulgated by Section 54-3-21 and applies to public utilities and telecommunications corporations operating in the state of Utah. This rule shall not limit the ability of the Commission, or the Division, to otherwise obtain information from these entities, as provided by other rules or statutes.

R746-400-2. Division Authority.

The Division shall ensure compliance with this rule, prepare and distribute report forms, collect and store the completed reports and information provided by reporting entities subject to in this rule.

R746-400-3. General Definitions.

For purposes of this rule, the terms listed below shall bear the following meanings:

A. "Reporting entity" means a public utility as defined in Section 54-2-1, and a telecommunications corporation as defined in Section 54-8b-2.

B. "Commission" means the Public Service Commission of Utah.

C. "Division" means the Division of Public Utilities within the Department of Commerce of the State of Utah.

R746-400-4. Reports to the Commission.

A. Report Form Purposes -- The Division shall design report forms that will provide information from reporting entities useful to the Commission and the Division in performing their statutory duties and to administer Commission supervised or directed programs. These forms shall include, but are not limited to, reports used to provide information on a reporting entity's monthly and annual operations, reports concerning an entity's gross revenues used to calculate the public utilities' regulation fee under Section 54-5-2, reports and supplements used to prepare the Commission's annual report to the Governor and Legislature required by Subsection 54-8b-2.5, reports used in the administration the State of Utah Universal Public Telecommunications Service Support Fund, lifeline programs, and telephone relay program.

B. Acceptable Report Forms --

1. The Division shall make report forms available to all reporting entities. Applicable report forms for any report shall be available at least 60 days prior to the date the report is due to be completed by a reporting entity. The Division shall design report forms that clearly state the due date for the report and shall provide, as needed, directions, definitions and other information that will assist a reporting entity in completing a report form.

2. The Division may accept a reporting entity's request that an alternative report form or document, used to furnish information to federal government agencies, other agencies of this or other states, or for the entity's other needs or uses, be used in lieu of all or part of a Commission report form. The Division may require that the alternative report form or document be supplemented with other or additional information in order to obtain the same information as sought in the Utah report form.

C. Report Certification and Corrections -- Each report shall be signed by a responsible officer of the public utility certifying that the report is true and correct. If a reporting entity learns that any portion of a filed report is incorrect, it shall file corrected pages as soon as possible with an explanation of the corrections. The utility shall file an electronic copy of the report, in addition to a paper copy, if the report is prepared electronically.

R746-400-5. Copies of Reports to Federal Government Agencies.

Upon request of the Division, each reporting entity shall provide the Division with a copy of any report filed with the following federal government agencies: Federal Energy Regulatory Commission, Federal Communications Commission, Rural Utility Services, Securities and Exchange Commission, and Surface Transportation Board. These requested copies shall be provided within 10 days of submission to the federal agency, if not otherwise required to be given to the Division.

R746-400-6. Copies of Reports to Shareholders and Audited Financial Reports.

A. Annual Report -- Each reporting entity shall provide the Division with a copy of any annual report sent to shareholders within 10 days of its issuance.

B. Audited Financial Statements -- Upon request of the Division, a reporting entity shall provide the Division with a copy of any audited financial statements, including the opinion statements of the auditor, if the statements are prepared for the reporting entity.

R746-400-7. Confidentiality.

A. Public Information -- Reports filed pursuant to this rule shall be considered public information unless otherwise provided.

B. Protected Documents -- If a reporting entity desires that any report, copy or document, or any portion thereof, required by this rule, be treated in any manner other than as public information, it shall comply with the provisions of the Government Records Access and Management Act, Section 63-2-101 *et seq.*, and provide a written claim of confidentiality and the reasons supporting that claim. If the records, or portions thereof, are classified as protected under GRAMA, the Division shall maintain the confidential reports in a separate file and disclosure to anyone outside of the Commission, its staff, the Division, and the staff of the Committee of Consumer Services, shall only be as allowed by GRAMA.

KEY: public utilities, reports, rules and procedures**May 2002****54-2-1****54-8b-2****54-5-2****63-2-101**

Tax Commission, Administration
R861-1A-34
 Advisory Opinions Pursuant to Utah
 Code Ann. Section 63-46b-1

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 24601

FILED: 03/20/2002, 11:18

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-1-210 states that the commission shall administer and supervise the tax laws of the state.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment replaces the term "advisory opinion" with the term "private letter ruling".

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-1-210

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The proposed amendment provides only that a written request for the commission's interpretation of a statute shall be referred to as a private letter ruling, instead of an advisory opinion.

❖ LOCAL GOVERNMENTS: None--The proposed amendment provides only that a written request for the commission's interpretation of a statute shall be referred to as a private letter ruling, instead of an advisory opinion.

❖ OTHER PERSONS: None--The proposed amendment provides only that a written request for the commission's interpretation of a statute shall be referred to as a private letter ruling, instead of an advisory opinion.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment provides only that a written request for the commission's interpretation of a statute shall be referred to as a private letter ruling, instead of an advisory opinion.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses as a result of this amendment. We are simply changing the name of our response back to taxpayers.

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

TAX COMMISSION
ADMINISTRATION
210 N 1950 W
SALT LAKE CITY UT 84134-0002, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Pam Hendrickson, Commissioner

R861. Tax Commission, Administration.

R861-1A. Administrative Procedures.

R861-1A-34. ~~Advisory Opinions~~ Private Letter Rulings Pursuant to Utah Code Ann. Section 59-1-210.

A. ~~Advisory opinions~~ Private letter rulings are written, informational statements of the commission's interpretation of statutes or administrative rules, or informational statements concerning the application of statutes and rules to specific facts and circumstances.

1. ~~Advisory opinions~~ Private letter rulings address questions that have not otherwise been addressed in statutes, rules, or decisions issued by the commission.

2. The commission shall not knowingly issue ~~an advisory opinion regarding facts raised~~ a private letter ruling on a matter pending before the commission in an audit assessment, refund request, or other agency action, or regarding matters that are pending before the court on judicial review of a commission decision. Any ~~opinion~~ private letter ruling inadvertently issued on a matter pending agency or judicial action shall be set aside until the conclusion of that action.

3. Requests for ~~advisory opinions~~ private letter rulings must be addressed to the commission in writing. If the requesting party is dissatisfied with the ~~opinion~~ ruling, that party may resubmit the request along with new facts or information for commission review.

B. The weight afforded ~~an advisory opinion~~ a private letter ruling in a subsequent audit or administrative appeal depends upon the degree to which the underlying facts addressed in the

~~opinion~~ ruling were adequate to allow thorough consideration of the issues and interests involved.

C. ~~An advisory opinion~~ A private letter ruling is not a final agency action. Petitioner must use the designated appeal process to address judiciable controversies arising from the issuance of ~~an advisory opinion~~ a private letter ruling.

1. If the ~~opinion~~ private letter ruling leads to a denial of a claim, an audit assessment, or some other agency action at a divisional level, the taxpayer must use the appeals procedures to challenge that action within 30 days of the final division decision.

2. If the only matter at issue in the ~~opinion~~ private letter ruling is a challenge to the commission's interpretation of statutory language or a challenge to the commission's authority under a statute, the matter may come before the commission as a petition for declaratory order submitted within 30 days of the date of the ~~opinion~~ ruling challenged.

KEY: developmentally disabled, grievance procedures, taxation, disclosure requirements

**2002
Notice of Continuation May 20, 1997
59-1-210**

Tax Commission, Auditing **R865-6F-35**

S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24603

FILED: 03/20/2002, 16:36

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-7-703 requires an S Corporation to withhold tax on behalf of nonresident shareholders as determined by calculating items of income or loss from federal schedule K.

SUMMARY OF THE RULE OR CHANGE: Amendment provides that to determine the amount of tax an S Corporation must withhold from nonresident shareholders, the S Corporation must add foreign taxes back to Schedule K income. This amendment matches current Tax Commission practice.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-7-703

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The requirement to add foreign taxes back to Schedule K income mirrors current Tax Commission practice.

❖ LOCAL GOVERNMENTS: None--The requirement to add foreign taxes back to Schedule K income mirrors current Tax Commission practice.

❖ OTHER PERSONS: None--The requirement to add foreign taxes back to Schedule K income mirrors current Tax Commission practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The requirement to add foreign taxes back to Schedule K income mirrors current Tax Commission practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact to businesses as a result of this amendment since it clarifies current practice.

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

TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-6F. Franchise Tax.

R865-6F-35. S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703.

A. For purposes of Section 59-7-703(1)(a)(i), "items of income or loss from Schedule K of the 1120S federal form" shall be calculated by:

1. adding back to the line on the Schedule K labeled "Income (loss)" ~~any~~ the amount ~~deducted~~ included on that schedule for:

a) charitable contributions; and

b) total foreign taxes paid or accrued.

2. If the S corporation was not required to complete the line labeled "Income (loss)" on the Schedule K, a pro forma calculation of the ~~amount~~ amounts for charitable contributions and foreign taxes paid or accrued, and of the amount that would have been entered on the "Income (loss)" line shall be used for purposes of this rule.

B. The rate that the S corporation shall withhold for nonresident shareholders shall be computed as follows:

1. A deduction equal to 15 percent of the Utah income attributable to nonresident shareholders shall be allowed in place of a standard deduction, itemized deductions, personal exemptions, federal tax determined for the same period, or any other deductions.

a) An S corporation that is entitled to subtract a loss carryforward and that elected, under the laws in effect prior to

January 1, 1994, to use Option A as the method to pay its taxes, shall apply the 15 percent deduction to Utah income attributable to nonresident shareholders after the subtraction for loss carryforwards.

2. The tax shall be computed using the maximum Utah individual income tax rate applied to the combined nonresident shareholders' share of the S corporation's income after deduction of the amount allowed under B.1.

C. An S corporation with nonresident shareholders shall complete Schedule N of form TC-20S, and shall provide the following information for each nonresident shareholder:

1. name;

2. social security number;

3. percentage of S corporation held; and

4. amount of Utah tax paid or withheld on behalf of that shareholder.

KEY: taxation, franchises, historic preservation, trucking industries

2002

Notice of Continuation April 3, 2002

59-7-703



Tax Commission, Auditing **R865-9I-7** Change of Status as Resident or Nonresident Pursuant to Utah Code Ann. Section 59-10-120

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24602

FILED: 03/20/2002, 12:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-10-120 indicates how a nonresident's federal adjusted gross income derived from Utah sources shall be determined.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment replaces an out-of-date citation with respect to a nonresident's federal adjusted gross income received from Utah sources with an updated citation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-10-120

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The amendment provides an updated citation to the statute that indicates how a nonresident's federal adjusted gross income derived from Utah sources shall be determined.

❖ LOCAL GOVERNMENTS: None--The amendment provides an updated citation to the statute that indicates how a nonresident's federal adjusted gross income derived from Utah sources shall be determined.

❖ OTHER PERSONS: None--The amendment provides an updated citation to the statute that indicates how a

nonresident's federal adjusted gross income derived from Utah sources shall be determined.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendment updates a statutory reference for the determination of a nonresident's federal adjusted gross income derived from Utah sources.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--The amendment simply updates a citation to the statute (Section 59-10-117) instead of a repealed section.

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

TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-91. Income Tax.

R865-91-7. Change of Status As Resident or Nonresident Pursuant to Utah Code Ann. Section 59-10-120.

A. Definitions[?].

1. "Part-year resident" means an individual that changes status during the taxable year from resident to nonresident or from nonresident to resident.

2. "FAGI" means federal adjusted gross income, as defined by Section 62, Internal Revenue Code.

B. The state taxable income of a part-year resident shall be a percentage of the amount that would have been state taxable income if the taxpayer had been a full-year resident as determined under [~~Utah Code Ann.~~]Section 59-10-112[~~of the act~~]. This percentage is the Utah portion of FAGI divided by the total FAGI, not to exceed 100 percent.

C. The Utah portion of a part-year resident's FAGI shall be determined as follows:

1. Income from wages, salaries, tips and other compensation earned while in a resident status and included in the total FAGI shall be included in the Utah portion of the FAGI[?].

2. Dividends actually or constructively received while in resident status shall be included in the Utah portion of FAGI. Any dividend exclusion shall be deducted from the Utah portion of FAGI

using the percentage of excludable dividends received while in resident status, compared to the total excludable dividends.

3. All interest actually or constructively received while in resident status shall be included in the Utah portion of the FAGI.

4. All FAGI derived from Utah sources while in a nonresident status, as determined under [~~Rule R865-91-5~~]Section 59-10-117, shall be included in the Utah portion of FAGI.

D. Income or loss from businesses, rents, royalties, partnerships, estates or trusts, small business corporations as defined by Internal Revenue Code Section 1371(b), and farming shall be included in the Utah portion of FAGI:

1. if the activities involved were concluded, or the taxpayer's connection with them terminated before or at the time of change from resident to nonresident status; or

2. if the activities were commenced or the taxpayer joined them at the time or after the change from nonresident to resident status.

Otherwise, such income or loss shall be included in the Utah portion of FAGI only to the extent derived from Utah sources as determined under [~~Rule R865-91-5~~]Section 59-10-117.

E. Moving expenses deducted on the federal return may be deducted from the Utah portion of FAGI only to the extent that they are for moving into Utah and within Utah.

F. Employee business expenses may be deducted from the Utah portion of FAGI only to the extent that they pertain to the production of income included in the Utah portion of FAGI.

G. Payments by a self-employed person to a retirement plan that reduce the total FAGI may be deducted from the Utah portion of FAGI in the same proportion that the related self-employment income is included in the Utah portion of FAGI.

H. Other income, losses or adjustments applicable in determining total FAGI may be allowed or included in the Utah portion of his FAGI only when the allowance or inclusion is fair, equitable, and would be consistent with other requirements of the act or these rules as determined by the Tax Commission.

KEY: historic preservation, income tax, tax returns, enterprise

2002

Notice of Continuation May 22, 1997

59-7-03



Tax Commission, Auditing

R865-19S-8

Bonds and Securities Pursuant to Utah Code Ann. Section 59-12-107

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24616

FILED: 03/25/2002, 16:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment clarifies the factors that the Commission will consider in determining whether to require a vendor to post

security to ensure compliance with state and local sales tax laws. This mirrors current commission practice.

SUMMARY OF THE RULE OR CHANGE: Section 59-12-107 provides that the commission may require a vendor to post security if the commission considers it necessary to ensure compliance with state and local sales tax laws.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-12-107

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--The proposed amendments clarifies the current commission practice with respect to requiring a vendor to post security.
- ❖ LOCAL GOVERNMENTS: None--The proposed amendments clarifies the current commission practice with respect to requiring a vendor to post security.
- ❖ OTHER PERSONS: None--The proposed amendments clarifies the current commission practice with respect to requiring a vendor to post security.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment clarifies current commission practice regarding the determination that a vendor must post security.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment clarifies current practice. There is no fiscal impact on businesses.

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

TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.
R865-19S-8. Bonds and Securities Pursuant to Utah Code Ann.
Section 59-12-107.**

A. ~~[Any business not in compliance with the sales tax collection and remittance procedures outlined in the Sales and Use Tax Act must post security with the Tax Commission sufficient in amount to insure the payment of whatever liability may be involved.~~

~~Noncompliance with the Sales and Use Tax Act includes~~ Factors the commission will consider in determining whether a vendor must post security to ensure compliance with the provisions of Title 59, Chapter 12, include:

1. failure to file returns[~~;~~];
2. failure to make payments[~~;~~];
3. filing of returns that are improper[~~;~~]; and
4. payment of sales tax with a check that is not honored.

B. The Tax Commission may accept as security a valid corporate surety bond, United States treasury bond, ~~[cash]~~ or ~~[such]~~ other negotiable security ~~[as]~~ it deems adequate.

C. The bond will be released only upon written request and after a ~~[careful]~~ review of all circumstances or upon cessation of business if no liability exists.

KEY: charities, tax exemptions, religious activities, sales tax 2002

**Notice of Continuation May 22, 1997
59-12-107**



**Tax Commission, Auditing
R865-19S-55
Hospitals Pursuant to Utah Code Ann.
Section 59-12-104**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24604

FILED: 03/20/2002, 16:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-12-104 provides a sales tax exemption for religious and charitable organizations.

SUMMARY OF THE RULE OR CHANGE: The section is deleted because the statute adequately provides guidance for the exemption. Accordingly the section is unnecessary.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-12-104

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--Deletion of the section does not impact the statutory sales tax exemption for purchases made by a religious or charitable organization.
- ❖ LOCAL GOVERNMENTS: None--Deletion of the section does not impact the statutory sales tax exemption for purchases made by a religious or charitable organization.
- ❖ OTHER PERSONS: None--Deletion of the section does not impact the statutory sales tax exemption for purchases made by a religious or charitable organization.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The section is deleted as unnecessary. The statute continues to govern the sales tax exemption for religious or charitable organizations.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact to businesses as a result of the deletion of this section. It is no longer needed.

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

TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-19S. Sales and Use Tax.

~~**[R865-19S-55. Hospitals Pursuant to Utah Code Ann. Section 59-12-104.**~~

~~A. All retail sales (other than prescribed medicines as defined in Section 59-12-104) made to hospitals are taxable unless the Tax Commission has furnished the hospital an opinion that it qualifies as a religious or charitable institution, and such hospital furnishes its vendors a purchase order or a check in accordance with instructions set forth in Rule R865-19S-23.]~~

KEY: charities, tax exemptions, religious activities, sales tax 2002

Notice of Continuation May 22, 1997
59-12-104



Transportation, Motor Carrier

R909-19

Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24665
FILED: 04/01/2002, 17:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To extend time for certification and clarify procedures.

SUMMARY OF THE RULE OR CHANGE: The rule provides temporary certifications for tow truck carriers and automatic certifications until a process of biannual certifications can begin.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-603

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This rule amendment does not change the costs to the state from the unamended version of the rule.
- ❖ LOCAL GOVERNMENTS: This rule does not apply to local governments; therefore, there is no cost impact.
- ❖ OTHER PERSONS: This rule amendment does specify which rates are appropriate for private impoundment of Class A, B, C, and D truck carrier services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost to register or apply with the government. However, there may be costs incurred indirectly if a tow truck carrier needs to rearrange its fares to comport with the rule. Similarly, there might be an effect on members of the public whose rates are changed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment is an interim measure designed with information currently available about average tow truck rates in the appropriate market. A public hearing is scheduled in May 2002, at which members of the public, including the industry, can present additional information. Transportation anticipates that the rates will change based on that hearing. Nevertheless, this amendment is a reasonable attempt to carry out the legislature's direction that Transportation set tow truck fees as directed in Utah Code Ann. Section 72-9-603.

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

TRANSPORTATION
MOTOR CARRIER
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

James Beadles at the above address, by phone at 801-965-4168, by FAX at 801-965-4796, or by Internet E-mail at jbeadles@dot.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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: John R. Njord, Executive Director

R909. Transportation, Motor Carrier.

R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification.

R909-19-1. Authority.

This rule is enacted under the authority of Sections 72-9-601, 72-9-601, 72-9-602, 72-9-603, 72-9-604, 53-1-106, 41-6-102, Utah Code.

R909-19-2. Applicability.

(1) All tow trucks motor carriers and employees must comply and observe all rules, regulations, traffic laws and guidelines as prescribed by State Law and 49 CFR Part 350 - 399, hereby incorporated by reference in accordance with Sections 41-6-101, 41-6-102, 41-6-104, 72-9-301, 72-9-303, 72-9-601, 72-9-602, 72-9-603, 72-9-604, 72-9-701, 72-9-702, 72-9-703, and 72-9-703, Utah Code.

(2) Until ~~the~~ a driver certification program is established all ~~tow truck drivers~~ ~~Tow Truck Motor Carriers, equipment and driver's~~ will be ~~deemed~~ considered certified until ~~April 1, 2002.~~ April 1, 2003. ~~All tow truck Motor Carriers and Equipment will be considered certified until July 1, 2002. After that date, all Tow Truck Motor Carriers, equipment and drivers will need to receive training and certification.~~

(3) ~~The automatic certifications of drivers and Tow Truck Motor Carriers and Equipment expire either when the biannual certification is issued or when the Department issues a notice to the Tow Truck Motor Carrier that it is not eligible for a biannual certification due to violations of any law, any permits issued by the Department, or materials incorporated with those permits.~~

(4)(a) ~~After July 1, 2002, the Department will begin certifying Tow Truck Motor Carriers and equipment in accordance with established guidelines. The Department realizes that it will not be able to certify all Tow Truck Motor Carriers and equipment by July 1, 2002. To address this challenge, the Department may, upon application from the Tow Truck Motor Carrier, issue temporary certifications until the official certification process can be scheduled.~~

(b) ~~A temporary certification expires either when a biannual certification is issued or when the Department issues a notice to the Tow Truck Motor Carrier that it is not eligible for a biannual certification due to violations of any law, any permits issued by the Department, or materials incorporated with those permits.~~

(c) ~~Neither the automatic nor temporary certifications waive any of the requirements set forth in Title 72, Chapter 9, Part 6, Transportation Code, Tow Truck Provisions, or prevent the Department from enforcing other rules, regulations, federal or state statutes regarding motor carrier safety. Similarly, nothing in this rule is intended to limit the Division's or the Department's power to inspect, investigate, or take action against a Tow Truck Carrier for failure to comply with any of those laws.~~

(5) ~~Tow Truck Motor Carriers are encouraged to contact the Department for educational assistance regarding carrier and equipment certification requirements beginning July 1, 2002. This will prepare the carrier for the Department's certification review and facilitate temporary certification.~~

(6) ~~The certification granted in this rule does not waive any of the requirements set forth in Title 72, Chapter 9, or other rules, regulations, federal or state statutes regarding motor carrier safety or~~

tow truck regulation. Similarly, nothing in this rule is intended to limit the Department's or Division's power to inspect, investigate, or take action against a Tow Truck Carrier for failure to comply with any of those laws.

R909-19-3. Definitions.

(1) "Abandoned Vehicle" means a vehicle that is left unattended on a highway for a period in excess of 48 hours; or on any public or private property for a period in excess of seven days without express or implied consent or the owner or person in lawful possession or control of the property.

(2) "Consent Tow" means tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102, after performing any tow truck service that is done at the vehicle, vessel, or outboard motor owner's knowledge.

(3) "Division" means the Motor Carrier Division

(4) "Department" means the Utah Department of Transportation.

(5) "Driveaway-Towaway Operation" means any operation in which a motor vehicle constitutes the commodity being transported.

(6) "Gross combination weight rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GVCR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

(7) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

(8) "Non Consent Tow " means:

(a) tow truck service as ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority as defined in Section 72-1-102, or

(b) any tow truck service performed without the vehicle, vessel, or outboard motor owner's knowledge or permission, and may include tow truck services that are performed on private property.

(9) "Non-consent Private Impoundment" means towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle from private property.

(10) "Non-Consent Police Generated Tow" means tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102, after performing a tow truck service that is performed without the vehicle, vessel, or outboard motor owner's knowledge or permission.

(11) "Personal Property" means articles associated with a person, as property having more or less intimate relation to person, including clothing, tools, home/family/vocation items, etc. Items that are considered to be the original manufactured equipment, and/or attached property to the vehicle, including tires, rims, vehicle-stereos, speakers, or CD changers are not considered personal property and will remain in the vehicle.

(12) "Rollback/Auto Carrier " means a vehicle constructed, designed, altered, or equipped primarily for the purpose of removing damaged, disabled, abandoned, seized, or impounded vehicles from the highway or other place by means of a tilt bed or roll-back deck.

(13) "Tow Truck" means a motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or

removing damages, disabled, abandoned, seized, or impounded vehicles from highway or other place by means of a crane, hoist, tow bar, tow line, dolly tilt bed, or other similar means of vehicle transfer without its own power or control.

(14) "Tow Truck Certification" means a program to authorize and approve tow truck motor carrier owners and operators, and is the process by which the Department, acting under Section 72-9-602, Utah Code, shall verify compliance with the State and Federal Motor Carriers Safety Regulations, including all terms and conditions of the permit and any materials incorporated into the permit by reference or attachment~~[as outlined in the permit and materials incorporated into the permit either by attachment or reference]~~. This process includes certification for tow truck motor carriers, tow truck owners, drivers, and related equipment. Certificates will be issued for the following categories:

(a) "Basic Certification" means training applicable to standard tow truck motor carrier operations where the towed vehicle weighs 10,000 lbs or less.

(b) "Commercial Certification" means training applicable to tow truck motor carrier operations where the towed vehicle weighs 10,001 lbs or more.

(c) "Hazardous Material Certification" means training applicable to tow truck motor carrier operations where the towed vehicle is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(d) "Hazardous Material Certification - Cargo Tank Special Endorsement" means special endorsement training applicable to towing operations limited to the recovery of cargo tanks. Cargo Tank Special Endorsements training and certification requirements are outlined specifically in the Utah Regulations for Towing Operation and Certification Manual.

(15) "Tow Truck Motor Carrier" means a for-hire tow truck motor carrier or a private tow truck motor carrier, and includes a tow truck motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of equipment and/or accessories.

(16) "Tow Truck Service" means the transportation upon the public streets and highways of the State of damaged, disabled, or abandoned vehicles together with personal effects and/or cargo. The terms wrecker service, tow car service, and garage tow truck service are synonymous and shall be considered as "tow truck service."

(a) "Class A Tow Truck" means a tow truck, rollback/auto carrier with a minimum manufacturer's GVWR of 10,000 lbs.

(b) "Class B - Light Duty Tow Truck" means a tow truck with a minimum manufacturer's GVWR equal to 10,001 lbs or less than 18,000 lbs.

(c) "Class C - Medium Duty Tow Truck" means a tow truck with a minimum manufacturer's GVWR equal to 18,001 lbs or less than 26,001 lbs.

(d) "Class D - Heavy Duty Tow Truck" means a tow truck with a minimum manufacturer's GVWR of 26,001 lbs or greater.

(17) "Tow Truck Motor-Carrier Steering Committee" means a committee established by the Administrator of the Motor Carrier Division and will include enforcement personnel, industry representatives and, Transportation Commissioner(s) or other persons as considered~~[deemed]~~ necessary.

(18) "Biannual Certification" means the certification established in Utah Code Ann. Section 72-9-602.

R909-19-4. Duties - Enforcement - Compliance Audits, Inspections and Right of Entry.

The Department shall administer and in cooperation with the Department of Public Safety, Utah Highway Patrol Division as specified under Section 53-8-105, Utah Code, shall administer and enforce state and federal laws related to the operation of tow truck motor carriers within the state. In addition, a tow truck motor carrier shall submit its lands, property, buildings, equipment for inspection and examination and shall submit its accounts, books, records, or other documents for inspection and copying to verify compliance as authorized by Section 72-9-301.

R909-19-5. Insurance.

All tow trucks will be required to carry at least \$750,000 of insurance minimum liability plus the MCS-90 endorsement for environmental restoration as required in 49 CFR Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers. Evidence of required insurance will be maintained at the principal place of business and made available to the Department and/or investigator upon request and prior to tow truck carrier certification.

R909-19-6. Penalties and Fines.

(1) Any tow truck motor carrier that fails or neglects to comply with State or Federal Motor Carrier Safety Regulations, other statutes, [or] any part of this rule, [or] any term or condition of the permit or any materials that it incorporates either by reference or attachment, or a Departmental order [conditions set forth in the permit or materials incorporated into the permit either by attachment or reference or Departmental order] is subject to:

(a) a civil penalty as authorized by Section 72-9-701, and 72-9-703;

(b) issuance of a cease-and-desist order; and

(c) the revocation or suspension of registration by the Utah State Tax Commission pursuant to Section 72-9-303.

(2) The fact of non-compliance will be considered [and may be acceptable as] sufficient cause for the Department to revoke tow truck motor carrier, driver, and/or vehicle certification.

R909-19-7. ~~Cease and Desist Orders - Registration Sanctions.~~

~~(1) The Department may issue a cease and desist order to any tow truck motor carrier that fails or neglects to comply with State and Federal Motor Carrier Safety Regulations or any part of this rule or conditions set forth in the permit or materials incorporated into the permit either by attachment or reference or Departmental order as authorized by Section 72-9-303.~~

~~(2) The Department shall notify the Motor Vehicle Division of the State Tax Commission upon having reasonable grounds to believe that a tow truck motor carrier is in violation of this rule as authorized by Section 72-9-303(2).~~

R909-19-8.] Towing Notice Requirements.

(1) A tow truck motor carrier after performing a tow truck service, that was not ordered by a peace officer, or a person acting on behalf of a law enforcement agency or a highway authority, as defined in R909-19-3, without the vehicle, vessel, or outboard motor owner's knowledge shall immediately upon arriving at the place of storage or impound of the vehicle contact by radio or phone, the law enforcement agency having jurisdiction over the area where the

vehicle, vessel, or outboard motor was picked up and notify the agency as per requirements set forth in 72-9-603(1).

Pursuant to the requirement to "immediately" ... "contact the law enforcement agency having jurisdiction" as required by Section 72-9-603, Utah Code, a tow-truck motor-carrier operator shall:

(a) Report the removal immediately upon arriving at the place of storage or impound of the vehicle, if removal was completed during posted office hours.

(b) Report the removal within 2 hours of the next business day if the removal occurred after normal posted office hours.

(c) For purposes of Section 72-9-603, the "contact" to the law enforcement agency shall be considered accomplished if made as per Section R909-19-9.

(d) If this reporting is not completed within the time frame, the Tow Truck Motor Carrier or Operator will not be allowed to collect any fees or begin charging storage fees as authorized under Section 72-9-603. Notification and reporting requirements will be completed in electronic form on ~~[a]the Department's website,~~ www.dot.state.ut.us.

(2) Any Tow Truck Motor Carrier or its agents who violates notification requirements as outlined or uses a restriction device or means of disabling the vehicle, and thereby incapacitates a vehicle and makes it unavailable to its owner to the same extent as if it had been towed, may be assessed civil penalties determined by the Department as authorized under Section 72-9-603.

R909-19-8[9]. Requirement for Tow Truck Motor Carriers to input required information for Government and Public Notification.

All Tow Truck Motor Carriers must follow notification procedures as required by 72-9-603 and input required information in electronic form on the Department's website, at www.dot.state.ut.us ~~(website)~~.

R909-19-9[10]. Certification.

(1) The Department shall inspect, ~~investigate[investigate/audit],~~ and certify tow truck motor carriers, tow trucks, and tow truck drivers at least every two years to ensure compliance as required by Sections 41-6-102.5, 41-6-102.7, Utah Code, and 49 CFR Parts 350 - 399, 170-180 where applicable.

(2) The Department will charge a biennial fee as authorized by Section 72-9-602(1) to cover costs associated with the inspection, ~~investigation[investigation/compliance review],~~ and certification.

R909-19-10[11]. Certification Fees.

Each separate Tow Truck Motor Carrier is responsible for the cost of vehicle inspections ~~[compliance audits]~~ and certification reviews as authorized by this rule. Cost-estimates associated with vehicle inspections, ~~investigation[investigation/compliance review]~~ and certification are available from the Division.

R909-19-11[12]. Certification from a Qualified Training Facility.

(1)(a) The Department will accept operational training or equivalent certification from a qualified professional training facility that meets ~~[the]~~ minimum operational requirements as approved by the Department; or

(b) The Tow Truck Motor Carrier ensures that each tow truck driver or operator is qualified as follows:

(i) Understands the operational functions of equipment, load securement or inspection task to be accomplished and can perform that task; and

(ii) Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing tow truck operations; and

(iii) Is capable of performing the assigned operational function or inspection by reason of experience, training or both.

(2) The Tow Truck Motor Carrier must maintain evidence of the tow truck driver/operator qualifications at its principle place of business. The evidence must be maintained for the period during which the driver/operator is employed in that capacity and for one year thereafter. ~~[Training segments that meet minimum requirements can be applied toward a tow truck motor carrier certification, vehicle certification, or driver certification as outlined in the Utah Regulations for Towing Operation and Certification Manual. Until April 1, 2002, however, as stated in R909-19-2, Tow Truck Carriers, equipment, and drivers are considered certified.~~

~~(2) From April 1, 2002 through March 31, 2003, the Department will only accept training or equivalent certification from a facility that the Division considers qualified to offer professional training. After April 1, 2003, all Tow Truck Motor Carriers operating within the state must be certified in accordance with rules to be issued by the Division.~~

~~(3) The automatic certification granted in this rule does not waive any of the requirements set forth in Title 72, Chapter 9, Part 6, Transportation Code, Tow Truck Provisions, or other rules, regulations, federal or state statutes regarding motor carrier safety. Similarly, nothing in this rule is intended to limit the Division's or the Department's power to inspect, investigate, or take action against a Tow Truck Carrier for failure to comply with any of those laws.]~~

R909-19-12[13]. Maximum Towing Rates. Public Non-Consent Tows.

(1) \$110 per hour for the use of Class A and B Tow Truck Service;

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.

(2) \$200 per hour for the use of a Class C Tow Truck Service;

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transport transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.

(3) \$250 per hour for the use of a Class D Tow Truck Service

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transport transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F and the tow truck operator is hazardous material

certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.

(4) \$400 per hour for the use of any tow truck service in the recovery of a hazardous material cargo tank vehicles of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F and the tow truck operator is hazardous material certified.

~~[(5) Pursuant to Utah Code Ann. Section 72-9-603(3), it is illegal for a Tow Truck Carrier to require the owner of an impounded vehicle to pay any money other than the appropriate amount listed in this rule, plus the administrative impound fee set forth in Utah Code Ann. Section 41-6-102.5, if applicable. Any Tow Truck Carrier or Private Impound Yard charging more than the maximum approved rates will be assessed civil penalties determined by the Department, as authorized under Section 72-9-303.]~~

R909-19-13[44]. Maximum Private Non-Consent Impoundment Rates.

(1) Tow Truck Motor Carriers and/or Private Impound Yards may charge

(a) up to \$110 maximum rate for private impoundment of vehicles for the use of Class A and B Tow Truck Service;[-]

(b) up to \$200 maximum for the use of a Class C Tow Truck Service;

(c) up to \$250 maximum for the use of Class D Tow Truck Service.

~~[(2) Tow Truck Motor Carriers and/or Private Impound Yards may apply for a Special Function Permit that allows a maximum rate of up to \$150 during special functions as defined in the Utah Regulations for Towing Operations and Certification Manual.~~

~~[(3) Applications must be submitted two weeks prior to the event and approved by the Motor Carrier Division.~~

~~[(a) Applications can be obtained by calling the Motor Carrier Division at (801) 965-4951.~~

~~[(4) The \$150 rate can only be charged during approved time frames for special functions.~~

~~[(5)](2) [Pursuant to Utah Code Ann. Section 72-9-603(3), it is illegal for a Tow Truck]Any Tow Truck Motor Carrier or Private Impound Yard [to require the owner of an impounded vehicle to pay any money other than the appropriate amount listed in this rule, plus the administrative impound fee set forth in Utah Code Ann. Section 41-6-102.5, if applicable. Any Tow Truck Carrier or Private Impound Yard charging more than the]charging more than maximum approved rates will be assessed civil penalties determined by the Department as authorized under Section 72-9-603.~~

R909-19-14[45]. Maximum Storage Rates. Public/Private Non-Consent Tows.

(1) \$15 Maximum per day, per unit, for outside storage of cars, pickups, and smaller vehicles;

(2) \$20 Maximum per day, per unit may be charged for inside storage of cars; pickups and smaller vehicles only at the owner's request.

(3) \$35 Maximum per day, per unit for outside storage of semi tractors or trailers;

(4) \$70 Maximum per day, per unit may be charged for inside storage of semi tractors or trailers only at the owner's request.

(5) \$100 Maximum per day, per unit for outside storage of vehicles used in the transportation of materials found to be

hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(6) \$150 Maximum per day, per unit may be charged for inside storage of vehicles used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F, only at the owner's request.

~~[(7) Pursuant to Utah Code Ann. Section 72-9-603(3), it is illegal for a Tow Truck Carrier or Private Impound Yard to require the owner of an impounded vehicle to pay any money other than the appropriate amount listed in this rule, plus the administrative impound fee set forth in Utah Code Ann. Section 41-6-102.5, if applicable. Any Tow Truck Carrier or Private Impound Yard charging more than the maximum approved rates will be assessed civil penalties determined by the Department as authorized under Section 72-9-603.]~~

R909-19-15[46]. Towing and Storage Rates. Public Consent Tows.

~~[Because contracted for services are not regulated by the Department, towing]Towing rates for public consent tows are the responsibility of the consumer and the tow truck motor carrier[-. Those rates are not set by this rule.] as contracted for services rendered and are not regulated by the Department.~~

R909-19-16[47]. Rates and Storage Posting Requirements.

Pursuant to Section 72-9-603(6), a tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current non-consent fees and rates for towing and storage of a vehicle[-, including any other fees or charges the carrier may impose before allowing a consumer to get his or her vehicle out of an impound yard].

R909-19-17[48]. Federal Motor Carrier Safety Requirements.

All tow truck motor carriers that meet the definition of a commercial motor carrier shall comply with all State and Federal Motor Carrier Safety Regulations, in addition to any other legal requirements established in statute, rule, or permit[-and all other legal requirements].

R909-19-18[49]. Consumer Protection Information.

Pursuant to Section 72-9-602, the Department shall make consumer protection information available to the public that may use a tow truck motor carrier. To obtain such information, the public can call the Motor Carrier Division at (801) 965-4261.

R909-19-19[20]. Establishment of Tow Truck Steering Committee and Work Group.

(1) The Administrator for the Motor Carrier Division will establish a ~~[Tow Truck Steering Committee and Work Group]~~working group on tow truck issues to provide advisory information and input.

(2) The Work Group will meet on a quarterly basis or as needed to review policies and procedures.

(3) The Motor Carrier Advisory Board, established by the Governor, will serve as the steering body for regulatory guidance and the Department's certification process.

R909-19-20[24]. Annual Review of Rates, Fees and Certification Process.

(1) During the regularly scheduled Motor Carrier Advisory Board meeting in August of each year, the board will review rates, fees, tow truck motor carrier procedures, and the certification process. The board is not required to review each of these items every year. [The Tow Truck Steering Committee will meet on the 1st Tuesday in August on an annual basis to review rates, fees, tow truck motor carrier procedures and the certification process.]

(2) This meeting will provide a forum for interested parties to provide evidence in support of any rate or fee increase or issued related to procedures regarding the certification process.

(3) All interested parties must notify the Department of these issues by August 1 of each year to ensure placement on the agenda.

(4) An annual report will be issued by the Department regarding any rate, fees, tow truck motor carrier procedures and certification process changes will be made available at the Department's main office and on the Motor Carrier Division's website at www.dot.state.ut.us.

(2) An annual report will be issued by the committee and will be made available at the department's main office, and on the Internet.]

R909-19-21[22]. Ability to Petition for Review.

[Any Tow Truck Carrier who believes the Department or the Division has acted wrongfully in denying or suspending certification or in imposing a cease and desist order may petition the Department for review of that action. The review shall be initiated and processed pursuant to the rules and procedures set forth in Utah Admin. Code R907-1 as an informal appeal under the Utah Administrative Procedures Act, title 63, Chapter 46b, Utah Code Annotated.] Any Tow Truck Carrier who believes the Division has acted wrongfully in denying or suspending certification or in imposing a cease-and-desist order may petition the Department for review of that action pursuant to Utah Admin. Code R907-1, Appeal of Departmental Actions.

R909-19-22. Record Retention.

Tow Truck Motor Carriers shall retain records relating to rates charged for services for a period of six months after the service has been provided. However, if the Division or the vehicle owner have notified the carrier that it disputes its ability to charge a particular fee, the carrier shall retain the record until six months after the dispute has concluded or a court rule or order requires a longer retention period.

R909-19-23. Information to be Included on Company's Receipt.

Charges for services provided must be listed and itemized on a receipt and provided to the customer. The information on the receipt must include company name, address, phone number, transportation and storage fees charged, name of driver, unit number of towing vehicle or license plate, description of the vehicle that was towed, and the total breakdown of time and services rendered.

KEY: safety regulations, trucks, towing, certifications
[December 4, 2004]2002

- 41-6-101
- 41-6-102
- 41-6-104
- 53-1-106
- 53-8-105

- 63-38-3.2
- 72-9-601
- 72-9-602
- 72-9-603
- 72-9-604
- 72-9-301
- 72-9-303
- 72-9-701
- 72-9-702
- 72-9-703



Transportation, Preconstruction, Right-of-Way Acquisition
R933-2
Control of Outdoor Advertising Signs

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 24666
 FILED: 04/01/2002, 18:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is designed to incorporate language used in the Utah/Federal Agreement on the Control of Outdoor Advertising. It also deletes a provision that was relevant only during the 2002 Winter Olympics.

SUMMARY OF THE RULE OR CHANGE: This amendment provides a definition of acceleration/deceleration lanes, which previously had not appeared in either statute or rule. It also deletes Section R933-2-15.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 72-7-501 and 72-7-502

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There is no anticipated cost or savings expected from this change because it is for clarification only.
- ❖ **LOCAL GOVERNMENTS:** None--This rule does not affect local governments.
- ❖ **OTHER PERSONS:** The rule does not have a cost or savings impact on other persons, except that it might make additional billboard sites available to the industry.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs since the amendment only creates a definition.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no negative fiscal impact on business. There may be indirect positive fiscal impact since the rule change may allow for additional billboard sites.

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

TRANSPORTATION
PRECONSTRUCTION, RIGHT-OF-WAY ACQUISITION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

James Beadles at the above address, by phone at 801-965-4168, by FAX at 801-965-4796, or by Internet E-mail at jbeadles@dot.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 PM on 05/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2002

AUTHORIZED BY: John R. Njord, Executive Director

R933. Transportation, Preconstruction, Right-of-Way Acquisition.

R933-2. Control of Outdoor Advertising Signs.

R933-2-3. Definitions.

All references in these Rules to Title 72, Chapter 7, Part 5, are to those sections of the Utah Code known as the Utah Outdoor Advertising Act. In addition to the definitions in that part, the following definitions are supplied:

(1) "Abandoned Sign" means any controlled sign, the sign facing of which has been partially obliterated, has been painted out, has remained blank or has obsolete advertising matter for a continuous period of 12 months or more.

(2) "Acceleration and deceleration lanes" means speed change lanes created for the purpose of enabling a vehicle to increase or decrease its speed to merge into, or out of, traffic on the main-traveled way. As used in the Act, an acceleration or deceleration lane begins and ends at a point no closer than 500 feet from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

~~(2)~~(3) "Act" means the Utah Outdoor Advertising Act.

~~(3)~~(4) "Advertising" means any message, whether in words, symbols, pictures or any combination thereof, painted or otherwise applied to the face of an outdoor advertising structure, which message is designed, intended, or used to advertise or inform, and which message is visible from any place on the main travel-way of the interstate or primary highway system.

~~(4)~~(5) "Areas zoned for the primary purpose of outdoor advertising" as used in the Act is defined to include areas in which the primary activity is outdoor advertising.

~~(5)~~(6) "Commercial or industrial zone" as defined in of the Act is further defined to mean, with regard to those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns referred to in that subsection, those areas not within 8,420 feet of an interstate highway exit-ramp or entrance-ramp as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way that are reserved for business, commerce, or trade under enabling state legislation or comprehensive local zoning ordinances

or regulations, and are actually used for commercial or industrial purposes, including the land along both sides of a controlled highway for 600 feet immediately abutting the area of use, measurements under this subsection being made from the outer edge of regularly used buildings, parking lots, gate-houses, entrance gates, or storage or processing areas.

~~(6)~~(7) "Conforming Sign" means an off-premise sign maintained in a location that conforms to the size, lighting, spacing, zoning and usage requirements as provided by law and these rules.

~~(7)~~(8) "Controlled Sign" means any off-premise sign that is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main traveled way of any interstate or federal-aid primary highway in this State.

~~(8)~~(9) "Destroyed Sign" means a sign damaged by natural elements wherein the costs of re-erection exceeds 30% of the depreciated value of the sign as established by departmental appraisal methods.

~~(9)~~(10) "Freeway" means a divided highway for through traffic with full control access.

~~(10)~~(11) "Grandfather Status" refers to any off-premise controlled sign erected in zoned or unzoned commercial or industrial areas, prior to May 9, 1967, even if the sign does not comply with the size, lighting, or spacing of the Act and these Rules. Signs only, and not sign sites, may qualify for Grandfather Status.

~~(11)~~(12) "H-1" means highway service zone as defined in the Act.

~~(12)~~(13) "Lease or Consent" means any written agreement by which possession of land, or permission to use land for the purpose of erecting or maintaining a sign, or both, is granted by the owner to another person for a specified period of time.

~~(13)~~(14) "Legal copy" means the advertising copy on the sign that occupies at least 50% of the sign size.

~~(14)~~(15) "Nonconforming Sign" means a sign that was lawfully erected, but that does not conform to State law or rules passed or made at a later date or that later fails to comply with State legislation or rules because of changed conditions. The term "illegally erected" or "illegally maintained" is not synonymous with the term, "nonconforming sign", nor is a sign with "grandfather" status synonymous with the term, "nonconforming sign."

~~(15)~~(16) "Off-Premise Sign" means also, in supplement to the definition stated in the Act, an outdoor advertising sign that advertises an activity, service or product and that is located on premises other than the premises at which activity or service occurs or product is sold or manufactured.

~~(16)~~(17) "On-Premise Sign", in supplement to the definition stated in the Act, does not include a sign that advertises a product or service that is only incidental to the principal activity or that brings rental income to the property owner or occupant.

~~(17)~~(18) "Out-of-Standard" means any sign that fails to meet the standards and criteria set forth in the Utah-Federal Agreement of January 18, 1968 as referenced in the Utah Outdoor Advertising Controls and Rules, current edition, or more restrictive statutes or rules passed after as to size, height, lighting, or spacing.

~~(18)~~(19) "Parkland" means any publicly owned land that is designed or used as a public park, recreation area, wildlife or waterfowl refuge, or historical site.

~~(19)~~(20) "Property" as used in the definition of "On-Premise Sign" includes those areas from which the general public is serviced and which are directly connected with and are involved in assembling, manufacturing, servicing, repairing, or storing of

products used in the business activity. This property does not include the site of any auxiliary facilities that are not essential to and customarily used in the conduct of business, nor does it include property not contiguous to the property on which the sign is situated.

~~[(20)]~~(21) "Sale or Lease Sign" means any sign situated on the subject property that advertises that the property is for "sale" or "lease". This sign may not advertise any product or service unrelated to the business of selling or leasing the land upon which it is located, nor may it advertise a projected use of the land or a financing service available or being utilized in its development.

~~[(21)]~~(22) "Scenic Area" as used in the Act includes a scenic byway.

~~[(22)]~~(23) "Transient or Temporary Activity" means any industrial or commercial activity, not otherwise herein excluded, that does not have a prior continuous history for a period of six months.

~~[(23)]~~(24) "Unzoned Area" in supplement to the definition stated in the Act, means an area in which no zoning is in effect. It does not include areas within comprehensive zoning or master plans adopted by local zoning authorities.

~~[(24)]~~(25) "V-Type Sign" means any sign, the center pole of which is nearest the traveled portion of the highway and is a common pole to the two sign faces, or when a common pole is not used, a sign with the sign faces no further than 36 inches apart at the angle of the sign closest to the traveled portion of the highway, and the structure poles at the point nearest the traveled portion of the highway no further apart than 48 inches. Existing V-type signs now controlled and permitted are excluded from this definition.

~~[(25)]~~(26) "Visible" means capable of being seen whether or not readable, without visual aid, by a person of normal visual acuity.

~~[R933-2-15. Special Permits for Olympic Pageants.~~

~~Notwithstanding rules in R930-6 regarding the one-week validity of special advertising permits, UDOT may allow political subdivisions and governmental entities to place Olympic pageantry along the right-of-way for more than one week. Unless an Olympic pageantry permit specifically provides for an earlier expiration date, it expires automatically on April 2, 2002. All pageantry must be removed by the expiration date and the right of way must be returned to its previous condition. Other rules regarding right-of-way encroachments and the granting of permits apply. Additionally, nothing in this rule limits UDOT's discretion to grant a permit for Olympic pageantry, or attach conditions to such a grant. No application for an Olympic pageantry permit will be accepted after April 2, 2002.]~~

KEY: signs

~~[July 9, 2001]~~2002

Notice of Continuation February 10, 1997

Title 72, Chapter 7, Part 5



End of the Notices of Proposed Rules Section

Five-Year Notices of Review and Statements of Continuation Begin on the Following Page

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Agriculture and Food, Regulatory Services **R70-530** Food Protection

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24599
FILED: 03/18/2002, 09:47

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: Section 4-5-17 authorizes the Department of Agriculture and Food to make and enforce rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None 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 shall be liberally construed and applied to promote its underlying purpose of safeguarding public health and providing to consumers food that is safe, unadulterated, and honestly presented, and should be continued.

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

AGRICULTURE AND FOOD
REGULATORY SERVICES
350 N REDWOOD RD
SALT LAKE CITY UT 84116-3087, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Becky Shreeve or Marolyn Leetham at the above address, by phone at 801-538-7149 or 801-538-7114, by FAX at 801-538-7126 or 801-538-7126, or by Internet E-mail at

agmain.bshreeve@state.ut.us or
agmain.mleetham@state.ut.us

AUTHORIZED BY: Cary Peterson, Commissioner

EFFECTIVE: 04/08/2002



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

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24649
FILED: 03/27/2002, 16:15

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: Subsection 61-2b-6(1)(l) authorizes the Division, with the concurrence of the Board, to adopt rules for the administration of the chapter.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The temporary practice permit provisions in a previous version of the rule were opposed by the federal Appraisal Subcommittee as too restrictive. The rule was changed in response to those comments.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to have rules to set forth the mechanics of license application and issuance, status changes, renewal, temporary practice permits, and licenses issued by reciprocity. The agency did not disagree with the comments in opposition to the rule, and changed the rule in accordance with those comments.

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

COMMERCE
REAL ESTATE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shelley Wismer at the above address, by phone at 801-530-6761, by FAX at 801-530-6749, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Dexter Bell, Director

EFFECTIVE: 04/08/2002

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

COMMERCE
REAL ESTATE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shelley Wismer at the above address, by phone at 801-530-6761, by FAX at 801-530-6749, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Dexter Bell, Director

EFFECTIVE: 04/09/2002

Commerce, Real Estate
R162-104
Experience Requirement

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24648
FILED: 03/27/2002, 16:05

**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: Subsection 61-2b-6(1)(l) authorizes the Division to adopt rules with the concurrence of the Board for the administration of the licensure and regulation of appraisers. Subsection 61-2b-8(1)(a) authorizes the Board to determine the experience requirements for licensed and certified appraisers. This rule defines which appraisal experience will be counted toward licensure or certification and provides a method for measuring experience.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to specify the experience required for licensure and certification of appraisers in conformance with the minimum requirement of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 as required by Sections 61-2b-8, 61-2b-10, 61-2b-14, and 61-2b-15.

Commerce, Real Estate
R162-106
Professional Conduct

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24647
FILED: 03/27/2002, 16:01

**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: Subsection 61-2b-6(1)(l) authorizes the Division to adopt rules for the administration of the licensure and regulation of appraisers. Rule R162-106 sets forth professional conduct standards for appraisers in the State of Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments to the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R162-106 is required to set forth the standards of practice for appraisers in the State of Utah as required by Sections 61-2b-8 and 61-2b-27.

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COMMERCE
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160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Shelley Wismer at the above address, by phone at 801-530-6761, by FAX at 801-530-6749, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Dexter Bell, Director

EFFECTIVE: 04/08/2002

Environmental Quality, Air Quality
R307-105
General Requirements: Emergency
Controls

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24639
FILED: 03/26/2002, 15:20

**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: Section 19-2-112 allows the executive director of the Department of Environmental Quality, with the concurrence of the Governor, to declare an air pollution emergency and order reductions in emissions of air pollutants.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: R307-105 is necessary to specify in advance the levels of air pollutants that create an emergency and other factors to be used in determining that an emergency exists.

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ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at jmiller@deq.state.ut.us

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 04/09/2002

Environmental Quality, Air Quality
R307-110
General Requirements: State
Implementation Plan

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24643
FILED: 03/27/2002, 09:56

**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: Rule R307-110 incorporates by reference the state implementation plan (SIP) allowed under Subsection 19-2-104(3)(e), which allows the Air Quality Board to prepare a state plan for the prevention, abate or control of air pollution. Clean Air Act Section 110(a)(1) (42 U.S.C. 7410(a)(1)) requires that each state shall adopt and submit to EPA a plan providing for implementation, maintenance and enforcement of each health standard promulgated by EPA. If a state fails to do so, EPA is to issue a federal implementation plan in its place, and other federal sanctions also would apply.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: R307-110 incorporates by reference the various sections of the Utah SIP. Written comments have been received only when the rule, and the incorporated SIP, were being amended. The SIP was amended effective 11/20/98 (DAR No. 21272); no comments were received. Another amendment became effective on 02/10/2000 (DAR No. 22553); no comments were received. An amendment became effective on 08/01/2001 (DAR No. 23756); no comments were received. The amendment under DAR No. 23757 became effective on 08/01/2001; the following comments were received: Comment: Wasatch Front Regional Council supports full credit for the Salt Lake County vehicle emissions test and repair program. Salt Lake County has worked diligently over the years to demonstrate that its program is no more prone to fraud and abuse than centralized test-only programs. In fact, Salt Lake County's program had less fraud than a test-only program in Minnesota. As a result of that effort, EPA has now changed their requirement to recognize that test and repair programs can be as effective as test-only programs. Salt Lake County deserves full credit for its program. The staff have worked hard to keep fraud out of their system and high-polluting vehicles off the road with numerous overt and covert audits of participating I/M testing stations. In addition, they have developed a real-time database that has become a model for the industry (Wasatch

Front Regional Council letter dated May 31, 2001). Response: Noted. The amendment under DAR No. 23758 became effective on 10/02/2001; the following comments were received: Comment 1) Page 5, 3. Tools and resources. We collect a \$9 air pollution control fee on diesel-fueled vehicles registered in the county. The \$1 air pollution control fee is collected on all nondiesel-fueled vehicles registered in the county, not just the passenger vehicles. Response: Changed in SIP text; Comment 2) Page 7, Exempt vehicle; Other vehicles exempt from the I/M Program include 1968 model year and older, electric powered, farm equipment, construction equipment, or other off-road vehicles. Response: Changed in SIP text; Comment 3) Page 10, Anti-tampering provisions. We do not require a visual inspection nor repair of the fuel inlet. Response: Changed in SIP text; Comment 4) Page 10, last paragraph, pre-91 engine changes are tested to engine year standards, not chassis model year. Response: Changed in SIP text; Comment 5) Page 11, Data security provisions. Analyzer data is downloaded daily but not from every station. Data from each station analyzer is downloaded once or twice a week. Response: Changed in SIP text; Comment 6) Page 12, Certified analyzer use restriction. The UTAH2000 analyzer has been required for I/M testing since March 1, 2000. The UTAH91 analyzer was required September 1, 1991. Response: Changed in SIP text; Comment 7) Page 14, second paragraph, VIR does not include warranty and waiver info. Response: Changed in SIP text; Comment 8) Page 14, Waiver procedures. At the present time we do not require that repairs be performed by a Certified Emissions Technician. However, repairs must be performed by a licensed automotive repair business in order to count the labor costs. Also before a waiver may be issued the CO levels must meet a specific waiver cutpoint. It is more stringent than simply having an improvement in their CO readings. Response: Changed in SIP text; Comment 9) Page 18, third paragraph, Electronic audit capabilities. No analyzer diskette is retrieved. Data collection is accomplished via a dialer accessing the station analyzer. Response: Changed in SIP text; Comment 10) Page 19, General enforcement provisions. Station fee settlements are based on 50% of the expected revenue from I/M testing during the suspension time with a \$3,000 maximum. Fee settlements for the inspectors is \$100 for any portion of 15-day period up to a maximum of \$500. Inspector suspensions may not be reduced by more than 75 days through a negotiated fee settlement. Response: Changed in SIP text; Comment 11) Page 22, Inspector permit renewal. Annual refresher training is not always required. Annual testing is required. Response: Changed in SIP text; Comment 12) Page 23, first full paragraph: should read revocation "of" not "or". Response: Changed in SIP text; Comment 13) Page 23, Vehicle inspection report; We no longer print the public awareness statement because there is not enough room on the VIR. Response: Changed in SIP text; Comment 14) Page 24, first paragraph, "The test results are detailed on the VIR. Information about vehicle emissions warranties and the benefits of emissions-related repairs are printed for vehicles that failed the test. Information about waiver requirements and application procedures are printed on the VIR". These statements are not accurate. Response: Deleted from the SIP text; Comment 15) Page 25, I/M program repair support

activities. Technical bulletins are mailed to the stations and not each permitted inspector. Response: Changed in SIP text; and Comment 16) Remote Sensing is an integral part of our program. We ask that it be restored to the SIP, even though we do not currently claim credit for emissions reductions from the program. Response: A new section 20 has been added at the end to restore Remote Sensing to the SIP.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Under Clean Air Act Section 110(c)(1) (42. U.S.C. 7410(c)(1)), if a state fails to prepare and enforce a plan to control air pollution so that health standards are not exceeded, then EPA is to issue a federal implementation plan for the state, and other federal sanctions also would apply.

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

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150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at jmiller@deq.state.ut.us

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 04/09/2002



Environmental Quality, Air Quality
R307-120
General Requirements: Tax Exemption
for Air and Water Pollution Control
Equipment

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24640
FILED: 03/26/2002, 15:31

**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: Sections 19-2-124 through 19-2-127 allows sales tax exemptions for pollution control equipment meeting certain requirements set forth in the statute.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS

SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years. The rule has been amended once under DAR No. 23094, effective 12/07/2000, and no comments were received during the comment period.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Sections 19-2-124 through 19-2-127 allow persons to avoid payment of sales tax for certain materials and services for construction or installation leading to a reduction in pollutants discharged. R307-120 sets forth conditions for eligibility and the process of application for certification of the exemption, as well as items for which exemptions are not allowed.

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SALT LAKE CITY UT 84116-3085, or
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DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at jmiller@deq.state.ut.us

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 04/09/2002



Environmental Quality, Air Quality
R307-121

General Requirements: Eligibility of Expenditures for Purchase of Vehicles that Use Cleaner Burning Fuel or Conversion of Vehicles and Special fuel Mobile Equipment To Use Cleaner Burning Fuels for Corporate and Individual income Tax Credits

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24641
FILED: 03/26/2002, 15:36

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: Sections 59-7-605 and 59-10-127 authorize income tax refunds for those purchasing a new vehicle that uses clean fuels and for those who retrofit a vehicle to use clean fuels.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The rule has not been amended in the last five years and no comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Sections 59-7-605 and 59-10-127 allow a tax credit for vehicles that use cleaner fuels. R307-121 sets forth the process to be followed to obtain the credit.

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DIRECT QUESTIONS REGARDING THIS RULE TO:
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AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 04/09/2002



Environmental Quality, Air Quality
R307-122

General Requirements: Eligibility of Expenditures for Purchase and Installation Costs of Fireplaces and Wood Stoves that Use Cleaner Burning Fuels

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24642
FILED: 03/26/2002, 15:39

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: Sections 59-10-128 and 59-7-606 allow tax credits for fireplaces and wood stoves that emit low levels of air pollutants.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The rule has not been amended in the last five years and no written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: R307-122 sets forth the process for applying for the tax credit allowed under Sections 59-10-128 and 59-7-606.

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

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DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at jmiller@deq.state.ut.us

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 04/09/2002

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Environmental Quality, Air Quality **R307-130** General Penalty Policy

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24644
FILED: 03/27/2002, 10:07

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: Section 19-2-115 authorizes penalties for those found, in a civil proceeding, to violate Title 19, Chapter 2, or any rule, order, or permit issued under that chapter. R307-130 guides the executive secretary of the Air Quality Board in determining a reasonable and appropriate penalty based on the nature and extent of the violation, the economic benefit to the sources of noncompliance, and adjustments for specific circumstances.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-130 defines four categories of violations based on the above factors, and sets a range of penalties appropriate for each category. Section R307-130-4 allows monetary penalties to be suspended in trade for expenditures for additional pollution controls beyond those currently required.

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

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AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 04/09/2002

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Environmental Quality, Air Quality **R307-220** Emission Standards: Plan for Designated Facilities

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24624
FILED: 03/26/2002, 10:15

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: Under 42 U.S.C. 7411(d) (Clean Air Act 111(d)), states are required to prepare plans to bring sources of particular kinds into compliance with new emission guidelines issued by EPA when new source performance standards are issued for new sources of the same kind. Rule R307-220 incorporates by reference the Utah Plans written to meet this requirement.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The only written comments have been submitted when the rule was amended.

R307-220 has been amended three times since it was adopted. No comments were received on the filing under DAR No. 19418, effective 09/04/97; or on DAR No. 21455, effective 11/25/98. The following summary of comments and DAQ responses are associated with the filing under DAR No. 23835, effective 11/01/2001; the filing added a new section, R307-220-4, to incorporate the Plan for Small Municipal Waste Combustors. The following is a summary of comments and responses. For the Small Municipal Waste Combustors Plan and Rule Availability of Information: COMMENT: I appreciate that DEQ sent out E-mail with copies of the rule and plan as soon as they were available. However, I could not read them and had to ask for a paper copy. DEQ should have had a copy available electronically that could be read

easily. RESPONSE: Copies were distributed as soon as they were available to everyone on DEQ's list of citizens and groups interested in municipal incinerator issues. In addition, the normal public notice schedule was followed, and we assisted anyone who asked for further help. Comments for Malfunctions, Upsets, Startups and Shutdowns: COMMENT 1: The definition of startup should be revised to specify that it does not include any warmup period when only fossil fuel is being combusted. The incinerator is always burning fossil fuel any time it burns plastics which are made from petroleum, a fossil fuel. With this definition, the incinerator is constantly in a period of startup. RESPONSE 1: The definitions states that startup does not include any period during which the municipal waste combustion unit combusts fossil fuel or other solid waste fuel but receives no municipal waste. Plastics are not a fossil fuel. Any plastics burned by the incinerator would be part of the municipal waste stream specifically exempted in the last phrase of the definition. COMMENT 2: Page 12, Plant-Specific Operating Manual, Subsection 60.1665(e). You have failed to define shutdown and malfunction, thus leaving DAQ open to Wasatch Energy Systems (WES) requests to excuse every violation as being caused by a malfunction. Your unavoidable breakdown rule is wide open to abuse. Who defines if a situation is technically a malfunction? Please define malfunction without leaving a loophole. In the past, WES reports have shown the same events classified as both acceptable and unacceptable at different times. RESPONSE 2: As noted on page 2, line 4, additional definitions are found in 40 CFR 60.2, incorporated into Utah rules in R307-210, "Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner". Failures that are caused in part by poor maintenance or careless operation are not malfunctions. As is true for any other source subject to 40 CFR Part 60, the executive secretary decides whether an event fits this definition. COMMENT 3: Subsection 60.1665(g). What is the WES employee to do during periodic upset or off-spec conditions? They should turn off the incinerator until the upset can be repaired. Is there a limit on how long such a period can last without reporting to DAQ? Regarding 60.1695, if WES has a startup, shutdown, or malfunction that lasts longer than three hours, is that a violation? How will DAQ know about it? Is WES required to report to DAQ? Regarding 60.1710, sources should be required to report at least quarterly, if not the next day, all upsets, malfunctions, startups, and shutdowns. RESPONSE 3: A startup, shutdown, or malfunction lasting longer than three hours would be a violation. WES is subject to R307-107, which requires reporting a breakdown of 2 hours or more to DAQ within 3 hours after the beginning of the breakdown if possible, but in no case longer than 18 hours after the start of the breakdown. Sources subject to this Plan also are subject to R307-170, which governs operation of continuous emissions monitors and reporting their results. Subsection R307-170-5(2) states, "All sources shall monitor and record all emissions data during all phases of source operations, including start-ups, shutdowns, and process malfunctions." In addition, Section R307-170-9 requires that sources report all periods of excess emissions, as well as other information enabling DAQ to know when the source is operating

abnormally, and Subsection R307-170-9(9) requires a signed statement under penalties of law that the information in the report is truthful and accurate and is a complete record of all monitoring events that occurred during the monitoring period. COMMENT 4: There should be a limit on the number of upsets, malfunctions, startups, and shutdowns in a given year or quarter. There should be stipulated fines for having more than the allowable number. This Plan does not even limit the frequency of upsets or require the source to stop feeding waste into the incinerator during an upset. Nobody has any idea what is being emitted during an upset. The source should be required to estimate actual emissions during each upset, malfunction, startup, and shutdown period, and should report these estimates in writing to DAQ within 10 days. What is to prevent the source from allowing the upset to continue up to three hours when it could be controlled sooner? RESPONSE 4: Refer to the definition of malfunction in an earlier response. Upsets or malfunctions that indicate that the source has a pattern or practice of poor maintenance, operator error, or other avoidable practices would prevent the excess emissions from being exempt from enforcement action. As noted above, the continuous emission monitor (CEM) will record information about emissions including startups, shutdowns, and malfunctions. The CEM measures sulfur dioxide, nitrogen oxides, and carbon monoxide. Thus, we will know how much of those substances are being emitted at any time. In addition, the readings for those pollutants give an indication of whether the combustion process is complete, and thus, the level of dioxins and furans that are being emitted. The only way to measure dioxins and furans directly is through a stack test, however. COMMENT 5: What happens if the air pollution control system ceases to function, or function properly, during combustion at or near maximum capacity? It should be required to shut down until the control system can be repaired. If not, it should be considered a violation and there should be a fine. RESPONSE 5: The three CEMs for oxides of nitrogen and sulfur and carbon will show if the facility's operations have been abnormal. In addition, the opacity CEM, too, will show a violation of the permit limits, should that occur. COMMENT 6: How will we know that WES is operating within its limits? Regarding the definition of maximum demonstrated load of a municipal waste combustor (MWC) unit, how will DAQ determine compliance with the limitations on load? Will you do spot checks, unannounced visits, or other methods? Subsection 60.1690(a) requires that the combustion unit not be operated at loads greater than 110 percent of the maximum demonstrated load. DAQ has never kept track of this. RESPONSE 6: Waste feed rate is monitored and measured automatically. WES is required to report any deviation from the specified feed rate limit. COMMENT 7: In 60.1690(c), add the words "which demonstrated compliance with the dioxin/furan emission limit in this plan." Otherwise, WES could use a failed stack test to determine the activated carbon level they must use. RESPONSE 7: No change is needed. The reason for setting a required level of activated carbon is to ensure that enough carbon is present to absorb any emissions greater the emissions limit for each substance. Basing the activated carbon level on a stack test in which emissions were greater than the emissions limit would not satisfy that purpose. DAQ staff are present for all stack tests

and will not agree to an activated carbon level determined by a failed stack test. Comments for Compliance date: COMMENT 1: You failed to specify the compliance date on page 1 under applicability. There are multiple compliance dates in the Consent Order and the Approval Order. Both the Consent Order and the Approval Order said that if the final EPA regulation was different from the proposed EPA regulation, as it is in setting tighter emission limits on dioxin, then the State would make a new schedule for compliance (Mark Graham, 1). Section III, Compliance Schedule. This date does not match the date in the Appendix. RESPONSE 1: The compliance date is found in Section III, Compliance Dates, just as emission limits, testing methods, operator training and all other components of the Plan are set forth in individual sections. The introduction includes background and history. Final compliance is to be achieved by October 6, 2002, as was specified in the Stipulation and Consent Order. The dates in Appendix A applying to WES will be changed to match the dates in the text of Section III. That is, the compliance date for completion of construction is January 6, 2002, and the date for final compliance is October 6, 2002. COMMENT 2: A representative of WES should be required to certify in writing under penalty of perjury, whether and when each interim deadline is met. RESPONSE 2: The approval order incorporates by reference R307-223. It is a legal document requiring WES to comply with its requirements. No other document is necessary. COMMENT 3: Regarding 1705(b), the compliance date conflicts with that in Section III and in the Approval Order and Consent Order. RESPONSE 3: The Plan is written for the general case of any affected MSW unit. WES's compliance date is governed by the Stipulation and Consent Order, October 6, 2002. COMMENT 4: Regarding 60.1785, if the stack test is not conducted until 180 days after the final compliance date, how will you know they are in compliance on the final compliance date? This is a violation of the consent order. RESPONSE 4: The Plan is written for the general case of any affected MSW unit. WES is governed by the Stipulation and Consent Order, paragraph 8.E, requiring that WES conduct performance testing during a 180-day time period beginning February 1, 2002, or nineteen months after the date the Approval Order is issued, whichever is later. The Approval Order was issued on September 6, 2000; performance testing will be conducted beginning April 1, 2002. Comments for Miscellaneous items: COMMENT 1: Please adopt this Plan, and then enforce it vigorously. RESPONSE 1: Noted. COMMENT 2: Be very conservative in setting the emission limits. I do not want to find out 20 years from now that these emissions are bad? That is too late. Enforcement is especially important. RESPONSE 2: Noted. COMMENT 3: In the definitions, Administrator means the Administrator of EPA, not the Executive Secretary. The term is not used in the Plan and the definition should be deleted. RESPONSE 3: The term is not used in the Plan, and will be deleted. COMMENT 4: Regarding the definition for 4-hour block average, I do not believe that WES conducts their stack tests using the starting and stopping times specified in the rule. It will be a violation if they begin their testing at a time not specified here. RESPONSE 4: The 4-hour time blocks are specified in the federal rule, and therefore are included in this Plan. In the future, stack tests will be conducted as specified in this Plan. COMMENT 5:

Regarding the definition of Municipal solid waste (MSW), WES burns dead animals such as road kill. Where does the definition allow this? RESPONSE 5: MSW is defined as household, commercial/retail, or institutional waste. Road kill does not appear to be excluded in this definition, and it would hardly be different from some of the components of household waste. COMMENT 6: WES burns a lot of waste from Hill Air Force Base, including probably a lot of hazardous waste. According to this definition, this is not allowed. How do we know whether WES is burning hazardous waste from Hill Air Force Base? Are we just supposed to trust them? Does DAQ do inspections, random spot checks, to determine this? Your definition should explicitly state that MSW does not include hazardous waste. RESPONSE 6: WES burns nonhazardous waste from Hill Air Force Base. Hill Air Force Base is subject to very strict federal and state rules in disposing of its hazardous waste, and any failure to follow them would be a violation for Hill Air Force Base, as well as WES. DAQ does do unannounced inspections at WES. COMMENT 7: WES burns medical waste. Please inform them specifically that they are no longer allowed to do so. WES should be required to periodically submit a written certification that they have not burned either hazardous waste or medical waste in the quarter or other time period just ended. RESPONSE 7: If you have proof of the allegation that WES is burning medical waste, please bring it to DAQ. Burning of medical waste is governed by the provisions of R307-222 and the Plan for Hospital, Medical, Infectious Waste Incinerators, adopted by the Air Quality Board on November 12, 1998. WES is not allowed to burn medical waste. However, the definition of MSW includes nonmedical hospital waste, and thus MSW incinerators such as WES may burn nonmedical waste from hospitals. COMMENT 8: The definition of yard waste should explicitly mention leaves, or else leaves should be explicitly excluded. RESPONSE 8: The definition of yard waste neither includes nor excludes leaves. However, there is nothing in the definition of MSW that excludes leaves, and therefore, leaves could be burned at the municipal waste incinerator. COMMENT 9: Page 9, line 5-6: I thought the Clean Air Act gives EPA six months to review and approve or reject state plans. That is what I was told in 1999 by Mark Stevenson at EPA. RESPONSE 9: 40 CFR 60.27(b) specifies, after receipt of a plan or plan revision, the Administrator will propose the plan or revision for approval or disapproval. The Administrator will, within four months after the date required for submission of a plan or plan revision, approve or disapprove such a plan or revision to each portion thereof. COMMENT 10: WES employees should be required to keep their training and certification current by taking additional training courses once a year or more. RESPONSE 10: Requiring additional training would be more stringent than the federal rule, which is not allowed under Utah Code Section 19-2-106, unless the Board makes a written finding after public comment and hearing and based on the evidence on the record, that corresponding federal regulations are not adequate to protect public health and the environment of the state. Anyone who has such evidence should bring it to DAQ. COMMENT 11: Subsection 60.1665. Does the Plant-Specific Operating Manual apply to stack test procedures? Stack tests are to be conducted during representative conditions or normal operating procedures. RESPONSE 11:

Table 8 of the State Plan specifies all the required test methods. Stack tests may be conducted under a set of more severe operational conditions, but at no time less severe. Test conditions are governed by 40 CFR 60, Subpart A (The General Provisions) and by Rule R307-165. COMMENT 12: Regarding 60.1750(c), why should the source be required to collect data only for 90% of the operating days and only 75% of the operating hours? RESPONSE 12: The intent of this Plan is to adopt the federal requirements, and this is the federal requirement. COMMENT 13: Regarding the definition of total mass of dioxin/furan, using this definition precludes allowing other stack test methods. RESPONSE 13: Yes. The method specified in the state plan (Method 23) must be used for WES. Any source that desires to use another test method, as allowed under Subsection 60.1790(e) in the Plan, would have to prove to the executive secretary that the alternative is equivalent to Method 23. COMMENT 14: Regarding 60.1790(e), the federal rule does not allow using other test methods unless the Administrator of EPA approves them. You have substituted Executive Secretary in 60.1790(e), and that changes the meaning. EPA has had an open public process for developing Method 23, and the State does not have the expertise to develop a different method. WES has argued with DAQ over Method 23 for years. Now you have the authority from the federal government to put the whole issue to rest once and for all. Do not do it. If you decide to keep this provision, please be sure to have an open, scientific process with full public notice and comment and rely on the professional advice of DAQ's technically trained experts so that the public and the Board would have the opportunity to hear it. Test methods are specified in Appendix A, Table 8. You cannot approve a different test method without changing the Table, making this Plan less stringent than the federal requirement and therefore unapprovable by EPA (Mark Graham, 20). In the past three years, WES has made various claims about Method 23 and the reasons they could withhold data from stack tests. Please comment on how this Plan relates to these arguments. RESPONSE 14: The federal rule, as presented in Appendix A, Table 8 in the Plan, requires use of Method 23 to measure dioxins/furans, with a minimum sampling time of four hours per test run and while the incinerator is operating at full load. DAQ will enforce the Plan and the rule. Neither the Administrator of EPA nor the Executive Secretary of the Air Quality Board seeks public comment for a change in test method for a single test at a single facility; such requests are evaluated individually. COMMENT 15: On any decision regarding WES, I hope the Air Quality Board will make its decision based on science, not politics. DAQ employs a number of qualified engineers and scientists, yet the Board has never asked any of them to give oral testimony regarding any WES issue in the last four years. RESPONSE 15: The Air Quality Board's membership is specified in Utah Code Section 19-2-103; a variety of policy and technical experts are included. DAQ staff analysis comes to the Air Quality Board in memos and in Notices of Violation. Those are always available to the public, as well as the Board. COMMENT 16: Utah should make all decisions on air quality and permits in full public view, giving ample opportunity for public review, input, and comment. You should not have your minds made up before public comment starts. The Utah Open and Public Meetings Act says that all government

agencies exist to serve the public interest and their actions should be made openly. RESPONSE 16: Internal analysis and review of applications and permits is necessary before they go out for public comment, and this review is not subject to the Open and Public Meetings Act. The public comment period on permits is held after the DAQ staff have determined that the application meets all federal and state requirements. The purpose of the comment period is to identify any additional information indicating that the application does not meet all applicable requirements. If the applicant meets the requirements, DAQ has no authority to deny the permit. Federal and State laws are adopted by the Congress and the Legislature to serve the public interest, and no staff member has the right to ignore or circumvent them. COMMENT 17: Decisions such as signing the Stipulation and Consent Order in March 2000, should not be made behind the backs of the public and the Board, and without holding a public comment period and public hearing. It was very favorable to the source; once again, they did not get fined. RESPONSE 17: The Stipulation and Consent Order was entered into by WES and the Executive Secretary as the settlement of several notices of violation. The executive secretary has the authority under Utah Code Subsection 19-2-104(3)(b) to settle matters initiated to compel compliance with the Air Conservation Act. Such actions are not subject to the Open and Public Meetings Act. The Stipulation and Consent Order set a fine of \$38,000. Any fines on WES ultimately are paid by the taxpayers of the cities that are members of WES, and it is better to divert the fines toward early cleanup, as happened in this case. COMMENT 18: What is the significance of the figures in the emissions inventory? A stack test? I do not believe they have any stack tests that would support these estimates. My calculation indicates that, if they operated within the limits of their Approval Order, which they do not, their annual total would be 0.652 pounds per year of dioxins for both units. Please check these figures! RESPONSE 18: Rule R307-155 requires that sources submit information as to the rate and period of emissions and other information determined necessary by the executive secretary for the issuance of permits, verification of compliance, and the determination of the effectiveness of control technology. Sources report their hazardous air pollutant emissions based on stack test data. This does not tell us any source's emissions at every moment of operation, but it is a good indicator. Data are reviewed as part of the inventory verification process. Please review you calculations. The correct stack gas flow rate is 20,266.7 dscf/minute, not 30,000 dscf/min. Thus, the total annual emissions would be 0.44 pounds, and that limit is included in their approval order. COMMENT 19: The State of Utah needs to do a better job of noticing and citing irregularities and violations in this source's stack tests. For instance, EPA's Notice of Violation regarding the WES stack test in March 2001, cited a number of violations and irregularities, while the DAQ notice of Violation for the same stack test cited only the violation of the dioxin emission limits. Stack tests are to be conducted using "normal operating conditions, " and it is important to notice the deviations from normal operating conditions that decrease the stack emissions. RESPONSE 19: Stack tests are to be conducted using "normal operating conditions." DAQ inspectors stop the test if normal procedures are not being followed. The test in March 2001,

was an EPA test, and DAQ had no authority to stop the test in progress. DAQ issued a Notice of Violation for violation of the dioxin emission limits. EPA's Notice of Violation discusses operational irregularities but cites only the violation of the emission limit.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to incorporate by reference Plans written to satisfy 42 U.S.C. 7411(d) (Clean Air Act 111(d)). No comments have been received in opposition to the rule.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at jmill@deq.state.ut.us

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 04/09/2002



Environmental Quality, Air Quality
R307-221
Emission Standards: Emission
Controls for Existing Municipal Solid
Waste Landfills

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**
DAR FILE NO.: 24625
FILED: 03/26/2002, 10:27

**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: To meet the requirements of 42 U.S.C. 7411(d) and 40 CFR 60.30c through 60.36c, and to meet the requirements of the plan for Municipal Solid Waste Landfills incorporated by reference at Section R307-220-2.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received on this rule. It has been amended twice, but no comments were received during the amending process.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: R307-221 incorporates by reference the portions of 40 CFR 60.30c through 60.36c that are necessary for state enforcement of the federal requirements. R307-221 also includes necessary definitions, emission restrictions, control device specifications, and a compliance schedule, as required by 40 CFR 60.30c through 60.36c.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at jmill@deq.state.ut.us

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 04/09/2002



Environmental Quality, Air Quality
R307-301
Utah and Weber Counties: Oxygenated
Gasoline Program

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**
DAR FILE NO.: 24646
FILED: 03/27/2002, 14:45

**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: Clean Air Act Section 211(m)(1) (42 U.S.C 7545(m)(1)) requires that oxygenated gasoline be used in areas where the carbon monoxide values in 1988-89 reached certain levels specified in the statute. Utah County carbon monoxide levels exceeded those values, and thus use of oxygenates is required. Rule R307-301 is necessary to specify how the oxygenate program will be conducted and enforced.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received. R307-301 has been amended three times but no comments were received during the comment periods (under DAR No. 20200, effective 01/08/98; DAR No. 20771, effective 04/22/98; and DAR No. 23929, effective 09/01/2001).

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Clean Air Act Section 211(m)(1) (42 U.S.C 7545(m)(1)) requires that oxygenated gasoline be used in areas where the carbon monoxide values in 1988-89 reached certain levels specified in the statute. Utah County carbon monoxide levels exceeded those values, and thus use of oxygenates is required. R307-301 is necessary to specify how the oxygenate program will be conducted and enforced.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at jmiller@deq.state.ut.us

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 04/09/2002

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Natural Resources, Oil, Gas and Mining; Administration

R642-100

Records of the Division and Board of Oil, Gas and Mining

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 24606
FILED: 03/25/2002, 10:19

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: This rule is authorized under Section 40-6-5, 40-8-6, and 40-10-6, and is specifically authorized by the Government Records Access and Management Act (GRAMA), Section 63-2-101 et seq.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments in favor of or in opposition to the rule have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be

continued so that a process remains in place for managing the records of the Division and Board of Oil, Gas and Mining.

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

NATURAL RESOURCES
OIL, GAS AND MINING; ADMINISTRATION
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogrm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002

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Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation

R643-870

Abandoned Mine Reclamation Regulation Definitions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 24607
FILED: 03/25/2002, 10:27

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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of the Abandoned Mine Reclamation Program which it operates under State law and the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING;
ABANDONED MINE RECLAMATION
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogrm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Abandoned Mine Reclamation

R643-872

Abandoned Mine Reclamation Fund

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 24608
FILED: 03/25/2002, 10:30

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its Abandoned Mine Reclamation Program which it operates under State law and the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING;
ABANDONED MINE RECLAMATION
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogrm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Abandoned Mine Reclamation

R643-874

General Reclamation Requirements

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 24609
FILED: 03/25/2002, 10:40

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its Abandoned Mine Reclamation Program which it operates under State law and the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING;
ABANDONED MINE RECLAMATION
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogrm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Abandoned Mine Reclamation

R643-875

Noncoal Reclamation

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR File No.: 24610
FILED: 03/25/2002, 10:42

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its Abandoned Mine Reclamation Program which it operates under State law and the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING;
ABANDONED MINE RECLAMATION
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogrm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Abandoned Mine Reclamation

R643-877

Rights of Entry

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR File No.: 24611
FILED: 03/25/2002, 10:45

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its Abandoned Mine Reclamation Program which it operates under State law and the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING;
ABANDONED MINE RECLAMATION
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogrm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation

R643-879

Acquisition, Management, and Disposition of Lands and Water

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24612
FILED: 03/25/2002, 10:49

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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its Abandoned Mine Reclamation Program which it operates under State law and the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING;
ABANDONED MINE RECLAMATION
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogrm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation

R643-882

Reclamation on Private Land

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24613
FILED: 03/25/2002, 10:51

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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its Abandoned Mine Reclamation Program which it operates under State law and the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING;
ABANDONED MINE RECLAMATION
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogrm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Abandoned Mine Reclamation

R643-884

State Reclamation Plan

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR File No.: 24614
FILED: 03/25/2002, 10:54

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its Abandoned Mine Reclamation Program which it operates under State law and the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING;
ABANDONED MINE RECLAMATION
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogrm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Abandoned Mine Reclamation

R643-886

State Reclamation Grants

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR File No.: 24615
FILED: 03/25/2002, 10:55

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its Abandoned Mine Reclamation Program which it operates under State law and the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING;
ABANDONED MINE RECLAMATION
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and Mining; Coal **R645-100**

Administrative: Introduction

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24617
FILED: 03/25/2002, 16:36

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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The portion of this rule which addresses the definitions of terms for water replacement have continually been the subject of comment and under discussion since the passage of S.B. 12 in the 1997 Legislature. In essence, water replacement and how it is implemented, when water is affected by Coal Mining and Reclamation Operations, has been the issue. (DAR NOTE: S.B. 12 is found at UT L 1997 ch 49, and was effective 05/05/97.)

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: A stipulation filed by the parties involved in this rulemaking is the basis for the Division and Board being satisfied with the final rule language which now exists. That stipulation, filed by the parties on 02/28/2001 contains compromise language, over which each

of the commenting parties is now satisfied. The Division and Board's rule changes in regard to the stipulation became effective 04/02/2001. The rule is being continued to help maintain a complete and adequate coal regulatory program in the state of Utah. (DAR NOTE: The change to R645-100 was published in the January 1, 2001, issue of the Bulletin under DAR No. 23385 and was made effective 04/02/2001.)

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and Mining; Coal **R645-103**

Areas Unsuitable for Coal Mining and Reclamation Operations

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24618
FILED: 03/25/2002, 16:37

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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its coal regulatory primacy program under the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002

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**Natural Resources, Oil, Gas and
Mining; Coal
R645-200**

Coal Exploration: Introduction

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24619
FILED: 03/25/2002, 16:38

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its coal regulatory primacy program under the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002

▼ ————— ▼

**Natural Resources, Oil, Gas and
Mining; Coal
R645-201**

**Coal Exploration: Requirements for
Exploration Approval**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24620
FILED: 03/25/2002, 16:39

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its coal regulatory primacy program under the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002

▼ ————— ▼

**Natural Resources, Oil, Gas and
Mining; Coal**

R645-202

Coal Exploration: Compliance Duties

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 24621
FILED: 03/25/2002, 16:40

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its coal regulatory primacy program under the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogrm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002

**Natural Resources, Oil, Gas and
Mining; Coal**

R645-203

**Coal Exploration: Public Availability of
Information**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 24622
FILED: 03/25/2002, 16:40

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its coal regulatory primacy program under the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogrm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002

Natural Resources, Oil, Gas and
Mining; Coal
R645-300
Coal Mine Permitting: Administrative
Procedures

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24626
FILED: 03/26/2002, 10:36

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its coal regulatory primacy program under the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Coal
R645-301
Coal Mine Permitting: Permit
Application Requirements

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24627
FILED: 03/26/2002, 10:38

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The portion of this rule which addresses the hydrologic and engineering aspects of water replacement at coal mines has continually been the subject of comment and under discussion since the passage of S.B. 12 in the 1997 Legislature. In essence, water replacement and how it is implemented when water is affected by Coal Mining and Reclamation Operations has been the issue. (DAR Note: S.B. 12 can be found at UT L ch 49, and was effective 05/05/97.)

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: A stipulation filed by the parties commenting on this section during rulemaking is the basis for the Division and Board being satisfied with the current rule language. That stipulation, filed by the parties on 02/28/2001, contains compromise language which was also acceptable to the Board and Division. The Division and Board's rule changes in regard to the stipulation became effective on 04/02/2001 and 05/03/2001. The rule is being continued to help maintain a complete and adequate coal regulatory program in the state of Utah. (DAR NOTE: The change to R645-301-500 was published in the January 1, 2001, Bulletin under DAR No. 23386 and was made effective on 04/02/2001; and the change to R645-301-700 was published in the January 1, 2001, issue of the Bulletin under DAR No. 23387 with additional changes made in the April 1, 2001, Bulletin under DAR No. 23387 (change in proposed rule (CPR)) and both sets of changes were made effective on 05/03/2001.)

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogn@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Coal
R645-302

Coal Mine Permitting: Special
Categories and Areas of Mining

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24628
FILED: 03/26/2002, 10:40

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its coal regulatory primacy program under the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogn@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Coal
R645-303

Coal Mine Permitting: Change,
Renewal, and Transfer, Assignment, or
Sale of Permit Rights

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24629
FILED: 03/26/2002, 10:41

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its coal regulatory primacy program under the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Coal
R645-402

Inspection and Enforcement: Individual
Civil Penalties

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24630
FILED: 03/26/2002, 10:43

**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: This rule is authorized under the Coal Mining and Reclamation Statute at Section 40-10-6.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the State may retain an integral part of its coal regulatory primacy program under the (federal) Surface Mining Control and Reclamation Act.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Oil and Gas
R649-1

Oil and Gas General Rules

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 24631
FILED: 03/26/2002, 10:44

**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: This rule is authorized under the oil and gas conservation statute at Section 40-6-5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the Division and Board may continue to provide the Oil and Gas Conservation Program general definitions to the oil and gas industry and the public.

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

NATURAL RESOURCES
OIL, GAS AND MINING; OIL AND GAS
Room 1210

1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316,
by FAX at 801-359-3940, or by Internet E-mail at
rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals
Research

EFFECTIVE: 04/09/2002

▼ ————— ▼

Natural Resources, Oil, Gas and Mining; Oil and Gas **R649-2** General Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24632
FILED: 03/26/2002, 10:45

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: This rule is authorized under
the oil and gas conservation statute at Section 40-6-5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE
LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS
SUPPORTING OR OPPOSING THE RULE: No comments have been
received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE,
INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS
IN OPPOSITION TO THE RULE, IF ANY: The rule should be
continued so that the Division and Board may continue to
provide general regulatory guidance in the Oil and Gas
Conservation Program.

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

NATURAL RESOURCES
OIL, GAS AND MINING; OIL AND GAS
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316,
by FAX at 801-359-3940, or by Internet E-mail at
rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals
Research

EFFECTIVE: 04/09/2002

▼ ————— ▼

Natural Resources, Oil, Gas and Mining; Oil and Gas **R649-3** Drilling and Operating Practices

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24633
FILED: 03/26/2002, 10:46

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: This rule is authorized under
the oil and gas conservation statute at Section 40-6-5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE
LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS
SUPPORTING OR OPPOSING THE RULE: No comments have been
received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE,
INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS
IN OPPOSITION TO THE RULE, IF ANY: The rule should be
continued so that the Division and Board may continue to
exercise control over drilling and operating in the Oil and Gas
Conservation Program.

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

NATURAL RESOURCES
OIL, GAS AND MINING; OIL AND GAS
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316,
by FAX at 801-359-3940, or by Internet E-mail at
rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals
Research

EFFECTIVE: 04/09/2002

Natural Resources, Oil, Gas and
Mining; Oil and Gas

R649-5

Underground Injection Control of
Recovery Operations and Class II
Injection Wells

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 24634
FILED: 03/26/2002, 10:47

**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: This rule is authorized under the oil and gas conservation statute at Section 40-6-5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the Division and Board may continue to exercise regulatory authority over water injection for oil and gas recovery or water disposal in the Oil and Gas Conservation Program.

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

NATURAL RESOURCES
OIL, GAS AND MINING; OIL AND GAS
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Oil and Gas

R649-8

Reporting and Report Forms

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 24635
FILED: 03/26/2002, 10:48

**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: This rule is authorized under the oil and gas conservation statute at Section 40-6-5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the Division and Board may continue to use forms for various purposes in the Oil and Gas Conservation Program.

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

NATURAL RESOURCES
OIL, GAS AND MINING; OIL AND GAS
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Natural Resources, Oil, Gas and
Mining; Oil and Gas

R649-9

Waste Management and Disposal

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24636
FILED: 03/26/2002, 10:48

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: This rule is authorized under the oil and gas conservation statute at Section 40-6-5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received from persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued so that the Division and Board may continue to exercise regulatory authority over the disposal of Exploration and Production (E&P) Wastes in the Oil and Gas Conservation Program.

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

NATURAL RESOURCES
OIL, GAS AND MINING; OIL AND GAS
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rdaniels.nrogm@state.ut.us

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 04/09/2002



Public Service Commission,
Administration
R746-351
Pricing Flexibility

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24645
FILED: 03/27/2002, 14:28

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: Section 54-8b-2.3 allows the commission to grant or deny a petition for pricing flexibility to an incumbent telephone corporation for the same or substitutable public telecommunications services in the same defined geographic area. This rule clarifies the conditions and establishes the procedure by which the pricing flexibility granted to an incumbent telephone corporation becomes effective.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received during the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The procedure described in this rule by which the pricing flexibility, granted by the commission to an incumbent telephone corporation, may become effective continues to be necessary.

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

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud.pupsc@state.ut.us

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 04/09/2002



NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Education

Administration
No. 24448 (AMD): R277-470. Distribution of Funds for Charter Schools.
Published: February 15, 2002
Effective: March 21, 2002

Commerce

Administration
No. 24452 (R&R): R151-33. Utah Athletic Commission Act Rules.
Published: February 15, 2002
Effective: March 19, 2002

Insurance

Administration
No. 23917 (CPR): R590-186. Bail Bond Surety Business.
Published: February 1, 2002
Effective: March 21, 2002

Occupational and Professional Licensing
No. 24151 (CPR): R156-55a. Utah Construction Trades Licensing Act Rules.
Published: February 15, 2002
Effective: March 19, 2002

Workforce Services

Employment Development
No. 24311 (AMD): R986-700-714. CC Payment Method.
Published: January 1, 2002
Effective: April 1, 2002

Workforce Information and Payment Services
No. 24413 (AMD): R994-307-101. Relief of Charges to Contributing Employers.
Published: February 15, 2002
Effective: April 1, 2002

End of the Notices of Rule Effective Dates Section

Rules Index Begins on the Following Page

**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, 2002, including notices of effective date received through April 1, 2002, the effective dates of which are no later than April 15, 2002. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

DAR NOTE: Because of space constraints, neither index is printed in this *Bulletin*.

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).
