

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed September 2, 2005, 12:00 a.m. through September 15, 2005, 11:59 p.m.

Number 2005-19
October 1, 2005

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

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

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, 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/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Digest* is available by E-mail or over the Internet. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

Unless otherwise noted, all information presented in this publication is in the Public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

TABLE OF CONTENTS

1. SPECIAL NOTICES

Natural Resources, Wildlife Resources: Public Notice of Emergency Changes to the 2005 Fishing Regulations Established by the Wildlife Board for Taking Fish and Crayfish	1
--	---

2. NOTICES OF PROPOSED RULES

Commerce

Real Estate

No. 28225 (Amendment): R162-9-3. Course Certification Criteria	3
No. 28238 (Amendment): R162-103-7. Continuing Education Course Certification	4
No. 28237 (Amendment): R162-107. Unprofessional Conduct.....	5

Environmental Quality

Air Quality

No. 28226 (Amendment): R307-170. Continuous Emission Monitoring Program	6
---	---

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 28240 (Repeal): R414-307. Eligibility Determination and Redetermination	11
No. 28239 (Repeal and Reenact): R414-308. Record Management	12

Human Services

Services for People with Disabilities

No. 28210 (Repeal): R539-6. Purchase of Service Provider Requirements	17
---	----

Money Management Council

Administration

No. 28228 (Amendment): R628-2. Investment of Funds of Member Institutions of the State System of Higher Education and Public Education Foundations established under Section 53A-4-205	25
--	----

Transportation

Motor Carrier

No. 28242 (Amendment): R909-1. Safety Regulations for Motor Carriers.....	27
No. 28243 (Amendment): R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.....	28

Motor Carrier, Ports of Entry

No. 28241 (Amendment): R912-9. Pilot/Escort Requirements and Certification Program	29
--	----

3. NOTICES OF 120-DAY (EMERGENCY) RULES

Workforce Services

Employment Development

No. 28202: R986-200. Family Employment Program	33
--	----

4. FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agriculture and Food

Administration

No. 28196: R51-1. Public Petitions for Declaratory Rulings36

Animal Industry

No. 28197: R58-11. Slaughter of Livestock36

No. 28198: R58-12. Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments.....37

No. 28199: R58-13. Custom Exempt Slaughter37

No. 28200: R58-15. Collection of Annual Fees for the Wildlife Damage Prevention Act38

No. 28201: R58-16. Swine Garbage Feeding.....38

Chemistry Laboratory

No. 28203: R63-1. Fee Schedule39

Marketing and Conservation

No. 28204: R65-1. Utah Apple Marketing Order.....39

No. 28205: R65-3. Utah Turkey Marketing Order.....40

No. 28206: R65-4. Utah Egg Marketing Order40

Plant Industry

No. 28207: R68-1. Utah Bee Inspection Act Governing Inspection of Bees41

No. 28208: R68-2. Utah Commercial Feed Act Governing Feed.....41

No. 28209: R68-6. Utah Nursery Act.....42

No. 28211: R68-10. Quarantine Pertaining to the European Corn Borer42

No. 28212: R68-12. Quarantine Pertaining to Mint Wilt.....43

Regulatory Services

No. 28213: R70-101. Bedding, Upholstered Furniture and Quilted Clothing43

No. 28194: R70-610. Uniform Retail Wheat Standards of Identity44

No. 28195: R70-620. Enrichment of Flour and Cereal Products44

Environmental Quality

Air Quality

No. 28221: R307-103. Administrative Procedures45

No. 28224: R307-110. General Requirements: State Implementation Plan45

No. 28215: R307-165. Emission Testing94

No. 28214: R307-201. Emission Standards: General Emission Standards95

No. 28223: R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust.....96

No. 28217: R307-206. Emission Standards: Abrasive Blasting	97
No. 28219: R307-302. Davis, Salt Lake, Utah, Weber Counties: Residential Fireplaces and Stoves	98
No. 28216: R307-305. Nonattainment and Maintenance Areas for PM10: Emission Standards	99
No. 28218: R307-307. Davis, Salt Lake, and Utah Counties: Road Salting and Sanding.....	102
No. 28220: R307-309. Nonattainment and Maintenance Areas for PM10: Fugitive Emissions and Fugitive Dust.....	102
No. 28222: R307-310. Salt Lake County: Trading of Emission Budgets for Transportation Conformity	104
 <u>Workforce Services</u>	
Employment Development	
No. 28227: R986-100. Employment Support Programs.....	105
No. 28229: R986-200. Family Employment Program	105
No. 28230: R986-300. Refugee Resettlement Program	106
No. 28231: R986-400. General Assistance and Working Toward Employment.....	106
No. 28232: R986-500. Adoption Assistance	107
No. 28234: R986-600. Workforce Investment Act.....	107
No. 28233: R986-700. Child Care Assistance	108
No. 28236: R986-800. Displaced Homemaker Program.....	108
No. 28235: R986-900. Food Stamps	108
 5. NOTICES OF RULE EFFECTIVE DATES	 110
 6. RULES INDEX.....	 112

SPECIAL NOTICES

Natural Resources Wildlife Resources

Public Notice of Emergency Changes to the 2005 Fishing Regulations Established by the Wildlife Board for Taking Fish and Crayfish

I, James F. Karpowitz, by authority granted in Section 23-14-8 of the Wildlife Resources Code of Utah, declare an emergency amendment to the 2005 Utah Fishing Regulations. The following has been amended:

MAYOR'S POND (Box Elder County):

Effective September 12, 2005, through November 15, 2005, the daily bag and possession limits for all game fish will be doubled from four (4) fish in the aggregate to eight (8) fish in the aggregate.

This pond will be drained and dredged by Brigham City to remove sediments that were washed into the reservoir during spring run-off.

Except for other emergency changes made since January 1, 2005, all other rules established in 2005 Utah Fishing Regulations remain in effect.

UTAH DIVISION OF WILDLIFE RESOURCES

By: James F. Karpowitz, Director

Subscribed and sworn to before me this 12th day of September 2005.

Catherine Larsen, Notary Public

My commission expires: April 7, 2007

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between September 2, 2005, 12:00 a.m., and September 15, 2005, 11:59 p.m. are included in this, the October 1, 2005, 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 October 31, 2005. 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 January 29, 2006, 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.

Commerce, Real Estate
R162-9-3
Course Certification Criteria

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE No.: 28225
 FILED: 09/13/2005, 12:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Real Estate Commission would like to broaden the types of courses that are acceptable for continuing education purposes for real estate agents and brokers.

SUMMARY OF THE RULE OR CHANGE: Professional development and customer relations skills are added to the list of topics that are acceptable for continuing education purposes. The Division of Real Estate is given the discretion to decide whether or not the subject matter of a course is acceptable for continuing education credit, but an appeals process is provided whereby a course provider may appeal an adverse decision to the Real Estate Commission.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2-5.5(1)(a)(v)

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** None--The State budget is not affected by the list of acceptable/unacceptable topics for real estate agent and broker continuing education because State government is not a real estate agent or broker.
- ❖ **LOCAL GOVERNMENTS:** None--Local government is not affected by the list of acceptable/unacceptable topics for real estate agent and broker continuing education because local governments are not real estate agents or brokers.
- ❖ **OTHER PERSONS:** The only persons who are affected by which topics are acceptable for real estate agent and broker continuing education credit are the real estate agents and brokers, and their providers of continuing education. The liberalization of continuing education topics will not cost these persons any money, but may save real estate agents and brokers money in that more courses that they may have taken for other reasons may also qualify for continuing education credit. The acceptability of additional topics may provide additional revenue opportunities for the providers of continuing education.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only persons who are affected by which topics are acceptable for real estate agent and broker continuing education credit are the real estate agents and brokers, and their providers of continuing education. The liberalization of continuing education topics will not cost these persons any money.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing broadens the type of courses acceptable for continuing education and provides an appeal process when the Division of Real Estate

denies certification of a course. No fiscal impact to businesses is anticipated by this filing. Jason P. Perry, Acting Deputy Director

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/2005

AUTHORIZED BY: Dexter Bell, Director

R162. Commerce, Real Estate.
R162-9. Continuing Education.
R162-9-3. Course Certification Criteria.

9.3 Courses submitted for certification shall have significant intellectual or practical content and shall serve to increase the professional competence of the licensee, thereby meeting the objective of the protection of and service to the public.

9.3.1 Three hours shall be comprised of "core course" curricula, the subjects of which will be determined by the division and the Real Estate Commission. The subject matter of these courses will be for the purpose of keeping a licensee current in changing practices and laws. These courses may be provided by the division or by private education providers but, in all cases, will have prior certification by the division.

9.3.1.1 Principal brokers and associate brokers may use the Division's Trust Account Seminar to satisfy the "core" course requirement once every three renewal cycles.

9.3.2 The remaining nine hours shall be in substantive areas dealing with the practice of real estate. Acceptable course ~~criteria~~ subject matter shall include the following:

9.3.2.1 Real estate financing, including mortgages and other financing techniques; real estate investments; accounting and taxation as applied to real property; estate building and portfolio management; closing statements; real estate mathematics;

9.3.2.2 Real estate law; contract law; agency and subagency; real estate securities and syndications; regulation and management of timeshares, condominiums and cooperatives; real property exchanging; real estate legislative issues; real estate license law and administrative rules;

9.3.2.3 Land development; land use, planning and zoning; construction; energy conservation;

9.3.2.4 Property management; leasing agreements; accounting procedures; management contracts; landlord/tenant relationships;

9.3.2.5 Fair housing; affirmative marketing; Americans with Disabilities Act;

9.3.2.6 Real estate ethics.

9.3.2.7 Using the computer, the Internet, business calculators, and other technologies to enhance the licensee's service to the public.

9.3.2.8 Offerings concerning professional development, customer relations skills, or sales promotion, including salesmanship, negotiation, sales psychology, marketing techniques, servicing your clients, or similar offerings.

9.3.2.9 Offerings in personal and property protection for the licensee and his clients.

9.3.3 Non-acceptable course [~~criteria~~]subject matter shall include courses similar to the following:

9.3.3.1 Offerings in mechanical office and business skills, such as typing, speed reading, memory improvement, language report writing, advertising, or similar offerings;

9.3.3.2 Offerings concerning physical well-being or personal development, such as personal motivation, stress management, time management, dress-for-success, or similar offerings;

9.3.3.3 Meetings held in conjunction with the general business of the licensee and his broker or employer, such as sales meetings, in-house staff or licensee training meetings;

9.3.4 The determination about whether or not the subject matter of a course is acceptable for continuing education credit shall be made by the Division.

9.3.4.1 If the Division has denied certification to a course on a finding that the subject matter is not acceptable, the course provider may request that the Commission conduct a new review of the course. All requests for a new review of a course shall be made in writing within 30 days after issuance of the Division's decision. The Commission will thereafter review the course and issue a written decision about whether or not the subject matter of the course is acceptable for continuing education credit. The decision of the Commission shall be subject to agency review by the Executive Director of the Department of Commerce.

9.3.5 The minimum length of a course shall be one credit hour or its equivalency. A credit hour is defined as 50 minutes within a 60-minute time period.

KEY: continuing education

~~[October 21, 2004]~~2005

Notice of Continuation June 26, 2002

61-2-5.5



Commerce, Real Estate
R162-103-7
 Continuing Education Course
 Certification

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28238

FILED: 09/15/2005, 08:54

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Appraiser Licensing and Certification Board wants to ensure that only those courses that enhance an appraiser's professional skills qualify for continuing education credit. Therefore, the rule is changed so that appraisers may only receive continuing education credit for real estate sales and mortgage officer classes if those courses are acceptable to the Appraisal Qualifications Board (AQB) for appraiser continuing education.

SUMMARY OF THE RULE OR CHANGE: A provision is added stating that real estate sales and mortgage officer continuing education courses will only qualify for appraiser continuing education if the courses have been approved by the AQB.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2b-6(1)(l)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Whether or not real estate sales or mortgage officer courses qualify for continuing education for appraisers could only potentially impact state agencies that have staff appraisers and pay for the continuing education of those staff appraisers, and then only if real estate sales and mortgage officer courses cost less than appraiser courses. Since the price for continuing education classes is set by the education providers and not by government, it is unknown whether the alternative courses that appraisers would have to take if some other courses no longer qualify would cost more. No savings is anticipated.

❖ **LOCAL GOVERNMENTS:** Whether or not real estate sales or mortgage officer courses qualify for continuing education for appraisers could only potentially impact local governments that have staff appraisers and pay for the continuing education of those staff appraisers, and then only if real estate sales and mortgage officer courses cost less than appraiser courses. Since the price for of continuing education classes is set by the education providers and not by government, it is unknown whether the alternative courses that appraisers would have to take if some other courses no longer qualify would cost more. No savings is anticipated.

❖ **OTHER PERSONS:** The only other persons who could be affected by whether or not appraisers are able to count real estate or mortgage continuing education classes toward appraiser license renewal would be the appraisers themselves. Since the price for continuing education classes is set by the education providers and not by government, it is unknown whether the alternative courses that appraisers would have to take if some other courses no longer qualify would cost more. No savings is anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only persons affected by this rule change would be appraisers. Since the price of continuing education classes is set by the education providers and not by government, it is unknown whether the alternative courses that appraisers would have to take if some other courses no longer qualify would cost more.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing allows continuing education credit for licensed appraisers who take courses approved for continuing education of real estate sales agents/brokers and for mortgage officers, provided the Appraisal Qualifications Board approves the courses. The only anticipated fiscal impact to businesses is a positive one to those providing continuing education and to licensed appraisers who will have more choices for their courses. This impact, however, is difficult to quantify. Jason P. Perry, Acting Executive Director

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/2005

AUTHORIZED BY: Dexter Bell, Director

R162. Commerce, Real Estate.

R162-103. Appraisal Education Requirements.

R162-103-7. Continuing Education Course Certification.

103.7 As a condition of renewal, all appraisers will complete the equivalent of 28 classroom hours of appraisal education during the two-year term preceding renewal. The continuing education requirement is for the purpose of maintaining and increasing the appraiser's skill, knowledge and competency in real estate appraising.

103.7.1 Continuing education credit may be granted for courses that meet the following criteria:

(a) the course has been obtained from any of the course providers designated in 103.1.

(b) the course covers appraisal topics as suggested by the AQB.

(c) the length of the educational offering is at least two classroom hours, each classroom hour is defined as 50 minutes out of each 60-minute segment, and the continuing education credit is limited to eight hours per day.

(d) the course meets the requirements for distance learning as outlined in R162-103.3.[7]6.

103.7.2 Real estate appraisal related field trips are acceptable for continuing education credit; however, transit time to or from the field trip location should not be included when awarding credit if instruction does not occur.

103.7.3 Prelicensing education credit awarded to individuals seeking a different classification than that held, can also be used to satisfy a continuing education requirement.

103.7.4 Alternative Continuing Education Credit - continuing education credit may be granted for participation, other than as a student, in appraisal educational processes and programs.

103.7.4.1 Credit may be granted on a case by case basis for teaching, program development, authorship of textbooks, or similar activities which are determined by the Board to be equivalent to obtaining continuing education.

103.7.4.2 The Education Review Committee will review claims of equivalent education and also alternative continuing education proposed to be used for continuing education purposes.

103.7.4.3 The Board may award continuing education credit to members of the Education Review Committee, the Experience Review Committee, and the Technical Advisory Panel.

103.7.5 Courses that are approved for continuing education credit for real estate sales agents, real estate brokers, or mortgage officers licensed by the Division are not acceptable for appraiser continuing education credit unless the courses have been previously approved by the AQB.

KEY: real estate appraisals, education

[July 27,]2005

Notice of Continuation June 3, 2002

61-2b-8

▼ ————— ▼

Commerce, Real Estate **R162-107** Unprofessional Conduct

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 28237

FILED: 09/15/2005, 08:47

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Appraiser Licensing and Certification Board wishes to liberalize the different ways appraisers may compensate their trainees for their work.

SUMMARY OF THE RULE OR CHANGE: The ways that an appraiser trainee may be paid by his supervising appraiser are changed from "a reasonable salary or a reasonable hourly rate for" to "reasonable compensation proportionate to" the service performed in connection with appraisals.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2b-6(l)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--If any state agencies have appraiser trainees on staff, they would typically be paid in a method that would be consistent with either the current version of the rule or the proposed change to the rule. Therefore, the change in the rule would neither cost nor save the state money.

❖ LOCAL GOVERNMENTS: None--Although County Assessors Offices do employ appraisal trainees, they would typically be paid in a method that would be consistent with either the current version of the rule or the proposed change to the rule. Therefore, the change in the rule would neither cost nor save local governments.

❖ OTHER PERSONS: None--The only persons who are affected by the rules on how appraiser trainees may be paid are the appraiser trainees and their supervisors. Changing the wording of the rule to allow other methods of payment besides salary or hourly rate presumably will not change how much the trainees are paid but just provide more flexibility in acceptable methods of figuring their compensation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The only persons who are affected by the rules on how appraiser trainees may be paid are the appraiser trainees and their supervisors. Providing more flexible methods of compensation should not result in any cost to comply with the rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to businesses is anticipated from this rule filing, which broadens the methods by which an appraiser trainee may be paid for work performed. Jason P. Perry, Acting Executive Director

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/2005

AUTHORIZED BY: Dexter Bell, Director

R162. Commerce, Real Estate.

R162-107. Unprofessional Conduct.

R162-107-1. Unprofessional Conduct.

107.1 Unprofessional conduct includes the following specific acts or omissions:

107.1.1 Violating or disregarding a disciplinary order of the Utah Appraiser Licensing and Certification Board or the division;

107.1.2 Signing an appraisal report containing a statement indicating that an appraiser has inspected a property if the appraiser has not inspected the property;

107.1.3 Signing an appraisal report as the supervising appraiser without having given adequate supervision to the registered appraiser or the unclassified assistant;

107.1.4 Allowing an appraiser in his employ, or an appraiser whom he is otherwise responsible to supervise, to:

(a) exceed the authority of the subordinate appraiser's classification;

(b) engage in conduct which is a violation of Title 61, Chapter 2b.

107.1.5 Allowing a non-appraiser to:

(a) exceed the authority granted to an unclassified person by these rules;

(b) engage in conduct which would be a violation of Title 61, Chapter 2b if done by an appraiser; or

(c) accept an appraisal assignment.

107.1.6 Splitting appraisal fees with any person who is not a State-Licensed Appraiser or a State-Certified Appraiser, except that an appraisal trainee may be paid ~~[a reasonable salary or a reasonable hourly rate for]~~ reasonable compensation proportionate to lawful services actually performed in connection with appraisals. Such payment must be paid to the trainee by the trainee's supervisor or the supervisor's appraisal firm and not by any other person or entity.

107.2 The Board may appoint members of the appraisal industry to serve as a Technical Advisory Panel to provide advice to the Division concerning technical appraisal issues and conduct constituting unprofessional conduct.

KEY: real estate appraisals, conduct
~~May 25, 2005~~
Notice of Continuation January 21, 2003
61-2b-8



Environmental Quality, Air Quality
R307-170
Continuous Emission Monitoring
Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28226

FILED: 09/13/2005, 15:39

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to reconcile differences between requirements outlined in Rule R307-170 and 40 CFR Part 75, Continuous Emission Monitor (CEM) provisions of the federal Acid Rain program, the inconstancy was discovered during a recent five year review, and to clarify language throughout the rule.

SUMMARY OF THE RULE OR CHANGE: Currently the requirements of Rule R307-170 are different from 40 CFR Part 75, CEM provisions of the federal Acid Rain program, though the intent of Rule R307-170 was to be the same as 40 CFR Part 75 for those sources subject to it. Therefore, the Board is proposing to add language to reconcile these differences. The Board is

also proposing revisions to clarify language throughout the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-101, Subsections 19-2-104(1)(c) and 19-2-115(3)(b), and 40 CFR 60

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No change in costs is expected to the state budget because all affected sources are required to hold Operating Permits, and costs are built into the fees paid. In addition, the revisions to this rule do not change the duties of state staff.

❖ LOCAL GOVERNMENTS: Sources owned by local government subject to 40 CFR Part 75, CEM provisions of the federal Acid Rain program, are already required to conform to requirements of both Rule R307-170 and 40 CFR Part 75. Although the intent of Rule R307-170 was to be the same as 40 CFR Part 75 for those sources subject to it, the requirements are different. The effect of this rule change is to reconcile differences between requirements of Subsection R307-170-7(1) and 40 CFR 75 Appendix A, Section 6.2. Therefore, no additional requirements are being proposed, and no change in costs is expected for local governments. Other revisions clarify language throughout the rule and do not create new requirements; no change in costs is expected for local governments.

❖ OTHER PERSONS: Sources subject to 40 CFR Part 75, CEM provisions of the federal Acid Rain program, are already required to conform to requirements of both Rule R307-170 and 40 CFR Part 75. Although the intent of Rule R307-170 was to be the same as 40 CFR Part 75 for those sources subject to it, the requirements are different. The effect of this rule change is to reconcile differences between requirements of Subsection R307-170-7(1) and 40 CFR 75 Appendix A, Section 6.2. Therefore, no additional requirements are being proposed, and no change in costs is expected for other persons. Other revisions clarify language throughout the rule and do not create new requirements; no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Sources subject to 40 CFR Part 75, CEM provisions of the federal Acid Rain program, are already required to conform to requirements of both Rule R307-170 and 40 CFR Part 75. Although the intent of Rule R307-170 was to be the same as 40 CFR Part 75 for those sources subject to it, the requirements are different. The effect of this rule change is to reconcile differences between requirements of Subsection R307-170-7(1) and 40 CFR 75 Appendix A, Section 6.2. Therefore, no additional requirements are being proposed, and no change in costs is expected for affected persons. Other revisions clarify language throughout the rule and do not create new requirements; no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The revisions made to Rule R307-170 are not expected to have fiscal impact on businesses, because they are clarifying existing requirements

and do not create new requirements. Dianne R. Nielson, Executive Director

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:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@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 10/31/2005

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 10/20/2005 at 2:00 PM, DEQ building, 168 N 1950 W, Room 103, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2005

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

**R307. Environmental Quality, Air Quality.
R307-170. Continuous Emission Monitoring Program.
R307-170-4. Definitions.**

The following additional definitions apply to R307-170.

"Accuracy" means the difference between a continuous monitoring system response and the results of an applicable EPA reference method obtained over the same sampling time.

"Averaging Period" means that period of time over which a pollutant or opacity is averaged to demonstrate compliance to an emission limitation or standard.

"Block Averages" means the total time expressed in fractions of hours over which emission data is collected and averaged.

"Calibration Drift" (zero drift and span drift) means the value obtained by subtracting the known standard or reference value from the raw response of the continuous monitoring system.

"Channel" means the pollutant, diluent, or opacity to be monitored.

"CMS Information" means the identifying information for each continuous monitoring system a source is required to install.

"Computer Enhancement" means computerized correction of a monitor's zero drift and span drift to reflect actual emission concentrations and opacity.

"Continuous Emission Monitoring System" (CEMS) [-] means all equipment required to determine gaseous emission rates and to record the resulting data.

"Continuous Monitoring System" (CMS) [-] means all equipment required to determine gaseous emission rates or opacity and to record the data.

"Continuous Opacity Monitoring System" means all equipment required to determine opacity and data recording.

"Cylinder Gas Audit" means an alternative relative accuracy test of a continuous emission monitoring system to determine its precision using gases certified by or traceable to National Institute of Standards and Technology (NIST) in the ranges specified in 40 CFR 60, Appendix F.

"Description Report" means a short but accurate description of events that caused continuous monitoring system irregularities or excess emissions ~~which~~ that occurred during the reporting period submitted in the state electronic data report.

"Excess Emission Report" means a report within the state electronic data report ~~which~~ that documents the date, time, and magnitude of each excess emission episode occurring during the reporting period.

"Excess Emissions" means the amount by which recorded emissions exceed those allowed by approval orders, operating permits, the state implementation plan, or any other provision of R307.

"Monitor" means the equipment in a continuous monitoring system that analyzes concentration or opacity and generates an electronic signal ~~which~~ that is sent to a recording device.

"Monitor Availability" means any period in which both the source of emissions and the continuous monitoring system are operating and the minimum frequency of data capture occurred as required in 40 CFR 60.13.

"Monitor Unavailability" means any period in which the source of emissions is operating and the continuous monitoring system is:

- a. not operating or minimum data capture did not occur,
- b. not generating data, not recording data, or data is lost, or
- c. out-of-control in the case of a continuous emissions monitor used for continuous compliance purposes.

"New Source Performance Standards" (NSPS) means 40 CFR 60, Standards of Performance for New Stationary Sources, incorporated by reference at R307-210.

"Operations Report" means the report of all information required under 40 CFR 60 for utilities and fossil fuel fired boilers.

"Performance Specification" means the operational tolerances for a continuous monitoring system as outlined in 40 CFR 60, Appendix B.

"Precision" means the difference between a continuous monitoring system response and the known concentration of a calibration gas or neutral density filter.

"Quality Assurance Calibrations" means calibrations, drift adjustments, and preventive maintenance activities on a continuous monitoring system.

"Raw Continuous Monitoring System Response" means a continuous monitoring system's uncorrected response used to determine calibration drift.

"Relative Accuracy Audit" means an alternative relative accuracy test procedure outlined in 40 CFR 60, Appendix F, which is used to correlate continuous emission monitoring system data to simultaneously collected reference method test data, as outlined in 40 CFR Part 60, Appendix A, using no fewer than three reference method test runs.

"Relative Accuracy Test Audit" means the primary method of determining the correlation of continuous emissions monitoring system data to simultaneously collected reference method test data, using no fewer than nine reference method test runs conducted as outlined in 40 CFR 60, Appendix A.

"State Electronic Data Report" (SEDR) means the sum total of a source's monitoring activities ~~which~~ that occurred during a reporting period.

"Summary Report" means the summary of all monitor and excess emission information ~~which~~ that occurred during a reporting period.

"Tamper" means knowingly:

a. to make a false statement, representation, or certification in any application, report, record, plan, or other document filed or required to be maintained under R307-170, or

b. to render inaccurate any continuous monitoring system or device or any method required to maintain the accuracy of the continuous monitoring system or device.

"Valid Monitoring Data" means data collected by an accurately functioning continuous monitoring system while any installation monitored by the continuous monitoring system is in operation.

R307-170-5. General Requirements.

(1) Each source required to operate a continuous monitoring system is subject to the requirements of 40 CFR 60.13 (d) through (j), except as follows:

(a) When minimum emission data points are collected by the continuous monitoring system as required in 40 CFR 60.13 or applicable subparts, quality assurance calibration and maintenance activities shall not count against monitor availability.

(b) ~~a~~ a monitor's unavailability due to calibration checks, zero and span checks, or adjustments required in 40 CFR 60.13 or R307-170 will not be considered a violation of R307-170.

(c) Monitor unavailability due to continuous monitoring system breakdowns will not be considered a monitor unavailability violation provided that the owner or operator demonstrates that the malfunction was unavoidable and was repaired expeditiously.

(d) To supplement continuous monitor data, a source with minimum continuous monitoring system data collection requirements may conduct applicable reference method tests outlined in 40 CFR 60, Appendix A, or as directed in the source's applicable Subpart of the New Source Performance Standards.

(2) Each source shall monitor and record all emissions data during all phases of source operations, including start-ups, shutdowns, and process malfunctions.

(3) Each source operating a continuous emissions monitoring system for compliance determination shall document each out-of-control period in the state electronic data report.

(4) Each continuous monitoring system subject to R307-170 shall be installed, operated, maintained, and calibrated in accordance with applicable performance specifications found in 40 CFR 60 Appendix B and Appendix F.

(5) Each continuous emissions monitoring system shall be configured so that calibration gas can be introduced at or as near to the probe inlet as possible. Each source shall conduct daily calibration zero drift and span drift checks and cylinder gas audits by flowing calibration gases at the probe inlet, or as near to the probe inlet as possible. Daily calibration drift checks and quarterly cylinder gas audit data shall be recorded by the continuous emissions monitoring system electronically to a strip chart recorder, data logger, or data recording devices.

(6) No person shall tamper with a continuous monitoring system.

(7) Any source that constructs two or more emission point sources ~~which~~ that may interfere with visible emissions observations shall install a continuous opacity monitor to show compliance with visible emission limitations on each obstructed stack, duct or vent that has a visible emission limitation.

R307-170-7. Performance Specification Audits.

(1) Quarterly Audits.

Unless otherwise stipulated for sources subject to the Acid Rain Provisions of the Clean Air Act in 40 CFR Part 75 CEM, Appendix A, Section 6.2, as in effect on July 1, 2005, [E]each continuous emissions monitoring system shall be audited at least once each calendar quarter. Successive quarterly audits shall be conducted at least two months apart. A relative accuracy test audit shall be conducted at least once every four calendar quarters as described in the applicable performance specification of 40 CFR 60, Appendix B.

(a) Relative accuracy shall be determined in units of the applicable emission limit.

(b) An alternative relative accuracy test (cylinder gas audit or relative accuracy audit) may be conducted in three of the four calendar quarters in place of conducting a relative accuracy test audit, but in no more than three quarters in succession.

(c) Each range of a dual range monitor shall be audited using an alternative relative accuracy audit procedure.

(d) Minor deviations from the reference method test must be submitted to the executive secretary for approval.

(e) Performance specification tests and audits shall be conducted so that the entire continuous monitoring system is concurrently tested.

(2) Notification.

The source shall notify the executive secretary of its intention to conduct a relative accuracy test audit by submitting a pretest protocol or by scheduling a pretest conference if directed to do so by the executive secretary. Each source shall notify the executive secretary no less than 45 days prior to testing.

(3) Audit Procedure.

A source may stop a relative accuracy test audit before the commencement of the fourth run to perform repairs or adjustments on the continuous emissions monitoring system. If the audit is stopped to make repairs or adjustments, the audit must be started again from the beginning. If the fourth test run is started, testing shall be conducted until the completion of the ninth acceptable test run or the source may declare the monitor out-of-control and stop the test. If the system does not meet its applicable relative accuracy performance specification outlined in 40 CFR 60, Appendix B, its data may not be used in determining emissions rates until the system is successfully recertified.

(4) Performance Specification Tests.

(a) Except as listed in (b) below, all reference method testing equipment shall be totally independent of the continuous emissions monitoring system equipment undergoing a performance specification test.

(b) Reference method tests conducted on fuel gas lines, vapor recovery units, or other equipment as approved by the executive secretary may use a common probe, when the reference method sample line ties into the continuous emission monitor's probe or sample line as close to the probe inlet as possible.

(5) Submittal of Audit Results.

The source shall submit all relative accuracy performance specification test reports to the executive secretary no later than 60 days after completion of the test.

(a) Test reports shall include all raw reference method calibration data, raw reference method emission data with date and time stamps, and raw source continuous monitoring data with date and time stamps. All data shall be reported in concentration and units of the applicable emission limit.

(b) Relative accuracy performance specification test or audit reports shall include the company name, plant manager's name, mailing

address, phone number, environmental contact's name, the monitor manufacturer, the model and serial number, the monitor range, and its location.

(6) Daily Drift Test.

Each source operating a continuous monitoring system shall conduct a daily zero and span calibration drift test as required in 40 CFR 60.13(d). The zero and span drifts shall be determined by using raw continuous monitoring system responses to a known value of the reference standard. Computer enhancements may be used to correct continuous monitoring system emission data ~~which~~ that has been altered by monitor drift, but may not be used to determine daily zero and span drift.

(a) A monitor used for compliance ~~which~~ that fails the daily calibration drift test as outlined in 40 CFR 60 Appendix F, Subpart 4, shall be declared out-of-control, and the out-of-control period shall be documented in the state electronic data report. The source shall make corrective adjustments to the system promptly. Continuous emission monitoring system data collected during the out-of-control period may not be used for monitor availability.

(b) Each source operating a continuous monitoring system ~~which~~ that exceeds the calibration drift limit as outlined in 40 CFR 60 and the applicable performance specification shall make corrective adjustments promptly.

R307-170-9. State Electronic Data Report.

(1) General Reporting Requirements.

(a) Each source required to install a continuous monitoring system shall submit the state electronic data report including all information specified in (2) through (10) below. Each source shall submit a complete, unmodified report in an electronic ASCII format specified by the executive secretary.

(b) Partial Reports.

(i) If the total duration of excess emissions during the reporting period is less than one percent of the total operating time and the continuous monitoring system downtime is less than five percent of the total operating time, only the summary portion of the state electronic data report need be submitted.

(ii) If the total excess emission during the reporting period is equal to or greater than one percent of the total operating time, or the total monitored downtime is equal to or greater than five percent of the total operating time, the total state electronic data report shall be submitted.

(iii) Each source required to install a continuous monitoring system for the sole purpose of generating emissions inventory data is not required to submit the excess emission report required by (7) below or the excess emission summary required by (6)(b) below, unless otherwise directed by the executive secretary.

(c) Frequency of Reporting. Each source subject to this rule shall submit a report to the executive secretary with the following frequency:

(i) Each source shall submit a report quarterly, if required by the executive secretary or by 40 CFR Part 60, or if the continuous monitoring system data is used for compliance determination. Each source submitting quarterly reports shall submit them by January 30, April 30, July 30, and October 30 for the quarter ending 30 days earlier.

(ii) Any source subject to this rule and not required to submit a quarterly report shall submit its report semiannually by January 30 and July 30 for the six month period ending 30 days earlier.

(iii) The executive secretary may require any source to submit all emission data generated on a quarterly basis.

(2) Source Information.

The report shall contain source information including the company name, name of manager or responsible official, mailing address, AIRS number, phone number, environmental contact name, each source required to install a monitoring system, quarter or quarters covered by the report, year, and the operating time for each source.

(3) Continuous Monitoring System Information.

The report shall identify each channel, manufacturer, model number, serial number, monitor span, installation dates, and whether the monitor is located in the stack or duct.

(4) Monitor Availability Reporting.

(a) The report shall include all periods that the pollutant concentration exceeded the span of the continuous monitoring system by source, channel, start date and time, and end date and time.

(b) Each continuous monitoring system outage or malfunction which occurs during source operation shall be reported by source, channel, start date and time, and end date and time.

(c) When it becomes necessary to supplement continuous monitoring data to meet the minimum data requirements, the source shall use applicable reference methods and procedures as outlined in 40 CFR 60, or as stipulated in the source's applicable Subpart of the New Source Performance Standards. Supplemental data shall be reported by source, channel, start date and time, and end date and time, and may be used to offset monitor unavailability.

(d) Monitor modifications shall be reported by source, channel, date of modification, whether a support document was submitted, and the reason for the modification.

(5) Continuous Monitoring System Performance Specification Audits.

(a) Each source shall submit the results of each relative accuracy test audit, relative accuracy audit and cylinder gas audit. Each source ~~which~~ that reports linearity tests may omit reporting cylinder gas audits.

(b) Each relative accuracy test audit shall be reported by source, channel, date of the most current relative accuracy test audit, date of the preceding relative accuracy test audit, number of months between relative accuracy test audits, units of applicable standard, average continuous emissions monitor response during testing, average reference method value, relative accuracy, and whether the continuous emissions monitor passed or failed the test or audit.

(c) A relative accuracy audit shall be reported by source, channel, date of audit, continuous emissions monitor response, relative accuracy audit response, percent precision, pass or fail results, and whether the monitor range is high or low.

(d) Cylinder gas audit and linearity tests shall be reported by source, channel, date, audit point number, cylinder identification, cylinder expiration date, type of certification, units of measurement, continuous emissions monitor response, cylinder concentration, percent precision, pass or fail results, and ~~and~~ whether the monitor range is high or low.

(6) Summary reports.

(a) Each source shall summarize and report each continuous monitoring system outage that occurred during the reporting period in the continuous monitoring system performance summary report. The summary must include the source, channels, monitor downtime as a percent of the total source operating hours, total monitor downtime, hours of monitor malfunction, hours of non-monitor malfunction, hours

of quality assurance calibrations, and hours of other known and unknown causes of monitor downtime. A source operating a backup continuous monitoring system must account for monitor unavailability only when accurate emission data are not being collected by either continuous monitoring system.

(b) The summary report shall contain a summary of excess emissions ~~which~~ that occurred during the reporting period unless the continuous monitoring system was installed to document compliance with an emission cap or to generate data for annual emissions inventories.

(i) Each source with multiple emission limitations per channel being monitored shall summarize excess emissions for each emission limitation.

(ii) The emission summary must include the source, channels, total hours of excess emissions as a percent of the total source operating hours, hours of start-up and shutdown, hours of control equipments problems, hours of process problems, hours of other known and unknown causes, emission limitation, units of measurement, and emission limitation averaging period.

(c) When no continuous monitoring unavailability or excess emissions have occurred, this shall be documented by placing a zero under each appropriate heading.

(7) Excess Emissions Report.

(a) The magnitude and duration of all excess emissions shall be reported on an hourly basis in the excess emissions report.

(i) The duration of excess emissions based on block averages shall be reported in terms of hours over which the emissions were averaged. Each source that averages opacity shall average it over a six-[-]minute block and shall report the duration of excess opacity in tenths of an hour. Sources using a rolling average shall report the duration of excess emissions in terms of the number of hours being rolled into the averaging period.

(ii) Sources with multiple emission limitations per channel being monitored shall report the magnitude of excess emissions for each emission limitation.

(b) Each period of excess emissions that occurs shall be reported. Each episode of excess emission shall be accompanied with a reason code and action code ~~which~~ that links the excess emission to a specific description, which describes the events of the episode.

(8) Operations Report.

Each source operating fossil fuel fired steam generators subject to 40 CFR 60, Standards of Performance for New Stationary Sources, shall submit an operations report.

(9) Signed Statement.

(a) Each source shall submit a signed statement acknowledging under penalties of law that all information contained in the report is truthful and accurate, and is a complete record of all monitoring related events ~~which~~ that occurred during the reporting period. In addition, each source with an operating permit issued under R307-415 shall submit the signed statement required in R307-415-5d.

(10) Descriptions.

Each source shall submit a narrative description explaining each event of monitor unavailability or excess emissions. Each description also shall be accompanied with reason codes and action codes that will link descriptions to events reported in the monitoring information and excess emission report.

KEY: air pollution, monitoring, continuous monitoring
[December 5, 2002]2005
Notice of Continuation August 7, 2000
19-2-101
19-2-104(1)(c)
19-2-115(3)(b)
40 CFR 60

▼ ————— ▼

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-307

Eligibility Determination and Redetermination

NOTICE OF PROPOSED RULE (Repeal)

DAR FILE NO.: 28240
FILED: 09/15/2005, 12:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rulemaking repeals Rule R414-307 because the provisions in Rule R414-307 are being combined into a reenacted version of Rule R414-308. The provisions in these two rules are closely related. By including them in one rule, the provisions will not contain confusing duplication, will be more consistent, and easier to understand. Rule R414-308 will be repealed and reenacted so that it contains only those provisions of both rules that are needed, and so that the provisions from both rules are more consistent and easier to understand. (DAR NOTE: The repeal and reenactment of Rule R414-308 is under DAR No. 28239 in this issue.)

SUMMARY OF THE RULE OR CHANGE: Rule R414-307 is repealed in its entirety and consolidated into Rule R414-308. The repeal and reenactment of Rule R414-308 is filed concurrently with this rulemaking.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 18

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There is no impact to the state budget. This rulemaking does not add new benefits or remove benefits. This is a rewrite intended to make the rules more understandable.
- ❖ LOCAL GOVERNMENTS: This is no impact to local government. This is a rewrite intended to make the rules more understandable.
- ❖ OTHER PERSONS: There is no impact to the state budget. This rulemaking does not add new benefits or remove benefits. This is a rewrite intended to make the rules more understandable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance costs for affected persons as this does not add requirements or remove benefits.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The content of this rule is being moved to Rule R414-308. This repeal will have no direct fiscal impact on businesses since the substance of the requirements are not changed. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
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:

Ross Martin at the above address, by phone at 801-538-6592, by FAX at 801-538-6099, or by Internet E-mail at rmartin@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 10/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/2005

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

[R414-307- Eligibility Determination and Redetermination- R414-307-1. Application-

~~— (1) The Department adopts 42 CFR 435.907 and 435.908, 2001 ed., which are incorporated by reference.~~

~~— (2) Definitions:~~

~~— The definitions in R414-1 and R414-301 apply to this rule.~~

~~— (3) The Department accepts any Department approved application form for Medicaid, UMAP, PCN, QMB, SLMB, or QI-1 assistance:~~

~~— (a) If applicants cannot write, they must make their mark on the application form and have at least one witness to the signature.~~

~~— (b) The date of application is the day the completed, signed application form is received by the local office.~~

~~— (i) If a signed application is mailed to the Department, the application date is the date postmarked on the envelope.~~

~~— (ii) If an unsigned application is received, including an application made over the telephone or electronically submitted, the applicant must return a signed signature page to the eligibility worker or come to the office and sign the application within the application processing time period. If a signature is received within the application processing time period, the date of application is the date the application form was received by the local office. Otherwise, the unsigned application is considered invalid, and the Department will not process the application.~~

~~— (iii) A signed application form submitted via a FAX machine is a valid application and does not have to be re-signed.~~

~~—(c) If a legal guardian or power of attorney has been appointed, or there is a payee for the individual, the Department shall make all forms and other documents in the name of both the individual and the individual's representative.~~

~~—(d) If the Division of Child and Family Services (DCFS) has custody of a child and the child is placed in foster care, DCFS shall complete the application. DCFS shall determine eligibility for the child pursuant to written agreement with the Department.~~

~~—(e) An authorized representative may apply for the client if unusual circumstances or death prevent an individual from appearing in person. The applicant must sign the application form if possible.~~

~~—(f) The Department shall reinstate a medical case without requiring a new application if the case was closed in error. The Department shall not require a new application if the case was closed for failure to complete a review or comply with a request for verification if the client complies before the end of the month following the month of closure.~~

R414-307-2. Eligibility Decisions.

~~—The Department adopts 42 CFR 435.911 and 435.912, 2001 ed., which are incorporated by reference.~~

R414-307-3. Eligibility Period.

~~—The Department adopts 42 CFR 435.916 and 435.919, 2001 ed., which are incorporated by reference.~~

~~—(1) The first month of eligibility is the first month for which assistance is approved.~~

~~—(2) The last month of eligibility is the recertification month.~~

~~—(3) The Department requires recertification at least once every 12 months.~~

~~—(4) The Department may require recertification whenever necessary to ensure continued eligibility.~~

~~—(5) Clients must complete the recertification process by the end of the recertification month, and continue to meet all eligibility criteria to receive benefits without interruption.~~

~~—(6) If a client fails to complete the recertification process during the recertification month, but completes it by the end of the following month, benefits can be reinstated back to the first day of that month if the client meets all eligibility criteria.~~

~~—(7) The Department shall issue notice of eligibility by the end of the month following the recertification month, provided the client completes the recertification process and is eligible for continued assistance.~~

~~—(8) For individuals selected for coverage under the Qualifying Individuals Group I program, eligibility extends through the end of the calendar year if the individual continues to meet eligibility criteria.~~

R414-307-4. Verification.

~~—(1) The Department adopts 42 CFR 435.945, 435.948, 435.952, 435.955, and 435.960, 2001 ed., which are incorporated by reference.~~

~~—(2) Applicants must verify all factors of eligibility in accordance with the CFR sections listed above.~~

~~—(3) To be eligible under Section 1902(a)(10)(A)(ii)(XIII), the Medicaid Work Incentive program, the individual must provide verification of earned income such as paycheck stubs showing deductions of FICA tax; self-employment tax filing documents; or for newly self-employed individuals who have not filed tax forms yet, a written business plan.~~

**KEY: ~~public assistance programs, eligibility, Medicaid~~
September 9, 2003
Notice of Continuation January 31, 2003
26-18]**



Health, Health Care Financing, Coverage and Reimbursement Policy **R414-308** Record Management

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 28239

FILED: 09/15/2005, 12:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rulemaking combines Rules R414-307 and R414-308 into one rule to remove confusing duplication; to make the rules more logical and consistent, and to make the language easier to understand. Rule R414-307 is being repealed concurrently with this rulemaking and Rule R414-308 is being repealed and reenacted. (DAR NOTE: The repeal of Rule R414-307 is under DAR No. 28240 in this issue.)

SUMMARY OF THE RULE OR CHANGE: Rule R414-308 is being repealed and reenacted. All the language is being rewritten and reorganized, Rule R414-308 will include provisions from Rule R414-307, covering the application process, eligibility decisions and eligibility period, and verifications, which is being repealed concurrently with this rulemaking. It will also include the provisions from Rule R414-308 covering change reporting, benefit changes, improper medical assistance and case closure. In addition, it removes unnecessary citations and rules.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 18

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 42 CFR 435.911 and 42 CFR 435.912, 2004 ed.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no impact to the state budget. This rulemaking does not add new benefits or remove benefits. This is a rewrite intended to make the rules more understandable.

❖ LOCAL GOVERNMENTS: This is no impact to local government. This is a rewrite intended to make the rules more understandable.

❖ OTHER PERSONS: There is no impact on other persons. This rulemaking does not add new benefits or remove benefits. This is a rewrite intended to make the rules more understandable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance costs for affected persons as this does not add requirements or remove benefits.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In an effort to simplify and make more understandable Medicaid rules on Medicaid eligibility determinations, two old rules are repealed in their entirety and one new rule replaces them. This should assist Medicaid applicants and businesses that meet their medical needs to better understand the process and have a positive fiscal impact. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
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:

Ross Martin at the above address, by phone at 801-538-6592, by FAX at 801-538-6099, or by Internet E-mail at rmartin@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 10/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/2005

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

~~R414-308. Record Management.~~

~~R414-308-801. Case Records.~~

~~1. The department adopts 42 CFR 431.17, 1991 ed., which is incorporated by reference.~~

~~2. Current department practices:~~

~~a. Case records shall not be removed from the local office except by subpoena or by request of the director or designee, by the request of the director of Health Care Financing or by the request of the Office of Quality Control.~~

~~R414-308-802. Notification.~~

~~The department adopts 42 CFR 431.206, 431.210, 431.211, 431.213, 431.214, 435.919, 1991 ed., which are incorporated by reference.~~

~~R414-308-803. Changes.~~

~~1. The department adopts 42 CFR 435.916(b), 1991 ed., which is incorporated by reference. The department adopts 20 CFR 416.704, 416.708, and 416.714, 1991 ed., which are incorporated by reference.~~

~~2. Current department practices:~~

~~a. The date of report is the date the client reports the change by phone or in person. The date of the postmark will be used when the change is reported by mail and when the change will decrease the spenddown provided verification of the change is received within ten days of the initial report. If the spenddown increases, the date of report is the date the agency initially learns of the change.~~

~~b. A client who provides reports, forms or verifications by any one of the following dates has provided the information on time:~~

~~i. the due date;~~

~~ii. 5:00 p.m. of the first working day after the due date when the due date is on a Saturday, Sunday or state holiday;~~

~~iii. the day of the postmark on the envelope must match or be prior to the due date, if the information is mailed to the local office;~~

~~c. Clients must report all income changes within ten calendar days of the day they learn of the change. Clients must report income from a new source within ten calendar days of the date the client receives money from that new source.~~

~~d. A change report can include information that may affect a client's eligibility received from any source. The agency shall verify the reported information before taking action to change the client's benefits.~~

~~R414-308-804. Change Reporting.~~

~~1. The department adopts 42 CFR 435.916, 1991 ed., which is incorporated by reference. The department adopts Subsection 402(a)(13) of the Compilation of the Social Security Laws, 1991 ed., U.S. Government Printing Office, Washington, D.C., which is incorporated by reference.~~

~~2. Current department practices:~~

~~a. The department will not use the concept of ten days to report a change and ten days to act on reported changes for institutionalized clients.~~

~~b. After determining a client prospectively eligible, adjustments in response to changes reported for one month will affect the eligibility in that same month:~~

~~i. The client is responsible to report any change to the agency within ten calendar days of the day the client learns of a change. The agency has ten calendar days following the report of a change to take action on the report. The agency is required to advise the client of an adverse change in a benefit amount at least ten days prior to the end of the month in which the action is taken.~~

~~ii. If the reported change results in an increase in the client's benefit, the increased benefit will not be granted sooner than the first day of the month following the date of report. After the client has reported a change, the client must submit verification of the reported change within ten days of when the change was initially reported. The date of the change in the client's benefit will be calculated from the initial report, provided the change is verified within ten calendar days. The date of change in income will be calculated from the date of verification if the client verifies the change later than ten days after the initial report.~~

~~iii. If the reported change results in a decrease in the client's benefit, the decreased benefit may be imposed as soon as the first day of the following month. If the agency cannot provide adequate ten day notice of adverse action before the end of that month, the decrease in the client's benefit will not be made effective until two months following the reported change. The agency will take action to implement all decreased benefit amounts without waiting for verification of the reported change. In either instance the case may be closed and benefits halted if all factors of eligibility are not verified.~~

~~— e. There is no Medicaid benefit payable for any month in which the assistance unit is not prospectively eligible.~~

~~R414-308-805. Holding a Medical Card.~~

~~— 1. Notice shall be sent to a client when a medical card is held. Notice shall be mailed to the client's last known address.~~

~~— 2. A medical I.D. card may be withheld from a recipient only for the following reasons:~~

~~— a. information is obtained which affects the recipient's eligibility and the recipient has been notified ten days in advance;~~

~~— b. a recipient has failed to return the recertification forms within the month the redetermination is due;~~

~~— c. the recipient requests the medical card held;~~

~~— d. the recipient died before the last day of the month;~~

~~— e. a change of address is received after the monthly cut-off date;~~

~~— f. the director determines the medical card should be held.~~

~~R414-308-806. Case Closure or Withdrawal.~~

~~— A medical assistance case will be closed on recipient request or when the recipient is no longer eligible. An applicant may withdraw an application for medical assistance any time prior to approval of the application.~~

~~R414-308-807. Improper Medical Coverage.~~

~~— 1. Improper medical coverage occurs when clients receive medical coverage they are not eligible for, or when a spenddown amount is not correct. This includes overstated and understated liabilities.~~

~~— 2. The amount of an understated liability is the difference between the amount of spenddown owed, using eligibility rules in effect for that month, and the amount of the spenddown paid.~~

~~— 3. Understated liabilities will be reported to the Office of Recovery Services (ORS).~~

~~— 4. A client may request a refund for any period of overstated liability. The request will be completed by the department and sent to ORS.~~

~~— 5. Recipients shall repay understated liabilities or benefits received while not eligible for coverage.~~

~~— 6. If the sponsor of an alien does not provide correct information, the alien and the alien's sponsor are jointly liable for any understated liability. Recovery shall proceed against the alien and the sponsor.]~~

~~R414-308. Application, Eligibility Determinations and Improper Medical Assistance.~~

~~R414-308-1. Authority and Purpose.~~

~~(1) This rule is authorized by 26-18-3.~~

~~(2) This rule establishes requirements for medical assistance applications, eligibility decisions, eligibility period, verifications, change reporting, case records, notification and improper medical assistance for the following programs:~~

~~(a) Medicaid;~~

~~(b) Qualified Medicare Beneficiaries;~~

~~(c) Specified Low-Income Medicare Beneficiaries; and~~

~~(d) Qualified Individuals.~~

~~R414-308-2. Definitions.~~

~~(1) The definitions in R414-1 and R414-301 apply to this rule. In addition, the following definitions apply.~~

~~(a) "Cost-of-care" means the amount of income an institutionalized individual must pay to the medical facility for long-term care services based on the individual's income and allowed deductions.~~

(b) "Re-certification" means the process of periodically determining that an individual or household continues to be eligible for medical assistance.

R414-308-3. Application and Signature.

(1) An individual may apply for medical assistance by completing and signing any Department-approved application form for Medicaid, Qualified Medicare Beneficiaries, Specified Low-Income Medicare Beneficiaries, or Qualified Individuals assistance and delivering it to the agency. If available, an individual may complete an on-line application for medical assistance and send it electronically to the agency.

(a) If an application cannot write, the applicant must make his mark on the application form and have at least one witness to the signature.

(b) For on-line applications, the individual must either send the agency an original signature on a printed signature page, or if available on-line, submit an electronic signature that conforms with state law for electronic signatures.

(c) A representative may apply on behalf of an individual. A representative may be a legal guardian, a person holding a power of attorney, a representative payee or other responsible person acting on behalf of the individual. In this case, the agency may send notices, requests and forms to both the individual and the individual's representative, or to just the individual's representative.

(d) If the Division of Child and Family Services (DCFS) has custody of a child and the child is placed in foster care, DCFS completes the application. DCFS determines eligibility for the child pursuant to a written agreement with the Department. DCFS also determines eligibility for children placed under a subsidized adoption agreement.

(e) An authorized representative may apply for the individual if unusual circumstances or death prevent an individual from applying on his own. The individual must sign the application form if possible. If the individual cannot sign the application, the representative must sign the application. The agency may assign someone to act as the authorized representative when the individual requires help to apply and is unable to appoint a representative.

(2) The date of application will be decided as follows:

(a) The date the agency receives a completed, signed application is the application date when the application is delivered to a local office.

(b) The date postmarked on the envelope is the application date if a completed, signed application is mailed to the agency.

(c) The date the agency receives the completed, signed application via facsimile transfer is the application day. The agency accepts the signed application sent via facsimile as a valid application and does not require it to be signed again.

(3) If an applicant submits an unsigned, completed application form to the agency, the agency will notify the applicant that the application must be signed within 30 days. The agency will send a signature page to the applicant within 10 days.

(a) If the agency receives a signature page signed by the applicant within 30 days of receiving the completed application, the application date is the date the agency received the unsigned, completed application form.

(b) If the agency does not receive a signed signature page within 30 days of when it received the completed application, the application is void and the agency will send a denial notice to the applicant. The previous application date will not be protected.

(c) If the agency receives a signed signature page during the 30 days immediately after the denial notice is mailed, the agency will contact the applicant to ask if the applicant wants to reapply for medical assistance. If the applicant wants to reapply, the agency may use the previous completed application form, but the application date will be the date the agency received the signed signature page.

R414-308-4. Verification of Eligibility and Information Exchange.

(1) Medical assistance applicants and recipients must verify all eligibility factors requested by the agency to establish or to redetermine eligibility. Medical assistance applicants and recipients must provide identifying information that the agency needs to meet the requirements of 42 CFR 435.945, 435.948, 435.952, 435.955, and 435.960.

(a) The agency will provide the client a written request of the needed verifications.

(b) The agency must give the client at least 10 calendar days from the date of the agency requests the verifications to provide verifications.

(c) The client may request additional time to provide verifications.

(d) If an applicant has not provided required verifications by the end of the application period or by the end of the re-certification month, and has not contacted the agency to request additional time to provide verifications, the agency denies the application or the re-certification.

(2) The agency must receive verification of an individual's income, both unearned and earned. To be eligible under Section 1902(a)(10)(A)(ii)(XIII), the Medicaid Work Incentive program, the agency may require proof such as paycheck stubs showing deductions of FICA tax; self-employment tax filing documents; or for newly self-employed individuals who have not filed tax forms yet, a written business plan and verification of gross receipts and business expenses, to verify that the income is earned income.

(3) The agency denies eligibility or discontinues benefits if an applicant or recipient does not provide required verifications. In the case of a change report that would increase benefits, the agency does not increase benefits if the client does not provide required verifications.

R414-308-5. Eligibility Decisions or Withdrawal of an Application.

(1) The agency shall decide the applicant's eligibility within the time limits established in 42 CFR 435.911 and 435.912, 2004 ed., which are incorporated by reference.

(2) The agency may extend the time limit if the applicant asks for more time to provide requested information.

(3) An applicant may withdraw an application for medical assistance any time before the agency makes an eligibility decision on the application. An individual requesting an assessment of assets for a married couple under Section 1924 of the Social Security Act, 42 U.S.C. 1396r-5, may withdraw the request any time before the agency has completed the assessment.

R414-308-6. Eligibility Period and Re-Certification.

(1) The eligibility period begins on the effective date of eligibility as defined in R414-306-4, which may be after the first day of a month, subject to the following requirements.

(a) If a client must pay a spenddown, the agency completes the eligibility process when the agency receives the required payment or proof of incurred medical expenses equal to the required payment for the month or months, including partial months, for which the client wants medical assistance.

(b) If a client must pay a Medicaid Work Incentive premium, the agency completes the eligibility process when the agency receives the required payment for the month or months, including partial months, for which the client wants medical assistance.

(c) If a client must pay an asset co-payment for prenatal coverage, the agency completes the eligibility process when the agency receives the required payment for the period of prenatal coverage.

(d) The client must make the payment or provide proof of medical expenses, if applicable, within 30 days from the mailing date of the notice that tells the client the amount owed.

(e) For ongoing months of eligibility, the client has until the 10th day of the month after the benefit month to meet the spenddown or pay the Medicaid Work incentive premium.

(f) Residents who reside in a long-term care facility and who owe a cost-of-care contribution to the medical facility must pay the medical facility directly. The resident may use unpaid past medical bills, or current incurred medical bills other than the charges from the medical facility, to meet some or all of the cost-of-care contribution. The resident must pay any cost-of-care contribution not met with allowable medical bills to the medical facility. An unpaid cost-of-care contribution is not allowed as a medical bill to reduce the amount the client owes the facility.

(g) No eligibility exists in a month for which the client fails to meet a required spenddown or fails to pay a required Medicaid Work Incentive premium. Eligibility for the Prenatal program does not exist when the client fails to pay a required asset co-payment for the Prenatal program.

(2) The eligibility period ends on:

(a) the last day of the re-certification month;

(b) the last day of the month in which the recipient asks the agency to discontinue eligibility;

(c) the last day of the month the agency determines the individual is no longer eligible;

(d) for the Prenatal program, the last day of the month that is at least 60 days after the date the pregnancy ends, except that for Prenatal coverage for emergency services only, eligibility ends the last day of the month in which the pregnancy ends; or

(e) the date the individual dies.

(3) Recipients must re-certify eligibility for medical assistance at least once every 12 months. The agency may require recipients to re-certify eligibility more frequently when the agency:

(a) receives information about changes in a recipient's circumstances that may affect the recipient's eligibility;

(b) has information about anticipated changes in a recipient's circumstances that may affect eligibility; or

(c) knows the recipient has fluctuating income.

(4) To receive medical assistance without interruption, a recipient must complete the re-certification process by the date printed on the re-certification form and must continue to meet all eligibility criteria, including meeting a spenddown if one is owed, or paying a Medicaid Work Incentive premium if one is owed.

(a) If the recipient does not complete the re-certification process on time, eligibility ends on the last day of the re-certification month.

(b) If the recipient does not complete the re-certification process on time, but completes it by the end of the month after the review month, the agency will determine whether the recipient continues to meet all eligibility criteria.

(i) The agency will reinstate benefits effective the beginning of the month after the re-certification month if the recipient continues to meet all eligibility criteria and meets any spenddown or pays the Medicaid Work Incentive premium, if applicable, within 30 days. Otherwise, the recipient remains ineligible for medical assistance.

(ii) If the recipient does not complete the re-certification process before the end of the month following the re-certification month, eligibility will not be reinstated. The recipient will have to reapply for medical assistance.

(c) If the recipient does not meet the spenddown or pay the Medicaid Work Incentive premium on time, then eligibility ends effective the last day of the re-certification month and the recipient will have to reapply.

(5) For individuals selected for coverage under the Qualified Individuals Program, eligibility extends through the end of the calendar year if the individual continues to meet eligibility criteria and the program still exists.

R414-308-7. Change Reporting and Benefit Changes.

(1) A client must report to the agency reportable changes in the client's circumstances. Reportable changes are defined in R414-301-2. A client must report:

(a) a reportable change within ten calendar days of the day the client learns of the change;

(b) income from a new source within ten calendar days of the date the client receives money from that new source; and

(c) an increase in income within ten days of the date the client receives the increased amount of income.

(2) The agency may receive information from credible sources other than the client such as computer income matches, and from anonymous citizen reports. If the agency receives information from sources other than the client that may affect the client's eligibility, the agency will verify the information as needed depending on the source of information before using the information to change the client's eligibility for medical assistance. Information from citizen reports must always be verified by other reliable proofs.

(3) The date of report is the date the client reports the change to the agency by phone, by mail, by fax transmission or in person, or the date the agency receives the information from another source. If a change is reported by mail, the agency uses the date of the postmark to decide if the report was made on time.

(4) If the agency needs verification of the reported change from the client, the agency requests it in writing and provides at least ten calendar days for the client to respond.

(5) A client who provides change reports, forms or verifications by the due date has provided the information on time.

(a) The due date is:

(i) for a change report, ten calendar days after the date the client learns of the change or ten calendar days after the client receives an increase in income or income from a new source; or

(ii) for verifications or forms, the date by which the agency tells the client the verifications or forms must be returned, but no earlier than ten calendar days after the agency mails the request to the client.

(b) If the due date falls on a Saturday, Sunday or state holiday, the report is timely if received before 5 p.m. of the first business day after the due date.

(c) If the information is mailed to the agency, the report is timely if the day of the postmark on the envelope matches or is prior to the due date.

(d) If the information is sent via facsimile transmission, the report is timely when the date of the fax transmission matches or is before the due date.

(6)(a) If the reported information causes an increase in a client's benefits and the agency requests verification, the increase in benefits is effective the first day of the month following:

(i) the date of the report if the agency receives verifications within ten days of the request; or

(ii) the date the verifications are received if verifications are received more than ten days after the date of the request.

(b) The agency cannot increase benefits if the agency does not receive requested verifications.

(7) If the reported information causes a decrease in the client's benefits, the agency makes changes as follows:

(a) If the agency has sufficient information to adjust benefits, the change is effective the first day of the month after the month in which the agency sends proper notice of the decrease, regardless of whether verifications have been received.

(b) If the agency does not have sufficient information to adjust benefits, the agency requests verifications from the client.

(i) The client has ten calendar days to return verifications.

(ii) Upon receiving the verifications, the agency adjusts benefits effective the first day of the month following the month in which the agency can send proper notice.

(iii) If the verifications are not returned on time, the agency may discontinue benefits for the affected individuals effective the first of the month in which the agency can send proper notice.

(8) Any time the agency requests verifications to determine or redetermine eligibility for an individual or a household, the agency may discontinue benefits if all required factors of eligibility are not verified. If a change does not affect all household members and verifications are not provided, the agency discontinues benefits only for the individual or individuals affected by the change.

(9) If a client fails to timely report a change or return verifications or forms, the client must repay all services and benefits paid by the Department for which the client was ineligible.

(10) Notwithstanding the provisions of subsections (6) and (7), changes affecting an institutionalized client's eligibility are effective as of the date of the change.

R414-308-8. Case Closure and Redetermination.

(1) The agency terminates medical assistance upon recipient request or if the agency determines the recipient is no longer eligible. To maintain eligibility, a recipient must complete the re-certification process as provided in R414-308-6. Failure to complete the re-certification process makes the recipient ineligible.

(2) Before terminating a recipient's medical assistance, the agency will decide if the client is eligible for any other available medical assistance provided under Medicaid, the Medicare Cost-Sharing programs, the Primary Care Network and the Covered-at-Work program. Children will be referred to the Children's Health Insurance Program when applicable.

(a) The agency does not require a recipient to complete a new application, but may request more information from the recipient to complete the redetermination for other medical assistance programs. If the recipient does not provide the necessary information, the recipient's medical assistance ends.

(b) When redetermining eligibility for other programs, the agency cannot enroll an individual in a medical assistance program that is not in an open enrollment period, unless that program allows a person who becomes ineligible for Medicaid to enroll during a period when enrollments are stopped. An open enrollment period is a time when the agency accepts applications. Open enrollment applies only to the Primary Care Network, the Covered-at-Work Program and the Children's Health Insurance Program.

R414-308-9. Improper Medical Coverage.

(1) As used in this section, services and benefits include all amounts the Department pays on behalf of the client during the period in question and includes premiums paid to Medicaid health plans, Medicare, and private insurance plans; payments for prepaid mental health services; and payments made directly to service providers or to the client.

(2) A client must repay the cost of services and benefits the client receives for which the client is not eligible.

(a) If the agency determines a client was ineligible for the services or benefits received, the client must repay the Department the amount the Department paid for the services or benefits. The amount the client must repay will be reduced by the amount the client paid the agency for a Medicaid spenddown or a Medicaid Work Incentive premium for the month. If a woman has paid an asset co-payment for coverage under Prenatal Medicaid is found to have been ineligible for the entire period of coverage under Prenatal Medicaid, the amount she must repay will be reduced by the amount she paid the agency in the form of the Prenatal asset co-payment, if applicable.

(b) If the client is eligible but the overpayment was because the spenddown, the Medicaid Work Incentive premium, the asset co-payment for prenatal services, or the cost-of-care contribution was incorrect, the client must repay the difference between the correct amount the client should have paid and what the client actually paid.

(3) A client may request a refund from the Department for any month in which the client believes that

(a) the spenddown, asset co-payment for prenatal services, or cost-of-care contribution the client paid to receive medical assistance is less than what the Department paid for medical services and benefits for the client, or

(b) the amount the client paid in the form of a spenddown, a Medicaid Work Incentive premium, a cost-of-care contribution for long-term care services, or an asset co-payment for prenatal services was more than it should have been.

(4) Upon receiving the request for a refund, the Department will determine if the client is owed a refund.

(a) In the case of an incorrect calculation of a spenddown, Medicare Work Incentive premium, cost-of-care contribution or asset co-payment for prenatal services, the refundable amount is the difference between the incorrect amount the client paid the Department for medical assistance and the correct amount that the client should have paid, less the amount the client owes the Department for any other past due, unpaid claims.

(b) In the case when the spenddown, asset co-payment for prenatal services or a cost-of-care contribution for long-term care exceeds medical expenditures, the refundable amount is the difference between the correct spenddown, asset co-payment or cost-of-care contribution the client paid for medical assistance and the actual amount the Department paid on behalf of the client for services and benefits, less the amount the client owes the Department for any other past due, unpaid claims. The Department

issues the refund only after the 12-month time-period that medical providers have to submit claims for payment.

(5) A client who pays a premium for the Medicaid Work Incentive program cannot receive a refund even if the services paid by the Department are less than the premium the client pays.

(6) If the cost-of-care contribution a client pays a medical facility is more than the Medicaid daily rate for the number of days the client was in the medical facility, the client can request a refund from the medical facility. The Department will refund the amount owed the client only if the medical facility has sent the excess cost-of-care contribution to the Department.

(7) If the sponsor of an alien does not provide correct information, the alien and the alien's sponsor are jointly liable for any overpayment of benefits. The Department recovers the overpayment from both the alien and the sponsor.

KEY: public assistance programs, records, eligibility, Medicaid
[August 1, 1996]2005

Notice of Continuation January 31, 2003
26-18



**Human Services, Services for People
with Disabilities**
R539-6
**Purchase of Service Provider
Requirements**

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 28210

FILED: 09/06/2005, 10:44

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes are proposed after a comprehensive revision and consolidation of the Division's rules.

SUMMARY OF THE RULE OR CHANGE: The changes involve repealing the current rule and replacing it with a new rule and moving some information into the Provider's service contract with the Division. This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-5-102 and 62A-5-103

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--This revision does not alter the basic operations or functions of the Division and therefore, does not result in either a cost or savings to the state.

❖ LOCAL GOVERNMENTS: None--Local government funding is not used. Therefore, there is no cost to local governments.

❖ OTHER PERSONS: None--This revision does not alter the basic operations or functions of the Division and therefore does not result in either a cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This revision does not alter the basic operations and functions of

the Division. Provider requirements now appear in their current service contracts. This does not result in either a cost or savings to Providers or other affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This revision does not alter the basic operations of functions of the Division. Provider requirements now appear in their current service contracts. This does not change the fiscal impact on service providers. Lisa-Michelle Church, Executive Director

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

HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
Room 411
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven Bradford at the above address, by phone at 801-538-4197, by FAX at 801-538-4279, or by Internet E-mail at sbradford@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 10/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/2005

AUTHORIZED BY: George Kelner, Director

R539. Human Services, Services for People with Disabilities.

~~R539-6. Purchase of Service Provider Requirements.~~

~~R539-6-1. Personnel Requirements.~~

~~A. Policy.~~

~~The Provider shall ensure that trained program staff are responsible for the day to day supervision and operation of the program.~~

~~B. Procedures.~~

~~1. Each site shall have a direct program staff person responsible for the day to day supervision of individuals receiving services and the operation of the program. The responsibility of the direct program staff person shall be clearly defined. The Provider clearly defines supervisory responsibility during all hours of operation.~~

~~2. All direct program staff shall be at least 18 years of age.~~

~~3. The ratio of staff to recipient will be based upon the need of the individuals, and shall meet the minimum ratios identified in the contract for the program.~~

~~4. Students and volunteers may be used to augment, but not replace, regularly employed staff.~~

~~5. Each employee who works with children must undergo a Bureau of Criminal Investigation (BCI) screening in accordance with Section 62A-4-514. All persons living in the professional parent home over 18 must obtain fingerprints from their local law enforcement agency. (Section 62A-4-514.) Providers are encouraged to screen all employees working with Division of Services for People with Disabilities (DSPD) adults for a BCI check.~~

~~6. The Provider shall maintain personnel information on each employee.~~

~~a. Job descriptions and educational requirements will be maintained for each employed position.~~

~~b. Performance appraisals shall be conducted at least annually for all employees.~~

~~c. A health evaluation, including:~~

~~(1) The employee's statement of freedom from any communicable disease or other condition that might pose a health hazard to individuals receiving service.~~

~~(2) Within two weeks of employment all Direct Personnel shall be required to file a report that a negative TB screen for tuberculosis has been obtained, or a chest x ray is negative if previous tuberculin test indicated positive results.~~

~~(3) If a staff member develops indications of a serious physical, emotional, or mental condition which could seriously jeopardize the well being of any individual receiving services, or could prevent satisfactory performance of duties, that staff member shall be excluded from the program until the condition is resolved to the satisfaction of a licensed physician or other appropriate professional and until a written statement of such is presented and approval is given by the Provider.~~

~~7. All staff involved in food preparation shall have a current Food Handler's Permit obtained from the County Health Department.~~

~~R539-6-2. Personnel Respite.~~

~~A. Policy.~~

~~Respite Providers will ensure that all employees meet minimum criteria to ensure safety and services which offer the least disruption of the individual's life.~~

~~B. Procedures.~~

~~1. The Provider will interview each applicant and request written references which shall be verified and filed on all staff hired.~~

~~2. A BCI screening is required for all applicants working with children. If respite care is to be provided in a Provider's home all persons over 18 living in the home must obtain fingerprints from their local law enforcement agency. (Section 62A-4-514.) All providers working with adult recipients are encouraged to obtain a BCI screening.~~

~~3. Respite providers shall be at least 18 years of age.~~

~~4. Respite Providers must provide the following information on all employees:~~

~~a. Name, address, and telephone number.~~

~~b. Training and experience in the area of developmental disabilities.~~

~~c. Physical problems that might limit their abilities to serve the specific kinds of disabilities.~~

~~d. Names, addresses, and telephone numbers for three non family references.~~

~~R539-6-3. Training Requirements for Day and Residential Programs.~~

~~A. Policy.~~

~~In order to enhance the quality of services and to ensure reduced liability risk to the State and providers, all program staff in residential and day services shall receive training and demonstrate competency in the following areas. Specific training requirements under each area, if any, are listed in the Procedures section with the time line in which that training is expected to occur. Specific requirements may vary according to the individuals served.~~

~~a. Division policies and procedures, philosophy, mission, and beliefs.~~

— b. Provider policies, philosophy, and mission (R539-5-3, Provider Policy and Records).

— c. Nutrition (R539-6-14, Nutrition Requirements).

— d. Health (R539-6-10, Health/Medication Requirements).

— e. Emergency procedures (as outlined in the provider's policy manual).

— f. Behavior management (R539-6-12, Adaptive Behavior Development).

— g. Crisis procedures (R539-6-13, Emergency Services Crisis Intervention).

— h. Legal rights of individuals with disabilities (R539-2-1, Individual Rights, and R539-2-3, Human Rights Committee).

— i. Abuse, neglect, and exploitation (R539-2-1, Individual Rights, and R539-6-8, Code of Conduct).

— j. Department of Human Services Provider Code of Conduct (R539-6-8, Code of Conduct).

— k. Confidentiality (R539-2-2, Human Subject Research).

— l. Principles of community inclusion (R539-2-1, Individual Rights).

— m. Americans with Disabilities Act (R539-2-1, Individual Rights).

— n. Individual Program Plan development (R539-3-2, Individual Program Plan).

— o. Disabling conditions.

— p. Age appropriate recreation and leisure skills.

— B. Procedures.

— 1. The provider will require all staff to pass a written examination, or by some other method, demonstrate competency. The measures shall be available for inspection by Division staff.

— 2. The provider will ensure that a pre-service manual is provided to all employees and that competency is demonstrated in the following areas prior to providing any direct services to people with disabilities:

— a. Disabling conditions: Orientation to individuals receiving services in that specific location or work site.

— b. Emergency procedures: Fire safety, as well as other disaster safety procedures.

— c. Behavior management: General principles of behavior management.

— d. Legal rights of persons with disabilities.

— e. Confidentiality.

— f. Abuse, exploitation and neglect.

— g. The Department of Human Services Provider Code of Conduct.

— h. Orientation to the provider's agency policies and mission.

— i. Orientation to the Division's mission and beliefs.

— 3. Within the first 30 working days, the employee shall demonstrate competency in the following areas:

— a. Emergency procedures: First aid (including the Heimlich Maneuver).

— b. Health: Medication specific to the individuals receiving services, including self-medication administration and documentation. Illness symptom recognition specific to the individuals served.

— c. Health: Prevention of communicable disease (Human Immunodeficiency Virus, Sexually Transmitted Diseases, Hepatitis, etc.).

— d. Nutrition: Specific dietary issues of the individual's receiving services.

— e. Behavior management: Behavioral intervention programs specific to the individuals receiving services.

— 4. Within the first six months, the employee shall demonstrate competency in the following areas:

— a. Principles of community inclusion.

— b. Health: Self medication administration and identification of common medications; and Cardiopulmonary Resuscitation (CPR) Certification.

— c. Provider agency policies, philosophy, and mission.

— d. Division policies and procedures, philosophy, mission, and beliefs.

— e. Individual Program Plan development: Teaching methods, data collection, and documentation.

— f. Behavior management: The use of non-aversive techniques in behavioral crisis prevention and intervention. Mandt, Professional Assault Response Training, or other Division approved training programs will only be required of those employees working with individuals who are highly likely to become aggressive. Providers are encouraged to provide this training to their staff as appropriate and as determined necessary.

— g. Individual rights: Human Rights committees policies and procedures.

— h. Americans with Disabilities Act.

— i. Age appropriate recreation and leisure skills.

— j. Nutrition: Mealtime procedures and nutritional needs of individuals served.

— k. Health: Exercise and weight control.

— l. Orientation to individuals with mental retardation and developmental disabilities, as well as to the disabling conditions specific to the individuals served by the provider.

— 5. After the first year of employment a minimum of 12 hours of additional training per year related to services for individuals with disabilities is required and must include Cardiopulmonary Resuscitation and First Aid certification or recertification.

— 6. During the first month of employment the relief and substitute staff will meet the pre-service requirement (2 above). Additionally, during the next 12 months they will complete items 3 and 4 above. Relief and substitute staff are those which work 10 or less hours per week.

R539-6-4. Training Requirements for Family Support and Respite Care Provider Agencies.

— A. Policy.

— All persons contracted or employed under a provider agency to provide family support or respite services to individuals with disabilities or their families with Division funding, will meet the following criteria to ensure safety, quality, competency, and flexibility in the supports and services they provide:

— 1. All persons contracted or employed under a provider agency to provide family support or respite services shall receive training and demonstrate competency in the following areas related to serving the person with disabilities. Training may be waived by the provider agency if the person's education or experience meets this criterion and competency is demonstrated. Verification of such education or experience must be documented and maintained in the person's provider file. The person shall receive the following training prior to providing services and supports:

— a. The Philosophy of the Division of Services for People with Disabilities, including the Division Mission Statement, and Keys to Successful Family Support.

— b. The Philosophy of supporting the family (as opposed to supplanting the family) and how to maintain positive interactions with the family.

— c. Emergency first aid, Emergency Policies and Procedures (as outlined in the provider's policy manual according to R539-5-3,

Provider Policy and Records), Fire Safety (Persons providing respite services must have a written fire evacuation plan).

— d. General principles of behavior management, as well as legal rights of persons with disabilities.

— e. Confidentiality.

— f. The Department of Human Services Provider Code of Conduct (R539-6-8, Code of Conduct), including what constitutes abuse, neglect, and exploitation.

— g. A general review of the causes of developmental disabilities and the more common types of disabilities. Specific emphasis may be given to the types of disabilities the provider may encounter with selected individuals.

— 2. Persons providing direct services and supports must be knowledgeable about the disabilities, required support, and strengths of the individual(s) they are to serve.

— This policy does not apply to persons hired directly by individuals with disabilities or their families to provide family support or respite services under the Purchase of Individual Family Support Agreement, form 945 (Parent Choice Model).

— B. Procedures.

— 1. Each provider agency will have a written statement of operation and the following information in each person's file with whom they employ or contract to provide direct services and supports:

— a. An application.

— b. At least three references (with verification of those references by the provider agency).

— c. Bureau of Criminal Identification release forms (if applicable) in accordance with R539-6-1, Personnel Requirements.

— d. Child/Adult Abuse Screening forms in accordance with R539-6-1.

— e. A copy of the person's drivers license and evidence of insurance coverage if they will be transporting the individual. The provider must also annually check the person's driving record.

— f. A copy of the person's social security card.

— g. The Department of Human Services Provider Code of Conduct signature sheet signed by the person providing direct services and supports.

— h. Persons providing respite services in their own home will complete a self certification form annually and will be subject to a random sample audit.

— 2. Training shall be conducted by a person with professional experience (at least two years) and knowledge in providing services and supports to persons with developmental disabilities.

— 3. All persons contracted or employed under a provider agency to provide family support or respite services will maintain records for individuals served according to R539-5-1, Provider Records for Individuals.

R539-6-5. Provider Board.

— A. Policy.

— To ensure oversight of Division programs, each non-profit Provider serving more than six individuals and having contracts exceeding \$35,000 shall have a board to assure a high quality of program standards, effective program administration, and continuing program development. For-profit agencies are excluded from this requirement, but shall authorize their Human Rights Committee (R539-2-3) program oversight responsibilities in order to assure the public trust in state funding of service.

— B. Procedures.

— 1. The Provider shall have bylaws which dictate the size of the board, constitution of membership, terms of membership, and method

of selecting officers and new board members. The Board of Directors for non-profit agencies shall establish bylaws consistent with the following:

— a. The board membership reflects the range of community people with interest or background in the program area. At least one member shall be a representative of the individuals served in the program.

— b. Boards shall have term membership and shall rotate replacement of new members. Selection of officers and new members shall be made by a committee of the board and appointments made by a vote of the full board. Officers shall be elected annually.

— c. To the extent they are not a majority of the membership or Board quorum, provider staff and/or their relatives may serve on the Board.

— d. The Board of Directors for for-profit agencies shall comply with the Governing Body policy in the Department of Human Services' Rule (R501-2-3).

— 2. The Provider shall supply secretarial and staff support as requested by the board. The board agenda shall be established as a cooperative effort between the agency director or designee and the board chair.

— 3. The responsibilities of the Board shall include the following:

— a. Meet with a frequency sufficient to carry out its responsibility, but not less than quarterly.

— b. Review and up date the bylaws outlining the power and responsibility of the board.

— c. Review and approve all program policies, standards, budgets, and administrative practices, including employee job descriptions, hiring and firing practices, salary levels, and other personnel issues. They shall also review and make decisions on any unresolved employee grievances.

— d. Non-profit boards shall conduct an annual review of the agency director's performance and submit a written appraisal to the director.

— e. Review individual and parent grievances when not resolved by staff or administration. Issue recommendations to the agency director for resolution of the grievance.

— f. Hold meetings with individuals and parent groups or conduct surveys as needed to determine program satisfaction.

— g. Record minutes of meetings and document all actions taken by the board.

— h. Perform other oversight responsibilities as the board sees fit in order to maintain the public trust in the state-funded service.

— 4. For non-profit agencies, either in the bylaws or agency policy, there shall be provision guarding against conflict of interest between a board member and the Provider organization. This does not rule out a business relationship with the Provider, but does require a disclosure of the interest and the limits or exclusions required for a member's participation in discussions and voting on the matters in which there are conflicts.

R539-6-6. Use of Volunteers.

— A. Policy.

— Purchase of Service Providers may use volunteers who have been trained to augment or deliver service designed for individuals with disabilities. Volunteers shall not replace minimum ratios for staff.

— B. Procedures.

— 1. A volunteer will complete an application, including references, and have a screening interview. If the volunteer is to work with children with disabilities, they must be approved through a BCI check (Section 62A-4-514). Volunteers working with adults with disabilities are encouraged to be approved with a BCI check.

— 2. Providers will ensure that volunteers complete an orientation and training program which will include at a minimum:

- a. Provider policies and procedures.
- b. DSPD policies and procedures for reporting client abuse and client rights.
- c. Confidential nature of information on individuals with disabilities.
- d. Emergency procedures to follow when working with the individual.
- e. Documentation of training and proficiency of the individual to carry out the assigned tasks.
- f. Orientation to the individual with disabilities.

— 3. Providers will document the number of hours the volunteer works and provide supervision to comply with federal wage laws.

— 4. The Provider will have adequate insurance to protect both the volunteer and the individual with disabilities.

— 5. The legal guardian must provide written permission for the volunteer to take an individual from the program or overnight.

R539-6-7. Licensing and Certification.

A. Policy.

— The purpose of licensing or certification is to authorize a public or private agency, or individual to provide services for DSPD. The license or certification designates that the program has the capacity to provide the service and indicates that the governing body of the program has demonstrated or has provided assurance that services shall be provided in accordance with DSPD and Office of Licensing (OL) rules.

B. Procedures.

— 1. A program and Provider will comply with licensing regulations regarding the application process and shall apply through the Department of Human Services (DHS) Office of Licensing. Programs requiring licensing include day training, pre-vocational, large group-homes (four or more persons), supervised apartments (four or more persons), and foster care.

— 2. A program or Provider seeking certification shall apply through DSPD. Programs requiring certification include: small group homes (three or less persons), supervised apartments (three or less persons), living support and training, respite care, family support, supported employment, and socialization/recreation.

— a. The certification application shall be completed by the provider and submitted to the DSPD contract administrator.

— b. The on-site inspection certification shall be completed by the DSPD regions for out of home programs. The certification check list for facility requirements is completed for all supervised apartments, small group homes, out of home respite, and Professional Parent homes. (See R539-6-11)

— c. Certificates shall be issued by DSPD to providers annually.

— d. A self certification form will be completed for family support programs, in-home respite and living support and training programs, supported employment, and socialization/recreation.

— (1) Family support—Provider managed.

— (a) Provider certifies to abide by the terms and conditions of the DSPD policies and procedures.

— (b) Maintain documentation that training requirements are met for each employee.

— (c) Written references shall be verified and filed for each employee.

— (d) Medicaid application on file if required.

— (2) Respite—In-home.

— (a) Provider certifies to abide by the terms and conditions of the DSPD policies and procedures.

— (b) Maintain documentation that training requirements are met for each employee.

— (c) Written references shall be verified and filed for each employee.

— (d) Medicaid application on file if required.

— (3) Family support—Family managed.

— (a) Application and references for an employee shall be on file.

— (b) Maintain documentation that the family has selected the service provider.

— (c) Family provides a statement which includes the following:

— (i) The individual demonstrates competency to provide the service(s).

— (ii) The individual will be trained by the parent(s) to provide the service(s).

— (d) Medicaid application on file if required.

— (4) Living Support and Training.

— (a) Provider certifies to abide by the terms and conditions of the DSPD policies and procedures.

— (b) Maintain documentation that training is implemented according to the IPP.

— (c) Medicaid application on file if required.

— (5) Supported Employment.

— (a) Provider certifies to abide by the terms and conditions of the DSPD policies and procedures.

— (b) Maintain documentation that training is implemented according to the IPP.

— (c) Provider certifies that employer facilities will comply with Federal and State life safety requirements.

— (d) Provisions of direct services in a facility requires providers to meet standards of physical accessibility.

— (e) Medicaid application on file if required.

— (6) Socialization/Recreation (State and Federal).

— (a) Provider certifies to abide by health and safety requirements.

— (b) Provision of direct services in a facility based program requires the provider to meet physical accessibility standards.

— e. If the provider has a Medicaid application and provider agreement on file they are not required for recertification.

— 3. A program or Provider seeking licensure or certification to provide direct service to children shall submit fingerprints and accompanying information to the DSPD region through the BCI check. Providers are encouraged to ensure that all employees working with adult recipients also complete the BCI screen.

— 4. Each program and Provider shall permit representatives of the Office or Agency to conduct on-site reviews, announced or unannounced, of the physical facility, program operation, individual records, and to interview staff and recipients to determine compliance.

R539-6-8. Code of Conduct.

A. Policy.

— It is the policy of DSPD to have rules of conduct apply to any employee of any contracted service. The contractor must enforce and ensure that all employees sign and understand the Code of Conduct.

B. Procedures.

— 1. All employees will sign and state that they understand the code of conduct prior to beginning employment and annually review the statements to include at a minimum the following:

— a. Use of alcoholic beverages, or controlled substances without medical prescription, by an employee while on the job, or being under the influence while on the job, is prohibited.

— b. Cruel and abusing treatment is strictly prohibited, which includes mental as well as physical maltreatment. Employees are not allowed to strike recipients with any object, including their hands. When aversive procedures are recommended or prescribed, the Provider must have the procedure approved by the Provider Human Rights Committee and Division Human Rights Committee.

— c. Recipient-employee sexual relationships are prohibited and will be reported to the Department officials as abuse.

— d. Errors of omission and neglect in performing duties, as sleeping on duty, will be viewed as an overt abusive act.

— e. Use of a recipient's resources for private or personal gain by an employee is prohibited.

— f. No firearms are allowed in residential or day training facilities. Specialized foster homes, Professional Parents, and Respite providers must follow the licensing standards for Foster Care in regard to storage of firearms. (R501-12-9)

— 2. Employees that witness or are aware of a violation have the responsibility to report verbally such violations immediately to the appropriate authorities. Following this oral report, a written report should be given to the supervisor. If the employee witnessing the violation fails to report, the employee is subject to the same corrective action as applies to the offender.

— 3. All providers will comply with the DHS Code of Conduct. (R495-876)

R539-6-9. Facility Requirements.

— A. Policy.

— 1. Residential facilities shall be maintained in a manner which is safe, attractive, and healthy for the individuals who reside in them. Each individual receiving services shall receive training, support, and opportunities to furnish and maintain the home in which the individual resides, as determined by the IPP team. Each individual receiving services shall receive training, support, and opportunities to decorate and personalize the home or apartment in an age-appropriate manner, with respect shown to roommates and to property.

— 2. Policies regarding facilities do not apply to individuals receiving Living Support and Training (LST) services. However, the Provider shall provide training, support, and assistance as requested by the individual to enable the individual to have a healthy, safe, and pleasant residence.

— B. Procedures.

— 1. Each facility shall be maintained in good condition with regard to:

— a. Exterior of building in good repair. Well-groomed and maintained lawn, shrubs, and trees (if appropriate).

— b. Interior of building in good repair.

— (1) Equipment and furnishings are sufficient, comfortable and in good repair.

— (2) No more than two persons shall be housed in a single bedroom.

— (a) Minimum of 60 feet per occupant is provided in a bedroom with two persons.

— (b) Minimum of 100 square feet for one individual is provided.

— (c) Sleeping areas shall have a source of natural light, and be ventilated by mechanical means or equipped with a screened window.

— (d) Sleeping areas serving male and female persons shall be structurally separated.

— (e) No adult shall share a room with a child without permission from the IPP team.

— (f) Beds shall be solidly constructed.

— (g) Each individual shall have a bed.

— (h) There shall be sufficient storage place for the clothing and personal items for each person.

— (3) Bathrooms shall meet a minimum ratio of one toilet, one lavatory, one tub or shower for every four individuals.

— (a) Toilets and baths or showers shall allow for individual privacy.

— (b) Mirrors shall be secured to the walls at a convenient height; other furnishings or equipment shall be appropriate to meet the individual's needs.

— (c) Bathrooms shall be so placed as to allow access without disturbing other persons during sleeping hours.

— (d) Toilet paper and towels shall be readily accessible.

— (4) Window coverings shall assure privacy and shall be in good repair.

— (5) Lighting in all rooms shall be adequate for individual needs.

— (6) Coverings shall be placed on all electric outlets.

— (7) Laundry facilities shall be conveniently located.

— (8) Basic first aid kit shall be kept in accessible location.

— (9) Fire extinguisher and smoke detector shall be in working order and shall be serviced regularly.

— c. Facility shall be located in an area with access to stores, churches, recreation facilities, and public transportation (if available).

— d. Potentially hazardous substances shall be stored in a safe and secure manner.

— e. Group homes and supervised apartment programs shall have a pest control program, which includes a professional or equal inspection as needed to assure premises are kept free of rodents and other pests.

— 2. Facilities licensed by DHS/OL shall comply with any additional licensing standards.

R539-6-10. Health/Medication Requirements.

— A. Policy.

— Each individual receiving services shall receive training, support, and opportunities to seek and obtain routine and acute medical, dental, psychiatric, or other health-related services, as determined by the IPP team. The Provider shall have policies and procedures available to safeguard the health and well-being of individuals receiving services. Providers providing Living Support and Training services shall have policies and procedures for addressing the health and safety of individuals receiving services with regard to the right of self-determination on the part of individuals, and will have emergency procedures developed in the event an individual's life style becomes health or life threatening.

— B. Procedures.

— 1. The Provider for residential services shall assure that the following things are done:

— a. Individuals will be assisted to identify a primary health care provider.

— b. Individuals shall receive training and assistance to obtain annual dental and physical examinations.

— c. Individuals who have prescribed medication will receive training and assistance to obtain and self-administer medications to the maximum extent possible, as determined by the IPP team.

— 2. The Provider shall develop policies to govern administration, handling, storage, disposal of medication, and supervision by program staff.

— 3. All medication taken by individuals receiving services shall be documented by staff as to frequency, dosage, and type of medication.

— 4. Any medication received and kept for an individual shall be locked.

— 5. Health care services shall be delivered by professionals licensed in the field for which they are providing services.

— 6. Children will have monthly weights and quarterly heights documented as requested by the primary care physician.

R539-6-11. Use of Psychotropic Medications.

— A. Policy.

— 1. The purpose of this policy is to assure that the most effective, least intrusive treatment strategy shall be provided to individuals with disabilities to assist in coping, controlling, replacing, or modifying inappropriate behaviors.

— 2. Psychotropic medication for persons receiving services funded by DSPD shall be used primarily for the treatment of psychiatric symptoms. Behavior interventions shall be implemented prior to consideration of psychotropic medication, except when the individual has a diagnosis of schizophrenia, major depressive disorder, bi-polar affective disorder, or obsessive compulsive disorder at which time behavior interventions may be initiated concurrently. Psychotropic medications for behavioral treatment shall be prescribed in consultation with a psychiatrist.

— 3. Psychotropic medications shall not be used as a form of punishment, in lieu of behavioral programming, as a convenience for staff, or in doses which exceed dosages manufacturers recommended.

— 4. The use of psychotropic medications shall require periodic review for effectiveness, monitoring for adverse reactions, and assurance of informed consent.

— B. Procedures.

— 1. Each provider will be required to inform the Division Human Rights Committee (DHRC) annually of the recipients' names, psychiatric diagnoses or challenging behaviors, types of medications and dosages, and the review dates by prescribing physician, of individuals receiving psychiatric medication.

R539-6-12. Adaptive Behavior Development.

— A. Policy.

— 1. All behavioral development techniques shall emphasize a positive approach with effective treatment alternatives designed to acquire and maintain adaptive behaviors. The primary purpose of behavior development techniques shall be to meet individual behavioral needs so that persons may develop to their fullest potential and enjoy satisfying lives.

— 2. All Providers must ensure that persons receiving behavioral training services have an opportunity to participate in their environment, to become engaged in meaningful activities, and to interact with peers, family, and staff when behavior development programs are utilized.

— 3. The use of the following procedures is prohibited:

— a. Corporal punishment; examples: slapping, hitting, and pinching;

— b. Demeaning speech to a person which ridicules or is abusive;

— c. Seclusion, defined as locked confinement in a room;

— d. Use of electric devices or other painful stimuli used to manage behavior; and

— e. Denial or restriction of access to personal equipment or assistive technology, except where removal prevents injury to self, others, or property.

— f. Meals shall not be withheld or denied contingent upon misbehaviors the individual might exhibit.

— B. Procedures.

— 1. Interventions to address challenging behaviors are classified into three levels. The three levels are: Level I—positive intervention

procedures and withholding reinforcement; Level 2—mildly intrusive procedures; and Level 3—moderately and highly intrusive procedures. Behavioral development programs which utilize Level II and III interventions shall have prior approval from the PHRC, and Level III interventions shall also receive prior approval from the DHRC (see R539-2-3, Human Rights Committee).

— 2. The Adaptive Behavior Development policy is augmented by specific information found in the Division of Services for People with Disabilities Habilitation and Adaptive Behavior Guidelines and the By-Laws for the Division Human Rights Committee. The reader is referred to these two documents, available from the State or Regional DSPD office, for additional information and definitions.

— 3. Prior to the use and approval of any restrictive techniques, the prior use of non-restrictive procedures shall be documented. Level of interventions are defined to be:

— a. Level I—Positive intervention procedures and withholding reinforcement which may include: teaching adaptive behaviors, positive reinforcement, reinforcement for alternative behavior, differential reinforcement, modeling, shaping, chaining, prompting, fading, graduated guidance, group reinforcement response contingency, token economy, environmental engineering, and extinction.

— b. Level II—Mildly intrusive procedures which may include: response cost, exclusionary time out from reinforcement, satiation, application of mildly noxious stimuli, and overcorrection which is under verbal control and does not allow physical contact with the individual.

— c. Level III—

(1) Moderately intrusive procedures which may include: overcorrection which requires physical contact to gain compliance, enforced compliance, forced relaxation, and manual restraint.

(2) Highly intrusive procedures which may include: isolationary time out, application of a highly noxious stimuli, deprivation of sensory stimuli, mechanical restraint, and psychotropic medications (see R539-6-11, Use of Psychotropic Medications).

NOTE: Refer to R539-6-13, Emergency Services Crisis Intervention for use of Levels II and III interventions in emergency situations.

— 4. Each provider agency shall develop written policies and procedures regarding behavioral programs which comply with DSPD guidelines regarding behavior programs. Written behavioral programs shall include:

— a. Description of the specific target behaviors.

— b. A functional analysis of the circumstances under which the behavior occurs;

(1) Relevant medical, ecological, and social factors which may contribute to the behavior.

(2) An investigation of environmental deficiencies.

(3) Program staff and medical staff consultation that states there is not a potential medical condition which may be contributing to the identified behavior.

— c. Baseline data.

— d. Behavioral objective written in measurable and observable terms.

— e. Procedures for implementing the programs.

(1) Generalization.

(2) Maintenance.

(3) Emergency procedures.

(4) Reinforcement.

(5) Prompts.

(6) Corrective procedures.

(7) Rationale for aversives.

- (a) Identification of review and approval.
- (b) When and where intervention will occur.
- f. Name and title of the person(s) responsible for supervising the program.
- g. Data collection which measures progress toward the objective.
- h. Dates for review and program revisions.
- 5. A request to the DSPD case manager shall be made for a legal representative if the interdisciplinary team recommends a behavioral intervention program and they feel the individual could not participate with informed consent.
- 6. A behavioral development plan shall address the inappropriate behaviors emphasizing a positive approach and within 30 days be included in the IPP.
- 7. Programs shall make a reasonable effort to include for example, external behavioral consultation, physical restraint, manual blocking, and environmental change, to ensure that recipients of services are prevented from self injury.
- 8. At the request of the recipient or legal representative, the Utah Legal Center for People with Disabilities may be consulted to represent the desires of the recipient prior to the approval of the Level III intervention.
- 9. The written approved program shall be available to all staff involved in implementing or supervising the programs. All staff shall demonstrate competency prior to the implementation of the program.

R539-6-13. Emergency Services Crisis Intervention.

- A. Policy.
- 1. The purpose of this policy is to outline procedures to prevent injury to individuals with disabilities, other people, and property destruction during a behavioral crisis in which an individual may be aggressive or assaultive.
- 2. Emergency behavioral control procedures shall not be employed as punishment, for the convenience of staff, or as a substitute for programming.
- B. Procedures.
- 1. Behaviors which may require emergency interventions are those which constitute:
 - a. Danger to others: Physical violence toward others with sufficient force to cause bodily harm.
 - b. Danger to self: Self abuse of sufficient force to cause bodily harm.
 - c. Danger to property: Physical abuse or destruction of property.
 - d. Threatened abuse toward others, self, or property: may, with an evidence of past threats, result in any of the items listed in a-c.
- 2. Examples of emergency procedures are use of physical restraints, manual restraints, and exclusion.
- 3. The individual record shall document all periods of emergency behavior control, with justification and authorization for each period.
- 4. The PHRC shall review all uses of emergency control procedures (R539-2-3) quarterly. When emergency control procedures are used either in excess of five times in a 30 day period or a cumulative total in excess of 25 minutes in a 30 day period the procedure must be reviewed by the PHRC who may refer cases to the DHRC.
- 5. Within 24 hours after the use of an emergency procedure, the staff person who implemented the procedure shall report, in writing, to the designated individual program coordinator, or appropriate program supervisor, and guardian or authorized representative, the information required as follows:
 - a. Description of the intervention employed, including the beginning and ending times.

- b. Why the procedure was judged necessary.
- c. An assessment of the likelihood the behavior necessitating emergency intervention will reoccur.
- 6. Within 14 days of the date of the emergency intervention, the DSPD service coordinator case manager shall be notified by the provider agency using an incident report form.
- 7. Following the review of the report, the DSPD case manager shall determine whether to convene members of the interdisciplinary team.
- 8. DSPD sanctions the use of either the Professional Assault Response training (PART) or the Mandt System for Managing Non-Aggressive and Aggressive People. Other crisis management procedures require Division approval prior to implementation.

R539-6-14. Nutrition Requirements.

- A. Policy.
- Each individual receiving services shall receive training, support, and opportunities to plan, shop for, and prepare a variety of nutritious meals in a safe and sanitary manner, according to individual preference and special diet, as determined by the IPP team.
- B. Procedures.
- 1. The Provider shall make assurances that individuals receiving services have nutritious meals.
- 2. Providers providing LST services shall develop policies and procedures regarding the nutrition of individuals receiving services and the right to self-determination of the individual.
- 3. The Provider shall develop emergency policies and procedures in the event the individual's life style becomes health or life-threatening.
- 4. Providers for group home and supervised apartment programs shall adhere to the following additional standards:
 - a. Menus will be planned to meet basic nutritional standards, special diets, food preferences, customs, and appetites of individuals receiving services.
 - b. Individuals receiving services shall have kitchen privileges.
 - c. Documentation of meals served shall be kept for six months.
- 5. The kitchen area shall be maintained in a safe and sanitary manner. All food and drink shall be safe for human consumption and prepared and served in a sanitary manner.

R539-6-15. Leisure and Recreation Requirements.

- A. Policy.
- Recreation and leisure activities shall involve the use of generic services available in the community, public transportation, and opportunities for interaction and integration with disabled and non-disabled peers. The Provider shall provide training, support, assistance, and opportunities to each individual receiving services to plan and implement age appropriate daily living, personal management, community access, and social and leisure activities.
- B. Procedures.
- 1. Activities shall be identified as desired by the individual, shall be functional for the individual, and shall occur in the natural routine of daily living.
- 2. Activities shall accommodate any medical or physical considerations of the individual.
- 3. Activities for individuals receiving group home or supervised apartment services shall be implemented individually or in small groups (preferably three or less).
- 4. The Provider providing group home or supervised apartment services shall post a monthly schedule of individual and group activities in a manner which is easily accessible to individuals receiving services.

~~5. The Provider providing group home or supervised apartment services shall document individual and group participation in scheduled activities in the individual's record (see R539-5-1).~~

~~6. Examples of activities should include personal money management, shopping, access to community resources, use of public transportation, meal preparation, social skills, interpersonal relationships, communication, and sexuality training.~~

~~KEY: disabled persons*, social services
August 14, 1995
Notice of Continuation December 18, 2002
62A-5-103]~~



**Money Management Council,
Administration
R628-2
Investment of Funds of Member
Institutions of the State System of
Higher Education and Public Education
Foundations established under Section
53A-4-205**

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 28228
FILED: 09/14/2005, 13:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Legislation passed in the 2005 Utah Legislative Session in H.B. 255, removed higher education endowment funds from the Money Management Council's oversight. The language referring to these funds is being removed. Additionally, language is being updated and the ability to use alternative investments is being removed as the public education foundation funds that the rule covers do not have the ability to utilize these types of investments. (DAR NOTE: H.B. 255 is found at UT L 2005 Ch 178, and was effective 05/02/2005.)

SUMMARY OF THE RULE OR CHANGE: The changes remove all references to higher education endowment funds and remove alternative investments for the remaining funds under this rule as they do not meet the criteria to invest in them. The rule will now cover public education foundations and any other funds held by a public treasurer that are required by statute to be invested according to Money Management Council rules. The language changes include a Morning Star rating of "3" on mutual funds and changes the rating on fixed rates securities to "investment grade".

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 51-7-13 and Subsection 51-7-18(2)(b)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--The rule only provides investment criteria for public education foundations.
- ❖ LOCAL GOVERNMENTS: None--Public education foundations have been investing under this rule before and they will not need to make changes to their procedures.
- ❖ OTHER PERSONS: None--This rule and the changes only affect public education foundations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional compliance costs for any persons as the public education foundations covered by this rule are already following the rule. The changes are only deletions of entities and securities that are no longer covered and that do not and did not apply to the foundations that the rule still covers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes in the rule comply with the actions of the legislature by removing the endowment funds of institutions of higher education from the parameters of the rule and the Money Management Council. The rule as modified should not have a material effect upon those agencies and institutions subject to the jurisdiction of the Money Management Council. Bruce Cohne, Chair, Utah Money Management Council

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

MONEY MANAGEMENT COUNCIL
ADMINISTRATION
Room E315 EAST OFFICE BLDG
STATE CAPITOL COMPLEX
PO BOX 142315
SALT LAKE CITY UT 84114-2315, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ann Pedroza at the above address, by phone at 801-538-1883, by FAX at 801-538-1465, or by Internet E-mail at apedroza@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 10/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/2005

AUTHORIZED BY: Bruce B. Cohne, Chair

**R628. Money Management Council, Administration.
R628-2. Investment of Funds of [Member Institutions of the State System of Higher Education and] Public Education Foundations [e]Established [u]Under Section 53A-4-205 or Funds Acquired by Gift, Devise or Bequest.
R628-2-1. Authority.**

This rule is issued pursuant to Section[s 51-7-13(2) and] 51-7-18(2)(b).

R628-2-2. Scope of Rule.

This rule relates to all funds of ~~[member institutions of the state system of higher education and all funds of]~~ public education foundations established under Section 53A-4-205 and any funds held by a public treasurer which were acquired by gift, devise, or bequest and which are permitted by statute to be invested according to rules adopted by the Money Management Council. ~~[or by private grant and the corpus of funds functioning as endowments. For purposes of this rule, funds functioning as endowments means funds whose corpus is intended to be held in perpetuity by formal institutional designation according to the institution's or public education foundation's policy for designating such funds.]~~

R628-2-3. Investment Directions Contained in Gift or Grant.

If any gift, devise, or bequest~~[or grant]~~, whether outright or in trust, is made by a written instrument which contains lawful directions as to investment thereof, the funds embodied within the gift, devise or bequest ~~[or grant]~~ shall be invested and held in accordance with those directions. Common stock received by donation which is registered~~[lettered]~~ stock, or which is otherwise restricted from sale because it is not registered with the Securities and Exchange Commission, may be retained until the restrictions lapse, expire, or are revoked~~[by a member institution and public education foundations]~~ and shall be considered to be invested according to the terms of the donation. A gift, devise or bequest of closely held non-marketable securities, shall be purchased by the closely held entity within twenty four months of the gift, devise or bequest. Evidence of such put shall be furnished at the time of the gift, devise or bequest.

R628-2-4. Investment of Funds.

A. Funds within the scope of this rule, except funds described in Section R628-2-3, may be invested in any of the following:

1. in any deposit or investment authorized by Section 51-7-11 or 51-7-5;

2. in professionally managed pooled or commingled investment funds registered with the Securities and Exchange Commission with a Morningstar rating of "3" or higher ~~[or, if not registered with Securities and Exchange Commission as investment companies under the Investment Company Act of 1940, satisfy the conditions for exemption from registration under Section 3(e) of that Act, which:~~

~~— a) have assets with a market value of at least \$100 million; and~~

~~— b) which conform with all investment limitations established by the Securities and Exchange Commission applicable to such funds; and~~

~~— c) which assess no load factor or surrender charges for participation in the fund. Use of funds which assess a charge on the purchase or sale of shares is prohibited; and~~

~~— d) whose advisers are registered as investment advisers with either the Securities and Exchange Commission or the state of Utah.]~~

3. in equity securities, including common and convertible preferred stock and convertible bonds, issued by corporations listed on a major securities exchange or in the NASDAQ~~[National Market System]~~, in accordance with the following criteria applied, on a total market basis, at the time of investment:

a) no more than 20% of all funds may be invested in securities listed in the NASDAQ~~[National Market System]~~;

b) no more than 5% of all funds may be invested in the securities of any one corporate issuer;

c) no more than 25% of all funds may be invested in a particular industry;

d) no more than 5% of all funds may be invested in securities of corporations that have been in continuous operation for less than three years;

e) no more than 5% of the outstanding voting securities of any one corporation may be held; and

f) at least 50% of the corporations in which equity investments are made under R628-2-4.(A)(3) must appear on the Standard and Poor's 500 Composite Stock Price Index and the Wilshire 5000~~[or the Dow Jones Industrial Average Index]~~;

4. in fixed-income securities, including bonds, notes, mortgage securities and zero coupon securities, issued by corporations rated "investment grade"~~[A]~~ or higher by Moody's Investors Service, Inc. or by Standard and Poor's Corporation in accordance with the following criteria applied, on a total market basis, at the time of investment:

a) no more than 5% of all funds may be invested in the securities of any one corporate issuer;

b) no more than 25% of all funds may be invested in a particular industry;

c) the dollar-weighted average maturity of fixed-income securities acquired under R628-2-4(A)(4) may not exceed ten years; and

5. in fixed-income securities issued by agencies of the United States and United States government-sponsored organizations, including mortgage-backed pass-through certificates, mortgage-backed bonds and collateralized mortgage obligations (CMO's).

6. ~~[In alternative investments defined as assets or investment strategies other than those defined under R628-2-4(A)(3), R628-2-4(A)(4) or R628-2-4(A)(5). The following criteria shall apply to institutions at the time of investment:~~

~~— a) Meet the requirements of Section 3(e)7 of the Investment Company Act of 1940 to be a "qualified purchaser" of these types of investments. The institutional size of all Rule 2 funds must exceed \$25 million; or~~

~~— b) Meet the requirement of Section 3(e)1 of the Investment Company Act of 1940 to be an "accredited investor" of these types of investments. The institutional size of all funds must exceed \$5 million.~~

~~— c) For institutions with funds greater than \$50 million, no more than 30% of funds may be invested in alternative investment funds that derive returns primarily from high yield and distressed debt (hedged or non-hedged), private capital (including venture capital, private equity, both domestic and international), natural resources, and private real estate assets or absolute return and long/short hedge funds. No more than 20% of all funds may be invested at any one time in absolute return and long/short hedge funds.~~

~~— d) For institutions with funds greater than \$25 million but not greater than \$50 million, no more than 15% of all funds may be invested in alternative investments meeting the requirements established under subsection R628-2-4(A)(2), and that derive returns primarily from high yield and distressed debt (hedged or non-hedged), private capital (including venture capital, private equity, both domestic and international), natural resources, and private real estate assets or absolute return and long/short hedge funds.~~

~~— e) For institutions with funds of \$25 million or less, no more than 10% of all funds may be invested in alternative investments meeting the requirements established under subsection R628-2-4(A)(2) and that derive returns primarily from high yield and distressed debt (hedged or non-hedged), private capital (including venture capital, private equity, both domestic and international), natural resources, and private real estate assets or absolute return and long/short hedge funds.]~~

~~A.[B-]~~ Investments made under this rule shall observe the following investment percentages on a total market basis as of the most recent quarterly review, for specified subsections;

1. no more than 75% of all funds may be invested in equity securities (Subsection R628-2-4(A)(3) investments).

2. no more than 5% of all funds may be invested in collateralized mortgage obligations (CMO's) (Subsection R628-2-4(A)(5) investments).

~~B.[C-]~~ The selection criteria established in Section 51-7-14 shall apply to investments permitted by this rule.

~~C.[D-]~~ Professional asset managers may be employed to assist in the investment of funds under this rule. Compensation to asset managers may be provided from earnings generated by the funds' investments.

R628-2-5. Disposition of Nonqualifying Investments.

A. If at any time securities do not qualify for investment in accordance with this rule, investments shall be disposed of within a reasonable time. In determining what constitutes reasonable time for the disposition of assets, the following factors, among others, shall be given consideration:

1. the legality of sale under the rules and regulations of the Securities and Exchange Commission and the Utah State Securities Commission;

2. the size of the investment held in relation to the normal trading volume therein, and the effect upon the market price of the sale of the investment; and

3. the wishes of the donor respecting the sale of the investment.

B. If, in the opinion of the custodian or investment manager of the funds, an orderly liquidation of a nonqualifying investment cannot be accomplished within a period of two years, a request may be made to the Council for approval of a specific plan of disposition of nonqualifying investments. Nothing contained in this paragraph shall make an investment nonqualifying, if the retention of the investment is specifically authorized or directed under terms of the gift, devise, or bequest~~[or grant]~~, or if the security is restricted from sale as provided in this rule.

R628-2-6. Nonqualifying Investments Held on Effective Date.

Any nonqualifying investments held on ~~November 1, 2005~~~~[July 3, 1995]~~ shall be treated as having been received on the effective date and shall be disposed of as provided in Subsection R628-2-5.

R628-2-7. Multiple Funds.

If ~~a public treasurer~~~~[an institution]~~ or a public education foundation has more than one fund or investment pool in which funds covered by this rule are managed, the following rules apply in determining investment percentages:

A. If the investment of any funds is covered by a direction in the instrument creating a gift, devise, or bequest~~[or grant]~~, or if the donation consists of securities restricted from sale, the funds shall be excluded from any computation of permitted investments.

B. All other funds within the scope of this rule shall be consolidated for determining the propriety of investments. Any restrictions as to investment percentages shall be determined as provided for in Subsection R628-2-4(B).

R628-2-8. Investment Policy Approval.

~~[Each member institution of the state system of higher education and]~~~~E~~ each public education foundation or public treasurer~~[;]~~ having funds acquired by gift, devise, or bequest ~~[or grant and funds~~

~~functioning as endowments]~~ shall have their investment policies approved by their respective board of trustees or governing body.

R628-2-9. Reporting by ~~Institutions and~~ Public Education Foundations and Public Treasurers.

Each ~~[member institution of the state system of higher education and each]~~ public education foundation and public treasurer, having funds acquired by gift, devise, or bequest ~~[or grant]~~ and funds functioning as endowments shall file a written report with the Council on or before ~~July 31~~~~[September 30]~~ and ~~January~~~~[March]~~ 31 of each year containing the following information for investments held on June 30 and December 31 respectively:

A. total market value of funds held under gifts, devise or ~~[;]~~ bequest ~~[or grant]~~ and funds functioning as endowments;

B. amount invested under this rule;

C. amounts invested under this rule indicating the carrying value and market value of each category of investment; and

D. a list of all nonqualifying assets held under this rule containing the date acquired, the carrying value and market value of each asset.

E. The board of trustees or governing body shall review the portfolio at least quarterly, and shall receive the certification from the ~~[institution's]~~ public treasurer that the portfolio complies with ~~[the current text of]~~ the Money Management Act, Rules of the Money Management Council and the prudent person rule in section 51-7-14 of the Act.

KEY: public investments, higher education, public education
~~[September 3, 2003]~~**2005**

Notice of Continuation July 10, 2002

51-7-11(4)

51-7-13

51-7-18(2)

Transportation, Motor Carrier

R909-1

Safety Regulations for Motor Carriers

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28242

FILED: 09/15/2005, 17:17

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendment is being changed at this time because it needed further clarification.

SUMMARY OF THE RULE OR CHANGE: This amendment clarifies that 49 CFR 380.203(2) does not apply to certain intrastate trucking operations.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-1-201

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 350 through 399 and Part 40 (April 1, 2005)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There may be some savings to the state since this part of the federal regulations will no longer be enforced as to intrastate carriers. It is impossible to estimate the costs at this time.
- ❖ LOCAL GOVERNMENTS: This rule does not affect local governments, so they will incur no costs or savings.
- ❖ OTHER PERSONS: Intrastate carriers may save from not having to comply with the regulation. The amount of the savings is unknown.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no costs to comply with this amendment, since the amendment is making it easier, not harder, to comply.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment has only positive fiscal impacts, if any. John R. Njord, Executive Director

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@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 10/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/2005

AUTHORIZED BY: John R. Njord, Executive Director

R909. Transportation, Motor Carrier.**R909-1. Safety Regulations for Motor Carriers.****R909-1-1. Adoption of Federal Regulations.**

[~~1-~~](1) Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 399 and Part 40, as contained in the [~~October 1, 2003~~]April 1, 2005 Code of Federal Regulations, is incorporated by reference, except for Parts 391.11(b)(1), 391.49, 395.1(k), 395.1(l), 395.1(m) and 395.1(n). These requirements apply to all motor carrier(s) as defined in 49 CFR Part 390.5, excluding commercial motor vehicles which are designed or used to transport more than 8 and less than 15 passengers (including the driver) for compensation and UCA 72-9-102(2) engaged in [€]commerce.

[~~2-~~](2) In the instance of a driver who is used primarily in the transportation of construction materials and equipment, as defined under 395.2, to and from an active construction site, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 34 or more successive hours.

(3) Intrastate trucking operations in which the carriers operate double trailer combinations only are not required to comply with 49 CFR Part 380.203(2).

[~~3-~~](4) Exceptions to Part 391.41, Physical Qualification may be granted under the rules of Department of Public Safety, Driver's License Division, UCA 53-3-303.5 for intrastate drivers under R708-34.

[~~4-~~](5) Drivers involved wholly in intrastate commerce shall be at least 18 years old. However, if they are transporting placarded amounts of hazardous materials or carrying 16 or more passengers, including the driver, they must be 21 years old.

[~~5-~~](6) Drivers involved in interstate commerce shall be at least 21 years old.

R909-1-2. Insurance for Private Intrastate/Interstate Motor Carriers.

[~~1-~~](1) "Private Motor Carrier" means a person who provides transportation of property or passengers by commercial motor vehicle and is not a for-hire motor carrier.

[~~2-~~](2) All in[~~s~~]trastate private motor carriers shall have a minimum amount of \$750,000 liability.

R909-1-3. Implements of Husbandry.

"Implements of Husbandry" is defined in Utah Code Ann. Section 41-1a-102(23) and must be in compliance with all provisions of Chapter 6, Title 41, Utah Code Annotated. Vehicles meeting this definition are exempt from 49 CFR Part 393 - Parts and Accessories Necessary for Safe Operations.

KEY: trucks, transportation safety, implements of husbandry
[~~March 1, 2004~~]2005

Notice of Continuation March 6, 2002

72-9-103

72-9-104

72-9-101



Transportation, Motor Carrier

R909-75

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28243

FILED: 09/15/2005, 17:41

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendment is being changed at this time because it was determined by counsel that it was needed in order to reflect updates in the incorporated federal regulations.

SUMMARY OF THE RULE OR CHANGE: This rule changes the citation of the incorporated federal regulation to the latest date.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-1-201

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 100-180 (April 1, 2005)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This rule will not affect the state budget because it does not add to the state's regulatory burden.
- ❖ LOCAL GOVERNMENTS: This rule does not affect local governments, so there is no cost to them.
- ❖ OTHER PERSONS: This rule should not affect costs to carriers because the incorporated regulations do not increase the regulatory burden.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule should not affect costs to carriers because the incorporated regulations do not increase the regulatory burden.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will not increase costs to the industry. John R. Njord, Executive Director

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@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 11/01/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 11/02/2005

AUTHORIZED BY: John R. Njord, Executive Director

R909. Transportation, Motor Carrier.

R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.

R909-75-1. Adoption of Federal Regulations.

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes, 49 CFR, Sub-Chapter C, Parts 100 through 180, of the [~~October 1, 2001, edition~~ April 1, 2005 edition of the Code of Federal Regulations], are incorporated by reference. [~~This applies~~ These changes apply] to all private, common, and contract carriers by highway in commerce.

KEY: hazardous materials transportation, hazardous substances, hazardous waste, safety regulation
[~~June 25, 2002~~ 2005]

Notice of Continuation March 6, 2002

72-9-103

72-9-104



Transportation, Motor Carrier, Ports of Entry Entry **R912-9** Pilot/Escort Requirements and Certification Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 28241

FILED: 09/15/2005, 16:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendment is being changed at this time because it needed further clarification.

SUMMARY OF THE RULE OR CHANGE: The amendment lists necessary safety equipment and restricts passengers under the age of 16 during the movement of oversize loads.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 72-7-406 and 72-1-201

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There may be some additional costs if the Utah Highway Patrol has to purchase hand held radios to communicate with the pilot/escort vehicles. It is impossible to estimate these costs.
- ❖ LOCAL GOVERNMENTS: There may be some additional costs if local law enforcement agencies have to purchase hand held radios to communicate with the pilot/escort vehicles. It is impossible to estimate these costs.
- ❖ OTHER PERSONS: This amendment affects only police vehicles, so it will not affect the public.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be some additional costs to law enforcement agencies from having to buy hand held radios to communicate with the pilot escort vehicles. It is impossible to estimate these costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department has the obligation to protect the public safety on the highways. Regulating pilot/escort and oversize vehicles is a necessary part of that. The costs of compliance are insignificant compared to the public benefit. John R. Njord, Executive Director

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

TRANSPORTATION
MOTOR CARRIER, PORTS OF ENTRY
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@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 10/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/2005

AUTHORIZED BY: John R. Njord, Executive Director

**R912. Transportation, Motor Carrier, Ports of Entry.
R912-9. Pilot/Escort Requirements and Certification Program.
R912-9-1. Authority.**

This rule is enacted under the authority of Section 72-7-406.

R912-9-2. Purpose.

This rule establishes procedures for pilot/escort driver certification and vehicle equipment requirements for pilot/escort services.

R912-9-3. Definitions.

"Department" means the Utah Department of Transportation.
"Division" means the Motor Carrier Division.

R912-9-4. Pilot/Escort Driver Requirements.

Individuals who operate a pilot/escort vehicle must meet the following requirements:

- (1) Must be a minimum of 18 years of age.
- (2) Possess a valid drivers license for the state jurisdiction in which he/she resides.
- (3) Pilot/Escort driver's will be issued a certification card by an authorized Qualified Certification Program as outlined in R912-10, and shall have it in their possession at all times while in pilot/escort operations.
- (4) Initial certification will be valid for four years from the date of issue. One additional four-year certification may be obtained through a mail in or on-line recertification process provided by a Qualified Pilot/Escort Training Entity/Institution.
- (5) Pilot/escort drivers must provide a current (within 30 days) Motor Vehicle Record (MVR) certification to the Qualified Certification Program at the time of the course.
- (6) Current certification for pilot/escort operators will be honored through expiration date. Prior to expiration of pilot/escort certification it will be the responsibility of the operator to attend classroom instruction provided by an authorized Pilot/Escort Qualified Certification Program. A list of these providers can be obtained by calling (801) 965-4508.

(7) No passengers under 16 years of age are allowed in pilot/escort vehicles during movement of oversize loads.

R912-9-5. Driver Certification Process.

(1) Drivers domiciled in Utah must complete a pilot/escort certification course authorized by the Department. A list of authorized instructors may be obtained by contacting (801) 965-4508.

(2) Pilot/ Escort drivers domiciled outside of Utah may operate as a certified pilot/escort driver with another State's certification credential, provided the course meets the minimum requirements outlined in the Pilot/ Escort Training Manual - Best Practices Guidelines as endorsed by the Specialized Carriers and Rigging Association, Federal Highway Administration, and the Commercial Vehicle Safety Alliance; and/or

(3) The Department may enter into a reciprocal agreement with other states provided they can demonstrate that course materials are comprehensive and meet minimum requirements outlined by the Department.

(4) Pilot/escort driver certification expires four years from the date issued. It will be the responsibility of the driver to maintain certification.

R912-9-6. Suspensions and Revocations of Pilot/Escort Driver Certification.

Pilot/escort drivers may have their certification suspended or revoked by the Department if convicted of a disqualifying offense.

(1) Drivers convicted of serious traffic violations such as excessive speed, reckless driving and driving maneuvers reserved for emergency vehicles, driving under the influence of alcohol or controlled substances may have their certification suspended or revoked by the Department.

(2) The Department may suspend for first offenses up to one year. Subsequent offenses may result in permanent revocation of driver certification.

R912-9-7. Steering Committee. Appeal Process.

When a driver is denied pilot/escort-driving privileges for reasons other than the conditions set forth in R912-9-6, the individual may file an appeal. The appeals shall be handled by a steering committee created by the Division. The steering committee shall have the powers granted to the Deputy Director in R907-1-3 for appeals from other Motor Carrier Division administrative actions. This committee's decision, if adopted by the Director of the Motor Carrier Division, will be considered a final agency order under the Utah Administrative Act.

R912-9-8. Pilot/Escort Vehicle Standards.

(1) Pilot/Escort vehicles may be either a passenger vehicle or a two-axle truck with a 95 inch minimum wheelbase and a maximum gross vehicle weight of 12,000 lbs and properly registered and licensed as required under Sections 41-1a-201 and 41-1a-401.

(2) Equipment and load shall not reduce visibility or mobility of pilot/escort vehicle while in operation.

(3) Trailers may not be towed at any time while in pilot/escort operations.

(4) Pilot/escort vehicles shall be equipped with a two-way radio capable of transmitting and receiving voice messages over a minimum distance of one-half mile. Radio communications must be compatible with accompanying pilot/escort vehicles, utility company vehicles, permitted vehicle operator and police escort, when necessary.

R912-9-9. Pilot/Escort Vehicle Signing Requirements.

- (1) Sign requirements on pilot/escort vehicles are as follows:
 - (a) Pilot escort vehicles must display an "Oversize Load" sign, which shall be mounted on the top of the pilot/escort vehicle.
 - (b) Signs must be 5 feet by 10 inches in size, with a solid yellow background and 8 inch high by 1-inch wide black letters.
 - (c) The sign for the front/pilot escort vehicle shall be displayed so as to be clearly legible and readable by oncoming traffic at all times.
 - (d) The rear pilot/escort vehicle shall display its sign so as to be readable by traffic overtaking from the rear and clearly legible at all times.

R912-9-10. Pilot/Escort Vehicle Lighting Requirements.

- (1) Two methods of lighting are authorized by the Department. Requirements are as follows:
 - (a) Two AAMVA approved amber flashing lights mounted on each side of the required sign. These shall be a minimum of 6 inches in diameter with a capacity of 60 flashes per minute with warning lights illuminated at all times during operation, or
 - (b) An AAMVA approved amber rotating, oscillating, or flashing beacon/light bar mounted on top of the pilot/escort vehicle. This beacon/light bar must be unobstructed and visible for 360 degrees with warning lights illuminated at all times during operation.

R912-9-11. Pilot/Escort Vehicle Equipment Requirements.

- (1) Pilot/Escort vehicles shall be equipped with the following safety items:
 - (a) Standard 18 inch or 24 inch red/white "STOP" and black/orange "SLOW" paddle signs. Construction zone flagging requires the 24-inch sign.
 - (b) Nine reflective triangles.
 - (c) Eight red-burning flares, glow sticks or equivalent illumination device approved by the Department.
 - (d) Three orange, 18 inch high cones.
 - (e) Flashlight with two or more D cell batteries.
 - (f) Orange hardhat and Class 2 safety vest for personnel involved in pilot/escort operations.
 - (g) A height-measuring pole made of a non-conductive, non-destructive, flexible or frangible material, when escorting a load exceeding 16 feet in height.
 - (h) Fire extinguisher.
 - (i) First aid kit.
 - (j) One spare "oversize load" sign, 7 feet by 18 inches.
 - (k) Spare tire, tire jack and lug wrench.
 - (l) Handheld radio or other form of communication for operations outside pilot/escort vehicles.
- (2) Vehicles shall not have unauthorized equipment on the vehicle such as those generally reserved for law enforcement personnel.

R912-9-12. Police Escort Vehicle Equipment and Safety Requirements.

- (1) Police escort vehicles shall be equipped with the following safety items:
 - (a) Handheld radio or other form of communication for operation with pilot/escort vehicles;
 - (b) If more than one police escort, only one will be required to have direct communication as designated under R912-9-12(a) with pilot/escort vehicle;

- (c) Before load movement, police escort(s) shall designate one point of contact for communication with pilot/escort driver and relay communications between other police escorts involved in move;
- (d) Police vehicles must be clearly marked with emergency red and blue lighting visible 360 degrees;
- (e) Officers shall be in uniform while conducting police escort moves.

R912-9-1[2]3. Insurance.

- (1) Drivers shall carry proof of current insurance as authorized under Section 31-A-22-301.
- (2) Pilot/escort vehicles shall have a minimum amount of \$750,000 liability.

R912-9-1[3]4. Operating Conditions Requiring Pilot/Escort Vehicles.

- (1) One pilot vehicle is required for vehicles/loads, which exceed the following dimensional conditions;
 - (a) 12 feet in width on secondary highways (non-interstate) and 14 feet in width on divided highways (interstates).
 - (b) 105 feet in length on secondary highways and 120 feet in length on divided highways.
 - (c) Overhangs in excess of 20 feet shall have pilot/escort vehicle positioned to the front for front overhangs and to the rear for rear overhangs.
- (2) Two pilot/escort vehicles are required for vehicles/loads which exceed the following dimensional conditions:
 - (a) 14 feet in width on secondary highways and 16 feet in width on divided highways, except for
 - (i) Mobile and manufactured homes with eaves 12 inches or less on either roadside or curbside shall be measured for box width only and assigned escort vehicles as specified above in R912-9-1.
 - (ii) Mobile and manufactured homes with eaves greater than 12 inches shall be measured for overall width including eaves and pilot/escort vehicles assigned as specified above R912-9-2; or
 - (b) 120 feet in length on secondary highways.
 - (c) 16 feet in height on all highways.
 - (d) When otherwise required by the Department.

R912-9-1[4]5. Convoy Allowances For Permitted Vehicles.

- The movement of more than one permitted vehicle in convoy is allowed provided the following requirements are met and authorization is granted by the Division.
- (1) The distance between vehicles will not be less than 500 feet nor more than 700 feet.
 - (2) The number of special permitted vehicles in convoy will not exceed four.
 - (3) The distance between multiple convoys will be a minimum of one mile.
 - (4) Except as authorized by the Division, no load in the convoy will exceed 12 feet in width.
 - (5) Guidelines for convoys of long loads:

TABLE

Overall Length	Convoy Limit	Pilot/Escort Vehicle
95 - 119 ft.	Four	Front and rear
120 - 140 ft.	Two	Front and rear
*Over 140 ft.	--	--

*Must obtain authorization from the Division by calling (801) 965-4508

R912-9-1[5]6. Pre-Trip Planning and Coordination Requirements.

(1) A coordination and planning meeting shall be held prior to load movement. The driver(s) carrying or pulling the oversize load(s), the pilot/escort vehicle driver(s), law enforcement officers (if assigned), Department personnel (if involved), and public utilities company representatives (if involved) shall attend. This meeting shall include discussion and coordination on the conduct of the move, including at least the following topics:

(a) The person designated as being in charge (usually a Department representative or a law enforcement officer).

(b) Authorized routing and permit conditions. Ensure that all documentation is distributed to all appropriate individuals involved in the move.

(c) Communication and signals coordination.

(d) Verification/measurement of load dimensions. Compare with permitted dimensions

(e) Copies of permit and routing documents shall be provided to all parties involved with the permitted load movement.

R912-9-1[6]7. Permitted Vehicle Restrictions on Certain Highways.

Certified pilot/escort operators must refer to highway restrictions specified in R912-11 prior to all load movements.

KEY: permitted vehicles, trucks, pilot/escort vehicles

~~July 18,~~ 2005

72-1-201

72-7-406



End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (*Utah Code* Subsection 63-46a-7(1) (2001)).

As with a PROPOSED RULE, a 120-DAY RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the 120-DAY RULE including the name of a contact person, justification for filing a 120-DAY RULE, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (· · · · ·) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A 120-DAY RULE is effective for 120 days or until it is superseded by a permanent rule.

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (2001); and *Utah Administrative Code* Section R15-4-8.

Workforce Services, Employment Development **R986-200** Family Employment Program

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR File No.: 28202
FILED: 09/02/2005, 17:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This emergency change is to provide for the victims of Hurricane Katrina expected to arrive in Utah.

SUMMARY OF THE RULE OR CHANGE: This rule change will allow the Department to make diversion payments to families with two able-bodied parents without those parents meeting the participation requirements of two-parent households. This amendment also establishes a hardship category for victims of the hurricane.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104; and Subsections 35A-1-104(4) and 35A-3-302(5)(b)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: This is a federally-funded program so there are no costs or savings to the state budget.
- ❖ LOCAL GOVERNMENTS: This rule does not apply to local government, therefore, there are no costs or savings to local governments. Local governments do not contribute to the costs of this program.

❖ OTHER PERSONS: There are no costs or savings to any other persons as there are no fees associated with this program because it is federally funded.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings to any affected persons as there are no fees associated with this program because it is federally funded.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. It will not cost anyone any sum to comply with these changes. Tani Downing, Executive Director

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare.

Utah's governor has offered to help 1,000 victims of Hurricane Katrina who are expected to arrive in Utah September 3, 2005. These individuals have lost everything and Governor Huntsman has asked our agency to help in any way we can. These two amendments will allow the Department to provide financial assistance to needy families who would not meet the eligibility criteria of our current rules.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

THIS RULE IS EFFECTIVE ON: 09/02/2005

AUTHORIZED BY: Tani Downing, Executive Director

R986. Workforce Services, Employment Development.**R986-200. Family Employment Program.****R986-200-216. Diversion.**

(1) Diversion is a one-time financial assistance payment provided to help a client avoid receiving extended cash assistance.

(2) In determining whether a client should receive diversion assistance, the Department will consider the following:

(a) the applicant's employment history;
(b) the likelihood that the applicant will obtain immediate full-time employment;

(c) the applicant's housing stability; and
(d) the applicant's child care needs, if applicable.

(3) To be eligible for diversion the applicant must:

(a) have a need for financial assistance to pay for housing or substantial and unforeseen expenses or work related expenses which cannot be met with current or anticipated resources;

(b) show that within the diversion period, the applicant will be employed or have other specific means of self support, and

(c) meet all eligibility criteria for a FEP financial assistance payment except the applicant does not need to cooperate with ORS in obtaining support. If the client is applying for other assistance such as medical or child care, the client will have to follow the eligibility rules for that type of assistance which may require cooperation with ORS.

(4) If the Department and the client agree diversion is appropriate, the client must sign a diversion agreement listing conditions, expectations and participation requirements.

(5) The diversion payment may not exceed three times the monthly financial assistance payment for the household size. All income expected to be received during the three-month period including wages and child support must be considered when negotiating the appropriate diversion payment amount.

(6) Child support will belong to the client during the three-month period, whether received by the client directly or collected by ORS. ORS will not use the child support to offset or reimburse the diversion payment.

(7) The client must agree to have the financial assistance portion of the application for assistance denied.

(8) If a diversion payment is made and the client later decides to reapply for financial assistance within three months of the date of the original application, the initial application date will be used and the amount of the diversion payment previously issued will be prorated over the three months and subtracted from the payment(s) to which the household unit is eligible.

(9) Diversion assistance is not available to clients participating in FEPTP. This is because FEPTP is based on performance and payment can only be made after performance.

(10) Diversion is available to families with two able bodied parents in the household without meeting the participation

requirements of FEPTP if they are in Utah as a result of the effects of Hurricane Katrina.

R986-200-218. Exceptions to the Time Limit.

Exceptions to the time limit may be allowed on a month by month basis for up to 20 percent of the average monthly number of families receiving financial assistance from FEP and FEPTP during the previous Federal fiscal year for the following reasons:

(1) A hardship under Section 35A-3-306 is determined to exist when a parent:

(a) is determined to be medically unable to work. The client must provide proof of inability to work in one of the following ways:

(i) receipt of disability benefits from SSA; or
(ii) receipt of VA Disability benefits based on the parent being 100 percent disabled; or

(iii) placement on the Division of Services to People with Disabilities' waiting list. Being on the waiting list indicates the person has met the criteria for a disability; or

(iv) is currently receiving Temporary Total or Permanent Total disability Worker's Compensation benefits; or

(v) a medical statement completed by a medical doctor, a licensed Advanced Practice Registered Nurse, a licensed Physician's Assistant, or a doctor of osteopathy, stating the parent has a medical condition supported by medical evidence, which prevents the parent from engaging in work activities capable of generating income of at least \$500 a month. The statement must be completed by a professional skilled in both the diagnosis and treatment of the condition; or

(vi) a statement completed by a licensed clinical social worker, licensed psychologist, or psychiatrist stating that the parent has been diagnosed with a mental health condition that prevents the parent from engaging in work activities capable of generating income of at least \$500 a month. Substance abuse is considered the same as mental health condition; or

(b) is under age 19 through the month of their nineteenth birthday; or

(c) is currently engaged in an approved full-time job preparation, educational or training activity which the parent was expected to complete but completion within the 36 months was not possible through no fault of the parent. Additionally, if the parent has previously received, beginning with the month of January 1997, 24 months of financial assistance while attending educational or training activities, good cause for additional months must be shown and approved; or

(d) was without fault and a delay in the delivery of services provided by the Department occurred. The delay must have had an adverse effect on the parent causing a hardship and preventing the parent from obtaining employment. An extension under this section cannot be granted for more than the length of the delay; or

(e) moved to Utah after exhausting 36 months of assistance in another state or states and the parent did not receive supportive services in that state or states as required under the provisions of PRWORA. To be eligible for an extension under this section, the failure to receive supportive services must have occurred through no fault of the parent and must contribute to the parent's inability to work. An extension under this section can never be for longer than the delay in services; or

(f) completed an educational or training program at the 36th month and needs additional time to obtain employment; or

(g) is unable to work because the parent is required in the home to meet the medical needs of a dependent. Proof, consisting of a medical statement from a medical doctor, doctor of osteopathy, licensed clinical social worker or licensed psychologist, is required unless the dependent is on the Travis C medicaid waiver program. The medical statement must include all of the following:

- (i) the diagnosis of the dependent's condition,
- (ii) the recommended treatment needed or being received for the condition,
- (iii) the length of time the client will be required in the home to care for the dependent, and
- (iv) whether the client is required to be in the home full-time or part-time.

(h) is in need of additional assistance due to the effects of Hurricane Katrina.

(2) Additional months of financial assistance may be provided if the family includes an individual who has been battered or subjected to extreme cruelty which is a barrier to employment and the implementation of the time limit would make it more difficult to escape the situation. Battered or subjected to extreme cruelty means:

- (a) physical acts which resulted in, or threatened to result in, physical injury to the individual;
- (b) sexual abuse;
- (c) sexual activity involving a dependent child;
- (d) being forced as the specified relative of a dependent child to engage in nonconsensual sexual acts or activities;
- (e) threats of, or attempts at, physical or sexual abuse;
- (f) mental abuse which includes stalking and harassment; or
- (g) neglect or deprivation of medical care.

(3) An exception to the time limit can be granted for a maximum of an additional 24 months if:

- (a) during the previous month, the parent client was employed for no less than 80 hours; and

(b) during at least six of the previous 24 months, the parent client was employed for no less than 80 hours a month.

(c) If, at the end of the 24-month extension, the parent client qualifies for an extension under Sections (1) or (2) of this rule, an additional extension can be granted under the provisions of those sections.

(4) All clients receiving an extension must continue to participate, to the maximum extent possible, in an employment plan. This includes cooperating with ORS in the collection of establishment and enforcement of child support and the establishment of paternity, if necessary.

(5) If a household filing unit contains more than one parent, and one parent has received at least 36 months of assistance as a parent, then the entire filing unit is ineligible unless both parents meet one of the exceptions listed above. Both parents need not meet the same exception.

(6) A family in which the only parent or both parents are ineligible aliens cannot be granted an extension under Section (3) above or for any of the reasons in Subsections (1)(c),(d),(e) or (f). This is because ineligible aliens are not legally able to work and supportive services for work, education and training purposes are inappropriate.

(7) A client who is no longer eligible for financial assistance may be eligible for other kinds of public assistance including Food Stamps, Child Care Assistance and medical coverage. The client must follow the appropriate application process to determine eligibility for assistance from those other programs.

**KEY: family employment program
September 2, 2005
35A-3-301 et seq.**



End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Agriculture and Food, Administration **R51-1** Public Petitions for Declaratory Rulings

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28196
FILED: 09/02/2005, 10:52

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 promulgated under the authority of Sections 63-46a-3 and 63-46b-21, and provides the procedures for submission, review, and disposition of petitions for agency declaratory rulings on the applicability of statutes, rules, and orders governing or issued by the Department of Agriculture and Food.

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: This rule provides the means for any person or agency to petition for a declaratory ruling. It describes the procedure for making a request for an agency declaratory ruling and the procedure for a petition review and disposition. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Renee Matsuura, Marolyn Leetham, or Kyle Stephens at the above address, by phone at 801-538-7110, 801-538-7114, or 801-538-7102, by FAX at 801-538-7126, 801-538-7126, or 801-538-7126, or by Internet E-mail at rmatsuura@utah.gov, mleetham@utah.gov, or kylestephens@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005



Agriculture and Food, Animal Industry **R58-11** Slaughter of Livestock

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28197
FILED: 09/02/2005, 12:31

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: Section 4-32-8 authorizes the Department of Agriculture and Food discretionary functions, powers, and duties necessary for the slaughter of livestock.

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: This rule establishes the requirements and guidelines for the slaughtering of livestock within the State of Utah for the safety of the consumer. Any person desiring to do farm custom slaughtering has to have a permit for slaughtering. These permits are issued by the department. Any meat found in a food establishment which

does not have the proper identification or any uninspected meat slaughtered by a permittee which does not meet the requirements of these rules may be detained or embargoed. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mike Marshall, Terry Menlove, or Marolyn Leetham at the above address, by phone at 801-538-7160, 801-538-7166, or 801-538-7114, by FAX at 801-538-7169, 801-538-7169, or 801-538-7126, or by Internet E-mail at mmarshall@utah.gov, tmenlove@utah.gov, or mleetham@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005



Agriculture and Food, Animal Industry
R58-12
Record Keeping and Carcass
Identification at Meat Exempt (Custom
Cut) Establishments

FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION

DAR FILE No.: 28198
FILED: 09/02/2005, 12:38

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: Section 4-32-7 authorizes the Department of Agriculture and Food to make and enforce rules regarding mandatory functions, powers, and duties necessary for record keeping and carcass identification at meat exempt establishments.

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: Accurate records of each animal slaughtered by its owner which enters a meat exempt establishment must be kept on approved department cards. These records shall include, the date, owner's name, address, and telephone number, name and address of exempt

establishment, and the kind of animal slaughtered. The Commissioner of Agriculture and Food or his representative shall embargo and hold uninspected carcass' found in an exempt establishment that has not been properly identified until proof of ownership has been determined. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Marolyn Leetham, Mike Marshall, or Terry Menlove at the above address, by phone at 801-538-7114, 801-538-7160, or 801-538-7166, by FAX at 801-538-7126, 801-538-7169, or 801-538-7169, or by Internet E-mail at mleetham@utah.gov, mmarshall@utah.gov, or tmenlove@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005



Agriculture and Food, Animal Industry
R58-13
Custom Exempt Slaughter

FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION

DAR FILE No.: 28199
FILED: 09/02/2005, 12:43

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: Section 4-32-7 authorizes the Department of Agriculture and Food to make and enforce rules regarding functions, powers, and duties necessary for custom exempt slaughter.

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: The Commissioner of Agriculture and Food may exempt the operation of any person from inspection or other requirements of any person of any livestock which is exclusively for use by the owner, members of his household, his nonpaying guests, or full time employees. The establishment in which custom operations are conducted will conform to all sanitary requirements

prescribed by the commissioner or his designee. Custom operators will keep records of all animals slaughtered. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Marolyn Leetham, Mike Marshall, or Terry Menlove at the above address, by phone at 801-538-7114, 801-538-7160, or 801-538-7166, by FAX at 801-538-7126, 801-538-7169, or 801-538-7169, or by Internet E-mail at mleetham@utah.gov, mmarshall@utah.gov, or tmenlove@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005

▼ ————— ▼

Agriculture and Food, Animal Industry
R58-15
Collection of Annual Fees for the
Wildlife Damage Prevention Act

FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION

DAR FILE No.: 28200
FILED: 09/02/2005, 13:00

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 4-2-2(1)(i) authorizes the Department of Agriculture and Food to make and enforce rules. Section 4-23-7 authorizes the department to collect annual fees for predator control.

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: This rule provides a uniform and fair method for the collection of wildlife damage fees assessed under the Wildlife Damage Prevention Act. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Marolyn Leetham or Kyle Stephens at the above address, by phone at 801-538-7114 or 801-538-7102, by FAX at 801-538-7126 or 801-538-7126, or by Internet E-mail at mleetham@utah.gov or kylestephens@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005

▼ ————— ▼

Agriculture and Food, Animal Industry
R58-16
Swine Garbage Feeding

FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION

DAR FILE No.: 28201
FILED: 09/02/2005, 16:25

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: Subsections 4-2-2(1)(c), 4-2-2(1)(f), 4-2-2(1)(i); and Sections 4-31-10, 4-31-11, and 4-31-12 authorize the Department of Agriculture and Food to establish rules necessary for the effective administration of the agricultural laws of the state; to initiate, implement, and administer plans and programs to prevent the spread of diseases among livestock.

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: The state requirement for the purpose of this rule is that no swine which are raised, held, or sold in this state for commercial intent shall be fed garbage. Regulations contained in 9 CFR 166 and 9 CFR 167 are adopted and incorporated by reference within this rule. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mike Marshall, Earl Rogers, or Marolyn Leetham at the above address, by phone at 801-538-7160, 801-538-7162, or 801-538-7114, by FAX at 801-538-7169, 801-538-7169, or 801-538-7126, or by Internet E-mail at mmarshall@utah.gov, erogers@utah.gov, or mleetham@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005

▼ ————— ▼

**Agriculture and Food, Chemistry
Laboratory
R63-1
Fee Schedule**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 28203
FILED: 09/02/2005, 17:31

**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: Section 4-2-10 states that "the state chemist shall serve as the chief administrative officer of the Division of Laboratories and shall be responsible for the supervision and administration of all analytical tests required to be performed under this code or under any regulations promulgated pursuant to it."

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: The state chemist may perform analytical tests for government agencies, and private persons if a charge commensurate with the work involved is made and collected. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Marolyn Leetham or David Clark at the above address, by phone at 801-538-7114 or 801-538-7128, by FAX at 801-538-7126 or 801-538-7126, or by Internet E-mail at mleetham@utah.gov or dhclark@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005

▼ ————— ▼

**Agriculture and Food, Marketing and
Conservation
R65-1
Utah Apple Marketing Order**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 28204
FILED: 09/02/2005, 17:43

**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: Subsection 4-2-2(1)(e) requires marketing orders be issued for any designated agricultural products to promote orderly market conditions, give the producer a fair return on the producer's investment at the marketplace; and only promote and not restrict or restrain the marketing of Utah agricultural commodities.

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: This rule provides for advertising and sales promotion to create and expand the market of Utah apples; research projects and experiments for the purpose of improving the quality, size, health and general conditions of the apples grown in Utah; and uniform grading of apples sold or offered for sale by producers or handlers. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Marolyn Leetham or Jed Christenson at the above address, by phone at 801-538-7114 or 801-538-7108, by FAX at 801-538-7126 or 801-538-7126, or by Internet E-mail at mleetham@utah.gov or jedchristenson@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005



Agriculture and Food, Marketing and Conservation

R65-3

Utah Turkey Marketing Order

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 28205
FILED: 09/02/2005, 17:51

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: Subsection 4-2-2(1)(e) requires that marketing orders be issued for any designated agricultural product to promote orderly market conditions, give the producer a fair return on the producer's investment at the marketplace; and only promote and not restrict or restrain the marketing of Utah agricultural commodities.

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: This rule is established to improve conditions in the turkey producing industry; ensure an effective and coordinated program to maintain and expand the Utah turkey industry's market position and that the producers shall be subject to the terms and provisions of the rule. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Marolyn Leetham or Jed Christenson at the above address, by phone at 801-538-7114 or 801-538-7108, by FAX at 801-538-7126 or 801-538-7126, or by Internet E-mail at mleetham@utah.gov or jedchristenson@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005



Agriculture and Food, Marketing and Conservation

R65-4

Utah Egg Marketing Order

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 28206
FILED: 09/02/2005, 17:55

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: Subsection 4-2-2(1)(e) requires that marketing orders be issued for any designated agricultural product to promote orderly market conditions, give the producer a fair return on the producer's investment at the marketplace; and only promote and not restrict or restrain the marketing of Utah agricultural commodities.

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: This rule is established to improve the conditions in the egg producing industry; assure an effective and coordinated program to maintain and expand the Utah egg industry's market position and that the producers shall be subject to the terms and provisions of the rule. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Marolyn Leetham or Jed Christenson at the above address, by phone at 801-538-7114 or 801-538-7108, by FAX at 801-538-7126 or 801-538-7126, or by Internet E-mail at mleetham@utah.gov or jedchristenson@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005



Agriculture and Food, Plant Industry
R68-1
Utah Bee Inspection Act Governing
Inspection of Bees

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 28207
FILED: 09/06/2005, 10:01

**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: Section 4-11-3 authorizes the Department of Agriculture and Food to make and enforce rules for the administration of the Utah Bee Inspection Act and for the identification of each apiary within the state.

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: Each owner or person in possession of one or more colonies of bees within the State of Utah shall register with the Department of Agriculture and Food within 15 days after coming into possession of such bees. Each apiary location shall be identified by a sign showing the owner's registration number issued by the department. This rule establishes the standards for the registration of bee colonies and therefore, this rule should be continued.

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:

Ed Bianco, Marolyn Leetham, or Clair Allen at the above address, by phone at 801-538-7184, 801-538-7114, or 801-538-7180, by FAX at 801-538-7126, 801-538-7126, or 801-538-7189, or by Internet E-mail at ebianco@utah.gov, mleetham@utah.gov, or ClairAllen@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/06/2005



Agriculture and Food, Plant Industry
R68-2
Utah Commercial Feed Act Governing
Feed

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 28208
FILED: 09/06/2005, 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 4-12-3 authorizes the Department of Agriculture and Food to make and enforce such rules as in its judgment are necessary to administer and enforce the Utah Commercial Feed Act.

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: All commercial feeds and feed ingredients except those exempted commodities such as hay, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed or intermixed with other materials shall be officially registered annually with the Utah Department of Agriculture and Food. All commercial feed, shall be labeled according to the information given by the department. Prior to approval of a registration application and

approval of a label for commercial feed the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed. This rule establishes the standards for the registration of commercial feeds being manufactured or sold in Utah and therefore, this rule should be continued.

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:
Marolyn Leetham, Clair Allen, or Stephen Burningham at the above address, by phone at 801-538-7114, 801-538-7180, or 801-538-7183, by FAX at 801-538-7126, 801-538-7189, or 801-538-7126, or by Internet E-mail at mleetham@utah.gov, ClairAllen@utah.gov, or stburningham@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/06/2005



Agriculture and Food, Plant Industry
R68-6
Utah Nursery Act

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 28209
FILED: 09/06/2005, 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: Section 4-15-3 authorizes the Department of Agriculture and Food to make and enforce such rules as in its judgment are necessary to administer and enforce the Utah Nursery Act.

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: In order to identify nursery stock properly, this rule establishes the standards for labeling of nursery stock being manufactured or sold in Utah. Therefore, this rule should be continued.

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:
Marolyn Leetham or Clair Allen at the above address, by phone at 801-538-7114 or 801-538-7180, by FAX at 801-538-7126 or 801-538-7189, or by Internet E-mail at mleetham@utah.gov or ClairAllen@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/06/2005



Agriculture and Food, Plant Industry
R68-10
Quarantine Pertaining to the European Corn Borer

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 28211
FILED: 09/06/2005, 11:54

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: Section 4-2-2 authorizes the Department of Agriculture and Food to establish and enforce rules necessary for the effective administration of the agricultural laws of the state; to inspect any private or public place which may become infested or infected with harmful insects, plant diseases, noxious or poisonous weeds, or other agricultural pests; to establish and enforce quarantines.

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: The commissioner does establish a quarantine setting forth the name of the pest against which the quarantine is established, the infested area, the products regulated, and specifying conditions governing shipments and issuance of certificates under which products may be shipped. This rule outlines those quarantines and therefore, this rule should be continued.

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:

Marolyn Leetham, Ed Bianco, or Clair Allen at the above address, by phone at 801-538-7114, 801-538-7184, or 801-538-7180, by FAX at 801-538-7126, 801-538-7126, or 801-538-7189, or by Internet E-mail at mleetham@utah.gov, ebianco@utah.gov, or ClairAllen@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/06/2005



Agriculture and Food, Plant Industry
R68-12
Quarantine Pertaining to Mint Wilt

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 28212
FILED: 09/06/2005, 12:00

**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 4-2-2 authorizes the Department of Agriculture and Food to establish and enforce rules necessary for the effective administration of the agricultural laws of the state; to inspect any private or public place which may become infected or infested with harmful insects, plant diseases, noxious or poisonous weeds, or other agricultural pests; to establish and enforce quarantines.

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: The disease known as Mint Wilt is injurious to peppermint and spearmint, resulting in drastically lower oil production in areas of severe infection. The Commissioner of Agriculture and Food establishes a quarantine to prevent the introduction and spread of the Verticillium Wilt disease of mint into and within the State of Utah with this rule. Therefore, this rule should be continued.

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:

Marolyn Leetham, Clair Allen, or Ed Bianco at the above address, by phone at 801-538-7114, 801-538-7180, or 801-538-7184, by FAX at 801-538-7126, 801-538-7189, or 801-538-7126, or by Internet E-mail at mleetham@utah.gov, ClairAllen@utah.gov, or ebianco@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/06/2005



Agriculture and Food, Regulatory
Services
R70-101
Bedding, Upholstered Furniture and
Quilted Clothing

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 28213
FILED: 09/06/2005, 12:32

**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 4-10-3 authorizes the Department of Agriculture and Food to make and enforce such rules as in its judgment are necessary to administer and enforce the licensing of bedding, upholstered furniture and quilted clothing.

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: It is unlawful for any person to engage in the manufacture, repair, or wholesale sale of any bedding, upholstered furniture, quilted clothing, or filling material without a license issued by the department. The purpose of this rule is to designate the license fees, labeling, terms, definitions, nomenclature and conditions as commonly used and recognized in the manufacture, sale and distribution of bedding, upholstered furniture, quilted clothing products, and filling materials. Therefore, this rule 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:

Marolyn Leetham, Claudia Gale, or Kyle Stephens at the above address, by phone at 801-538-7114, 801-538-7156, or 801-538-7102, by FAX at 801-538-7126, 801-538-7126, or 801-538-7126, or by Internet E-mail at mleetham@utah.gov, claudiagale@utah.gov, or kylestephens@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/06/2005

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:

Marolyn Leetham, Kyle Stephens, or Becky Shreeve at the above address, by phone at 801-538-7114, 801-538-7102, or 801-538-7149, by FAX at 801-538-7126, 801-538-7126, or 801-538-7126, or by Internet E-mail at mleetham@utah.gov, kylestephens@utah.gov, or bshreeve@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005

▼ ————— ▼

**Agriculture and Food, Regulatory
Services
R70-610
Uniform Retail Wheat Standards of
Identity**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 28194
FILED: 09/02/2005, 10:22

**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 4-5-6, 4-2-2, and 4-5-17 authorize the Department of Agriculture and Food to make and enforce regulations. The regulations establish the definitions and standards of identity, quality and fill of container in this state.

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: These regulations are established to protect the consumer. If there were no labeling regulations for wheat being sold, consumers could be purchasing wheat with weed seeds, weed stems, chaff, damaged kernels, poisonous or deleterious substances such as smuts, ergots, pesticides, live insects. Therefore, this rule should be continued.

▼ ————— ▼

**Agriculture and Food, Regulatory
Services
R70-620
Enrichment of Flour and Cereal
Products**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 28195
FILED: 09/02/2005, 10:32

**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 4-6-3 authorizes the Department of Agriculture and Food to adopt enrichment and fortification standards and labeling requirements governing the identity and quantity of vitamins and minerals to be added to flour and cereal manufactured or sold in 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: 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: This rule adopts and incorporates by reference the 21 CFR parts 137 and 139, as its enrichment standards and labeling requirements governing the identity and quantity of vitamins and minerals to be added to flour and cereal manufactured or sold in Utah. Therefore, this rule 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:

Kyle Stephens, Becky Shreeve, or Marolyn Leetham at the above address, by phone at 801-538-7102, 801-538-7149, or 801-538-7114, by FAX at 801-538-7126, 801-538-7126, or 801-538-7126, or by Internet E-mail at kylestephens@utah.gov, bshreeve@utah.gov, or mleetham@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 09/02/2005

the regulated community and the public, and should be continued.

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:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCarlile@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 09/07/2005

▼ ————— ▼

Environmental Quality, Air Quality
R307-103
Administrative Procedures

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 28221
FILED: 09/07/2005, 15:30

**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: The Utah Administrative Procedures Act (UAPA), Utah Code Annotated Subsection 63-46b-1(6), allows state administrative agencies to enact rules "affecting or governing adjudicative proceedings," so long as the rules are adopted according to the Utah Administrative Rulemaking Act and conform to the requirements of UAPA. Rule R307-103 establishes administrative procedures that are tailored to DAQ's administrative needs and the needs of those affected by the agency's actions. The procedures in Rule R307-103 ensure consistency in the Division's administrative actions and give constitutional due process and fair notice to the regulated community and the public of their and the DAQ's roles and responsibilities in the agency's actions.

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 R307-103 sets forth administrative processes for the Division of Air Quality and the regulated community to ensure constitutional due process for

▼ ————— ▼

Environmental Quality, Air Quality
R307-110
**General Requirements: State
Implementation Plan**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 28224
FILED: 09/08/2005, 11:46

**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: Rule R307-110 has 35 sections, each of which incorporates by reference one section or part of Utah's State Implementation Plan (SIP), which is required by Section 110 of the federal Clean Air Act (42 U.S.C. 7401). Most parts of the SIP review available data concerning emissions of air pollutants and how they interact with meteorology and topology to create air pollution that is harmful to human health; they also include appropriate control measures to ensure that pollution levels remain within limits that protect human health. Subsection 19-2-104(3)(e) authorizes the Air Quality Board to "prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in this state." Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source." These two provisions enable the Air Quality Board to prepare plans and to incorporate them into state rules to make them enforceable.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS

SUPPORTING OR OPPOSING THE RULE : Rule R307-110 was last reviewed on March 27, 2002. The only written comments since then have addressed proposed additions and changes in the plans that are incorporated by reference by Rule R307-110; all of these comments were reviewed and discussed by the Air Quality Board (AQB) at the time of the amendments. Rule R307-110 has been amended 12 times since the last review; no comments were received on DAR 26946, published on March 1, 2004, and effective on June 8, 2004; DAR 27296, published on August 1, 2004, and effective on October 7, 2004; and DAR 27344, published on September 1, 2004, and effective on November 4, 2004. Comments were received on the other amendments, and are summarized below. These amendments were DAR 26616, addition of the Regional Haze SIP, published on October 1, 2003, and effective on December 31, 2003; DAR 26896, Provo Maintenance Plan for Carbon Monoxide, published February 1, 2004, and effective May 18, 2004; DAR 26898 - 26899, revisions to the Vehicle Inspection and Maintenance Plans, General Provisions and Utah County, published February 1, 2004, and effective on May 18, 2004; DAR 27295, update of the Salt Lake City Carbon Monoxide Maintenance Plan, published August 1, 2004, and effective on December 2, 2004; DAR 27343, update of the Ogden Carbon Monoxide Maintenance Plan, published September 1, 2004, and effective on January 4, 2005; DAR 27429, Sulfur Dioxide Maintenance Plan, published October 1, 2004, and effective on March 4, 2005; and DAR 27768 - 27769, PM10 Maintenance Plans for Salt Lake County, Utah County, and Ogden, and revised Emission Limits SIP for Salt Lake and Utah Counties. DAR 26616, ADD REGIONAL HAZE SIP AND APPENDICES, ORGANIZED BY ISSUE. GENERAL COMMENTS: COMMENT 1: I am writing to express my strong support for the adoption and implementation of the strongest possible Utah state plan for regional haze in all five national parks in Utah. I have witnessed haze in many parks around the nation, from the Grand Canyon to Great Smoky Mountains. I want Utah's parks to remain clean, healthy, and pristine. These parks attract tourist and this tourism is crucial to Utah's current and future economy. (Richard Spotts, St. George) RESPONSE 1: Noted. COMMENT 2: Utah's proposed plan appears to address all the major components required for inclusion in SIPs as specified in Utah's regional haze rule. (Stephen P. Martin, Intermountain Region, National Park Service) RESPONSE 2: Noted. CLEAN AIR CORRIDORS. COMMENT 3: We agree with the Department's characterization of the clean air corridor requirements. Although it is unlikely that the emissions increase threshold will be triggered, we urge the State to consider that emission increases may not necessarily influence all Class I areas on the Colorado Plateau on the least-impaired days. Efforts should be taken to further refine the underlying meteorology and modeling for demonstrating impacts on the least impaired days. (William K. Lawson, PacifiCorp) RESPONSE 3: The State agrees that analysis of impact should address each Class I area individually, and that refinements are needed in meteorological and monitoring data for demonstrating impacts of emissions coming from the clean air corridor. WRAP's periodic "Causes of Haze" reports will provide more robust understanding of clean air corridors in the future. STATIONARY SOURCES: MILESTONES AND BACKSTOP

TRADING PROGRAM. COMMENT 4: In the section on the milestones there is one minor error. It says that compliance will be based on a three-year average of emissions. That is correct except for the first two years as shown in the table later on in the document. (Wayne Leipold, Phelps Dodge) RESPONSE 4: The language in Part D is an executive summary of the stationary source program, and all of the details are addressed in Part E. There is language further on in Part D that explains how the averaging will work, and the years 2003, 2004 and 2018 are addressed in that section. COMMENT 5: As the result of the uncertainty created by the US Court of Appeals decision on the "American Corn Growers Association" challenge to the regional haze rule, it would be premature for the State of Utah to take any administrative action by choosing either 40 CFR 51.309 or 40 CFR 51.308 as an option to address regional haze. (Terry Ross, Center for Energy and Economic Development) RESPONSE 5: EPA's approval of the Annex on June 5, 2003 addressed the impact of the May 24, 2002 American Corn Growers Decision (Federal Register, Vol. 68, 108, pages 33766 - 33767). The approval notice states, "The American Corn Growers court decision did not address the provisions in the regional haze rule allowing States to adopt a trading program or other alternative measures in place of source specific measures for BART sources." The State of Utah has developed a SIP under section 309 of the RH rule based on years of work with the GCVTC and WRAP that identified the best approach to address regional haze on the Colorado Plateau. The approach is flexible, and addresses all of the significant sources of haze in the west. The American Corn Growers decision does not change these underlying reasons for implementing the regional approach allowed under section 309 of the RH rule. COMMENT 6: The effect of the American Corn Growers decision is that EPA will need to revise the BART provisions, and this could have a ripple effect throughout the entire rule. The State of Utah should revise its SIP proposal to notify the public of the decision and assess the impact of that decision. (Terry Ross, Center for Energy and Economic Development) RESPONSE 6: As noted above, EPA addressed the impact of the American Corn Growers decision in the FR action that approved the Annex. The June 5, 2003 approval of the Annex established the requirements that a state must meet to submit a SIP under section 309 of the RH rule, and Utah is developing this SIP in accordance with that final rule. COMMENT 7: It has not been shown that the Annex will achieve a humanly perceptible improvement in visibility impairment. All of the other provisions (e.g., fire, mobile sources, pollution prevention, etc.) are illusory. (Terry Ross, Center for Energy and Economic Development) RESPONSE 7: EPA's approval of the Annex on June 5, 2003 states, "The EPA continues to believe that the milestones provide for 'greater reasonable progress than BART' and for 'steady and continuing progress.'" (FR Vol. 68, 108, page 33769) The GCVTC strategies that are the basis for Utah's proposed SIP are focused on achievable emission reductions from all of the emission sources that contribute to regional haze. 40 CFR 51.309(a) states, "If a transport region State submits an implementation plan which is approved by EPA as meeting the requirements of this section, it will be deemed to comply with the requirements for reasonable progress for the period

from approval of the plan to 2018." COMMENT 8: The economic analysis for the Annex is not adequate. This analysis shows a disproportionate cost impact on downwind states such as Wyoming, Colorado and New Mexico. (Terry Ross, Center for Energy and Economic Development) RESPONSE 8: The economic analysis for the Annex supported the earlier GCVTC conclusions that an incentive-based market trading program is more cost-effective than a traditional command-and-control approach. An incentive-based program allows sources in all of the states to find the most cost-effective strategies to reduce SO₂ emissions that affect regional haze on the Colorado Plateau as well as other Class I areas that were not addressed by the Annex. COMMENT 9: The Annex was based on unrealistic cost assumptions for natural gas that creates a bias against coal. The Annex will create a disincentive for constructing new coal-fired power plants. (Terry Ross, Center for Energy and Economic Development) RESPONSE 9: The Annex was negotiated using the best information available at that time. However, the Market Trading Forum included uncertainty factors in the analysis to address changes in the underlying assumptions. More importantly, a regional emission cap allows flexibility to adapt to changing circumstances while still achieving the same or better environmental goals. If natural gas prices remain high, the cap will create an incentive to over control existing sources to make room under the cap for new, highly-controlled coal-fired power plants. COMMENT 10: Regional haze strategies should be coordinated with the multi-pollutant legislation that is being debated by Congress. (Terry Ross, Center for Energy and Economic Development) RESPONSE 10: It is not clear when, or if, Congress will pass multi-pollutant legislation. If legislation is passed, Utah will need to review its regional haze strategy at that time to see if there are any impacts. COMMENT 11: I do not share WRAP's faith (for 'faith' is what it is) in the market-based 'backstop trading' program. When we hit the regional cap for visibility impairment, as we inevitably will do before many years pass, we will have to revisit this program, iteratively. (Ivan Weber, Weber Sustainability Consultants) RESPONSE 11: The backstop trading program is fully enforceable to ensure that milestones are met. The program will be revisited regularly, both in comparing actual emissions against the cap annually, and in the SIP review and revisions that are due in 2008, 2013, and 2018. COMMENT 12: The EPA Non-road Diesel Rule, at the minimum level of aggressiveness drafted by EPA, or 'better' is imperative to RHR goal attainment. WRAP's own comments on the Non-road Diesel Rule asked EPA to accelerate the implementation schedule and to deny exemptions, delays and exceptions requested by companies, particularly in the equipment manufacturing sector. This is critical to the Salt Lake Valley, as you know, because of the proximate Bingham Canyon Mine, but also because of the massive amount of construction on roads that has characterized the past few years. This latter activity promises to increase, along with housing and other infrastructure construction to accompany the projected trebling or quadrupling of Wasatch Front population by 2050. (Ivan Weber, Weber Sustainability Consultants) RESPONSE 12: Utah supports the WRAP's comments regarding EPA's Non-road Diesel Rule. COMMENT 13: Please also enter into the record consideration of the new climate change regional

study, to which I referred at the hearing last week: Preparing for a Changing Climate: The Potential Consequences of Climate Variability and Change, Rocky Mountain/Great Basin. A Report of the Rocky Mountain/Great Basin Regional Assessment Team, for the U.S. Global Change Research Program, Feb. 2003. Frederic H. Wagner, Principal Author and Editor. May be obtained from Dr. Fred Wagner, Utah State Univ. Ecology Center, Logan, UT 84322-5205, telephone (435) 797-2555, email at ecol@cc.usu.edu. The implications of this very thorough report's findings are potentially profound for this region, as you will discover. (Ivan Weber, Weber Sustainability Consultants) RESPONSE 13: Noted. COMMENT 14: Under this Plan, coal fired electric utilities in Utah are allowed to expand and emit more visibility impairing pollutants. (Nina Dougherty, Sierra Club) RESPONSE 14: The proposed regional haze SIP establishes a declining regional SO₂ cap with enforceable milestones. The cap does not limit SO₂ emissions in Utah, but requires the reductions to occur in the region. Modeling performed by the WRAP contractor, ICF, indicated that future electrical demand would not concentrate SO₂ emission increases in Utah, and that emission decreases would occur throughout the region. This SIP will be a complement to other existing programs, such as the Prevention of Significant Deterioration (PSD) permitting program, that will require new coal-fired power plants to meet stringent emission limitations and prevent significant deterioration of air quality in Utah's Class I areas. COMMENT 15: An assessment of the contribution of NO_x emissions to visibility impairment in Utah is brushed aside for five years. (Nina Dougherty, Sierra Club) Language used by the State indicates that some determination of the need for NO_x-PM strategies has already been made, perhaps giving the impression that there may be little future concern for these pollutants as regional haze contributors. The NPS would prefer based on the incompleteness of the current WRAP work on this subject, that the State stress the ongoing assessment of visibility impacts of NO_x and PM and the potential control strategies to address those impacts. It would be appropriate to indicate that determinations of these impacts and strategies will be addressed in future revisions of the plan, and would better reflect the current status to state that the State cannot determine what level of control, if any, would be appropriate for NO_x and PM through a stationary source milestone program. (Stephen P. Martin, Intermountain Region, National Park Service) RESPONSE 15: Utah's SIP reflects the requirements of 40 CFR 51.309 by committing to address NO_x and PM emissions from stationary sources in the 2008 SIP revision. The GCVTC and WRAP concentrated on sulfur dioxide emission reductions because SO₂ was the most significant contributor to visibility impairment from stationary sources. Now that the work on SO₂ has been completed, the WRAP is beginning the technical and policy analysis that will be needed to make informed decisions about NO_x and PM for the 2008 SIP revision. The Division of Air Quality (DAQ) staff agree with both commenters that further work is needed to evaluate the impacts of NO_x and PM emissions. Section XX.D.5 of the SIP has been revised in response to these comments, and to incorporate the conclusions of the final NO_x/PM report that was presented to the WRAP on October 15, 2003. The final report will replace the earlier draft report in the TSD for the SIP. COMMENT 16: The Market Trading

Forum agreed to allow an increase in emissions in Utah, presumably on the basis that there would be a reduction in emissions in other states in the agreement, and, therefore, a net reduction in regional emissions. Possible problems are: (a) only five states out of the original nine will be in the market trading program and (b) the other states are also facing proposals for new traditional coal fired power plants. Because of the new energy situation, it would seem that there needs to be a careful, continuing inventory of emissions in the different states in the region, with appropriate action, such as Provision L.2.(2) "If the state finds that the implementation plan is inadequate to ensure reasonable progress due to emissions from outside the state, Utah shall notify EPA and the other contributing state(s), and initiate efforts through a regional planning process to address the emissions in question." The best time to address new emissions is during the permitting process rather than after construction and operation of the new facilities. (Nina Dougherty, Sierra Club) RESPONSE 16: Because regional SO2 emissions are capped, any new coal-fired power plants must "find room under the cap" for their new SO2 emissions. This is the advantage of a mass-based cap as opposed to a traditional command-and-control approach that would not address the cumulative effects of new source growth. Modeling performed by the WRAP contractor, ICF, indicated that future electrical demand would not concentrate SO2 emission increases in Utah or any other state, and that emission decreases would occur throughout the region. The proposed SIP will track SO2 emissions in Utah and in the 5-state region on an annual basis for comparison to the regional milestone. The 5-year SIP reviews in 2008 and 2013 will provide an opportunity to review progress and assess whether the current implementation plan elements and strategies are sufficient to enable Utah to meet all established reasonable progress goals. COMMENT 17: A GCVTC analysis of the contribution of nitrates to visibility impairment found that nitrates were an important pollutant at Canyonlands. This would indicate that Utah should have a good reason to assess the contribution of NOx to visibility impairment. In addition, the recent WRAP report, "Stationary Source NOx and PM Emissions in the WRAP Region: An Initial Assessment of Emissions, Controls, and Air Quality Impacts," October 1, 2003, is not reassuring in supporting the idea of insignificance of nitrates in visibility impairment. The report states that "stationary source NOx emissions result in nitrates that probably cause about 2-5% of the impairment on the Colorado Plateau," with a footnote that says, "Some of the 20% haziest days, however are dominated by nitrate....During the 20 percent worst days on the Colorado Plateau, nitrate aerosols are responsible for about 6 to 18 percent of the man-made visibility impairment, although on some of these days they are responsible for as much as 40-60%". (p. I-3, I-4) The report adds that stationary sources have unique emission characteristics which may disproportionately impact visibility. There are also problems with the model—it works best in the summer months, a period when nitrate concentrations are low. It is stated that the current model produces uncertain results; more complete and accurate modeling results are needed. The report also emphasizes that "In addition to the modeling results, consideration should be given to meeting the reasonable progress goals of the regional haze rule, which generally imply a steady and continuous reduction in

emissions and a prevention of degradation on the best visibility days." P. I-8 A problem with waiting five years for an assessment of the contribution of NOx and nitrates in Utah is that during that time period there will be notices of intent for new projects (just as there are right now) which would increase NOx emissions in Utah. It is better to tackle NOx reduction during the permitting stage than after construction and operation. We would hope that NOx modeling could begin when the modeling capability has improved, and that regional inventorying of operating and proposed NOx emissions is continuous. (Nina Dougherty, Sierra Club) RESPONSE 17: The proposed SIP commits to address the impact of stationary source NOx and PM emissions and the possible need for a regional cap to address growth in these pollutants in the 2008 SIP revision. As the commentor notes, modeling and inventory improvements are needed to better understand the impacts of these two pollutants. It is premature to draw policy conclusions regarding the impact of these pollutants from existing sources at this time. As described in the response to an earlier comment, the SIP has been revised to incorporate the conclusions from the final NOx/PM report. Between now and 2008, the Regional Haze SIP will complement other programs, such as the PSD permitting program, that require new sources of NOx and PM to meet stringent emission limitations and prevent significant deterioration of air quality in Utah's Class I areas. COMMENT 18: Reasonably Attributable Visibility Impairment (RAVI). This is a very important provision to address the geographic aspect of sources near Class I areas in the context of regional haze. We hope the RAVI procedure will be used, such as in examining the impact of NOx and other emissions from the Hunter and Huntington units on visibility in Canyonlands. (Nina Dougherty, Sierra Club) RESPONSE 18: Utah's current visibility SIP addresses reasonably attributable visibility impairment (RAVI). Section XX.D.4 of the SIP addresses the relationship between the existing RAVI SIP and the new regional haze SIP. This section states, "If the National Park Service certifies impairment, the State of Utah will fulfill its obligations to determine attribution and if necessary determine BART for the applicable source or group of sources in accordance with Utah's SIP for visibility protection submitted to EPA on April 26, 1985 and approved on May 30, 1986." COMMENT 19: The title of section XX.D.2 should be changed to reflect the specific requirement in 309. (William K. Lawson, PacifiCorp) RESPONSE 19: The title has been changed to: "Achievement of a 13% or Greater Reduction of Sulfur Dioxide by 2000." COMMENT 20: The text in XX.D.3.a should mirror the language in 40 CFR 309 that requires the milestones to achieve "greater reasonable progress than BART." (William K. Lawson, PacifiCorp) RESPONSE 20: The second sentence in XX.D.3.a has been changed to: "The Annex demonstrated that the 2018 regional sulfur dioxide milestone provides for greater reasonable progress than would be achieved by application of best available retrofit technology (BART), as required by 40 CFR 51.309(f)(1)(i)." COMMENT 21: PacifiCorp urges Utah to continue working with the federal land managers in order to refine the approach that will be used to address RAVI given that regional emissions are being reduced under the haze program. There are still a few significant policy issues that remain to be resolved (e.g., data interpretation methods

revealing significant emission spikes within class I areas that would qualify them as genuine "hot spots" and identifying a portfolio of remedies if they become necessary). (William K. Lawson, PacifiCorp) RESPONSE 21: The State of Utah is working with the National Park Service to finalize a Memorandum of Agreement regarding the circumstances that would lead to a certification of impairment within the context of a regional haze SIP that establishes a declining SO₂ emission cap. A draft MOA developed by the WRAP Market Trading Forum is included in the TSD to the RH SIP. DAQ staff agree with PacifiCorp that the resolution of any "hot spot" issues could be addressed with different remedies that achieved similar or better results. DAQ intends to work with the Federal Land Managers as new visibility data are gathered through the IMPROVE network to ensure that there are common understandings and agreements about visibility trends in the Class I areas. COMMENT 22: PacifiCorp recommends that the State be very cautious about adjusting the interim milestones due to changes in flow measurement techniques at electric generating utilities, and recommends that the State rely on the emissions that utilities report to EPA under the acid rain program rather than focusing on relatively minor changes in the milestones. (William K. Lawson, PacifiCorp) RESPONSE 22: The WRAP Market Trading Forum discussed at length the issue of "paper" emission changes due to new flow measurement techniques. There was concern that these changes would undermine the goals of the Annex because real emission reductions would not occur, even though the reported emissions would show a decrease. The SIP provisions related to flow rate measurement methods were designed to ensure that actual emission reductions take place. These measures need to remain in place so that we can determine the scope of the "paper changes" that have occurred since 1999. The measures are also specifically required by 40 CFR 51.309(h)(1)(iv). COMMENT 23: Revise XX.E.1.d.(2)(b) - at the end of this subsection, add the following sentence: "The draft report will be posted on the WRAP website for a period of public review and comment for not less than 30 days." (William K. Lawson, PacifiCorp) RESPONSE 23: The change has been made as recommended. COMMENT 24: Revise XX.E.1.d.(3) to read as follows - "(3) Consensus decision: The executive secretary commits to meet with the participating states and tribes in March 2014 to discuss any comments received on the 2018 emission projections in the draft report. The participating states and tribes will decide through a consensus process, whether it can be determined that the 2018 milestone will not be met, and whether it is necessary to trigger the WEB trading program early in order to meet the SO₂ emission reduction goals in 2018." (William K. Lawson, PacifiCorp) RESPONSE 24: The suggested language has not been added to the SIP. The purpose of the 2013 review is to determine whether we are heading into trouble so that the participating states and tribes can avoid a major non-compliance issue in 2018. If the 2018 penalty provisions are triggered, it will be a failure of the expected process, and sources in Utah would face significant financial penalties. By triggering the trading program, the states will use the backstop regulatory program to ensure that sources remain in compliance and that the goals of the program are met. The decision will be based on the best information available, but because the states and tribes will be

using emission projections, there will always be some uncertainties in the numbers. It cannot be "determined that the milestones will not be met" with absolute certainty, and the proposed language could be interpreted to require certainty. The milestones are designed so that market forces and the incentive of avoiding a regulatory program will drive emission reductions rather than a regulatory program. The states and tribes will not trigger the trading program in 2013 unless this incentive process does not appear to be effective. The decision will not be made lightly. However, it is impossible to identify all of the factors that must be considered in this decision process at this point in time. COMMENT 25: In Table 4, correct the tonnage for the Ute Indian Tribe in years 2008-2018 from 1,129 to 1,135. Also, the second half of Table 4, for years 2011 - 2018, is missing. (Laurel Dygowski, EPA Region 8) RESPONSE 25: The corrections have been made. COMMENT 26: In E.1.c(4)(b), the reference to Table 3 should be Table 5. (Laurel Dygowski, EPA Region 8) RESPONSE 26: The correction has been made. COMMENT 27: In E.1.d.(2)(b), "2013" should be added after December 31. (Laurel Dygowski, EPA Region 8) RESPONSE 27: The correction has been made. COMMENT 28: In E.3.i(2)(b), the reference to SIP Section XX.E.5.k(1)(b) should be XX.E.3.k(1)(b). (Laurel Dygowski, EPA Region 8) RESPONSE 28: The correction has been made. COMMENT 29: In E.3.k(2), it would be helpful to add the sentence from the model SIP stating, "More details on liabilities for different provisions can be found in the provisions of [state or tribe market trading rule]." It is an informative statement that can help direct people to appropriate liability provisions. (Laurel Dygowski, EPA Region 8) RESPONSE 29: The sentence has been added. FIRE PROGRAMS. COMMENT 30: Utah Farm Bureau Federation believes the Utah State Implementation Plan for compliance with the Regional Haze rule accurately portrays the surveyed emissions from agricultural burning. In addition, the conclusion that the requirements of 40 CFR 51.309(d)(6)(i) are met through the voluntary emission reduction techniques and local government controls coincides with the empirical and anecdotal evidence Farm Bureau has observed. However, we believe the statement of agency action stated on page 64 of the SIP is attributed to a conclusion that does not bear out from the data. The SIP states: "Since agricultural burning has been documented in Section 3 to have an inordinate impact on visibility in Class I areas, the emission tracking activities will be conducted on a periodic basis...." We believe you have incorrectly stated the evidence of the data by utilizing the term "inordinate" and request you change the word to from "inordinate" to "insignificant." (Wes Quinton, Utah Farm Bureau Federation) RESPONSE 30: The text has been changed as follows: "Since agricultural burning has been documented in Subsection 2.b above to be a very small proportion of total emissions in Utah and a very small proportion of agricultural burning in the West, the emission tracking activities will be conducted on a periodic basis to determine if any significant changes have been made since the 2003 survey." COMMENT 31: Part G addresses fire emissions from federal, State, and private lands but creates disparate treatment between wildlands and agricultural lands. Utah's Enhanced Smoke Management Plan (ESMP) only applies to federal and State land managers while exempting

the agricultural sector. We question whether this meets the intent of EPA requirements for state visibility plans. (Stephen P. Martin, Intermountain Region, National Park Service) RESPONSE 31: The Western Regional Air Partnership (WRAP) and a survey conducted by Utah State University (USU) Extension indicate that agricultural burning is a very small portion of total emissions in Utah, and also of agricultural burning in the West. In 1996 a WRAP emission inventory found that Utah agricultural burning comprised approximately 1% of the WRAP total agricultural burning emissions and less than 1/4 of 1% of the total emissions in Utah. Since that time, a USU Extension survey indicates that agricultural burning activities have declined by 48% statewide since 1996. The survey, which is included in the Utah TSD, documents the reasons for the decline. The Regional Haze SIP does not create disparate treatment between wildlands and agricultural lands, nor are agricultural lands "exempted." Instead, it is consistent with our treatment of all other minor sources of air pollution, including minor industrial sources. For example, under Rule R307-204 of the Utah Administrative Code, only prescribed fires that cover 20 acres or more per burn or result in air emissions of 0.5 tons or more per burn are required to submit a burn plan and burn request, and gain approval from the executive secretary before ignition. Land managers are allowed to ignite only when the clearing index is 500 or greater. COMMENT 32: The State relied on an agricultural survey to determine future air quality management strategies. In addition, the State concluded that "there are no hot spots where agricultural burning in close proximity to a Class I area is likely to cause an inordinate impact". Neither the proposed plan or the Utah Technical Support Documentation Supplement (Utah TSD) explained the methodology and criteria used to support that conclusion. This conclusion is also used to dismiss closer examination and timely tracking of agricultural fire activities by the State. Given the regional nature of the visibility impairment problem, we question whether the notion of "proximity to a Class I area" is relevant for regional haze purposes. (Stephen P. Martin, Intermountain Region, National Park Service) RESPONSE 32: The Agricultural Lands Inventory portion of Part G clarifies that the State will work collaboratively with the Utah Farm Bureau Federation and USU Extension to develop and implement an inventory and emissions tracking system for agricultural burning. The USU survey will be used as a baseline and emission tracking activities will be conducted periodically to determine if any changes have occurred since the survey. Results from the inventory will be provided in future progress reports to EPA required every five years by 40 CFR 51.309(d)(10)(i). Revisions have been made to the proposed plan to clarify DAQ's conclusions: "Emissions from agricultural burning are less than 0.25% of total Utah emissions and therefore do not result in significant impacts on visibility in the 16 Class I areas or on regional haze in general. Since agricultural burning emissions are minimal, agricultural land managers are currently not subject to the Utah Enhanced Smoke Management Plan." DAQ notes that tracking, monitoring and understanding the effects of agricultural burning emissions--as well as all other fire emissions--are just getting underway in most states, and our understanding of these issues will improve over time. Monitors are now available in four of Utah's five Class I areas, and comparisons

can be made in the future to better understand the sources of visibility impairment. These comparisons will be documented in periodic WRAP reports on the causes of haze. However, DAQ finds that the USU Survey provides the best current information regarding the extent and practices of agricultural burning in Utah. COMMENT 33: The State also discusses the concept of developing an emissions inventory for agricultural lands, but does not detail an approach or a timeline for this activity. The NPS believes that inventory methods should be implemented to help assure data reliability and to create a record of activity for long-term evaluation and needs. The information that is collected would provide the State with the means to determine on an ongoing basis whether the State should consider strengthening air management oversight of these activities in the future to reduce impacts on regional haze at any Class I area, not just the 16 Class I areas on the Colorado Plateau. (Stephen P. Martin, Intermountain Region, National Park Service) RESPONSE 33: Improvements are expected in tracking fire emissions, and our understanding of their impact on visibility also will improve. As per the five-year reports required under 40 CFR 51.309(d)(10)(i), there will be regular opportunity to consider whether changes are needed in managing fire activities. POLLUTION PREVENTION AND RENEWABLE ENERGY. COMMENT 34: The problem of regional haze is just one symptom of our larger cultural dependence on fossil fuels and inefficient internal combustion engines. We need to reduce this dependence through an aggressive new combination of new energy sources as well as much greater energy efficiencies and conservation. I hope that Utah officials will demonstrate the wisdom, foresight and courage to change the status quo for the better to move us forward. Otherwise, with the explosion in human population and development in the St. George basin and elsewhere, the problems, including regional haze, will only worsen. (Richard Spotts, St. George) RESPONSE 34: Noted. COMMENT 35: (William K. Lawson, PacifiCorp) We ask the State to include following Table 10 the following language from the Preamble to the federal regional haze rule: "The goals themselves are not enforceable and States are not required to meet the renewable energy goals...Rather, EPA is setting enforceable requirements for the States to assess progress toward goals established by the GCVTC with respect to renewable energy production as a means for reducing dependence on more polluting forms of energy production. States participating in the GCVTC strategy are responsible for explaining why they cannot meet the GCVTC goals. The required reporting by the States will inform the public of air quality improvements that would result from that goal had it been realized. It is the relationship between renewable energy production and associated environmental effects (direct and indirect) that is the thrust of the assessment and reporting effort under the SIP." (64 FR 35754-55) RESPONSE 35: This paragraph has not been added. This statement of the intent of 40 CFR 51.309(d)(8) matches our understanding but the Preamble carries the same weight whether or not it is included in the SIP and generally, we do not repeat language from the Preamble within the SIP. COMMENT 36: In Appendix I, page 24, change the line to "PacifiCorp plans to purchase contracts for over 1,000 MW of renewables (such as wind, geothermal, and/or other resources)." Also, please check on the claim

that, since Utahns pay 38% of our costs, then 38% of our renewable purchases will go towards meeting Utah's share of the WRAP's 10/20 renewables goals in Section 309. (William K. Lawson, PacifiCorp) RESPONSE 36: Appendix I has been moved to the Technical Support Document, and the sentence has been changed. It is clear that the IRP is a plan that is updated annually or biennially, and therefore is subject to change in future iterations. The word "approximately" has been added before "38%" to indicate that this share varies somewhat from year to year. WRAP states have determined that renewable energy will be apportioned to each state in accordance with that state's purchase of renewables, rather than on the basis of renewables generated within the state. COMMENT 37: Appendix I, page 27: "Each block a customer agrees to purchase costs \$1.95/month." (William K. Lawson, PacifiCorp) RESPONSE 37: This change has been made. COMMENT 38: Appendix I, page 27-28: Should be "Blue Sky" rather than "Blue Skies." (William K. Lawson, PacifiCorp) RESPONSE 38: This change has been made. COMMENT 39: The SIP appears to conclude that renewables and energy efficiency do little to decrease visibility impairing pollutants. (Nina Dougherty, Sierra Club) RESPONSE 39: Renewables and energy efficiency bring on line additional electric power to meet the growing demands of the West without adding additional emissions that impair visibility. COMMENT 40: The SIP emphasizes that Utah does not have to meet within the state the goals of having 10% of its power generation come from renewables by 2005 and 20% by 2015, nor of enhancing energy efficiency programs, because according to the SIP those goals are to be achieved on a regional, not a state basis. Utah is just supposed to contribute in some way to those goals, but can proceed with increasing the percentage of coal used to generate electricity for Utah customers. (Nina Dougherty, Sierra Club) RESPONSE 40: Because regional haze spreads widely across the West, the Grand Canyon Visibility Transport Commission determined that regional programs could best meet the goal of improved visibility in Class I areas. The Commission recommended that reductions of sulfur dioxide from large stationary sources be achieved through a regional cap and a backstop regional trading program. Similarly, the Commission recommended regional renewable energy goals. This regional approach is especially appropriate for electricity generation because the electricity to meet demand is not generated within each state, but rather is generated where it is most economical to do so. Expected increases in renewable energy production that are paid for by Utah consumers are identified in the Technical Support Documentation. Examination of the data in the Technical Support Document indicates that the proportion of energy generation for demand within Utah--as opposed to demand in other states that is supplied by electricity generation in Utah--increasingly will come from renewable sources, with the expectation that Utah will generate about 550 MW of new renewable generating sources by 2013. Those sources may well lie outside Utah's boundaries, but will be paid for by Utah consumers. The Regional Haze Rule itself is not clear in how states submitting 309 SIPs should project their expected shares of the 10/20 goals, and several different methods are available. DAQ has chosen to estimate Utah's portion of peak summer demand, and estimates that Utah will be responsible for generating approximately that

much renewable energy by 2013. COMMENT 41: The states in the region are expected to contribute to the 10/20 regional goals, if not to achieve it. But surely, the states should do more than Utah to contribute to the regional goal. The SIP indicates that Utah has a huge untapped solar resource and impressive potential for wind generation in the state. Yet currently only 0.768% of its energy generation comes from non-hydro renewables (5.975% with Hydro). Geothermal is the main renewable used in Utah--39.8 MW in 2002--with landfill providing 1.6 MW, solar/PV 0.238 MW and wind 0.498. Even Utah's consumption of non-hydro renewable power from any source, whether in-state or out-of-state, is minimal - only 0.62%. Coal, on the other hand, was used to produce 87% of the electricity in Utah in 2002. (Nina Dougherty, Sierra Club) RESPONSE 41: All western states have untapped sources of renewable energy potential. When those resources will be developed depends upon market forces. A significant portion of the electricity generated in Utah serves consumers in other states. Again, the 10/20 goals are goals, and the WRAP's Air Pollution Prevention Forum recommends measuring each state's contribution toward the goals by the renewable energy purchased by consumers within the state, no matter where the electricity is generated. The Technical Support Document indicates that the renewable energy purchased by Utah consumers in the future will increase substantially, to approximately 550 MW by 2013 and Part I.4.b indicates that will meet Utah's share of the regional goal. COMMENT 42: The assumption regarding distributed energy is very limited--"In general, small loads located more than 3 miles from the transmission and distribution grid have the highest potential for being served cost effectively by on-site renewable power generation." PV is in fact useful and used where there is connection to the grid. (Nina Dougherty, Sierra Club) RESPONSE 42: It is true that photovoltaics are used where there is connection to the grid, but the highest potential for their use is for small loads located at some distance from the grid. COMMENT 43: Also of major concern is the assertion that increased use of renewables and energy efficiency would primarily replace generation by combined cycle natural gas in the region and would barely make a dent in generation by coal. The stated result of this is that renewable and energy efficiency programs would only result in minor reduction of NOx and that no significant visibility changes can be shown because the resolution of the regional air quality modeling system is insufficient for such marginal emission reductions. Also, WRAP modeling suggests that increased use of renewables and energy efficiency does not reduce SO2 emissions "because the regional SO2 trading program proposed under the Annex is the controlling factor in reducing SO2 emissions." (Nina Dougherty, Sierra Club) RESPONSE 43: Which traditional sources of energy generation will be displaced by renewables and energy efficiency increases was a prediction by the model used by ICF for the WRAP. In the SIP updates of 2008, 2013, and 2018, improved projection methods, as well as improved air quality modeling, are likely to yield a more accurate understanding of the magnitude of NOx reductions and their effect on visibility impairment. Finally, the SO2 milestones are the limiting factor for SO2 in the region. Renewable energy sources may be used to replace sources that emit SO2, but the fact that renewables are the substitute generation source

will not change the amount of SO₂ that is reduced.

COMMENT 44: The energy pollution prevention section of the SIP seems constructed to tell us that (1) Utah can continue on its minimal use of renewables and can depend on other states to do the right thing, and (2) that increased use of renewables and energy efficiency in the region will not do much to improve visibility. These are disturbing conclusions that can be rectified by (1) Utah doing more on renewables and energy efficiency, and (2) promotion of more aggressive renewable and efficiency programs in the region--and assuming that such programs will replace coal as well natural gas. (Nina Dougherty, Sierra Club)

RESPONSE 44: Utah's demand for renewable energy will increase substantially in the next decade, according to expectations presented in the Technical Support Documentation. This SIP and its accompanying documentation is the most complete assembly to date of information and projections regarding energy generation for Utah consumers, and is being published by DAQ as a stand-alone document so that interested parties can better understand what is happening today and whether additional policy decisions are needed regarding future energy production.

PROJECTION OF VISIBILITY IMPROVEMENT.

COMMENT 45: We suggest revisions in Part K, in the paragraph following Table 22. The paragraph indicates that visibility improvements on the best days goes beyond the national visibility goal in the Clean Air Act. On the contrary, the Clean Air Act goal is in part "the remedying of existing impairment of visibility." Mesa Verde National Park should be included in the list of Class I's where visibility on the good days is expected to improve. The title of Table 23 might more appropriately be "Projected Visibility Changes..." rather than "Projected Visibility Improvement..." because half the 16 areas shown reduced visibility by 2018. (Stephen P. Martin, Intermountain Region, National Park Service)

RESPONSE 45: The 1996 numbers are not modeled information, as the table headings indicate, but rather are averages of actual monitored data for the years 1997-2001, collected from monitoring sites within or near the 16 Class I areas. For some sites, monitored data is available for the entire period; for other sites, only a single year of data was available. Because this information is not comparable with the modeled information in the column for 2018, the column of 1996 data in Tables 22 and 23 is being removed. The 1996 column of data is not comparable to modeled values for two reasons. First, the base year for Section 309 SIPs--the year from which inventories of emissions were collected for use in the modeling--was 1996, and use of 1997 -2001 monitored information contributes nothing toward an understanding of how changes in emissions affect visibility. Second, use of a single or even several years of monitored data from which to understand changes in visibility impairment is inappropriate, because of the year to year variability. Removing the 1996 column from the tables requires modifications in the accompanying text. The new text focuses on the required 309 comparisons of the modeled projections of visibility that are expected with and without the regional haze SIP. These indicate that visibility will be better on best and worst days with this SIP. WRAP is making appropriate modifications in the tables in the WRAP Technical Support Document to correct the data.

ADDITIONAL CLASS I AREAS.

COMMENT 46: The proposed plan does not include a section discussing

other Class I areas, but the Executive Summary states that Utah has no additional Class I areas in response to the federal requirement under 40 CFR 51.309(g). For purposes of the initial plan, no additional Class I areas must be addressed, but the plan should indicate that the 2008 update must address out-of-state Class I areas not on the Colorado Plateau that may be affected by the transport of emissions from Utah. (Stephen P. Martin, Intermountain Region, National Park Service)

RESPONSE 46: 40 CFR 51.309(g) provides a mechanism to apply 309 control strategies to other Class I areas within states that submit SIPs under Section 309. Utah is the only state that is submitting a SIP under Section 309 that has no Class I areas outside the 16 Class I's on the Colorado Plateau. Other 309 States are declaring within their 309 SIPs whether they will address the additional Class I areas within their borders by implementing 309 strategies, or by following the provisions of Section 308. Utah will, of course, work with other states within the WRAP in addressing impairment in Class I areas outside Utah's borders.

DAR 26896: NEW PROVO CARBON MONOXIDE MAINTENANCE PLAN.

COMMENT 47: Commentors: Rep. David Cox, Lehi, email. AB Fredericks, Woodland Hills, email. Paul Jensen, Spanish Fork, email. Nellie Motes, Provo, telephone. Mrs. Paulsen, Payson, phone. Kathy Jackson, Provo, phone. Mr and Mrs Warren Johnson, Spanish Fork, letter. Virgil C Long, Provo, letter. Jay Allen, American Fork, letter. Terry Fredericks, Spanish Fork, email. J.J. Bird, Springville, letter. R. Holley, Springville, letter. The above commenters favored ending the oxygenated gasoline program, and expressed similar reasons: oxyfuel causes poor vehicle performance and reduces gas mileage; oxyfuel doesn't really help the air quality; it's unfair that other areas don't have to use oxyfuel as well as Utah County; our smog blows in from Salt Lake; it doesn't help here because so many people buy gas outside Utah County; and it's harmful to human health.

RESPONSE 47: If this Plan is adopted, use of oxygenated gasoline in Utah County will end, unless carbon monoxide levels again exceed the federal health standard.

COMMENT 48: It seems to me that in order to make an educated decision, citizens need to be able to see what they are trading for approximately \$5 per winter. I believe that appreciable differences in air quality are worth much more than \$5/person each winter. (email, Myles Watson)

RESPONSE 48: DAQ staff agrees. However, the difference is not appreciable. Carbon monoxide levels are approximately 4% lower with oxygenated gasoline, but that percentage is declining each year as more vehicles with advanced technology replace older vehicles. Projections for the future show that the federal health standard will be maintained without oxygenated gasoline for at least the next 10 years. The health standard is set at a level to protect public health. Thus, no health benefits are lost by ending use of oxygenated gasoline.

COMMENT 49: ConocoPhillips is directly impacted by the current oxygenated gasoline requirements and the proposed changes. ConocoPhillips supports the State's request that EPA approve a new attainment demonstration and maintenance plan for Provo and redesignate Provo to attainment status for carbon monoxide. Removing the wintertime oxygenate requirement will give fuel suppliers additional flexibility which we all support. (letter, H. Daniel Sinks, Fuel Issues Advisor, ConocoPhillips)

RESPONSE 49:

Noted. COMMENT 50: Highland City wishes to express its support for the current action under consideration. With the proximity to Salt Lake County, it seems of dubious value to have a different kind of gas. As it appears that the air quality has improved it is time to make these changes. Our residents are excited about these changes and are encouraged that they may be coming sooner rather than later. (letter, Barry Edwards, City Administrator, Highland City) RESPONSE 50: Noted. COMMENT 51: Mountainland AOG is pleased with the progress of the redesignation request and Maintenance Plan and we look forward to the elimination of the oxyfuel provision for the next fall/winter season starting November 2004. We would like to thank the Division for the positive cooperation demonstrated throughout the preparation of this Plan and in particular we thank Bill Colbert for his personal helpfulness and professional coordination. (Susan Hardy, Air Quality Program Manager, Mountainland Association of Governments) RESPONSE 51: Noted. COMMENT 52: The member companies of the Utah Petroleum Association strongly support the Provo carbon monoxide plan and the deletion of the requirement for use of oxygenated gasoline in Utah County. Oxygenated fuels have served a valid purpose, but eliminating them will be a welcome relief to the petroleum industry. The inconvenience and added expense of producing and dispensing oxyfuel each winter has been a continuing concern for our industry. Our industry is proud to be a positive contributor in Utah's efforts to improve and maintain air quality. (Lee Peacock, president, Utah Petroleum Association) RESPONSE 52: Noted. COMMENT 53: I'm also glad to see the end of the annual inspection of new cars. That too was just an added expense to the public. (email comment, Paul K. Jensen, Spanish Fork) RESPONSE 53: Noted. EPA COMMENT 54: With respect to the revised version of Rule R307-301 "Utah and Weber Counties: Oxygenated Gasoline Program as a Contingency Measure" we are unsure of the State's intention. From EPA's perspective, this specific contingency measure rule language does not have to be adopted at this time for the maintenance plan. If the State decides to have the AQB adopt this language, this revision does not need to be submitted to EPA. (letter, Richard Long, EPA Region 8) RESPONSE 54: Agree. In fact, there is no longer a need for the rule to be federally-enforceable at all. The letter to EPA requesting redesignation also will request that R307-301 be removed from the federally-enforceable SIP. EPA COMMENT 55: Page 2, first paragraph, third sentence under "(3) Provo Carbon Monoxide Designation History": The Federal Register citation "(67 FR 59232)" is not correct. The correct citation of the direct final rule is 67 FR 59165. RESPONSE 55: Agree. The change has been made. EPA COMMENT 56: Page 2, second paragraph, last sentence under "(3) Provo Carbon Monoxide Designation History": The sentence states "In September 2001, the oxygenate concentration was reduced to 2.7% after MOBILE6 modeling runs demonstrated that the NAAQS could be met with the lower concentration of oxygenate." This is not correct. The oxygenate requirement was allowed to be reduced from 3.1% to 2.7% only after EPA's approval on September 20, 2002 (ref. 67 FR 59165). Please note and cite our approval. RESPONSE 56: Revise the sentence to read as follows: "In September 2001, the oxygenate concentration under State law was reduced to 2.7% after MOBILE6 modeling runs

demonstrated that the NAAQS could be met with the lower concentration of oxygenate; EPA approved the revision on September 20, 2002 (67 FR 59165)." EPA COMMENT 57: Page 3, first paragraph, second sentence which includes the phrase "... and a monitoring site was established ...". We suggest adding the word "also" as follows "... and a monitoring site was also established...." RESPONSE 57: Revise as follows: "... and a monitoring site was also established ..." EPA COMMENT 58: Page 3, third paragraph, directly under Table 1; the State needs to provide a clarification of this paragraph in that particular measures and implementation time frames should be mentioned. RESPONSE 58: The text has been modified to include implementation dates for vehicle inspection and maintenance, oxygenated gasoline and contingency measures, as well as the designation history. EPA COMMENT 59: Page 3, second paragraph, second sentence under "(2) Monitoring Results and Attainment Demonstration": The "University Avenue No.3 site" is mentioned as also having detected an exceedance of the CO standard. However, it is not listed on page 3 in "Table 1. Monitoring Site Locations." The State needs to explain what happened to this monitoring site. RESPONSE 59: The station number and address were incorrect in the draft Plan. The text and Table 1 have been corrected. EPA COMMENT 60: Page 5, "Table 2. 1 and 2 High 8-hour CO Concentrations (ppm) at Utah County Monitoring Stations": The footnote to this table states "* Data with more significant figures are not available." EPA disagrees; the data is in our Air Quality Subsystem (AQS). This information needs to be included in Table 2. RESPONSE 60: Agree; the change has been made. EPA COMMENT 61: Page 5, "Figure 2. 2 High 8-hour Carbon Monoxide Concentration at the North Provo and University Avenue Monitors." Data are displayed for values up through 2001; however, data for 2002 are available and need to be displayed. Further, the State needs to provide any acceptable data that are available for 2003. This comment also applies to comment 6 above. Also, the key for the figure states "8-hour Running Average Standard is 9 PPM." The correct description is "8-hour non-overlapping average standard is 9 ppm." RESPONSE 61: Agree; the change has been made and additional data are added. EPA COMMENT 62: Page 6, first paragraph, first sentence under "(5) Ongoing Review of Monitoring Sites"; delete "additional." RESPONSE 62: Agree; the change has been made. EPA COMMENT 63: Page 8, "Figure 3. Provo 2000 Base-Year Episode Inventory" and "Table 4. 2000 Provo Attainment-Episode Inventory." The contribution of non-road source emissions is not identified and needs to be presented. RESPONSE 63: Agree; the change has been made. EPA COMMENT 64: Page 10, first paragraph, first full sentence which ends with "...within the modeling domain." Insert the following statement after this sentence, "Therefore, attainment of the CO NAAQS is demonstrated for the year 2000." RESPONSE 64: (Page 12) Agree; the sentence is amended as follows: "Therefore, attainment of the carbon monoxide standard is demonstrated for the year 2000." EPA COMMENT 65: Page 10, under "(i) Oxygenated Gasoline Program." It is stated that a 2.7% oxygen content by weight program was applicable to the year 2000. The oxygen content by weight that was required in the Provo area in calendar year 2000 was 3.1%. EPA granted relief from this

3.1% requirement, and the program was allowed to revert back to 2.7%, but not until our direct final rule of September 20, 2002 (67 FR 59165) became effective November 19, 2002. The State needs to review this issue and make any necessary corrections. RESPONSE 65: (Page 13) Agree; the sentence is amended as follows: "...addition of a minimum of 3.1% oxygen content by weight to gasoline sold in Utah County during the control period." EPA COMMENT 66: Page 10, paragraph under "(ii) Gasoline Vehicle Emissions Inspection and Maintenance (I/M) Program," last sentence which states "EPA has verified that Utah County's I/M program is equivalent to a test-only program. For clarity, please add the Federal Register citation for this Agency approval which is 67 FR 5774 (September 12, 2002, effective November 12, 2002). RESPONSE 66: (Page 13) Agree; the change has been made. EPA COMMENT 67: Page 11, third paragraph, last sentence under "(B) Enhanced Inspection and Maintenance Program": For clarity and accuracy, this sentence should read as "This allowed Utah County to claim 100% emissions test-only credit for its I/M program and meet the requirements of the CAA for an enhanced program, as modified by the NHSDA. RESPONSE 67: (Page 14) Agree; the sentence is amended as follows: "This allowed Utah County to claim 100% emissions test-only credit for its I/M program and to meet the federal requirements, as modified by the NHSDA, for an enhanced program." EPA COMMENT 68: Page 11, paragraph under "(iii) Wood-burning Controls": The State should be aware that EPA never took action on the 1994 SIP revision that addressed controls for wood-burning devices. This revision was included with the 1994 SIP and was labeled as "Rule Change DAR No.15736, R307-1-4.12." EPA and the State need to discuss the status of this rule prior to the AQB's meeting in April. For the State to have a fully approved SIP for purposes of redesignation, EPA would need to be able to approve this 1994 rule revision or a replacement rule. RESPONSE 68: (Page 14) No action is needed at this time by DAQ or the AQB. Governor Leavitt submitted the wood-burning controls for carbon monoxide along with the Provo CO SIP on July 11, 1994. EPA could approve the wood-burning rules as requested in 1994. EPA COMMENT 69: Page 11, sentence under "(d) Tri-annual Emissions Inventory": For clarity, "NEI" should be spelled out (National Emissions Inventory) and the citation for EPA's Consolidated Emissions Reporting Rule (CERR) should be included (June 10, 2002, 67 FR 39602). RESPONSE 69: (Page 14) Agree; the change has been made. EPA COMMENT 70: Page 13, "Table 7. Requirements of a Maintenance Plan": This table is not correct and appears to contain provisions from several documents. The overall requirements for redesignation to attainment are stated in section 107(d)(3)(E) of the Clean Air Act (CAA). Primary redesignation and maintenance plan requirements are found in section 175A of the CAA and in EPA's redesignation policy memorandum, signed by John Calcagni and dated September 4, 1992, entitled "Procedures for Processing Requests to Redesignate Areas to Attainment" (hereafter referred to as the "Calcagni memorandum"). The State needs to review these documents and modify this table accordingly. Please include all five requirements from section 107(d)(3)(E) of the CAA and ensure that the State addresses all five requirements in the text that follows the table. The current text fails to address three of the requirements.

RESPONSE 70: (Pages 15-17) Both Table 6 and Table 7 are revised to reflect this and the next 4 comments. EPA COMMENT 71: Page 13, "Table 7. Requirements of a Maintenance Plan," under the heading "Requirement" for the first item entitled "Attainment Emission Inventory": The Provo area was originally designated as nonattainment on November 6, 1991 (56 FR 56694) and was classified as "moderate" with a design value greater than 12.7 ppm. Areas with this designation were required by section 187(a)(7) the Clean Air Act (CAA) to perform a dispersion modeled attainment demonstration and, therefore, do not qualify to use an "inventory approach" to demonstrate maintenance. The Calcagni memorandum states on page 9. under "b. Maintenance Demonstration": "Under the Clean Air Act, many areas are required to submit modeled attainment demonstrations to show that proposed reductions in emissions will be sufficient to attain the applicable NAAQS. For these areas, the maintenance demonstration should be based upon the same level of modeling." The discussion regarding the "inventory approach" needs to be deleted and replaced with the modeling approach requirements as this is what has been required and prepared by the State for the Provo plan. For the attainment inventory, we agree this would become a base year inventory for the modeling effort. RESPONSE 71: Agree; Tables 5 and 6 are revised. EPA COMMENT 72: Page 13, "Table 7. Requirements of a Maintenance Plan," under the heading "Requirement" for the second item entitled "Projected Inventories": Please refer to our comment 17 above and adjust this language to reflect the requirements for a modeled maintenance demonstration. Also, the reference to "CAA: section 172(c)(3)" is not relevant to this requirement. RESPONSE 72: Agree; the tables are revised. EPA COMMENT 73: Page 13, "Table 7. Requirements of a Maintenance Plan," under the heading "Reference" for the item entitled "Verification of Continued Maintenance"; delete the references and insert "Calcagni memorandum, CAA sections 110(a)(2)(B) and (F)." RESPONSE 73: Agree; the tables are revised. EPA COMMENT 74: Page 13, "Table 7. Requirements of a Maintenance Plan," under the heading "Category": A periodic three-year inventory is not a requirement for a maintenance plan and this needs to be deleted. An area, however, may commit in the its maintenance plan to prepare a three-year inventory in order to fulfill the requirement for verification of continued attainment (see the Calcagni memorandum, under "d. Verification of Continued Attainment"). RESPONSE 74: (Page 17) Agree; the 3-year inventory requirement has been deleted from Table 7. The text of Subpart (6)(a) below retains the commitment as a mechanism to verify continued attainment of the standard. EPA COMMENT 75: Page 14, "Table 7. Requirements of a Maintenance Plan," under the category "maintenance demonstration" for the heading entitled "Requirement": The statement that "Demonstration can be made by showing the that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory ..." is not correct for the Provo area. The Provo area must use the modeling approach. Please refer to our comment above. RESPONSE 75: (Page 16) Agree. The sentence in Table 7 is revised to read as follows: Provide for Maintenance of the relevant NAAQS in the area for at least 10 years after redesignation. Demonstration can be made by modeling to show that the

future mix of sources and emission rates will not cause a violation of the NAAQS. EPA COMMENT 76: Page 14, first sentence under "(a) Existing Controls"; refer to "... and enhanced vehicle..." this needs to correctly state "...a vehicle..." RESPONSE 76: (Page 17) Agree; the word "enhanced" is deleted. EPA COMMENT 77: Page 14, second sentence under "(2) Improvement in Air Quality Due to Permanent and Enforceable Emission Reductions": This sentence begins with "Area and mobile source emission data..." So as not to preclude any sources of emissions from consideration, this sentence needs to state "Emission data must ..." RESPONSE 77: (Page 17) Agree. "Area and mobile source" is deleted, and "emission" is capitalized. EPA COMMENT 78: Page 14, second paragraph, second sentence and third sentence under "(a) Permanent and Enforceable Emission Reductions": The reference in these two sentences to "Subpart e(4)(b)" of the State's maintenance plan appear to EPA to actually refer to Subpart e(4)(a) of the maintenance plan. The State needs to check and change this reference as necessary. RESPONSE 78: (Page 18) Agree. The change has been made. EPA COMMENT 79: Page 15, first paragraph, last sentence; the statement appears "... so long as it is needed to demonstrate attainment of the NAAQS." This statement must be removed. Changes to the Utah County I/M program must be approved by the Utah AQB and approved by EPA as a revision to the SIP before any relaxation or elimination of the I/M control measure can be allowed. RESPONSE 79: (Page 18) Staff recognizes that any changes in Utah County's I/M program must be included in a SIP or maintenance plan revision, and that any revision must be approved by the AQB and EPA. Change the sentence as follows: "In addition, Utah County Health Department will continue to operate its vehicle inspection program." EPA COMMENT 80: Page 17, first paragraph, first sentence the statement appears "...during the early 1990 time period." This should say "...early 1990s time period." Also, the second sentence states "However, no violations of the CO standard have occurred." To be correct, this sentence needs to state "However, no violations of the CO standard have occurred since 1993." RESPONSE 80: (Page 20) Agree. Amend the text as follows: "These periods are equal in severity and frequency to that which occurred during the early 1990s time period. However, no violations of the CO standard have occurred since 1993. EPA COMMENT 81: Page 18, first paragraph, last sentence and throughout the document, references to "Provo": For clarity the State needs to either indicate that all references to "Provo" throughout the maintenance plan document actually refer to Provo City or wherever "Provo" is used it should be stated as Provo City. RESPONSE 81: On page 1, add a sentence at the end of the first paragraph: Provo refers to the area within the geographic boundaries of the city of Provo, the area addressed by this Plan. EPA COMMENT 82: Page 18, "Figure 4. Provo 2000 Base-Year Inventory": This figure needs to provide the non-road emissions contribution. RESPONSE 82: (Page 22) The change has been made. EPA COMMENT 83: Page 19, "Figure 5. Provo 2001 Base-Year Inventory" and "Table 12. 2000 and 2001 Provo Base-Year Inventories": This figure and table need to provide the non-road emissions contribution. RESPONSE 83: (Page 23) The change has been made. EPA COMMENT 84: Page 20, the first paragraph states "The

attainment emission inventory reported in Subpart (1) above documents a level of emission in Provo that is sufficient to maintain the NAAQS for carbon monoxide. Emission projections for each source category are used to determine if expected emission levels in future years will exceed the attainment emission inventory level. Maintenance of the NAAQS is demonstrated if the projected emissions remain below the attainment emission inventory level." This discussion of the method for demonstrating maintenance for the CO NAAQS for Provo is not applicable and is incorrect. The Provo area is required to demonstrate maintenance of the CO NAAQS by modeling. Areas with a prior nonattainment designation of "moderate" and with a design value greater than 12.7 ppm were required by section 187(a)(7) the Clean Air Act (CAA) to perform a dispersion modeled attainment demonstration and, therefore, do not qualify to use an "inventory approach" to demonstrate maintenance. The Calcagni memorandum states on page 9. under "b. Maintenance Demonstration": "Under the Clean Air Act, many areas are required to submit modeled attainment demonstrations to show that proposed reductions in emissions will be sufficient to attain the applicable NAAQS. For these areas, the maintenance demonstration should be based upon the same level of modeling." The discussion regarding the "inventory approach" needs to be deleted and replaced with the modeling approach requirements as this is what has been required and prepared by the State for the Provo plan. RESPONSE 84: (Pages 24-25) Agree. The entire Subpart (2) is deleted, including Tables 13-14. The inventory information that was used for the modeling is found in the Technical Support Document, and is not needed in the text of the Plan. Subsequent subparts and tables are re-numbered. EPA COMMENT 85: Page 21, "Table 14. Carbon Monoxide Emission Inventories for the Provo Modeling Domain": Does this table reflect emissions from the modeling domain or just Provo City? The table headings need to be consistent, clear, and accurate. This table needs to provide the non-road emissions contribution. Also, there is a math error for the 2015 total emissions; the table show 52.46, but the correct number is 56.34 tons per day. RESPONSE 85: Table 14 has been moved into Subpart IX.C.6.e(3), Modeling Demonstration, and re-numbered as Table 13. Non-road emissions have been added and the math error is corrected. EPA COMMENT 86: Page 21, first paragraph, first sentence which states "The emission inventory remains below the attainment emission inventory through the year 2015." As stated above in our comment number 30, the emission inventory approach to demonstrate maintenance of the CO standard is not applicable to Provo. RESPONSE 86: The entire Subpart (2) is deleted, including Tables 13-14. The inventory information that was used for the modeling is found in the Technical Support Document, and is not needed in the text of the Plan. Subsequent subparts and tables are re-numbered. EPA COMMENT 87: Page 21, last paragraph, last sentence; the statement appears "...revised Utah statute 41-6-163.6 providing for biennial I/M vehicle emissions testing for vehicles six years old and newer." EPA does not have a record of receiving a revision to the SIP to address this change in the I/M program. This is necessary in order for the changes to the I/M program to be approved either prior to or with EPA's action on the redesignation and maintenance plan

SIP submittal. RESPONSE 87: (Page 26) On January 16, 2004, DAQ staff mailed three separate packets to EPA Region 8. Each packet included: 1) the draft Provo Attainment Demonstration and Maintenance Plan, 2) draft revisions in the Oxygenated Gasoline rule, 3) draft revisions in SIP section X.A, the general I/M requirements for all counties; 4) draft revisions in SIP section X.D, the I/M requirements for Utah County; 5) the rules incorporating the plans; 6) the newspaper notice announcing changes in the three plans and the oxyfuel rule; and 7) forms for each item for the Division of Administrative Rules. EPA located copies after their comments were submitted, and submitted additional comments on the I/M SIPs. All 3 plans and the oxyfuel rule need to be approved by EPA. EPA COMMENT 88: Page 22, first paragraph, first sentence; the statement appears "Since the selected intersections show no exceedance of the CO NAAQS..." This Statement is only true for the 2000 episode modeling with respect to the results displayed in Table 15 on page 22. For the 2001 episode, an exceedance of 9.2 ppm was modeled for 2001 at the 500 North University Ave. and Center Street intersection as displayed in Table 16 on page 23. Carbon Monoxide is an inert pollutant and EPA's modeling guidance indicates that attainment (or in this case maintenance) of the CO NAAQS is shown when the combined UAM-AERO and CAL3QHC values are below 9.0 ppm. Please consult with Kevin Golden of Region 8 staff, on this issue, for further information. The State needs to provide a basis to disregard this 9.2 ppm value for purposes of the maintenance demonstration. EPA suggests a couple of thoughts on this issue. First, the monitors in the Provo/Orem area showed no exceedances of the CO NAAQS in 2001. A discussion of the values, and how they were below the 9.0 ppm standard, should be provided. Second, the State should indicate that the year 2001 has passed and all future modeled projections show attainment at all the modeled intersections. The State also needs to provide an affirmative conclusion that it has demonstrated maintenance of the CO NAAQS through 2015. RESPONSE 88: (Page 26) Agree; the change has been made. EPA COMMENT 89: Page 22, Table 15, Figure 6 and on Page 23, Table 16, Figure 7: The University Parkway State Street (Orem) intersection has modeling results displayed for only the years 2000 and 2001 and then is deleted from the data set. An explanation must be provided for why this intersection was removed. RESPONSE 89: (Page 27) The University Parkway-State Street intersection is in Orem, not Provo, and is not within the nonattainment area. That line has been removed from Tables 15 and 16 (now 13 and 14), and from Figures 6 and 7. EPA COMMENT 90: Page 23, "Table 16. 2001 Episode and Projections: 8-hour Maximum CO Concentrations (ppm)": We note that the CO concentrations predicted for the 500 North University Ave and Center St. is not demonstrating attainment of the CO standard as the table shows a value of 9.2 ppm. For carbon monoxide attainment and maintenance demonstrations, the standard is met when modeling predicts values of less than 9.0 ppm. Please refer to the comment above. The next year that modeled concentrations are presented for is 2005. The value at the 500 North University Ave and Center St. location is shown as 8.8 ppm. The State has indicated a desire to eliminate the oxygenated gasoline program for the Provo area beginning in November, 2004. As only modeled

concentrations for 2001 and 2005 are shown for this intersection (and others), EPA needs to see CO concentrations that are predicted for all six intersections for year 2004 in order to be assured the CO standard will be maintained in the year the control program may be eliminated.

The State needs to discuss this issue with Kevin Golden to evaluate a method to determine CO concentrations for 2004. RESPONSE 90: (Page 27-29) See response for comment above. Modeled values for 2004 have been added.

EPA COMMENT 91: Page 24, second paragraph, first sentence concerning the statement "...so long as they are needed to demonstrate attainment of the NAAQS." This statement must be removed. Changes to the control measures, used to demonstrate maintenance of the CO NAAQS in the maintenance plan, must be approved by the Utah AQB and approved by EPA as a revision to the SIP. RESPONSE 91:

(Page 31) Staff recognizes that any changes in Utah County's I/M program must be included in a SIP or maintenance plan revision, and that any revision must be approved by the AQB and EPA. The sentence is amended as follows: Provo will rely on the control programs listed below to demonstrate maintenance of the carbon monoxide standards through 2015.

EPA COMMENT 92: Page 24, third and fourth paragraphs under the heading "(b) Enforceable Control Measures": As noted in our comment number 14 above, EPA has not taken action on the 1994 SIP submittal for wood burning emissions.

The State and EPA need to discuss this prior submittal. The State and EPA also need to discuss the referenced SIP revision, that involved carbon monoxide control strategies for Salt Lake City, Ogden City, and Utah County that was amended by the State in 1998. It does not appear that this revision has been approved by EPA. RESPONSE 92: (Page 31) Regarding the 1994 SIP submittal's woodburning controls, no action is needed at this time by DAQ or the AQB.

Governor Leavitt submitted the woodburning controls for carbon monoxide along with the Provo CO SIP on July 11, 1994. EPA could approve the wood-burning rules as requested in 1994. Regarding the 1998 amendments to the Carbon Monoxide SIP, they were a clarification of the triggering mechanism for contingency measures for Provo, and are superceded by this Plan. The text of the item is amended as follows: "Utah State Implementation Plan, Section IX, Control Strategies for Area and Point Sources, Part C, Carbon Monoxide, Salt Lake City, Ogden City, and Utah County, as amended in 2004;" EPA COMMENT 93:

Page 24, fifth and sixth paragraphs under the heading "(b) Enforceable Control Measures": In paragraph six it is stated that Prevention of Significant Deterioration (PSD) regulations will apply in Provo. However, in paragraph five, it appears that State and Federal Nonattainment New Source Review (NSR) provisions will also apply. This needs to be clarified as it is unclear if the State intends to apply PSD to the Provo area after it is redesignated to attainment. RESPONSE 93: (Page 31) Yes, PSD will apply to Provo after redesignation.

This is clarified by deleting the following bulleted item: "State and federal nonattainment NSR requirements currently in effect statewide, including R307-401 of the Utah Administrative Code, that requires Best Available Control Technology for all new sources statewide." Utah's NSR program will remain in effect in other areas of the state. EPA COMMENT 94: Page 25, first paragraph, third sentence

under "(5) Contingency Plan": This sentence may be misinterpreted. For clarification, EPA recommends the following replacement language; "The triggering of contingency measures does not automatically require a revision to the SIP or redesignation to nonattainment." RESPONSE 94: (Page 31) Agree. The text is amended to read as follows: "The triggering of contingency measures does not automatically require a revision to the SIP or redesignation to nonattainment." EPA COMMENT 95: Page 25, under "5. Contingency Plan," "(b) If the Action Level is Exceeded": The second full paragraph under this heading says: "Immediately following the end of February and the end of the carbon monoxide season each year, DAQ will evaluate monitored data from Utah County to determine whether the NAAQS for CO has been violated." This time frame for analyzing the CO data is not appropriate. As the DAQ will be continuously monitoring the CO monitoring data, the paragraph above needs to be modified to state that DAQ will notify EPA within 30 days of an occurrence of an exceedance of the CO standard. Should a violation of the CO standard occur (two exceedances), this would then trigger the contingency measures plan sooner rather than waiting until the end of February to examine the monitoring data to determine if in fact a violation has occurred. RESPONSE 95: (Pages 31-33) Under the State-EPA Performance Partnership Agreement, the Air Monitoring Center notifies EPA within 30 days of any exceedance of any standard, and will continue to do so. However, this is raw data. Utah will not trigger implementation of contingency measures until quality-assured monitored data indicates it is necessary to do so. Under 40 CFR 58.35, the State is required to submit the quality-assured monitoring data within 90 days after the end of each calendar quarter; thus, verified data for the October through December quarter will be available by April 1, and verified data for the January through March quarter will be available by July 1. The entire section regarding contingency measures is amended to commit the State to validating data quickly if there are exceedances, and to implementing contingency measures by November 1. EPA COMMENT 96: Page 25, under "5. Contingency Plan": Language in this section goes back and forth between the "Executive Secretary" and the "Board." The State needs to review this section and make necessary changes for consistent use of terms. RESPONSE 96: (Pages 31-33) The text is correct as written. Under Title 19, Chapter 2 of the Utah Code, the executive secretary and the AQB have different duties, and the text reflects that division of responsibilities. EPA COMMENT 97: Page 25, paragraph under "(c) Contingency Measures": The single contingency measure listed, the re-implementation of a 2.7% oxygenated fuels program, is insufficient to meet the requirements of section 175A(d) of the CAA and the Calcagni memorandum. EPA believes that additional potential contingency measures must be identified such as; (a) returning to an annual I/M test (as is required by section 175A(d)), (b) re-implementation of a 3.1% oxygenated fuels program, (c) increase the stringency of the carbon monoxide I/M cutpoints, and (d) implementation of an employee trip reduction program. The listing of contingency measures is necessary to identify those measures which could address a violation of the CO NAAQS, but this does not mean they must all be selected and implemented upon a violation. RESPONSE 97a: (Page 33)

The Clean Air Act section 175A(d) requires that the state implement all control measures that were in the state implementation plan while the area was designated as nonattainment. To meet that requirement, the following amendment is made in the text on page 25: (c) Contingency Measures. The State will implement contingency measures under this Plan if the contingency action level in Subpart e(5)(a) is exceeded. As required by Section 175A of the Act, the contingency measures to be implemented are: implementation of 2.7% oxygenated gasoline in Utah County from November 1 through the end of February, beginning with one year after it has been determined that the action level has been exceeded; and a return to annual vehicle emissions inspections. The State cannot increase the stringency of the carbon monoxide I/M cutpoints, as they are already as stringent as is allowed under 40 CFR Part 51, Subpart S and Appendix C. Utah's employer-based trip reduction program is implemented voluntarily in Utah County already, and data from other urban areas around the country indicate that such programs are very difficult to implement and that quantifying the benefit from such programs is impossible. On-Board Diagnostics (OBD-II) already is implemented in Utah County. Section XI of the Utah SIP includes other vehicle emission reduction techniques implemented by Metropolitan Planning Organizations, including 700 park and ride stalls in Utah County by 2006. Beyond that, the Act (175A(d)) says that: "Each plan revision submitted under this section shall contain such contingency provisions as the Administrator deems necessary to assure that the State will promptly correct any violations of the standard which occurs after the redesignation of the area as an attainment area. The Calcagni memorandum states (page 8, first paragraph) that: However, any final EPA determination regarding the adequacy of a maintenance plan will be made following review of the plan submittal in light of the particular circumstances facing the area proposed for redesignation and based on all relevant information available at the time." The second-highest 8-hour monitored values of carbon monoxide in Provo have been about half the NAAQS since 2001, and computer modeling for this Plan indicates that carbon monoxide emissions in Provo, as elsewhere in the United States, will drop another 30% between 2005 and 2105. In the Revised Draft 09/06/02 "National Ambient Air Monitoring Strategy," EPA includes the following suggestion for re-directing monitoring resources away from areas where objectives have been achieved: "2. Divestment Opportunities: To make more efficient use of existing monitoring resources and to help pay for (and justify additional resources for) the new monitoring initiatives noted above, it will be necessary to make certain cuts in the existing monitoring program. Two areas of potential divestment are suggested. First, many historical criteria pollutant monitoring networks have achieved their objective and demonstrate that there are no national (and, in most cases, regional) air quality problems for certain pollutants, including PM10, SO2, NO2, CO, and lead. A substantial reduction in the number of monitors for these pollutants should be considered." RESPONSE 97b: In the foreseeable future, Utah will continue to monitor for carbon monoxide, but "all relevant information available at the time" that EPA is considering approval of the maintenance plan, as directed in the Calcagni memo, indicates that the likelihood is approximately zero that

contingency measures would be triggered in the next eight years before the plan is revised. EPA COMMENT 98: Page 26, under "(6) Verification of Continued Attainment" and "(b) Analyze Ambient CO Monitoring Data": The second sentence of this paragraph states: "Any exceedance of the standard will be reported to EPA." As indicated in our comment above, a specific time frame for reporting this information to EPA needs to be included (i.e., DAQ will notify EPA within 30 days of an occurrence of an exceedance of the CO standard.) RESPONSE 98: (Page 33) Under the State-EPA Performance Partnership Agreement, the Air Monitoring Center notifies EPA within 30 days of any exceedance of any standard, and will continue to do so. However, this is raw data. Under 40 CFR 58.35, the State is required to submit quality-assured monitoring data within 90 days after the end of each calendar quarter; thus, verified data for the October through December quarter will be available by April 1, and verified data for the January through March quarter will be available by July 1. DAQ staff review the monitoring data every day, and the AQB reviews the data at every meeting. The State of Utah has in the past implemented voluntary measures to avoid violation of the NAAQS, particularly for ozone, and expects to continue to do so. The State will keep EPA informed of any exceedances. The sentence is revised as follows: Any exceedance of the standard will be reported to EPA within 30 days, and quality-assured data will be reported as required under 40 CFR Part 58. EPA COMMENT 99: Page 26, first paragraph, second sentence under the heading "(d) Provisions for Revising the Maintenance Plan": This sentence states "The State will also revise the Plan as necessary to comply with any EPA finding..." We suggest changing this to read as "The State will also revise the Plan as necessary to comply with any State or EPA finding..." RESPONSE 99: (Page 33) Staff disagrees. A State finding does not mandate a revision in the Maintenance Plan. EPA COMMENT 100: Page 26, first paragraph, first sentence under the heading "(f) Subsequent Maintenance Plan Revisions": Delete the portion which says "...and maintenance plan approval." The obligation for the second maintenance plan revision is triggered by the promulgation of the redesignation to attainment only. RESPONSE 100: (Page 34) Agree. The text is amended as follows: "The Clean Air Act requires that a maintenance plan revision be submitted to the EPA no later than eight years after the promulgation of the original redesignation." EPA COMMENT 101: Page 27, under "f. Conformity": The transportation conformity description and the derivation of the CO motor vehicle emissions budgets (MVEB) is not correct. The original CO nonattainment area boundary was defined by EPA as "Provo Area, Utah County part, City of Provo" on November 6, 1991 (56 FR 56694, page 56839). EPA has not changed this boundary and the State's proposed attainment/maintenance plan references only the City of Provo. Given this boundary, the MVEBs will only apply for that area. The maintenance plan needs to make explicit that the MVEBs are for Provo City only and not the larger modeling domain. The State's description under "f. Conformity" states that mobile source figures from the projection emission inventories indicate that a budget of 70.44 tons per day of CO would apply to any analysis year between 2005 and 2014 and that a budget of 72.10 tons per day would apply to 2015 and beyond. The

mobile sources emissions for Provo are found in "Table 14. Carbon Monoxide Emission Inventories for the Provo Modeling Domain" (table labeled as "Provo City (Tons per Day)). Because this is a modeled maintenance demonstration, the State cannot assume that higher emission inventory values from earlier years are consistent with maintenance. The earlier, higher emission inventory values would need to be modeled to derive any available safety margin for use in later years. Some form of an analysis (perhaps qualitative) would also be necessary to ensure the MVEBs would not interfere with maintenance in the years between the modeled years. As the State did not model emissions of 70.44 tons per day for 2008, 2011, or 2014, it cannot say with certainty that level of mobile source emissions would not cause an exceedance of the CO standard. This comment also applies to the use of 72.10 tons per day in 2015. We note that interim year budgets are not required, but are optional, with one exception. Assuming the Provo attainment/maintenance plan SIP revision will be submitted to EPA in 2004, the State would only have to provide MVEBs for two years; 2014 and 2015 and beyond. Forty CFR 93.118(b) requires selection of at least one horizon year that is 10 years or less in the future; for the State's demonstration, this would be no later than 2014. We suggest 2014 because for that budget you would then only need to model maintenance for 2014; if you selected an earlier year, you'd need to model maintenance for that earlier year as well as subsequent years before 2015, and conduct additional analyses to ensure consistency with maintenance. If the State wishes to use 70.44 tons per day as the MVEB for 2014, it must provide a demonstration that using 70.44 tons per day, instead of the modeled 52.88 tons per day, will not cause an exceedance of the CO standard. If the State wishes to use 72.10 tons per day as the MVEB for 2015 and beyond, it must provide a demonstration that using 72.10 tons per day, instead of the modeled 52.46 tons per day, will not cause an exceedance of the CO standard. We suggest contacting Kevin Golden of Region 8 for any questions regarding the modeling. RESPONSE 101: (Page 35-36) Agree; the changes have been made. DAR 26898 - 26899: AMEND THE VEHICLE INSPECTION AND MAINTENANCE PLAN FOR UTAH COUNTY AND THE GENERAL PROVISIONS. DAQ STAFF COMMENT 102: In Part A, page 2, strike out "1990" in the title of the top Census table. (Bill Colbert) RESPONSE 102: Agree; the change has been made. EPA COMMENT 103: General I/M, Part A: Pages 3 and 4: Delete all references to "Non-attainment." With the approval of the documents, all the areas will be maintenance. RESPONSE 103: Agree; the change has been made. EPA COMMENT 104: Utah County, Part D: Page 3: 2nd paragraph: Federal Register Notice should be "67 FR 57744" not "67 FR 57775." RESPONSE 104: Agree; the change has been made. EPA COMMENT 105: Page 3: 4th paragraph: Delete the word "enhanced" before "I/M." RESPONSE 105: Agree; the change has been made. EPA COMMENT 106: Page 3, under "2. Network type," first sentence: Add phrase "as approved by EPA on September 12, 2002 (67 FR 57744)." RESPONSE 106: Agree; the change has been made. EPA COMMENT 107: Page 20, under "19. I/M SIP implementation": delete phrase "and shall continue until a maintenance plan without an I/M program is approved by EPA in accordance with Section 175

of the Clean Air Act as amended." RESPONSE 107: Staff disagrees; this statement is accurate as it is written. The I/M program will remain in effect until the AQB and EPA approve amending the maintenance plan to delete the program. DAQ STAFF COMMENT 108: The date of Board adoption should be changed in R307-110-12, R307-110-31, R307-110-24, and on the title pages of the Carbon Monoxide Plan and the two Vehicle I/M plans. The Board has changed its meeting date from April 7, to March 31. (Jan Miller) RESPONSE 108: The date on each is changed from April 7, 2004, to March 31, 2004. These are nonsubstantive changes and can become effective at the same time the rules and plans become effective. DAR 27295: UPDATE CARBON MONOXIDE MAINTENANCE PLAN FOR SALT LAKE CITY. DAQ STAFF COMMENT 109a: Page 1, line 34: The woodburning control program, R307-302-3, applies in Salt Lake County for PM10 but not for carbon monoxide. The reference is deleted. DAQ STAFF COMMENT 109b: Throughout the SIP, the emissions have been re-calculated to reflect the most recent version of EPA's factors for miscellaneous non-road mobile emissions. The new factors generally predict lower emissions than the previous factors. Changes are found in Tables 1 - 3, and at page 2, line 15; page 5, lines 20 and 21; and page 7, lines 16 - 26. EPA COMMENT 109c: Page 5, first paragraph, last sentence, states "As the projections demonstrate, this change in the I/M program does endanger attainment of the standard." Based on the information provided in this paragraph above this sentence and in table 3 of the maintenance plan, we believe the intent of this sentence is there is no endangerment for the CO standard. We recommend this sentence to be adjusted to read "...in the I/M program does not endanger continued attainment of the standard." RESPONSE 109: This correction was made at the AQB meeting on July 7, 2004, at which the Plan was proposed for public comment. EPA COMMENT 110. Page 6, third paragraph: The requirements and EPA's policy on motor vehicle emissions budgets are found in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62193-96). The criteria for the analysis to determine the conformity of transportation plans, TIPs, and projects are found in the 40 CFR 93.118. For accuracy and clarity, the above distinctions need to be clarified in this paragraph of section IX.C.7.d. RESPONSE 110: The references are changed on page 6, lines 20 - 29 to clarify this distinction. EPA COMMENT 111: Page 7, paragraph four, last sentence which currently reads "Therefore, the MVEB for 2005 is 277.5 tons per day." This sentence is fine, however, we would just like to clarify for the State that this MVEB will actually apply to all years from 2005 to 2018 as another MVEB is not specified until 2019. This interpretation is consistent with the preamble to our November 24, 1993 rule noted above. RESPONSE 111: Agree. No change is needed. EPA COMMENT 112: Page 7, paragraph five, last sentence which currently reads "Therefore, the MVEB for 2019 is 262.81 tons per day." As noted for comment three above, this sentence is fine; but to clarify, the State should be aware that this MVEB will apply to 2019 and beyond as another MVEB is not specified after 2019. RESPONSE 112: Agree. See response for Comment 2 above. EPA COMMENT 113: Page 7, paragraph six: This paragraph is not accurate. Because the existing maintenance plan contains a budget for 2005, the new budget will only take

effect after EPA approves the maintenance plan. The 2019 budget will take effect upon approval of the maintenance plan or upon a finding of adequacy by EPA, whichever comes first.

Please note, the existing budgets for 2006 and 2016 will remain in effect until EPA approves the revision to the maintenance plan. RESPONSE 113: Agree. Because the 2005 Motor Vehicle Emissions Budget is specified in the current Plan, EPA cannot agree to changing it by making an adequacy determination. The sentence on page 7, lines 36 - 38 is amended to read as follows: "This new MVEB will take effect for future transportation conformity determinations upon approval of this Maintenance Plan by EPA." EPA COMMENT 114: Page 7, paragraph seven: This paragraph is inaccurate and unnecessary and should be deleted. First, a state is never required to specify a budget for a year after the maintenance year. Second, under 93.102(b)(3), the conformity regulations apply to a maintenance area for 20 years from redesignation, unless the SIP says that the conformity requirements apply for longer. Thus, it appears that the State doesn't need to say anything on this subject in the maintenance plan. However, if the State wants to say anything on the subject, we recommend the following: "Pursuant to 40 CFR 93.102(b)(3) as currently written, no further conformity determinations for the Salt Lake County CO maintenance area will be necessary after March 22, 2019." RESPONSE 114: EPA sent further comments later, stating that "Our prior comment could have been more precise," and that their intent is to clarify "...to avoid future confusion and arguments." DAQ staff have modified the language pertaining to the 2019 MVEB to match the EPA revisions. EPA COMMENT 115: Page 7, first paragraph under section IX.C.7.e: the first sentence needs to be changed to reflect the air quality monitoring commitment that was provided in the Provo carbon monoxide attainment/Maintenance plan. The Provo plan states "The State commits to continue operating the existing CO monitoring sites according to the requirements of 40 CFR part 58 and will gain EPA approval before any changes are made to the Utah County CO monitoring network." RESPONSE 115: The sentence is changed to specify that DAQ will obtain EPA approval before making changes in the monitoring network: "Utah will continue to operate an appropriate air quality monitoring network of NAMS and SLAMS monitors in accordance with 40 CFR Part 58 to verify the continued attainment of the CO NAAQS, and will gain EPA approval before making any changes to the Salt Lake City monitoring network." EPA COMMENT 116: Page 7, first paragraph under IX.C.7.e: The second sentence states "...WFRC will request DAQ to perform a saturation monitoring study to determine whether additional and/or re-sited monitors are necessary." The WFRC is the metropolitan planning organization (MPO) that addresses transportation planning efforts affecting Salt Lake County. It is the responsibility of the DAQ to decide if the air quality monitoring network is adequate to address changes in congestion, transportation, VMT, etc. and not the WFRC. This sentence needs to be changed to reflect this division of responsibility, i.e., it should read "...change significantly over time, DAQ will perform a saturation monitoring study..." RESPONSE 116: Agree. The change is made. EPA COMMENT 117: Page 9, first paragraph under section IX.C.7.f(3), second sentence which states: "WFRC will select the contingency measures from the

following list..." As the WFRC is the MPO for the Salt Lake City and does not have the necessary regulatory authority to select and implement contingency measures, this sentence needs to be changed to reflect that the State and/or the AQB will select the necessary contingency measures. RESPONSE 117: Agree. The paragraph is re-written as follows to indicate that DAQ will consult with WFRC and Salt Lake City officials in choosing the contingency measures, and sets forth the criteria to be used in making that selection: "The State, in consultation with the WFRC and Salt Lake City officials, will choose one or more of the following contingency measures. Measures will be chosen to bring the area back into compliance quickly, and to meet the specific needs of Salt Lake City. It is likely that no federal money will be available to fund the implementation of the selected contingency measure(s). Most, if not all, of the costs will be borne by local citizens and Salt Lake City, local industries, and state government agencies." DAR 27343. UPDATE OGDEN MAINTENANCE PLAN FOR CARBON DIOXIDE. EPA COMMENT 118: Page 1, second paragraph, 1st sentence states "...revises the 2005 on-road mobile source carbon monoxide attainment emissions inventory for 1992..." This phrase is unclear. We note in the discussion of emission inventories in Section IX.C.8.b on page 2 that the 1992 attainment year inventory was revised to use the MOBILE6.2 model. Is this correct for 1992, or was the 2005 inventory actually modified as a surrogate for 1992? RESPONSE 118: Agree. Revise as follows: "...revised the on-road mobile source carbon monoxide attainment emissions inventory for 1992..." COMMENT 119: Page 1, third bullet under IX.C.8.b. Emission Inventories and Maintenance Demonstration: this paragraph needs to be clarified as follows: "Automobile Inspection and Maintenance Program. SIP Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County, adopted November 3, 2004, including the Weber-Morgan District Health Department Ordinance 2003-28, revised June 10, 2003. The program is set forth in SIP Section X.E, Weber County I/M program, last approved by EPA on July 17, 1997 (see 62 FR 38213)" RESPONSE 119: Agree; this change has been made. COMMENT 120: Page 6, second paragraph under section IX.C.8.d Mobile Source Carbon Monoxide Emissions Budget for Transportation Conformity: The title of this section should use ...Budgets... for clarity and accuracy, the first sentence of this paragraph should be changed to read as "The federal conformity rule, at 40 CFR Part 93, subpart A, and its preamble (58 FR 62193), indicate that motor vehicle emission budgets must be established for the last year of the maintenance plan, and may be established for any other years deemed appropriate." RESPONSE 120: Agree; the change has been made. COMMENT 121: Page 7, paragraph 6: This paragraph is not accurate. Because the existing maintenance plan contains a budget for 2005, the new budget for 2005 will only take effect after EPA approves the maintenance plan. The 2021 budget will take effect upon approval of the maintenance plan or upon a finding of adequacy by EPA, whichever comes first. Please note, the existing budgets for 2004, 2005, 2006, 2007, and 2008 and following years through 2017, will remain in effect until EPA approves the revision to the maintenance plan. Also, "These new MVEB..." should be changed to the plural as in "These new MVEBs..." RESPONSE 121: Agree. Because the 2005 Motor vehicle

Emissions Budget is specified in the current Plan, EPA cannot agree to changing it by making an adequacy determination. The sentence on page 7, lines 41-43 is amended to read as follows: "These new MVEBs will take effect for future transportation conformity determinations upon approval of this Maintenance Plan by EPA or, for 2021, upon a finding of adequacy by EPA, whichever comes first." COMMENT 122: Page 7, paragraph 7: This paragraph is inaccurate and unnecessary and should be deleted. First, a state is never required to specify a budget for a year after the maintenance year. Second, under 93.102(b)(3), the conformity regulations apply to a maintenance area for 20 years from redesignation, unless the SIP says that the conformity requirements apply for longer. Thus, it appears that the State doesn't need to say anything on this subject in the maintenance plan. However, if the State wants to say anything on the subject, we recommend the following: "Pursuant to CFR 93.102(b)(3) as currently written, no further conformity determinations for the Salt Lake County [sic] CO maintenance area will be necessary after May 8, 2021." RESPONSE 122: Agree; this change is made. COMMENT 123: Page 8, first paragraph under section IX.C.8.e: the first sentence needs to be changed to reflect the air quality monitoring commitment that was provided in the Provo carbon monoxide attainment/maintenance plan. The Provo plan state "the State commits to continue operating the existing CO monitoring sites according to the requirements of 40 CFR part 58 and will gain EPA approval before any changes are made to the Utah County CO monitoring network." RESPONSE 123: The sentence is changed to specify that DAQ will obtain EPA approval before making changes in the monitoring network. "Utah will continue to operate an appropriate air quality monitoring network of NAMS and SLAMS monitors in accordance with 40 CFR Part 58 to verify the continued attainment of the CO NAAQS, and will gain EPA approval before making any changes to the Ogden monitoring network." COMMENT 124: page 8, first paragraph under IX.C.9.e: The second sentence states "...WFRC will request DAQ to perform a saturation monitoring study to determine whether additional and/or re-sited monitors are necessary." The WFRC is the metropolitan planning organization (MPO) that addresses transportation planning efforts affecting Weber County. It is the responsibility of the DAQ to decide if the air quality monitoring network is adequate to address changes in congestion, transportation, VMT, etc. and not the WFRC. This sentence needs to be changed to reflect this division of responsibility; i.e., it should read "...change significantly over time, DAW will perform a saturation monitoring study." RESPONSE 124: Agree. The change is made. COMMENT 125: Page 9, first paragraph under section IX.C.8.f(3), first sentence which states "The WFRC may choose one..." and the second sentence which states: "WFRC will select the contingency measures from the following list..." As the WFRC is the MPO for the Ogden City/Salt Lake City region and does not have the necessary regulatory authority to select and implement contingency measures, this sentence needs to be changed to reflect that the State and/or the UAQ will select the necessary contingency measures. RESPONSE 125: Agree. The paragraph is re-written to indicate that DAQ will consult with WFRC and Ogden officials in choosing the contingency measures, and sets forth the criteria to be used in making that

selection: "The State, in consultation with the WFRC and Ogden City officials, will choose one or more of the following contingency measures. Measures will be chosen to bring the area back into compliance quickly, and to meet the specific needs of Ogden. It is likely that no federal money will be available to fund the implementation of the selected contingency measure(s). Most, if not all, of the costs will be borne by local citizens and Ogden City, local industries, and state government agencies." COMMENT 126: Page 9, under "3. List of Potential Contingency Measures," the phrase "as allowed by statute" which appears at the end of the second and third bulleted items: EPA's preference is that these phrases be removed. The State has the discretion to decide whether to pursue these particular contingency measures or not, but including this phrase calls into question whether these contingency measures can actually be implemented. RESPONSE 126: The second bullet lists as possible contingency measures: "Improving the current I/M program in the Ogden area, such as increasing the maximum repair cost limits or totally eliminating emissions test waivers for vehicles that have failed the test, as allowed by statute." DAQ agrees with EPA's comment. The relevant statute, Utah Code 41-6-163.6(2), states that "The legislative body of a county identified in Subsection (1) shall make rules regarding emission standards, test procedures, inspection stations, repair requirements and dollar limits for correction of deficiencies, and..." Thus, cost limits and emissions test waivers can be changed by county action if necessary. Regarding the third bullet, DAQ proposes to retain the language. The third bullet lists "Mandatory Employer-Based Travel Reduction programs as allowed by statute." Utah Code 19-2-104(1) states that the AQB may make rules...(h) with the approval of the governor, implementing in air quality nonattainment areas employer-based trip reduction programs applicable to businesses having more than 100 employees at a single location and applicable to federal, state, and local governments to the extent necessary to attain and maintain ambient air quality standards consistent with the state implementation plan and federal requirements under the standards set forth in Subsection (2);..." Therefore, it is clear that there are specific limitations imposed by Utah statutes on the kind of Employer-Based Trip Reduction Program that could be implemented. It is appropriate to keep the reference to the statute in this case, in order to distinguish the kind of program that could be implemented in Utah from the model Employer-Based Trip Reduction that EPA has designed. In addition, the statute is clear that the program could not be implemented by action of the AQB alone; the approval of the Governor also must be obtained. COMMENT 127: Page 9, under "3. List of Potential Contingency Measures:" Section 175A(d), Contingency Provisions of the CAA states, in part, "Such provisions shall include a requirement that the State will implement all measures with respect to the control of the air pollutant concerned which were contained in the State implementation plan for the area before redesignation of the area as an attainment area." Therefore, the 2.7% oxygenated gasoline program, that was approved by EPA into the SIP and applied to the Ogden City area before its redesignation to attainment, must be included on the list of potential contingency measures. RESPONSE 127: It is true that the Clean Air Act required implementation 2.7% oxygenated

gasoline in the Salt Lake-Ogden metropolitan statistical Area. However, the Clean Air Act allows waivers of that requirement where implementation of oxygenated gasoline might jeopardize attainment of another health standard. In this case, there was concern that use of oxyfuel could increase nitrogen oxide emissions that contribute to formation of PM10. Utah sought such waivers for Salt Lake City and Ogden until the Maintenance Plans for those areas were approved by EPA. Oxyfuel was never implemented in Ogden, but, because its use was required by the Clean Air Act, its use was included as a contingency measure in the Ogden Maintenance plan approved by EPA on March 9, 2001. Because use of oxygenated gasoline was required for the Ogden area under the Clean Air Act, and because SIP measures must be included as contingency measures in maintenance plans, DAQ staff recommends including it as a contingency measure in the current Maintenance Plan, with the caveat that it will not be implemented that would interfere with attainment of any other National Ambient Air Quality Standard. DAR No.27429. SULFUR DIOXIDE MAINTENANCE PLAN FOR SALT LAKE COUNTY AND EASTERN TOOELE COUNTY. EPA COMMENT 128: There are no monitors located in the Tooele County portion of the nonattainment area. Therefore, the State cannot claim that the entire nonattainment area is in fact attaining the standards. RESPONSE 128: The Tooele County portion of the nonattainment area is also the area referred to as the elevated terrain. Attainment in the high terrain was addressed in the modeling analysis relied upon in the approved attainment SIP. The maintenance plan continues to rely upon that same modeling analysis, and therefore continues to demonstrate attainment in the elevated terrain and by definition in Tooele County. In the SIP, this analysis is presented in Section IX.B.3.d. Our intention is to present the maintenance portion of the SO2 story at Section IX.B.6, as an extension of what already appears in the SIP, but it should perhaps be made more clear therein that the modeling analysis from the approved attainment SIP will continue to function as the demonstration showing that ambient concentrations of SO2 will remain within the levels prescribed by the National Ambient Air Quality Standards (NAAQS) in the elevated terrain so long as the emission limits at the smelter remain at or below those used in the analysis. To that end, we are proposing to insert new language within Section IX.B.6.c.(1) of the proposed Maintenance Plan to clarify this. We have also added language in Section IX.B.6.b.(1) to describe how attainment of the standard in the elevated terrain is determined in the absence of monitored data. EPA COMMENT 129a: One of the monitors that had recorded violations in 1981 (Airs 49-035-2002) is no longer in service. The State would need to show that one of the current monitors is still representative of that location. The map labeled Figure 1 in the proposed maintenance plan shows the locations of all SO2 monitors, both current and historical. The monitor in question (Airs 49-035-2002) is labeled number 5 on the map. One can see that it is very close to the monitor labeled number 6. Number 5 was taken out of service after 1983 because the lake rose and flooded the site. DAQ operated the monitor at site number 6, essentially the same location as site number 5, from 1986 - 1991. At some time in 1991, the monitor was moved from location number 6 to location

number 7; the marina at Great Salt Lake State Park. In 1992 the monitor was repositioned within the marina to accommodate some remodeling, but essentially locations 7 and 8 are the same. The monitor continues to operate at site number 8. All four of these site locations are collectively referred to as the "Beach" site(s), and language has been added in Section IX.B.6.b.(1) to make this clear. The (1993) Annual Network Review, used to evaluate the adequacy of the monitoring network for all criteria pollutants, says that "The background for SO₂ is assumed to be zero, therefore monitoring is necessary only in areas where there are sources of SO₂." Hence, each of the "Beach" monitors was situated so as to measure "impact from a significant source, a copper smelter." When the monitor was moved to the marina, DAQ submitted to EPA Region VIII an Ambient Air Monitoring Network Modification Request Form. Therein, the modification was described as "relocation of Beach site to a location of potentially higher point source impact as determined by visual observation and citizen complaints." As discussed in the 1994 Annual Network Review, "The site routinely measures short timed SO₂ spikes above 0.8 ppm that last 3 to 10 minutes. This site is properly located to meet our present data needs." Further evidence of the new Beach location(s)' representativeness of the impact from the copper smelter may be seen in Figure 3 of the proposed maintenance plan. This histogram charts the history of the 2 highest 24-hr values measured there, and one can see that it captures the trend of declining concentrations coinciding with the smelter modifications that took place from 1992 through 1995. This trend is also depicted in Figure 4 of the proposed maintenance plan, which illustrates the history of Kennecott's SO₂ emissions. EPA COMMENT 129b: Section IX.B.6.b.(3) is confusing, and should clearly indicate what are the current enforceable requirements for Kennecott. The 4 paragraph of this section indicates that control of low-level emissions at KUC has resulted in lower concentrations recorded at the Beach site(s). EPA would like to know if these controls have been reflected in SIP limits and/or operating practices and been approved by EPA. RESPONSE 129: Section IX.B.6.b.(3) has been re-worked to more clearly describe the sequence of events at the smelter as it applied to both air quality emission limits and SO₂ concentrations at various locations. In a word, the low-level emissions were controlled once in the late 1970s and early 1980s. These controls were reflected in the Utah administrative rules for air quality (R307,) and effectively lead to the end of SO₂ exceedances at the Beach site(s). Low-level emissions were controlled again during a period of smelter modernization in the early 1990s. These controls were also incorporated into the Utah SIP, and remain federally enforceable. EPA COMMENT 130: The 2 paragraph indicates that, at one time, R307 was revised to include emission limits and control requirements for the KUC smelter main stack and smelter fugitive emissions. EPA wants to know if these requirements are still enforceable or whether they have been superceded by the PM₁₀ SIP. They would like clarification as to the current status of such in the maintenance plan, and they would like to know where these limits actually appear. RESPONSE 130: As discussed above, this has been addressed in a re-worked Section IX.B.6.b.(3). Section IX.B.6.c.(1) has also been re-worked to clarify what is being relied upon in this maintenance plan to

demonstrate continued compliance with the SO₂ NAAQS. The present status of emission limits is discussed therein, and a table has been added to illustrate the succession of emission limits as they pertained to the different stages of smelter modification. EPA COMMENT 131: The 3 paragraph references Part H of the SIP. EPA still refers to this as Appendix A to the PM₁₀ SIP, and ask that we provide a parenthetical reference. RESPONSE 131: DAQ will add a parenthetical reference to Appendix A wherever appropriate. EPA COMMENT 132: The 2 paragraph of Section IX.B.6.c.(1) indicates that the modeling and monitoring relationships outlined in Section IX.B.3.d. (of the SO₂ attainment SIP) suggest a safety factor of roughly 100%. EPA does not understand this statement, and asks for further clarification. The last sentence of this section also indicates that "those emission limits remain federally enforceable, and are not expected to increase over the next ten years." The State must commit to continued implementation of these limits. RESPONSE 132: The modeling/monitoring relationship outlined in Section IX.B.3.d. is able to predict a concentration by evaluating a given emission rate. The emission rates so evaluated are the federally approved emission limits for the smelter, and the predicted concentrations are then compared with the SO₂ NAAQS. This information has been tabulated in Section IX.B.3.d.(4), and the results show that the predicted concentrations are roughly one half of the respective NAAQS. This means that we could double KUC's emission limits and still attain the SO₂ standards. In other words, the emission limits could be 100% larger and we would still attain the standards. Another way to express this is to say that there is a "safety factor of roughly 100%." The second part of this comment concerns a commitment to continue implementation of these limits. The limits are in fact already a federally enforceable part of the Utah SIP. However, to make this entirely clear, we have added language on page 13 to specify that "These conditions demonstrate maintenance through the year 2016." EPA COMMENT 133: The maintenance plan does not contain an emissions inventory and needs to do so. RESPONSE 133: While DAQ recognizes that EPA's comment may be attributed to the Calcagni Memorandum (Sept. 4, 1992), wherein guidance is presented for processing requests to redesignate areas to attainment, we are not necessarily convinced that the inclusion of this element is vital to the approvability of the plan. The "attainment inventory" is discussed by Calcagni as one of the core provisions that should be considered by states for inclusion in a maintenance plan. The guidance anticipates that the (listed) provisions will be necessary to a generic maintenance plan, but also notes that the adequacy of any maintenance plan will be made "in light of the particular circumstances facing the area proposed for redesignation." The circumstances in this case surround an area that was designated nonattainment based on the SO₂ emissions from a single source; the copper smelter at Kennecott. According to Calcagni, the stated purpose of the attainment inventory is to establish the level of emissions during the time periods associated with monitoring data showing attainment. This is particularly important in those instances where a maintenance demonstration for the area is based on the notion that the future emissions in that area would remain within the levels established by just such an inventory. In such an instance, the attainment inventory would

be compared with projection inventories compiled for the 10-year duration of the maintenance plan. So long as the projected inventory was less than the attainment inventory, one could continue to assume attainment of the NAAQS. By contrast, a maintenance demonstration could instead be founded on a modeling analysis. In that case, continued attainment would be demonstrated by running an air quality model which considers factors related to meteorology, topography, and certain stack characteristics as well as the emissions of an air contaminant. After evaluating all of these factors, the model would then predict concentrations of the air contaminant that could be compared to the relevant health standard. Depending on the mix of sources to be evaluated by such a model, it may be necessary to compile an inventory that would be used by the model. As discussed above, Utah is still relying on the modeling analysis described in Section IX.B.3.d of the approved attainment SIP to demonstrate compliance with the SO₂ NAAQS in the elevated terrain. In this analysis, a suite of emission limits representing each different averaging period was plugged into the modeled relationship. These are the same emission rates that would be used to generate an emissions inventory for this source. As such, this suite of emission limits constitutes a surrogate emissions inventory for the sole source of SO₂ affecting the area. Hence, this surrogate inventory assumes the role for which the actual attainment inventory was intended; that is, it represents a period in time during which the standards for SO₂ were being attained, and thereby identifies a level of emissions below which attainment of the NAAQS may be presumed. The same approach for demonstrating continued attainment in the low terrain has been outlined in the reworked Section IX.B.6.c.(1). In this case, the emission limits for the sources affecting the low terrain were modeled as part of the 1981 SO₂ SIP, and a relationship was established to ensure attainment of the standards so long as those emission limits were retained. When the smelter was modernized in the early 1990s, these emission limits were largely superseded by limits that were more stringent. These new limits were incorporated into the Utah SIP, and the federal enforceability of these limits is enough to ensure continued maintenance of the SO₂ NAAQS. Nevertheless, a Table 4 has been added to Section IX.B.6.c.(1) in order to provide the reader with a representative emission inventory for all of the significant sources of SO₂ at Kennecott affecting both low and high terrain. These inventories of actual emissions reflect the succession of smelter modifications and the associated emission limitations relied upon by the SO₂ attainment SIPs of both 1981 and 1992. EPA COMMENT 134: A maintenance plan may generally demonstrate continued compliance with the NAAQS by either a modeling analysis or by comparison with an attainment inventory. Utah's proposed plan does neither. At a minimum there should be a maintenance inventory for the portion of Tooele County above 5,600 feet and the area around the KUC smelter (below which there would be no violation of the NAAQS.) For the remainder of Salt Lake County, there should be a modeled demonstration of continued compliance. In both cases, emission estimates should reflect permanent enforceable measures and should be consistent with the various averaging periods of the respective NAAQS. Any such limits must be practically enforceable, and the State must commit to continued

implementation of such. RESPONSE 134: See previous discussion for the basis of an attainment/maintenance demonstration. As noted before, DAQ will clarify in the maintenance plan that it is continuing to rely upon the modeling analyses that served as the basis for the federally approved attainment SIP. The emission limits used therein do in fact represent permanent enforceable measures, and are consistent with all three averaging periods for the SO₂ NAAQS. These limits appear in the SIP at Section IX.H. and thereby establish the basis for a commitment to the continued implementation of the control measures they represent. See the discussion at item 14 concerning the remainder of Salt Lake County. EPA COMMENT 135: The draft maintenance plan does not contain a projected maintenance year. Any such plan must demonstrate continued compliance for 10 years. Adding two years for EPA review, the maintenance year should be 12 years from the date of submittal. RESPONSE 135: DAQ understands that a maintenance plan must demonstrate continued compliance with the respective NAAQS for at least 10 years from the date of approval. Practically speaking, this requirement is protective of the emissions creep that is generally associated with an urban area. When there are many different sources that contribute to a situation of nonattainment, to which trends of projected growth or decline may be ascribed, it is necessary to evaluate the sum of their emissions (ten years) into the future in order to determine, by modeling or by inventory, whether compliance with the NAAQS is still presumed after ten or twelve years. In this case, the only SO₂ emissions that are significant to the modeled demonstration of continued attainment are constrained by emission limits that are contained in a federally approved SIP. This means that there is no projected trend of growth or decline, and that therefore the presumption of continued attainment extends indefinitely into the future. Nevertheless, we have added language in Section IX.B.6.c.(1) to reaffirm that "These conditions demonstrate maintenance through 2016." (see also response to comment above) EPA COMMENT 136: Section IX.B.6.c.(3) and Table 3 within do not accurately reflect the stated requirement of CAA Section 175A(c), which states that part D of the Act continues to apply until the area is redesignated. Evidently what we have said, that the part D provisions will remain in effect until the area is redesignated, implies that the SIP elements would no longer apply after redesignation. This would be backsliding. RESPONSE 136: It is certainly not the intention of DAQ to abandon the elements of the SO₂ SIP should the area be redesignated to attainment. Both Table 3 and Section IX.B.6.c.(3) will be revised to more accurately reiterate the language contained in CAA Section 175 A.(c). (see also response to comment above) EPA COMMENT 137: EPA is uncomfortable with the notion of pre-implemented contingency measures for a couple of reasons. First, Section IX.B.6.c.(1) implies earlier that credit for these "other" sources in the PM₁₀ SIP is being taken as part of the maintenance plan. Second, if there was a violation of the NAAQS the State would not be able to rely on these pre-implemented measures to address the violation. RESPONSE 137: Although pre-implemented contingency measures are not unprecedented, DAQ understands EPA's concerns surrounding the contingency measure element of the proposed maintenance plan. Due in large part to the

confidence we have that these measures will not be needed, we can agree to re-structure Section IX.B.6.c.(4) such that pre-implementation will no longer be an issue. See discussion below. EPA COMMENT 138: The plan must identify a list of potential contingency measures which includes, at a minimum, further controls on stationary sources. They provide some language from another maintenance plan that we could use. Also, the schedule for corrective action is too short. They suggest an implementation deadline of one year from the date of violation. RESPONSE 138: Given the flexibility exhibited in the language suggested by EPA, DAQ can agree to re-structure the contingency provisions to include some potential measures as well as a more definite schedule for ultimate implementation. See Section IX.B.6.c.(4) for proposed language. EPA COMMENT 139: The State must assure that it is ready to implement PSD in the area once it is redesignated. RESPONSE 139: DAQ is well aware of the changes that will result to the permitting program should the area be redesignated to attainment. Utah is a "SIP approved" state with respect to the PSD program, meaning that our rules reflect, to a large degree, the construct of the federal PSD rules (at CFR 51.166.) The way in which Utah's rules are structured will allow for immediate implementation of the PSD program in any nonattainment area once it becomes redesignated to attainment. As a separate project, DAQ is planning to amend the state PSD permitting rules to adopt the NSR reform provisions, as required by the federal rule, by the beginning of 2006. EPA COMMENT 140: To the extent that control measures must remain in effect and federally enforceable, the SIP still contains variance provisions and certain Director's Discretion that serve to undermine this requirement. RESPONSE 140: As EPA is well aware, these issues are presently being addressed within the context of the forthcoming PM10 maintenance plan. Nevertheless, we do wish to point out that these same provisions existed within the state air program at the time that EPA approved the SO2 attainment SIP. Despite the discomfort EPA has with these provisions, Utah has continued to attain and maintain the federal health standards for SO2. EPA COMMENT 141: The State has modeled the emissions from the refineries, and thereby predicted violations of the NAAQS. RESPONSE 141: This statement is not correct. DAQ has conducted a refined modeling analysis that shows compliance with the SO2 NAAQS. Nevertheless, we understand EPA's concerns, and look forward to sharing this information with the Region. EPA COMMENT 142: EPA was under the impression that the maintenance plan would include a modeling demonstration for the five refineries and would include emission limits for such. Such an analysis needs to be included in the plan before EPA can re-designate the area to attainment. Additionally, any modeling assumptions would need to be periodically reevaluated, along with the rest of the plan, as per the requirement for verification of continued attainment. RESPONSE 142: As we have said all along, the nonattainment situation within Salt Lake County and the eastern portion of Tooele County above 5,600 feet was due to entirely to the emissions from the copper smelter at Kennecott. The federally approved attainment SIP addresses only the Kennecott smelter, and so too should the maintenance plan. The refineries are located sufficiently far away from Kennecott, such that the emissions from these

sources are distinct and do not act in an additive way. The refineries have been addressed in a supplemental analysis to see if they could create a separate incidence of SO2 nonattainment, and the result of the analysis is that they do not cause a violation of any SO2 standard in Salt Lake County or Davis County; either as separate facilities or as a group. DAQ continues to believe that this information is more appropriately structured as supplemental to a separate maintenance plan, as it does not demonstrate a potential violation of the SO2 standards. Furthermore, each of the refineries is presently required to comply with federally enforceable SO2 limits in the Utah SIP, and based on these limits we have one modeling analysis that shows compliance with the PM10 NAAQS and another analysis that shows compliance with the SO2 NAAQS. DAQ does not see the value in replicating these emission limits in another portion of the Utah SIP when it is not necessary to ensure the continued protection of the public with respect to either of these health standards. As indicated before, DAQ looks forward to making this analysis available to EPA with the understanding that it is not intended to become part of the SO2 SIP. EPA COMMENT 143: In one additional comment from EPA, based on discussions that occurred after the close of the comment period, it was suggested that the maintenance plan would need to address banked emissions. RESPONSE 143: While recognizing that the issue of emissions banking is a point of ongoing debate between the DAQ and the EPA, we have inserted some language into Section IX.B.6.c.(1) which essentially states that the emission levels identified therein, which are incorporated into the Utah SIP at Section IX. Part H (formerly Appendix A to Section IX. Part A) should serve as a baseline for emission rates relied upon by the 1992 SO2 attainment SIP as well as this maintenance plan. Thus, emission reduction credits would be allowed to the extent that they are established by actual, verifiable, and enforceable reductions in SO2 emissions below these levels. DAR 27768 - 27769. PM10 Maintenance Plans for Salt Lake County, Utah County, and Ogden City, and Emission limits for Salt Lake County and Utah County. GENERAL COMMENTS. COMMENT 144: Under EPA's interpretation of the Clean Air Act, the Natural Events Action Plan for Salt Lake County must be adopted as a SIP revision and submitted to EPA for approval as part of the maintenance plan. {Comment made by the EPA; A1} RESPONSE 144: The State submitted a Natural Events Action Plan (NEAP) to EPA for review. We have received comments on the plan from EPA, and we are currently reviewing those comments and working with EPA staff to prepare proposed responses to each. It is our intent to have the NEAP finalized prior to EPA's approval of the PM10 Maintenance Plan. COMMENT 145: EPA requests that the State withdraw the February 6, 1996 State Implementation Plan revisions to R307-2-10, Section IX.A.6.f of the SIP, Diesel Inspection and Maintenance (I/M) Program, and Section XXI, Diesel Inspection and Maintenance Program, of the 1996 SIP revision. {Comment made by the EPA; A2} RESPONSE 145: The original PM10 SIP included credit for a diesel I/M program that was phased in by Davis, Salt Lake and Utah counties, beginning in 1994. The program was fully implemented by Section XXI, Diesel Inspection and Maintenance Program, which was submitted to EPA in February 1996. EPA has failed to approve that SIP. DAQ has

submitted four separate requests to EPA seeking credit for the Diesel I/M program. We still believe that our justification for credit has been more than adequate, and we again urge EPA to approve the Diesel I/M SIP. Deleting the Diesel I/M SIP would require a separate rulemaking, including a public hearing, because it is incorporated by R307-110-29, and no changes have yet been proposed in that rule. B. SECTION IX.A.10 - PM10 MAINTENANCE PLAN: DOCUMENT ORGANIZATION: COMMENT 146: DAQ has combined 3 different nonattainment areas into one maintenance plan. Generally, EPA cannot partially act on a maintenance plan. DAQ may want to consider reorganizing the document so that there is a separate maintenance plan and demonstration for each area. {Comment made by the EPA; A3} RESPONSE 146: DAQ will reorganize both Part A and Part H such that the Utah AQB may propose a separate maintenance plan for each of the three areas. There are certain administrative differences in the circumstances surrounding each of these areas, and this should allow EPA more latitude to address these specific concerns. DAQ will also prepare an intermediate copy of both Part A and Part H in order to more clearly show the reader how it addressed each of the comments summarized herein. COMMENT 147: Does DAQ intend to retain in the federally approved SIP all of sections IX.A.1 through IX.A.9 (currently Section 9, Part A, 1-9 of the federally approved SIP) in addition to incorporating the maintenance plan into section IX.A.10? {Comment made by the EPA; B1} RESPONSE 147: As noted on page 1 of the proposed Maintenance Plan (lines 28-30), the provisions of Section IX.A.1-9 are retained for informational and historic purposes, but are superseded by the new section IX.A.10. DAQ agrees however that this should be made clear to the reader of sections 1-9, and will therefore propose to clarify this in the table of contents and on the title page at the beginning of Section IX.A. This will not constitute a rulemaking action. In addition, the language on page 1 will be clarified to read as follows: "While the Maintenance Plan could be written to replace all that had come before, it is presented herein as an addendum to Subsections 1-9 in the interest of providing the reader with some sense of historical perspective. Subsections 1-9 are retained for historical purposes, while existing subsection 10 (transportation conformity for Utah County) is herein replaced with a more current evaluation of transportation conformity." COMMENT 148: (EPA B2) Section IX.A.10 was approved into Utah's SIP when EPA approved revisions to the Utah County PM10 SIP, effective January 22, 2003 (67 FR 78181). The existing section is titled Transportation Conformity and consists of language specific to Utah County's PM10 conformity budgets. Does DAQ intend for the PM10 Maintenance Plan to supersede and replace the existing SIP section? If so, this should be stated. {Comment made by the EPA} RESPONSE 148: Yes. This was probably an oversight in the numbering of the proposal, but in retrospect it will achieve the desired outcome of retaining, for historical purposes, subsections 1-9 while superseding subsection 10, transportation conformity for Utah County. As proposed, subsection IX.A.10.c(6) is to be the transportation conformity section for Salt Lake and Utah Counties and Ogden City, and will supersede the previously approved (67 FR 78181) Utah County PM10 section IXA.10 and its MVEBs with a new Transportation Conformity budget defined for 2017

and beyond. The language proposed in the first paragraph of Subsection IX.A.10.c(6)(c) already indicates that the Utah County conformity budgets for 2010 and 2020 that were previously approved by EPA are considered withdrawn. However, DAQ will re-word that sentence as follows to provide additional clarity: "Upon the approval of this Maintenance Plan by EPA, the previously approved Subsection IX.A.10, including Utah County Mobile Source budgets for years 2010 and 2020 will be considered repealed and these new MVEB will take effect for future conformity determinations for 2017 and beyond." The Metropolitan Planning Organization (MPO) for Utah County, Mountainland Association of Governments, supports this approach. MONITORED AIR QUALITY DATA: COMMENT 149: On page 7, Section IX.A.10.b(1)(a), DAQ states that expected exceedances are calculated from the (AIRS) data base and that "any data which had been flagged as inappropriate for use in making such determinations, whether concurred with by EPA or not, was not considered here." For two exceedances at Magna in 2001 (causing a NAAQS violation) and exceedances at Ogden 2 on July 4, 2002 and July 4, 2003, EPA Region 8 has informed Utah DEQ that no exceptional or natural event flag is applicable or appropriate for these exceedances, and that they may not be excluded from regulatory calculations. These exceedances should be included in the Tables IX.A.30 and IX.A.32 and in the text discussing the exceedance history of Salt Lake County and Ogden City monitors. Similarly, these should be factored into the expected exceedances shown in Tables IX.A.33 and IX.A.35 (on pages 14 and 22 respectively). {Comment made by the EPA; B5, includes EPA comments B13 and B14} RESPONSE 149: DAQ still believes it appropriate to consider only the data which has not been flagged for the purposes of evaluating: 1) whether an area is attaining the NAAQS and 2) determining that the improvement in air quality is due to permanent and enforceable reductions in emissions. These discussions are both prerequisites to redesignation under section 107d of the Clean Air Act. The reason for this is that data is flagged when circumstances indicate that it would represent an outlier in the data set and not be indicative of the entire airshed or the efforts to reasonably mitigate air pollution within. This is anticipated in Appendix N to Part 50 - "Interpretation of the National Ambient Air Quality Standards for Particulate Matter" which says: "Data resulting from uncontrollable or natural events, for example structural fires or high winds, may require special consideration. In some cases, it may be appropriate to exclude these data because they could result in inappropriate values to compare with the levels of the PM standards." Nevertheless, DAQ received a number of comments on this issue, and will modify the proposed maintenance plan (at sections IX.A.10.b(1) and 10.b.(3)) to more fully explain this. As revised, the plan will also include a discussion of what the data points were that were flagged, and how this would affect the discussions in the plan should EPA eventually conclude that it would not concur with the flags attached by DAQ. EPA has in fact "not concurred" with the two exceedances measured in Ogden on the 4 of July. By contrast, it has only indicated to DAQ that it intends not to concur with the two exceedances measured at Magna in 2001. Accordingly, Tables IX.A.30 - 35 have been revised to include both sets of data involving the number of expected exceedances predicted

for each monitoring station. Discussion is provided for each of the flagged exceedances. The data is also discussed in the context of the annual arithmetic mean concentrations presented in Figures IX.A.28 - 31, Figures IX.A.35 - 37, and IX.A.39. COMMENT 150: In order to provide full disclosure, the maintenance plan should include all of the PM10 monitoring data measuring high concentrations for all three nonattainment areas. This would include all exceedances with flagged or otherwise excluded data. The proposed plan does not provide the public with a clear history of PM10 concentrations. Specifically, the plan should explain the violation of the 24-hour PM10 standard in 2001 at the Magna station, which occurred while Kennecott had violated its permit and SIP condition requiring that the tailings pond be covered in water at all times. The State issued an NOV and was supposed to fine Kennecott, but we do not believe this action was taken. Salt Lake County could have been bumped up to a "serious" nonattainment area designation, and the maintenance plan needs to make a full disclosure of this information. In addition, there were 8 other exceedances in the 2002-2004 period, for which DAQ has submitted a Natural Events Action Plan, but EPA has not yet accepted that Plan or the flags on those exceedances to label them exceptional or natural events. Until they do, we have serious doubts as to why Salt Lake County would qualify for a redesignation to attainment. The official public record must accurately reflect the status of PM10 data in these nonattainment areas. {Comment made by Environmental Defense and Utah Chapter of the Sierra Club} RESPONSE 150: As discussed in the response to comment 6 DAQ will modify the proposed maintenance plan (at sections IX.A.10.b(1) and 10.b.(3)) to more fully explain the data that was flagged, why it was flagged, and how this would affect the discussions in the plan should EPA eventually conclude that it would not concur with the flags attached by DAQ. As pointed out in the revised plan, almost all of these events have been included in the proposed Natural Events Action Plan (NEAP) as typifying the circumstances under which it would be appropriate to attach a flag to the monitoring data. DAQ expects that the EPA will concur with these flags when it approves the NEAP. Such concurrence would indicate that, despite regional control measures and mitigative action to address fugitive dust, the wind-speeds were such that it would be unreasonable to expect that high concentrations of blowing dust could have been prevented. Concerning the enforcement action taken against Kennecott: DAQ required Kennecott to update and submit a comprehensive fugitive dust control that would address the dust problems on April 20, 21, 22, 27, 28, May 2 and 3, 2001. Kennecott's June 7, 1994 fugitive dust plan was deemed inadequate, and the new plan specifically required Kennecott to address the issue of poor trafficability (access) to, and control of all the cells of the tailings impoundment. The NOV was issued on August 10, 2001. Kennecott responded by: updating the old fugitive dust control plan, constructing additional access roads in the reclaim areas, continuing to re-seed the reclaimed cells, and installing additional water irrigation systems to the dry areas. The penalty was lumped into one settlement agreement of \$113,340 along with four other violations. \$95,940 was paid in cash and \$17,400 was credited to an SEP (green tag power). The tailings penalty by itself was \$70,000.00, and the

final agreement date was 1/6/2003. COMMENT 151: On page 8, Section IX.A.10.b(1)(a), DAQ states that "the Salt Lake County PM10 nonattainment area has not exceeded the 24-hour standard since 1992." DAQ should revise the language to reflect that the Salt Lake County area had a violation at Magna in 2001 and had 8 measured exceedances in 2002-2004 that DAQ has flagged as natural events. {Comment made by the EPA; B6} RESPONSE 151: DAQ agrees that the language on page 8, Section IX.A.10.b(1)(a), is in error. As revised, the language will read as follows: "Additional information presented in Subsection IX.A.10.b(3) shows that the Salt Lake County PM10 nonattainment area has not violated the 24-hour standard since 1992 nor has it exceeded the annual standard since 1993. It actually attained both standards as of December 31, 1995, and has remained in compliance with the PM10 NAAQS through 2004." As discussed in the response to comment 6, DAQ will modify the proposed maintenance plan (at sections IX.A.10.b(1) and 10.b.(3)) to more fully explain the data that was flagged. See the response to comment 33 for an explanation of the language regarding the annual standard. COMMENT 152: On page 9, Section IX.A.10.b(1)(a), DAQ states that "the Utah County PM10 nonattainment area has not exceeded the 24-hour standard since 1993." DAQ should revise the language to reflect that the Utah County area has had 2 measured exceedances from 2002-2004 that DAQ has flagged as natural events. {Comment made by the EPA; B7} RESPONSE 152: As discussed in the response to comment 6, DAQ will modify the proposed maintenance plan (at sections IX.A.10.b(1) and 10.b.(3)) to more fully explain the data that was flagged. COMMENT 153: On page 9, Section IX.A.10.b(1)(a), DAQ states that "the Ogden City PM10 nonattainment area has not exceeded the 24-hour standard since 1993." DAQ should revise the language to reflect that the Ogden City area has had 1 measured exceedance that DAQ flagged as a natural event and 2 measured exceedances that DAQ flagged as exceptional events, with which EPA has not concurred. {Comment made by the EPA; B8} RESPONSE 153: As discussed in the response to comment 6, DAQ will modify the proposed maintenance plan (at sections IX.A.10.b(1) and 10.b.(3)) to more fully explain the data that was flagged. COMMENT 154: In Part A, Figures 38 and 39 do not include the monitored data for 2001 - 2004, which included exceedances on July 4, 2003 and 2004, presumably from fireworks at a park near the monitor. Apparently, these data were flagged in a category called "infrequent large gatherings," but EPA has not accepted the flag. Holiday fireworks are regular events and not truly infrequent; the public should be warned that the fireworks are not harmless, and the monitored data should be included in this Plan. {Comment made by Wasatch Clean Air Coalition} RESPONSE 154: The data monitored in Ogden City on the 4 of July (in both 2002 and 2003) is discussed in the revised plan at sections IX.A.10.b(1) and 10.b.(3). Therein, DAQ explains that it does not consider this data to be representative of the entire Ogden area, and that perhaps EPA would have concurred with the flags had there been an existing category (of reasons for such concurrence) that was more appropriate to the actual nature of the events. Nevertheless, DAQ agrees that the fireworks, in the parking lot where the monitor is located, elevated the particulate

concentrations to levels that are considered unhealthy. Since these occurrences, DAQ has worked with local fire officials to assure that all fireworks in the area are legal and are being used in a manner that will not adversely impact the community. MOBILE VEHICLE EMISSION BUDGETS: COMMENT 155: (EPA B30; includes EPA comments B31 and F3) On page 38, section IX.A.10.c(6), says that the road dust inventory was discounted by 75% for purposes of demonstrating maintenance, but that it was not discounted for purposes of establishing motor vehicle emissions budgets (MVEBs). Even if this is appropriate, it is not acceptable to use one method to demonstrate maintenance and another to set budgets. Budgets must reflect inventory values used in demonstrating maintenance. {Comment made by the EPA} RESPONSE 155: The EPA-approved PART5 model provides an approved estimate of road dust emissions. However, particulate precipitation near the road results in only an estimated 25% of road dust reaching the air quality monitors. The justification and citations for the 75% performance adjustment to the air dispersion model are provided in the response to Comment 104. Without the 75% reduction, the air dispersion model would significantly over-predict the primary PM component throughout the modeling domain. Consequently, the projected Mobile Source inventories and budgets appropriately reflect the actual outputs of the PART5 EPA-approved model and were not discounted to support the projected concentrations at the monitoring stations derived from the air dispersion model. This direction is consistent with existing and forthcoming EPA mobile source models. COMMENT 156: Mobile Source PM10 Emissions Budgets: Utah County currently has an approved 2003 budget. The 2003 budget will remain in place and must be used in any conformity analysis required for years prior to 2017 unless the state establishes a new revised budget for 2003. Alternatively, Utah could leave the current 2003 budget and establish a 2005 budget. This also pertains to Salt Lake County. There are currently approved budgets for Salt Lake County for 2003 that would apply to years prior to 2015. {Comment made by the EPA; B33; includes EPA comments B34} RESPONSE 156: Anticipating final EPA approval of this plan in 2007, the only budget year required for Transportation Conformity in Utah County is for 2017 and beyond. The response to Comment 5 includes rewording of a sentence in Section IX.A.10.c(6)(c) repealing the Utah County mobile source budgets for 2010 and 2020. The Transportation Conformity Budget years established for Salt Lake County and Ogden City are for 2015 and 2017 and beyond anticipating a positive adequacy determination for transportation conformity purposes in 2005 and a final SIP approval in 2007. The WFRC MPO approve this strategy. The existing approved budget for 2003 will not be a transportation planning issue subsequent to the EPA approval of this plan. COMMENT 157: (EPA B36) In establishing the MVEB for each area, Utah has used a rounding convention (rounding up) that is not consistent with the attainment/maintenance demonstration. This is not appropriate. RESPONSE 157: When the plan was released for public comment, the MVEB projections for the Alternative 2 MVEBs were rounded up to the nearest whole number. Alternative 2 is no longer included in the plan. The Alternative 1 MVEBs were not rounded up and include the safety margins requested by the MPOs. However, to resolve

any confusion over rounding errors, the MVEBs for each area now include two significant digits to the right of the decimal place. COMMENT 158: The estimated motor vehicles emissions for each of the three areas in this SIP are the same for both 2015 and 2017. An explanation for why the emissions estimates and associated factors used to calculate the emissions are the same for different years in a rapidly growing metropolitan area must be included. {Comment made by the EPA; B37} RESPONSE 158: The 2015 budget was provided in anticipation of a positive mobile adequacy determination for transportation conformity purposes for Salt Lake County and Ogden City later this year (2005). The 2017 and beyond budget is established to provide a ten-year maintenance demonstration in anticipation of a final SIP approval in 2007. The motor vehicle emissions budgets provided for 2015 and 2017 and beyond do not jeopardize the validity of the attainment demonstration and meet transportation conformity requirements through 2030. COMMENT 159: The public should have the opportunity to comment on the final proposed emission budgets before they are submitted to EPA; the present proposal includes alternatives but it is difficult to tell what the final budgets will be. The budgets that are proposed for 2015 and 2017 should apply in later years as well. The safety margin should remain with the AQB; it is unlikely that there will be a safety margin in the future and transportation planners should not count on having a higher emissions budget in the future. {Comment made by Environmental Defense and Utah Chapter, Sierra Club} RESPONSE 159: The AQB requested comments on two proposals for each pollutant for each geographic area; the AQB will choose from those alternatives. Thus, the final budgets have been available for public comment. By rule, the last year for which mobile source budgets are identified in the plan apply to all future years, so whatever budgets are adopted for 2015 and 2017 will continue to apply in subsequent years. SAFETY MARGIN: COMMENT 160: (EPA B32) On pages 38 - 40 of Section IX.A.10.c(6) Mobile Source Budget for Purposes of Conformity for Salt Lake County, text discusses a "safety margin." The safety margin must be expressed in terms of emissions and not ambient concentration. A safety margin expressed in emissions level might correlate to an amount of pollutant concentration but the state must explain what safety margin it is utilizing in terms of emissions such as tons per day. For example, for Salt Lake County, the State could indicate that the modeling, using 52 tons per day of PM10 and 35 tons per day of NOx mobile source emissions, demonstrates maintenance at 148.5 g/cubic meter. The State could then state that this shows the safety margin is at least 3.14 tons per day of PM10 (52 tons per day minus 48.86 tons per day) and 0.04 tons per day of NOx (35 tons per day minus 34.96 tons per day), and indicate that it is allocating this portion of the safety margin to the mobile source budgets. This same comment applies to the budget discussion for Utah County and Ogden City. {Comment made by the EPA} RESPONSE 160: The discussion of the safety margin in this plan is consistent with the discussion provided in the "Mobile Source Technical Support Document for the Utah County PM10 SIP Revision," dated June 2002 and approved by EPA effective January 22, 2003 (67 FR 78181). CFR 40 Part 93.101 states "Safety margin means the amount by which the total projected

emissions from all sources of a given pollutant are less than the total emissions that would satisfy the applicable requirement for reasonable further progress, attainment or maintenance." The MVEB provided for Purposes of Conformity for each area in the plan clearly demonstrates the requested allocation of a portion of the safety margin for the three areas will not exceed the NAAQS for each pollutant throughout the modeling domain. Since the plan uses a dispersion model, expressing the allocation of a portion of the safety margin in concentration is reasonable. Table XX identifies the allocation of each portion of the safety margin in tons/day for PM10 and NOx for each area. However, to provide even greater clarity, DAQ has added the language suggested by EPA to Section IX.A.10.c(6) to show how the safety margin would be expressed in terms of emissions. The calculation was made for each of the three conformity budgets. COMMENT 161: (EPA B38) It appears that no inspection and maintenance (I/M) credit was taken in the mobile source modeling for the projected years. Please include a discussion regarding why this decision was made, a justification behind this decision, and a rationale concluding this decision is appropriate. Please include impacts of modeling a "no I/M" scenario in future years on safety margin and mobile source transportation conformity budgets. {Comment made by the EPA} RESPONSE 161: The Metropolitan Planning Organizations (Mountainland Association of Governments and Wasatch Front Regional Council) calculated the on-road mobile source emissions for the urbanized areas in the UAM-AERO modeling analysis. The following discussion provides the rationale the MPOs provided for not including the benefits of an I/M program in these calculations: Emissions were calculated with the assumption that the vehicle emissions Inspection and Maintenance (I/M) program implementation may change in the future. This assumption is based on recent state legislation in Utah that has reduced I/M coverage for certain vehicles and model years. Further, as EPA MOBILE models continue to evolve, the emissions credit obtained from I/M programs has significantly decreased, reflecting the benefits derived from advancing vehicle technology and cleaner fuels. The assumption is conservative since most vehicles in the modeling domain fall under the jurisdiction of an I/M program. Therefore, actual vehicle emissions are expected to be lower than projected in the SIP without any I/M controls. The benefits of an I/M program will effectively provide an additional safety margin that should accommodate unanticipated program or demographic changes within the domain. For now, the vehicle emissions inspection is a required part of vehicle registration for most vehicles and will be included in the conformity analysis. I/M programs are currently mandated under the Carbon Monoxide and Ozone SIPs. COMMENT 162: (EPA B40) On page 43, lines 32 - 35: DAQ needs to add language indicating that these values represent the sum of the additions to the motor vehicle emissions inventories for all three areas. It is not clear from the existing text. {Comment made by the EPA} RESPONSE 162: DAQ agrees, and will clarify the language as follows: "Using the procedure described above, some of the safety margin indicated earlier in Subsection IX.A.10.c.(6) has been allocated to the mobile vehicle emissions budgets. The results of this modification are presented below. Inventory: The emissions inventory

was adjusted by adding the following sums to the on road mobile source emissions totals for the entire modeling domain: in 2015: 4.04 ton/day PM10 and 0.19 ton/day NOx; in 2017: 5.41 ton/day PM10 and 2.49 ton/day NOx. " Note also the revision to the reference in the preceding paragraph, and see response to comment 53 for explanation. COMMENT 163: The SIP shows expected concentrations in 2017 and sets motor vehicle emission budgets (MVEB) for 2017. EPA is concerned that when a conformity analysis is performed for the transportation plan for the year 2030 that the estimated motor vehicle emissions will exceed the MVEB, since little or no safety margin is used or available to establish budgets. {Comment made by the EPA; B35} RESPONSE 163: The MPOs have reviewed the mobile source emission budgets in the plan for 2017 and believe these budgets are adequate for future conformity determinations for years through 2030 and possibly later years barring unforeseen changes in emission modeling practices as presently constituted. COMMENT 164: We do not believe there will be any safety margin in the future, and mobile sources should not count on having a higher emissions budget in the future. Any supposed safety margin should remain with the AQB. {Comment made by Sierra Club, Utah Chapter} RESPONSE 164: The evaluation of a safety margin is documented in the plan. The magnitude of the safety margin is based on the best available emission projections and airshed modeling. Allocation of a portion of the safety margin to Mobile Sources is within the discretion of the Utah AQB, and DAQ staff will recommend that the Board advance the Maintenance Plan including Alternative 1 as the final set of mobile vehicle emission budgets. COMMENT 165: UDOT supports the "Alternative 1" analysis method, which sets the direct PM10 and NOx mobile vehicle emission budget for 2025 and 2017 in Salt Lake County, Ogden City and Utah County. UDOT understands that the new budgets for Salt Lake County and Ogden City can be used for conformity as soon as the EPA conducts its adequacy review and publishes a positive finding in the Federal Register; for Utah County, the previously approved Utah County Mobile Source budgets for 2010 and 2020 remain in place until EPA approves the Maintenance Plan. {Comment made by the Utah Department of Transportation} RESPONSE 165: See response to Comment 164. COMMENT 166: We recommend that the AQB adopt Alternative 1 mobile source emissions budgets for Salt Lake County and Ogden City. WFRC is committed to manage mobile source emissions at a level below the emissions budget proposed. {Comment made by the Wasatch Front Regional Council} RESPONSE 166: See response to Comment 164. COMMENT 167: We request that the AQB approve the Utah County mobile source emission budget of 21 tpd of NOx and 25 tpd of direct PM10 for the year 2017 and beyond. This will allow a small safety margin that will allow us to maintain continuous conformity with low levels of PM10 throughout the life of the Plan. Utah County's population is expected to more than double in the next 30 years; a robust transportation system is required for the transport of goods, worker commutes, tourism and access to all aspects of a healthy society. The safety margin we request can be compared with the margin that stationary source industries have in being permitted for allowable emissions, instead of actual emissions; Table 37 in the Plan shows the

difference between allowable and actual emissions. {Comment made by the Mountainland Association of Governments} RESPONSE 167: See response to Comment 164. COMMENT 168: While the public notice indicates that the Board requests comment on whether or not to allocate part of the safety margin to the motor vehicle emissions budget, the language of Plan (IX.A.10.c(6) indicates that, should the modeling results show that the area would still be maintaining the PM10 standard using the expanded MVEB, Alternative 1 [that is, allocation of the safety margin to the MVEB] would be included. We believe the Board should retain discretion over any safety margin that might be realized rather than committing it irrevocably to the MVEB or any other particular emissions budget. It is impossible to determine today what will be the best use of any such safety margin for 10 or more years into the future. {Comment made by UIENC and endorsed by Kennecott} RESPONSE 168: See response to Comment 164. EMISSION REDUCTION CREDITS: COMMENT 169: On page 37, section IX.A.10.c(4), "Emission Reduction Credits": The intent and meaning of this section is unclear. The text should define Emission Reduction Credits and describe how they were included in the modeling. Also, the second sentence of the text may not be consistent with proper principles for banking emissions. What is the significance of establishing a "baseline for the emission rates relied on" by the maintenance plan? What is the intent of the third sentence? What emission reduction credits is it referring to, and for what purpose are they allowed? Finally, we question whether this statement is adequate to ensure that relevant criteria are met for use of banked emissions for offsets or other purposes. We require that banked emissions be surplus (can't be required to meet another requirement), permanent, and quantifiable. We would expect any valid provision regarding banking of emissions to define relevant terms such as "actual," "quantifiable," "enforceable," "permanent," and "surplus," as well as to adequately describe the process for banking and tracking the use of banked emissions. {Comment made by the EPA; B27} RESPONSE 169: The PM10 maintenance plan uses the term "baseline for the emission rates relied upon by this maintenance plan" in accordance with Section 173(a)(1) of the Clean Air Act that establishes the permitting requirements for nonattainment areas: "173(a)...(1) in accordance with regulations issued by the Administrator for the determination of baseline emissions in a manner consistent with the assumptions underlying the applicable implementation plan approved under section 110 and this part, the permitting agency determines that -(A) by the time the source is to commence operation, sufficient offsetting emissions reductions have been obtained..." The baseline for the SIP is also referred to in 40 CFR Part 51, Appendix S and in EPA's 1986 Emissions Trading Policy Statement. The purpose of this section of the maintenance plan is to establish that the registry of existing emission reduction credits was included in the modeling demonstration for the PM10 maintenance plan. The PM10 maintenance plan refers to "Existing Emission Reduction Credits on file with the DAQ." DAQ maintains a registry of emission reduction credits, and all of the registered credits for PM10, SO2 and NOx were included in the modeling analysis as banked emissions. The PM10 maintenance plan does not establish the requirements and procedures for using or banking

emission offset credits. R307-403 establishes the requirements for permitting of new major sources and major modifications in the PM10 nonattainment area, including the banking provisions and requirements that emissions offsets must meet before they could be used in the permitting process. DAQ is implementing and enforcing this rule in accordance with EPA's interpretation of the rule in the May 5, 1995 approval of Utah's nonattainment NSR rules (FR Vol. 60, 87, pages 22277 - 22283). The registry is provided to facilitate the negotiations of sources that are seeking to use the credits.

COMMENT 170: Kennecott interprets the language on pages 35 and 37, as well as the language in the rules, to preserve the existing Emission Reduction Credits (ERCs) as well as the existing system for banking ERCs from emission reduction for use as offsets in the future. We ask the Division to confirm this interpretation. {Comment made by Kennecott} RESPONSE 170: The emission reduction credits in Utah's registry were included in the modeling for the maintenance plan to preserve these credits in the baseline for the SIP. The PM10 maintenance plan does not establish the requirements and procedures for using or banking emission offset credits. R307-403 establishes the requirements for permitting of new major sources and major modifications in the PM10 nonattainment area, including the banking provisions and requirements that emissions offsets must meet before they could be used in the permitting process. DAQ is implementing and enforcing this rule in accordance with EPA's interpretation of the rule in the May 5, 1995 approval of Utah's nonattainment NSR rules (FR Vol. 60, 87, pages 22277 - 22283). The registry is provided to facilitate the negotiations of sources that are seeking to use the credits. COMMENT 171: The proposed Plan and rules do not indicate any changes in the provisions for emission reduction credit. We request confirmation of this, or an explanation of what changes are expected as a result of this Plan. {Comment made by UIENC} RESPONSE 171: The commenter is correct that the maintenance plan does not change any provisions for emissions offset credits. The requirements for the use of emissions offset credits in nonattainment areas are found in R307-403. A new rule that was proposed to support the goals of the maintenance plan will maintain the offset provisions for SO2 and NOx in Salt Lake and Utah Counties when these areas are redesignated to attainment. The new rule relies on the process and procedures established in R307-403 for establishing and using emission offset credits. CONTINGENCY MEASURES: COMMENT 172: On page 45, line 19, Section IX.A.10.c(10), "Contingency Measures": Per section 175A(d) of the CAA, you must list as potential contingency measures any requirements removed from the SIP for the area. This includes any stationary source limits and requirements that are being removed from the SIP for Salt Lake or Utah Counties. These need not be individually identified. Instead, it can refer to all stationary source requirements that were in effect before adoption of new section IX.H. {Comment made by the EPA; B42} RESPONSE 172: Utah is not removing provisions from the SIP that were needed to attain the standard but are no longer needed to maintain the standard. Instead, Utah is redefining RACM to focus on those emission units that have a significant impact on PM10 levels. The effectiveness of the RACM controls will not change, and the SIP will be more functional. Part H of the

SIP will be submitted to EPA as a SIP revision, not as part of the maintenance plan. When the Utah PM10 SIP was developed in the late 1980's and early 1990's detailed requirements for stationary sources were included in the SIP without understanding the future implications. These details were not necessary to establish RACM in the SIP because it was the larger emission units that affected the modeling demonstration. The level of detail quickly became unmanageable because even minor changes required a SIP revision, and the early SIP revisions that were sent to EPA were never approved. In 2002 the State of Utah submitted a PM10 SIP revision that addressed this problem for stationary sources in Utah County. The SIP was focused on the larger emission units, and the level of detail was reduced. The requirements for smaller sources and smaller emission units were moved to approval orders for the sources, and any future changes to those sources will be subject to the permitting requirements in R307-401, R307-403, or R307-405 (BACT or LAER will be required). EPA approved the SIP revision on December 23, 2002, in part because the revised RACM determination was still valid. The proposed revisions to Part H follow the same approach that was used in the 2002 revision to the SIP. Section 175A of the Act requires the maintenance plan to "include a requirement that the State will implement all measures with respect to the control of the air pollutant concerned which were contained in the State implementation plan for the area before redesignation of the area as an attainment area." DAQ anticipates that EPA will approve the revision to Part H prior to, or concurrently with the approval of the maintenance plan. Therefore, the revised RACM determination would be part of the SIP at the time of approval.

In the future, if Utah determines that RACM is no longer required to demonstrate attainment or maintenance, it would be appropriate to place the RACM requirements in the SIP as contingency measures. COMMENT 173: Any control measure removed from the nonattainment SIP must be included in the maintenance plan as a possible contingency measure. Therefore, Utah should include all the control measures that are proposed for removal, such as the more inclusive stationary source requirements that were included in the original SIP. Utah should consider removing or suspending the use of banked emissions if contingency measures are necessary. The state's banking registry includes large amounts of banked PM, SO₂, and NO_x emissions that could cause problems if these emissions are bought and used by new or expanding sources. {Comment made by Environmental Defense and Utah Chapter, Sierra Club} RESPONSE 173: The response to Comment 172 addresses the issue of including old SIP requirements as contingency measures. The modeling demonstration included all of the PM₁₀, SO₂ and NO_x emissions that are included in the registry, and still showed attainment. In addition, when the area is redesignated to attainment for PM₁₀, the PSD permitting program and the state permitting program will require an impact analysis for new or modified stationary sources to ensure that the NAAQS is maintained. However, if there are future violations of the PM₁₀ NAAQS, section IX.A.10.c of the plan contains contingency measures that will be considered to address the problem, including further controls on stationary sources. The controls selected will depend on the nature of the violation. A summertime dust

problem would require a different solution than a wintertime inversion problem. If the violation is attributed to growth of new sources then changes to the offset provision, such as increasing the offset ratio for PM₁₀ or one of its precursors, may be an option. This approach has already been used as a proactive measure to control the growth of VOC sources in the ozone maintenance area. These types of decisions will be made, as described in section IX.A.10.c of the plan if a future violation of the PM₁₀ standard occurs. CLARIFICATIONS and CORRECTIONS: COMMENT 174: On page 2, section IX.A.10.a(2), there is a typo in the first paragraph. It states "On February 3, 1995, Utah submittal amendments . . ." which should read "On February 3, 1995, Utah submitted amendments . . ." {Comment made by the EPA; B3} RESPONSE 174: DAQ agrees, and will make the appropriate revision. COMMENT 175: The discussion of the Magna monitoring station on page 4 says, "It is largely impacted (at times) by blowing dust from a large tailings impoundment..." We believe this clause should be put in the past tense, because the South Impoundment is no longer in use and has been reclaimed, with vegetation on all but a few hundred acres that are either saturated or under water. It is no longer a source of significant dust, and the North Impoundment is well controlled. We suggest adding a broken vertical line to Figure IX.A.26 between 1988 and 1989 with a caption to indicate the implementation of the new dust controls. {Comment made by Kennecott} RESPONSE 175: The discussion, on page 11 (not page 4), concerns the network of air quality monitors and the siting of individual monitors within the context of the network. The PM₁₀ monitor at Magna is described as being located in a suburban residential area and as being largely impacted (at times) by blowing dust from a large tailings impoundment. It is certainly true that improvements have been made at the tailings impoundment, but when wind speeds become excessive the monitor at Magna is still sensitive to windblown dust from the impoundment. This is evidenced by several exceedances recorded in 2001, 2002 and 2003 (see discussions at Comments 6, 7 and 8). DAQ believes the text on page 11 accurately characterizes the significance of a PM₁₀ monitor at Magna. COMMENT 176: In Part A, page 8, lines 8-11, the text should be modified to address the annual standard in Salt Lake County. {Comment made by Kennecott} RESPONSE 176: DAQ concurs with this suggestion, and will propose additional text as indicated, to read as follows: "Additional information presented in Subsection IX.A.10.b(3) shows that the Salt Lake County PM₁₀ nonattainment area has not violated the 24-hour standard since 1992, nor has it exceeded the annual standard since 1993. It actually attained both standards as of December 31, 1995, and has remained in compliance with the PM₁₀ NAAQS through 2004." See the response to comment 8 for an explanation of the language regarding the 24-hour standard. COMMENT 177: In SIP IX.A.10, on page 12 in line 42, there is a reference to IX.A.10.a(1)(iv). There is no such citation; it should be IX.A.10.a(1)(4). {Comment made by Wasatch Clean Air Coalition} RESPONSE 177: DAQ agrees, and will make the appropriate revision, which should be IX.A.10.a(4). COMMENT 178: On page 12, section IX.A.10.b(1)(d), "EPA Acknowledgement": The relevant discussion is not whether EPA previously determined that the areas (Salt Lake and Utah

counties) were attaining, but whether they are currently attaining the standard. {Comment made by the EPA; B10} RESPONSE 178: Section IX.A.10.b(1)(d) follows sections IX.A.10.b(1) (a) through (c) which do in fact address the question of whether all three areas (Salt Lake and Utah Counties and Ogden City) are currently attaining the standard using the most recent three years of quality assured air quality data. Given however that the language of CAA 107(d)(3)(E)(i) "The Administrator determines that the area has attained the national ambient air quality standard" is in the past tense, the discussion presented in Section IX.A.10.b(1)(d) seems relevant as well. COMMENT 179: On page 12, section IX.A.10.b(1)(c), lines 9 - 12: The State should describe how modeling indicates that the areas are attaining the standard today, not how modeling shows the areas will maintain the standard through 2017. The latter is the maintenance demonstration, a separate requirement. {Comment made by the EPA; B9} RESPONSE 179: The span of the modeling analysis, conducted as part of the maintenance plan, covers the years 2005 through 2017. DAQ will add clarification language to read as follows (beginning on line 11): "It shows that all three nonattainment areas are presently in compliance, and will continue to comply with the PM10 NAAQS through the year 2017." COMMENT 180: On page 12, section IX.A.10.b(2), EPA suggests that this section should mention the recent revision to the Salt Lake SIP that established different budgets for conformity. {Comment made by the EPA; B11} RESPONSE 180: This comment refers to R307-310 that permitted limited trading between the PM10 and NOx budgets derived from the existing PM10 SIP for Salt Lake County. However, as part of the PM10 Maintenance Plan, a new section R307-310-5 is being added that keeps the R307-310 in effect until the day that EPA approves the conformity budget in the PM10 Maintenance Plan. Therefore, this flexibility will no longer be permitted, and it is not necessary to provide any further clarification. COMMENT 181: On page 13, section IX.A.10.b(3)(a) and on page 27, section IX.A.10.b(3)(b)(III), DAQ points out that Ogden City began implementing a voluntary woodburning program. Voluntary measures are not considered in the request for redesignation because such measures are not permanent and enforceable. {Comment made by the EPA; No.s B12 and B15} RESPONSE 181: DAQ understands that voluntary measures are not creditable. Nevertheless, the effect of the program is likely reflected to some degree, along with other creditable measures, in the ambient air quality data trends, and that is why it was mentioned. However, since the point of the exercise is to reasonably attribute the improvement in air quality to emission reductions that are permanent and enforceable, DAQ will simply strike the language to avoid any confusion. On page 13, section IX.A.10.b(3)(a), the change will read as follows: "In the case of Ogden City, there were a number of control measures incorporated into the Utah SIP on either a state-wide basis or as applicable to nonattainment areas in general. As discussed in Subsection IX.A.10.a(1) above, these measures were at least partly responsible for bringing the area into compliance with the PM10 NAAQS. The introduction of these measures (open burning rule, visible emissions rule, fugitive dust rule, and vehicle I/M) was not so abrupt as was the case in the other two nonattainment areas, but Vehicle I/M did begin in 1990 which is relatively coincident

with the peak of measured concentrations for the area. Its effectiveness is seen in all subsequent years." On page 27, section IX.A.10.b(3)(b)(III), the following text will be deleted: "[In addition, Ogden began participating in the woodburning program on a voluntarily basis during the winter of 1993.]" COMMENT 182: On page 14, the text should be corrected to say that the standard has not been VIOLATED since 1992, as there have been exceedances since then. {Comment made by Kennecott} RESPONSE 182: DAQ presumes this comment to actually pertain to the discussion on page 8, lines 8-11. As such, see discussion under Comment 151. COMMENT 183: On page 27, section IX.A.10.b(4), pertaining to section 110 of the CAA and Part D requirements, the text doesn't address part D requirements. DAQ should include some discussion regarding the nonattainment area SIPs. For Ogden, this would probably be a statement regarding anticipated EPA approval...Also, under this same section, last sentence located at the top of page 28, DAQ has confused the citations of EPA's federal register actions dated March 9, 2001 and August 15, 1984. EPA suggests changing this sentence to read as follows: "For further detail, see 45 FR 32575 dated August 15, 1984 (Volume 49, 159) or 66 FR 14079 dated March 9, 2001 (Volume 66, 47)." {Comment made by the EPA; B16} RESPONSE 183: DAQ agrees, and will add the following language to the end of section IX.A.10.b(4): "Part D of the Clean Air Act addresses "Plan Requirements for Nonattainment Areas." One of the pre-conditions for a maintenance plan is a fully approved attainment plan for the area. This is also discussed in section IX.A.10.b(2). For Salt Lake County, the Part D requirements for PM10 were addressed in an attainment SIP approved by EPA on July 8, 1994 (59 FR 35036). For Utah County, the Part D requirements for PM10 were most recently addressed in an attainment SIP approved by EPA on December 23, 2002 (67 FR 78181). For Ogden City, it is anticipated that the Part D requirements for PM10 will be found to have been satisfied via EPA's Clean Data Areas Approach (October 18, 1999)." DAQ will also correct the incorrect Federal Register citation identified in the comment. COMMENT 184: The data for the "Ogden2" monitor that replaced Ogden1-49-057-0001 is not shown in graphs in Section IX.A.10.b(3). {Comment made by the EPA; B17} RESPONSE 184: Section IX.A.10.b(3) of the proposed maintenance plan addresses the role of emissions reductions in the observed improvement in air quality. Ambient data has only been collected at the Ogden2 site since the summer of 2001, and it was thought that this was too short a time span to reveal any significant trends. Nevertheless, the data from Ogden2 could be combined with the data from Ogden1 in the charts that are shown as Figures IX.A.38 and 39. Some text will also be provided in section IX.A.10.b(3)(a) to explain as much. COMMENT 185: On page 27, section IX.A.10.b(4), pertaining to section 110 of the CAA and Part D requirements, DAQ needs to include a discussion of how they've addressed the commitments that were made to EPA by DAQ in a letter dated April 18, 2002 and included in EPA's federal register action approving revisions to the Utah County SIP, dated December 23, 2002 (67 FR 78181). {Comment made by the EPA; B18} RESPONSE 185: DAQ agrees that this information is pertinent to the discussion of the proposed PM10 maintenance plan. However the commitments made in the

above referenced letter are neither section 110 requirements nor Part D requirements, and should not be included in the maintenance plan. COMMENT 186: On page 30, section IX.A.10.c(a), under Meteorological data: The discussion is not clear. An average reader will be unable to understand the chronology and the importance of the discussion. {Comment made by the EPA; B19} RESPONSE 186: In order to provide more information to the average reader, the following text from the TSD will replace the text presently found in section IX.A.10.c(a): "(a) Meteorological data. Recent DAQ meteorological modeling projects using advanced "state of the science" prognostic meteorological models have proven unsuccessful in simulating highly variable Wasatch Front meteorology during inversion conditions. These problems led DAQ to choose a diagnostic meteorological model called the Diagnostic Wind Model (DWM) model for the January 2001 and February 2002 episodes to avert many of the past modeling problems. The DWM assimilates actual observations of wind speed and direction to diagnose and construct a consistent wind field. DAQ embarked on a 4-phase modeling approach in order to develop the most realistic wind fields possible. Each phase of the 4-phase modeling approach utilized unique combinations of observed meteorological data for each analysis. Each of the 4 phases is described below: Phase 1. The DWM model was run utilizing 60-100 surface observing stations, two radiosondes, and two SODARs per day. The surface station data was taken from the University of Utah MESOWEST database and included a wide variety of station types. Phase 1 of modeling utilized only surface stations with an elevation of 5,500ft or lower. The National Weather Service Salt Lake City radiosonde data was used along with two DAQ SODAR units operated in Utah and Salt Lake valleys. It was thought that the multitude of available data would allow DWM to produce representative wind fields. UAM-AERO results showed modeled PM10 values that were only 40-50% of the observed values. Model output evaluation showed that PM10 was being advected out of the Salt Lake Valley (SLV) and the model domain to the SE. Afternoon up-valley NW winds moved PM10 into the mountains to the SE of the SLV. At night, winds became light and variable at most surface stations and as a result were unable to return the PM10 back to the SLV. Additionally, DAQ's hypothesized benefit of having a multitude of surface stations actually induced unrealistic vertical motions due to surface convergence of widely varying wind directions. Phase 2. The failings of phase 1 encouraged DAQ to be more selective of the surface stations used in DWM. First, the Salt Lake Valley SODAR was discarded due to observations that were incongruent with the Utah Valley SODAR and the Salt Lake City radiosonde. Second, DAQ selected only the DAQ operated surface stations. These surface stations are situated in strategic locations across the Wasatch Front. 11 DAQ stations were used. The phase 2 hypothesis was that the more selective set of surface stations might produce a wind field with less convergence and resultant vertical motions. DAQ found that the phase 2 wind fields produce periods of daytime NW winds that advected pollutants out of the SLV. The nocturnal and morning winds were light and variable and were unable to return the pollutants to the SLV. Most of the observations within the SLV show a trend of daytime up-valley flow and

nighttime weak variable flow. In reality, the daytime flow recirculates within the boundaries of the inversion but in UAM-AERO the continuous grid network cannot retain the flow within the open sided grid cells of the SLV. Phase 3. Phase 2 results showed transport of PM10 out of the SLV. Model evaluation clearly showed a direct link with the observation wind direction and speeds. Phase 3 tested the possibility that a single station located in SLV might produce a wind field that has a more even distribution of wind direction and speeds. In other words, is there a station in SLV that is representative of the valley but where daytime winds and nighttime winds balance each other? If so, developing a wind field from a single station may reduce advection out of the SLV. Three separate wind fields were developed in phase 3. These wind fields utilized the centrally located and well sited DAQ Hawthorne and West Valley monitors as well as another well sited but southeasterly located DAQ Cottonwood station. The results of phase 3 modeling again showed advection out of the SLV and the domain. Stronger daytime NW winds compared to nighttime light and variable winds again forced the loss of PM10. b) Phase 4. Phases 1-3 clearly demonstrated the inability of the DWM model to accurately represent the conceptual understanding of inversion conditions. The model deficiencies arise from the model grid-cell structure. The model grid cells are continuous and are unable to "trap" or contain air within an inversion layer. The real wind observations in the SLV do have advective properties that would allow the pollutants to move beyond the boundaries of the SLV under non-inversion conditions. However, under inversion conditions the advective properties of the real wind observations are negated by a forced recirculation of air within the inversion layer by the containing boundaries of the inversion. In phase 4, a purely idealized flow was created in the attempt to retain pollutants in the SLV.

A bimodal wind direction field was created using an afternoon NW wind (330) and an evening, night, and morning SE wind (140). These directions correspond to daytime up-valley flow and nighttime down-valley flow. Wind speeds were chosen so that advection was limited to within the boundaries of the SLV.

This wind field, while idealized, fits the conceptual understanding of inversion conditions. Phase 4 modeling retains PM10 within the SLV and UAM-AERO PM10 results show excellent agreement with the observations."

COMMENT 187: Ambient Air at Kennecott Mine and Copperton Concentrator - The text on page 31, section IX.A.10.c(1)(c), notes that a PM10 NAAQS violation was modeled on a 4 km grid cell that was fully contained on Kennecott's property boundary and therefore the grid cell cannot be considered ambient air. In order to be excluded from consideration as ambient air, public access would need to be precluded by means of a fence or other barrier (such as posting "No Trespassing" signs and security guards). Also any leased property within the Kennecott compound would normally be considered ambient air. The plan language should address these requirements. {Comment made by the EPA; B20} RESPONSE 187: According to officials of KUCC, the mine has a centralized access point for entrance to the Mine operations which is manned by security personnel, 24 hours a day, 7 days a week, 365 days a year. Industrial grade fencing is utilized to prevent unauthorized entry to all Kennecott plants and operations. No trespassing signs are

posted on the fences and additional security supervisory patrol is mobile 24 hours a day, 7 days a week to monitor the fence line. Security is aided by the use of closed circuit TV in certain areas to monitor unauthorized activity. COMMENT 188: Part A, page 36, discusses concentrations greater than 150 u/m that were predicted in two grid cells on KUCC property. We understand that one cell was in the Bingham Canyon mine pit and the other was just north of the pit. The general public does not have access to this area and thus these two grid cells do not represent ambient air. In addition, one cell was in an emission source and the other adjacent to the source. For these reasons, these were inappropriate locations for receptors in a modeling demonstration. {Comment made by Kennecott} RESPONSE 188: DAQ agrees that the two grid cells do not represent ambient air. In a grid-based model ambient concentration are not estimated at receptors but rather each grid cell centroid reports hourly concentrations. Therefore, all of the cells in the modeling domain have estimated concentration whether they have emissions sources located within them or not. COMMENT 189: On page 34, section IX.A.10.c(1)(d), paragraph at the top of the page, 2 and 3 sentence - These sentences suggest that no new control strategies are needed because the 1991 strategies were sufficient to achieve compliance with the 24-hour and annual standards. This misconstrues the point of the maintenance demonstration. It's only because the area can continue to maintain the standard throughout the maintenance period without new control measures that no new measures are needed, not because the area has been meeting the standards with current measures. {Comment made by the EPA; B21} RESPONSE 189: Section IX.A.10.c(1)(d) addresses the demonstration of maintenance with respect to the annual standard for PM10. DAQ acknowledges that the point of the exercise is to demonstrate that a suite of controls is, and will be, sufficient to achieve compliance with the NAAQS. In the case of the annual standard, one follows the other. In other words, because the suite of controls developed to address the 24-hr standard has also proven effective, as assumed, in controlling for the annual standard, we are able to conclude that this assumption was in fact valid. This means that the same assumption may be carried forward into the proposed maintenance plan, which is significant because the UAM-AERO model is built only to assess the 24-hr standard under stagnant wintertime conditions. Since the UAM-AERO analysis models essentially the same suite of controls modeled in the previous CMB analyses, it can therefore be said that this modeling analysis also shows compliance with the annual standard through the year 2017. COMMENT 190: On page 34, section IX.A.10.c(1)(d), second paragraph at the top of the page - DAQ should include text stating that you expect the Ogden area to continue to maintain the annual standard and explain the basis for this expectation. {Comment made by the EPA; B22} RESPONSE 190: The existing language will be expanded upon to read as follows: "The annual PM10 standard was never violated in Ogden City. In fact the highest single value ever recorded (37.6 ug/m³ in 1991) was only 75% of the standard. Furthermore, as shown in Figure IX.A.39, the general trend in the annual arithmetic mean concentrations observed since 1986 is downward. As explained in section IX.A.10.b(3)(b)(iii), this trend is reflective

of permanent and enforceable control measures that were incorporated into the Utah SIP. The continued implementation of these control measures provides a reliable indication that the annual mean concentrations of PM10 will remain well within the standard of 50 ug/m³." COMMENT 191: On page 34, section IX.A.10.c(2), last sentence on this page - DAQ needs to be specific about what bordering region is included in the modeling domain. {Comment made by the EPA; B23} RESPONSE 191: DAQ will add a cross reference to the graphical picture of the modeling domain, which indicates all county boundaries and nonattainment areas, to read as follows: "The modeling domain encompasses all three areas within the state that were designated as nonattainment areas for PM10: Salt Lake County, Utah County, and Ogden City, as well as a bordering region see Figure IX.A.23." COMMENT 192: On page 36, section IX.A.10.c(3), line 16 - The text says, "as determined on a short-term basis." DAQ needs to be specific about the time-frame; e.g., "as determined on a 24-hour basis." {Comment made by the EPA; B24} RESPONSE 192: DAQ will change as follows to clarify: "The larger sources within the modeling domain were modeled at their maximum allowable emissions, as determined on a 24-hour basis." COMMENT 193: On page 37, section IX.A.10.c(3), line 11 - This statement should include a cross-reference to the section of the maintenance plan that describes the maintenance demonstration. {Comment made by the EPA; B26} RESPONSE 193: DAQ will modify the language on page 37 to read as follows: "These conditions demonstrate maintenance through 2017 see subsections IX.A.10.c.(1) and (2)." COMMENT 194: On page 37, section IX.A.10.c(5), line 29 - The text refers to "these emission limitations." DAQ needs to specify which limits it is referring to. {Comment made by the EPA; B28} RESPONSE 194: DAQ will modify the language on page 37 to read as follows: "Since the emission limitations discussed in subsection IX.A.10.c(3) remain federally enforceable and have been sufficient to ensure continued attainment of the PM10 NAAQS, there is no need to require any additional control measures to maintain the PM10 NAAQS." COMMENT 195: On page 37, section IX.A.10.c(5), lines 29 - 31: Use of the past tense - "have been sufficient" - is inappropriate. Change to read, "Since the emissions limitations contained in section 5 data of the SIP remain federally enforceable and are sufficient to ensure continued attainment of the PM10 NAAQS [cross-reference maintenance plan section that describes the maintenance demonstration], there is no need ..." {Comment made by the EPA; B29} RESPONSE 195: DAQ agrees, and will revise the text to read as follows: "Since the emission limitations discussed in subsection IX.A.10.c(3) remain federally enforceable and, as demonstrated in IX.A.10.c(1) above, are sufficient to ensure continued attainment of the PM10 NAAQS, there is no need to require any additional control measures to maintain the PM10 NAAQS." COMMENT 196: On page 43, line 29, reference to IX.A.10.c(1) - Should this be IX.A.10.c(6)? {Comment made by the EPA; B39} RESPONSE 196: DAQ agrees, and will make the appropriate revision. COMMENT 197: On page 45, line 8, Section IX.A.10.c(9) - there is a spelling error. {Comment made by the EPA; B41} RESPONSE 197: DAQ agrees, and will make the appropriate revision. SECTION IX. PART H - EMISSION LIMITS AND OPERATING PRACTICES: GENERAL COMMENTS: COMMENT 198:

(EPA C general 1) The State is proposing to remove various sources and numerous requirements from existing section IX.H. One overarching concern is that the proposed changes are so extensive that they will render the source-specific provisions unenforceable. We're also concerned that the remaining emissions limits and other requirements may not be consistent with the maintenance demonstration. The prior SIP had far more detailed compliance determining provisions. Another very significant and related concern is that the proposed changes, even if they could be found to be consistent with maintenance of the PM10 NAAQS, may negatively impact other NAAQS and CAA requirements. Based on interpretations of section 110(l) that EPA has recently expressed in letters, and anticipated guidance that EPA is drafting, we would like to advise the State that before we could approve the proposed changes, the State would need to demonstrate (possibly through modeling) that the changes would not interfere with attainment, maintenance, or any other applicable requirements of the CAA, not just for PM10, but for other pollutants as well, including SO2, PM2.5, and ozone. The potential impact on PSD increments is also a concern and would have to be addressed in a demonstration of noninterference. Due to time constraints, we cannot detail every issue related to 110(l) in this letter. Instead, it is essential that the State provide an adequate demonstration for all the proposed changes. {Comment made by the EPA} RESPONSE 198: a) The emission limitations in Part H are enforceable. R307-305-4 requires all sources with emission limitations in Part H of the SIP to comply with those emission limitations. All of the source-specific requirements that were not needed to meet the RACM requirement have not gone away. They are included in federally-enforceable approval orders for the affected sources. Any changes at those sources have occurred through Utah's NSR process and have required LAER (BACT for non-major sources) and emissions offsets to compensate for any emission increase. All of the emission limitations in the SIP and the approval orders are subject to Title V permitting requirements for affected sources, further ensuring the enforceability of the underlying requirements. b) The emission limits are consistent with the modeling demonstration. The larger sources were modeled based on their maximum emission rates because these sources are large enough to individually affect the attainment demonstration. If the individual source operated at the maximum level it could affect the NAAQS. The emission limits for these large sources are included in Part H of the SIP. The projection inventories for these sources may be found at section (3)(b)(iii) of the TSD (see also the response to Comments 241 and 247). The smaller sources were modeled based on their actual emission rate because they contribute more to the background level of PM10 rather than affecting the attainment demonstration as a single source. If a small source was operating at its maximum level it would not significantly affect PM10 levels and most likely another source would be operating at a reduced level to counteract the impact on background levels in the attainment demonstration. c) It is difficult to respond to a comment regarding EPA guidance that has not yet been released. DAQ staff has not developed this maintenance plan in a vacuum without consideration of the effect of this plan on other pollutants. DAQ is currently working on a revised ozone maintenance plan for ozone (due

in April 2007) to demonstrate that Salt Lake and Davis Counties will continue to meet the 8-hour ozone NAAQS. Current ozone monitoring data show on-going improvement in ozone levels in the area. Preliminary inventory numbers for that plan show that NOx emissions in the maintenance area will be declining significantly over the next 10 years as more vehicles meet the Tier 2 emissions standards. The State of Utah submitted an SO2 maintenance plan in January of this year that was developed concurrently with the PM10 maintenance plan and that showed maintenance of the standard for the next 10 years. Current monitored values of SO2 are less than a 10 of the standard. Utah also just submitted a regional haze SIP in December 2003 that addressed visibility-impairing pollutants in the state through the year 2018. The pollutant that is of most concern to DAQ at this point in time is PM2.5. The good news is that the control strategies in the both the 1981 TSP SIP for the Wasatch Front, and the 1992 PM10 SIP for Salt Lake and Utah Counties have been focused on the smaller sized particles, and have therefore significantly reduced PM2.5 levels over the last 30 years. The PM10 maintenance plan shows continued improvement in the near term as more vehicles meet the Tier 2 emissions standards. Because so much of PM10 during wintertime temperature inversions is due to fine particles DAQ anticipates that improvement will be seen in PM2.5 levels as well. Now that the PM10 maintenance plan has been completed, DAQ can focus the State's technical resources on better understanding and addressing PM2.5. All of these related SIPs work together to show that the overall pollution control strategy in Utah is working. It is not necessary to do a separate analysis of how each plan affects the others because this work is proceeding concurrently and DAQ deliberately focuses on emission reduction strategies that will meet multiple air quality goals. d) In regards to PSD, the total emissions of PM10 and PM10 precursors have gone down significantly since 1990 due to the PM10 SIPs, ozone maintenance plan, Tier 1 and Tier 2 emission standards for automobiles, federal acid rain regulations, and on-going reductions due to Utah's effective NSR program. DAQ has not done a formal increment analysis, but it is clear that increment has been expanded in the area since 1990 for NOx and since 1979 for SO2 and PM10. The proposed revision to the major source baseline date (see Comment No. [128] for a more detailed discussion) is intended to make the PM10 and SO2 increments a useful tool to prevent air quality from slowly degrading in the area to the level of the NAAQS. COMMENT 199: The State of Utah prepared a projection year inventory for large point sources, as defined by an agreement between the State and EPA (100 tons per year of PM10, 200 tpy of NOx, or 250 tpy of SO2). The maintenance plan (at page 36, section IX.A.10.c(3), lines 17 and 18) indicates that emission limits in Section IX, Part H were only included for large point sources that are located in one of the PM10 nonattainment areas or that currently have limits in Section IX, Part H. The basis for not including limits for other large sources listed in the projected inventory does not appear to be technically defensible. As a starting point, we would expect large sources included in the modeling domain to be given emissions limits in the SIP. Any exclusion must be based on valid technical grounds. This is also relevant to the commitments made by DAQ in its letter to the

EPA dated April 18, 2002. {Comment made by the EPA; B25, includes EPA comments D1 and I3} RESPONSE 199: The identification of a subset of "large sources" for inclusion in Part H is less arbitrary than it may seem. It is important to recognize that the demonstration of maintenance was based on the UAM-AERO model which is regional in scale. Figure IX.A.23 of the proposed Maintenance Plan shows the domain that was modeled, and shows within that domain the outline of the current nonattainment areas. [A figure was provided to show the location of the "large sources" within the domain.] During the course of Plan development, various sensitivity runs were made to ascertain the effects of adjustments that could be made to the projection year inventories. One of the questions that was addressed during the course of this work was the spacial sensitivity of the receptors to adjustments made to the inventories of the "large sources." The inventory adjustment used to address this question involved a choice of two possible sets of projections: 1) the "PTE" approach that was ultimately used and documented as part of the proposal, and 2) the "traditional method" of projecting actual emissions that was employed at the "small sources" throughout the domain. As a general rule, the PTE method results in projection year inventories that are about 2 times as large as those calculated in the traditional way. Using this difference in approach, two sensitivity runs were made with the model. First, a subset of six large sources located nearest to the grid cells (near North Salt Lake) that were predicting the highest concentrations were "discounted" by switching from the PTE approach to the traditional approach. This model run yielded predicted concentrations that were 9% lower than benchmark concentration. A second run was made, wherein a subset of nine large sources located in the outlying regions of the modeling domain were similarly discounted. This time there was no difference in the maximum concentrations predicted by the model. It could therefore be concluded that the impact of large sources within the model is greatly limited in space. The list of (nine) sources that was discounted in the second modeling run is identical to the list of sources that was excluded from Part H, with only two exceptions. Payson City Power was discounted in the sensitivity run, but has been included in Part H because it resides in Utah County (a nonattainment area). Desert Power L.P., located right by U.S. Magnesium (which is excluded from Part H), was also excluded from Part H. Emissions from this source were not discounted in the sensitivity run, though based on the criteria they should have been. The difference in projected emission rates for these sources clearly has no effect on the concentrations predicted by the model in the Salt Lake nonattainment area; and by extension has no effect in the Utah County nonattainment area as well, given that these nine sources are all well north of the county line. It therefore cannot be said that the Maintenance Plan has relied upon the emission rates modeled therein to demonstrate continued compliance with the PM10 standard. It follows then that emission limits are not necessary at these sources to legally support the assumptions used to make the assertion that the NAAQS will be maintained in these areas. Nevertheless, one might still wonder about the validity of these claims with respect to the Ogden City nonattainment area. Looking back at these same sensitivity runs, the difference in predicted concentrations at the Ogden City monitor was less than one

percent and less than one microgram per cubic meter. Hence, the same conclusion is reached here as well. As further support for this notion, a report commissioned by DAQ in the SIP development stage for Ogden titled "Source Apportionment Analysis for the Ogden PM10 Nonattainment Area (SECOR, July 1998) concluded the following: "The filter analysis data obtained from the Ogden City monitor was sufficient to resolve PM10 source contributions from primary motor vehicle exhaust, primary vehicle brakewear and re-entrained roadsalt, woodburning smoke, secondary sulfate and secondary nitrate. In addition these measurements were sufficient to determine that industrial sources were not major contributors to PM10 measured at the monitor." The evaluation was done using the Chemical Mass Balance model (CMB 7.0). Speaking specifically about industrial sources, the report says "As indicated in the source profile section discussed previously there were source profiles available for all of the major industries including steel mill, copper smelter, refinery, asphalt, cement, and grain processing to name a few. Repeated attempts were made to achieve a fit from these sources by eliminating other collinear sources, changing fitting species, or other CMB modeling tuning methods. The CMB model was not able to resolve any of the major industrial sources which are located along the Wasatch front as contributors to the exceedances at the Ogden monitor." In conclusion, it is worth noting that SIP limits at these sources were never necessary to bring any nonattainment area for PM10 back into compliance with the NAAQS, and it cannot be shown that they will be necessary now to insure maintenance of the PM10 standards throughout the period addressed by the Maintenance Plan. All "large sources" within the modeling domain were modeled in a very conservative way (see the "jump" in Point Source emissions between the episode year 2002 and the first projection year 2005 shown in Table IX.A.37 on page 36) so that the modeling result would itself have some measure of conservatism built in to it. This however is not reason alone to require that emission limits at those sources be included in the SIP. Furthermore, the nine sources excluded from Part H are, and will continue to be, regulated by Approval Orders, state and federal regulations, and in some cases Part 70 permits. This is sufficient to meet all requirements of the Clean Air Act. COMMENT 200: EPA requests that DAQ submit a redline/strikeout of the final version of Section IX. Part H, to show exactly where DAQ has made changes in Section IX. Part H as compared to what is currently contained in the federally approved SIP section 9.A, Appendix A, including any changes to the source specific particulate emission limitations. {Comment made by the EPA; C general 2} RESPONSE 200: We will work with EPA to accomplish what they need. The software DAQ has available doesn't create a readable comparison document. This is aggravated by the fact that the original Part H is a WordPerfect document; our version of Word does not deal well with WordPerfect documents that include a great deal of formatting, as Part H does. SIP SECTION IX.H.1 - GENERAL REQUIREMENTS: SOURCE TESTING: COMMENT 201: On page 1, section IX.H.1.a. - This section says "back half condensibles are required for inventory purposes." This language is currently approved into the existing SIP. However, DAQ has never implemented this requirement. The SIP should also indicate that back half emissions must be

considered in permit impact and applicability analyses and other applicability analyses under the SIP and CAA. This is also relevant to the commitments made by DAQ in its letter to the EPA dated April 18, 2002. If the State believes that back-half condensibles and Method 202 testing will not have a substantial impact on the countywide emission inventories or attainment/maintenance demonstrations, the State should explain why not. {Comment made by the EPA; C1, includes EPA comment 18} RESPONSE 201: The language in existing section IX.H requires back-half condensibles to be measured for inventory purposes using method 202 or other method specified by the Executive Secretary. It is not true that DAQ has never implemented this requirement. To the contrary, DAQ has been requiring the back-half test results ever since the PM10 SIP was promulgated. This dates back to before method 202 was even approved by EPA. Concerning permitting actions, DAQ currently requires back-half testing for compliance purposes on all coal fired power facilities as well as gas fired turbines that meet PSD applicability. DAQ also routinely considers back-half emissions in determining applicability to various program elements (e.g. major source determination). Concerning the commitments made by DAQ in its letter to the EPA dated April 18, 2002, "Backhalf emissions measuring for PM10 emissions limit stack testing"; the requirement to test for back-half condensibles for inventory purposes will remain in the maintenance plan. However, using the back-half catch for compliance purposes will not become part of this maintenance plan. DAQ has examined that possibility but concluded it would not be prudent to do so for the following reasons: 1) Although the "back-half catch" is incorporated into many of the emission factors included in AP-42, and consequently in the inventories used in the modeling demonstration, there are still many factors that do not consider this fraction. Consequently, it is used inconsistently throughout the inventory. 2) Similarly, the many emission limits that were established in Part H are inconsistent with respect to their inclusion of back-half emissions. To generally require the subsequent method of compliance determination to count the back-half catch against the established emission limit would unfairly penalize some of the sources. 3) These are "PM10" emissions that aren't present in the stack under stack conditions. 4) It is widely understood that many of the back-half condensable emissions measured by method 202 are either gaseous SO₂ or VOC compounds. In many instances there are concurrent emission limits on SO₂ or VOC, and this would constitute double-counting. In summary, DAQ is aware of back-half emissions, and will continue to consider them in forthcoming permit actions. Should the need arise to promulgate a PM_{2.5} SIP, it may be appropriate to consider these emissions for planning purposes at that time. COMMENT 202: On page 2, section IX.H.1.a, the last sentence indicates that the production rate during compliance testing shall be no less than 90% of the maximum production achieved during the previous three years. This provision should say 90% of the maximum production achieved in the previous three years or 90% of the design capacity, whichever is greater, or the State should explain why the current provision is adequate. {Comment made by the EPA; C2} RESPONSE 202: DAQ believes that the current provision is adequate, and is reflective of normal operating conditions. The provision is consistent with the

Utah Air Quality Rules and consistent with the provision in the PM10 SIP. The same provision was re-approved into the Utah County PM10 SIP, by EPA, as recently as 2002. OPACITY: COMMENT 203: On page 2, section IX.H.1.g, the last sentence indicates that for intermittent sources the requirement to make observations at 15-second intervals over a six minute period shall not apply. The State should clarify what will apply. This issue appears wherever the SIP or regulations specify opacity limits that might apply to intermittent sources. The State should clarify these other provisions as well. {Comment made by the EPA; C3} RESPONSE 203: Many commentors expressed concern with the proposal to refine the method used to determine opacity from intermittent or moving sources. As a result, DAQ will revert back to the existing language found in R307-201-3(9) wherever it applies. As presently construed, all other aspects of method 9 would apply to this method. COMMENT 204: There is a small revision regarding opacity observations. The current language (IX.H.2.a.C): "For intermittent sources and mobile source emissions opacity observations shall be conducted using a modified method 9 (not all 24 readings for a six-minute period required)." The new language is found in IX.H.1.g: "For intermittent sources and mobile sources opacity observations shall be conducted using procedures similar to Method 9, but the requirement for observations to be made at 15-second intervals over a six minute period shall not apply and any time interval with no visible emissions shall not be included." The new wording may be somewhat less vague than the old, but it does not remedy the serious objections KUCC has repeatedly expressed concerning this requirement. In summary, any modified form of Method 9 (used as an enforcement standard for intermittent or mobile sources, as opposed to a trigger for further action, is not a verifiable method, is not an approved method, and imposes a standard more restrictive than corresponding federal regulations and, according to Utah Code 19-2-106, cannot be maintained without a written finding after public comment and hearing and based on evidence in the record, that corresponding federal regulations are not adequate to protect public health and the environment of the state. Also, it appears that sources now addressed in Part H do not include intermittent or mobile sources, so that there is no need to address opacity observations for them. Therefore, the second sentence of IX.H.1.g should be deleted. {Comment made by Kennecott} RESPONSE 204: As explained in the response to comment 60, DAQ will revert back to the existing language wherever it appears. See also the response to comment 115 for further discussion concerning the proposed rule revisions. COMMENT 205: UIENC and others have raised serious issues over the years over similar methods for assessing opacity from mobile and intermittent sources. This proposal is not specific as to how the modified Method 9 test would be conducted, whether a specific number of readings must be taken and at what intervals, nor whether certification would be required for observers. EPA has never completed its 1993 proposal for opacity observations from intermittent sources; and that raises questions as to whether DAQ can, in view of 19-2-106, issue a rule that is more stringent than the federal requirement. {Comment made by UIENC} RESPONSE 205: As explained in the response to comment 60, DAQ will revert back to the existing language wherever it appears. See also

the response to comment 115 for further discussion concerning the proposed rule revisions. FUGITIVE DUST: COMMENT 206: Within the existing federally-approved SIP section IX.H.1.a.H there is a control measure addressing the treatment of unpaved roads in operational areas which are used by mobile equipment. This language is missing from the proposed SIP section IX.H.1. If DAQ intends to remove this control measure from the existing SIP, it will need to correct the statement that Utah will continue to implement all control measures contained in the SIP. Furthermore, Utah will need to supply a demonstration that removal of the measure will not interfere with any requirement of the CAA, including requirements for attainment and maintenance of other NAAQS (see section 110(l) of the CAA), and will need to list the control measures within the contingency plan under section IX.A.10.c.(10) of the maintenance plan (see section 175A(d) of the CAA). {Comment made by the EPA; C general 3} RESPONSE 206: Sources of fugitive dust located in the Maintenance area are required to have a fugitive dust plan, see R307-309-6. DAQ has found that fugitive dust plans work better than this provision. Fugitive dust plans are developed for each source. Thus, the fugitive dust plans can be tailored to address a source's unique issues, and thereby controlling fugitive dust better than one arbitrary requirement. For example, the water application rate to control fugitive dust for an unpaved operational area located in St. George will be different from one located in Heber. However, to ensure that there is a minimum dust control requirement in the SIP, DAQ will include the following condition in the SIP at Section IX.H.1.h that requires sources to control fugitive dust on all unpaved operational areas and keep records of the treatments used to control fugitive dust: "h. All unpaved roads and other unpaved operational areas that are used by mobile equipment shall be water sprayed and/or chemically treated to control fugitive dust. Treatment shall be of sufficient frequency and quantity to maintain the surface material in a damp or moist condition, unless the ambient temperature is below freezing. The opacity shall not exceed 20% during all times. If chemical treatment other than magnesium chloride is to be used, the plan must be approved by the executive secretary. Records of water and/or chemical treatment shall be kept for all periods when the plant is in operation. The records shall include the following items: A. Date; B. Number of treatments made, dilution ratio, and quantity; C. Rainfall received, if any, and approximate amount; and D. Time of day treatments were made. Records of treatment shall be made available to the executive secretary upon request and shall include a period of two years ending with the date of the request." REFINERIES; GENERAL REQUIREMENTS: COMMENT 207: On page 2, section IX.H.1.h(1)(a) says that SRU efficiency shall be estimated and reported a minimum of once per year. We don't believe this is adequate to protect the NAAQS. {Comment made by the EPA; C5} RESPONSE 207: The annual estimation of SRU efficiency was not required in the current PM10 SIP. It has been added to several of the refinery permits over time. The inclusion of this requirement is an inclusion of the permit condition. Further, the 95% is the design requirement for the sulfur recovery units at the refineries. The emission limit for each SRU was determined by taking 5% of the maximum sulfur input to each unit. The emission limits control what is emitted to the air shed. As long

as those limits are not exceeded, the NAAQS are protected. COMMENT 208: On page 2, section IX.H.1.h.(1)(a) - This section indicates that the relevant requirement (95% sulfur removal efficiency) applies "except for startup, shutdown, or malfunction of the SRU." This is not acceptable. EPA cannot approve provisions into SIPs that provide automatic exemptions from emission limits due to startup, shutdown or malfunction. This also applies to: 1) proposed section IX.H.1.h.(1)(b): which indicates that the relevant requirement (reducing the H2S content of the refinery plant gas to 0.10 grain/dscf (160 ppm) or less) applies "except for startup, shutdown, or malfunction of the amine plant" {Comment made by the EPA; C6, includes EPA comments C7 and C12} RESPONSE 208: DAQ took this condition from EPA Consent Decrees. In Consent Decrees with the two largest refineries, startup/shutdown/malfunctions are exempt from requirement for 95% efficiency. 40 CFR 60 Subpart A also allows such an exemption from Subpart J, Standards of Performance for Petroleum Refineries. 40 CFR 63.6(h)(1) also allows this exemption. The Consent Decree between BP-Amoco and EPA, dated 8/2/02 (<http://www.usdoj.gov/enrd/bpcd.htm>), requires that "BP shall comply with a 95% recovery efficiency requirement for all periods of operation except during periods of startup, shutdown, or malfunction of the SRP." [clause 21.B.iv.a]. This Consent Decree was signed by "STEVEN A. HERMAN, Assistant Administrator for Enforcement and Compliance Assurance, United States Environmental Protection Agency, Washington, D.C. 20460" - this is the same Steven Herman responsible for the 1999 guidance "State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown." Since the Consent Decree is dated more recently, and federal regulations still allow the situation discussed here, DAQ sees no conflict with federal guidance. The recently-drafted (2003) Consent Decree with Chevron requires: "16. Compliance with Specific SO2 Emission Limits (El Segundo, Hawaii, Pascagoula, and Salt Lake City FCCUs): "e: SO2 emissions during periods of Startup, Shutdown, or Malfunction shall not be used in determining compliance with the emission limit of 50 ppmvd SO2 at 0% O2 on a 7 day rolling average basis, provided that during such periods Chevron implements good air pollution control practices to minimize SO2 emissions." "48. Compliance with Emissions Limits at the Salt Lake City SRP. . With respect to the Salt Lake City SRP, Chevron shall comply with a 95% sulfur recovery efficiency requirement for all periods of operation except during periods of startup, shutdown or Malfunction of the SRP." (<http://www.epa.gov/compliance/resources/decrees/civil/caa/c/chevron-cd.pdf>) 40 CFR 60 Subpart A at 60.8(c) states "Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard." Subpart J does not "otherwise specify." 40 CFR 63 at 63.6(h)(1) states: "(h) Compliance with opacity and visible emission standards- (1) Applicability. The opacity and visible emission standards set forth in this part must apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise

specified in an applicable subpart. If a startup, shutdown, or malfunction of one portion of an affected source does not affect the ability of particular emission points within other portions of the affected source to comply with the opacity and visible emission standards set forth in this part, then that emission point shall still be required to comply with the opacity and visible emission standards and other applicable requirements." See also, "Proposed Rule Revisions:" (Excess Emissions), Comments 113 and 114 for further discussion.

COMMENT 209: IX.H.1.h.(1)(e): opacity at catalytic cracking units - This section indicates that the opacity for catalytic cracking units shall not exceed 20% if Method 9 is the compliance determination method, and 30% if a continuous opacity monitoring system (COMS) is the compliance determination method. The requirement regarding the 30% opacity and COMS is new and was not in the original 1991 PM10 SIP. We have two concerns with this provision: First, before we could approve a relaxation in the opacity limit to 30%, the State would need to demonstrate that the relaxation would not interfere with any applicable requirement concerning attainment and reasonable progress (as defined in CAA section 171) or any other applicable requirement of the Act, including maintenance. See CAA section 110(l). Second, as a general matter, the opacity limits should not vary based on the method used to determine compliance. We do not accept the proposition that a switch to COMS renders an opacity limit more stringent. {Comment made by the EPA; C10}

RESPONSE 209: DAQ was attempting to be consistent with federal standards and to avoid a credible-evidence issue with the two standards. However, the data required to justify a relaxation of the opacity limit to 30% is not readily obtainable in the time allowed. DAQ will remove the 30% with COMS option, and return to the current 20% opacity with Method 9 as the compliance method in IX.H.1.h.(1)(e). If the required data become available, DAQ will readdress the issue at that time. The 20% opacity is clarified to read as follows to show that all refineries must meet the same opacity limit, regardless of facilities or installations between the regenerator and the exit point. "(e) not exceed 20% opacity at any process flare. Opacity at catalytic cracking units, including those with ESP facilities, shall not exceed 20%, with compliance to be determined in accordance with Subsection (g) above."

COMMENT 210: IX.H.1.h.(2): Compliance demonstrations for refinery wide emission limits - Subsection IX.H.1.h.(2)(a) says "Compliance with the maximum daily (24-hr) plantwide emission limitations for PM10, SO2 and NOx shall be determined by adding the calculated emission estimates for all fuel burning process equipment to those from any stack-tested or CEM-measured source components." This language is not specific enough to be enforceable as a practical matter. For the fuel burning process equipment, standard language from current Approval Orders for the refineries is much more specific and should be used in this section. For the fuel burning process equipment, since this language is standardized for all the refineries, we recommend it be included in the General Requirements at IX.H.1, rather than under each refinery in IX.H.2 as was done in the original PM10 SIP. This will avoid redundancy. Specifically, this has been proposed as "multiplying the quantity of each fuel burned at the affected units by the appropriate emission factor for that fuel and summing the results." This is not specific

enough to be enforceable. It should be made clear how the quantity of fuel combusted is to be determined and how the appropriate emission factor is to be determined. This comment applies to the following locations within the proposed section IX.H.2: For Chevron: plantwide PM10 limit, Subsection IX.H.2.c.(1); plantwide SO2 limit, Subsection IX.H.2.c.(2)(a), also the phrase "and summing the results for the affected units" should be added. plantwide NOx limit, Subsection IX.H.2.c.(3)(a) also the phrase "and summing the results for the affected units" should be added. For Flying J/Big West Oil Co. plantwide PM10 limit, Subsection IX.H.2.d.(1), also the phrase "and summing the results for the affected units" should be added. plantwide SO2 limit, Subsection IX.H.2.d.(2)(a)(ii), also the phrase "and summing the results for the affected units" should be added. plantwide NOx limit, Subsection IX.H.2.d.(3)(a)(ii), also there is no statement about how emissions from the fuel burning process equipment are to be determined. For Holly: plantwide PM10 limit, Subsection IX.H.2.h.(1), also the phrase "and summing the results for the affected units" should be added. plantwide SO2 limit, Subsection IX.H.2.h.(2), also the phrase "and summing the results for the affected units" should be added. plantwide NOx limit, Subsection IX.H.2.h.(3)(a), also the phrase "and summing the results for the affected units" should be added. For Tesoro: plantwide PM10 limit, Subsection IX.H.2.q.(1). plantwide SO2 limit, Subsection IX.H.2.q.(2)(a)(ii), also the phrase "and summing the results" should be added. plantwide NOx limit, Subsection IX.H.2.q.(3)(a), also the language should be more consistent with the others. {Comment made by the EPA; C11}

RESPONSE 210: DAQ proposes to include additional compliance information in IX.H.1.h.2(a) regarding emission factors as shown below. Also, the source-specific sections cited in the above EPA comments have been edited to read as follows to make the compliance demonstrations more consistent with each other and EPA's proposed changes: "(2) Compliance Demonstrations. (a) Compliance with the maximum daily (24-hr) plant-wide emission limitations for PM10, SO2, and NOx shall be determined by adding the calculated emission estimates for all fuel burning process equipment to those from any stack-tested or CEM-measured source components. NOx and PM10 emission factors shall come from AP-42 or test data. For SOx, the emission factors are: Natural gas: EF = 0.60 lb/MMscf; Propane: EF = 0.60 lb/MMscf. Plant gas: the emission factor shall be calculated from the H2S measurement required in IX.H.1.h(1)(b). The emission factor, where appropriate, shall be calculated as follows: $EF \text{ (lb SO}_2\text{/MMscf gas)} = (24 \text{ hr avg. ppmv H}_2\text{S})/10^6 * (64 \text{ lb SO}_2\text{/lb mole}) * (10^6 \text{ scf/MMscf}) / (379 \text{ scf / lb mole})$. Fuel oils (when permitted): The emission factor shall be calculated based on the weight percent of sulfur, as determined by ASTM Method D-4294-89 or approved equivalent, and the density of the fuel oil, as follows: $EF \text{ (lb SO}_2\text{/k gal)} = \text{density (lb/gal)} * (1000 \text{ gal/k gal)} * \text{wt. \% S}/100 * (64 \text{ lb SO}_2\text{/32 lb S})$. Where mixtures of fuel are used in an affected unit, the above factors shall be weighted according to the use of each fuel." SRU TURNAROUND AND UPSET FLARING EMISSIONS: COMMENT 211: Sections IX.H.1.h.(2)(e) and (f) - These sections say that the emissions increase (above normal operations) experienced during SRU routine turnarounds, as well as emissions due to upset flaring,

shall not be included in the daily (24-hr) or annual compliance demonstrations. DAQ needs to address the refinery SRU and flaring issue in the Utah SIP. We partially approved and partially disapproved the Billings/Laurel SO₂ SIP for several reasons, including the fact that the flare emissions were considered in the attainment demonstration but the SIP did not establish enforceable emission limits for these emission points. This is also relevant to the commitments made by DAQ in its letter to the EPA dated April 18, 2002. {Comment made by the EPA; C6; includes EPA comments C7, C12 and I5} RESPONSE 211: Concerning SRU maintenance downtime, Part IX.H of the proposed SIP does not excuse any emissions increase above normal operations at the refineries during routine turnaround maintenance of the sulfur recovery units, unless such maintenance is scheduled during the period of April 1 through October 31. These summer months lack the cold temperatures and other atmospheric conditions necessary to drive secondary aerosol formation from PM₁₀ precursors such as SO₂. This seasonal approach is consistent with that of the approved SIP, but the proposed SIP revision has essentially added the month of March to the "winter PM₁₀ season." Concerning flares: DAQ has established enforceable limits regarding flares. Under recent consent decrees with a majority of the refineries in the PM₁₀ Maintenance Area, EPA has negotiated federally enforceable language requiring injunctive relief for flares at Salt Lake's refineries. Requirements that have been inserted into the federally enforceable permits include applying the requirements of 40 CFR Part 60, Subpart J, "Standards Performance at Petroleum Refineries" for flaring devices and the requirements to investigate acid gas and tail gas flaring incidents, perform a root cause analysis of the incident and take corrective actions to minimize the likelihood of reoccurrence. The State's position is that the injunctive relief in the consent decrees is adequate to address emissions from flares at the Salt Lake refineries. COMMENT 212: Flares at refineries should not be exempt from site-wide caps and should be used only for their permitted uses: true emergencies. Flares are a significant episodic source of toxic emissions, particularly when wind prevents complete combustion. Each flare should have a flow meter at the inlet and the waste gas composition should be recorded. Accurate inventories of sulfur content in flare fed streams should be collected and critically analyzed; each flare should be video-monitored and the images preserved. Ambient monitoring should be conducted to determine the effects of wind speed and direction on combustion efficiency and to provide realistic emission factors to calculate the emissions of particulate matter and hydrocarbons. These projects could be undertaken as Supplemental Environmental Projects as settlements for Notices of Violation as they occur. All information should be available to the public, as is done by the Bay Area Air Quality Management District in California; see their web site at <http://www/baaqmd.gov>. {Comment made by Wasatch Clean Air Coalition} RESPONSE 212: See response to Comment 211. COMMENT 213: The refineries should install some type of monitoring devices at the flares, because they emit large amounts of measured and unmeasured SO₂, NO_x, VOC and particulates annually. Also, their combustion efficiency can be much lower, in certain conditions such as high wind speeds, than their historically

assumed 98% destruction efficiency. Areas requiring flare monitoring for other pollutants include Billings, MT; California; and Houston, TX. The Billings SO₂ SIP requires use of continuous emissions monitoring on refinery flares to measure H₂S concentrations. Air quality management districts in California require flow monitors and video monitors. Texas requires continuous flow monitoring systems at flares to measure and record emissions of highly reactive volatile organic compounds (HRVOCs). Monitoring particulates would require different monitoring devices by the above examples provide a precedent for monitoring flare emissions. {Comment made by Environmental Defense and Utah Chapter, Sierra Club} RESPONSE 213: See response to Comment 211. CLARIFICATIONS and CORRECTIONS: COMMENT 214: On page 2, section IX.H.1.h(1) - refers to the "PM₁₀ nonattainment area." This should be revised to "PM₁₀ maintenance area." {Comment made by the EPA; C4} RESPONSE 214: DAQ will clarify the statement to cover either situation. The sentence at IX.H.1.h.(1) will be revised to read as follows: "All petroleum refineries in or affecting the PM₁₀ nonattainment/maintenance area shall..." COMMENT 215: IX.H.1.h.(1)(b): H₂S content in plant gas at petroleum refineries - The term "plant gas" needs to be defined in the SIP. In section IX.H.1.h.(1)(b), the term apparently means only the fuel gas at refineries which is run through the amine unit for H₂S removal. However, in the Approval Orders for the refineries (example: condition 15.A of the April 8, 2005 AO for Chevron), the term could be construed to mean not only the fuel gas which requires H₂S removal at the refinery, but also pipeline quality natural gas supplied from outside the refinery. Also, the statement that "Compliance shall be based on a rolling average of 24 hours or less" needs to be reworded to make it clear what specific averaging time shall be used. The expression "24 hours or less" is not specific. {Comment made by the EPA; C8} RESPONSE 215: "Plant gas" as used in this document is intended to have the same meaning as "fuel gas," as defined in 40 CFR Subpart J at 60.101(d): "Fuel gas means any gas which is generated at a petroleum refinery and which is combusted. Fuel gas also includes natural gas when the natural gas is combined and combusted in any proportion with a gas generated at a refinery. Fuel gas does not include gases generated by catalytic cracking unit catalyst regenerators and fluid coking burners." The terms "plant gas," "common refinery fuel gas" and "fuel gas" were used interchangeably in the current PM₁₀ SIP and approval orders. Refinery representatives in the noted meeting agreed on use of the Subpart J language. The averaging time for the H₂S limit was stated as "24 hours or less" to allow for use of records of the 3-hr averaging time required in Subpart J at 60.105(e)(3). Refinery representatives agreed to deleting the phrase "or less," in order to maintain consistency with the usual PM₁₀ averaging period. The language in condition IX.H.1.h.(1)(b) will be changed to read as follows: "(b) reduce the H₂S content of the refinery plant gas to 0.10 grain/dscf (160 ppm) or less, except during startup, shutdown, or malfunction of the amine plant. Compliance shall be based on a rolling average of 24 hours. The owner/operator shall install and maintain a continuous monitoring system for monitoring the H₂S content of the refinery plant gas and a continuous recorder to record the H₂S in the plant fuel gas. The monitoring system shall comply with all applicable sections of

R307-170 and 40 CFR 60, Appendix B, Specification 7. As used herein, refinery "plant gas" shall have the meaning of "fuel gas" as defined in 40 CFR 60, Subpart J, and may be used interchangeably. If the monitor reading is not available, the refinery plant gas shall be sampled as closely to the monitor location as safely possible at least once each day. The sample shall be analyzed for sulfur content by use of a chemical detector tube capable of reading the required concentration (e.g., Dräger Hydrogen Sulfide 1/D or equivalent). For natural gas, compliance is assumed while the fuel comes from a public utility." COMMENT 216: IX.H.1.h.(1)(c): The State has inserted the phrase "in external combustion equipment." We need to understand the basis for this change to determine whether it is appropriate. {Comment made by the EPA; C9} RESPONSE 216: In IX.H.1.h.(1)(c), the text states that refineries "may no longer burn fuel oil in external combustion devices...." The point sources affected by this restriction are intended to be the fuel gas combustion units, such as boilers and furnaces, that combust at atmospheric pressure. There was concern from the refineries that the prohibition as stated in the current SIP ("no longer burn fuel oil" without clarification) did not allow for use of diesel engines used in the refineries. All cited concerns were internal combustion units, so the phrase "in external combustion equipment" was added to the intended restriction. "External combustion" shall be defined in IX.H.1.h.(1)(c) to incorporate the wording of R307-413-4(1): "(c) no longer burn fuel oil in external combustion equipment, except during periods of natural gas curtailment or as specified in IX.H.2. External combustion shall mean combustion that takes place at no greater pressure than one inch of mercury above ambient pressure." COMMENT 217: IX.H.1.h.(3)(b) - This section should refer back to IX.H.1.h.(2)(e), not (f). {Comment made by the EPA; C13} RESPONSE 217: DAQ agrees, and will make the appropriate correction to condition IX.H.1.h.(3)(b). SIP SECTION IX.H.2. - SOURCE SPECIFIC PARTICULATE EMISSION LIMITATIONS: IX.H.2.A. BOUNTIFUL CITY POWER. COMMENT 218a. Subsection IX.H.2.a.(1)(a) contains a NO_x emission limit of 0.0721 tons/day for a turbine (equivalent to 6.0 lb/hr). The original 1991 PM₁₀ SIP has limits for a 9750-hp engine of 79.5 lb/hr and 3.70 grams/hp-hr (13 times more emissions than the turbine). This is engine No.8, which is listed in the current AO. It would seem important to place limits on engine No.8. RESPONSE 218a: This source is a peaking plant, and operates only intermittently to meet temporary power demands that occur more often in the warm summer months when air conditioners are being used, and less often in the winter when there is less demand for power in general. When the source does operate, the turbine is the primary source of power generation, not the engine. Therefore, for purposes of the PM₁₀ plan, it is the emissions from the turbine that should be included. COMMENT 218b: Subsection IX.H.2.a.(1)(b) contains a plantwide NO_x emission limit only for a rolling 12-month period. A plantwide NO_x emission limit in tons per day should also be included. RESPONSE 218b: As explained in the response to comment 218a, it is the turbine that is primarily used to generate power at the plant. As proposed, there is a daily NO_x limit on the turbine. COMMENT 218c. Subsection IX.H.2.a.(3) requires a NO_x CEMS be installed, if plantwide NO_x emissions exceed 200 tons over a 12-month

period. This subsection should say which engine(s) the CEMS would have to monitor (there are 5 other large engines). {Comments made by the EPA} RESPONSE 218c: DAQ finds it difficult to pre-specify the details of a monitoring plan when the reasons triggering the need for monitoring are not yet determined. To insure such monitoring plan yields useful data to verify compliance with established limits, DAQ believes it should retain the ability to tailor the CEMS plan to suit the conditions at the time that the requirement is triggered. IX.H.2.b. CENTRAL VALLEY WATER RECLAMATION FACILITY: COMMENT 219a: The last two sentences of IX.H.2.b.(1)(b) should be deleted, as they are redundant with General Requirements. RESPONSE 219a: DAQ agrees with this comment and will remove the duplicated sentences. COMMENT 219b. Also, stack testing should be more frequent than once every five years. Emissions of NO_x from engines could change considerably over five years. {Comments made by the EPA} RESPONSE 219b: EPA's comment stems from the argument that NO_x emissions from the engines could change considerably over a five-year period. The most recently issued AO for the source (DAQE-AN04145005-02) specifies that the engines shall also be retested whenever a new baseline is established as a result of adjustments in fuel-to-air ratio, maintenance, or repair of the emission unit. DAQ feels that this sort of requirement is most properly placed within the domain of the AO, as it can then be adjusted to become more frequent should the situation necessitate such a change. IX.H.2.c. CHEVRON PRODUCTS CO.: COMMENT 220a: Subsection IX.H.2.c.(1) does not contain a 12-month limit on plantwide PM₁₀ emissions. It is not clear to us why another refinery in IX.H.2. (Flying J) would have a 12-month limit but Chevron would not. RESPONSE 220a: It was demonstrated in the review for DAQE-243-98 that many of the existing annual limits were equal to or less stringent than the corresponding daily limits. In preparation for title V permits, redundant limits were removed, including the limit addressed here, and only the shorter-term limits were retained. COMMENT 220b: Subsection IX.H.2.c.(2)(a) says the SO₂ emission factor for the FCC CO Boiler and Catalyst Regenerator, as well as compliance with General Requirements at IX.H.1.h.(1)(d), shall be determined by a stack test at least once every three years, with SO₂ CEMS allowed as an alternative. This subsection should be reworded to require a SO₂ CEMS, along with a volumetric flow measurement device. The Chevron Consent Decree, filed October 16, 2003 in U.S. District Court, requires a CEMS to be installed by June 2004. RESPONSE 220b: The CEMS allowed as an alternative monitoring solution for the maintenance plan is a recognition that the consent decree required the installation of a CEMS on the FCC. However, the limits given in the consent decree are all in terms of "ppmvd," or dry concentration; the CEMS already required in the consent decree is sufficient for that limit. The consent decree did not impose mass limits, nor did it require a volumetric flow device. The limits in the MP are in tons/day. The required stack testing is adequate for demonstrating compliance with those limits. The language as written allows Chevron the option to use the consent-decree CEMS for compliance with the mass limits at a later date if it so chooses; at that time, a flow device or other alternate monitoring plan would be required. Also, the comparison to Tesoro is inappropriate.

Tesoro is monitoring SO_x under an alternative monitoring plan that requires the use of both concentration and flow monitors. Chevron is not under an alternative plan at this time. COMMENT 220c. It is not clear why no point-specific emission limits are proposed for the FCC CO Boiler and Catalyst Regenerator. The original 1991 PM₁₀ SIP included emission limits for PM₁₀, SO₂ and NO_x. The emission limit for SO₂ was nearly as high as the emission limit for the SRU. The magnitude of emissions would seem to warrant emission limits. {Comments made by the EPA} RESPONSE 220c: Comment on "no point-specific limits for FCC": There are no point-specific limits for the FCC/CO boiler because the FCC and associated equipment was moved under the various emission caps in 2000, and the cap limitations were adjusted appropriately. See DAQE-6323-00. IX.H.2.d. Flying J/Big West Oil Co. : COMMENT 221a. Subsection IX.H.2.c.(1)(ii) says the PM₁₀ emission factor of 22 lbs/kbbl for the Catalyst Regeneration System "may be re-established by stack testing." This is not an enforceable requirement. This subsection should specify the circumstances or timeframe under which it would be necessary to re-establish the PM₁₀ emission factor by stack testing. RESPONSE 221a: The PM₁₀ emissions from the Catalyst Regeneration System are calculated as: PM₁₀ = F*EF, where F is feed rate to the FCC in kbbl/time and EF is 22 lbs/kbbl. The calculation is enforceable. The language in the maintenance plan is written to allow an update of the emission factor if requested. There is no fixed cycle for revisiting this factor or determined need at this time, nor was there any such language in the existing SIP.

During development of the title V permit, a schedule or conditions may be negotiated, and the MP should not interfere with that effort. COMMENT 221b: Subsection IX.H.2.d.(2)(a)(ii) says the scalar values of 43.3 lb SO₂/hr, 7688 bbl feed/day, and 0.1878 wt% sulfur in feed, shall be re-established by stack testing at least every five years. It is not clear to us how stack testing could re-establish a feed rate or a wt% sulfur in feed. This subsection needs clarification. RESPONSE 221b: The current equation for determining SO_x emissions is as follows: $SO_x = \frac{F}{x} \left[\frac{wt\% \text{ sulfur in feed}}{z} \right] y$ [hours of operation per day], where F = operational feed rate, bbl/day, for which the SO₂ emission is to be calculated; x = Feed rate, bbl/day, at the latest test. Until another test, use x = 7,688 bbl/day; y = SO₂ emission rate, lbs/hr, corresponding to x bbl/day feed rate. Until another test, use y = 43.3 lbs/hr; z = Sulfur content, in weight %, measured in feed x at the latest test. Until another test, use Z = 0.1878%. This equation uses ratios, and follows the instructions in the existing SIP for determining the SO₂ contribution of the Plume Burner (the exit point for the old TCC). The feed rate, feed sulfur content and SO₂ emission rate are determined during a stack test; then the daily process variables (feed rate, feed sulfur content) are measured and inserted into the equation to calculate the current emissions. Future stack tests would allow for changes in the constants (scalar values) of the equation. COMMENT 221c: Also, once every five years is not frequent enough. The crude slate and the performance of the Catalyst Regeneration System could change considerably in five years. This also appears to be a relaxation of the existing federally approved SIP. The existing SIP requires the weight % sulfur be determined by the refinery lab on a monthly basis and the gravity of the feed determined

daily. RESPONSE 221c: Flying J is currently required in its approval order (DAQE-AN0122033-04) to determine feed sulfur content every 30 days and to determine the feed rate daily. The sulfur content monitoring will be included in this source's section of the MP. Changes in the crude that affect SO₂ emissions are addressed by this sulfur testing and reflected in the equation above. However, gravity of the feed is not used in any calculation in this MP, so that has not been included. The existing SIP has no stated testing frequency for verifying the constants for this FCC, so the state's five-year rule was used as a default. The language for retesting will be modified to "at least every five years" so that the MP does not interfere with development of a suitable interval in the title V permit. COMMENT 221d. Subsection IX.H.2.d(a)(ii) says the scalar value of 180 ppm NO_x in Catalyst Regeneration System flue gas "may be re-established by stack testing." This is not an enforceable requirement. This subsection should specify the circumstances or timeframe under which it would be necessary to re-establish the scalar value by stack testing. {Comments made by the EPA} RESPONSE 221d: The current equation for determining NO_x emission is as follows: $NO_x = (\text{Flue Gas, moles/hr}) \times (180 \text{ ppm} / 1,000,000) \times (30.006 \text{ lb/mole}) \times (\text{operating hr/day})$. The calculation is enforceable. The language in the maintenance plan is written to allow an update of the emission factor determined at the last stack test if requested. There is no fixed cycle for revisiting this factor or determined need at this time, nor was there any such language in the existing SIP. During development of the title V permit, a schedule or conditions may be negotiated, and the MP should not interfere with that effort. IX.H.2.f. GENEVA ROCK PRODUCTS, OREM PLANT.

COMMENT 222: Subsection IX.H.2.f.(1) specifies daily emission limits for PM₁₀, SO₂ and NO_x, but no 12-month limits. It is not clear to us why. {Comment made by the EPA} RESPONSE 122: This comment appears in a number of instances, and the general response is as follows: During the review of the latest permit(s) for these sources it was determined that many of the existing annual limits were equal to or less stringent than the corresponding daily limits. In fact, many of these sources did not have a specified annual limit but instead only had hourly limitations on individual emission units. When DAQ established the daily emission limits for these sources, the corresponding annual limits were established by simply multiplying the daily limit by 365 days. No added value would be realized by the inclusion of an additional and mathematically redundant limitation. IX.H.2.g. GENEVA ROCK PRODUCTS, POINT OF THE MOUNTAIN. COMMENT 223: Subsection IX.H.2.g.(1) specifies a daily emission limit for PM₁₀, but no 12-month limit. It is not clear to us why not. {Comment made by the EPA} RESPONSE 223: The annual limit was redundant. See response to Comment 222 for a more complete explanation. IX.H.2.h. HOLLY REFINING AND MARKETING CO. COMMENT 224: Subsection IX.H.2.h.(1) does not contain a 12-month limit on plantwide PM₁₀ emissions. It is not clear to us why another refinery in IX.H.2. (Flying J) would have a 12-month limit but Holly Refining would not. {Comment made by the EPA} RESPONSE 224: The annual limits listed in the current approval order (DAQE-AN0123019-05) are equivalent to and redundant with the daily limits. In preparation for title V permits, redundant limits were removed, including the limit

addressed here, and only the shorter-term limits were retained. IX.H.2.i. INTERSTATE BRICK. COMMENT 225a: Subsection IX.H.2.i.(1) specifies daily emission limits for PM10, SO2 and NOx, but no 12-month limits. It is not clear to us why not. RESPONSE 225a: The annual limitation was redundant. See response to comment No.79 for a more complete explanation. COMMENT 225b: Also, a stack test frequency of once every five years for PM10 and NOx is not frequent enough. {Comments made by the EPA} RESPONSE 225b: This frequency of stack testing is consistent with the rule (R307-165-1), and is identical to the most recent AO issued to the source (DAQE-296-99). IX.H.2.j. KENNECOTT - BINGHAM CANYON MINE AND COPPERTON CONCENTRATOR. (1) BINGHAM CANYON MINE: COMMENT 226a: The only proposed limitation for the Mine is a limit on sulfur content of diesel fuel. The original 1991 PM10 SIP has a limit of 27,500,000 gallons per year of fuel consumed and a limit of 150,500,000 tons per year of ore and overburden moved. By eliminating these limits, DAQ would eliminate any enforceable limit on the emission potential of the Mine. This is not acceptable. Since this source is listed in SIP section IX.H.2, there must be enforceable emission limits (or surrogates for emission limits) that reflect the amount of potential emissions used for modeling for NAAQS attainment/maintenance (2,560 tons/yr for PM10, 22.6 tons/yr for SO2, and 5,078 tons/yr for NOx). Also, DAQ should explain why the "modeled PTE" for the Mine is only 22.6 tons/yr for SO2, when the current AO for the Mine lists the PTE for SO2 at 97 tons/yr. RESPONSE 226a: DAQ agrees with this comment. The limitation on ore and overburden moved will be replaced as per the value listed in the AO. The most recent AO for this source (DAQE-178-02) changed the value of this limitation. The limitation will now be 197,000,000 tons per year of ore and overburden moved. The fuel usage limitation is an artifact of the original 1991 SIP, and must be updated to reflect the changes in diesel fuel that are required by recent rules. Rather than limiting the source to a total number of gallons of fuel consumed, DAQ will modify the limitation to read as follows: "Annual emissions of SO2 from the combustion of fuel shall not exceed 97 tons per year. SO2 emissions from fuel burning shall be determined by applying the appropriate emission factors to the relevant quantities of fuel combusted." The general requirements will then cover the recordkeeping and reporting requirements. DAQ will make the revisions discussed above such that IX.H.2.j reads as follows: "j. KENNECOTT UTAH COPPER: MINE and COPPERTON CONCENTRATOR. (1) BINGHAM CANYON MINE: (a) Total material moved (ore and waste) shall not exceed 197,000,000 tons per 12-month period. (b) Annual emissions of SO2 from the combustion of fuel shall not exceed 97 tons per year. SO2 emissions from fuel burning shall be determined using the following equation: $\text{tpy SO}_2 = (\text{gal fuel / year}) * (7.05 \text{ lb/gal}) * (\% \text{ S by wt.}) / 2000 \text{ lb/ton} * (2 \text{ lb SO}_2 / \text{lb S})$. (c) The sulfur content of diesel fuel oil burned in the equipment engines shall not exceed 0.03 pounds of sulfur per million BTU heat input as determined by the appropriate ASTM Method. This represents 0.05% sulfur by weight in the fuel oil." DAQ also agrees with the final section of this comment, specifically that the reference to the "modeled PTE of 22.6 tons/yr of SO2, is in error. The correct value should indeed be 97 tons/yr as listed above. The

difference between the two values is 75 tpy. Nevertheless, the model is not sensitive to a difference of this magnitude, and any increase or change in the overall impacts as a result of this error would be extremely minor. COMMENT 226b: The original PM10 SIP includes requirements for control of fugitive emissions at the Mine, including a requirement for a Fugitive Dust Control Plan. A copy of the current approved Fugitive Dust Control Plan is attached to the AO for the Mine, dated March 22, 2002. If emission projections for modeling assume credit for these controls, then the requirements for these controls should be included in section IX.H.2.j. {Comments made by the EPA} RESPONSE 226b: DAQ did not rely on the dust control measures as outlined in the Fugitive Dust Control Plan when establishing the emission projections for modeling. Rather, it was the emission inventory submitted for 2001, in conjunction with the Approval Order, that acted as the basis for the modeled emissions. (2) COPPERTON CONCENTRATOR: COMMENT 227: The section in Part H applying to the Copperton Concentrator should be deleted, because the rotary kiln has been shut down and removed, and the Molybdenite Plant is being upgraded with improved technology. A Notice of Intent covering these changes was submitted to DAQ on February 8, 2005. The net effect will be reduced emissions for PM10 and NOx, and SO2 emissions will be nearly eliminated. Therefore, there are not now and will not be any sources at the Concentrator with high enough potential to emit to be included in Part H. {Comment made by Kennecott} RESPONSE 227: DAQ agrees. The final Approval Order is about to be issued. The following is the abstract from the engineering review associated with the project: "Kennecott Utah Copper Corporation (KUCC) has requested approval to install a pebble crushing process at KUCC's Copperton Concentrator. The KUCC Copperton Concentrator is currently operating under the Approval Order DAQE-862-01, dated November 20, 2001. KUCC intends to add two pebble-crushing units and related material handling equipment. This will allow KUCC to increase the throughput of copper ore through the concentrator and improve process efficiency. KUCC has stopped operation of the Feed Molybdenite Dryers and Molybdenite Rotary Kiln and has requested that they be removed from the AO. The stack testing requirements for this equipment and for the Product Molybdenite Dryers have been removed. KUCC is also requesting replacement of one of its product molybdenite dryers and associated heater with a larger product molybdenite dryer that will use the existing product molybdenite dryer scrubber and one of the existing feed molybdenite dryer heaters to supply hot oil to the new product molybdenite dryer. New Source Performance Standards (NSPS) Subpart LL (Standards of Performance for Metallic Mineral Processing Plants) apply to this source. Title V of the 1990 Clean Air Act applies to this source. Salt Lake County is a non-attainment area of the National Ambient Air Quality Standards (NAAQS) for PM10 and SO2, and is a maintenance area for ozone. The KUCC Copperton Concentrator is also included as a regulated PM10 source in the Salt Lake County PM10 State Implementation Plan (SIP). This AO modification will result in a modification to the existing SIP limits. Therefore, this modification will require approval by the AQB. The emissions will decrease in tons per year (tpy) as follows: PM10 = 1.19, SO2 = 86.30, NOx = 6.95, CO =

5.84, VOC = 23.38. The changes in emissions will result in the following, in tons per year, potential to emit totals: PM10 = 7.35, SO₂ = 0.10, NO_x = 10.75, CO = 9.06, and VOC = 2.32." Subsection IX.H.2.j will be modified to remove paragraph (2) Copperton Concentrator. IX.H.2.k. KENNECOTT POWER PLANT AND TAILINGS IMPOUNDMENT. (1) For the Power Plant: COMMENT 228a: Subsection IX.H.2.k.(1)(a) should be re-arranged to make clear what fuel consumption limits (or emission limits) apply to the Power Plant outside of the period Nov-Feb. {Comment made by the EPA} RESPONSE 228a: DAQ agrees, and will insert the appropriate conditions from the most recent Approval Order. See revised construct of Section IX.H.2.k.(1) below. COMMENT 228b: In condition (a)(ii), the fuel limits should be expressed in terms of Btu/day, not volume or weight of fuel. The language should match that used in the revised Approval Order [NOTE: the new Approval order was approved by the AQB on May 11, 2005.] {Comment made by Kennecott} RESPONSE 228b: DAQ agrees, and will insert the appropriate conditions from the most recent Approval Order. See revised construct of Section IX.H.2.k.(1) below. COMMENT 228c: Regarding Kennecott's Power Plant (IX.H.2.k), We request that (a) - (e) be added after requirements in the first sentence. {Comment made by Kennecott} RESPONSE 228c: DAQ agrees in concept, but will instead add the appropriate clarification into this statement. Note that the summertime limits will be included as well (see comment 85a above). See revised construct of Section IX.H.2.k.(1) below. COMMENT 228d: In conditions (a)(iii) and (iv), "and concentrations" should be deleted because all the limits for all sources in Part H are in tons/day. {Comment made by Kennecott} RESPONSE 228d: DAQ agrees. See revised construct of Section IX.H.2.k.(1) below. COMMENT 228e: Subsection IX.H.2.k.(1)(e) says metering of natural gas to the boilers "shall be installed if necessary." This same language appears in the original 1991 PM10 SIP. Thirteen years has passed, and the State should make a determination. {Comment made by the EPA} RESPONSE 228e: DAQ agrees, and will insert the appropriate language from the most recent Approval Order, which no longer includes this option. Note that this language (paragraph (f)) is slightly different than what was proposed given that the fuel consumption limits are now expressed in terms of MMBTU per day. See revised construct of Section IX.H.2.k.(1) below. COMMENT 228f: Subsection IX.H.2.k.(1)(f) says that the requirements in IX.H.2.k.(1) for the Power Plant apply "unless and until" a Notice of Intent is submitted for "specific technologies" and an Approval Order is issued. This subsection goes on to discuss the Approval Order and the Title V Operating Permit. The entire subsection IX.H.2.k.(1)(f) is unacceptable and must be removed. PM10 SIP requirements cannot be made contingent on issuance of Approval Orders, nor can Approval Orders supersede the PM10 SIP. Treatment of requirements in permits that might serve as alternatives to SIP requirements is already addressed in section IX.H.3. of the PM10 Maintenance Plan. {Comment made by the EPA} RESPONSE 228f: Subsection IX.H.2.k.(1)(f), as proposed, requires the issuance of an Approval Order as only one of a sequence of events that would need to occur in order to alter the proposed SIP requirements. As foreseen, this process would need to address a RACT determination made in the original PM10

SIP, whereby the Utah Power Plant was required to burn natural gas during the winter. That determination was made fifteen years ago when the price of natural gas was significantly lower than it is at the present. Given today's economics, it may be for example that the combination of a baghouse with lime injection and low NO_x burners would represent a more economical RACT (with summertime benefits for ozone as well). Since the CAA requires RACT, at a minimum, to demonstrate attainment/maintenance of the NAAQS, the emissions from such technology would have to be modeled to ascertain as much. Such modeling has also been included as a necessary step in paragraph (f), yet no such requirement exists in section IX.H.3. RACT however is less stringent than BACT, and this is precisely why the Approval Order process, as outlined in R307-401, has been included as a necessary step in this process. R307-401 requires a BACT analysis as part of any Approval Order issued by the Executive Secretary. Should the Executive Secretary be able to make such a finding and issue an AO, the BACT requirements would then be eligible for inclusion in a Part 70 permit, just as is required by section IX.H.3. The Part 70 process would give the EPA veto authority over any such permit, approval of which is yet another required element in the process outlined in paragraph (f). It is not until the Part 70 permit becomes effective, after approval by EPA, that the requirements contained therein would supercede the requirements in the SIP. Hence, DAQ disagrees with the comment, and will leave the condition as proposed. COMMENT 228g: Finally, Kennecott agrees with DAQ's approach for addressing future RACM by specifying how such a modification would be adopted as part of an Approval order, Title V permit, and incorporation into the SIP. Specifically, concurs with condition (f)(vii) that incorporates into the SIP only the Title V provisions that are appropriate for the SIP. However, the new section IX.H.3 does not address the circumstance where the SIP specifies the process for RACM (RACT) modification. It appears that IX.H.3 would create an inconsistency with subsection (f) in IX.H.2.k. We recommend adding the following sentences at the end of IX.H.2.k.(f)(vii): "As of the effective date of the Operating Permit, the PM10, SO₂, and NO_x emission limits for the Utah Power Plant boilers, including applicable monitoring requirements, set forth in that permit as most recently amended, shall become incorporated by reference into the Utah SIP. Henceforth, those terms and conditions specified in the operating Permit shall supersede conditions (a) - (e) above. The implementation of this subsection (f) shall not require compliance with the provisions of Subsection IX.H.3." {Comment made by Kennecott} RESPONSE 228g: The procedure outlined in condition H.2.k.(1)(f) establishes a process that could be used to establish a new RACT determination for the Kennecott Power Plant. If this procedure is followed, then Kennecott will be in compliance with the SIP and it will not be necessary for Kennecott to establish an alternative requirement under Subsection IX.H.3. The suggested language is not necessary in this case. Provided below is a markup copy of the proposed Subsection IX.H.2.k.(1) which reflects the responses to Comments 228a - g. "k. KENNECOTT UTAH COPPER: POWER PLANT AND TAILINGS IMPOUNDMENT. (1) UTAH POWER PLANT. The following requirements, subsections (a) through (f), are

applicable unless and until the owner/operator has complied with the requirements set forth in Subsection (g) below. (a) During the period from November 1, to the last day in February, inclusive, the following conditions shall apply: (i) The four boilers shall use only natural gas as a fuel, unless the supplier or transporter of natural gas imposes a curtailment. The power plant may then burn coal, only for the duration of the curtailment plus sufficient time to empty the coal bins following the curtailment. (ii) Fuel usage shall be limited to the following: (A) 42,706 MMBTU per day of natural gas; (B) 31,510 MMBTU per day of coal, only during curtailment of natural gas supply. (iii) Natural gas used as fuel: Except during a curtailment of natural gas supply, emissions to the atmosphere from the indicated emission point shall not exceed the following rates: (A) For each of boilers 1, 2, and 3: NOx 1.91 ton/day. (B) For boiler 4: NOx 3.67 ton/day. (iv) Coal used as fuel: Emissions to the atmosphere from the indicated emission point shall not exceed the following rates: (A) For each of boilers 1, 2, and 3: (I) PM10 0.208 ton/day; (II) NOx 2.59 ton/day; (B) For boiler 4: (I) PM10 0.402 ton/day; (II) NOx 4.52 ton/day. (v) Owner/operator shall provide monthly reports to the Executive Secretary showing daily total emission estimates based upon boiler usage, fuel consumption and previously available results of stack tests. (b) During each annual period from March 1 to October 31, inclusive, the following conditions shall apply: (i) KUCC shall use coal, natural gas, oils that meet all the specifications of 40 CFR 266.40(e) and contains less than 1000 ppm total halogens, and/or number two fuel oil or lighter in the boilers. (ii) The following limit on fuel usage shall not be exceeded: 50,400 MMBTU per day of heat input. (iii) Emissions to the atmosphere from each emission point shall not exceed the following rates and concentrations: (A) For each of boilers 1, 2 and 3: (I) PM10 0.208 ton/day; (II) NOx 2.59 ton/day; (B) For boiler 4: (I) PM10 0.402 ton/day; (II) NOx 4.52 ton/day. (c) Stack testing to show compliance with the above emission limitations shall be performed as follows for all four boilers and the following air contaminants: Pollutant and Testing Frequency: (i) NOx every year; (ii) PM10 every year. The heat input during all compliance testing shall be no less than 90% of the design rate. To determine mass emission rates (ton/day) the pollutant concentration as determined by the appropriate methods shall be multiplied by the volumetric flow rate and any necessary conversion factors to give the results in the specified units of the emission limitation. The limited use of natural gas during startup, for maintenance firings and break-in firings does not constitute operation and does not require stack testing. (d) Visible emissions from the boiler stacks shall not exceed the associated opacity on a six-minute average, based on 40 CFR 60, Appendix A, Method 9, or as measured by a Continuous Opacity Monitor except as provided for in R307-201-1(7): (i) Natural Gas as Fuel 10% opacity. (ii) Coal as Fuel 20% opacity. (e) The sulfur content of any fuel burned shall not exceed 0.52 lb of sulfur per million Btu (annual running average), nor shall any one test exceed 0.66 lb of sulfur per million Btu. The owner/operator shall submit monthly reports of sulfur input to the boilers. The reports shall include: sulfur content, gross calorific value and moisture content of each gross coal sample, the gross calorific value of all coal and gas, the total amount of coal and gas burned, and the running

annual average sulfur input calculated at the end of each month of operation. (f) To determine compliance with a daily limit owner/operator shall calculate a daily limit. The BTU limit shall be determined by monitoring the daily natural gas, and/or coal consumption and multiplying that value with the BTU rating of the fuel consumed. The natural gas BTU used shall be that value supplied by the natural gas vendor from the previous months bill. The BTU limit for coal shall be determined by monitoring the daily coal consumption and multiplying that value with the coal BTU rating. KUCC shall provide test certification for each load of coal received. Test certification for each load received shall be defined as test once per day for coal received that day from each supplier. Certification shall be either by their own testing or test reports from the coal marketer. Records of BTU fuel usage shall be kept on a daily basis. (g) The requirements set forth in conditions (a) - (f) above shall apply at the Utah Power Plant unless and until the following occur: (i) A Notice of Intent is submitted to the Executive Secretary, pursuant to the procedures of R307-401, that describes the specific technologies that will be used. (ii) An Approval Order is issued that authorizes implementation of the approach set forth in the Notice of Intent. (iii) Notwithstanding the requirements specified in R307-401, the Notice of Intent must demonstrate that the technologies specified in the Approval Order would represent Reasonably Available Control Measures (RACM), as required by Section 172(c)(1) of the Clean Air Act. (iv) To the extent that the current SIP requirements outlined above in conditions (a) - [(f)][(e)] above have been relied upon by the Utah SIP to satisfy Section 172(c)(4) or Section 175A(a) of the Clean Air Act, demonstrate that the technologies specified in the Approval Order would also provide for attainment or maintenance of the National Ambient Air Quality Standards. The demonstration required in this paragraph may incorporate modeling previously conducted by the State for the purpose of a maintenance demonstration. (v) The technologies specified in the Approval Order have been installed and tested in accordance with the Approval Order. (vi) The terms and conditions of the Approval Order implementing the approach set forth in the Notice of Intent have been incorporated into a Title V Operating Permit, in accordance with R307-415. (vii) As of the effective date of the Operating Permit, the PM10 SO2 and NOx emissions limits for the Utah Power Plant boilers, including applicable monitoring requirements, set forth in that permit as most recently amended, shall become incorporated by reference into the Utah SIP. Henceforth, those terms and conditions specified in the Operating Permit shall supersede conditions (a) - (f) above." FOR THE TAILINGS IMPOUNDMENT: COMMENT 229a: The approach of incorporating the Title V permit by reference (IBR) is not acceptable, for several reasons. First, no specific edition of the Title V permit is referenced. Second, Utah can amend the Title V permit without going through a SIP revision process. Third, the Title V permit expires after 5 years. Fourth, there is considerable language in the Title V permit about other Kennecott operations that is extraneous to the Tailings Impoundment. This IBR approach is also unacceptable because the Federal Register notice that EPA will be publishing on the PM10 Maintenance Plan must reference a SIP submittal that contains the requirements directly, not reference a submittal that references other

documents for source-specific requirements. We are aware that DAQ proposes to issue an updated AO for the Tailings Impoundment, after presenting it to the Utah AQB for approval in May of 2005. The draft AO has already gone through public comment period. We have examined the draft AO and find that AO conditions 9 through 21, along with Appendix A of the AO, are specific requirements that should be included in section IX.H.2.k.(2) of the PM10 Maintenance Plan. {Comment made by the EPA} COMMENT 229b: Part A, page 34, line 20 says "The terms of this dust plan have been incorporated into the SIP at Section IX, Part H." The specific requirements for the North Tailings Impoundment should be explicitly incorporated into Part H, not incorporated by reference along with everything else in the Title V permit. For all sources except the Kennecott Tailings Impoundment, DAQ has removed all but essential detail from the SIP; Kennecott recommends the same approach be used for the Tailings Impoundment. The items that should be included in the emissions limits address the cycle time, the tailings distribution system, revegetation of the North Impoundment, dust from the embankment, stabilization methods, and requirements for a temporary or permanent shutdown. {Comment made by Kennecott} RESPONSE 229: DAQ staff recommends including specific conditions for the Kennecott Tailings Impoundment in Part H of the PM10 SIP as suggested in the above comments. Recommended Staff SIP conditions incorporate all of the above except for the incorporation of Appendix A (Fugitive Dust Plan). Appendix A was not included for the following three reasons: 1) Many of the conditions in the Fugitive Dust Plan duplicate the conditions already found in the SIP. 2) Many of the conditions in the Fugitive Dust Plan have little or no bearing on dust control and the site. 3) Many of the conditions in the Fugitive Dust Plan provide information and requirements that are not appropriate to be included in the SIP. The following is the recommended language to be incorporated in Part H of the PM10 SIP: "Section IX, Part H.2.k. (2) TAILINGS IMPOUNDMENT: (a) Visible emissions caused by fugitive dust shall not exceed 10% at the property boundary, and 20% onsite except during periods when wind speeds exceed the value specified in UAC R307-309 and control measures in the most recently approved dust control plan are being taken. The fugitive dust control plan shall utilize the fugitive dust control strategies listed in UAC R307-205 and R307-309. (b) Kennecott shall submit reports and conduct on site inspections on the fugitive dust abatement program activities for the executive secretary as specified in the most current Approval Order and operating permit. (c) All unpaved roads and other unpaved operational areas that are used by mobile equipment shall be water sprayed or chemically treated to control fugitive dust. Treatment shall be of sufficient frequency and quantity to maintain the surface material in a damp/moist or crusted condition. (d) On the North Tailings Impoundment, as the embankment cells are filled during continual raising of the embankment, dust shall be controlled by the inherent high water content of the hydraulically placed cyclone underflow. Portions of the embankment that are not under active construction shall be kept wet or tackified by applying chemical stabilizing agents or water pumped from the toe ditch. Newly formed exterior slopes shall be stabilized with chemical stabilizing agents or vegetation. (e) Disturbed or

stripped areas of the North Tailings Impoundment shall be kept sufficiently moist during the project to minimize fugitive dust. This control, or other equivalent control methods, shall remain operational during the project cycle and until the areas have been reclaimed. The control methods used shall be operational as needed 24 hours per day, 365 days per year or until the area has been reclaimed. (f) The minimum cycle time required for wetting all interior beach areas of the North Impoundment between February 15 and November 15 shall be at least every four days. (g) On the North Tailing Impoundment Kennecott shall conduct wind erosion potential inspections monthly between February 15 and November 15. The tailings distribution system consisting of the North Tailing Impoundment shall be operated to maximize surface wetness. Wind erosion potential is the area that is not wet, frozen, vegetated, crusted or treated and has the potential for wind erosion. No more than 50 contiguous acres or more than 5% of the total North tailings area shall be permitted to have the potential for wind erosion. If it is determined that the total surface area with the potential for wind erosion is greater than 5%, or at the request of the Executive Secretary, inspections shall be conducted once every five working days. Kennecott shall immediately initiate the revised inspection schedule and the results reported to the Executive Secretary within 24 hours of the inspection. The schedule shall continue to be implemented until Kennecott measures a total surface with the potential for wind erosion of less than or equal to 5%. If Kennecott or the Executive Secretary, determines that the percentage of wind erosion potential is exceeded, Kennecott shall meet with the Executive Secretary, or Executive Secretary's staff, to discuss additional or modified fugitive dust controls/operational practices, and an implementation schedule for such, within five working days following verbal notification by either party. (h) On the closed South Tailings Impoundment Kennecott shall conduct wind erosion potential inspections on inactive non-reclaimed areas monthly between February 15 and November 15. No more than 50 contiguous acres or more than 5% of the South Tailings impoundment tailings area shall be permitted to have the potential for wind erosion. Wind erosion potential is the area that is not wet, frozen, vegetated, crusted or treated and has the potential for wind erosion. Inactive but non-reclaimed areas are to be stabilized by chemical stabilizing agents, ponded water, sprinklers, vegetation or other methods of fugitive dust control. If it is determined by Kennecott or the Executive Secretary, that the total surface area with the potential for wind erosion is greater than 5% of total tailings area, or at the request of the Executive Secretary, inspections shall be conducted once every five working days. Kennecott shall immediately initiate the revised inspection schedule and the results reported to the Executive Secretary within 24 hours of the inspection. The schedule shall continue to be implemented until Kennecott measures a total surface with the potential for wind erosion of less than or equal to 5% total tailings area. If Kennecott or the Executive Secretary, determines that the percentage of wind erosion potential is exceeded, Kennecott shall meet with the Executive Secretary, or Executive Secretary's staff, to discuss additional or modified fugitive dust controls/operational practices, and an implementation schedule for such, within five working days following verbal notification by either party. (i) Exterior tailings impoundment areas determined by

Kennecott or the executive secretary to be sources of excessive fugitive dust shall be stabilized through vegetation cover or other approved methods. The exterior tailings surface area of the North Impoundment shall be re-vegetated or stabilized so that no more than 5% of the total exterior surface area shall be subject to wind erosion. (j) If between February 15 and November 15 of each calendar year Kennecott's weather forecast is for a wind speed at more than 25 mph for more than one hour within 48 hours of issuance of the forecast, the procedures listed below shall be followed: A. Alert the DAQ promptly. B. Continue surveillance and coordination. (k) If a temporary or permanent shutdown occurs that would affect any area of the Kennecott Tailings Impoundment, Kennecott shall submit a final dust control plan for all areas of the Tailings Impoundment to the Executive Secretary for approval at least 60 days prior to the planned shutdown. IX.H.2.I. KENNECOTT SMELTER and REFINERY. FOR THE SMELTER: COMMENT 230a: Subsection IX.H.2.I.(1)(a)(i)(B) lists allowable SO₂ emissions at the main stack as 5,700 lb/hr on a 24-hour average and 3,240 lb/hr on an annual average. These are the same allowable emissions listed in the 1991 PM₁₀ SIP. After the original PM₁₀ SIP was promulgated, Kennecott modernized the smelter and banked the emission reductions. (Reference: State "banking order" to Kennecott dated June 9, 1999, lists 17,685.50 tons per year of banked SO₂ emissions.) Since the current Approval Order for the Smelter allows only 211 lb/hr on an annual average, it appears that 13,267 tons per year of banked SO₂ emissions are to be given back to Kennecott, in terms of increased allowable emissions at the main stack: (3240-211) lb/hr x 8760 hr/yr/2000 lb/ton = 13,267 tons/yr increase. It is our understanding that the State intends to allow these 13,267 tons/yr of emissions to also remain in the bank, available for sale from Kennecott to other sources. This constitutes double-counting of emission credit and is not acceptable. {Comment made by the EPA} RESPONSE 230a: The larger limits were included in Part H with the idea of preserving the banked emissions (ERCs). The thinking was that if they had not been relied upon then it might be construed that the difference between the limits in the AO and those in the SIP was no longer creditable. What was actually modeled however, was the smaller limits plus the banked ERCs. These then add back up to the higher limits. Since the banked ERCs were included in the modeling, they were relied upon in the demonstration. So long as this is generally understood, then DAQ agrees with EPA, and will put the lower limits into the SIP. See revised construct of Section IX.H.2.I.(1)(a)(i) below. COMMENT 230b: Also, there appears to be conflicting information in the PM₁₀ Maintenance Plan regarding what SO₂ emission rate at Kennecott's main stack was used for modeling. Volume VII of the Technical Support Document, at page 3.b.iv-1, says that, regarding "the SO₂ emission credits attributed" to the Kennecott smelter, "4,328 tpy was modeled at ground level, like all other banked emissions, but the remaining 12,567 tpy was modeled as if they were emitted from the 1,200 foot tall stack." Page 3.b.iii-120, however, lists the "modeled PTE" for SO₂ at 867.22 tons/yr for "Smelter - Fugitives," 867.22 tons/yr for "Copper smelting (main stack)" and 213.16 tons/yr for "recycle and crushing." The total is only 1,947.6 tons/yr of SO₂ emissions. The State should explain, and reconcile if

necessary, the apparent discrepancy between these two pages of the Maintenance Plan. {Comment made by the EPA} RESPONSE 230b: There is no discrepancy between the totals described in the comment. The SO₂ emission credits attributed to the Kennecott Smelter, described at Volume VII of the Technical Support Document, at page 3.b.iv-1, are the banked emissions or ERCs presently held by Kennecott. The origin of the ERCs from the smelter could be grouped into two categories; ground level "fugitive" emissions and 2) emissions emanating directly from the 1,200 foot stack (see existing SIP; Table IX.A.13, page 4 of 5 for distinction). In the model, 4,328 tpy was represented as low-level SO₂ and 12,567 tpy was assigned to the 1,200 foot stack. The model also included allowable emissions from the smelter. These emissions are documented at page 3.b.iii-120, and do in fact show 1,947.6 tons/yr of SO₂ emissions (867.22 tons/yr for "Smelter - Fugitives," 867.22 tons/yr for "Copper smelting (main stack)" and 213.16 tons/yr for "recycle and crushing.") However, as pointed out in Comment 100, this total has incorrectly "double-counted" the 867.22 tons/yr of emissions from the smelter. If this error had underestimated the inventory, DAQ would have re-run the modeling analysis using the correct numbers. Because the change overestimated emissions, the conclusions of the analysis are not affected. See also the response to Comment 243. COMMENT 230c: Subsection IX.H.2.I.(1)(a)(ii) proposes an allowable SO₂ concentration in acid plant tailgas of 1,050 ppmdv on a 3-hr rolling average. No other ppmdv limits are proposed for the acid plant. This is not acceptable. The original PM₁₀ SIP specified 650 ppmdv on a 6-hr average as RACT. We have no information to suggest that 1,050 ppmdv on a 3-hr average should be considered at least as stringent as 650 ppmdv on a 6-hr average. We are aware that EPA approved a revision to the SO₂ SIP several years ago that included a figure of 1,050 ppmdv on a 3-hr average, but that SIP revision also retained the figure of 650 ppmdv on a 6-hr average (i.e., both limits must be met, not just the 1,050). EPA has never approved the removal of the 650 ppmdv limit. Considering that the current Approval Order for the Smelter, dated December 22, 2000, allows only 250 ppmdv on a 6-hr average, 170 ppmdv on a 24-hr average, and 100 ppmdv on an annual average, we consider 650 ppmdv on a 6-hr average to be easily achievable and see no justification to remove it from the SIP. {Comment made by the EPA} RESPONSE 230c: The limit of 1,050 ppmdv SO₂ on a 3-hr average was retained for the purpose of the SO₂ plan. Recall that for the SO₂ NAAQS there is a 3-hr secondary standard of 0.5 ppm. For PM₁₀, it was felt that, in general, there was no need for a limit on the acid plant tail-gas concentration since these emissions are ultimately released from the 1,200 foot stack, and there are already mass emission limits governing that release point. Nevertheless, EPA makes a good point that the tail-gas concentration was a significant element of the original RACT determination for the PM₁₀ SIP. DAQ concurs that the 6-hr. limit of 650 ppmdv should be retained in Part H, and will make the necessary addition. See revised construct of Section IX.H.2.I.(1)(a)(ii) below. COMMENT 230d: Subsection IX.H.2.I.(1)(c)(i) says Kennecott "shall calibrate, maintain and operate the measurement systems for continuously monitoring SO₂ and NO_x concentrations and stack gas volumetric flow rates in the main smelter stack." This language is not specific

enough for practical enforceability. This subsection should include the language from condition 10 of the current AO dated December 22, 2000. {Comment made by the EPA} RESPONSE 230d: DAQ agrees that additional specificity is needed, but does not think that the language from the Approval Order is necessary. There are other instances within the proposed Part H where CEMs are required to demonstrate compliance with various emission limits. In every such case, (Chevron's and Flying J's and Holly's say "that meets the requirements of R307-170." Tesoro's says "...that meets or exceeds the requirements contained in 40 CFR 60, Appendix B, Performance Specification 2." Pacificorp (Gadsby's) says "...as required by 40 CFR Part 75 for the Acid Rain Program.") a reference was made to an existing regulation that already contains such details. DAQ will add the appropriate reference to Subsection IX.H.2.I.(1)(c)(i). See revised construct of Section IX.H.2.I.(1)(c)(i) below. COMMENT 230e: Regarding the Kennecott Smelter (IX.H.2.I.), we see no rationale for keeping the opacity limit for the acid plant tailgas, because the gas is SO₂ and it is invisible. The 15% opacity limit will remain in the Approval Order and the Title V permit, and the NSPS opacity limit continues to apply. We request that condition (d)(ii) and the reference to tailgas in condition (d)(iii) be deleted. {Comment made by Kennecott} RESPONSE 230e: DAQ agrees that this condition is not necessary as part of the SIP. The acid plant tailgas is ducted to the 1,200 foot stack which has an opacity limit at its release to the atmosphere. See revised construct of Section IX.H.2.I.(1)(d) below. COMMENT 230f: In condition (c)(ii), first line, change "permittee" to "owner/operator." {Comment made by Kennecott} RESPONSE 230f: DAQ agrees, and will make the necessary revision. See revised construct of Section IX.H.2.I.(1) below. COMMENT 230g: Condition (e) has been copied directly from the Title V permit and reads like a permit; subpart (iii) can be deleted, and perhaps subpart (i) as well. If subpart (i) is kept, delete for this permit condition. {Comment made by Kennecott} RESPONSE 230g: DAQ agrees, and will make the necessary revisions. See revised construct of Section IX.H.2.I.(1) below. COMMENT 230h: In the last paragraph of condition (f), the reference should be corrected (f), not (g). {Comment made by Kennecott} RESPONSE 230h: DAQ agrees, and will make the necessary revision. See revised construct of Section IX.H.2.I.(1) below. Provided below is the revised Subsection IX.H.2.I.(1) which reflects the responses to Comments 230a - h: "I. KENNECOTT UTAH COPPER: SMELTER and REFINERY. (1) SMELTER: (a) Emissions to the atmosphere from the indicated emission points shall not exceed the following rates and concentrations: (i) Main Stack (Stack 11) (A) PM₁₀ 89.5 lbs/hr (24 hr. average). (B) SO₂ (I) 552 lbs/hr (3 hr. average - rolling); (II) 422 lbs/hr (24 hr. average - calendar day); (III) 211 lbs/hr (annual average). (C) NO_x 35.0 lbs/hr (annual average). (ii) Acid Plant Tail Gas. SO₂ (I) 1,050 ppm_{dv} (3 hr. rolling average); (II) 650 ppm_{dv} (6 hr. rolling average). All annual average emissions limits shall be based on rolling 12-month averages. Based on the first day of each month, a new 12-month total shall be calculated using the previous 12 months. Reference to stack in Condition No.1 above and Condition No.2 below may not necessarily refer to an exhaust point to the atmosphere. Many emission sources are commingled with emissions from

other sources and exit to the atmosphere from a common emission point. "Stack" in these conditions refers to the point prior to mixing with emissions from other sources. (b) Stack testing to show compliance with the emissions limitations of Condition (a) above shall be performed as specified below: Emission Point, Pollutant, and Test Frequency: (i) Main Stack: PM₁₀, every year (Stack 11); SO₂ CEM; NO_x CEM. (ii) Acid Plant Tailgas, SO₂, CEM. (c) Testing Status (To be applied to (a) and (b) above) (i) To demonstrate compliance with the main stack mass emissions limits for SO₂ and NO_x of Condition (a)(i) above, KUC shall calibrate, maintain and operate the measurement systems for continuously monitoring SO₂ and NO_x concentrations and stack gas volumetric flow rates in the main smelter stack. Such measurement systems shall meet the requirements of R307-170. (ii) In addition to the stack test required to measure PM₁₀ in (b) above, the owner/operator shall calibrate, maintain and operate a system to continuously measure emissions of particulate matter from the main stack. For purposes of determining compliance with the emission limit, all particulate matter collected shall be reported as PM₁₀. Compliance with the main stack emission limit for PM₁₀ shall be demonstrated using the smelter main stack continuous particulate sampling system to provide a 24-hour value. The owner/operator may petition the AQB at any time to discontinue the operation of the continuous monitor. An analysis of the potential PM₁₀ uncontrolled emissions from the main stack shall be submitted to the Executive Secretary at the time of such a petition. (iii) The owner/operator shall install, calibrate, maintain, and operate continuous monitoring systems on the acid plant tail gas. (iv) All monitoring systems shall comply with all applicable sections of R307-170. (v) KUC shall maintain records of all measurements necessary for and including the expression of PM₁₀, SO₂ and NO_x emissions in terms of pounds per hour. Emissions shall be calculated at the end of each day for the preceding 24 hours for PM₁₀, SO₂ and NO_x and calculated at the end of each hour for the preceding three-hour period for SO₂. Results for each measurement or monitoring system and reports evaluating the performance of such systems shall be summarized and shall be submitted to the Executive Secretary within 20 days after the end of each month. (d) Visible emissions from the following emission points shall not exceed the following values: (i) Smelter Main Stack (stack 11), 20% opacity. (ii) Sources equipped with continuous opacity monitors (acid plant tailgas and main stack) shall use the compliance methods contained in 40 CFR 60.11. (e) All gases produced during smelting and/or converting which enter the primary gas handling system shall pass through an online sulfuric acid plant. During the start-up/shutdown process of any equipment, the gas emissions shall be ducted, as necessary, either to the acid plant or to the secondary scrubber for control. (i) A log shall be kept of any time the gases produced during smelting and/or converting are not passed through an online sulfuric acid plant. An additional log shall be kept and include the dates, times and durations of all times any gases from smelting and/or converting bypass both the acid plant and the secondary gas system. The log will serve as the monitoring requirement. (f) The owner/operator shall employ the following measures for reducing escape of pollutants to the atmosphere and to capture emissions and vent them through a stack or stacks: (i) Maintenance of all

ducts, flues, and stacks in such a fashion that leakage of gases to the ambient air will be prevented to the maximum extent practicable. (ii) Operation and maintenance of gas collection systems in good working order. (iii) Making available to the Executive Secretary the preventive/routine maintenance records for the hooding systems, dust collection mechanism of waste heat boilers, furnace wet scrubbing systems, and dry electrostatic precipitators. (iv) Weekly observation of process units. (v) Monthly inspection of gas handling systems. (vi) Maintenance of gas handling systems, available on call on a 24-hour basis. (vii) Operation and maintenance of an upwind/downwind fugitive monitoring system. The owner/operator may petition the Executive Secretary to discontinue the operation of this system. (viii) Contained conveyance of acid plant effluent solutions. Within 90 days of approval of these conditions, KUC submitted to the Division examples of the forms and records that will be used to comply with Conditions (f) (iv) and (v) above. KUC may modify these forms and records after approval in accordance with R307-401-1. (g) Secondary hoods and ventilation systems shall be installed on the following points to capture fugitive emissions into the secondary ventilation system or other approved pollution control devices: (i) Concentrate Dryer Feed Chute. (ii) Slag and Matte Granulators. (iii) Smelting and Converting Furnaces. (iv) Slag Pot Filling Stations." FOR THE REFINERY: COMMENT 231. The KUC Refinery should have one limit on NOx that covers both boilers combined, as is done for petroleum refineries, the Gadsby Power Plant, and several small power plants. There should not be a separate limit for each boiler. {Comment made by Kennecott} RESPONSE 231: DAQ agrees, and will revise the language to read as follows: "(a) Emissions to the atmosphere from the indicated emission point shall not exceed the following rate: Emission Point and Maximum Emission Rate: The sum of Two (Tankhouse) Boilers 0.11 tons NOx / day" IX.H.2.m. PACIFICORP GADSBY POWER PLANT. COMMENT 232a: Subsection IX.H.2.m.(1) contains a daily plantwide NOx emission limit but no 12-month plantwide NOx emission limit. It is not clear to us why. RESPONSE 232a: The annual limit was redundant. See the response to comment 79 for a more complete explanation. COMMENT 232b: Also, the fourth sentence in subsection IX.H.2.m.(1) is redundant with the third sentence and should be deleted. RESPONSE 232b: DAQ agrees with this comment. The redundant sentence will be removed. COMMENT 232c: Subsection IX.H.2.m.(2) contains a 12-month plantwide PM10 emission limit but no daily plantwide PM10 emission limit. It is not clear to us why. RESPONSE 232c: The sources in question (three primary boilers and three combustion turbine/generators) burn nothing but natural gas, and as such have never been subject to an hourly PM10 limitation. COMMENT 232d: Also, this subsection says that PM10 emissions from all boilers and turbines shall be determined by using emission factors from AP-42. It is not clear to us why PM10 stack tests should not be required, at least at a representative boiler and turbine, if not all boilers and turbines. {Comments made by the EPA} RESPONSE 232d: PM10 emission estimates for this source are based on AP-42 emission factors. This is reflected in the most recent AO for the source (DAQE-204-02, now incorporated into Title V permit No.3500068001). The combustion of natural gas is

well understood and documented, and little change in PM10 emissions are anticipated with regular maintenance. The pollutants of concern for this source are NOx and CO, and stack testing is required to verify compliance with those limits. IX.H.2.p. SPRINGVILLE CITY CORP. COMMENT 233: Subsection IX.H.2.p.(2) says "The owner/operator shall calculate a new 12-month total by the twentieth day of each month using data from the previous 12 months." This conflicts with the General Requirement at IX.H.1.b, which says "By the last day of each month..." This subsection for Springville City Corp. should refer back to the General Requirements. {Comment made by the EPA} RESPONSE 233: DAQ agrees with this comment. The source specific requirement will be changed to read as follows to agree with the general requirements: "(2) Compliance with the above limitations shall be determined by a continuous emissions monitoring system (CEM) meeting the requirements of R307-170. Daily NOx emissions shall be calculated for each individual engine and summed into a monthly output. The monthly outputs shall be summed into a rolling 12-month total of NOx in tons/year. The owner/operator shall calculate a new 12-month total by the last day of each month using data from the previous 12 months. Records of emissions shall be kept for all periods when the plant is in operation." IX.H.2.q. TESORO WEST COAST. COMMENT 234: Subsection IX.H.2.q.(1) does not contain a 12-month limit on plantwide PM10 emissions. It is not clear to us why another refinery in IX.H.2. (Flying J) would have a 12-month limit but Tesoro would not. {Comment made by the EPA} RESPONSE 234: During the NSR review for DAQE-694-97, emission limits were reviewed. The annual limit for PM10 was equivalent to and redundant with the daily limit. In preparation for title V permits, redundant limits were removed, including the limit addressed here, and only the shorter-term limits were retained. IX.H.2.r. WEST VALLEY POWER PLANT. COMMENT 235: A daily plantwide NOx limit is proposed, but no 12-month plantwide NOx limit. It is not clear to us why not. {Comment made by the EPA} RESPONSE 235: The annual limit was redundant. See the response to Comment 222 for a more complete explanation. SIP SECTION IX.H.3 - ESTABLISHMENT OF ALTERNATIVE REQUIREMENTS: COMMENT 236: On page 33, Section IX.H.3.a - These paragraphs generally track the language in Attachment B of White Paper 2, but omits the following: "Noncompliance with any provision established by this rule constitutes a violation of this rule." We think it is possible to change this language somewhat, but that it is necessary to make explicit that violation of a substitute provision constitutes a violation of the SIP. We suggest inserting the following language after the first two paragraphs on page 33: "Noncompliance with any provision established under this provision shall constitute a violation of the state implementation plan." {Comment made by the EPA} RESPONSE 236: DAQ agrees, and will add the following sentence at the end of Subsection IX.H.3.a. "Noncompliance with an alternative requirement approved under this plan shall constitute a violation of the underlying SIP condition that was established in Subsections IX.H.1 or 2 of this plan." COMMENT 237: On page 33, Section IX.H.3.b(1)g - DAQ needs to add a question mark. {Comment made by the EPA} RESPONSE 237: DAQ agrees, and will make the appropriate revision. COMMENT 238: On page 34, Section IX.H.3. - The

following language should be added (at the end of b. or somewhere in c.): "If the source fails to demonstrate that the proposed alternative is as or more stringent than the provision to be replaced, the executive secretary shall disapprove the proposed alternative." {Comment made by the EPA} RESPONSE 238: DAQ agrees, and will make the appropriate revision. COMMENT 239: On page 34, Section IX.H.3.c(1): Please change to read, "A source can request an equivalent emission limitation or other requirement by submitting" {Comment made by the EPA} RESPONSE 239: DAQ agrees, and will make the appropriate revision. COMMENT 240: On page 34, Section IX.H.3.c(1)(b): We think it would be more appropriate for the executive secretary, rather than the source, to issue a written determination regarding relative stringency. Perhaps this section should indicate that the source should provide a "proposed written determination" regarding stringency. {Comment made by the EPA} RESPONSE 240: DAQ agrees, and will make the appropriate revision. COMMENT 241: On page 35, Section IX.H.3.c(4): Consistent with White Paper 2, change to read, At the time he or she transmits a source's part 70 application to EPA, the executive secretary will notify EPA if a source has requested an alternative requirement. {Comment made by the EPA} RESPONSE 241: DAQ agrees, and will revise the language as shown below: "At the time the executive secretary transmits a source's part 70 application to EPA, the executive secretary will notify EPA if a source has requested an equivalent emission limitation. The executive secretary will review the request, and if the executive secretary agrees that the source has demonstrated that the alternative requirement is as or more stringent than the existing SIP requirement, the executive secretary will submit the equivalence demonstration and supporting documentation to EPA in advance of draft permit issuance. If the executive secretary disapproves the requested changes, the disapproval notice will be submitted to EPA. PM10 EMISSION INVENTORY: COMMENT 242: The State says in its description of the emission inventory that only the 24-hour standard for PM10 was violated and that it is therefore the controlling standard; however, the emission inventory provided shows only annual emission rates. In its current format, EPA cannot determine what 24-hour emission rates were used in the modeling analysis to show attainment of the 24-hour standard. For the baseline episodes, we believe DAQ should have developed 24-hour emission inventories based on actual 24-hour emission data for episode days and included it in the PM10 maintenance plan. For the projection years, we are unable to determine what 24-hour emissions rates were used for the large point sources, or whether the 24-hour emission rates that appear in Section IX, Part H are consistent with the modeling analysis. This is also relevant to the commitments made by DAQ in its letter to the EPA dated April 18, 2002. For these reasons, we cannot currently determine the validity or adequacy of the maintenance demonstration. EPA is aware of the difficulty in obtaining this information from the SMOKE program which was initially developed for ozone modeling where individual stationary source impacts/emissions are of less importance. To help resolve this issue we will confer with EPA experts familiar with the SMOKE program, and DAQ technical staff to try and find a simple way to extract this information from the UAM-Aero/SMOKE database. {Comment made by the EPA;

D2, includes also E3 and I4} RESPONSE 242: DAQ began using SMOKE in 2001 with the help of its contractor, Sonoma Technology, and had its own staff members go directly to MCNC, the model developer, for training. Regarding paragraph two, comment No.99, DAQ attempted to create a 24-hour emission inventory for point sources for the base year. This was done in consultation with both Sonoma Technology and MCNC. After a number of failed attempts to process the 24-hour data through SMOKE all concurred that the model, although it was supposed to have that capability, could not process a 24-hour data set. It was decided to use the standard method that uses an annual inventory and uses the model temporal profiles to create an episode-specific, daily inventory. DAQ modeled sources that have limitations in their permits for individual components not to exceed certain thresholds on an hourly basis in a very conservative way. Limits that are expressed, typically, in lb/hr were multiplied by 24 to get lb/day and multiplied again by 365 to get lb/year. These were converted to ton/year and then processed through SMOKE. The graphic below, with the blue background, shows lines from the SMOKE profile and cross-reference files.

These files are the means by which the program uses indices and SCC identifiers to convert the annual values into hourly rates. Values reported out of SMOKE are for the point source inventory for Salt Lake County, day 5, Tuesday, February 5, 2002 episode. Values are for the base year, 2002, and one future year episode, 2005. All future year values from 2005 to 2017 are equal since they represent allowable rather than actual levels and show the considerable increase in point source emissions by using allowable levels for future years. [A description of how SMOKE operates on individual sources, by SCC code, to change the emissions from an annual to an hourly average input for the air quality model was attached.] SMOKE uses its own customizable report generator and at the time of model development at DAQ the only reporting format available was for county-level emissions. This report format was created during the initial model development with the help of MCNC and the county-level format is the one that we have continued to use. Technical staff at DAQ will work with EPA, Region 8, and provide any of the data files requested to extract more detailed information from the SMOKE output files. COMMENT 243: Emissions for PM10, SO2, NOx, CO, and VOC from Kennecott's main stack for 2001 were double counted and thus projected emissions used in modeling for the Smelter and Refinery are too high. This error arose from the structure of the inventory; the TSD spreadsheet entitled "Potential to Emit, 2002 PM10 Modeling, Kennecott Smelter and Refinery, shows emissions from the Main Stack by two different components, "Copper Smelting (main stack)" with Fuel shown "n/a," and "Copper Smelting (main stack) with Fuel shown "natural gas." These are the same emissions. This gives the reader of the Technical Support Document the impression that the Smelter and Refinery emit more than their permits allow, and that is not true. These errors do not invalidate the modeling demonstration of maintenance of the PM10 NAAQS; in fact, they make the demonstration more conservative than it needs to be. Finally, several units are labeled as "not permitted," which is not the case. {Comment made by Kennecott} RESPONSE 243: DAQ agrees, and acknowledges that the emissions from the main smelter stack at Kennecott were

double-counted. This error, however, did not originate in the original 2001 emissions inventory submittal, but rather arose during manipulation of the inventory data in preparation for SIP modeling. The original submittal remains correct. As explained in Comment 230b, this error does not invalidate the conclusion that the PM10 standard will be maintained. The model demonstrates attainment and maintenance with the emissions that were included in the inventory. COMMENT 244: (EPA G1) The mobile source inventory portion of the Technical Support Document (TSD - "Supplement III-05 to the PM10 SIP (Maintenance Plan), Draft April 2005, Volume I of IX") notes that fugitive dust emissions from unpaved roads will be addressed in the area source inventory. However, section 1.a only addresses fugitive dust sources from paved road dust and does not include inventories from unpaved roads. Please include an emission inventory from unpaved roads in either the mobile source or area source inventory. If dust from unpaved roads is included in the transportation plans (developed by the MPOs) then the SIP must include them in the overall maintenance demonstration and as part of the motor vehicle emissions budget. These emissions must be included appropriately and consistently as either an area source or mobile source. {Comment made by the EPA} RESPONSE 244: Unpaved roads are included in the area source base year inventory (see Volume III 2.c.ii(1) and (2)). They are also projected (see Volume VIII pages 3.c.iii-8 and 3.c.iii-61). PM10 MODELING: COMMENT 245: In EPA's comments on the original modeling protocol we stated that the final maintenance plan should also address the annual NAAQS for PM10 and we suggested that an emissions-based analysis be used to demonstrate continued compliance with the standard. Annual concentrations at the North Salt Lake City monitor have been as high as 46 ug/m³ as recently as 2000 and that in the future the standard could be threatened at that location with a small increase in local emissions. Emissions inventory projections showing a downward trend in future year emissions near the monitor would be a reasonable method to demonstrate NAAQS maintenance. Annual concentrations at the other monitors in the Salt Lake City area are well below the annual standard and the current SIP plus additional reductions to address the 24-hour NAAQS should ensure compliance with the NAAQS at these locations. {Comment made by the EPA; E1} RESPONSE 245: The annual standard has been addressed at Section IX.A.10.c(1)(d). It is explained therein that the control strategy developed as part of the 1991 PM10 SIP was based on the 24-hour NAAQS (not the annual) because that approach resulted in the more stringent control requirements. Many of the control strategies that were implemented to reduce the 24-hour PM10 concentrations also result in a reduction of the annual PM10 concentrations, particularly since the ambient data shows that the winter season is the period that has the greatest impact on the annual average. The data presented in Section IX.A.10.b(3) shows a downward trend in the annual arithmetic mean concentrations, thus corroborating the assumption made in the 1991 SIP. This is particularly important at the North Salt Lake monitor, where the values of the arithmetic mean concentrations are closest to the NAAQS (Figure IX.A.29). The downward trend in the data collected here from 1994 through 2004, representing the period of Post-SIP RACT control, may be described by a line of best fit in

which the slope is -0.577 ug/m³ per year. For a discussion as to why the trend over this period of time is relevant to the proposed demonstration of maintenance through 2017, see the response to Comment 46. COMMENT 246: In the UAM-Aero modeling, banked emissions were sited in core industrial areas in the county in which they were registered and included in the modeling in 2005 and subsequent years. In general, EPA believes that this is a reasonable approach. However, 12,567 tons/yr of Kennecott's banked SO₂ emissions were modeled as if they were emitted from Kennecott's 1200 foot stack. Under wintertime inversion conditions it is unlikely that pollutants emitted from a 1200 foot stack (above the persistent inversion) would be mixed to the surface and contribute to PM10 concentrations at the surface. These SO₂ emissions should be remodeled using the same method that UDEQ used for NO_x and PM10. {Comment made by the EPA; E2} RESPONSE 246: These emission reduction credits were created by achieving emission rates that were lower than what was required by the 1991 PM10 SIP. The lower limits will be included in the maintenance plan (see response to Comment 230a). The banked credits were modeled so as to preserve them in the baseline for the SIP (see response to Comment 169). DAQ is implementing the nonattainment area permitting program (R307-403) in accordance with EPA's interpretation of the rule in the May 5, 1995 approval of the program. Interpollutant trading between PM10, NO_x and SO₂ is not allowed under this rule for new major sources or major modifications. It is unlikely that 13,000 tons of SO₂ emission reduction credits will be used in the nonattainment area. Therefore, it would not be appropriate to model these emissions throughout the nonattainment area. When the area is redesignated to attainment for PM10 and SO₂ the method that was used to estimate where banked emissions would be used will no longer be an issue because the PSD program will require modeling to demonstrate that any major source or major modification will not cause a violation of the NAAQS. If such modeling showed a violation of the NAAQS, the permit would not be issued. COMMENT 247: On page 38, section IX.A.10.c(6), says that the road dust inventory was discounted by 75% for purposes of demonstrating maintenance, but that it was not discounted for purposes of establishing motor vehicle emissions budgets. We question whether the 75% discount is appropriate. Utah must include a reasoned and valid rationale for this discount, including the air quality monitoring data and the original modeling results. Any technical reports by Sonoma Technologies, Inc. explaining this adjustment factor should be included in the TSD (at Tab 2.d.iii (3)(iii) page 17). {Comment made by the EPA; B30, includes EPA comments B31 and F3} RESPONSE 247: The inventories and budgets appropriately reflect the output of the EPA-approved mobile source model. The 75% reduction is a performance adjustment to the air dispersion model and is consistent with guidance provided in the documents identified below. These two EPA-authored documents provide valid rationale for this approach and will be included in the TSD. The second sentence in the first reference speaks to the lack of value that a comparison to monitored data would provide. Without the 75% reduction, the airshed model would significantly over-predict the primary PM component. "Conclusions. Our understanding of factors affecting particle removal near ground level fugitive dust sources has improved

greatly since the late 1990s. Models are limited in their ability to fully account for near source removal of particles for a variety of physical and practical reasons and this limitation is a major reason for the disparity between modeled and monitored estimates of fugitive dust. The Transportable Fraction concept is consistent with research on windbreaks and has been at least partially quantified by the field work of DRI and MRI. In its current form, the TF concept does provide a useful way to account for this removal process in grid models by applying a variable adjustment across the U.S. This variable adjustment is an improvement upon the national divide-by-four adjustment that has been used for several years. However, this area of research is still emerging and other approaches or assumptions may be useful, especially when considering a specific air shed. Also, it will be prudent to review the TF methodology as new studies are published." (A Conceptual Model to Adjust Fugitive Dust Emissions to Account for Near Source Particle Removal in Grid Model Applications. pg. 10, Thompson G. Pace, US EPA 8/22/2003.) "ADJUSTMENTS FOR MODELING THE NET INVENTORY. Three source types in the NET inventory were given special treatment for this modeling exercise. First, we made an adjustment to PM_{2.5} and PM₁₀ emissions from certain fugitive source categories to remove what is termed the "non-transportable" component of these emissions. This component represents an approximation of the portion of fugitive emissions that settle out and are not dispersed more than a few meters from where they are emitted. Particulate emissions for the source categories listed in Table 1 were reduced by 75 percent to simulate the effects of this settling process. This adjustment was made because the emissions factors and activity data used in calculating fugitive emissions are designed to provide total emissions estimates whereas the nature of the processes which lead to such emissions (e.g., vehicles traveling on unpaved roads) result in much of the particle mass being deposited close to the location of the release. [Table 1 was included.] Development of an Anthropogenic Emissions Inventory for Annual Nationwide Models-3/CMAQ Simulations of Ozone and Aerosols. pp. 3-4, Norman Possiel, et al. (Date unknown). COMMENT 248: Documentation of Modeled Emission Rates for Stationary Sources - For the projection years, we are unable to determine what 24-hour emissions rates were used for the large point sources, or whether the 24-hour emission rates that appear in Section IX, Part H are consistent with the modeling analysis. We cannot currently determine the validity or adequacy of the maintenance demonstration. (See related comment under "PM₁₀ Emission Inventory.") {Comment made by the EPA; E3} RESPONSE 248: See response to Comment 242. TECHNICAL SUPPORT DOCUMENT - "SUPPLEMENT III-05 TO THE PM₁₀ SIP (MAINTENANCE PLAN), DRAFT APRIL 2005": COMMENT 249: (EPA F1) Tab 2.d.iii (1)(a) PM₁₀ Mobile Source Protocol Using MOBILE6.2, Overview, 2nd paragraph, the last sentence should be corrected to indicate PART5 was only used to model fugitive dust from paved roads and that MOBILE6.2 was used for tail pipe, brake and tire wear as noted in the maintenance plan. {Comment made by the EPA} RESPONSE 249: As submitted, the PM₁₀ Mobile Source Protocol Using MOBILE6.2, Overview, 2 paragraph is correct. PART 5 was to estimate tail pipe, brake and tire wear, not MOBILE6.2.

The inventories were prepared in accordance with the EPA-approved methodology in place in October 2003. Concurrently, MOBILE6 was used to estimate tailpipe emissions of CO, NO_x, and VOC only. PART5 was used to estimate road dust, SO₂ gas, direct tailpipe emissions of SO₄, direct tailpipe emissions of particulates, brake wear and tire wear. Modeling was accomplished consistent with an EPA memo dated November 2002. At the time the Mobile Source inventories were prepared, MOBILE6 was not approved to assess emissions other than CO, NO_x, and VOC. COMMENT 250: Tab 2.d.iii (3)(iii) page 6, PART5 Model. This paragraph indicates that the February 1995 version of the PART5 model was used. AP-42 was updated in November 2003 to reflect more accurate emission factors. According to our Policy Guidance at http://www.epa.gov/otaq/models/mobile6/mobil6.2_letter.pdf, the 24-month grace period for using MOBILE6.2 and AP-42 for PM SIPs started May 14, 2004. The use of PART5 is satisfactory for now but we would like to make Utah aware that the use of AP-42 for fugitive dust and MOBILE6.2 for tailpipe/tire/brakes will soon be mandatory. {Comment made by the EPA; F2} RESPONSE 250: The future termination of PART5 and replacement with AP-42 fifth edition is noted. The use of PART5 in this plan is consistent with the approved EPA guidance. H. EPA COMMENTS REGARDING THE OUTSTANDING DAQ APRIL 18, 2002 COMMITMENTS: COMMENT 251: As the Utah AQB works toward adoption of a maintenance plan and a request to redesignate Utah County, Salt Lake County, and Ogden City PM₁₀ nonattainment areas to attainment, the EPA would like to remind the Board and the DAQ of the commitments made to EPA in a letter dated April 18, 2002. Based on our preliminary review of DAQ's proposed draft PM₁₀ maintenance plan submittal, the commitments below remain an issue. DIRECTOR'S DISCRETION: COMMENT 251a: EPA informed DAQ that the director's discretion provisions that allow for changes to be made to the SIP without EPA's approval and have resulted in SIP enforceability issues are counter to sections 110(a) and 110(i) of the Clean Air Act (CAA). We informed DAQ that all directors' discretion provisions need to be removed from the SIP. DAQ indicated that the State is interested in using authority under 40 CFR 70.6(a)(1)(iii) and EPA's White Paper 2 to modify SIP provisions through the Title V permitting process. EPA indicated that we will support the State's use of this authority. The proposed SIP package includes draft SIP language based on this authority, and with some changes (see prior comments), we believe the draft SIP language will address the principles of White Paper 2. In addition, we note that the State's proposal would remove a number of director's discretion provisions from the PM₁₀ SIP, and we endorse the State's efforts in this regard. However, we note that the proposed SIP revisions retain a number of director's discretion provisions and add new ones as well. We have made an effort to identify these individually in our comments on the proposed language. We are also concerned that problematic director's discretion provisions may remain in parts of the SIP that the State is not revising as part of this effort. Failure to remove director's discretion provisions from the SIP could jeopardize our ability to approve the redesignation. {Comment made by the EPA; I1} RESPONSE 251a: DAQ has removed language from R307-305-2 allowing sources to modify SIP

requirements through permitting. Further the PM10 SIP has been modified in Appendix H, where individual source specific requirements are delineated removing director's discretion. Concurrently, DAQ has drafted enabling language in Appendix H of the proposed PM10 SIP revisions that incorporates procedures to modify the SIP through a Title V, Operating Permit as permitted by 40 CFR 70.6(a)(1)(iii). VARIANCE PROCEDURES: COMMENT 251b: The variance language that exists within the current SIP should be removed. As with director's discretion provisions, variance provisions approved into a SIP may make it appear that we have authorized the State to unilaterally change SIP requirements. This is inconsistent with the Clean Air Act, and the DAQ variance procedures will not change this basic problem. {Comment made by the EPA; I2} RESPONSE 251b: Section 110(i) of the federal Clean Air Act was added to the federal law by the 1977 amendments to the Act. Section 110(i) provides that except for a number of listed exceptions, "no order, suspension, plan revision, or other action modifying any requirement of an applicable implementation plan may be taken with respect to any stationary source by the State or by the Administrator." Because of issues raised by EPA concerning the consistency between the Utah variance provisions and Section 110(i) of the federal Clean Air Act, the Utah rules were amended in November, 1979, to add a restriction on the granting of variances -- allowing the granting of variances as provided by law "unless prohibited by the Clean Air Act." That language has existed in the Utah rules since that date and is currently a part of Utah Administrative Code R307-102-4. The variance rule and its limitation were included in numerous State Implementation Plans and revisions submitted to EPA since 1979. EPA has approved the language as part of those implementation plans and revisions to those plans. A written opinion concerning the variance provisions by Fred Nelson, Assistant Attorney General, is attached to these comments. DAQ clarified to the EPA the procedures for implementing the variance provisions, in a copy of the Variance Procedures Memo, dated February 21, 2003, and signed by Richard Sprott. This memo details the procedures that staff follows to assure that all variance requests are processed to determine their consistency with all applicable requirements, including the CAA. Therefore, there is no inconsistency between the CAA and Utah Rule R307-102-4. COMMENT 251c: (EPA Comment I3) Enforceable Emission Limits for Major Sources (including 24-hour emission limits): RESPONSE 251c: DAQ has included enforceable emission limits for all significant sources located in Salt Lake and Utah Counties (as well as some others in southern Davis County), and these limits are consistently expressed in terms of tons per day. These limits appear in Part IX.H of the proposed SIP, and would replace all that is currently in that Part. RESPONSE 251c: See complete discussion at Comment 200, "Section IX. Part H - Emission Limits and Operating Practices:" (General Comments). COMMENT 251d: (EPA Comment I4) Emission Inventory and Modeling Analysis for Sources in Nonattainment areas: RESPONSE 251d: See discussion at comment 99, "PM10 Emission Inventory" COMMENT 251e: (EPA Comment I5) Refinery SRU and Flaring: RESPONSE 251e: See discussion at comment 68, "Section IX. Part H - Emission Limits and Operating Practices:" (SRU Turnaround and Upset Flaring

Emissions). NSR/BANKING/TRADING: COMMENT 251f: DAQ needs to address the emission banking and interpollutant trading issue. DAQ has expressed concern regarding EPA's NSR Reform Rule and the impacts that the reform rule may have on what EPA has identified as deficiencies in Utah's NSR rules. EPA has expressed to DAQ in the past that the State could still continue to work on the emission banking and interpollutant trading issues despite NSR Reform. DAQ has also questioned whether EPA's concerns with DAQ's NSR program would become moot once the areas are redesignated to attainment and fall under the State's PSD rules. We believe these issues will not become moot for the following reasons. First, areas of the State may remain nonattainment for other pollutants even if Salt Lake and Utah counties are redesignated attainment for PM10. Second, we think Utah must have an adequate nonattainment NSR program in place in case any part of the State is designated nonattainment in the future. Finally, some of the issues we have identified apply to PSD and minor source permitting as well as nonattainment NSR. {Comment made by the EPA; I6} RESPONSE 251f: DAQ agrees with EPA that there are issues in Utah's nonattainment NSR rule (R307-403) that need to be addressed. However, these issues do not affect the PM10 maintenance plan and should be addressed separately. When EPA approves the maintenance plan and redesignates Utah County, Salt Lake County and Ogden City to attainment, R307-403 will no longer apply in the new maintenance areas. The PSD rule, R307-405 will become the permitting program for major sources and major modifications. Utah has either been redesignated to attainment or has submitted a maintenance plan to EPA for all nonattainment areas in the state. When those remaining plans are approved, R307-403 will not apply anywhere in the state, and so any issues in that rule will be academic. DAQ also agrees with EPA that Utah needs to have an NSR program in place that will apply in any new nonattainment areas that are designated in the future. When looking at current monitoring data, it is clear that the two pollutants that are of most concern in Utah are PM2.5 and ozone (8-hour standard). EPA has delayed finalizing the NSR reform provisions in the nonattainment permitting rules in 40 CFR 52.24 and 40 CFR Part 51, Appendix S to ensure that these rules are consistent with the implementation guidance for the PM2.5 and 8-hour ozone standards. There are significant issues, such as precursors and increment, that must be addressed and it is unreasonable to expect Utah to resolve these issues at the state level prior to resolution of these issues at the national level. DAQ anticipates that the federal nonattainment area permitting requirements will be finalized sometime this year. DAQ plans to act expeditiously to revise Utah's nonattainment area permitting rules based on the new federal requirements. In the meantime, the current program is effective and will continue to function during the interim period. EPA mentions that there are some portions of their comments that apply to Utah's PSD program. DAQ staff has reviewed EPA's earlier comments, and they seem to apply solely to the nonattainment area permitting program. Utah is in the process of developing a draft revision to R307-405 to incorporate the federal NSR reform provisions into Utah's rule. Utah intends to submit this rule to EPA by the end of the year, as required. If there are any issues with the revised rule, DAQ

welcomes comments from EPA during the public comment period for the revised PSD permitting rule. COMMENT 251g: (EPA Comment I7) Unavoidable Breakdown Rule: RESPONSE 251g: DAQ has re-proposed a draft of the Excess Emissions rule and submitted it to the EPA on March 3, 2005. DAQ is committed to continue this rulemaking process. COMMENT 251h: (EPA Comment I8) Backhalf Emissions Measuring: RESPONSE 251h: See discussion at Comment 202, "Section IX. Part H - Emission Limits and Operating Practices:" (Source Testing). DIESEL PARTICULATE AND NO_x EMISSIONS: COMMENT 252: Strategies to reduce diesel emissions would be appropriate due to the rail and truck yards near the North Salt Lake monitor that exceeds the PM_{2.5} health standard. We recognize that Utah supports tightening federal standards for locomotive emissions, but there are local strategies that could be implemented. Last year, California Air Resources Board sponsored a risk assessment of diesel exhaust at a rail yard near Sacramento. The study concluded that dangerous concentrations of ultra-fine particulate extend widely outside the rural yard and affect residents for miles around. Specifically, it contributes an additional cancer risk at a rate between 100 and 500 cases per million people over an area in which 14,000 - 16,000 people live, and at a rate of 1 - 100 cases per million people over a larger area in which 140,000 - 155,000 people now live. The small size of the particles makes it an efficient means of delivering chemicals into our bodies. Diesel exhaust is easily inhaled deep into the lungs, where up to 85% of fine particles remains in the lungs 24 hours after initial exposure; this means that diesel exhaust has easy, long-lasting access to the most sensitive parts of the lungs. There are several strategies that could be used, in conjunction with ultra low sulfur fuel, to reduce diesel emissions. First, there are catalyzed diesel particulate filters (DPFs) and diesel oxidation catalysts (DOCs) that reduce PM dramatically. Currently, DPF retrofits for school buses and construction equipment cost in the \$500 - 10,000 range; DOCs do not require ultra low sulfur fuel and are cheaper at \$700-2500 for school buses and construction equipment, but are less effective. Strategies to reduce idling should be considered; alternatives are auxiliary power generators, auxiliary power units, truck stop electrification, engine idle management technology, and no-idle hear and/or HVAC systems. Union Pacific is now using its first hybrid switching engine at Los Angeles area ports; it operates on an electric battery and a diesel engine that recharges the battery. Union Pacific estimates it will see 80-90% reductions in NO_x, and will use 40-60% less fuel. Reducing NO_x from locomotive emissions by replacing older engines with newer hybrids is also used in the Houston Galveston area as part of the Texas ozone reduction strategies. In Chicago, idle reduction strategies are in place, with reduction of 12.5 tons of NO_x at a cost of \$1420 per ton. {Comment made by Environmental Defense and Utah Chapter, Sierra Club} RESPONSE 252: Generally, an engine used in a switching yard is idling 70% of the time, and thus wastes significant amounts of fuel, as well as generating emissions of NO_x and other pollutants. There are two recent technologies that are promising for the future. The diesel-electric hybrid engine uses a 600-volt battery bank to power a 290-horsepower inline 6-cylinder diesel truck engine; it uses 40 - 60% less fuel and emits 80 - 90% fewer

pollutants than conventional train engines. It is also cheaper to purchase, and cleaner, than the newest generation of diesel locomotives. Union Pacific has leased hybrid engines for use in California and Texas. The other technology is the diesel truck-engine switch locomotive (TES), which uses two state-of-the-art diesel engines developed for large, over the road trucks. EPA is expected to certify TES under its new Tier 2 standards. Utah DAQ encourages Union Pacific to evaluate the positive environmental and economic benefits and expand the use of this technology within Utah, especially in urban areas. DAQ staff has been consulting with personnel in school districts along the Wasatch Front to encourage use of cleaner school buses. HEALTH AND HIGH PM_{2.5}: COMMENT 253: EPA's Clean Air Science Advisory Committee has deemed PM_{2.5} to be more dangerously unhealthy than was known when the standard was set in 1997, and EPA will issue a stronger standard soon. The pollutants that cause PM_{2.5} are the same as those causing PM₁₀. Yet we have before us a Plan that proposes that says we don't have to worry about PM₁₀ any more and can begin discussing increments available to add more PM₁₀ to an area with a rapidly growing population including many young children, pregnant women and people with heart and lung problems--those sensitive populations that are susceptible to health effects even below the federal health standard. What this Plan proposes in terms of increased PM₁₀ pollution is really about how much more PM_{2.5} pollution we can add to the Wasatch Front. We should be addressing how we can reduce the PM_{2.5} levels that we have now. {Comment made by Sierra Club, Utah Chapter} RESPONSE 253: DAQ began addressing PM_{2.5} pollution long before EPA issued a federal health standard for it and expects to continue to do so; some of the provisions that EPA adopted to regulate PM_{2.5} were based on the knowledge gained through data collected and analyzed in Utah and other states. Most of the strategies that Utah adopted to control PM₁₀ also control PM_{2.5} because PM_{2.5} is a large portion of the overall PM₁₀ measurements during wintertime temperature inversions. Within a year after EPA issued the PM_{2.5} standard, Utah began proceedings to regulate woodburning based on monitored and projected levels of PM_{2.5} (see response to No. [136] above). DAQ will continue to work to find ways to reduce PM_{2.5} throughout the state, and is developing strategies by working with local communities. COMMENT 254: We are very concerned about the reported exceedances at the North Salt Lake monitor. We should be trying to reduce PM_{2.5}. This monitor is near refineries, gravel operations, construction sites, and residential areas. {Comment made by Sierra Club, Utah Chapter} RESPONSE 254: DAQ will take action to correct high PM_{2.5} values, as needed, in any area. It is possible that the excessive PM_{2.5} in 2004 at the North Salt Lake monitor had natural causes. One such possibility is blowing dust from the beaches of the Great Salt Lake; due to the 6-year drought, the beach area was both larger and drier in 2004 than it had been historically. DAQ staff are acquiring and analyzing data needed to understand the precise nature of the problem; we will know more when we receive the results of the filter analysis. COMMENT 255: PM₁₀ and PM_{2.5} are closely related and Utah should consider them together, especially since Salt Lake County is currently violating the annual PM_{2.5} standard [at the North Salt Lake monitor]. We understand that

the data will not be certified until June 1, the average of 15.2 u/mis a concern. This monitor is near several refineries, highway and railway corridors, rail and truck yards, gravel pits, and several residential areas. Because most of the particulate pollution in the Salt Lake area is due to industrial emissions and is in the smaller particle size range, the PM10 plan should set the framework for complying with the PM2.5 standard as well. Moreover, there is a large body of new health effects studies showing further evidence of the serious adverse health effects of PM2.5, including respiratory and cardiovascular events that explain morbidity and mortality observed in epidemiological studies. Fine particles exacerbate preexisting illness in children with asthma, emergency room visits, and premature deaths. With this maintenance plan, Utah has the responsibility and the ability to begin to protect its citizens from fine particles and to fulfill the Clean Air Act's bedrock mandate to restore healthy air "as expeditiously as practicable." {Comment made by Environmental Defense and Utah Chapter, Sierra Club} RESPONSE 255: DAQ understands the importance of maintaining all of the health-based standards, including the PM2.5 standard, throughout the state. COMMENT 256: North Salt Lake is currently very close to a violation of the PM2.5 health standard, and a recent permitting action indicated that a sulfur dioxide dispersion analysis model predicted an exceedance of the 24-hour sulfur dioxide standard in terrain directly east of a refinery in North Salt Lake. Dispersion modeling does not account for large flaring events; thus, there could be episodic events with emissions far beyond that modeled. {Comment made by Wasatch Clean Air Coalition} RESPONSE 256: For discussion of the North Salt Lake monitor, see the response to comment 146 above. For a discussion of upset flaring events see the response to Comment 212. COMMENT 257: Monitoring refinery flares for emissions of PM2.5 precursors would be an important start in knowing more about what is in the flares in order to better control such emissions. Sulfur dioxide emissions have been detected as a problem in the refinery area. {Comment made by Sierra Club, Utah Chapter} RESPONSE 257: Again, this Plan appropriately addresses PM10, not PM2.5. However, as noted in the response to 145 above, DAQ is already taking action to reduce PM2.5 emissions. As to any problems with sulfur dioxide in the area of the refineries, see the response to 256 above.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule must be continued to meet federal requirements that the State adopt enforceable plans to reduce air pollution. If the State failed to adopt such plans and incorporate them by reference into Utah's rules, EPA would impose federal plans and rules instead. Responses to all comments are included under "the summary of written comment" above.

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 janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 09/08/2005

▼ ————— ▼

Environmental Quality, Air Quality **R307-165** Emission Testing

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28215
FILED: 09/07/2005, 15:28

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: Subsection 19-2-104(1)(a) allows the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources..." One component of preventing air pollution is testing to ensure that control equipment is working properly.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-165 was last reviewed on June 11, 2003. Rule R307-165 has been revised once since the last review: DAR No. 27756, published April 1, 2005, and effective on September 2, 2005. The Division of Air Quality (DAQ) received one written comment since the last review. COMMENT: The Environmental Protection Agency (EPA) is concerned with the effectiveness of the rule. RESPONSE: The requirement to do a stack test at least once every five years in Rule R307-165 is a general requirement that applies to all stacks with an established emission limitation. The five year schedule is adequate to meet the requirement in Utah's operating permit program to show

compliance with all emission limitations because at least one test is required during the five-year permit term. The requirement in Rule R307-165 provides a testing requirement for those emission units that do not have a testing schedule established in their Approval Order (AO) or in applicable requirements such as National Standards of Performance for New Stationary Sources (NSPS) limits. The testing schedule for most emission units is established either in an AO, or in the SIP. In many cases, stack testing is required more frequently (one year or three year schedule) or a continuous emissions monitor (CEM) is required. DAQ staff determine the frequency on a case-by-case basis after considering the size of the emission unit, the need to verify the effectiveness of pollution controls, and the location of the source. For example, emissions from a natural gas turbine do not vary significantly over time and post process emission controls are not used. In this case, a stack test every five years will provide a periodic check, but emissions are not expected to change significantly over time. DAQ staff recommended removing the requirement to do an initial stack test within six months because the AO for the source is the more appropriate place to establish this requirement. For example, in the past, DAQ established emission limits in AO's with a requirement to test the emission unit if directed by the Executive Secretary. The idea was that these units would be tested if inspectors had reason to believe that they were not operating as described in the NOI, but otherwise there was little value in doing regular stack tests. DAQ's current practice is to establish emission limits only for those sources where on going testing is important. DAQ still has general authority to require testing or to require more information from the source if needed. Therefore, DAQ believes that the initial testing requirements in Rule R307-165 do not conflict with the requirements developed in a case-by-case review of emission units. Because EPA believes that it is important to establish a general, underlying requirement, DAQ staff agree that the requirement to do a stack test within six months of start-up should be retained. EPA also expressed concerns about the provision in Rule R307-165 that allows the Board to grant exceptions to the mandatory testing requirements of Subsection R307-165-2 that are consistent with the purposes of Title R307. DAQ disagrees with EPA's contention that no discretion can be allowed in the process. There are circumstances that will prevent a stack test from being completed on schedule, such as equipment breakdowns, or if the facility is not producing the right product mix to get a meaningful result from the test. In some cases, a source may need time to develop the testing protocol for an innovative process. The rule requires that "any exception must be consistent with the purposes of R307" and this requirement prevents the exception process from being used just for the convenience of the source.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Without periodic testing, there is no guarantee that pollution control equipment is working properly. This rule outlines the testing and should be continued.

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:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 09/07/2005



Environmental Quality, Air Quality **R307-201** Emission Standards: General Emission Standards

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28214
FILED: 09/07/2005, 15:28

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: Subsection 19-2-104(1)(b) allows the Air Quality Board to make rules "establishing air quality standards." Standards are needed to ensure that emissions of air pollution do not harm public health.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-201 was last reviewed on June 11, 2003. Rule R307-201 has been revised once since the last review: DAR No. 27757, published April 1, 2005, and effective on September 2, 2005. The Division of Air Quality (DAQ) received five written comments since the last review. COMMENT 1: The Environmental Protection Agency (EPA) disagrees with DAQ's interpretation of excess emissions during startup, shutdown, and malfunction, and stated that these provisions should be removed from this rule and addressed in a separate excess emissions rule. RESPONSE 1: DAQ has repropose a draft of the Excess Emissions rule and submitted it to the EPA on March 3, 2005.

DAQ is committed to continue this rulemaking process. COMMENT 2: KUCC has an objection concerning the use of a modified form of Method 9. In summary, any modified form of Method 9 used as an enforcement standard for intermittent or mobile sources, as opposed to a trigger for further action, is

not a verifiable method, is not an approved method, and imposes a standard more restrictive than corresponding federal regulations and, according to Section 19-2-106, cannot be maintained without a written finding after public comment and hearing and based on evidence in the record, that corresponding federal regulations are not adequate to protect public health and the environment of the state. For the reasons given regarding opacity observations for intermittent and mobile sources the following items should be deleted: the second sentence of proposed Subsection R307-201-3(9), the second sentence of Subsection R307-206-5(1), the second sentence of proposed Subsection R307-306-5(1), the third sentence of Section R307-309-4, and the second sentence of proposed Subsection R307-309-5(3). RESPONSE 2: The provision of Rule R307-201 governing the method to enforce opacity observers for mobile and intermittent sources has been in effect for over 25 years. DAQ added this provision to the other rules to clarify that the provision of Rule R307-201 would continue to apply, because DAQ separated its rules into two categories, State only rules and rules that will apply in only nonattainment and maintenance areas. DAQ staff recommends not deleting these provisions from the rules. DAQ's compliance staff have indicated that these provisions are needed. It is necessary to have a method to enforce opacity limits for mobile and intermittent sources and EPA Method 9 is not intended to measure opacity limits for mobile and intermittent sources. Utah Code Section 19-2-106 restricts DAQ from developing a standard more restrictive than the corresponding federal regulation; however, there is no corresponding federal regulation for measuring opacity emissions limits for mobile and intermittent sources. Therefore, DAQ developed a method to measure compliance of opacity emission limits for mobile and intermittent sources consistent with EPA Method 9. COMMENT 3: Add a provision to Rules R307-201, R307-206, R307-207, R307-302, R307-305, R307-306, R307-309, and other rules with visible opacity emission limits to allow alternatives to EPA Method 9 (40 CFR Part 60, Appendix A). Any alternative would be approved by the Executive Secretary on a case-by-case basis. One such alternative could be the Digital Opacity Compliance System (DOCS). Requirement for such a system could be included in Approval Orders and/or Title V permits. RESPONSE 3: DAQ agrees that DOCS can be beneficial; and will continue to allow DOCS as an option for periodic monitoring through operating permits. DAQ will reconsider adding such a provision to its rules, if DOCS receives federal approval. COMMENT 4: Subsection R307-201-3(7) says "Visible emissions...shall not be deemed in violation provided..." This use of the term violation is problematic. Some alternate language should be sought that avoids the controversy among different interpretations of the word violation. RESPONSE 4: This comment has reference to the Excess Emissions issue, and as mentioned above, DAQ has repropose a draft of the Excess Emissions rule and submitted it to the EPA on March 3, 2005. DAQ is committed to continue this process. COMMENT 5: EPA stated that opacity standards for diesel engines must exempt locomotives, because states are preempted (or not allowed) to set opacity standards for locomotive engines. EPA suggested the following language for these provisions: "Emissions from diesel engines, except locomotives, manufactured?"

RESPONSE 5: DAQ will make the suggested revision in Subsection R307-201-2(5) to read as follows: "Emissions from diesel engines, except locomotives, manufactured after January 1, 1973, shall be of a shade or density no darker than 20% opacity, except for starting motion no farther than 100 yards or for stationary operation not exceeding three minutes in any hour."

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Standards are needed to ensure that emissions of air pollution do not harm public health. This rule outlines the standards and should be continued.

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:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 09/07/2005

▼ ————— ▼

Environmental Quality, Air Quality **R307-205** Emission Standards: Fugitive Emissions and Fugitive Dust

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 28223
FILED: 09/07/2005, 15:30

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: The Air Quality Board is required by Subsection 19-2-101(2) to "...achieve and maintain levels of air quality which will protect human health and safety,..." In addition, Subsection 19-2-104(1)(a) allows the Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source..." Also, Subsection 19-2-109(2)(a) allows the Board to "...establish emission control requirements by rule that in its judgment may be necessary to prevent, abate, or control air pollution that

may be statewide or may vary from area to area, taking into account varying local conditions." Finally, Subsection 19-2-104(3)(e) allows the Board to "...prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in this state." Rule R307-205 protects the public health by reducing emissions from industries, gravel pits, constructions sites, haul trucks, mines, and tailings ponds, as authorized by the above statutes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-205 was last reviewed on August 2, 2000. Rule R307-205 has been revised once since the last review: DAR No. 27764, published April 1, 2005, and effective on July 7, 2005. The Division of Air Quality (DAQ) received three written comments since the last review. COMMENT 1: The revised rules exempt sources constructed before certain dates; in Section R307-201-3, the date is April 21, 1975. The original idea behind grandfathering was that eventually this equipment would be replaced by newer equipment with better controls. RESPONSE 1: Sources are required to undergo a New Source Review, and lose grandfathered status, when they modify their operations. A source is no longer grandfathered if it moves to another location, and does not regain grandfathered status if it returns to the original location. A grandfathered source must meet specific emission limits required in a SIP or maintenance plan.

Any equipment brought into Utah from another state is not grandfathered at the new location in Utah, and is subject to New Source Review rules. Generally, our New Source Review is more stringent than New Source Performance Standards. COMMENT 2: Rule R307-205 "General emission: Fugitive Emissions and Fugitive Dust" - EPA is concerned with the removal of provisions of Rule R307-205 and has asked DAQ to show that these changes will not interfere with attainment, maintenance, or other requirements of Clean Air Act (CAA). RESPONSE 2: The provisions removed from Rule R307-205 fall into three categories: 1) DAQ moved the definition of "Road" to the general definitions in Section R307-101-2 rather than repeating the definition in multiple rules. 2) Provisions that apply to nonattainment and maintenance areas are addressed in Rule R307-309, and do not need to be included in this rule that applies only in attainment areas for PM. Some outdated requirements to submit a fugitive dust plan by 1981 were also removed because those plans were submitted, as required, almost 25 years ago. 3) The only remaining provision that was removed requires an NOI for any new unpaved road with a traffic volume of 150 trips per day. This rule has been in place for a long time, and discussions with DAQ staff indicate that application of the rule focused on industrial roads such as haul roads. Since this rule was first put in place, DAQ has increased fugitive dust requirements and the regulation of haul roads through the approval order process for new or modified sources. This has been done under the authority of Rule R307-401, not this rule. Removing the unpaved road provision in this rule will not have any affect on air quality because the regulation of fugitive dust from haul roads has essentially been taken over by the approval order process. COMMENT 3: A letter from the U.S. Environmental Protection Agency (EPA), was received on May 15, 2003. This letter

was in response to Utah's submittal to EPA for approval of changes made during 1999 in Rules R307-205 and R307-309.

The two rules address similar issues, but Rule R307-205 applies statewide, while Rule R307-309 adds further requirements for the urban areas that are designated nonattainment for the federal health standard for coarse particles. Most of EPA's letter addresses interactions of Rule R307-309 and other rules; EPA's only comment about Rule R307-205 was: "We also realize that the new requirements of Rules R307-205 and R307-309 overall are more stringent than what was contained in Rule R307-12 [the rule that preceded Rules R307-205 and R307-309], and recognize the efforts of the State in revising this rule." Therefore, no action is needed in response to this comment.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-205 reduces emissions from industries, gravel pits, constructions sites, haul trucks, mines, and tailings ponds. In addition, complaints about fugitive dust make up approximately 50% of the complaints received by the Division of Air Quality. Therefore, this rule should be continued.

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:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 09/07/2005



Environmental Quality, Air Quality **R307-206** Emission Standards: Abrasive Blasting

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 28217
FILED: 09/07/2005, 15:29

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 R307-206 sets forth performance standards and maximum concentration of contaminants allowed in the air for operations that clean or prepare a surface by forcefully propelling a stream of abrasive

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

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-206 was last reviewed on June 19, 2003. Rule R307-206 has been revised once since the last review: DAR No. 27759, published April 1, 2005, and effective on July 7, 2005. The Division of Air Quality (DAQ) received one written comment. COMMENT: Kennecott Utah Copper Company (KUCC) has an objection concerning the use of a modified form of Method 9. In summary, any modified form of Method 9 used as an enforcement standard for intermittent or mobile sources, as opposed to a trigger for further action, is not a verifiable method, is not an approved method, and imposes a standard more restrictive than corresponding federal regulations and, according to Section 19-2-106, cannot be maintained without a written finding after public comment and hearing and based on evidence in the record, that corresponding federal regulations are not adequate to protect public health and the environment of the state. For the reasons given regarding opacity observations for intermittent and mobile sources, the following items should be deleted: the second sentence of proposed Subsection R307-201-3(9), the second sentence of Subsection R307-206-5(1), the second sentence of proposed Subsection R307-306-5(1), the third sentence of Section R307-309-4, and the second sentence of proposed Subsection R307-309-5(3). RESPONSE: The provision of Rule R307-201 governing the method to enforce opacity observers for mobile and intermittent sources has been in effect for over 25 years. DAQ added this provision to the other rules to clarify that this provision of Rule R307-201 would continue to apply, because DAQ separated its rules into two categories, state only rules and rules that will apply in only nonattainment and maintenance areas. DAQ staff recommends not deleting these provisions from the rules. DAQ's compliance staff have indicated that these provisions are needed. It is necessary to have a method to enforce opacity limits for mobile and intermittent sources and EPA Method 9 is not intended to measure opacity limits for mobile and intermittent sources. Section 19-2-106 restricts DAQ from developing a standard more restrictive than the corresponding federal regulation; however, there is no corresponding federal regulation for measuring opacity emissions limits for mobile and intermittent sources. Therefore, DAQ developed a method to measure compliance of opacity emission limits for mobile and intermittent sources consistent with EPA Method 9.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule protects the health of citizens when abrasive blasting operations are underway and should be continued.

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:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 09/07/2005



Environmental Quality, Air Quality
R307-302
Davis, Salt Lake, Utah, Weber
Counties: Residential Fireplaces and
Stoves

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 28219
FILED: 09/07/2005, 15:29

**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 R307-302 identifies no-burn periods for residential woodburning stoves and fireplaces in areas that sometimes exceed the health standards for fine particulate and carbon monoxide. Subsection 19-2-104(1)(a) allows the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-302 was last reviewed on June 19, 2003. Rule R307-302 has been revised once since the last review: DAR No. 27761, published April 1, 2005, and effective on September 2, 2005. The Division of Air Quality (DAQ) received six written comments. COMMENT 1: The revised rules exempt sources constructed before certain dates; in R307-201-3, the date is April 21, 1975. The original idea behind grandfathering was that eventually this equipment would be replaced by newer equipment with better controls.

RESPONSE 1: Sources are required to undergo a New Source Review, and lose grandfathered status, when they modify their operations. A source is no longer grandfathered if it moves to another location, and does not regain grandfathered status if it returns to the original location. A grandfathered source must meet specific emission limits required in a SIP or maintenance plan. Any equipment brought into Utah from another state is not grandfathered at the new location in Utah, and is subject to New Source Review rules. Generally, our New Source Review is more stringent than New Source Performance Standards. COMMENT 2: R307-302-3(3) "Davis, Salt Lake, Utah, Weber Counties: Residential Fireplaces and Stoves: PM10 contingency plan." - EPA stated it has never incorporated Utah's PM10 contingency measure into Utah's SIP and want to know if DAQ is requesting incorporation of the PM10 contingency measures by adopting this rule. RESPONSE 2: Utah withdrew submittal of the previous PM10 Contingency Measures on EPA's recommendation, but they are still part of the Utah PM10 SIP under Utah law. We are adding a new sentence at the beginning of Subsection IX.A.10.c(10) to read as follows: "This Contingency Plan supersedes Subsection IX.A.8, Contingency Measures, which is part of the original PM10 SIP," and will give public notice of that change if it is adopted by the Air Quality Board. If the current proposals are adopted, the new PM10 Maintenance Plan will include as a contingency measure a re-evaluation of the threshold that triggers a red-burn day, and R307-302-3(3) will immediately require that red-burn days be triggered at 110 i/m3 instead of the current 120 i/m3. Thus, in case the PM10 contingency measures are ever triggered, the 110 i/m3 trigger for red-burn days would be implemented immediately, and DAQ will research whether that is the appropriate trigger level, and whether and how to implement other contingency measures listed in the Maintenance Plan. COMMENT 3: In R307-302-3(4), the phrase "After January 1, 1999" is outdated and should be deleted. RESPONSE 3: DAQ agrees, and has removed the phrase to read as follows: "When the ambient concentration of PM2.5 measured by the monitors in Salt Lake, Davis, Weber, or Utah Counties?" COMMENT 4: R307-302-3(4) "Davis, Salt Lake, Utah, Weber Counties: Residential Fireplaces and Stoves: No-Burn Periods for Fine Particulate." - EPA asked for an explanation of the rationale for calling no burning period when PM2.5 levels reach 52 microgram per cubic meter. RESPONSE 4: On January 6, 1999, the Air Quality Board added the rule to call no-burn periods when PM2.5 levels are high and increasing, in order to protect public health and avoid exceeding the then-new health standard for PM2.5. Such a requirement is not federally-required, has never been submitted to EPA for approval in any SIP, and will not be submitted to EPA as part of the PM10 Maintenance Plan. It is a state-imposed proactive requirement to protect the health of Utah citizens. COMMENT 5: Deleted Section R307-302-4 "Davis, Salt Lake, Utah, Weber Counties: Residential Fireplaces and Stoves: violations" - EPA wants to know how DAQ intends to enforce no-burn periods if this provision is removed. RESPONSE 5: Provisions outlined in this deleted section of R307-302 are established in R307-302-3 (2), (4), and R307-302-4 (1). DAQ removed this section of the rule to reduce redundancy. It is not necessary to have a separate provision in the rule stating

that not complying with the conditions of the rule is a violation of the rule. As with all of our other rules, if a person does not comply with the requirements it is considered a violation of the rule. COMMENT 6: Section R307-302-4 allows the executive secretary to use either meteorological conditions or monitored pollution levels, to trigger a no-burn period for Carbon Monoxide. Similar flexibility for Fine Particles should be included in Section R307-302-3. RESPONSE 6: The current language of Section R307-302-3 provides enough flexibility to call a no-burn period when it is needed and most effective. DAQ uses its experience with pollution data and its relationship with meteorological conditions to call no burn periods.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The provisions to regulate residential woodburning are part of the requirements to reduce particulates and carbon monoxide that are included in Utah's state implementation plans for PM10 and carbon monoxide. The provisions in this rule are needed to reduce pollution during winter temperature inversions when pollutants build up in the air so the rule should be continued.

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:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 09/07/2005



Environmental Quality, Air Quality
R307-305
Nonattainment and Maintenance Areas
for PM10: Emission Standards

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 28216
FILED: 09/07/2005, 15:29

**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 R307-305 sets visible emission limits, testing methods and schedules, and

compliance schedules for sources of air pollution that are regulated under Utah's PM10 state implementation plan to protect public health. Subsection 19-2-104(1)(a) allows the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-305 was last reviewed on June 19, 2003. Rule R307-305 has been revised once since the last review: DAR No. 27761, published April 1, 2005, and effective on September 2, 2005. The Division of Air Quality (DAQ) received nine written comments since the last review. COMMENT 1: DAQ eliminates language in Section R307-305-4 stating that existing sources shall use regulated asbestos-containing material (RACM) to the extent necessary to ensure attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). The language should be modified to say that the executive secretary will establish limitations to ensure attainment and maintenance of the NAAQS. RESPONSE 1: The SIP and maintenance plan demonstrate attainment and maintenance of the standard, and all of the control strategies that were relied on in the SIP are already enforceable (Part H, R307 rules, approval orders and NSR requirements, etc.). It is not necessary to state that the executive secretary will establish these emission limitations because the limits have already been established as part of the PM10 SIP and maintenance plan. The purpose statement in Section R307-305-1 states that the emission standards and work practices in the rule were established to meet the RACM requirement in Subsection 189(a)(1)(C) of the Act. Section R307-305-4 requires sources to comply with Part H of the PM10 SIP. Section R307-305-3 requires sources to meet visible emission standards. COMMENT 2: Currently, R307-305-2 provides that "Specific limitations for installations within a source listed in the SIP which are not specified will be set by order of the Board. Specific limitations for installations within a source may be adjusted by order of the Board provided the adjustment does not adversely affect achieving the applicable NAAQS." We want to ensure that these rule changes do not impose a limitation on sources to make changes through DAQ's permitting rules without going through the entire SIP revision process. Prohibiting modifications to a SIP source without undergoing a complete SIP revision while allowing modifications at non-SIP sources through the usual permitting process, would raise fundamental issues of fairness and equal protection. RESPONSE 2: Part H of the SIP has been revised to include only sources or emission units that are large enough to individually affect the attainment and maintenance demonstration. Changes at these sources that increase emissions or change the character of emissions would need to be verified through the SIP process to ensure that the area continues to maintain the PM10 standard. Section H.3 of the SIP establishes a process that a source could use to establish alternative emission limitations. As described in that section, a source can make a demonstration that the alternative limitation is as stringent or is more stringent than the SIP limitation. This process will allow the sources in Part H of the

SIP to make necessary changes. Sources that are not listed in Part H of the SIP affect the attainment and maintenance demonstration as a group, but would not affect the demonstration on an individual basis. Growth factors are applied to stationary source emissions in the projected emission inventories to account for expected changes to the overall category. A SIP revision is not needed to address individual changes because changes to the category are already included in the demonstration. COMMENT 3: IX.H.2.k(1)(c) specifies opacity limits for the boiler stacks, except as provided in Subsection R307-201-1(7). [NOTE: Correct cite is Subsection R307-201-3(7).] The proposed rule revisions limit applicability of Rule R307-201 to the attainment areas of the state and thus do not apply to Kennecott. The exception to opacity limits is needed to recognize the impossibility of meeting strict 6-minute opacity limits during initial warm-up, soot-blowing, etc. That language should be added to Rule R307-305, the new rule that applies to nonattainment and maintenance areas. RESPONSE 3: This provision was erroneously left out of Rule R307-305, and DAQ added this exception to Subsection R307-305-3(4). COMMENT 4: Presently, Rule R307-201 addresses opacity limits statewide and Rule R307-305 addresses opacity limits in nonattainment areas. UIENC endorses the amendments that clarify the applicability of these two rules, but these amendments have the unintended effect of eliminating the exceptions to opacity restrictions that currently apply in the nonattainment areas, and results in a significantly more stringent opacity limit than currently exists. We assume this change is an unintended consequence of untangling Rule R307-201 and Rule R307-305; if it is intended, then we request that DAQ re-notice the proposal and provide clear notice of the change in stringency and a rational for doing so, as well as estimates of the effects on industry, including costs.

RESPONSE 4: This provision was erroneously left out of Rule R307-305, and DAQ added this exception to Subsection R307-305-3(4). COMMENT 5: Add a provision to Rules R307-201, R307-206, R307-207, R307-302, R307-305, R307-306, R307-309 and other rules with visible opacity emission limits to allow alternatives to EPA Method 9 (40 CFR Part 60, Appendix A). Any alternative would be approved by the Executive Secretary on a case-by-case basis. One such alternative could be the Digital Opacity Compliance System (DOCS). Requirement for such a system could be included in Approval Orders and/or Title V permits. RESPONSE 5: It is premature to add Digital Opacity Compliance System (DOCS) as an alternative to EPA Method 9. DAQ agrees that DOCS can be beneficial; and will continue to allow DOCS as an option for periodic monitoring through operating permits. DAQ will reconsider adding such a provision to its rules, if DOCS receives federal approval. COMMENT 6: EPA stated that opacity standards for diesel engines must exempt locomotives, because states are preempted (or not allowed) to set opacity standards for locomotive engines. EPA suggested the following language for these provisions: "Emissions from diesel engines, except locomotives, manufactured?" RESPONSE 6: DAQ made the suggested revision in Subsection R307-305-3(3) to read as follows: "R307-305-3(3)Emissions from diesel engines, except locomotives, shall be of a shade or density no darker than 20% opacity, except for starting motion no farther than 100 yards or for stationary

operation not exceeding three minutes in any hour." COMMENT 7: EPA believes that DAQ should establish a schedule for collecting back half emissions data. EPA also stated that DAQ should use Method 202 and not a method to be approved by the executive secretary. RESPONSE 7: DAQ has been collecting back half emissions data since 1991. Therefore, a schedule is not necessary. DAQ has not proposed to eliminate this requirement. DAQ agrees that Method 202 should be used to collect back half data. Section R307-305-5 was revised to read as follows: "Compliance testing for PM10, sulfur dioxide, and oxides of nitrogen emission limitations shall be done in accordance with Section IX, Part H of the state implementation plan. PM10 compliance shall be determined from the results of EPA test method 201 or 201a. A backhalf analysis shall be performed for inventory purposes for each PM10 compliance test in accordance with Method 202, or other appropriate EPA approved reference method. COMMENT 8: Deleted Sections R307-305-5 through R307-305-7 "Emission standards for sources located in PM10 nonattainment and maintenance areas: TSP provisions" - EPA states that DAQ will need to demonstrate that removal of the Total Suspended Particulate (TSP) provisions will not interfere with applicable requirements of Clean Air Act (CAA) (see section 110(1) and 193). RESPONSE 8: Rule R307-305 used to contain emission limits for large sources of particulate matter in all of the TSP nonattainment areas (Utah County, Salt Lake County, Davis County and Weber County). These emission limits were established as part of the TSP SIP in 1979. In 1987, EPA replaced the TSP standard with the PM10 standard, but the existing TSP SIP and emission limits were maintained to ensure that attainment of the PM10 standard was not affected. When the PM10 SIPs for Utah County and Salt Lake County were developed in the early 1990s, the emission limits in Rule R307-305 for Utah, Salt Lake and Davis Counties were removed from the rule because the PM10 SIP addressed all of the major sources of PM10 in the area. The Weber County provisions were left in place because that area was not covered by the PM10 SIP (Weber County was designated attainment for PM10). However, a provision was added to the rule stating that the source specific provisions in Weber County would continue to apply unless modified by an approval order or compliance order issued after February 16, 1982. As explained in the memo to the Board for the rule proposal, all of the listed sources in Weber County have either shut down or have received an approval order that either contains the emission limitation that is in the rule, or a more stringent emission limitation. In addition, the new PM10 maintenance plan addresses all major sources of PM10 or its precursors that impact the Ogden City nonattainment area. The bottom line is that removing these provisions will have absolutely no effect. The provisions were developed as part of a SIP that no longer exists, for a TSP standard that no longer exists, and in many cases for sources that no longer exist. Since there will be no reduction in the requirements for any of these sources, there will be no effect on applicable provisions of the Clean Air Act. COMMENT 9: Section R307-305-7 "Emission standards for sources located in PM10

nonattainment and maintenance areas: compliance schedule," Section R307-306-7 "Abrasive blasting: compliance schedule," and Subsection R307-309-3(3) "Compliance Schedule" - EPA is concerned that there is a gap in regulatory coverage during the first 6 months after an area is designated nonattainment for PM10, because rules for nonattainment areas do not apply to sources immediately when an area is designated nonattainment. Instead sources have six months to comply with the relevant nonattainment provisions. RESPONSE 9: DAQ added language to Sections R307-305-7, R307-306-7, and Subsection R307-309-3(3) that clarifies statewide (Sections R307-201, R307-205, and R307-206) rules continue to apply during 180 day transition period. These rules now read as follows: Section R307-305-7 "The provisions of R307-305 shall apply to the owner or operator of a source that is located in any new PM10 nonattainment area 180 days after the area is officially designated a nonattainment area for PM10 by the Environmental Protection Agency. Provisions of Rule R307-201 shall continue to apply to the owner or operator of a source during this transition period." Section R307-306-7 "The provisions of R307-306 shall apply in any new PM10 nonattainment area 180 days after the area is officially designated a nonattainment area for PM10 by the Environmental Protection Agency. Provisions of Rule R307-206 shall continue to apply to the owner or operator of a source during this transition period." Subsection R307-309-3(3) "Compliance Schedule. Any source located in a new nonattainment area for PM10 is subject to Rule R307-309 180 days after the area is designated nonattainment by the Environmental Protection Agency. Provisions of Rule R307-205 shall continue to apply to the owner or operator of a source during this transition period."

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Emission limits and testing of emissions helps to ensure that industrial facilities are operating properly and emitting the least possible pollution to protect human health; which this rule outlines and should be continued.

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:
Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 09/07/2005



Environmental Quality, Air Quality
R307-307

Davis, Salt Lake, and Utah Counties:
Road Salting and Sanding

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 28218
FILED: 09/07/2005, 15:29

**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 R307-307 sets limits on the particulate matter that may be included in salt used on roads. The limits are needed to reduce the particulate matter that is harmful to human health, and are one of the measures included in Utah's state implementation plan for PM10. Subsection 19-2-104(1)(a) allows the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source."

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: The limits in this rule are needed to reduce particulate matter, and are one of the measures included in Utah's state implementation plan for PM10 and should be continued.

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:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 09/07/2005



Environmental Quality, Air Quality
R307-309

Nonattainment and Maintenance Areas
for PM10: Fugitive Emissions and
Fugitive Dust

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE No.: 28220
FILED: 09/07/2005, 15:30

**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: Rule R307-309 regulates the amount of dust and fugitive emissions that are allowed to leave the site of any source of air pollution. These regulations are part of the state implementation plan to control PM10 in geographic areas where levels of pollution have exceeded federal health standards in the past; the plan is incorporated by reference under Section R307-110-10. The plan is required under the Clean Air Act, 42 U.S.C. 7410. Subsection 19-2-104(1) authorizes the Air Quality Board to make rules "(a) regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contamination that may be emitted by any air contaminant source"; and "b) establishing air quality standards." Subsection 19-2-104(3)(q) authorizes the Board to make rules to "meet the requirements of federal air pollution laws."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-309 was last reviewed on June 8, 2004. Rule R307-309 has been revised once since the last review: DAR No. 27765, published April 1, 2005, and effective on September 2, 2005. The Division of Air Quality (DAQ) received six written comments since the last review. COMMENT 1: Kennecott Utah Copper Company (KUCC) has an objection concerning this use of a modified form of Method 9. In summary, any modified form of Method 9 used as an enforcement standard for intermittent or mobile sources, as opposed to a trigger for further action, is not a verifiable method, is not an approved method, and imposes a standard more restrictive than corresponding federal regulations and, according to Section 19-2-106, cannot be maintained without a written finding after public comment and hearing and based on evidence in the record, that corresponding federal regulations are not adequate to protect public health and the environment of the state. For the reasons given regarding opacity observations for intermittent and mobile sources, the following items should be deleted: the second sentence of proposed Subsection R307-201-3(9), the second sentence of Subsection R307-206-5(1), the

second sentence of proposed Subsection R307-306-5(1), the third sentence of Section R307-309-4, and the second sentence of proposed Subsection R307-309-5(3). RESPONSE 1: The provision of Rule R307-201 governing the method to enforce opacity observers for mobile and intermittent sources has been in effect for over 25 years. DAQ added this provision to the other rules to clarify that this provision of Rule R307-201 would continue to apply, because DAQ separated its rules into two categories, State only rules and rules that will apply in only nonattainment and maintenance areas. DAQ staff recommends not deleting these provisions from the rules. DAQ's compliance staff have indicated that these provisions are needed. It is necessary to have a method to enforce opacity limits for mobile and intermittent sources and EPA Method 9 is not intended to measure opacity limits for mobile and intermittent sources. Section 19-2-106 restricts DAQ from developing a standard more restrictive than the corresponding federal regulation; however, there is no corresponding federal regulation for measuring opacity emissions limits for mobile and intermittent sources. Therefore, DAQ developed a method to measure compliance of opacity emission limits for mobile and intermittent sources consistent with EPA Method 9. COMMENT 2: Section R307-309-3: This provision exempts sources from meeting opacity limits when a specific wind speed is exceeded. EPA is concerned that this exemption does not have any relationship to or consideration of meeting NAAQS and grants inappropriate director discretion. DAQ modified the wind speed from 25 mph to 30 mph, to match the Nation Events Policy (NEP). However, EPA does not believe that the NEP addresses a specific wind speed for high wind events. EPA is concerned that high-wind exemptions are problematic. RESPONSE 2: Originally DAQ recommended modifying the wind speed from 25 mph to 30 mph, to match the Utah Nature Events Action Plan (NEAP). The NEAP helps to diagnose when an event is natural and not a manmade exceedence of the NAAQS. However, the Board decided to keep the wind speed at 25 mph. COMMENT 3: EPA is concerned with Rule R307-309 directing sources to "minimize" fugitive dust, because this requirement is not practical to enforce. RESPONSE 3: The requirement to minimize fugitive dust is enforceable. First, all sources of fugitive dust are subject to a numeric opacity limit. This opacity limit provides an enforcement baseline. In addition, any person owning or operating a source of fugitive dust must submit a fugitive dust plan to the executive secretary. A fugitive dust plan requires the owner and operator of a source to minimize fugitive dust to the maximum extent possible. Because these fugitive dust plans are source specific, it would be illegal to list them in Rule R307-309 (Utah Code Subsection 63-46a-3(2)(c)). Finally, the Utah Court of Appeals upheld an enforcement action that cited a trucking company for failing to minimize fugitive dust. The following is citation from that case: "Second, petitioner argues that "[t]he Utah Air Quality Board abused its discretion in upholding a citation for fugitive dust based on a single, inadequate reading." Petitioner maintains that because the DAQ environmental scientists failed to take six opacity readings for the Ralph Smith truck, they failed to comply with the DAQ rules. However, as respondent points out, petitioner was cited for failing to minimize fugitive dust under Rule 307-12-3 (3.b) (1) (Rule R307-12 is now Section

R203-7-309) of the Utah Administrative Code, not for violating the opacity standards for fugitive emissions under Section 307-12-2 of the Utah Administrative Code. Because opacity readings are not required under Subsection 307-12-3(3.b)(1), that evidence was relevant only to support the DAQ's claim that petitioner failed to minimize fugitive dust. Accordingly, this argument fails. (Ralph Smith Company, Inc. v. Utah Air Quality Board, 990840-CA P.2 (Utah Ct. App. 2000))" COMMENT 4: DAQ deleted sections R307-309-5 and R307-309-6: "Storage, Hauling and Handling of Aggregate Materials and Construction and Demolition Activities." EPA asked DAQ to demonstrate that deletion of these provisions will not interfere with Clean Air Act (CAA) requirements. RESPONSE 4: DAQ did not intend to delete these standards. DAQ will restore them so the rule will read as follows: "R307-309-7. Storage, Hauling and Handling of Aggregate Materials Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road promptly." "R307-309-8. Construction and Demolition Activities. Any person engaging in clearing or leveling of land with an area of one-quarter acre or more, earthmoving, excavating, construction, demolition, or moving trucks or construction equipment over cleared land or access haul roads shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road promptly." COMMENT 5: EPA has asked DAQ to demonstrate that deleting Subsections R307-309-7(2)(a) and R307-309-7(2)(b) "Unpaved roads" and R307-309-3(3) "Definition of road" will not interfere with CAA requirements. RESPONSE 5: DAQ moved the definition of Road to the general definitions in Section R307-101-2 rather than repeating the definition in multiple rules. DAQ removed provisions in Section R307-309-7 that require control measures for unpaved roads based on the number of vehicle trips per day. These requirements were established as part of the Total Suspended Particulate (TSP) plan in 1982. This rule has been in place for a long time, and discussions with DAQ staff indicate that the application of the rule focused on industrial roads such as haul roads. In addition, the area that was regulated was much smaller. The nonattainment area for TSP was based on the actual area of nonattainment rather than the county boundary, and this actual area of nonattainment corresponded to the urban area along the Wasatch Front. When the nonattainment area for PM10 was designated, the entire county became nonattainment, and this rule technically applied in the rural areas of the nonattainment counties. However, with the shift to PM10, it became apparent that wintertime temperature inversions were the real problem in Utah, and unpaved roads are not a significant contributor to PM10 during inversions. DAQ's research with the local MPOs has indicated that currently there are few unpaved roads in the populated areas of the nonattainment areas of Utah (the "actual area of nonattainment" for TSP). In addition, industrial source within the nonattainment areas with unpaved roads such as haul

roads are subject to permitting and best available control technology (BACT) requirements, as well as the fugitive dust plan requirements in this rule. Deleting this provision will have no effect on air quality regulation in Utah because the original intent and application of this rule has been taken over by the approval order process, or has been made moot because of the increasing urbanization along the Wasatch Front (there are very few unpaved roads remaining in the urban area). COMMENT 6: Any fugitive dust control plan that includes a limit on activities based on wind speed being below a threshold (blasting, for example) should require the measurement and recording of wind speed by a hand-held anemometer or equivalent device. Sources should be required to document compliance with wind speed conditions when such a condition is included in a rule, an approval order, or a fugitive dust control plan. RESPONSE 6: DAQ's focus is on ensuring that any source diligently carries out the components of its dust control plan in all circumstances, including during high wind events. A source that is not carrying out activities to minimize fugitive dust will be cited for that failure, whatever the wind speed may be.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-309 protects the public health by reducing emissions from industries, gravel pits, constructions sites, haul trucks, mines, and tailings ponds. In addition, Rule R307-309 is required under the state implementation plan for PM10, incorporated by reference under Section R307-110-10. The plan is required under the Clean Air Act, Section 110; without the state plan, the EPA is required to put in place its own plan. Therefore, this rule should be continued.

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:
 Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager
 EFFECTIVE: 09/07/2005



Environmental Quality, Air Quality
R307-310
 Salt Lake County: Trading of Emission
 Budgets for Transportation Conformity

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**
 DAR FILE No.: 28222
 FILED: 09/07/2005, 15:30

**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: Subsection 19-2-104(1)(a) allows the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source." In addition, Subsection 19-2-104(3)(e) allows the Board to "...prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in this state." Rule R307-310 protects the public health by setting forth a mechanism to trade PM10 for NOx to demonstrate conformity with Salt Lake County PM10 SIP.

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 R307-310 establishes a conformity budget for Salt Lake County because the PM10 SIP did not. This budget allows continued funding of transportation projects in Salt Lake County. Rule R307-310 will no longer be needed after the EPA approves the new conformity budget, which is established in the PM10 maintenance plan adopted by the Air Quality Board on July 6, 2005. Therefore, the conformity budget established in Rule R307-310 is needed and should be continued.

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:
 Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager
 EFFECTIVE: 09/07/2005



Workforce Services, Employment
Development
R986-100
Employment Support Programs

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 28227
FILED: 09/13/2005, 17:57

**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 provides the administrative and procedural rules necessary to administer the state and federal programs under the Employment Support Division. Section 35A-1-303 provides the authority to adopt rules governing adjudicative procedures. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

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 since the last five year review.

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 administer the programs under Section 35A-3-101 et seq. If the rule did not exist, the Department would have no procedures to follow in determining eligibility, preserving client privacy, following the several state and federal laws affecting our programs, or how to resolve disputes between the Department and our customers.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Tani Downing, Executive Director

EFFECTIVE: 09/13/2005



Workforce Services, Employment
Development
R986-200
Family Employment Program

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 28229
FILED: 09/14/2005, 13:47

**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: The Department needs rules to determine eligibility for the family employment program and other Temporary Assistance for Needy Families (TANF) funded assistance. This rule establishes those eligibility criteria as required by statute. Section 35A-1-303 provides the authority to adopt rules governing adjudicative procedures. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Authority to make rules to establish eligibility for Family Employment Program Subsection 35A-3-302(5)(b).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Comments were received objecting to the 34 hour work requirement in this rule and the hardship criteria.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Participants must participate 34 hours per week to meet the federal standards and because this is a TANF-funded program, the rule is necessary. The hardship criteria are appropriate for the population served. Expanding the hardship reasons could put the Department over the federal limits for extensions.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Tani Downing, Executive Director

EFFECTIVE: 09/14/2005



Workforce Services, Employment
Development
R986-300
Refugee Resettlement Program

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 28230
FILED: 09/14/2005, 14:33

**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: The refugee resettlement program is funded by the federal government and these rules are necessary to provide eligibility criteria for the program. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

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 during the last 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 rule is necessary to administer the program. The program is federally funded and necessary to help political refugees and others who qualify for assistance.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Tani Downing, Executive Director

EFFECTIVE: 09/14/2005



Workforce Services, Employment
Development
R986-400
General Assistance and Working
Toward Employment

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 28231
FILED: 09/14/2005, 14:42

**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 provides eligibility criteria for the state funded programs of general assistance and working toward employment. Section 35A-1-303 provides the authority to adopt rules governing adjudicative procedures. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

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 objection was received to the requirement that clients obtain coverage from the Health Department under the Primary Care Network (PCN) program.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to establish eligibility criteria for these two programs, without the rule there would be no eligibility standards. The department helped clients to get the majority of the premium for the PCN waived as a response to the written objections. It is essential that these clients have health coverage in order to help them with their problems.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Tani Downing, Executive Director

EFFECTIVE: 09/14/2005

▼ ————— ▼

**Workforce Services, Employment
Development
R986-500
Adoption Assistance**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 28232
FILED: 09/14/2005, 14:48

**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: Adoption assistance is mandated by Section 35A-3-308 and this rule is necessary to establish the eligibility criteria for the adoption assistance program. Section 35A-1-303 provides the authority to adopt rules governing adjudicative procedures. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

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 during the last 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 rule is necessary to provide services as mandated by statute as the rule sets the eligibility criteria for the services.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Tani Downing, Executive Director

EFFECTIVE: 09/14/2005

▼ ————— ▼

**Workforce Services, Employment
Development
R986-600**

Workforce Investment Act

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 28234
FILED: 09/14/2005, 15:02

**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 is a federally-funded program but the states must establish certain eligibility criteria for the various programs within Workforce Investment Act (WIA). This rule sets those criteria. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

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 during the last 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 rule is necessary to establish who is eligible for assistance under WIA and which providers are eligible to provide services to our customers. Although it is a federally-funded program, the state must establish eligibility criteria which this rule does.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Tani Downing, Executive Director

EFFECTIVE: 09/14/2005

▼ ————— ▼

**Workforce Services, Employment
Development
R986-700
Child Care Assistance**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**
DAR FILE NO.: 28233
FILED: 09/14/2005, 14:57

**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 necessary to establish eligibility criteria for child care subsidies and the rules necessary to administer that program. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

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 during the last 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 rule is necessary to determine which applicants are eligible for child care subsidy assistance. Child care is a federally funded program but the state needs to determine eligibility criteria. This rule does that.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Tani Downing, Executive Director

EFFECTIVE: 09/14/2005

**Workforce Services, Employment
Development
R986-800
Displaced Homemaker Program**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**
DAR FILE NO.: 28236
FILED: 09/14/2005, 15:11

**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 35A-3-114 establishes programs for displaced homemakers. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

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 during the last five years..

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to describe the services available to displaced homemakers and the eligibility criteria for those services.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Tani Downing, Executive Director

EFFECTIVE: 09/14/2005

**Workforce Services, Employment
Development
R986-900
Food Stamps**

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**
DAR FILE NO.: 28235
FILED: 09/14/2005, 15:07

**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: This is a federally-funded program but the regulations give the states options and the federal government sometimes allows waivers. This rule explains the waivers given to Utah and options taken by Utah. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

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 during the last 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 rule is necessary to establish which options have been taken by the Department and which waivers have been given by the federal government. Without the rule, the public would not know which waivers or options are in effect.

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Tani Downing, Executive Director

EFFECTIVE: 09/14/2005



End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Agriculture and Food

Animal Industry

No. 28119 (AMD): R58-17. Aquaculture and Aquatic Animal Health.
Published: August 15, 2005
Effective: September 15, 2005

Environmental Quality

Air Quality

No. 27755 (AMD): R307-101-2. Definitions.
Published: April 1, 2005
Effective: September 2, 2005

No. 27755 (CPR): R307-101-2. Definitions.
Published: August 1, 2005
Effective: September 2, 2005

No. 28029 (AMD): R307-101-2. Definitions.
Published: July 1, 2005
Effective: September 8, 2005

No. 27768 (AMD): R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.
Published: April 1, 2005
Effective: September 2, 2005

No. 27768 (CPR): R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.
Published: August 1, 2005
Effective: September 2, 2005

No. 27769 (AMD): R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.
Published: April 1, 2005
Effective: September 2, 2005

No. 27769 (CPR): R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.
Published: August 1, 2005
Effective: September 2, 2005

No. 27756 (AMD): R307-165. Emission Testing.
Published: April 1, 2005
Effective: September 2, 2005

No. 27756 (CPR): R307-165. Emission Testing.
Published: August 1, 2005
Effective: September 2, 2005

No. 27757 (AMD): R307-201. Emission Standards: General Emission Standards.
Published: April 1, 2005
Effective: September 2, 2005

No. 27757 (CPR): R307-201. Emission Standards: General Emission Standards.
Published: August 1, 2005
Effective: September 2, 2005

No. 27760 (NEW): R307-207. Emission Standards: Residential Fireplaces and Stoves.
Published: April 1, 2005
Effective: September 2, 2005

No. 27760 (CPR): R307-207. Emission Standards: Residential Fireplaces and Stoves.
Published: August 1, 2005
Effective: September 2, 2005

No. 27761 (AMD): R307-302. Davis, Salt Lake, Utah Counties: Residential Fireplaces and Stoves.
Published: April 1, 2005
Effective: September 2, 2005

No. 27761 (CPR): R307-302. Davis, Salt Lake, Utah, Weber Counties: Residential Fireplaces and Stoves.
Published: August 1, 2005
Effective: September 2, 2005

No. 27762 (AMD): R307-305. Davis, Salt Lake, and Utah Counties and Ogden City and Nonattainment Areas for PM10: Particulates.
Published: April 1, 2005
Effective: September 2, 2005

No. 27762 (CPR): R307-305. Nonattainment and Maintenance Areas for PM10: Emission Standards.
Published: August 1, 2005
Effective: September 2, 2005

No. 27763 (NEW): R307-306. PM10 Nonattainment and Maintenance Areas: Abrasive Blasting.
Published: April 1, 2005
Effective: September 2, 2005

No. 27763 (CPR): R307-306. PM10 Nonattainment and Maintenance Areas: Abrasive Blasting.
Published: August 1, 2005
Effective: September 2, 2005

No. 27765 (AMD): R307-309. Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust.
Published: April 1, 2005
Effective: September 2, 2005

No. 27765 (CPR): R307-309. Nonattainment and Maintenance Areas for PM10: Fugitive Emissions and Fugitive Dust.
Published: August 1, 2005
Effective: September 2, 2005

Drinking Water

No. 27964 (AMD): R309-100. Administration: Drinking Water Program.
Published: June 15, 2005
Effective: September 13, 2005

No. 27959 (AMD): R309-105-16. Reporting Test Results.
Published: June 15, 2005
Effective: September 13, 2005

No. 27960 (AMD): R309-110-3. Acronyms.
Published: June 15, 2005
Effective: September 13, 2005

No. 27961 (AMD): R309-200. Monitoring and Water Quality: Drinking Water Standards.
Published: June 15, 2005
Effective: September 13, 2005

No. 27967 (AMD): R309-205. Monitoring and Water Quality: Source Monitoring Requirements.
Published: June 15, 2005
Effective: September 13, 2005

No. 27969 (AMD): R309-215. Monitoring and Water Quality: Treatment Plant Monitoring Requirements.
Published: June 15, 2005
Effective: September 13, 2005

No. 27962 (AMD): R309-220. Monitoring and Water Quality: Public Notification Requirements.
Published: June 15, 2005
Effective: September 13, 2005

No. 27963 (AMD): R309-505. Facility Design and Operation: Minimum Treatment Requirements.
Published: June 15, 2005
Effective: September 13, 2005

Natural Resources

Wildlife Resources

No. 28081 (AMD): R657-6. Taking Upland Game.
Published: August 1, 2005
Effective: September 6, 2005

No. 28088 (AMD): R657-21-2. Definitions.
Published: August 1, 2005
Effective: September 6, 2005

No. 28087 (AMD): R657-37. Cooperative Wildlife Management Units for Big Game.
Published: August 1, 2005
Effective: September 6, 2005

No. 28083 (AMD): R657-42. Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents.
Published: August 1, 2005
Effective: September 6, 2005

Public Safety

Fire Marshal

No. 28122 (AMD): R710-1-8. Amendments and Additions.
Published: August 15, 2005
Effective: September 15, 2005

No. 28115 (AMD): R710-9-6. Amendments and Additions.
Published: August 15, 2005
Effective: September 15, 2005

Transportation

Program Development

No. 28024 (NEW): R926-7. Scenic Byways.
Published: July 1, 2005
Effective: September 15, 2005

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2005, including notices of effective date received through September 15, 2005, the effective dates of which are no later than October 1, 2005. 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: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801 538-3218), Mike Broschinsky (801 538-3003), or Kenneth A. Hansen (801 538-3777).

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.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
<u>Child Welfare Parental Defense (Office of)</u>					
R19-1	Parental Defense Counsel Training	27518	NEW	05/13/2005	2004-22/9
R19-1	Parental Defense Training Standards	27518	CPR	05/13/2005	2005-2/94
<u>Facilities Construction and Management</u>					
R23-1	Procurement of Construction	27603	AMD	03/15/2005	2005-2/2
R23-2	Procurement of Architect-Engineer Services	27605	AMD	03/15/2005	2005-2/7
R23-3	Planning and Programming for Capital Projects	27615	AMD	03/15/2005	2005-2/9
R23-4	Suspension/Debarment and Contract Performance Review Committee	27610	AMD	03/15/2005	2005-2/10
R23-26	Dispute Resolution	27614	NEW	03/15/2005	2005-2/12
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	27848	AMD	07/01/2005	2005-10/7

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Fleet Operations</u>					
R27-1-2	Definitions	27546	AMD	01/10/2005	2004-23/3
R27-3-6	Application for Commute or Take Home Use	27599	NSC	02/01/2005	Not Printed
R27-4	Vehicle Replacement and Expansion of State Fleet	27543	AMD	01/10/2005	2004-23/5
R27-4-1	Authority	27594	NSC	02/01/2005	Not Printed
R27-6	Fuel Dispensing Program	27544	AMD	01/10/2005	2004-23/7
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	27880	AMD	07/14/2005	2005-11/5
R35-1a	State Records Committee Definitions	27621	NEW	03/08/2005	2005-2/17
R35-1a	State Records Committee Definitions	27700	NSC	04/01/2005	Not Printed
R35-2	Declining Appeal Hearings	27625	AMD	03/04/2005	2005-2/18
R35-3	Prehearing Conferences	27622	AMD	03/04/2005	2005-2/19
R35-4	Compliance with State Records Committee Decisions and Orders	27624	AMD	03/04/2005	2005-2/20
R35-5	Subpoenas Issued by the Records Committee	27623	AMD	03/04/2005	2005-2/21
R35-6	Expedited Hearing	27620	AMD	03/04/2005	2005-2/22
Agriculture and Food					
<u>Administration</u>					
R51-1	Public Petitions for Declaratory Rulings	28196	5YR	09/02/2005	2005-19/36
<u>Animal Industry</u>					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	27570	AMD	01/18/2005	2004-24/5
R58-1-7	Swine	27687	AMD	03/18/2005	2005-4/8
R58-2	Diseases, Inspections and Quarantines	27581	AMD	02/01/2005	2005-1/9
R58-7	Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons	27688	5YR	02/01/2005	2005-4/47
R58-10	Meat and Poultry Inspection	27693	5YR	02/03/2005	2005-5/28
R58-11	Slaughter of Livestock	28197	5YR	09/02/2005	2005-19/36
R58-12	Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments	28198	5YR	09/02/2005	2005-19/37
R58-13	Custom Exempt Slaughter	28199	5YR	09/02/2005	2005-19/37
R58-15	Collection of Annual Fees for the Wildlife Damage Prevention Act	28200	5YR	09/02/2005	2005-19/38
R58-16	Swine Garbage Feeding	28201	5YR	09/02/2005	2005-19/38
R58-17	Aquaculture and Aquatic Animal Health	27696	5YR	02/03/2005	2005-5/28
R58-17	Aquaculture and Aquatic Animal Health	28119	AMD	09/15/2005	2005-16/2
R58-21	Trichomoniasis	27694	5YR	02/03/2005	2005-5/29
R58-22	Equine Infectious Anemia (EIA)	27695	5YR	02/03/2005	2005-5/29
<u>Chemistry Laboratory</u>					
R63-1	Fee Schedule	28203	5YR	09/02/2005	2005-19/39
<u>Marketing and Conservation</u>					
R65-1	Utah Apple Marketing Order	28204	5YR	09/02/2005	2005-19/39
R65-3	Utah Turkey Marketing Order	28205	5YR	09/02/2005	2005-19/40
R65-4	Utah Egg Marketing Order	28206	5YR	09/02/2005	2005-19/40
R65-10	Agriculture Resource Development Loans (ARDL)	27787	5YR	03/31/2005	2005-8/56

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Plant Industry</u>					
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	28207	5YR	09/06/2005	2005-19/41
R68-2	Utah Commercial Feed Act Governing Feed	28208	5YR	09/06/2005	2005-19/41
R68-3	Utah Fertilizer Act Governing Fertilizers and Soil Amendments	27645	5YR	01/07/2005	2005-3/58
R68-6	Utah Nursery Act	28209	5YR	09/06/2005	2005-19/42
R68-8-2	Noxious Weed Seeds and Weed Seed Restrictions	27773	NSC	05/01/2005	Not Printed
R68-9-2	Designation and Publication of State Noxious Weeds	27774	NSC	05/01/2005	Not Printed
R68-10	Quarantine Pertaining to the European Corn Borer	28211	5YR	09/06/2005	2005-19/43
R68-12	Quarantine Pertaining to Mint Wilt	28212	5YR	09/06/2005	2005-19/43
R68-20	Utah Organic Standards	27697	5YR	02/04/2005	2005-5/30
<u>Regulatory Services</u>					
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	28213	5YR	09/06/2005	2005-19/44
R70-440	Egg Products Inspection	27514	NSC	01/01/2005	Not Printed
R70-440-2	Adopt by Reference	27628	AMD	02/15/2005	2005-2/23
R70-440-2	Adopt by Reference	27667	NSC	03/01/2005	Not Printed
R70-540-14	Exemptions	27569	AMD	03/18/2005	2004-24/7
R70-610	Uniform Retail Wheat Standards of Identity	28194	5YR	09/02/2005	2005-19/44
R70-620	Enrichment of Flour and Cereal Products	28195	5YR	09/02/2005	2005-19/45
R70-960-7	Registration Certificate Displayed	27523	NSC	01/01/2005	Not Printed
Alcoholic Beverage Control					
<u>Administration</u>					
R81-1-6	Violation Schedule	27947	AMD	08/01/2005	2005-12/4
R81-1-7	Disciplinary Hearings	27948	AMD	08/01/2005	2005-12/5
R81-1-24	Responsible Alcohol Service Plan	27949	AMD	08/01/2005	2005-12/7
R81-4D-14	Reporting Requirement	27847	AMD	08/26/2005	2005-10/11
R81-4D-14	Reporting Requirement	27847	CPR	08/26/2005	2005-14/74
R81-5-5	Advertising	27725	AMD	05/01/2005	2005-6/3
R81-5-14	Membership Fees and Monthly Dues	27726	AMD	05/01/2005	2005-6/4
R81-5-15	Minors in Lounge or Bar Areas	27869	NSC	06/01/2005	Not Printed
R81-5-17	Visitor Cards	27727	AMD	05/01/2005	2005-6/5
Capitol Preservation Board (State)					
<u>Administration</u>					
R131-1	Procurement of Architectural and Engineering Services	27711	5YR	02/16/2005	2005-6/33
R131-2	Capitol Hill Facility Use	27712	5YR	02/16/2005	2005-6/33
R131-7	State Capitol Preservation Board Master Planning Policy	27713	5YR	02/16/2005	2005-6/34
R131-8	CPB Facilities and Grounds: Maintenance of Aesthetics	27631	NEW	03/03/2005	2005-2/24
R131-9	State Capitol Preservation Board Art Program and Policy	27632	NEW	03/03/2005	2005-2/26
Commerce					
<u>Administration</u>					
R151-1	Department of Commerce General Provisions	27633	NEW	02/15/2005	2005-2/29

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R151-46b	Department of Commerce Administrative Procedures Act Rules	27636	AMD	02/15/2005	2005-2/32
<u>Consumer Protection</u>					
R152-39	Child Protection Registry Rules	28058	NEW	08/16/2005	2005-14/6
<u>Occupational and Professional Licensing</u>					
R156-1	General Rules of the Division of Occupational and Professional Licensing	27499	NSC	01/01/2005	Not Printed
R156-16a-302b	Qualifications for Licensure - Examination Requirements	27993	AMD	08/02/2005	2005-13/6
R156-17a	Pharmacy Practice Act Rules	27786	REP	05/17/2005	2005-8/2
R156-17b	Pharmacy Practice Act Rules	27529	CPR	05/17/2005	2005-8/43
R156-17b	Pharmacy Practice Act Rules	27529	NEW	05/17/2005	2004-23/20
R156-17b	Pharmacy Practice Act Rules	27529	CPR	05/17/2005	2005-4/31
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	27698	AMD	04/04/2005	2005-5/2
R156-26a	Certified Public Accountant Licensing Act Rules	27835	AMD	06/21/2005	2005-10/12
R156-31b	Nurse Practice Act Rules	27600	AMD	02/17/2005	2005-2/36
R156-31b	Nurse Practice Act Rules	27714	NSC	04/01/2005	Not Printed
R156-31b	Nurse Practice Act Rules	27992	AMD	08/02/2005	2005-13/6
R156-31c-201	Issuing a License	28124	AMD	09/19/2005	2005-16/12
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	27752	5YR	03/15/2005	2005-7/75
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	27987	AMD	08/02/2005	2005-13/13
R156-38b	State Construction Registry Rules	27734	NEW	04/18/2005	2005-6/6
R156-47b	Massage Therapy Practice Act Rules	27548	CPR	03/07/2005	2005-3/51
R156-47b	Massage Therapy Practice Act Rules	27548	AMD	03/07/2005	2004-24/7
R156-50	Private Probation Provider Licensing Act Rules	27435	CPR	01/18/2005	2004-24/58
R156-50	Private Probation Provider Licensing Act Rules	27435	AMD	01/18/2005	2004-20/12
R156-55a	Utah Construction Trades Licensing Act Rules	27942	AMD	07/18/2005	2005-12/13
R156-55d	Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules	28048	5YR	06/28/2005	2005-14/97
R156-56	Utah Uniform Building Standard Act Rules	27489	AMD	01/01/2005	2004-21/6
R156-56-704	Statewide Amendments to the IBC	27490	AMD	01/01/2005	2004-21/11
R156-60c	Professional Counselor Licensing Act Rules	27749	5YR	03/14/2005	2005-7/75
R156-61-502	Unprofessional Conduct	27538	AMD	01/04/2005	2004-23/40
R156-63	Security Personnel Licensing Act Rules	28193	5YR	09/01/2005	2005-18/72
R156-71-202	Naturopathic Physician Formulary	27533	AMD	01/04/2005	2004-23/41
<u>Real Estate</u>					
R162-2-1	Exam Application	27951	CPR	08/17/2005	2005-14/75
R162-2-1	Exam Application	27951	AMD	08/17/2005	2005-12/15
R162-2-2	Licensing Procedure	27720	NSC	04/01/2005	Not Printed
R162-6-1	Improper Practices	27940	AMD	07/20/2005	2005-12/16
R162-9-2	Education Providers	28059	AMD	08/17/2005	2005-14/7
R162-102-1	Application	27797	AMD	05/25/2005	2005-8/12
R162-103-5	Appraisal Education Requirements	27950	AMD	07/27/2005	2005-12/17
R162-107	Unprofessional Conduct	27788	AMD	05/25/2005	2005-8/14
R162-109	Administrative Proceedings	27946	AMD	07/27/2005	2005-12/18
R162-202	Initial Application	27943	AMD	08/03/2005	2005-12/21

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R162-208	Continuing Education	27945	AMD	08/03/2005	2005-12/22
<u>Securities</u>					
R164-2	Investment Adviser - Unlawful Acts	27732	5YR	02/28/2005	2005-6/34
R164-2-1	Investment Adviser Performance-Based Compensation Contracts	27735	NSC	04/01/2005	Not Printed
R164-9-1	Registration by Coordination	27777	EMR	03/25/2005	2005-8/53
Community and Economic Development					
<u>Community Development, Community Services</u>					
R202-202-202	Opening and Closing Dates for HEAT Program	27418	AMD	01/12/2005	2004-19/24
R202-203-324	Income Deductions	27421	AMD	01/12/2005	2004-19/25
R202-203-328	Self-Employment Income	27419	AMD	01/12/2005	2004-19/26
R202-207-702	Records Management	27420	AMD	01/12/2005	2004-19/27
<u>Community Development, History</u>					
R212-11	Historic Preservation Tax Credit	28055	5YR	06/30/2005	2005-14/97
Corrections					
<u>Administration</u>					
R251-113	Distribution of Reimbursement for the Felony Probation Inmate Costs Reimbursement Program/Fund	28086	5YR	07/13/2005	2005-15/43
R251-303	Offenders' Use of Telephones	28085	5YR	07/13/2005	2005-15/43
Education					
<u>Administration</u>					
R277-107	Educational Services Outside of Educator's Regular Employment	28140	5YR	08/15/2005	2005-17/54
R277-400	School Emergency Response Plans	27539	NSC	01/01/2005	Not Printed
R277-407	School Fees	27798	AMD	05/19/2005	2005-8/15
R277-407	School Fees	28064	AMD	08/23/2005	2005-14/8
R277-410	Accreditation of Schools	27705	AMD	04/01/2005	2005-5/8
R277-411	Elementary School Accreditation	27706	AMD	04/01/2005	2005-5/10
R277-412	Junior High and Middle School Accreditation	27707	AMD	04/01/2005	2005-5/13
R277-413	Accreditation of Secondary Schools, Alternative or Special Purpose Schools	27708	AMD	04/01/2005	2005-5/16
R277-422	State Supported Voted Leeway, Local Board-Approved Leeway and Local Board Leeway for Reading Improvement Programs	27702	NSC	03/01/2005	Not Printed
R277-437	Student Enrollment Options	27799	AMD	05/19/2005	2005-8/17
R277-438	Dual Enrollment	27800	AMD	05/19/2005	2005-8/19
R277-444	Distribution of Funds to Arts and Sciences Organizations	27932	AMD	07/18/2005	2005-12/24
R277-451	The State School Building Program	28065	AMD	08/23/2005	2005-14/10
R277-459	Teachers' Supplies and Materials Appropriation	28075	5YR	07/06/2005	2005-15/44
R277-464	Highly Impacted Schools	28076	5YR	07/06/2005	2005-15/44
R277-473	Testing Procedures	27547	AMD	01/04/2005	2004-23/43
R277-473	Testing Procedures	27872	5YR	05/09/2005	2005-11/90
R277-474	School Instruction and Human Sexuality	28141	5YR	08/15/2005	2005-17/54
R277-475	Patriotic Education	28142	5YR	08/15/2005	2005-17/55
R277-476	Incentives for Elementary Reading Program	28143	5YR	08/15/2005	2005-17/55
R277-480	Advanced Readers at Risk	27933	REP	07/18/2005	2005-12/27

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-486-6	Mapping Degree Summary Data to Statutory Formula	27873	NSC	07/01/2005	Not Printed
R277-501	Educator Licensing Renewal, Highly Qualified and Timelines	27722	5YR	02/23/2005	2005-6/35
R277-520	Appropriate Licensing and Assignment of Teachers	28077	5YR	07/06/2005	2005-15/45
R277-602	Special Needs Scholarships - Funding and Procedures	28026	EMR	06/14/2005	2005-13/47
R277-700-6	High School Requirements	27874	NSC	07/01/2005	Not Printed
R277-705-6	Utah Basic Skills Competency Testing Requirements and Procedures	27710	AMD	04/01/2005	2005-5/19
R277-713	Concurrent Enrollment of High School Students in College Courses	27662	AMD	03/21/2005	2005-4/14
R277-713	Concurrent Enrollment of High School Students in College Courses	27875	NSC	07/01/2005	Not Printed
R277-725	Electronic High School	27507	NSC	01/01/2005	Not Printed
R277-733	Adult Education Programs	27592	AMD	02/01/2005	2005-1/10
R277-746	Driver Education Programs for Utah Schools	27520	NSC	01/01/2005	Not Printed

Environmental Quality

Air Quality

R307-101-2	Definitions	27818	AMD	07/07/2005	2005-9/4
R307-101-2	Definitions	27755	AMD	09/02/2005	2005-7/2
R307-101-2	Definitions	27755	CPR	09/02/2005	2005-15/25
R307-101-2	Definitions	28029	AMD	09/08/2005	2005-13/24
R307-103	Administrative Procedures	28221	5YR	09/07/2005	2005-19/45
R307-110	General Requirements: State Implementation Plan	28111	NSC	08/01/2005	Not Printed
R307-110	General Requirements: State Implementation Plan	28224	5YR	09/08/2005	2005-19/46
R307-110-10	Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter	27768	CPR	09/02/2005	2005-15/28
R307-110-10	Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter	27768	AMD	09/02/2005	2005-7/6
R307-110-11	Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide	27429	CPR	03/04/2005	2005-3/52
R307-110-11	Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide	27429	AMD	03/04/2005	2004-19/37
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	27343	AMD	01/04/2005	2004-17/12
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	27343	CPR	01/04/2005	2004-23/53
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits	27769	AMD	09/02/2005	2005-7/7
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits	27769	CPR	09/02/2005	2005-15/29
R307-115	General Conformity	28078	5YR	07/07/2005	2005-15/45
R307-165	Emission Testing	27756	CPR	09/02/2005	2005-15/31
R307-165	Emission Testing	27756	AMD	09/02/2005	2005-7/8
R307-165	Emission Testing	28215	5YR	09/07/2005	2005-19/95
R307-201	Emission Standards: General Emission Standards	27757	AMD	09/02/2005	2005-7/9
R307-201	Emission Standards: General Emission Standards	27757	CPR	09/02/2005	2005-15/32
R307-201	Emission Standards: General Emission Standards	28214	5YR	09/07/2005	2005-19/96
R307-204-3	Definitions	27758	AMD	07/07/2005	2005-7/11
R307-205	Emission Standards: Fugitive Emissions and Fugitive Dust	27764	AMD	07/07/2005	2005-7/12

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-205	Emission Standards: Fugitive Emissions and Fugitive Dust	28223	5YR	09/07/2005	2005-19/97
R307-206	Emission Standards: Abrasive Blasting	27759	AMD	07/07/2005	2005-7/15
R307-206	Emission Standards: Abrasive Blasting	28217	5YR	09/07/2005	2005-19/98
R307-207	Emission Standards: Residential Fireplaces and Stoves	27760	CPR	09/02/2005	2005-15/33
R307-207	Emission Standards: Residential Fireplaces and Stoves	27760	NEW	09/02/2005	2005-7/16
R307-210	Stationary Sources	27665	AMD	04/19/2005	2005-4/17
R307-302	Davis, Salt Lake, Utah, Weber Counties: Residential Fireplaces and Stoves	27761	CPR	09/02/2005	2005-15/34
R307-302	Davis, Salt Lake, Utah Counties: Residential Fireplaces and Stoves	27761	AMD	09/02/2005	2005-7/17
R307-302	Davis, Salt Lake, Utah, Weber Counties: Residential Fireplaces and Stoves	28219	5YR	09/07/2005	2005-19/99
R307-305	Davis, Salt Lake, and Utah Counties and Ogden City and Nonattainment Areas for PM10: Particulates	27762	AMD	09/02/2005	2005-7/19
R307-305	Nonattainment and Maintenance Areas for PM10: Emission Standards	27762	CPR	09/02/2005	2005-15/36
R307-305	Nonattainment and Maintenance Areas for PM10: Emission Standards	28216	5YR	09/07/2005	2005-19/100
R307-306	PM10 Nonattainment and Maintenance Areas: Abrasive Blasting	27763	CPR	09/02/2005	2005-15/38
R307-306	PM10 Nonattainment and Maintenance Areas: Abrasive Blasting	27763	NEW	09/02/2005	2005-7/22
R307-307	Davis, Salt Lake, and Utah Counties: Road Salting and Sanding	28218	5YR	09/07/2005	2005-19/102
R307-309	Nonattainment and Maintenance Areas for PM10: Fugitive Emissions and Fugitive Dust	27765	CPR	09/02/2005	2005-15/39
R307-309	Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	27765	AMD	09/02/2005	2005-7/24
R307-309	Nonattainment and Maintenance Areas for PM10: Fugitive Emissions and Fugitive Dust	28220	5YR	09/07/2005	2005-19/103
R307-310	Salt Lake County: Trading of Emission Budgets for Transportation Conformity	28222	5YR	09/07/2005	2005-19/105
R307-310-5	Transition Provision	27766	AMD	07/07/2005	2005-7/27
R307-310-5	Transition Provision	28080	NSC	09/01/2005	Not Printed
R307-320	Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program	28079	5YR	07/07/2005	2005-15/46
R307-320	Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program (5YR EXTENSION)	27701	NSC	07/07/2005	Not Printed
R307-421	Permits: PM10 Offset Requirements in Salt Lake County and Utah County	27767	NEW	07/07/2005	2005-7/28
<u>Drinking Water</u>					
R309-100	Administration: Drinking Water Program	27912	5YR	05/16/2005	2005-11/90
R309-100	Administration: Drinking Water Program	27964	AMD	09/13/2005	2005-12/29
R309-105	Administration: General Responsibilities of Public Water Systems	27907	5YR	05/16/2005	2005-11/91
R309-105-16	Reporting Test Results	27959	AMD	09/13/2005	2005-12/31
R309-110	Administration: Definitions	27911	5YR	05/16/2005	2005-11/91
R309-110-3	Acronyms	27960	AMD	09/13/2005	2005-12/33
R309-115	Administration: Administrative Procedures	27908	5YR	05/16/2005	2005-11/92
R309-150	Water System Rating Criteria	27909	5YR	05/16/2005	2005-11/92
R309-200	Monitoring and Water Quality: Drinking Water Standards	27913	5YR	05/16/2005	2005-11/93
R309-200	Monitoring and Water Quality: Drinking Water Standards	27961	AMD	09/13/2005	2005-12/35

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R309-205	Monitoring and Water Quality: Source Monitoring Requirements	27917	5YR	05/16/2005	2005-11/93
R309-205	Monitoring and Water Quality: Source Monitoring Requirements	27967	AMD	09/13/2005	2005-12/37
R309-210	Monitoring and Water Quality: Distribution System Monitoring	27918	5YR	05/16/2005	2005-11/94
R309-215	Monitoring and Water Quality: Treatment Plant Monitoring	27910	5YR	05/16/2005	2005-11/94
R309-215	Monitoring and Water Quality: Treatment Plant Monitoring Requirements	27969	AMD	09/13/2005	2005-12/43
R309-220	Monitoring and Water Quality: Public Notification Requirements	27914	5YR	05/16/2005	2005-11/95
R309-220	Monitoring and Water Quality: Public Notification Requirements	27962	AMD	09/13/2005	2005-12/45
R309-225	Monitoring and Water Quality: Consumer Confidence Reports	27905	5YR	05/16/2005	2005-11/95
R309-300	Certification Rules for Water Supply Operators	27906	5YR	05/16/2005	2005-11/96
R309-305	Certification Rules for Backflow Technicians	27617	NSC	02/01/2005	Not Printed
R309-305	Certification Rules for Backflow Technicians (5YR EXTENSION)	27780	NSC	05/16/2005	Not Printed
R309-305	Certification Rules for Backflow Technicians	27915	5YR	05/16/2005	2005-11/96
R309-405	Compliance and Enforcement: Administrative Penalty	27916	5YR	05/16/2005	2005-11/97
R309-405	Compliance and Enforcement: Administrative Penalty (5YR EXTENSION)	27781	NSC	05/16/2005	Not Printed
R309-505	Facility Design and Operation: Minimum Treatment Requirements	27963	AMD	09/13/2005	2005-12/47
R309-600	Drinking Water Source Protection for Groundwater Sources	27816	5YR	04/14/2005	2005-9/76
R309-600	Drinking Water Source Protection For Ground-Water Sources	27775	NSC	05/01/2005	Not Printed
R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	27815	5YR	04/14/2005	2005-9/76
<u>Radiation Control</u>					
R313-12	General Provisions	27746	AMD	05/13/2005	2005-7/29
R313-15	Standards for Protection Against Radiation	27744	AMD	05/13/2005	2005-7/33
R313-16	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	27991	AMD	08/12/2005	2005-13/26
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	27745	AMD	05/13/2005	2005-7/34
R313-22	Specific Licenses	27747	AMD	05/13/2005	2005-7/36
R313-32	Medical Use of Radioactive Material	27748	AMD	05/13/2005	2005-7/38
R313-34	Requirements for Irradiators	27738	5YR	03/08/2005	2005-7/76
R313-34-1	Requirements for Irradiators	27646	NSC	02/01/2005	Not Printed
<u>Solid and Hazardous Waste</u>					
R315-16	Standards for Universal Waste Management	28095	5YR	07/19/2005	2005-16/53
R315-102	Penalty Policy	28094	5YR	07/19/2005	2005-16/53
<u>Water Quality</u>					
R317-1	Definitions and General Requirements	27659	AMD	04/20/2005	2005-3/5
R317-1	Definitions and General Requirements	28054	AMD	08/22/2005	2005-14/13
R317-1-7	TMDLs	27817	AMD	06/29/2005	2005-9/5
R317-2	Standards of Quality for Waters of the State	27593	CPR	06/01/2005	2005-9/72
R317-2	Standards of Quality for Waters of the State	27593	AMD	06/01/2005	2005-1/13
R317-3-10	Lagoons	27658	AMD	04/20/2005	2005-3/10
R317-4	Onsite Wastewater Systems	27699	5YR	02/10/2005	2005-5/30

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R317-7	Underground Injection Control (UIC) Program	27596	NSC	02/01/2005	Not Printed
R317-8-3	Application Requirements	27657	AMD	04/20/2005	2005-3/12
R317-10-6	Facility Classification System	27656	AMD	04/20/2005	2005-3/18
Governor					
<u>Planning and Budget, Chief Information Officer</u>					
R365-101	Utah Geographic Information Systems Advisory Council	27545	NEW	03/09/2005	2004-23/45
Health					
<u>Administration</u>					
R380-40	Local Health Department Minimum Performance Standards	27571	AMD	02/02/2005	2004-24/9
R380-40	Local Health Department Minimum Performance Standards	27990	5YR	06/06/2005	2005-13/51
<u>Epidemiology and Laboratory Services, Epidemiology</u>					
R386-702	Communicable Disease Rule	27496	CPR	05/16/2005	2005-3/53
R386-702	Communicable Disease Rule	27496	AMD	05/16/2005	2004-21/13
R386-702-9	Special Measures to Prevent Perinatal and Person-to-Person Transmission of Hepatitis B Infection	27853	AMD	08/25/2005	2005-10/17
R386-800	Immunization Coordination	27934	5YR	05/24/2005	2005-12/89
<u>Epidemiology and Laboratory Services, Environmental Services</u>					
R392-600	Illegal Drug Operations Decontamination Standards	27650	NEW	05/02/2005	2005-3/19
<u>Community and Family Health Services, Immunization</u>					
R396-100	Immunization Rule for Students	27897	AMD	07/21/2005	2005-11/6
<u>Community and Family Health Services, Children with Special Health Care Needs</u>					
R398-10	Autism Spectrum Disorders and Mental Retardation Reporting	27941	AMD	08/30/2005	2005-12/61
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1	Utah Medicaid Program	27805	AMD	06/03/2005	2005-9/6
R414-1	Utah Medicaid Program	28106	AMD	09/26/2005	2005-16/13
R414-1B	Prohibition of Payment for Certain Abortion Services	27582	NSC	02/01/2005	Not Printed
R414-7A	Medicaid Certification of New Nursing Facilities	27806	AMD	06/03/2005	2005-9/10
R414-7D	Intermediate Care Facility for the Mentally Retarded Transition Project	27505	NEW	01/03/2005	2004-22/15
R414-10A-6	Prior Authorization	27486	NSC	01/01/2005	Not Printed
R414-14	Home Health Service	27733	AMD	04/26/2005	2005-6/12
R414-14A	Hospice Care	27925	R&R	07/02/2005	2005-11/9
R414-19A	Coverage for Dialysis Services by a Free-Standing State Licensed Dialysis Facility	27985	5YR	06/03/2005	2005-13/51
R414-31	Inpatient Psychiatric Services for Individuals Under Age 21 in Psychiatric Facilities or Programs	27854	AMD	06/15/2005	2005-10/19
R414-33	Targeted Case Management Services	27986	5YR	06/03/2005	2005-13/52
R414-33A	Targeted Case Management for the Chronically Mentally Ill	27956	REP	07/20/2005	2005-12/62
R414-33C	Targeted Case Management for the Homeless	27703	NEW	04/07/2005	2005-5/23
R414-33D	Targeted Case Management by Community Mental Health Centers for Individuals with Serious Mental Illness	27958	NEW	07/20/2005	2005-12/64
R414-34-6	Qualified Providers	27589	AMD	02/01/2005	2005-1/21
R414-36-6	Qualified Providers	27591	AMD	02/01/2005	2005-1/22

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R414-49	Dental Service	27840	AMD	07/01/2005	2005-10/21
R414-53	Eyeglasses Services	27849	AMD	07/01/2005	2005-10/22
R414-61	Home and Community Based Waivers	27741	5YR	03/11/2005	2005-7/77
R414-61-2	Incorporation by Reference	27586	AMD	02/01/2005	2005-1/23
R414-63	Medicaid Policy for Pharmacy Reimbursement	27549	AMD	01/26/2005	2004-24/13
R414-90	Diabetes Self-Management Training	27557	AMD	01/19/2005	2004-24/15
R414-200	Non-Traditional Medicaid Health Plan Services	27588	AMD	02/01/2005	2005-1/24
R414-200-3	Services Available	27977	AMD	10/01/2005	2005-13/28
R414-301	Medicaid General Provisions	27902	AMD	07/02/2005	2005-11/16
R414-304	Income and Budgeting	27923	AMD	07/02/2005	2005-11/18
R414-305-2	Family Medicaid and Family Institutional Medicaid Resource Provisions	27879	AMD	07/02/2005	2005-11/23
R414-309	Medicare Drug Benefit Low-Income Subsidy Determination	27901	NEW	07/02/2005	2005-11/25
R414-401-3	Assessment	27852	AMD	07/01/2005	2005-10/24
R414-504	Nursing Facility Payments	27851	AMD	07/01/2005	2005-10/24
R414-504	Nursing Facility Payments	28066	AMD	08/16/2005	2005-14/18
R414-507	Medicaid Long Term Care Managed Care	27629	NEW	02/15/2005	2005-2/42
R414-507	Medicaid Long Term Care Managed Care	27935	AMD	07/20/2005	2005-12/66
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-5	Hospital Trauma Categorization Standards	28121	AMD	09/21/2005	2005-16/15
R426-12	Emergency Medical Services Training and Certification Standards	27519	AMD	02/01/2005	2004-22/26
R426-13	Emergency Medical Services Provider Designations	27521	AMD	02/01/2005	2004-23/47
R426-14-303	Ambulance Service and Paramedic Service Licensure	27584	NSC	02/01/2005	Not Printed
R426-15	Licensed and Designated Provider Operations	27522	AMD	02/01/2005	2004-23/48
<u>Health Systems Improvement, Licensing</u>					
R432-7	Specialty Hospital - Psychiatric Hospital Construction	27674	5YR	01/28/2005	2005-4/47
R432-8	Specialty Hospital - Chemical Dependency/Substance Abuse Construction	27675	5YR	01/28/2005	2005-4/48
R432-9	Specialty Hospital - Rehabilitation Construction Rule	27676	5YR	01/28/2005	2005-4/48
R432-10	Specialty Hospital - Long-Term Acute Care Construction Rule	27677	5YR	01/28/2005	2005-4/49
R432-11	Specialty Hospital - Orthopedic Hospital Construction	27678	5YR	01/28/2005	2005-4/49
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	27679	5YR	01/28/2005	2005-4/50
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	27680	5YR	01/28/2005	2005-4/50
R432-14	Birthing Center Construction Rule	27681	5YR	01/28/2005	2005-4/51
R432-30	Adjudicative Procedure	27682	5YR	01/28/2005	2005-4/51
R432-150	Nursing Care Facility	27884	AMD	08/05/2005	2005-11/26
R432-270	Assisted Living Facilities	27683	5YR	01/31/2005	2005-4/52
R432-270-10	Admissions	27692	AMD	05/10/2005	2005-5/24
<u>Epidemiology and Laboratory Services, Laboratory Improvement</u>					
R444-14	Rule for the Certification of Environmental Laboratories	27850	AMD	07/01/2005	2005-10/26
<u>Medical Examiner</u>					
R448-10	Unattended Death and Reporting Requirements	27988	5YR	06/06/2005	2005-13/52

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R448-20	Access to Medical Examiner Reports	27989	5YR	06/06/2005	2005-13/53
Human Resource Management					
<u>Administration</u>					
R477-2	Administration	27885	AMD	07/02/2005	2005-11/29
R477-4-7	Rehire	27886	AMD	07/02/2005	2005-11/31
R477-6	Compensation	27904	AMD	07/02/2005	2005-11/32
R477-7	Leave	27896	AMD	07/02/2005	2005-11/36
R477-8	Working Conditions	27889	AMD	07/02/2005	2005-11/41
R477-10	Employee Development	27887	AMD	07/02/2005	2005-11/43
R477-11-2	Dismissal or Demotion	27888	AMD	07/02/2005	2005-11/46
R477-12-3	Reduction in Force	27890	AMD	07/02/2005	2005-11/47
Human Services					
<u>Administration, Administrative Services, Licensing</u>					
R501-18	Abuse Background Screening	27673	5YR	01/27/2005	2005-4/52
R501-19	Residential Treatment Programs	27839	5YR	04/25/2005	2005-10/51
R501-20	Day Treatment Programs	27836	5YR	04/21/2005	2005-10/51
R501-21	Outpatient Treatment Programs	27837	5YR	04/22/2005	2005-10/52
R501-22	Residential Support Programs	27838	5YR	04/22/2005	2005-10/52
<u>Aging and Adult Services</u>					
R510-104	Nutrition Programs for the Elderly (NPE)	28040	5YR	06/22/2005	2005-14/98
R510-401	Utah Caregiver Support Program	28039	5YR	06/22/2005	2005-14/98
<u>Child and Family Services</u>					
R512-75	Rules Governing Adjudication of Consumer Complaints	27883	5YR	05/12/2005	2005-11/98
R512-75	Rules Governing Adjudication of Consumer Complaints	27981	AMD	08/03/2005	2005-13/29
R512-306	Independent Living Services, Education and Training Voucher Program	27982	AMD	08/03/2005	2005-13/31
<u>Substance Abuse and Mental Health</u>					
R523-1	Policies and Procedures	27638	AMD	03/07/2005	2005-3/28
<u>Recovery Services</u>					
R527-10	Disclosure of Information to the Office of Recovery Services	27640	5YR	01/06/2005	2005-3/58
R527-40	Retained Support	27642	5YR	01/06/2005	2005-3/59
R527-40	Retained Support	27648	AMD	03/14/2005	2005-3/30
R527-67	Locate, Use of Subpoena Duces Tecum	27938	REP	08/10/2005	2005-12/67
R527-67	Locate, Use of Subpoena Duces Tecum (5YR EXTENSION)	27842	NSC	08/10/2005	Not Printed
R527-210	Guidelines for Setting Child Support Awards	27534	REP	01/04/2005	2004-23/49
R527-255	Substantial Change in Circumstances	27647	AMD	03/14/2005	2005-3/30
R527-332	Unreimbursed Assistance Calculation	28089	5YR	07/14/2005	2005-15/47
R527-394	Posting Bond or Security	27881	5YR	05/12/2005	2005-11/98
R527-450	Federal Tax Refund Intercept	28090	5YR	07/14/2005	2005-15/47
R527-475	State Tax Refund Intercept	27641	5YR	01/06/2005	2005-3/59
<u>Services for People with Disabilities</u>					
R539-1	Eligibility	27568	AMD	01/25/2005	2004-24/17
R539-2	Service Coordination	27626	NEW	03/12/2005	2005-2/45

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R539-2	Civil Rights	27651	REP	03/12/2005	2005-3/31
R539-2-5	Person-Centered Process	27794	NSC	05/01/2005	Not Printed
R539-2-6	Entry Into and Movement Within Service System	27792	AMD	05/17/2005	2005-8/29
R539-3	Service Coordination	27652	REP	03/12/2005	2005-3/34
R539-3	Rights and Protections	27627	NEW	03/12/2005	2005-2/47
R539-3-10	Prohibited Procedures	27793	AMD	05/17/2005	2005-8/30
R539-4	Quality Assurance	27753	REP	05/03/2005	2005-7/58
R539-4	Behavior Interventions	27724	NEW	05/03/2005	2005-6/16
R539-5	Preparation and Maintenance of Client Records	27802	REP	05/17/2005	2005-8/31
R539-5	Self-Administered Services	27801	NEW	05/17/2005	2005-8/33
R539-5-5	Employee Requirements	27939	NSC	06/01/2005	Not Printed
R539-7	Home Based Services	28037	EMR	06/20/2005	2005-14/94
R539-7	Home Based Services	28036	REP	09/16/2005	2005-14/20
R539-8	Community-Based Services	27795	REP	05/17/2005	2005-8/35
Insurance					
<u>Administration</u>					
R590-88	Prohibited Transactions Between Agents and Unauthorized Multiple Employer Trusts	27684	5YR	01/31/2005	2005-4/53
R590-93	Replacement of Life Insurance and Annuities	27829	R&R	06/08/2005	2005-9/12
R590-99-4	Definition and Classification of Unfair or Deceptive Practices and Material Inducements	27723	NSC	04/01/2005	Not Printed
R590-102-13	Dedicated Fees	27715	NSC	04/01/2005	Not Printed
R590-128	Unfair Discrimination Based Solely on the Failure to Maintain Auto Insurance (Revised)	27685	5YR	01/31/2005	2005-4/53
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	27686	5YR	01/31/2005	2005-4/54
R590-140	Reference Filings of Rate Service Organization Prospective Loss Costs	27785	5YR	03/31/2005	2005-8/56
R590-146	Medicare Supplement Insurance Minimum Standards	27810	AMD	08/25/2005	2005-9/19
R590-146	Medicare Supplement Insurance Standards	27810	CPR	08/25/2005	2005-14/76
R590-147	Annual and Quarterly Statement Filing Instructions	27556	R&R	02/10/2005	2004-24/21
R590-148-12	Applications, Enrollment and Replacement of Coverage	27719	AMD	04/28/2005	2005-6/19
R590-163	Filing Quarterly Statements	27554	REP	02/10/2005	2004-24/23
R590-164	Uniform Health Billing Rule	27784	5YR	03/31/2005	2005-8/57
R590-171	Surplus Lines Procedures Rule	28027	5YR	06/14/2005	2005-13/53
R590-172	Notice to Uninsurable Applicants for Health Insurance	27866	5YR	05/05/2005	2005-11/98
R590-174	Diskette Filing of Annual and Quarterly Statements	27555	REP	02/10/2005	2004-24/24
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	27644	5YR	01/07/2005	2005-3/60
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	27558	AMD	02/10/2005	2004-24/25
R590-199	Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans	28028	5YR	06/15/2005	2005-13/54
R590-202	Condition-Specific Exclusion Riders in Individual Health Insurance Policies	28120	5YR	08/01/2005	2005-16/54
R590-203	Health Grievance Review Process and Disability Claims	27504	CPR	07/22/2005	2005-2/95
R590-203	Health Grievance Review Process and Disability Claims	27504	CPR	07/22/2005	2005-11/87

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R590-203	Health Grievance Review Process and Disability Claims	27504	AMD	07/22/2005	2004-22/47
R590-212	Requirement for Interest Bearing Accounts Used by Title Insurance Agencies for Trust Fund Deposits	27776	NSC	05/01/2005	Not Printed
R590-225-3	Documents Incorporated by Reference	27709	CPR	07/22/2005	2005-10/49
R590-225-3	Documents Incorporated by Reference	27709	AMD	07/22/2005	2005-5/26
R590-226-3	Documents Incorporated by Reference	27716	AMD	04/28/2005	2005-6/21
R590-227-3	Incorporation by Reference	27717	AMD	04/28/2005	2005-6/22
R590-228-3	Documents Incorporated by Reference	27718	AMD	04/28/2005	2005-6/23
R590-231	Workers' Compensation Market of Last Resort	27488	CPR	05/20/2005	2005-3/55
R590-231	Workers' Compensation Market of Last Resort	27488	CPR	05/20/2005	2005-8/50
R590-231	Workers' Compensation Market of Last Resort	27488	NEW	05/20/2005	2004-21/15

Judicial Conduct Commission

Administration

R595-1	General Provisions	27330	NEW	02/01/2005	2004-17/18
R595-1	Rules of Procedure	27580	REP	02/01/2005	2005-1/26
R595-1	General Provisions	27330	CPR	02/01/2005	2004-24/59
R595-2	Administration	27331	CPR	02/01/2005	2004-24/60
R595-2	Administration	27331	NEW	02/01/2005	2004-17/23
R595-3	Procedure	27332	NEW	02/01/2005	2004-17/24
R595-3	Procedure	27332	CPR	02/01/2005	2004-24/61
R595-3-10	Discipline by Consent	27668	NSC	02/01/2005	Not Printed
R595-4	Sanctions	27333	NEW	02/01/2005	2004-17/26
R595-4	Sanctions	27333	CPR	02/01/2005	2004-24/64
R595-4-2	Sanctions Guidelines	27807	AMD	06/02/2005	2005-9/37

Labor Commission

Antidiscrimination and Labor, Antidiscrimination

R606-3	Nondiscrimination Clause to be used in Contracts Entered into by the State of Utah and its Agencies	28003	5YR	06/08/2005	2005-13/54
R606-4	Advertising	28004	5YR	06/08/2005	2005-13/55
R606-5	Employment Agencies	28005	5YR	06/08/2005	2005-13/55
R606-6	Regulation of Practice and Procedure on Employer Reports and Records	28002	5YR	06/08/2005	2005-13/56

Antidiscrimination and Labor, Fair Housing

R608-1-8	Response to Complaint	28126	EMR	08/02/2005	2005-17/52
----------	-----------------------	-------	-----	------------	------------

Industrial Accidents

R612-1-3	Official Forms	27892	AMD	07/02/2005	2005-11/49
R612-2-1	Definitions	27894	AMD	07/02/2005	2005-11/51
R612-2-2	Authority	27895	AMD	07/02/2005	2005-11/52
R612-2-3	Filings	27900	AMD	07/02/2005	2005-11/53
R612-2-5	Regulation of Medical Practitioner Fees	27899	AMD	07/02/2005	2005-11/54
R612-2-18	Dental Injuries	27893	AMD	07/02/2005	2005-11/56
R612-2-22	Medical Records	27891	AMD	07/02/2005	2005-11/57

Occupational Safety and Health

R614-1-4	Incorporation of Federal Standards	28013	AMD	08/02/2005	2005-13/33
----------	------------------------------------	-------	-----	------------	------------

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R614-7-4	Residential-Type Construction, Raising Framed Walls	27903	AMD	07/02/2005	2005-11/60
<u>Safety</u>					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	27616	AMD	03/07/2005	2005-2/49
R616-3-3	Safety Codes for Elevators	27590	AMD	02/01/2005	2005-1/30
Money Management Council					
<u>Administration</u>					
R628-11	Maximum Amount of Public Funds Allowed to be Held by any Qualified Depository	27689	AMD	03/22/2005	2005-4/18
R628-15	Certification as an Investment Adviser	27743	NEW	05/05/2005	2005-7/60
R628-19	Requirements for the Use of Investment Advisers by Public Treasurers	27742	R&R	05/05/2005	2005-7/64
Natural Resources					
<u>Oil, Gas and Mining: Coal</u>					
R645-105	Blaster Training, Examination and Certification	27778	5YR	03/25/2005	2005-8/58
R645-400	Inspection and Enforcement: Division Authority and Procedures	27779	5YR	03/25/2005	2005-8/58
<u>Oil, Gas and Mining: Oil and Gas</u>					
R649-1	Oil and Gas General Rules	28067	NSC	08/01/2005	Not Printed
R649-2	General Rules	28068	NSC	08/01/2005	Not Printed
R649-3	Drilling and Operating Practices	28073	NSC	08/01/2005	Not Printed
R649-5	Underground Injection Control of Recovery Operations and Class II Injection Wells	28069	NSC	08/01/2005	Not Printed
R649-6	Gas Processing and Waste Crude Oil Treatment	28070	NSC	08/01/2005	Not Printed
R649-8	Reporting and Report Forms	28071	NSC	08/01/2005	Not Printed
R649-9	Waste Management and Disposal	28072	NSC	08/01/2005	Not Printed
<u>Parks and Recreation</u>					
R651-101	Adjudicative Proceedings	28091	5YR	07/14/2005	2005-15/48
R651-202	Boating Advisory Council	27560	AMD	01/15/2005	2004-24/28
R651-205-7	Palisade Lake	27559	AMD	01/15/2005	2004-24/29
R651-205-9	Jordan River	28056	AMD	08/16/2005	2005-14/57
R651-206	Carrying Passengers for Hire	27561	AMD	01/15/2005	2004-24/29
R651-206	Carrying Passengers for Hire	27664	NSC	02/01/2005	Not Printed
R651-209	Registration Expiration	27562	REP	01/15/2005	2004-24/32
R651-211	Assigned Numbers	27563	AMD	01/15/2005	2004-24/33
R651-212	Display of Yearly Registration Decals and Month of Expiration Decals	27564	AMD	01/15/2005	2004-24/34
R651-215	Personal Flotation Devices	27565	AMD	01/15/2005	2004-24/35
R651-223	Vessel Accident Reporting	28092	5YR	07/14/2005	2005-15/48
R651-401	Off-Highway Vehicle and Registration Stickers	27566	AMD	01/15/2005	2004-24/37
R651-409	Minimum Amounts of Liability Insurance Coverage for an Organized Practice or Sanctioned Race	28061	5YR	07/01/2005	2005-14/99
R651-634	Snowmobile User Fee - Non-Residents	28060	5YR	07/01/2005	2005-14/99
R651-634-1	User Fees	27920	NSC	06/01/2005	Not Printed
<u>Forestry, Fire and State Lands</u>					
R652-70-1900	Camping and Motor Vehicles	27750	AMD	05/20/2005	2005-7/66
R652-70-2300	Management of Bear Lake Sovereign Lands	27740	AMD	05/20/2005	2005-7/67

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R652-120	Wildland Fire	27843	5YR	04/28/2005	2005-10/53
<u>Water Rights</u>					
R655-3	Reports of Water Right Conveyance	27690	5YR	02/01/2005	2005-4/54
R655-4	Water Well Drillers	27392	AMD	01/12/2005	2004-18/30
R655-4	Water Well Drillers	27691	5YR	02/01/2005	2005-4/55
R655-4	Water Well Drillers	27475	NSC	02/01/2005	Not Printed
R655-14	Administrative Procedures for Enforcement Proceedings Before the Division of Water Rights	28032	NEW	08/15/2005	2005-13/34
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	27550	AMD	01/15/2005	2004-24/38
R657-5	Taking Big Game	27865	AMD	07/05/2005	2005-11/61
R657-6	Taking Upland Game	28082	5YR	07/08/2005	2005-15/49
R657-6	Taking Upland Game	28081	AMD	09/06/2005	2005-15/7
R657-11	Taking Furbearers	28168	5YR	08/24/2005	2005-18/73
R657-12	Hunting and Fishing Accommodations for Disabled People	27721	AMD	04/15/2005	2005-6/24
R657-13	Taking Fish and Crayfish	27432	CPR	01/03/2005	2004-22/66
R657-13	Taking Fish and Crayfish	27432	AMD	01/03/2005	2004-20/33
R657-15	Closure of Gunnison, Cub and Hat Islands	27863	5YR	05/05/2005	2005-11/99
R657-15	Closure of Gunnison, Cub and Hat Islands	27862	AMD	07/05/2005	2005-11/63
R657-21	Cooperative Wildlife Management Units for Small Game and Waterfowl	27864	5YR	05/05/2005	2005-11/99
R657-21-2	Definitions	28088	AMD	09/06/2005	2005-15/14
R657-33	Taking Bear	27649	AMD	03/04/2005	2005-3/36
R657-33-2	Definitions	27751	NSC	04/01/2005	Not Printed
R657-37	Cooperative Wildlife Management Units for Big Game	27551	AMD	01/15/2005	2004-24/45
R657-37	Cooperative Wildlife Management Units for Big Game	28087	AMD	09/06/2005	2005-15/15
R657-38	Dedicated Hunter Program	27552	AMD	01/15/2005	2004-24/48
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	28083	AMD	09/06/2005	2005-15/20
R657-42-4	Surrenders	27553	AMD	01/15/2005	2004-24/53
R657-47	Trust Fund Permits	27639	REP	03/04/2005	2005-3/39
R657-47	Trust Fund Permits (5YR EXTENSION)	27637	NSC	03/04/2005	Not Printed
R657-55	Wildlife Convention Permits	27827	NEW	06/01/2005	2005-9/38
Professional Practices Advisory Commission					
<u>Administration</u>					
R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	27542	NSC	01/01/2005	Not Printed
R686-103	Professional Practices and Conduct for Utah Educators	27737	NSC	04/01/2005	Not Printed
Public Safety					
<u>Driver License</u>					
R708-32	Uninsured Motorist Database	27877	5YR	05/10/2005	2005-11/100
R708-36	Disclosure of Personal Identifying Information in MVRs	27878	5YR	05/11/2005	2005-11/100
R708-37	Certification of Licensed Instructors of Commercial Driver Training Schools or Testing Only Schools to Administer Driving Skills Tests	27898	5YR	05/13/2005	2005-11/101

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R708-40	Driving Simulators	27579	NEW	04/18/2005	2005-1/31
R708-40	Driving Simulators	27579	CPR	04/18/2005	2005-6/28
R708-41	Requirements for Acceptable Documentation	27808	EMR	04/11/2005	2005-9/74
R708-41	Requirements for Acceptable Documentation	27809	NEW	06/01/2005	2005-9/41
<u>Fire Marshal</u>					
R710-1-8	Amendments and Additions	28122	AMD	09/15/2005	2005-16/34
R710-3-3	Amendments and Additions	27654	AMD	03/04/2005	2005-3/42
R710-4-3	Amendments and Additions	27653	AMD	03/04/2005	2005-3/44
R710-4-3	Amendments and Additions	27976	AMD	07/19/2005	2005-12/67
R710-6	Liquefied Petroleum Gas Rules	27573	AMD	01/19/2005	2004-24/54
R710-7-1	Adoption of Codes	27671	AMD	06/13/2005	2005-4/21
R710-8	Day Care Rules	27574	NSC	01/01/2005	Not Printed
R710-9-6	Amendments and Additions	27655	AMD	03/04/2005	2005-3/47
R710-9-6	Amendments and Additions	27754	AMD	05/04/2005	2005-7/68
R710-9-6	Amendments and Additions	27975	AMD	07/19/2005	2005-12/69
R710-9-6	Amendments and Additions	28115	AMD	09/15/2005	2005-16/36
<u>Highway Patrol</u>					
R714-500	Chemical Analysis Standards and Training	27882	5YR	05/12/2005	2005-11/102
<u>Criminal Investigations and Technical Services, Criminal Identification</u>					
R722-310	Regulation of Bail Bond Recovery and Enforcement Agents	28052	5YR	06/29/2005	2005-14/100
R722-330	Licensing of Private Investigators	28053	5YR	06/29/2005	2005-14/100
<u>Peace Officer Standards and Training</u>					
R728-205	Council Resolution of Public Safety Retirement Eligibility	28043	5YR	06/27/2005	2005-14/101
Public Service Commission					
<u>Administration</u>					
R746-200-6	Termination of Service	27587	AMD	02/25/2005	2005-1/32
R746-240	Telecommunication Service Rules	27855	AMD	08/08/2005	2005-10/29
R746-340	Service Quality for Telecommunications Corporations	27856	AMD	08/08/2005	2005-10/32
R746-341	Lifeline Rule	27821	AMD	06/20/2005	2005-9/42
R746-349	Competitive Entry and Reporting Requirements	27857	AMD	08/08/2005	2005-10/34
R746-352	Price Cap Regulation	27858	REP	08/08/2005	2005-10/36
R746-356	Intrastate (IntraLATA) Equal Access to Toll Calling Services By Telecommunications Carriers	27859	AMD	08/08/2005	2005-10/40
R746-360	Universal Public Telecommunications Service Support Fund	27860	AMD	08/08/2005	2005-10/42
R746-360-9	One-Time Distributions from the Fund	27302	CPR	01/04/2005	2004-23/54
R746-360-9	One-Time Distributions from the Fund	27302	AMD	01/04/2005	2004-15/59
R746-405-1	General Provisions	27861	AMD	08/08/2005	2005-10/44
R746-409-1	General Provisions	27527	NSC	01/01/2005	Not Printed
R746-510	Funding for Speech and Hearing Impaired Certified Interpreter Training	28057	NEW	08/25/2005	2005-14/58
Regents (Board Of)					
<u>Administration</u>					
R765-604	New Century Scholarship	27663	5YR	01/19/2005	2005-4/56

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R765-604	New Century Scholarship	27666	AMD	03/22/2005	2005-4/22
R765-605-4	Policy	28084	AMD	09/01/2005	2005-15/21
R765-626	Lender-of-Last-Resort Program	27841	5YR	04/26/2005	2005-10/53
R765-685	Utah Educational Savings Plan Trust	28062	REP	08/17/2005	2005-14/60

School and Institutional Trust Lands

Administration

R850-2	State Land Management Objectives	27812	NSC	05/01/2005	Not Printed
R850-20	Mineral Resources	27611	REP	04/01/2005	2005-2/50
R850-21	Oil, Gas and Hydrocarbon Resources	27612	NEW	04/01/2005	2005-2/58
R850-21	Oil, Gas and Hydrocarbon Resources	27813	AMD	06/01/2005	2005-9/46
R850-22	Bituminous-Asphaltic Sands and Oil Shale Resources	27613	NEW	04/01/2005	2005-2/65
R850-23	Sand, Gravel and Cinders Permits	27609	NEW	04/01/2005	2005-2/72
R850-24	General Provisions: Mineral and Material Resources, Mineral Leases and Material Permits	27607	NEW	04/01/2005	2005-2/76
R850-24-200	Insurance Requirements	27814	AMD	06/01/2005	2005-9/49
R850-25	Mineral Leases and Materials Permits	27606	NEW	04/01/2005	2005-2/81
R850-26	Coal Leases	27604	NEW	04/01/2005	2005-2/84
R850-27	Geothermal Steam	27601	NEW	04/01/2005	2005-2/86
R850-50	Range Management	27811	AMD	06/01/2005	2005-9/49
R850-130	Materials Permits	27602	REP	04/01/2005	2005-2/89

Tax Commission

Auditing

R865-6F-35	S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703	27929	AMD	07/20/2005	2005-12/71
R865-9I-21	Return By Partnership Pursuant to Utah Code Ann. Section 59-10-507	27804	AMD	06/08/2005	2005-9/51
R865-9I-51	Withholding Tax License Pursuant to Utah Code Ann. Section 59-10-405.5	27930	AMD	07/20/2005	2005-12/72
R865-16R	Severance Tax	27739	5YR	03/08/2005	2005-7/77
R865-19S-6	Tax Collection Pursuant to Utah Code Ann. Section 59-12-107	27868	AMD	07/20/2005	2005-11/64
R865-19S-8	Bonds and Securities Pursuant to Utah Code Ann. Section 59-12-107	27931	AMD	07/20/2005	2005-12/73
R865-19S-20	Basis for Reporting Tax Pursuant to Utah Code Ann. Section 59-12-107	27819	AMD	07/01/2005	2005-9/52
R865-19S-32	Leases and Rentals Pursuant to Utah Code Ann. Section 59-12-103	27820	AMD	07/01/2005	2005-9/54
R865-19S-51	Fabrication and Installation Labor in Connection With Retail Sales of Tangible Personal Property Pursuant to Utah Code Ann. Section 59-12-103	27822	AMD	07/01/2005	2005-9/55
R865-19S-52	Federal, State and Local Taxes Pursuant to Utah Code Ann. Section 59-12-102	27825	AMD	07/01/2005	2005-9/56
R865-19S-60	Sales of Machinery, Fixtures and Supplies to Manufacturers, Businessmen and Others Pursuant to Utah Code Ann. Section 59-12-103	27826	AMD	07/01/2005	2005-9/56
R865-19S-68	Premiums, Gifts, Rebates, and Coupons Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103	27828	AMD	07/01/2005	2005-9/57
R865-19S-71	Transportation Charges in Connection With the Sale of Tangible Personal Property Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	27831	AMD	07/01/2005	2005-9/58

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R865-19S-78	Charges for Labor to Repair, Renovate and Install Tangible Personal Property Pursuant to Utah Code Ann. Section 59-12-103	27870	AMD	07/20/2005	2005-11/65
R865-19S-85	Sales and Use Tax Exemptions for New or Expanding Operations and Normal Operating Replacements Pursuant to Utah Code Ann. Section 59-12-104	27832	AMD	07/01/2005	2005-9/59
R865-19S-90	Telephone Service Pursuant to Utah Code Ann. Section 59-12-103	27833	AMD	07/01/2005	2005-9/61
R865-19S-90	Telephone Service Pursuant to Utah Code Ann. Section 59-12-103	28049	AMD	09/01/2005	2005-14/65
R865-19S-98	Sales to Nonresidents of Vehicles, Off-highway Vehicles, and Boats Required to be Registered, and Sales to Nonresidents of Boat Trailers and Outboard Motors Pursuant to Utah Code Ann. 59-12-104	28050	AMD	09/01/2005	2005-14/66
R865-19S-101	Application of Sales Tax to Fees Assessed in Conjunction with the Retail Sale of a Motor Vehicle Pursuant to Utah Code Ann. Section 59-12-103	27834	AMD	07/01/2005	2005-9/62
R865-19S-112	Confirmation of Purchase of Admission or User Fee Relating to the Olympic Winter Games of 2002 Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	27867	AMD	07/20/2005	2005-11/67
<u>Motor Vehicle</u>					
R873-22M-27	Issuance of Special Group License Plates Pursuant to Utah Code Ann. Sections 41-1a-408, 41-1a-409 and 41-1a-414	27803	AMD	06/08/2005	2005-9/63
R873-22M-27	Issuance of Special Group License Plates Pursuant to Utah Code Ann. Sections 41-1a-418, 41-1a-419, 41-1a-420, and 41-1a-421	28046	AMD	09/01/2005	2005-14/68
Transportation					
<u>Motor Carrier, Ports of Entry</u>					
R912-3	Overweight and/or Oversize Permitted Vehicle Restrictions on Certain Highways Throughout the State of Utah	27953	REP	07/18/2005	2005-12/74
R912-6	Ports-of-Entry By-Pass Permit Provisions	27790	NEW	06/27/2005	2005-8/39
R912-9	Pilot/Escort Requirements and Certification Program	27970	NEW	07/18/2005	2005-12/74
R912-10	Requirements for Pilot/Escort Qualified Training and Certification Program	27971	NEW	07/18/2005	2005-12/77
R912-11	Overweight and/or Oversize Permitted Vehicle Restrictions on Certain Highways Throughout the State of Utah	27952	NEW	07/18/2005	2005-12/79
R912-14	Changes to Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet in Length	27972	AMD	07/18/2005	2005-12/82
R912-16	Special Mobile Equipment	27954	5YR	06/01/2005	2005-12/89
R912-16	Special Mobile Equipment	28150	5YR	08/15/2005	2005-17/56
<u>Operations, Construction</u>					
R916-4	Construction Manager/General Contractor Contracts	27846	NEW	06/27/2005	2005-10/46
<u>Operations, Traffic and Safety</u>					
R920-5	Manual and Specifications on School Crossing Zones. Supplemental to Part VII of the Manual on Uniform Traffic Control Devices	27955	AMD	07/18/2005	2005-12/83
R920-50	Ropeway Operation Safety Rules	27876	AMD	07/12/2005	2005-11/69
<u>Program Development</u>					
R926-7	Scenic Byways	28024	NEW	09/15/2005	2005-13/42

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Workforce Services					
<u>Employment Development</u>					
R986-100	Employment Support Programs	27661	AMD	04/07/2005	2005-4/24
R986-100	Employment Support Programs	28227	5YR	09/13/2005	2005-19/105
R986-200	Family Employment Program	27957	AMD	08/01/2005	2005-12/84
R986-200	Family Employment Program	28202	EMR	09/02/2005	2005-19/33
R986-200	Family Employment Program	28229	5YR	09/14/2005	2005-19/106
R986-200-214	Assistance for Specified Relatives	27824	AMD	06/01/2005	2005-9/65
R986-300	Refugee Resettlement Program	28230	5YR	09/14/2005	2005-19/106
R986-400	General Assistance and Working Toward Employment	28231	5YR	09/14/2005	2005-19/107
R986-500	Adoption Assistance	28232	5YR	09/14/2005	2005-19/107
R986-500-501	Authority for Adoption Assistance (AA) and Other Applicable Rules	27491	AMD	01/01/2005	2004-21/31
R986-600	Workforce Investment Act	28063	AMD	08/16/2005	2005-14/69
R986-600	Workforce Investment Act	28234	5YR	09/14/2005	2005-19/108
R986-700	Child Care Assistance	27660	AMD	04/07/2005	2005-4/26
R986-700	Child Care Assistance	27830	AMD	07/01/2005	2005-9/67
R986-700	Child Care Assistance	28233	5YR	09/14/2005	2005-19/108
R986-800	Displaced Homemaker Program	28236	5YR	09/14/2005	2005-19/109
R986-900	Food Stamps	28235	5YR	09/14/2005	2005-19/109
<u>Workforce Information and Payment Services</u>					
R994-201	Definition of Terms in Employment Security Act	27730	NSC	04/01/2005	Not Printed
R994-204	Included Employment	27789	5YR	04/01/2005	2005-8/59
R994-205	Exempt Employment	27791	5YR	04/01/2005	2005-8/59
R994-206	Agricultural Labor	27796	5YR	04/01/2005	2005-8/60
R994-207	Unemployment	28170	5YR	08/25/2005	2005-18/73
R994-304	Special Provisions Regarding Transfers of Unemployment Experience and Assigning Rates	27823	NEW	06/01/2005	2005-9/69
R994-307-101	Relief of Charges to Contributing Employers	27919	AMD	09/29/2005	2005-11/71
R994-309-105	Reimbursable Employer's Liability for Benefits Paid	27921	AMD	09/29/2005	2005-11/72
R994-311	Governmental Units	27922	AMD	09/29/2005	2005-11/73
R994-401	Payment of Benefits	27728	NSC	04/01/2005	Not Printed
R994-401	Payment of Benefits	27924	AMD	09/29/2005	2005-11/75
R994-403	Claim for Benefits	27729	NSC	04/01/2005	Not Printed
R994-403-123	Obligation of Department Employees	27937	AMD	09/29/2005	2005-12/86
R994-404-101	Claimants Who Qualify for an Adjustment to the Base Period	27926	AMD	09/29/2005	2005-11/76
R994-405	Ineligibility for Benefits	27927	AMD	09/29/2005	2005-11/77
R994-406	Fraud and Fault	27928	AMD	09/29/2005	2005-11/79
R994-508-109	Hearing Procedure	27936	AMD	09/29/2005	2005-12/86

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>abortion</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27582	R414-1B	NSC	02/01/2005	Not Printed
<u>abrasive blasting</u> Environmental Quality, Air Quality	28217	R307-206	5YR	09/07/2005	2005-19/98
	27759	R307-206	AMD	07/07/2005	2005-7/15
	27763	R307-306	NEW	09/02/2005	2005-7/22
	27763	R307-306	CPR	09/02/2005	2005-15/38
<u>acceptable documentation</u> Public Safety, Driver License	27809	R708-41	NEW	06/01/2005	2005-9/41
	27808	R708-41	EMR	04/11/2005	2005-9/74
<u>accidents</u> Natural Resources, Parks and Recreation	28092	R651-223	5YR	07/14/2005	2005-15/48
<u>accountants</u> Commerce, Occupational and Professional Licensing	27835	R156-26a	AMD	06/21/2005	2005-10/12
<u>accreditation</u> Education, Administration	27705	R277-410	AMD	04/01/2005	2005-5/8
	27706	R277-411	AMD	04/01/2005	2005-5/10
	27707	R277-412	AMD	04/01/2005	2005-5/13
	27708	R277-413	AMD	04/01/2005	2005-5/16
<u>adjudicative proceedings</u> Commerce, Administration	27636	R151-46b	AMD	02/15/2005	2005-2/32
<u>administrative procedures</u> Agriculture and Food, Administration	28196	R51-1	5YR	09/02/2005	2005-19/36
Agriculture and Food, Animal Industry	28200	R58-15	5YR	09/02/2005	2005-19/38
Commerce, Administration	27636	R151-46b	AMD	02/15/2005	2005-2/32
Environmental Quality, Air Quality	28221	R307-103	5YR	09/07/2005	2005-19/45
Environmental Quality, Drinking Water	27912	R309-100	5YR	05/16/2005	2005-11/90
	27964	R309-100	AMD	09/13/2005	2005-12/29
	27908	R309-115	5YR	05/16/2005	2005-11/92
	27909	R309-150	5YR	05/16/2005	2005-11/92
	27906	R309-300	5YR	05/16/2005	2005-11/96
	27781	R309-405	NSC	05/16/2005	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27916	R309-405	5YR	05/16/2005	2005-11/97
Human Resource Management, Administration	27890	R477-12-3	AMD	07/02/2005	2005-11/47
Labor Commission, Industrial Accidents	27892	R612-1-3	AMD	07/02/2005	2005-11/49
Natural Resources, Parks and Recreation	28091	R651-101	5YR	07/14/2005	2005-15/48
Natural Resources, Forestry, Fire and State Lands	27750	R652-70-1900	AMD	05/20/2005	2005-7/66
	27740	R652-70-2300	AMD	05/20/2005	2005-7/67
	27843	R652-120	5YR	04/28/2005	2005-10/53
School and Institutional Trust Lands, Administration	27611	R850-20	REP	04/01/2005	2005-2/50
	27612	R850-21	NEW	04/01/2005	2005-2/58
	27813	R850-21	AMD	06/01/2005	2005-9/46
	27613	R850-22	NEW	04/01/2005	2005-2/65
	27606	R850-25	NEW	04/01/2005	2005-2/81
	27604	R850-26	NEW	04/01/2005	2005-2/84
	27601	R850-27	NEW	04/01/2005	2005-2/86
	27811	R850-50	AMD	06/01/2005	2005-9/49
	27602	R850-130	REP	04/01/2005	2005-2/89
<u>administrative responsibility</u>					
Human Resource Management, Administration	27885	R477-2	AMD	07/02/2005	2005-11/29
<u>adoption assistance</u>					
Workforce Services, Employment Development	28232	R986-500	5YR	09/14/2005	2005-19/107
	27491	R986-500-501	AMD	01/01/2005	2004-21/31
<u>adult education</u>					
Education, Administration	27592	R277-733	AMD	02/01/2005	2005-1/10
<u>advertising</u>					
Commerce, Consumer Protection	28058	R152-39	NEW	08/16/2005	2005-14/6
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28004	R606-4	5YR	06/08/2005	2005-13/55
<u>aesthetics</u>					
Capitol Preservation Board (State), Administration	27631	R131-8	NEW	03/03/2005	2005-2/24
<u>air pollution</u>					
Environmental Quality, Air Quality	27755	R307-101-2	CPR	09/02/2005	2005-15/25
	27755	R307-101-2	AMD	09/02/2005	2005-7/2
	28029	R307-101-2	AMD	09/08/2005	2005-13/24
	27818	R307-101-2	AMD	07/07/2005	2005-9/4
	28221	R307-103	5YR	09/07/2005	2005-19/45
	28111	R307-110	NSC	08/01/2005	Not Printed
	28224	R307-110	5YR	09/08/2005	2005-19/46
	27768	R307-110-10	AMD	09/02/2005	2005-7/6
	27768	R307-110-10	CPR	09/02/2005	2005-15/28
	27429	R307-110-11	AMD	03/04/2005	2004-19/37
	27429	R307-110-11	CPR	03/04/2005	2005-3/52
	27343	R307-110-12	AMD	01/04/2005	2004-17/12

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	27343	R307-110-12	CPR	01/04/2005	2004-23/53
	27769	R307-110-17	AMD	09/02/2005	2005-7/7
	27769	R307-110-17	CPR	09/02/2005	2005-15/29
	28078	R307-115	5YR	07/07/2005	2005-15/45
	28215	R307-165	5YR	09/07/2005	2005-19/95
	27756	R307-165	CPR	09/02/2005	2005-15/31
	27756	R307-165	AMD	09/02/2005	2005-7/8
	27757	R307-201	AMD	09/02/2005	2005-7/9
	27757	R307-201	CPR	09/02/2005	2005-15/32
	28214	R307-201	5YR	09/07/2005	2005-19/96
	28223	R307-205	5YR	09/07/2005	2005-19/97
	27764	R307-205	AMD	07/07/2005	2005-7/12
	28217	R307-206	5YR	09/07/2005	2005-19/98
	27759	R307-206	AMD	07/07/2005	2005-7/15
	27665	R307-210	AMD	04/19/2005	2005-4/17
	27761	R307-302	CPR	09/02/2005	2005-15/34
	27761	R307-302	AMD	09/02/2005	2005-7/17
	28216	R307-305	5YR	09/07/2005	2005-19/100
	27762	R307-305	AMD	09/02/2005	2005-7/19
	27762	R307-305	CPR	09/02/2005	2005-15/36
	27763	R307-306	NEW	09/02/2005	2005-7/22
	27763	R307-306	CPR	09/02/2005	2005-15/38
	28218	R307-307	5YR	09/07/2005	2005-19/102
	27765	R307-309	CPR	09/02/2005	2005-15/39
	27765	R307-309	AMD	09/02/2005	2005-7/24
	28220	R307-309	5YR	09/07/2005	2005-19/103
	28222	R307-310	5YR	09/07/2005	2005-19/105
	28080	R307-310-5	NSC	09/01/2005	Not Printed
	27766	R307-310-5	AMD	07/07/2005	2005-7/27
	27701	R307-320	NSC	07/07/2005	Not Printed
	28079	R307-320	5YR	07/07/2005	2005-15/46
	27767	R307-421	NEW	07/07/2005	2005-7/28
<u>air quality</u> Environmental Quality, Air Quality	27758	R307-204-3	AMD	07/07/2005	2005-7/11
<u>air travel</u> Administrative Services, Finance	27848	R25-7	AMD	07/01/2005	2005-10/7
<u>aircraft</u> Tax Commission, Motor Vehicle	27803	R873-22M-27	AMD	06/08/2005	2005-9/63
	28046	R873-22M-27	AMD	09/01/2005	2005-14/68
<u>alarm company</u> Commerce, Occupational and Professional Licensing	28048	R156-55d	5YR	06/28/2005	2005-14/97
<u>alcohol</u> Public Safety, Highway Patrol	27882	R714-500	5YR	05/12/2005	2005-11/102

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	27947	R81-1-6	AMD	08/01/2005	2005-12/4
	27948	R81-1-7	AMD	08/01/2005	2005-12/5
	27949	R81-1-24	AMD	08/01/2005	2005-12/7
	27847	R81-4D-14	AMD	08/26/2005	2005-10/11
	27847	R81-4D-14	CPR	08/26/2005	2005-14/74
	27725	R81-5-5	AMD	05/01/2005	2005-6/3
	27726	R81-5-14	AMD	05/01/2005	2005-6/4
	27869	R81-5-15	NSC	06/01/2005	Not Printed
	27727	R81-5-17	AMD	05/01/2005	2005-6/5
<u>alimony</u>					
Human Services, Recovery Services	28090	R527-450	5YR	07/14/2005	2005-15/47
<u>alternative onsite wastewater systems</u>					
Environmental Quality, Water Quality	27699	R317-4	5YR	02/10/2005	2005-5/30
<u>annuity insurance filings</u>					
Insurance, Administration	27717	R590-227-3	AMD	04/28/2005	2005-6/22
<u>annuity replacement</u>					
Insurance, Administration	27829	R590-93	R&R	06/08/2005	2005-9/12
<u>appellate procedures</u>					
Workforce Services, Workforce Information and Payment Services	27936	R994-508-109	AMD	09/29/2005	2005-12/86
<u>aquaculture</u>					
Agriculture and Food, Animal Industry	28119	R58-17	AMD	09/15/2005	2005-16/2
	27696	R58-17	5YR	02/03/2005	2005-5/28
<u>architects</u>					
Administrative Services, Facilities Construction and Management	27605	R23-2	AMD	03/15/2005	2005-2/7
Capitol Preservation Board (State), Administration	27711	R131-1	5YR	02/16/2005	2005-6/33
<u>architecture</u>					
Capitol Preservation Board (State), Administration	27631	R131-8	NEW	03/03/2005	2005-2/24
<u>art</u>					
Capitol Preservation Board (State), Administration	27632	R131-9	NEW	03/03/2005	2005-2/26
<u>arts</u>					
Education, Administration	27932	R277-444	AMD	07/18/2005	2005-12/24
<u>assignment</u>					
Education, Administration	28077	R277-520	5YR	07/06/2005	2005-15/45
<u>assistance</u>					
Human Services, Recovery Services	28089	R527-332	5YR	07/14/2005	2005-15/47
<u>assisted living facilities</u>					
Public Safety, Fire Marshal	27654	R710-3-3	AMD	03/04/2005	2005-3/42

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>autism spectrum</u> Health, Community and Family Health Services, Children with Special Health Care Needs	27941	R398-10	AMD	08/30/2005	2005-12/61
<u>backflow assembly tester</u> Environmental Quality, Drinking Water	27617	R309-305	NSC	02/01/2005	Not Printed
	27780	R309-305	NSC	05/16/2005	Not Printed
	27915	R309-305	5YR	05/16/2005	2005-11/96
<u>bail bond enforcement agent</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28052	R722-310	5YR	06/29/2005	2005-14/100
<u>bail bond recovery agent</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28052	R722-310	5YR	06/29/2005	2005-14/100
<u>banking law</u> Money Management Council, Administration	27689	R628-11	AMD	03/22/2005	2005-4/18
<u>bear</u> Natural Resources, Wildlife Resources	27649	R657-33	AMD	03/04/2005	2005-3/36
	27751	R657-33-2	NSC	04/01/2005	Not Printed
<u>beekeeping</u> Agriculture and Food, Plant Industry	28207	R68-1	5YR	09/06/2005	2005-19/41
<u>behavior</u> Human Services, Services for People with Disabilities	27724	R539-4	NEW	05/03/2005	2005-6/16
<u>benefits</u> Community and Economic Development, Community Development, Community Services	27420	R202-207-702	AMD	01/12/2005	2004-19/27
Workforce Services, Workforce Information and Payment Services	27728	R994-401	NSC	04/01/2005	Not Printed
	27924	R994-401	AMD	09/29/2005	2005-11/75
<u>big game seasons</u> Natural Resources, Wildlife Resources	27865	R657-5	AMD	07/05/2005	2005-11/61
	27550	R657-5	AMD	01/15/2005	2004-24/38
<u>birds</u> Natural Resources, Wildlife Resources	28082	R657-6	5YR	07/08/2005	2005-15/49
	28081	R657-6	AMD	09/06/2005	2005-15/7
	27863	R657-15	5YR	05/05/2005	2005-11/99
	27862	R657-15	AMD	07/05/2005	2005-11/63
<u>bituminous-asphaltic sands</u> School and Institutional Trust Lands, Administration	27613	R850-22	NEW	04/01/2005	2005-2/65
<u>board members</u> Commerce, Administration	27633	R151-1	NEW	02/15/2005	2005-2/29

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>boating</u>					
Natural Resources, Parks and Recreation	27560	R651-202	AMD	01/15/2005	2004-24/28
	27559	R651-205-7	AMD	01/15/2005	2004-24/29
	28056	R651-205-9	AMD	08/16/2005	2005-14/57
	27664	R651-206	NSC	02/01/2005	Not Printed
	27561	R651-206	AMD	01/15/2005	2004-24/29
	27562	R651-209	REP	01/15/2005	2004-24/32
	27563	R651-211	AMD	01/15/2005	2004-24/33
	27564	R651-212	AMD	01/15/2005	2004-24/34
	27565	R651-215	AMD	01/15/2005	2004-24/35
	28092	R651-223	5YR	07/14/2005	2005-15/48
<u>boilers</u>					
Labor Commission, Safety	27616	R616-2-3	AMD	03/07/2005	2005-2/49
<u>bonding requirements</u>					
Human Services, Recovery Services	27881	R527-394	5YR	05/12/2005	2005-11/98
<u>brachytherapy</u>					
Environmental Quality, Radiation Control	27748	R313-32	AMD	05/13/2005	2005-7/38
<u>breaks</u>					
Human Resource Management, Administration	27889	R477-8	AMD	07/02/2005	2005-11/41
<u>breath testing</u>					
Public Safety, Highway Patrol	27882	R714-500	5YR	05/12/2005	2005-11/102
<u>broad scope</u>					
Environmental Quality, Radiation Control	27747	R313-22	AMD	05/13/2005	2005-7/36
<u>budgeting</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	27923	R414-304	AMD	07/02/2005	2005-11/18
<u>building codes</u>					
Commerce, Occupational and Professional Licensing	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
<u>building inspection</u>					
Commerce, Occupational and Professional Licensing	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
<u>burglar alarms</u>					
Commerce, Occupational and Professional Licensing	28048	R156-55d	5YR	06/28/2005	2005-14/97
<u>burns</u>					
Natural Resources, Forestry, Fire and State Lands	27843	R652-120	5YR	04/28/2005	2005-10/53
<u>capitol-preservation</u>					
Capitol Preservation Board (State), Administration	27711	R131-1	5YR	02/16/2005	2005-6/33

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>care receiver</u> Human Services, Aging and Adult Services	28039	R510-401	5YR	06/22/2005	2005-14/98
<u>caregiver</u> Human Services, Aging and Adult Services	28039	R510-401	5YR	06/22/2005	2005-14/98
<u>cash management</u> Money Management Council, Administration	27743	R628-15	NEW	05/05/2005	2005-7/60
<u>certification</u> Labor Commission, Safety	27616	R616-2-3	AMD	03/07/2005	2005-2/49
	27590	R616-3-3	AMD	02/01/2005	2005-1/30
<u>charities</u> Tax Commission, Auditing	27868	R865-19S-6	AMD	07/20/2005	2005-11/64
	27931	R865-19S-8	AMD	07/20/2005	2005-12/73
	27819	R865-19S-20	AMD	07/01/2005	2005-9/52
	27820	R865-19S-32	AMD	07/01/2005	2005-9/54
	27822	R865-19S-51	AMD	07/01/2005	2005-9/55
	27825	R865-19S-52	AMD	07/01/2005	2005-9/56
	27826	R865-19S-60	AMD	07/01/2005	2005-9/56
	27828	R865-19S-68	AMD	07/01/2005	2005-9/57
	27831	R865-19S-71	AMD	07/01/2005	2005-9/58
	27870	R865-19S-78	AMD	07/20/2005	2005-11/65
	27832	R865-19S-85	AMD	07/01/2005	2005-9/59
	28049	R865-19S-90	AMD	09/01/2005	2005-14/65
	28050	R865-19S-98	AMD	09/01/2005	2005-14/66
	27834	R865-19S-101	AMD	07/01/2005	2005-9/62
	27867	R865-19S-112	AMD	07/20/2005	2005-11/67
<u>charities tax exemptions</u> Tax Commission, Auditing	27833	R865-19S-90	AMD	07/01/2005	2005-9/61
<u>chemical testing</u> Agriculture and Food, Chemistry Laboratory	28203	R63-1	5YR	09/02/2005	2005-19/39
<u>child care</u> Workforce Services, Employment Development	28233	R986-700	5YR	09/14/2005	2005-19/108
	27830	R986-700	AMD	07/01/2005	2005-9/67
	27660	R986-700	AMD	04/07/2005	2005-4/26
<u>child support</u> Human Services, Recovery Services	27640	R527-10	5YR	01/06/2005	2005-3/58
	27642	R527-40	5YR	01/06/2005	2005-3/59
	27648	R527-40	AMD	03/14/2005	2005-3/30
	27938	R527-67	REP	08/10/2005	2005-12/67
	27842	R527-67	NSC	08/10/2005	Not Printed
	27534	R527-210	REP	01/04/2005	2004-23/49
	27647	R527-255	AMD	03/14/2005	2005-3/30

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	28089	R527-332	5YR	07/14/2005	2005-15/47
	27881	R527-394	5YR	05/12/2005	2005-11/98
	28090	R527-450	5YR	07/14/2005	2005-15/47
	27641	R527-475	5YR	01/06/2005	2005-3/59
<u>child welfare</u>					
Administrative Services, Child Welfare Parental Defense (Office of)	27518	R19-1	CPR	05/13/2005	2005-2/94
	27518	R19-1	NEW	05/13/2005	2004-22/9
<u>cinders</u>					
School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72
<u>client rights</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	27902	R414-301	AMD	07/02/2005	2005-11/16
<u>coal</u>					
School and Institutional Trust Lands, Administration	27611	R850-20	REP	04/01/2005	2005-2/50
	27604	R850-26	NEW	04/01/2005	2005-2/84
<u>coal mines</u>					
Natural Resources, Oil, Gas and Mining; Coal	27778	R645-105	5YR	03/25/2005	2005-8/58
<u>coal mining</u>					
Natural Resources, Oil, Gas and Mining; Coal	27779	R645-400	5YR	03/25/2005	2005-8/58
<u>communicable diseases</u>					
Health, Epidemiology and Laboratory Services, Epidemiology	27496	R386-702	CPR	05/16/2005	2005-3/53
	27496	R386-702	AMD	05/16/2005	2004-21/13
	27853	R386-702-9	AMD	08/25/2005	2005-10/17
<u>compliance determinations</u>					
Environmental Quality, Drinking Water	27967	R309-205	AMD	09/13/2005	2005-12/37
	27917	R309-205	5YR	05/16/2005	2005-11/93
	27918	R309-210	5YR	05/16/2005	2005-11/94
	27969	R309-215	AMD	09/13/2005	2005-12/43
	27910	R309-215	5YR	05/16/2005	2005-11/94
<u>conduct</u>					
Commerce, Real Estate	27788	R162-107	AMD	05/25/2005	2005-8/14
Professional Practices Advisory Commission, Administration	27542	R686-100	NSC	01/01/2005	Not Printed
<u>confidentiality of information</u>					
Human Resource Management, Administration	27885	R477-2	AMD	07/02/2005	2005-11/29
<u>congregate meals</u>					
Human Services, Aging and Adult Services	28040	R510-104	5YR	06/22/2005	2005-14/98
<u>consent</u>					
Health, Epidemiology and Laboratory Services, Epidemiology	27934	R386-800	5YR	05/24/2005	2005-12/89

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>conservation</u>					
Natural Resources, Wildlife Resources	27863	R657-15	5YR	05/05/2005	2005-11/99
	27862	R657-15	AMD	07/05/2005	2005-11/63
<u>construction</u>					
Administrative Services, Facilities Construction and Management	27610	R23-4	AMD	03/15/2005	2005-2/10
Transportation, Operations, Construction	27846	R916-4	NEW	06/27/2005	2005-10/46
<u>construction contracts</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28003	R606-3	5YR	06/08/2005	2005-13/54
<u>construction disputes</u>					
Administrative Services, Facilities Construction and Management	27610	R23-4	AMD	03/15/2005	2005-2/10
<u>consumer confidence report</u>					
Environmental Quality, Drinking Water	27905	R309-225	5YR	05/16/2005	2005-11/95
<u>consumer hearing panel</u>					
Human Services, Child and Family Services	27883	R512-75	5YR	05/12/2005	2005-11/98
<u>consumer protection</u>					
Commerce, Consumer Protection	28058	R152-39	NEW	08/16/2005	2005-14/6
<u>contamination</u>					
Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
<u>continuing education</u>					
Commerce, Real Estate	28059	R162-9-2	AMD	08/17/2005	2005-14/7
<u>continuing professional education</u>					
Commerce, Occupational and Professional Licensing	27835	R156-26a	AMD	06/21/2005	2005-10/12
<u>contractors</u>					
Commerce, Occupational and Professional Licensing	27987	R156-38	AMD	08/02/2005	2005-13/13
	27752	R156-38	5YR	03/15/2005	2005-7/75
	27942	R156-55a	AMD	07/18/2005	2005-12/13
	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28003	R606-3	5YR	06/08/2005	2005-13/54
<u>contracts</u>					
Administrative Services, Facilities Construction and Management	27603	R23-1	AMD	03/15/2005	2005-2/2
	27610	R23-4	AMD	03/15/2005	2005-2/10
Transportation, Operations, Construction	27846	R916-4	NEW	06/27/2005	2005-10/46
<u>conveyance</u>					
Natural Resources, Water Rights	27690	R655-3	5YR	02/01/2005	2005-4/54
<u>cooperative wildlife management unit</u>					
Natural Resources, Wildlife Resources	27551	R657-37	AMD	01/15/2005	2004-24/45
	28087	R657-37	AMD	09/06/2005	2005-15/15

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>corrections</u>					
Corrections, Administration	28085	R251-303	5YR	07/13/2005	2005-15/43
<u>cost sharing</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	27588	R414-200	AMD	02/01/2005	2005-1/24
	27977	R414-200-3	AMD	10/01/2005	2005-13/28
<u>counselors</u>					
Commerce, Occupational and Professional Licensing	27749	R156-60c	5YR	03/14/2005	2005-7/75
<u>county jails</u>					
Corrections, Administration	28086	R251-113	5YR	07/13/2005	2005-15/43
<u>CPB</u>					
Capitol Preservation Board (State), Administration	27631	R131-8	NEW	03/03/2005	2005-2/24
	27632	R131-9	NEW	03/03/2005	2005-2/26
<u>credit insurance filings</u>					
Insurance, Administration	27718	R590-228-3	AMD	04/28/2005	2005-6/23
<u>cross connection control</u>					
Environmental Quality, Drinking Water	27780	R309-305	NSC	05/16/2005	Not Printed
	27915	R309-305	5YR	05/16/2005	2005-11/96
	27617	R309-305	NSC	02/01/2005	Not Printed
<u>curricula</u>					
Education, Administration	27932	R277-444	AMD	07/18/2005	2005-12/24
	28142	R277-475	5YR	08/15/2005	2005-17/55
	27874	R277-700-6	NSC	07/01/2005	Not Printed
	27710	R277-705-6	AMD	04/01/2005	2005-5/19
	27875	R277-713	NSC	07/01/2005	Not Printed
	27662	R277-713	AMD	03/21/2005	2005-4/14
<u>day care</u>					
Public Safety, Fire Marshal	27574	R710-8	NSC	01/01/2005	Not Printed
<u>decommissioning</u>					
Environmental Quality, Radiation Control	27747	R313-22	AMD	05/13/2005	2005-7/36
<u>decontamination</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	27650	R392-600	NEW	05/02/2005	2005-3/19
<u>definitions</u>					
Administrative Services, Fleet Operations	27546	R27-1-2	AMD	01/10/2005	2004-23/3
Environmental Quality, Air Quality	27755	R307-101-2	CPR	09/02/2005	2005-15/25
	27755	R307-101-2	AMD	09/02/2005	2005-7/2
	28029	R307-101-2	AMD	09/08/2005	2005-13/24
	27818	R307-101-2	AMD	07/07/2005	2005-9/4
Environmental Quality, Drinking Water	27911	R309-110	5YR	05/16/2005	2005-11/91
	27960	R309-110-3	AMD	09/13/2005	2005-12/33
Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
Workforce Services, Workforce Information and Payment Services	27730	R994-201	NSC	04/01/2005	Not Printed
<u>design</u>					
Administrative Services, Facilities Construction and Management	27615	R23-3	AMD	03/15/2005	2005-2/9
<u>disabilities</u>					
Human Services, Services for People with Disabilities	27801	R539-5	NEW	05/17/2005	2005-8/33
	27939	R539-5-5	NSC	06/01/2005	Not Printed
<u>disability</u>					
Human Services, Services for People with Disabilities	27568	R539-1	AMD	01/25/2005	2004-24/17
<u>disabled persons</u>					
Human Services, Services for People with Disabilities	27651	R539-2	REP	03/12/2005	2005-3/31
	27652	R539-3	REP	03/12/2005	2005-3/34
	27753	R539-4	REP	05/03/2005	2005-7/58
	27802	R539-5	REP	05/17/2005	2005-8/31
	28037	R539-7	EMR	06/20/2005	2005-14/94
	28036	R539-7	REP	09/16/2005	2005-14/20
	27795	R539-8	REP	05/17/2005	2005-8/35
Natural Resources, Wildlife Resources	27721	R657-12	AMD	04/15/2005	2005-6/24
<u>disasters</u>					
Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
<u>discharge permits</u>					
Environmental Quality, Water Quality	27657	R317-8-3	AMD	04/20/2005	2005-3/12
<u>disciplinary actions</u>					
Professional Practices Advisory Commission, Administration	27737	R686-103	NSC	04/01/2005	Not Printed
<u>discipline of employees</u>					
Human Resource Management, Administration	27888	R477-11-2	AMD	07/02/2005	2005-11/46
<u>discrimination</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28003	R606-3	5YR	06/08/2005	2005-13/54
	28004	R606-4	5YR	06/08/2005	2005-13/55
	28005	R606-5	5YR	06/08/2005	2005-13/55
	28002	R606-6	5YR	06/08/2005	2005-13/56
Labor Commission, Antidiscrimination and Labor, Fair Housing	28126	R608-1-8	EMR	08/02/2005	2005-17/52
<u>disease control</u>					
Agriculture and Food, Animal Industry	27570	R58-1	AMD	01/18/2005	2004-24/5
	27687	R58-1-7	AMD	03/18/2005	2005-4/8
	27694	R58-21	5YR	02/03/2005	2005-5/29
<u>disinfection monitoring</u>					
Environmental Quality, Drinking Water	27910	R309-215	5YR	05/16/2005	2005-11/94
	27969	R309-215	AMD	09/13/2005	2005-12/43

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>dismissal of employees</u> Human Resource Management, Administration	27888	R477-11-2	AMD	07/02/2005	2005-11/46
<u>displaced homemakers</u> Workforce Services, Employment Development	28236	R986-800	5YR	09/14/2005	2005-19/109
<u>dispute</u> Administrative Services, Facilities Construction and Management	27614	R23-26	NEW	03/15/2005	2005-2/12
<u>distribution system monitoring</u> Environmental Quality, Drinking Water	27918	R309-210	5YR	05/16/2005	2005-11/94
<u>diversion programs</u> Commerce, Occupational and Professional Licensing	27499	R156-1	NSC	01/01/2005	Not Printed
<u>drinking water</u> Environmental Quality, Drinking Water	27964	R309-100	AMD	09/13/2005	2005-12/29
	27912	R309-100	5YR	05/16/2005	2005-11/90
	27907	R309-105	5YR	05/16/2005	2005-11/91
	27959	R309-105-16	AMD	09/13/2005	2005-12/31
	27911	R309-110	5YR	05/16/2005	2005-11/91
	27960	R309-110-3	AMD	09/13/2005	2005-12/33
	27908	R309-115	5YR	05/16/2005	2005-11/92
	27909	R309-150	5YR	05/16/2005	2005-11/92
	27913	R309-200	5YR	05/16/2005	2005-11/93
	27961	R309-200	AMD	09/13/2005	2005-12/35
	27967	R309-205	AMD	09/13/2005	2005-12/37
	27917	R309-205	5YR	05/16/2005	2005-11/93
	27918	R309-210	5YR	05/16/2005	2005-11/94
	27969	R309-215	AMD	09/13/2005	2005-12/43
	27910	R309-215	5YR	05/16/2005	2005-11/94
	27914	R309-220	5YR	05/16/2005	2005-11/95
	27962	R309-220	AMD	09/13/2005	2005-12/45
	27905	R309-225	5YR	05/16/2005	2005-11/95
	27906	R309-300	5YR	05/16/2005	2005-11/96
	27780	R309-305	NSC	05/16/2005	Not Printed
	27915	R309-305	5YR	05/16/2005	2005-11/96
	27617	R309-305	NSC	02/01/2005	Not Printed
	27781	R309-405	NSC	05/16/2005	Not Printed
	27916	R309-405	5YR	05/16/2005	2005-11/97
	27963	R309-505	AMD	09/13/2005	2005-12/47
	27775	R309-600	NSC	05/01/2005	Not Printed
	27816	R309-600	5YR	04/14/2005	2005-9/76
	27815	R309-605	5YR	04/14/2005	2005-9/76
<u>driver education</u> Education, Administration	27520	R277-746	NSC	01/01/2005	Not Printed

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>driver license</u> Public Safety, Driver License	27878	R708-36	5YR	05/11/2005	2005-11/100
<u>driver training</u> Public Safety, Driver License	27898	R708-37	5YR	05/13/2005	2005-11/101
<u>driving simulators</u> Public Safety, Driver License	27579	R708-40	NEW	04/18/2005	2005-1/31
	27579	R708-40	CPR	04/18/2005	2005-6/28
<u>dual employment</u> Human Resource Management, Administration	27889	R477-8	AMD	07/02/2005	2005-11/41
<u>dual enrollment</u> Education, Administration	27800	R277-438	AMD	05/19/2005	2005-8/19
<u>dust</u> Environmental Quality, Air Quality	27765	R307-309	CPR	09/02/2005	2005-15/39
	28220	R307-309	5YR	09/07/2005	2005-19/103
	27765	R307-309	AMD	09/02/2005	2005-7/24
<u>e-mail</u> Commerce, Consumer Protection	28058	R152-39	NEW	08/16/2005	2005-14/6
<u>education</u> Commerce, Real Estate	27950	R162-103-5	AMD	07/27/2005	2005-12/17
Education, Administration	28064	R277-407	AMD	08/23/2005	2005-14/8
	27798	R277-407	AMD	05/19/2005	2005-8/15
	27702	R277-422	NSC	03/01/2005	Not Printed
	28142	R277-475	5YR	08/15/2005	2005-17/55
	27933	R277-480	REP	07/18/2005	2005-12/27
<u>education finance</u> Education, Administration	27798	R277-407	AMD	05/19/2005	2005-8/15
	28064	R277-407	AMD	08/23/2005	2005-14/8
	28065	R277-451	AMD	08/23/2005	2005-14/10
<u>educational facilities</u> Education, Administration	28065	R277-451	AMD	08/23/2005	2005-14/10
<u>educational program evaluations</u> Education, Administration	27722	R277-501	5YR	02/23/2005	2005-6/35
<u>educational savings trust</u> Regents (Board Of), Administration	28062	R765-685	REP	08/17/2005	2005-14/60
<u>educational testing</u> Education, Administration	27872	R277-473	5YR	05/09/2005	2005-11/90
	27547	R277-473	AMD	01/04/2005	2004-23/43
<u>educational tuitions</u> Education, Administration	28064	R277-407	AMD	08/23/2005	2005-14/8
	27798	R277-407	AMD	05/19/2005	2005-8/15

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27887	R477-10	AMD	07/02/2005	2005-11/43
<u>educator</u> Education, Administration	28077	R277-520	5YR	07/06/2005	2005-15/45
<u>educator license renewal</u> Education, Administration	27722	R277-501	5YR	02/23/2005	2005-6/35
<u>educators</u> Professional Practices Advisory Commission, Administration	27737	R686-103	NSC	04/01/2005	Not Printed
<u>effluent standards</u> Environmental Quality, Water Quality	28054	R317-1	AMD	08/22/2005	2005-14/13
	27659	R317-1	AMD	04/20/2005	2005-3/5
	27817	R317-1-7	AMD	06/29/2005	2005-9/5
<u>elderly</u> Human Services, Aging and Adult Services	28040	R510-104	5YR	06/22/2005	2005-14/98
	28039	R510-401	5YR	06/22/2005	2005-14/98
<u>electronic high school</u> Education, Administration	27507	R277-725	NSC	01/01/2005	Not Printed
<u>electronic preliminary lien filing</u> Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6
<u>elevators</u> Labor Commission, Safety	27590	R616-3-3	AMD	02/01/2005	2005-1/30
<u>eligibility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27901	R414-309	NEW	07/02/2005	2005-11/25
<u>emergency medical services</u> Health, Health Systems Improvement, Emergency Medical Services	28121	R426-5	AMD	09/21/2005	2005-16/15
	27519	R426-12	AMD	02/01/2005	2004-22/26
	27521	R426-13	AMD	02/01/2005	2004-23/47
	27584	R426-14-303	NSC	02/01/2005	Not Printed
	27522	R426-15	AMD	02/01/2005	2004-23/48
<u>emergency preparedness</u> Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
<u>emission testing</u> Environmental Quality, Air Quality	27756	R307-165	AMD	09/02/2005	2005-7/8
	28215	R307-165	5YR	09/07/2005	2005-19/95
	27756	R307-165	CPR	09/02/2005	2005-15/31
<u>employee benefit plans</u> Human Resource Management, Administration	27904	R477-6	AMD	07/02/2005	2005-11/32
<u>employee performance evaluations</u> Human Resource Management, Administration	27887	R477-10	AMD	07/02/2005	2005-11/43

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>employee productivity</u> Human Resource Management, Administration	27887	R477-10	AMD	07/02/2005	2005-11/43
<u>employee termination</u> Workforce Services, Workforce Information and Payment Services	27927	R994-405	AMD	09/29/2005	2005-11/77
<u>employee's rights</u> Human Resource Management, Administration	27890	R477-12-3	AMD	07/02/2005	2005-11/47
Workforce Services, Workforce Information and Payment Services	27927	R994-405	AMD	09/29/2005	2005-11/77
<u>employment</u> Human Resource Management, Administration	27886	R477-4-7	AMD	07/02/2005	2005-11/31
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28004	R606-4	5YR	06/08/2005	2005-13/55
	28005	R606-5	5YR	06/08/2005	2005-13/55
Workforce Services, Workforce Information and Payment Services	27927	R994-405	AMD	09/29/2005	2005-11/77
<u>employment agencies</u> Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28005	R606-5	5YR	06/08/2005	2005-13/55
<u>employment support procedures</u> Workforce Services, Employment Development	27661	R986-100	AMD	04/07/2005	2005-4/24
	28227	R986-100	5YR	09/13/2005	2005-19/105
<u>employment tests</u> Workforce Services, Workforce Information and Payment Services	27789	R994-204	5YR	04/01/2005	2005-8/59
	27791	R994-205	5YR	04/01/2005	2005-8/59
	27796	R994-206	5YR	04/01/2005	2005-8/60
<u>endangered species</u> Natural Resources, Forestry, Fire and State Lands	27843	R652-120	5YR	04/28/2005	2005-10/53
<u>energy assistance</u> Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24
	27421	R202-203-324	AMD	01/12/2005	2004-19/25
	27419	R202-203-328	AMD	01/12/2005	2004-19/26
	27420	R202-207-702	AMD	01/12/2005	2004-19/27
<u>enforcement</u> Agriculture and Food, Animal Industry	28200	R58-15	5YR	09/02/2005	2005-19/38
Natural Resources, Water Rights	28032	R655-14	NEW	08/15/2005	2005-13/34
<u>engineers</u> Administrative Services, Facilities Construction and Management Capitol Preservation Board (State), Administration	27605	R23-2	AMD	03/15/2005	2005-2/7
Commerce, Occupational and Professional Licensing	27711	R131-1	5YR	02/16/2005	2005-6/33
	27698	R156-22	AMD	04/04/2005	2005-5/2

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>enrollment options</u> Education, Administration	27799	R277-437	AMD	05/19/2005	2005-8/17
<u>enterprise</u> Tax Commission, Auditing	27804	R865-9I-21	AMD	06/08/2005	2005-9/51
<u>enterprise zones</u> Tax Commission, Auditing	27930	R865-9I-51	AMD	07/20/2005	2005-12/72
<u>environmental health</u> Environmental Quality, Drinking Water	27816	R309-600	5YR	04/14/2005	2005-9/76
	27775	R309-600	NSC	05/01/2005	Not Printed
	27815	R309-605	5YR	04/14/2005	2005-9/76
<u>environmental protection</u> Environmental Quality, Air Quality	28078	R307-115	5YR	07/07/2005	2005-15/45
Environmental Quality, Drinking Water	27912	R309-100	5YR	05/16/2005	2005-11/90
	27964	R309-100	AMD	09/13/2005	2005-12/29
	27909	R309-150	5YR	05/16/2005	2005-11/92
	27906	R309-300	5YR	05/16/2005	2005-11/96
	27781	R309-405	NSC	05/16/2005	Not Printed
	27916	R309-405	5YR	05/16/2005	2005-11/97
<u>equal access</u> Public Service Commission, Administration	27859	R746-356	AMD	08/08/2005	2005-10/40
<u>essential facilities</u> Public Service Commission, Administration	27857	R746-349	AMD	08/08/2005	2005-10/34
<u>exemptions</u> Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29
	27745	R313-19	AMD	05/13/2005	2005-7/34
<u>extinguishers</u> Public Safety, Fire Marshal	28122	R710-1-8	AMD	09/15/2005	2005-16/34
<u>eyeglasses</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27849	R414-53	AMD	07/01/2005	2005-10/22
<u>facilities use</u> Capitol Preservation Board (State), Administration	27712	R131-2	5YR	02/16/2005	2005-6/33
<u>fair employment practices</u> Human Resource Management, Administration	27885	R477-2	AMD	07/02/2005	2005-11/29
	27886	R477-4-7	AMD	07/02/2005	2005-11/31
<u>fair housing</u> Labor Commission, Antidiscrimination and Labor, Fair Housing	28126	R608-1-8	EMR	08/02/2005	2005-17/52
<u>family employment program</u> Workforce Services, Employment Development	28202	R986-200	EMR	09/02/2005	2005-19/33
	27957	R986-200	AMD	08/01/2005	2005-12/84

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	28229	R986-200	5YR	09/14/2005	2005-19/106
	27824	R986-200-214	AMD	06/01/2005	2005-9/65
<u>feed contamination</u> Agriculture and Food, Plant Industry	28208	R68-2	5YR	09/06/2005	2005-19/41
<u>fees</u> Labor Commission, Industrial Accidents	27894	R612-2-1	AMD	07/02/2005	2005-11/51
	27895	R612-2-2	AMD	07/02/2005	2005-11/52
	27900	R612-2-3	AMD	07/02/2005	2005-11/53
	27899	R612-2-5	AMD	07/02/2005	2005-11/54
	27893	R612-2-18	AMD	07/02/2005	2005-11/56
	27891	R612-2-22	AMD	07/02/2005	2005-11/57
<u>fertilizers</u> Agriculture and Food, Plant Industry	27645	R68-3	5YR	01/07/2005	2005-3/58
<u>filing deadlines</u> Labor Commission, Industrial Accidents	27892	R612-1-3	AMD	07/02/2005	2005-11/49
Workforce Services, Workforce Information and Payment Services	27729	R994-403	NSC	04/01/2005	Not Printed
	27937	R994-403-123	AMD	09/29/2005	2005-12/86
<u>finance</u> Education, Administration	27702	R277-422	NSC	03/01/2005	Not Printed
<u>financial aid</u> Regents (Board Of), Administration	28084	R765-605-4	AMD	09/01/2005	2005-15/21
<u>financial disclosures</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27923	R414-304	AMD	07/02/2005	2005-11/18
<u>financial information</u> Human Services, Recovery Services	27640	R527-10	5YR	01/06/2005	2005-3/58
<u>financial institutions</u> Money Management Council, Administration	27689	R628-11	AMD	03/22/2005	2005-4/18
<u>fines</u> Natural Resources, Water Rights	28032	R655-14	NEW	08/15/2005	2005-13/34
<u>fire</u> Environmental Quality, Air Quality	27758	R307-204-3	AMD	07/07/2005	2005-7/11
<u>fire prevention</u> Public Safety, Fire Marshal	28122	R710-1-8	AMD	09/15/2005	2005-16/34
	27653	R710-4-3	AMD	03/04/2005	2005-3/44
	27976	R710-4-3	AMD	07/19/2005	2005-12/67
	27671	R710-7-1	AMD	06/13/2005	2005-4/21
	27574	R710-8	NSC	01/01/2005	Not Printed
	27975	R710-9-6	AMD	07/19/2005	2005-12/69
	28115	R710-9-6	AMD	09/15/2005	2005-16/36
	27754	R710-9-6	AMD	05/04/2005	2005-7/68

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27655	R710-9-6	AMD	03/04/2005	2005-3/47
<u>fireplace</u>					
Environmental Quality, Air Quality	27760	R307-207	CPR	09/02/2005	2005-15/33
<u>fireplaces</u>					
Environmental Quality, Air Quality	28214	R307-201	5YR	09/07/2005	2005-19/96
	27760	R307-207	NEW	09/02/2005	2005-7/16
	27761	R307-302	CPR	09/02/2005	2005-15/34
	27761	R307-302	AMD	09/02/2005	2005-7/17
	28219	R307-302	5YR	09/07/2005	2005-19/99
<u>fish</u>					
Natural Resources, Wildlife Resources	27432	R657-13	CPR	01/03/2005	2004-22/66
	27432	R657-13	AMD	01/03/2005	2004-20/33
<u>fishing</u>					
Natural Resources, Wildlife Resources	27432	R657-13	CPR	01/03/2005	2004-22/66
	27432	R657-13	AMD	01/03/2005	2004-20/33
<u>fleet expansion</u>					
Administrative Services, Fleet Operations	27543	R27-4	AMD	01/10/2005	2004-23/5
<u>fleet expansion vehicle replacement</u>					
Administrative Services, Fleet Operations	27594	R27-4-1	NSC	02/01/2005	Not Printed
<u>food inspection</u>					
Agriculture and Food, Animal Industry	27693	R58-10	5YR	02/03/2005	2005-5/28
	28197	R58-11	5YR	09/02/2005	2005-19/36
	28198	R58-12	5YR	09/02/2005	2005-19/37
	28199	R58-13	5YR	09/02/2005	2005-19/37
	28201	R58-16	5YR	09/02/2005	2005-19/38
Agriculture and Food, Regulatory Services	27514	R70-440	NSC	01/01/2005	Not Printed
	27628	R70-440-2	AMD	02/15/2005	2005-2/23
	27667	R70-440-2	NSC	03/01/2005	Not Printed
	27569	R70-540-14	AMD	03/18/2005	2004-24/7
	28194	R70-610	5YR	09/02/2005	2005-19/44
	28195	R70-620	5YR	09/02/2005	2005-19/45
<u>food stamps</u>					
Workforce Services, Employment Development	28235	R986-900	5YR	09/14/2005	2005-19/109
<u>foster care</u>					
Human Services, Child and Family Services	27982	R512-306	AMD	08/03/2005	2005-13/31
<u>franchises</u>					
Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
<u>fuel dispensing</u>					
Administrative Services, Fleet Operations	27544	R27-6	AMD	01/10/2005	2004-23/7

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>fugitive emissions</u>					
Environmental Quality, Air Quality	28223	R307-205	5YR	09/07/2005	2005-19/97
	27764	R307-205	AMD	07/07/2005	2005-7/12
<u>furbearers</u>					
Natural Resources, Wildlife Resources	28168	R657-11	5YR	08/24/2005	2005-18/73
<u>game laws</u>					
Natural Resources, Wildlife Resources	27865	R657-5	AMD	07/05/2005	2005-11/61
	27550	R657-5	AMD	01/15/2005	2004-24/38
	28082	R657-6	5YR	07/08/2005	2005-15/49
	28081	R657-6	AMD	09/06/2005	2005-15/7
	28168	R657-11	5YR	08/24/2005	2005-18/73
	27649	R657-33	AMD	03/04/2005	2005-3/36
	27751	R657-33-2	NSC	04/01/2005	Not Printed
<u>general assistance working toward employment</u>					
Workforce Services, Employment Development	28231	R986-400	5YR	09/14/2005	2005-19/107
<u>general conformity</u>					
Environmental Quality, Air Quality	28078	R307-115	5YR	07/07/2005	2005-15/45
<u>geothermal steam</u>					
School and Institutional Trust Lands, Administration	27601	R850-27	NEW	04/01/2005	2005-2/86
<u>government corporations</u>					
Workforce Services, Workforce Information and Payment Services	27922	R994-311	AMD	09/29/2005	2005-11/73
<u>government documents</u>					
Administrative Services, Records Committee	27880	R35-1	AMD	07/14/2005	2005-11/5
	27700	R35-1a	NSC	04/01/2005	Not Printed
	27621	R35-1a	NEW	03/08/2005	2005-2/17
	27625	R35-2	AMD	03/04/2005	2005-2/18
	27622	R35-3	AMD	03/04/2005	2005-2/19
	27624	R35-4	AMD	03/04/2005	2005-2/20
	27623	R35-5	AMD	03/04/2005	2005-2/21
	27620	R35-6	AMD	03/04/2005	2005-2/22
Community and Economic Development, Community Development, Community Services	27420	R202-207-702	AMD	01/12/2005	2004-19/27
<u>government hearings</u>					
Commerce, Administration	27636	R151-46b	AMD	02/15/2005	2005-2/32
	27888	R477-11-2	AMD	07/02/2005	2005-11/46
<u>gravel</u>					
School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72
<u>grievance procedures</u>					
Human Services, Child and Family Services	27981	R512-75	AMD	08/03/2005	2005-13/29

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27883	R512-75	5YR	05/12/2005	2005-11/98
<u>grievances</u>					
Human Resource Management, Administration	27888	R477-11-2	AMD	07/02/2005	2005-11/46
	27890	R477-12-3	AMD	07/02/2005	2005-11/47
<u>halfway houses</u>					
Corrections, Administration	28085	R251-303	5YR	07/13/2005	2005-15/43
<u>hazardous waste</u>					
Environmental Quality, Solid and Hazardous Waste	28095	R315-16	5YR	07/19/2005	2005-16/53
	28094	R315-102	5YR	07/19/2005	2005-16/53
<u>health effects</u>					
Environmental Quality, Drinking Water	27914	R309-220	5YR	05/16/2005	2005-11/95
	27962	R309-220	AMD	09/13/2005	2005-12/45
<u>health facilities</u>					
Health, Health Systems Improvement, Licensing	27674	R432-7	5YR	01/28/2005	2005-4/47
	27675	R432-8	5YR	01/28/2005	2005-4/48
	27676	R432-9	5YR	01/28/2005	2005-4/48
	27677	R432-10	5YR	01/28/2005	2005-4/49
	27678	R432-11	5YR	01/28/2005	2005-4/49
	27679	R432-12	5YR	01/28/2005	2005-4/50
	27680	R432-13	5YR	01/28/2005	2005-4/50
	27681	R432-14	5YR	01/28/2005	2005-4/51
	27682	R432-30	5YR	01/28/2005	2005-4/51
	27884	R432-150	AMD	08/05/2005	2005-11/26
	27683	R432-270	5YR	01/31/2005	2005-4/52
	27692	R432-270-10	AMD	05/10/2005	2005-5/24
<u>health insurance</u>					
Human Services, Recovery Services	27640	R527-10	5YR	01/06/2005	2005-3/58
Insurance, Administration	27866	R590-172	5YR	05/05/2005	2005-11/98
	28028	R590-199	5YR	06/15/2005	2005-13/54
<u>hearing impaired</u>					
Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
<u>hearings</u>					
Environmental Quality, Air Quality	28221	R307-103	5YR	09/07/2005	2005-19/45
Environmental Quality, Drinking Water	27908	R309-115	5YR	05/16/2005	2005-11/92
Professional Practices Advisory Commission, Administration	27542	R686-100	NSC	01/01/2005	Not Printed
<u>HEAT</u>					
Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24
<u>high quality ground water</u>					
Environmental Quality, Drinking Water	27963	R309-505	AMD	09/13/2005	2005-12/47

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>higher education</u>					
Education, Administration	27875	R277-713	NSC	07/01/2005	Not Printed
	27662	R277-713	AMD	03/21/2005	2005-4/14
	27663	R765-604	5YR	01/19/2005	2005-4/56
	27666	R765-604	AMD	03/22/2005	2005-4/22
	28084	R765-605-4	AMD	09/01/2005	2005-15/21
	27841	R765-626	5YR	04/26/2005	2005-10/53
	28062	R765-685	REP	08/17/2005	2005-14/60
<u>highways</u>					
Transportation, Operations, Construction	27846	R916-4	NEW	06/27/2005	2005-10/46
Transportation, Program Development	28024	R926-7	NEW	09/15/2005	2005-13/42
<u>hiring practices</u>					
Human Resource Management, Administration	27886	R477-4-7	AMD	07/02/2005	2005-11/31
<u>historic preservation</u>					
Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
	27804	R865-9I-21	AMD	06/08/2005	2005-9/51
	27930	R865-9I-51	AMD	07/20/2005	2005-12/72
<u>holidays</u>					
Human Resource Management, Administration	27896	R477-7	AMD	07/02/2005	2005-11/36
<u>home-delivered meals</u>					
Human Services, Aging and Adult Services	28040	R510-104	5YR	06/22/2005	2005-14/98
<u>hospitals</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	27582	R414-1B	NSC	02/01/2005	Not Printed
<u>housing</u>					
Community and Economic Development, Community Development, History	28055	R212-11	5YR	06/30/2005	2005-14/97
Labor Commission, Antidiscrimination and Labor, Fair Housing	28126	R608-1-8	EMR	08/02/2005	2005-17/52
<u>human services</u>					
Human Services, Administration, Administrative Services, Licensing	27673	R501-18	5YR	01/27/2005	2005-4/52
	27839	R501-19	5YR	04/25/2005	2005-10/51
	27836	R501-20	5YR	04/21/2005	2005-10/51
	27837	R501-21	5YR	04/22/2005	2005-10/52
	27838	R501-22	5YR	04/22/2005	2005-10/52
Human Services, Services for People with Disabilities	27568	R539-1	AMD	01/25/2005	2004-24/17
<u>hunting</u>					
Natural Resources, Wildlife Resources	27552	R657-38	AMD	01/15/2005	2004-24/48
<u>illegal drug laboratories</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	27650	R392-600	NEW	05/02/2005	2005-3/19

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>immunization</u> Health, Community and Family Health Services, Immunization	27897	R396-100	AMD	07/21/2005	2005-11/6
<u>immunization data reporting</u> Health, Epidemiology and Laboratory Services, Epidemiology	27934	R386-800	5YR	05/24/2005	2005-12/89
<u>imputation</u> Public Service Commission, Administration	27857	R746-349	AMD	08/08/2005	2005-10/34
<u>income</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27923	R414-304	AMD	07/02/2005	2005-11/18
<u>income eligibility</u> Community and Economic Development, Community Development, Community Services	27421	R202-203-324	AMD	01/12/2005	2004-19/25
	27419	R202-203-328	AMD	01/12/2005	2004-19/26
<u>income tax</u> Tax Commission, Auditing	27804	R865-9I-21	AMD	06/08/2005	2005-9/51
	27930	R865-9I-51	AMD	07/20/2005	2005-12/72
<u>independent contractor</u> Workforce Services, Workforce Information and Payment Services	27789	R994-204	5YR	04/01/2005	2005-8/59
<u>independent living</u> Human Services, Child and Family Services	27982	R512-306	AMD	08/03/2005	2005-13/31
<u>industrial waste</u> Environmental Quality, Water Quality	27659	R317-1	AMD	04/20/2005	2005-3/5
	27817	R317-1-7	AMD	06/29/2005	2005-9/5
<u>inspections</u> Agriculture and Food, Animal Industry	27695	R58-22	5YR	02/03/2005	2005-5/29
Agriculture and Food, Plant Industry	27773	R68-8-2	NSC	05/01/2005	Not Printed
	27697	R68-20	5YR	02/04/2005	2005-5/30
Agriculture and Food, Regulatory Services	27523	R70-960-7	NSC	01/01/2005	Not Printed
Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29
	27991	R313-16	AMD	08/12/2005	2005-13/26
<u>insurance</u> Human Resource Management, Administration	27904	R477-6	AMD	07/02/2005	2005-11/32
	27715	R590-102-13	NSC	04/01/2005	Not Printed
	27785	R590-140	5YR	03/31/2005	2005-8/56
	27810	R590-146	CPR	08/25/2005	2005-14/76
	27810	R590-146	AMD	08/25/2005	2005-9/19
	27556	R590-147	R&R	02/10/2005	2004-24/21
	27719	R590-148-12	AMD	04/28/2005	2005-6/19
	27554	R590-163	REP	02/10/2005	2004-24/23
	28027	R590-171	5YR	06/14/2005	2005-13/53

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27644	R590-196	5YR	01/07/2005	2005-3/60
	27558	R590-196	AMD	02/10/2005	2004-24/25
	27504	R590-203	CPR	07/22/2005	2005-11/87
	27504	R590-203	AMD	07/22/2005	2004-22/47
	27504	R590-203	CPR	07/22/2005	2005-2/95
	27776	R590-212	NSC	05/01/2005	Not Printed
Natural Resources, Parks and Recreation	28061	R651-409	5YR	07/01/2005	2005-14/99
<u>insurance companies</u>					
Insurance, Administration	27685	R590-128	5YR	01/31/2005	2005-4/53
<u>insurance law</u>					
Insurance, Administration	27684	R590-88	5YR	01/31/2005	2005-4/53
	27723	R590-99-4	NSC	04/01/2005	Not Printed
	27686	R590-132	5YR	01/31/2005	2005-4/54
	27784	R590-164	5YR	03/31/2005	2005-8/57
	27555	R590-174	REP	02/10/2005	2004-24/24
	28120	R590-202	5YR	08/01/2005	2005-16/54
<u>interpreters</u>					
Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
<u>intoxilyzer</u>					
Public Safety, Highway Patrol	27882	R714-500	5YR	05/12/2005	2005-11/102
<u>investigators</u>					
Commerce, Administration	27633	R151-1	NEW	02/15/2005	2005-2/29
<u>investment advisers</u>					
Money Management Council, Administration	27743	R628-15	NEW	05/05/2005	2005-7/60
	27742	R628-19	R&R	05/05/2005	2005-7/64
<u>irradiator</u>					
Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
<u>IT bid committee</u>					
Governor, Planning and Budget, Chief Information Officer	27545	R365-101	NEW	03/09/2005	2004-23/45
<u>IT standards council</u>					
Governor, Planning and Budget, Chief Information Officer	27545	R365-101	NEW	03/09/2005	2004-23/45
<u>judicial conduct commission</u>					
Judicial Conduct Commission, Administration	27580	R595-1	REP	02/01/2005	2005-1/26
	27330	R595-1	CPR	02/01/2005	2004-24/59
	27330	R595-1	NEW	02/01/2005	2004-17/18
	27331	R595-2	NEW	02/01/2005	2004-17/23
	27331	R595-2	CPR	02/01/2005	2004-24/60
	27332	R595-3	NEW	02/01/2005	2004-17/24
	27332	R595-3	CPR	02/01/2005	2004-24/61

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27668	R595-3-10	NSC	02/01/2005	Not Printed
	27333	R595-4	NEW	02/01/2005	2004-17/26
	27333	R595-4	CPR	02/01/2005	2004-24/64
	27807	R595-4-2	AMD	06/02/2005	2005-9/37
<u>laboratories</u>					
Health, Epidemiology and Laboratory Services, Laboratory Improvement	27850	R444-14	AMD	07/01/2005	2005-10/26
<u>land manager</u>					
Environmental Quality, Air Quality	27758	R307-204-3	AMD	07/07/2005	2005-7/11
<u>law</u>					
Public Safety, Fire Marshal	27754	R710-9-6	AMD	05/04/2005	2005-7/68
	27655	R710-9-6	AMD	03/04/2005	2005-3/47
	27975	R710-9-6	AMD	07/19/2005	2005-12/69
	28115	R710-9-6	AMD	09/15/2005	2005-16/36
<u>lease operations</u>					
School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
	27814	R850-24-200	AMD	06/01/2005	2005-9/49
<u>lease provisions</u>					
School and Institutional Trust Lands, Administration	27813	R850-21	AMD	06/01/2005	2005-9/46
	27612	R850-21	NEW	04/01/2005	2005-2/58
	27613	R850-22	NEW	04/01/2005	2005-2/65
	27606	R850-25	NEW	04/01/2005	2005-2/81
	27604	R850-26	NEW	04/01/2005	2005-2/84
	27601	R850-27	NEW	04/01/2005	2005-2/86
<u>leave benefits</u>					
Human Resource Management, Administration	27896	R477-7	AMD	07/02/2005	2005-11/36
<u>liability</u>					
Natural Resources, Parks and Recreation	28061	R651-409	5YR	07/01/2005	2005-14/99
<u>license</u>					
Education, Administration	28077	R277-520	5YR	07/06/2005	2005-15/45
Environmental Quality, Radiation Control	27745	R313-19	AMD	05/13/2005	2005-7/34
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28052	R722-310	5YR	06/29/2005	2005-14/100
	28053	R722-330	5YR	06/29/2005	2005-14/100
<u>license plates</u>					
Tax Commission, Motor Vehicle	28046	R873-22M-27	AMD	09/01/2005	2005-14/68
	27803	R873-22M-27	AMD	06/08/2005	2005-9/63
<u>licensing</u>					
Commerce, Occupational and Professional Licensing	27499	R156-1	NSC	01/01/2005	Not Printed
	27993	R156-16a-302b	AMD	08/02/2005	2005-13/6
	27786	R156-17a	REP	05/17/2005	2005-8/2
	27529	R156-17b	CPR	05/17/2005	2005-4/31

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27529	R156-17b	NEW	05/17/2005	2004-23/20
	27529	R156-17b	CPR	05/17/2005	2005-8/43
	27835	R156-26a	AMD	06/21/2005	2005-10/12
	27600	R156-31b	AMD	02/17/2005	2005-2/36
	27992	R156-31b	AMD	08/02/2005	2005-13/6
	27714	R156-31b	NSC	04/01/2005	Not Printed
	28124	R156-31c-201	AMD	09/19/2005	2005-16/12
	27987	R156-38	AMD	08/02/2005	2005-13/13
	27752	R156-38	5YR	03/15/2005	2005-7/75
	27548	R156-47b	CPR	03/07/2005	2005-3/51
	27548	R156-47b	AMD	03/07/2005	2004-24/7
	27435	R156-50	CPR	01/18/2005	2004-24/58
	27435	R156-50	AMD	01/18/2005	2004-20/12
	27942	R156-55a	AMD	07/18/2005	2005-12/13
	28048	R156-55d	5YR	06/28/2005	2005-14/97
	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
	27749	R156-60c	5YR	03/14/2005	2005-7/75
	27538	R156-61-502	AMD	01/04/2005	2004-23/40
	28193	R156-63	5YR	09/01/2005	2005-18/72
	27533	R156-71-202	AMD	01/04/2005	2004-23/41
Commerce, Real Estate	27797	R162-102-1	AMD	05/25/2005	2005-8/12
Human Services, Administration, Administrative Services, Licensing	27673	R501-18	5YR	01/27/2005	2005-4/52
	27839	R501-19	5YR	04/25/2005	2005-10/51
	27836	R501-20	5YR	04/21/2005	2005-10/51
	27837	R501-21	5YR	04/22/2005	2005-10/52
	27838	R501-22	5YR	04/22/2005	2005-10/52
Natural Resources, Water Rights	27392	R655-4	AMD	01/12/2005	2004-18/30
	27691	R655-4	5YR	02/01/2005	2005-4/55
	27475	R655-4	NSC	02/01/2005	Not Printed
<u>liens</u>					
Commerce, Occupational and Professional Licensing	27987	R156-38	AMD	08/02/2005	2005-13/13
	27752	R156-38	5YR	03/15/2005	2005-7/75
<u>life insurance</u>					
Insurance, Administration	27829	R590-93	R&R	06/08/2005	2005-9/12
<u>life insurance filing</u>					
Insurance, Administration	27716	R590-226-3	AMD	04/28/2005	2005-6/21
<u>lifeline rates</u>					
Public Service Commission, Administration	27821	R746-341	AMD	06/20/2005	2005-9/42
<u>liquefied petroleum gas</u>					
Public Safety, Fire Marshal	27573	R710-6	AMD	01/19/2005	2004-24/54
<u>livestock</u>					
Agriculture and Food, Animal Industry	27688	R58-7	5YR	02/01/2005	2005-4/47

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>loans</u> Agriculture and Food, Marketing and Conservation	27787	R65-10	5YR	03/31/2005	2005-8/56
<u>local health departments</u> Health, Administration	27990	R380-40	5YR	06/06/2005	2005-13/51
	27571	R380-40	AMD	02/02/2005	2004-24/9
<u>low quality ground water</u> Environmental Quality, Drinking Water	27963	R309-505	AMD	09/13/2005	2005-12/47
<u>maintenance</u> Capitol Preservation Board (State), Administration	27631	R131-8	NEW	03/03/2005	2005-2/24
<u>massage therapy</u> Commerce, Occupational and Professional Licensing	27548	R156-47b	AMD	03/07/2005	2004-24/7
	27548	R156-47b	CPR	03/07/2005	2005-3/51
<u>material permits</u> School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
	27814	R850-24-200	AMD	06/01/2005	2005-9/49
<u>materials handling</u> School and Institutional Trust Lands, Administration	27602	R850-130	REP	04/01/2005	2005-2/89
<u>Medicaid</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27805	R414-1	AMD	06/03/2005	2005-9/6
	28106	R414-1	AMD	09/26/2005	2005-16/13
	27582	R414-1B	NSC	02/01/2005	Not Printed
	27806	R414-7A	AMD	06/03/2005	2005-9/10
	27505	R414-7D	NEW	01/03/2005	2004-22/15
	27486	R414-10A-6	NSC	01/01/2005	Not Printed
	27733	R414-14	AMD	04/26/2005	2005-6/12
	27925	R414-14A	R&R	07/02/2005	2005-11/9
	27985	R414-19A	5YR	06/03/2005	2005-13/51
	27854	R414-31	AMD	06/15/2005	2005-10/19
	27986	R414-33	5YR	06/03/2005	2005-13/52
	27956	R414-33A	REP	07/20/2005	2005-12/62
	27703	R414-33C	NEW	04/07/2005	2005-5/23
	27958	R414-33D	NEW	07/20/2005	2005-12/64
	27589	R414-34-6	AMD	02/01/2005	2005-1/21
	27591	R414-36-6	AMD	02/01/2005	2005-1/22
	27840	R414-49	AMD	07/01/2005	2005-10/21
	27849	R414-53	AMD	07/01/2005	2005-10/22
	27741	R414-61	5YR	03/11/2005	2005-7/77
	27586	R414-61-2	AMD	02/01/2005	2005-1/23
	27549	R414-63	AMD	01/26/2005	2004-24/13
	27557	R414-90	AMD	01/19/2005	2004-24/15

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27588	R414-200	AMD	02/01/2005	2005-1/24
	27977	R414-200-3	AMD	10/01/2005	2005-13/28
	27902	R414-301	AMD	07/02/2005	2005-11/16
	27879	R414-305-2	AMD	07/02/2005	2005-11/23
	27901	R414-309	NEW	07/02/2005	2005-11/25
	27852	R414-401-3	AMD	07/01/2005	2005-10/24
	27851	R414-504	AMD	07/01/2005	2005-10/24
	28066	R414-504	AMD	08/16/2005	2005-14/18
	27629	R414-507	NEW	02/15/2005	2005-2/42
	27935	R414-507	AMD	07/20/2005	2005-12/66
<u>medical examiner</u>					
Health, Medical Examiner	27988	R448-10	5YR	06/06/2005	2005-13/52
	27989	R448-20	5YR	06/06/2005	2005-13/53
<u>medical practitioner</u>					
Labor Commission, Industrial Accidents	27894	R612-2-1	AMD	07/02/2005	2005-11/51
	27895	R612-2-2	AMD	07/02/2005	2005-11/52
	27900	R612-2-3	AMD	07/02/2005	2005-11/53
	27899	R612-2-5	AMD	07/02/2005	2005-11/54
	27893	R612-2-18	AMD	07/02/2005	2005-11/56
	27891	R612-2-22	AMD	07/02/2005	2005-11/57
<u>mental health</u>					
Commerce, Occupational and Professional Licensing	27749	R156-60c	5YR	03/14/2005	2005-7/75
Human Services, Substance Abuse and Mental Health	27638	R523-1	AMD	03/07/2005	2005-3/28
<u>mental retardation</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	27941	R398-10	AMD	08/30/2005	2005-12/61
<u>mineral classification</u>					
School and Institutional Trust Lands, Administration	27606	R850-25	NEW	04/01/2005	2005-2/81
<u>mineral leases</u>					
School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
	27814	R850-24-200	AMD	06/01/2005	2005-9/49
<u>mineral resources</u>					
School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
	27814	R850-24-200	AMD	06/01/2005	2005-9/49
Tax Commission, Auditing	27739	R865-16R	5YR	03/08/2005	2005-7/77
<u>mining</u>					
Environmental Quality, Air Quality	28223	R307-205	5YR	09/07/2005	2005-19/97
	27764	R307-205	AMD	07/07/2005	2005-7/12
<u>minors</u>					
Commerce, Consumer Protection	28058	R152-39	NEW	08/16/2005	2005-14/6

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>motor carrier</u> Transportation, Motor Carrier, Ports of Entry	27790	R912-6	NEW	06/27/2005	2005-8/39
<u>motor vehicle record</u> Public Safety, Driver License	27878	R708-36	5YR	05/11/2005	2005-11/100
<u>motor vehicles</u> Environmental Quality, Air Quality	27701	R307-320	NSC	07/07/2005	Not Printed
	28079	R307-320	5YR	07/07/2005	2005-15/46
Tax Commission, Motor Vehicle	27803	R873-22M-27	AMD	06/08/2005	2005-9/63
	28046	R873-22M-27	AMD	09/01/2005	2005-14/68
<u>naturopathic physician</u> Commerce, Occupational and Professional Licensing	27533	R156-71-202	AMD	01/04/2005	2004-23/41
<u>naturopaths</u> Commerce, Occupational and Professional Licensing	27533	R156-71-202	AMD	01/04/2005	2004-23/41
<u>new source review</u> Environmental Quality, Air Quality	27665	R307-210	AMD	04/19/2005	2005-4/17
<u>next-of-kin</u> Health, Medical Examiner	27989	R448-20	5YR	06/06/2005	2005-13/53
<u>non-traditional</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27588	R414-200	AMD	02/01/2005	2005-1/24
	27977	R414-200-3	AMD	10/01/2005	2005-13/28
<u>nonprofit organization</u> Workforce Services, Workforce Information and Payment Services	27921	R994-309-105	AMD	09/29/2005	2005-11/72
<u>nonpublic schools</u> Education, Administration	27705	R277-410	AMD	04/01/2005	2005-5/8
<u>notice of commencement</u> Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6
<u>notice of completion</u> Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6
<u>nuclear medicine</u> Environmental Quality, Radiation Control	27748	R313-32	AMD	05/13/2005	2005-7/38
<u>nurseries (agricultural)</u> Agriculture and Food, Plant Industry	28209	R68-6	5YR	09/06/2005	2005-19/42
<u>nurses</u> Commerce, Occupational and Professional Licensing	27600	R156-31b	AMD	02/17/2005	2005-2/36
	27992	R156-31b	AMD	08/02/2005	2005-13/6
	27714	R156-31b	NSC	04/01/2005	Not Printed
	28124	R156-31c-201	AMD	09/19/2005	2005-16/12

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>nursing facility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27852	R414-401-3	AMD	07/01/2005	2005-10/24
<u>nutrition</u> Human Services, Aging and Adult Services	28040	R510-104	5YR	06/22/2005	2005-14/98
<u>oath</u> Commerce, Administration	27633	R151-1	NEW	02/15/2005	2005-2/29
<u>occupational licensing</u> Commerce, Occupational and Professional Licensing	27499	R156-1	NSC	01/01/2005	Not Printed
	27942	R156-55a	AMD	07/18/2005	2005-12/13
<u>off-highway vehicles</u> Natural Resources, Parks and Recreation	27566	R651-401	AMD	01/15/2005	2004-24/37
<u>offset</u> Environmental Quality, Air Quality	27767	R307-421	NEW	07/07/2005	2005-7/28
<u>oil and gas conservation</u> Natural Resources, Oil, Gas and Mining; Oil and Gas	28071	R649-8	NSC	08/01/2005	Not Printed
<u>oil and gas law</u> Natural Resources, Oil, Gas and Mining; Oil and Gas	28067	R649-1	NSC	08/01/2005	Not Printed
	28068	R649-2	NSC	08/01/2005	Not Printed
	28073	R649-3	NSC	08/01/2005	Not Printed
	28069	R649-5	NSC	08/01/2005	Not Printed
	28070	R649-6	NSC	08/01/2005	Not Printed
	28072	R649-9	NSC	08/01/2005	Not Printed
<u>oil gas and hydrocarbons</u> School and Institutional Trust Lands, Administration	27612	R850-21	NEW	04/01/2005	2005-2/58
	27813	R850-21	AMD	06/01/2005	2005-9/46
<u>oil shale</u> School and Institutional Trust Lands, Administration	27613	R850-22	NEW	04/01/2005	2005-2/65
<u>onsite wastewater systems</u> Environmental Quality, Water Quality	27699	R317-4	5YR	02/10/2005	2005-5/30
<u>opening and closing dates</u> Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24
<u>operations</u> School and Institutional Trust Lands, Administration	27612	R850-21	NEW	04/01/2005	2005-2/58
	27813	R850-21	AMD	06/01/2005	2005-9/46
<u>operator certification</u> Environmental Quality, Water Quality	27656	R317-10-6	AMD	04/20/2005	2005-3/18
Public Safety, Highway Patrol	27882	R714-500	5YR	05/12/2005	2005-11/102

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>optometrists</u>					
Commerce, Occupational and Professional Licensing	27993	R156-16a-302b	AMD	08/02/2005	2005-13/6
<u>overpayments</u>					
Human Services, Recovery Services	28089	R527-332	5YR	07/14/2005	2005-15/47
Workforce Services, Workforce Information and Payment Services	27928	R994-406	AMD	09/29/2005	2005-11/79
<u>overtime</u>					
Human Resource Management, Administration	27889	R477-8	AMD	07/02/2005	2005-11/41
<u>ownership</u>					
Natural Resources, Water Rights	27690	R655-3	5YR	02/01/2005	2005-4/54
<u>ozone</u>					
Environmental Quality, Air Quality	28111	R307-110	NSC	08/01/2005	Not Printed
	28224	R307-110	5YR	09/08/2005	2005-19/46
	27768	R307-110-10	AMD	09/02/2005	2005-7/6
	27768	R307-110-10	CPR	09/02/2005	2005-15/28
	27429	R307-110-11	AMD	03/04/2005	2004-19/37
	27429	R307-110-11	CPR	03/04/2005	2005-3/52
	27343	R307-110-12	CPR	01/04/2005	2004-23/53
	27343	R307-110-12	AMD	01/04/2005	2004-17/12
	27769	R307-110-17	AMD	09/02/2005	2005-7/7
	27769	R307-110-17	CPR	09/02/2005	2005-15/29
<u>parental defense</u>					
Administrative Services, Child Welfare Parental Defense (Office of)	27518	R19-1	NEW	05/13/2005	2004-22/9
	27518	R19-1	CPR	05/13/2005	2005-2/94
<u>parks</u>					
Natural Resources, Parks and Recreation	28061	R651-409	5YR	07/01/2005	2005-14/99
	28060	R651-634	5YR	07/01/2005	2005-14/99
	27920	R651-634-1	NSC	06/01/2005	Not Printed
<u>particulate</u>					
Environmental Quality, Air Quality	28218	R307-307	5YR	09/07/2005	2005-19/102
<u>particulate matter</u>					
Environmental Quality, Air Quality	28216	R307-305	5YR	09/07/2005	2005-19/100
	27762	R307-305	AMD	09/02/2005	2005-7/19
	27762	R307-305	CPR	09/02/2005	2005-15/36
<u>patriotic education</u>					
Education, Administration	28142	R277-475	5YR	08/15/2005	2005-17/55
<u>payment determination</u>					
Community and Economic Development, Community Development, Community Services	27421	R202-203-324	AMD	01/12/2005	2004-19/25
	27419	R202-203-328	AMD	01/12/2005	2004-19/26

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>peace officers</u> Public Safety, Peace Officer Standards and Training	28043	R728-205	5YR	06/27/2005	2005-14/101
<u>pedestrians</u> Transportation, Operations, Traffic and Safety	27955	R920-5	AMD	07/18/2005	2005-12/83
<u>peer review</u> Commerce, Occupational and Professional Licensing	27835	R156-26a	AMD	06/21/2005	2005-10/12
<u>penalties</u> Environmental Quality, Drinking Water	27916	R309-405	5YR	05/16/2005	2005-11/97
	27781	R309-405	NSC	05/16/2005	Not Printed
<u>people with disabilities</u> Human Services, Services for People with Disabilities	27626	R539-2	NEW	03/12/2005	2005-2/45
	27794	R539-2-5	NSC	05/01/2005	Not Printed
	27792	R539-2-6	AMD	05/17/2005	2005-8/29
	27627	R539-3	NEW	03/12/2005	2005-2/47
	27793	R539-3-10	AMD	05/17/2005	2005-8/30
	27724	R539-4	NEW	05/03/2005	2005-6/16
<u>per diem allowances</u> Administrative Services, Finance	27848	R25-7	AMD	07/01/2005	2005-10/7
<u>performance standards</u> Health, Administration	27990	R380-40	5YR	06/06/2005	2005-13/51
	27571	R380-40	AMD	02/02/2005	2004-24/9
<u>permit provisions</u> School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72
<u>permit terms</u> School and Institutional Trust Lands, Administration	27606	R850-25	NEW	04/01/2005	2005-2/81
<u>permits</u> Natural Resources, Forestry, Fire and State Lands	27750	R652-70-1900	AMD	05/20/2005	2005-7/66
	27740	R652-70-2300	AMD	05/20/2005	2005-7/67
	27843	R652-120	5YR	04/28/2005	2005-10/53
Natural Resources, Wildlife Resources	28083	R657-42	AMD	09/06/2005	2005-15/20
	27553	R657-42-4	AMD	01/15/2005	2004-24/53
School and Institutional Trust Lands, Administration	27602	R850-130	REP	04/01/2005	2005-2/89
Transportation, Motor Carrier, Ports of Entry	27953	R912-3	REP	07/18/2005	2005-12/74
	27790	R912-6	NEW	06/27/2005	2005-8/39
	27952	R912-11	NEW	07/18/2005	2005-12/79
	27972	R912-14	AMD	07/18/2005	2005-12/82
<u>permitted vehicles</u> Transportation, Motor Carrier, Ports of Entry	27970	R912-9	NEW	07/18/2005	2005-12/74

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27971	R912-10	NEW	07/18/2005	2005-12/77
<u>personnel files</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28002	R606-6	5YR	06/08/2005	2005-13/56
<u>personnel management</u>					
Human Resource Management, Administration	27904	R477-6	AMD	07/02/2005	2005-11/32
<u>pharmacies</u>					
Commerce, Occupational and Professional Licensing	27786	R156-17a	REP	05/17/2005	2005-8/2
	27529	R156-17b	CPR	05/17/2005	2005-4/31
	27529	R156-17b	NEW	05/17/2005	2004-23/20
	27529	R156-17b	CPR	05/17/2005	2005-8/43
<u>pharmacists</u>					
Commerce, Occupational and Professional Licensing	27786	R156-17a	REP	05/17/2005	2005-8/2
	27529	R156-17b	CPR	05/17/2005	2005-4/31
	27529	R156-17b	CPR	05/17/2005	2005-8/43
	27529	R156-17b	NEW	05/17/2005	2004-23/20
<u>physicians</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	27582	R414-1B	NSC	02/01/2005	Not Printed
<u>pilot/escort vehicles</u>					
Transportation, Motor Carrier, Ports of Entry	27970	R912-9	NEW	07/18/2005	2005-12/74
	27971	R912-10	NEW	07/18/2005	2005-12/77
<u>pipeline</u>					
Public Service Commission, Administration	27527	R746-409-1	NSC	01/01/2005	Not Printed
<u>plan of operation</u>					
School and Institutional Trust Lands, Administration	27604	R850-26	NEW	04/01/2005	2005-2/84
	27601	R850-27	NEW	04/01/2005	2005-2/86
<u>planning</u>					
Administrative Services, Facilities Construction and Management	27615	R23-3	AMD	03/15/2005	2005-2/9
<u>planning-budgeting</u>					
Capitol Preservation Board (State), Administration	27713	R131-7	5YR	02/16/2005	2005-6/34
<u>plant diseases</u>					
Agriculture and Food, Plant Industry	28211	R68-10	5YR	09/06/2005	2005-19/43
	28212	R68-12	5YR	09/06/2005	2005-19/43
<u>PM 10</u>					
Environmental Quality, Air Quality	27760	R307-207	CPR	09/02/2005	2005-15/33
	27765	R307-309	CPR	09/02/2005	2005-15/39
<u>PM 2.5</u>					
Environmental Quality, Air Quality	27762	R307-305	CPR	09/02/2005	2005-15/36

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>PM10</u>					
Environmental Quality, Air Quality	28224	R307-110	5YR	09/08/2005	2005-19/46
	28111	R307-110	NSC	08/01/2005	Not Printed
	27768	R307-110-10	CPR	09/02/2005	2005-15/28
	27768	R307-110-10	AMD	09/02/2005	2005-7/6
	27429	R307-110-11	CPR	03/04/2005	2005-3/52
	27429	R307-110-11	AMD	03/04/2005	2004-19/37
	27343	R307-110-12	CPR	01/04/2005	2004-23/53
	27343	R307-110-12	AMD	01/04/2005	2004-17/12
	27769	R307-110-17	AMD	09/02/2005	2005-7/7
	27769	R307-110-17	CPR	09/02/2005	2005-15/29
	27757	R307-201	CPR	09/02/2005	2005-15/32
	27757	R307-201	AMD	09/02/2005	2005-7/9
	27759	R307-206	AMD	07/07/2005	2005-7/15
	27760	R307-207	NEW	09/02/2005	2005-7/16
	28219	R307-302	5YR	09/07/2005	2005-19/99
	28216	R307-305	5YR	09/07/2005	2005-19/100
	27762	R307-305	AMD	09/02/2005	2005-7/19
	27762	R307-305	CPR	09/02/2005	2005-15/36
	27763	R307-306	NEW	09/02/2005	2005-7/22
	27763	R307-306	CPR	09/02/2005	2005-15/38
	28220	R307-309	5YR	09/07/2005	2005-19/103
	27765	R307-309	AMD	09/02/2005	2005-7/24
	28222	R307-310	5YR	09/07/2005	2005-19/105
	28080	R307-310-5	NSC	09/01/2005	Not Printed
	27766	R307-310-5	AMD	07/07/2005	2005-7/27
	27767	R307-421	NEW	07/07/2005	2005-7/28
<u>PM2.5</u>					
Environmental Quality, Air Quality	28111	R307-110	NSC	08/01/2005	Not Printed
	28224	R307-110	5YR	09/08/2005	2005-19/46
	27768	R307-110-10	AMD	09/02/2005	2005-7/6
	27768	R307-110-10	CPR	09/02/2005	2005-15/28
	27429	R307-110-11	AMD	03/04/2005	2004-19/37
	27429	R307-110-11	CPR	03/04/2005	2005-3/52
	27343	R307-110-12	CPR	01/04/2005	2004-23/53
	27343	R307-110-12	AMD	01/04/2005	2004-17/12
	27769	R307-110-17	AMD	09/02/2005	2005-7/7
	27769	R307-110-17	CPR	09/02/2005	2005-15/29
	27762	R307-305	AMD	09/02/2005	2005-7/19
	27767	R307-421	NEW	07/07/2005	2005-7/28
<u>policies and procedures</u>					
Human Services, Substance Abuse and Mental Health	27638	R523-1	AMD	03/07/2005	2005-3/28

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>policy</u> Capitol Preservation Board (State), Administration	27632	R131-9	NEW	03/03/2005	2005-2/26
<u>ports of entry</u> Transportation, Motor Carrier, Ports of Entry	27790	R912-6	NEW	06/27/2005	2005-8/39
<u>pregnancy prevention</u> Education, Administration	28141	R277-474	5YR	08/15/2005	2005-17/54
<u>preliminary notice</u> Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6
<u>prescriptions</u> Health, Health Care Financing, Coverage and Reimbursement Policy	27549	R414-63	AMD	01/26/2005	2004-24/13
<u>preservation</u> Community and Economic Development, Community Development, History	28055	R212-11	5YR	06/30/2005	2005-14/97
<u>price indexes</u> Public Service Commission, Administration	27858	R746-352	REP	08/08/2005	2005-10/36
<u>primary term</u> School and Institutional Trust Lands, Administration	27611	R850-20	REP	04/01/2005	2005-2/50
<u>privacy</u> Public Safety, Driver License	27878	R708-36	5YR	05/11/2005	2005-11/100
<u>private investigators</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28053	R722-330	5YR	06/29/2005	2005-14/100
<u>private probation provider</u> Commerce, Occupational and Professional Licensing	27435	R156-50	CPR	01/18/2005	2004-24/58
	27435	R156-50	AMD	01/18/2005	2004-20/12
<u>private security officers</u> Commerce, Occupational and Professional Licensing	28193	R156-63	5YR	09/01/2005	2005-18/72
<u>probation</u> Commerce, Occupational and Professional Licensing	27435	R156-50	CPR	01/18/2005	2004-24/58
	27435	R156-50	AMD	01/18/2005	2004-20/12
<u>procedures</u> Public Service Commission, Administration	27855	R746-240	AMD	08/08/2005	2005-10/29
	27856	R746-340	AMD	08/08/2005	2005-10/32
<u>procurement</u> Administrative Services, Facilities Construction and Management	27603	R23-1	AMD	03/15/2005	2005-2/2
	27605	R23-2	AMD	03/15/2005	2005-2/7
	27615	R23-3	AMD	03/15/2005	2005-2/9
Capitol Preservation Board (State), Administration	27711	R131-1	5YR	02/16/2005	2005-6/33

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>professional counselors</u> Commerce, Occupational and Professional Licensing	27749	R156-60c	5YR	03/14/2005	2005-7/75
<u>professional engineers</u> Commerce, Occupational and Professional Licensing	27698	R156-22	AMD	04/04/2005	2005-5/2
<u>professional land surveyors</u> Commerce, Occupational and Professional Licensing	27698	R156-22	AMD	04/04/2005	2005-5/2
<u>professional staff</u> Education, Administration	27873	R277-486-6	NSC	07/01/2005	Not Printed
<u>program</u> Capitol Preservation Board (State), Administration	27632	R131-9	NEW	03/03/2005	2005-2/26
<u>promotions</u> Agriculture and Food, Marketing and Conservation	28204	R65-1	5YR	09/02/2005	2005-19/39
	28205	R65-3	5YR	09/02/2005	2005-19/40
	28206	R65-4	5YR	09/02/2005	2005-19/40
<u>property casualty insurance filing</u> Insurance, Administration	27709	R590-225-3	AMD	07/22/2005	2005-5/26
	27709	R590-225-3	CPR	07/22/2005	2005-10/49
<u>psychologists</u> Commerce, Occupational and Professional Licensing	27538	R156-61-502	AMD	01/04/2005	2004-23/40
<u>public assistance</u> Workforce Services, Employment Development	28235	R986-900	5YR	09/14/2005	2005-19/109
<u>public buildings</u> Administrative Services, Facilities Construction and Management Capitol Preservation Board (State), Administration	27603	R23-1	AMD	03/15/2005	2005-2/2
	27712	R131-2	5YR	02/16/2005	2005-6/33
	27713	R131-7	5YR	02/16/2005	2005-6/34
Public Safety, Fire Marshal	27976	R710-4-3	AMD	07/19/2005	2005-12/67
	27653	R710-4-3	AMD	03/04/2005	2005-3/44
<u>public education</u> Education, Administration	27799	R277-437	AMD	05/19/2005	2005-8/17
	27800	R277-438	AMD	05/19/2005	2005-8/19
<u>public funds</u> Money Management Council, Administration	27742	R628-19	R&R	05/05/2005	2005-7/64
<u>public information</u> Human Resource Management, Administration	27885	R477-2	AMD	07/02/2005	2005-11/29
<u>public investments</u> Money Management Council, Administration	27743	R628-15	NEW	05/05/2005	2005-7/60

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>public notification</u>					
Environmental Quality, Drinking Water	27914	R309-220	5YR	05/16/2005	2005-11/95
	27962	R309-220	AMD	09/13/2005	2005-12/45
<u>public schools</u>					
Education, Administration	27705	R277-410	AMD	04/01/2005	2005-5/8
<u>public utilities</u>					
Public Service Commission, Administration	27587	R746-200-6	AMD	02/25/2005	2005-1/32
	27857	R746-349	AMD	08/08/2005	2005-10/34
	27858	R746-352	REP	08/08/2005	2005-10/36
	27860	R746-360	AMD	08/08/2005	2005-10/42
	27302	R746-360-9	CPR	01/04/2005	2004-23/54
	27302	R746-360-9	AMD	01/04/2005	2004-15/59
	27861	R746-405-1	AMD	08/08/2005	2005-10/44
<u>quality control</u>					
Agriculture and Food, Regulatory Services	28213	R70-101	5YR	09/06/2005	2005-19/44
<u>quality standards</u>					
Environmental Quality, Drinking Water	27913	R309-200	5YR	05/16/2005	2005-11/93
	27961	R309-200	AMD	09/13/2005	2005-12/35
<u>quarantines</u>					
Agriculture and Food, Animal Industry	27581	R58-2	AMD	02/01/2005	2005-1/9
<u>rabbits</u>					
Natural Resources, Wildlife Resources	28082	R657-6	5YR	07/08/2005	2005-15/49
	28081	R657-6	AMD	09/06/2005	2005-15/7
<u>radiation</u>					
Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
<u>radiation safety</u>					
Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
<u>radioactive materials</u>					
Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
	27747	R313-22	AMD	05/13/2005	2005-7/36
	27748	R313-32	AMD	05/13/2005	2005-7/38
<u>radiopharmaceutical</u>					
Environmental Quality, Radiation Control	27748	R313-32	AMD	05/13/2005	2005-7/38
<u>range management</u>					
School and Institutional Trust Lands, Administration	27811	R850-50	AMD	06/01/2005	2005-9/49
<u>rates</u>					
Workforce Services, Workforce Information and Payment Services	27919	R994-307-101	AMD	09/29/2005	2005-11/71

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>reading</u>					
Education, Administration	28143	R277-476	5YR	08/15/2005	2005-17/55
	27933	R277-480	REP	07/18/2005	2005-12/27
<u>real estate appraisals</u>					
Commerce, Real Estate	27797	R162-102-1	AMD	05/25/2005	2005-8/12
	27950	R162-103-5	AMD	07/27/2005	2005-12/17
	27788	R162-107	AMD	05/25/2005	2005-8/14
	27946	R162-109	AMD	07/27/2005	2005-12/18
<u>real estate business</u>					
Commerce, Real Estate	27951	R162-2-1	CPR	08/17/2005	2005-14/75
	27951	R162-2-1	AMD	08/17/2005	2005-12/15
	27720	R162-2-2	NSC	04/01/2005	Not Printed
	27940	R162-6-1	AMD	07/20/2005	2005-12/16
<u>reciprocity</u>					
Environmental Quality, Radiation Control	27745	R313-19	AMD	05/13/2005	2005-7/34
<u>reclamation</u>					
Natural Resources, Oil, Gas and Mining; Coal	27778	R645-105	5YR	03/25/2005	2005-8/58
	27779	R645-400	5YR	03/25/2005	2005-8/58
<u>records</u>					
Health, Medical Examiner	27989	R448-20	5YR	06/06/2005	2005-13/53
<u>records appeal hearings</u>					
Administrative Services, Records Committee	27880	R35-1	AMD	07/14/2005	2005-11/5
	27621	R35-1a	NEW	03/08/2005	2005-2/17
	27700	R35-1a	NSC	04/01/2005	Not Printed
	27625	R35-2	AMD	03/04/2005	2005-2/18
	27622	R35-3	AMD	03/04/2005	2005-2/19
	27624	R35-4	AMD	03/04/2005	2005-2/20
	27623	R35-5	AMD	03/04/2005	2005-2/21
	27620	R35-6	AMD	03/04/2005	2005-2/22
<u>recreation</u>					
Natural Resources, Wildlife Resources	27552	R657-38	AMD	01/15/2005	2004-24/48
<u>refugee resettlement program</u>					
Workforce Services, Employment Development	28230	R986-300	5YR	09/14/2005	2005-19/106
<u>registration</u>					
Workforce Services, Workforce Information and Payment Services	27729	R994-403	NSC	04/01/2005	Not Printed
	27937	R994-403-123	AMD	09/29/2005	2005-12/86
<u>regulated contaminants</u>					
Environmental Quality, Drinking Water	27961	R309-200	AMD	09/13/2005	2005-12/35
	27913	R309-200	5YR	05/16/2005	2005-11/93

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>rehabilitation</u> Community and Economic Development, Community Development, History	28055	R212-11	5YR	06/30/2005	2005-14/97
<u>reimbursement</u> Corrections, Administration	28086	R251-113	5YR	07/13/2005	2005-15/43
<u>religious activities</u> Tax Commission, Auditing	27868	R865-19S-6	AMD	07/20/2005	2005-11/64
	27931	R865-19S-8	AMD	07/20/2005	2005-12/73
	27819	R865-19S-20	AMD	07/01/2005	2005-9/52
	27820	R865-19S-32	AMD	07/01/2005	2005-9/54
	27822	R865-19S-51	AMD	07/01/2005	2005-9/55
	27825	R865-19S-52	AMD	07/01/2005	2005-9/56
	27826	R865-19S-60	AMD	07/01/2005	2005-9/56
	27828	R865-19S-68	AMD	07/01/2005	2005-9/57
	27831	R865-19S-71	AMD	07/01/2005	2005-9/58
	27870	R865-19S-78	AMD	07/20/2005	2005-11/65
	27832	R865-19S-85	AMD	07/01/2005	2005-9/59
	28049	R865-19S-90	AMD	09/01/2005	2005-14/65
	27833	R865-19S-90	AMD	07/01/2005	2005-9/61
	28050	R865-19S-98	AMD	09/01/2005	2005-14/66
	27834	R865-19S-101	AMD	07/01/2005	2005-9/62
	27867	R865-19S-112	AMD	07/20/2005	2005-11/67
<u>reporting</u> Health, Community and Family Health Services, Children with Special Health Care Needs	27941	R398-10	AMD	08/30/2005	2005-12/61
Natural Resources, Oil, Gas and Mining; Oil and Gas	28071	R649-8	NSC	08/01/2005	Not Printed
<u>reporting death</u> Health, Medical Examiner	27988	R448-10	5YR	06/06/2005	2005-13/52
<u>repository</u> Governor, Planning and Budget, Chief Information Officer	27545	R365-101	NEW	03/09/2005	2004-23/45
<u>residency requirements</u> Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24
<u>residential mortgage loan origination</u> Commerce, Real Estate	27943	R162-202	AMD	08/03/2005	2005-12/21
	27945	R162-208	AMD	08/03/2005	2005-12/22
<u>resolution</u> Administrative Services, Facilities Construction and Management	27614	R23-26	NEW	03/15/2005	2005-2/12
<u>respite</u> Human Services, Aging and Adult Services	28039	R510-401	5YR	06/22/2005	2005-14/98

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>retirement</u>					
Human Resource Management, Administration	27890	R477-12-3	AMD	07/02/2005	2005-11/47
Public Safety, Peace Officer Standards and Training	28043	R728-205	5YR	06/27/2005	2005-14/101
<u>rights</u>					
Human Services, Services for People with Disabilities	27627	R539-3	NEW	03/12/2005	2005-2/47
	27793	R539-3-10	AMD	05/17/2005	2005-8/30
<u>roads</u>					
Environmental Quality, Air Quality	28218	R307-307	5YR	09/07/2005	2005-19/102
<u>ropeways</u>					
Transportation, Operations, Traffic and Safety	27876	R920-50	AMD	07/12/2005	2005-11/69
<u>royalties</u>					
School and Institutional Trust Lands, Administration	27611	R850-20	REP	04/01/2005	2005-2/50
<u>rules</u>					
Public Service Commission, Administration	27587	R746-200-6	AMD	02/25/2005	2005-1/32
<u>rules and procedures</u>					
Health, Epidemiology and Laboratory Services, Epidemiology	27496	R386-702	AMD	05/16/2005	2004-21/13
	27496	R386-702	CPR	05/16/2005	2005-3/53
	27853	R386-702-9	AMD	08/25/2005	2005-10/17
Health, Community and Family Health Services, Immunization	27897	R396-100	AMD	07/21/2005	2005-11/6
Public Service Commission, Administration	27821	R746-341	AMD	06/20/2005	2005-9/42
	27861	R746-405-1	AMD	08/08/2005	2005-10/44
	27527	R746-409-1	NSC	01/01/2005	Not Printed
	27812	R850-2	NSC	05/01/2005	Not Printed
<u>safety</u>					
Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
Labor Commission, Occupational Safety and Health	28013	R614-1-4	AMD	08/02/2005	2005-13/33
	27903	R614-7-4	AMD	07/02/2005	2005-11/60
Labor Commission, Safety	27616	R616-2-3	AMD	03/07/2005	2005-2/49
	27590	R616-3-3	AMD	02/01/2005	2005-1/30
Public Service Commission, Administration	27527	R746-409-1	NSC	01/01/2005	Not Printed
Transportation, Motor Carrier, Ports of Entry	28150	R912-16	5YR	08/15/2005	2005-17/56
	27954	R912-16	5YR	06/01/2005	2005-12/89
<u>safety education</u>					
Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
<u>safety regulations</u>					
Transportation, Motor Carrier, Ports of Entry	27953	R912-3	REP	07/18/2005	2005-12/74
	27952	R912-11	NEW	07/18/2005	2005-12/79

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>salaries</u> Human Resource Management, Administration	27904	R477-6	AMD	07/02/2005	2005-11/32
<u>sales tax</u> Tax Commission, Auditing	27868	R865-19S-6	AMD	07/20/2005	2005-11/64
	27931	R865-19S-8	AMD	07/20/2005	2005-12/73
	27819	R865-19S-20	AMD	07/01/2005	2005-9/52
	27820	R865-19S-32	AMD	07/01/2005	2005-9/54
	27822	R865-19S-51	AMD	07/01/2005	2005-9/55
	27825	R865-19S-52	AMD	07/01/2005	2005-9/56
	27826	R865-19S-60	AMD	07/01/2005	2005-9/56
	27828	R865-19S-68	AMD	07/01/2005	2005-9/57
	27831	R865-19S-71	AMD	07/01/2005	2005-9/58
	27870	R865-19S-78	AMD	07/20/2005	2005-11/65
	27832	R865-19S-85	AMD	07/01/2005	2005-9/59
	28049	R865-19S-90	AMD	09/01/2005	2005-14/65
	27833	R865-19S-90	AMD	07/01/2005	2005-9/61
	28050	R865-19S-98	AMD	09/01/2005	2005-14/66
	27834	R865-19S-101	AMD	07/01/2005	2005-9/62
	27867	R865-19S-112	AMD	07/20/2005	2005-11/67
<u>sand</u> School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72
<u>scenic byways</u> Transportation, Program Development	28024	R926-7	NEW	09/15/2005	2005-13/42
<u>scholarships</u> Education, Administration	28143	R277-476	5YR	08/15/2005	2005-17/55
	28026	R277-602	EMR	06/14/2005	2005-13/47
	27663	R765-604	5YR	01/19/2005	2005-4/56
	27666	R765-604	AMD	03/22/2005	2005-4/22
<u>school personnel</u> Education, Administration	28140	R277-107	5YR	08/15/2005	2005-17/54
<u>schools</u> Education, Administration	28141	R277-474	5YR	08/15/2005	2005-17/54
<u>science</u> Education, Administration	27932	R277-444	AMD	07/18/2005	2005-12/24
<u>secondary education</u> Regents (Board Of), Administration	27663	R765-604	5YR	01/19/2005	2005-4/56
	27666	R765-604	AMD	03/22/2005	2005-4/22
<u>securities</u> Commerce, Securities	27732	R164-2	5YR	02/28/2005	2005-6/34
	27735	R164-2-1	NSC	04/01/2005	Not Printed
	27777	R164-9-1	EMR	03/25/2005	2005-8/53

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
Money Management Council, Administration	27742	R628-19	R&R	05/05/2005	2005-7/64
<u>securities regulation</u>					
Commerce, Securities	27732	R164-2	5YR	02/28/2005	2005-6/34
	27735	R164-2-1	NSC	04/01/2005	Not Printed
	27777	R164-9-1	EMR	03/25/2005	2005-8/53
Money Management Council, Administration	27743	R628-15	NEW	05/05/2005	2005-7/60
<u>security guards</u>					
Commerce, Occupational and Professional Licensing	28193	R156-63	5YR	09/01/2005	2005-18/72
<u>self administered services</u>					
Human Services, Services for People with Disabilities	27801	R539-5	NEW	05/17/2005	2005-8/33
<u>self-administered services</u>					
Human Services, Services for People with Disabilities	27939	R539-5-5	NSC	06/01/2005	Not Printed
<u>self-employment income</u>					
Community and Economic Development, Community Development, Community Services	27421	R202-203-324	AMD	01/12/2005	2004-19/25
	27419	R202-203-328	AMD	01/12/2005	2004-19/26
<u>septic tanks</u>					
Environmental Quality, Water Quality	27699	R317-4	5YR	02/10/2005	2005-5/30
<u>services</u>					
Human Services, Services for People with Disabilities	27626	R539-2	NEW	03/12/2005	2005-2/45
	27794	R539-2-5	NSC	05/01/2005	Not Printed
<u>settlement</u>					
Administrative Services, Facilities Construction and Management	27614	R23-26	NEW	03/15/2005	2005-2/12
<u>sex education</u>					
Education, Administration	28141	R277-474	5YR	08/15/2005	2005-17/54
<u>skills tests</u>					
Public Safety, Driver License	27898	R708-37	5YR	05/13/2005	2005-11/101
<u>small game</u>					
Natural Resources, Wildlife Resources	27864	R657-21	5YR	05/05/2005	2005-11/99
	28088	R657-21-2	AMD	09/06/2005	2005-15/14
<u>smoke</u>					
Environmental Quality, Air Quality	27758	R307-204-3	AMD	07/07/2005	2005-7/11
<u>social services</u>					
Human Services, Services for People with Disabilities	27651	R539-2	REP	03/12/2005	2005-3/31
	27792	R539-2-6	AMD	05/17/2005	2005-8/29
	27652	R539-3	REP	03/12/2005	2005-3/34
	27753	R539-4	REP	05/03/2005	2005-7/58
	27802	R539-5	REP	05/17/2005	2005-8/31

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	28036	R539-7	REP	09/16/2005	2005-14/20
	28037	R539-7	EMR	06/20/2005	2005-14/94
	27795	R539-8	REP	05/17/2005	2005-8/35
<u>source monitoring</u>					
Environmental Quality, Drinking Water	27967	R309-205	AMD	09/13/2005	2005-12/37
	27917	R309-205	5YR	05/16/2005	2005-11/93
<u>sovereign lands</u>					
Natural Resources, Forestry, Fire and State Lands	27750	R652-70-1900	AMD	05/20/2005	2005-7/66
	27740	R652-70-2300	AMD	05/20/2005	2005-7/67
<u>special needs students</u>					
Education, Administration	28026	R277-602	EMR	06/14/2005	2005-13/47
<u>specific licenses</u>					
Environmental Quality, Radiation Control	27747	R313-22	AMD	05/13/2005	2005-7/36
<u>speech impaired</u>					
Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
<u>state buildings</u>					
Administrative Services, Facilities Construction and Management	27615	R23-3	AMD	03/15/2005	2005-2/9
Capitol Preservation Board (State), Administration	27713	R131-7	5YR	02/16/2005	2005-6/34
<u>state employees</u>					
Administrative Services, Finance	27848	R25-7	AMD	07/01/2005	2005-10/7
<u>state HEAT office records</u>					
Community and Economic Development, Community Development, Community Services	27420	R202-207-702	AMD	01/12/2005	2004-19/27
<u>state records committee</u>					
Administrative Services, Records Committee	27880	R35-1	AMD	07/14/2005	2005-11/5
	27700	R35-1a	NSC	04/01/2005	Not Printed
	27621	R35-1a	NEW	03/08/2005	2005-2/17
	27625	R35-2	AMD	03/04/2005	2005-2/18
	27622	R35-3	AMD	03/04/2005	2005-2/19
	27624	R35-4	AMD	03/04/2005	2005-2/20
	27623	R35-5	AMD	03/04/2005	2005-2/21
	27620	R35-6	AMD	03/04/2005	2005-2/22
<u>state vehicle use</u>					
Administrative Services, Fleet Operations	27599	R27-3-6	NSC	02/01/2005	Not Printed
<u>stationary sources</u>					
Environmental Quality, Air Quality	27665	R307-210	AMD	04/19/2005	2005-4/17
<u>stove</u>					
Environmental Quality, Air Quality	27760	R307-207	CPR	09/02/2005	2005-15/33
	27761	R307-302	CPR	09/02/2005	2005-15/34

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>stoves</u>					
Environmental Quality, Air Quality	28214	R307-201	5YR	09/07/2005	2005-19/96
	27760	R307-207	NEW	09/02/2005	2005-7/16
	28219	R307-302	5YR	09/07/2005	2005-19/99
	27761	R307-302	AMD	09/02/2005	2005-7/17
<u>student eligibility</u>					
Workforce Services, Workforce Information and Payment Services	27729	R994-403	NSC	04/01/2005	Not Printed
	27937	R994-403-123	AMD	09/29/2005	2005-12/86
<u>student loans</u>					
Regents (Board Of), Administration	27841	R765-626	5YR	04/26/2005	2005-10/53
<u>students</u>					
Education, Administration	27933	R277-480	REP	07/18/2005	2005-12/27
	27875	R277-713	NSC	07/01/2005	Not Printed
	27662	R277-713	AMD	03/21/2005	2005-4/14
<u>students at risk</u>					
Education, Administration	28076	R277-464	5YR	07/06/2005	2005-15/44
<u>subpoena</u>					
Human Services, Recovery Services	27938	R527-67	REP	08/10/2005	2005-12/67
	27842	R527-67	NSC	08/10/2005	Not Printed
<u>supplies</u>					
Education, Administration	28075	R277-459	5YR	07/06/2005	2005-15/44
<u>surface water treatment</u>					
Environmental Quality, Drinking Water	27963	R309-505	AMD	09/13/2005	2005-12/47
<u>surface water treatment plant monitoring</u>					
Environmental Quality, Drinking Water	27910	R309-215	5YR	05/16/2005	2005-11/94
	27969	R309-215	AMD	09/13/2005	2005-12/43
<u>survey</u>					
Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
<u>surveyors</u>					
Commerce, Occupational and Professional Licensing	27698	R156-22	AMD	04/04/2005	2005-5/2
<u>systems</u>					
Public Safety, Fire Marshal	27671	R710-7-1	AMD	06/13/2005	2005-4/21
<u>tailings</u>					
Environmental Quality, Air Quality	27764	R307-205	AMD	07/07/2005	2005-7/12
	28223	R307-205	5YR	09/07/2005	2005-19/97
<u>tariffs</u>					
Public Service Commission, Administration	27861	R746-405-1	AMD	08/08/2005	2005-10/44

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>tax credit</u>					
Community and Economic Development, Community Development, History	28055	R212-11	5YR	06/30/2005	2005-14/97
<u>tax exemptions</u>					
Tax Commission, Auditing	27868	R865-19S-6	AMD	07/20/2005	2005-11/64
	27931	R865-19S-8	AMD	07/20/2005	2005-12/73
	27819	R865-19S-20	AMD	07/01/2005	2005-9/52
	27820	R865-19S-32	AMD	07/01/2005	2005-9/54
	27822	R865-19S-51	AMD	07/01/2005	2005-9/55
	27825	R865-19S-52	AMD	07/01/2005	2005-9/56
	27826	R865-19S-60	AMD	07/01/2005	2005-9/56
	27828	R865-19S-68	AMD	07/01/2005	2005-9/57
	27831	R865-19S-71	AMD	07/01/2005	2005-9/58
	27870	R865-19S-78	AMD	07/20/2005	2005-11/65
	27832	R865-19S-85	AMD	07/01/2005	2005-9/59
	28049	R865-19S-90	AMD	09/01/2005	2005-14/65
	28050	R865-19S-98	AMD	09/01/2005	2005-14/66
	27834	R865-19S-101	AMD	07/01/2005	2005-9/62
	27867	R865-19S-112	AMD	07/20/2005	2005-11/67
<u>tax returns</u>					
Tax Commission, Auditing	27804	R865-9I-21	AMD	06/08/2005	2005-9/51
	27930	R865-9I-51	AMD	07/20/2005	2005-12/72
<u>taxation</u>					
Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
	27739	R865-16R	5YR	03/08/2005	2005-7/77
Tax Commission, Motor Vehicle	27803	R873-22M-27	AMD	06/08/2005	2005-9/63
	28046	R873-22M-27	AMD	09/01/2005	2005-14/68
<u>teacher certification</u>					
Professional Practices Advisory Commission, Administration	27542	R686-100	NSC	01/01/2005	Not Printed
<u>teachers</u>					
Education, Administration	28075	R277-459	5YR	07/06/2005	2005-15/44
	28143	R277-476	5YR	08/15/2005	2005-17/55
<u>technology best practices</u>					
Governor, Planning and Budget, Chief Information Officer	27545	R365-101	NEW	03/09/2005	2004-23/45
<u>telecommunications</u>					
Public Service Commission, Administration	27855	R746-240	AMD	08/08/2005	2005-10/29
	27856	R746-340	AMD	08/08/2005	2005-10/32
	27821	R746-341	AMD	06/20/2005	2005-9/42
	27857	R746-349	AMD	08/08/2005	2005-10/34
	27858	R746-352	REP	08/08/2005	2005-10/36
	27859	R746-356	AMD	08/08/2005	2005-10/40
	27860	R746-360	AMD	08/08/2005	2005-10/42
	27302	R746-360-9	CPR	01/04/2005	2004-23/54

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27302	R746-360-9	AMD	01/04/2005	2004-15/59
<u>telecommuting</u>					
Human Resource Management, Administration	27889	R477-8	AMD	07/02/2005	2005-11/41
<u>telephone utility regulations</u>					
Public Service Commission, Administration	27856	R746-340	AMD	08/08/2005	2005-10/32
<u>telephones</u>					
Public Service Commission, Administration	27855	R746-240	AMD	08/08/2005	2005-10/29
	27821	R746-341	AMD	06/20/2005	2005-9/42
<u>time</u>					
Labor Commission, Antidiscrimination and Labor, Fair Housing	28126	R608-1-8	EMR	08/02/2005	2005-17/52
Labor Commission, Industrial Accidents	27892	R612-1-3	AMD	07/02/2005	2005-11/49
<u>title</u>					
Insurance, Administration	27776	R590-212	NSC	05/01/2005	Not Printed
<u>traffic control</u>					
Transportation, Operations, Traffic and Safety	27955	R920-5	AMD	07/18/2005	2005-12/83
<u>traffic safety</u>					
Transportation, Operations, Traffic and Safety	27955	R920-5	AMD	07/18/2005	2005-12/83
<u>traffic signs</u>					
Transportation, Operations, Traffic and Safety	27955	R920-5	AMD	07/18/2005	2005-12/83
<u>training</u>					
Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
<u>training programs</u>					
Human Resource Management, Administration	27887	R477-10	AMD	07/02/2005	2005-11/43
<u>tramway permits</u>					
Transportation, Operations, Traffic and Safety	27876	R920-50	AMD	07/12/2005	2005-11/69
<u>tramways</u>					
Transportation, Operations, Traffic and Safety	27876	R920-50	AMD	07/12/2005	2005-11/69
<u>transportation</u>					
Administrative Services, Finance	27848	R25-7	AMD	07/01/2005	2005-10/7
Environmental Quality, Radiation Control	27745	R313-19	AMD	05/13/2005	2005-7/34
Transportation, Operations, Construction	27846	R916-4	NEW	06/27/2005	2005-10/46
Transportation, Program Development	28024	R926-7	NEW	09/15/2005	2005-13/42
<u>transportation conformity</u>					
Environmental Quality, Air Quality	28222	R307-310	5YR	09/07/2005	2005-19/105
	28080	R307-310-5	NSC	09/01/2005	Not Printed
	27766	R307-310-5	AMD	07/07/2005	2005-7/27

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>transportation safety</u> Transportation, Operations, Traffic and Safety	27876	R920-50	AMD	07/12/2005	2005-11/69
<u>trip reduction</u> Environmental Quality, Air Quality	28079	R307-320	5YR	07/07/2005	2005-15/46
	27701	R307-320	NSC	07/07/2005	Not Printed
<u>trucking industries</u> Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
<u>trucks</u> Transportation, Motor Carrier, Ports of Entry	27953	R912-3	REP	07/18/2005	2005-12/74
	27790	R912-6	NEW	06/27/2005	2005-8/39
	27970	R912-9	NEW	07/18/2005	2005-12/74
	27971	R912-10	NEW	07/18/2005	2005-12/77
	27952	R912-11	NEW	07/18/2005	2005-12/79
	27972	R912-14	AMD	07/18/2005	2005-12/82
	28150	R912-16	5YR	08/15/2005	2005-17/56
	27954	R912-16	5YR	06/01/2005	2005-12/89
<u>unattended death</u> Health, Medical Examiner	27988	R448-10	5YR	06/06/2005	2005-13/52
<u>underground injection control</u> Environmental Quality, Water Quality	27596	R317-7	NSC	02/01/2005	Not Printed
<u>unemployed workers</u> Workforce Services, Workforce Information and Payment Services	28170	R994-207	5YR	08/25/2005	2005-18/73
<u>unemployment compensation</u> Workforce Services, Workforce Information and Payment Services	27730	R994-201	NSC	04/01/2005	Not Printed
	27789	R994-204	5YR	04/01/2005	2005-8/59
	27791	R994-205	5YR	04/01/2005	2005-8/59
	27796	R994-206	5YR	04/01/2005	2005-8/60
	28170	R994-207	5YR	08/25/2005	2005-18/73
	27919	R994-307-101	AMD	09/29/2005	2005-11/71
	27921	R994-309-105	AMD	09/29/2005	2005-11/72
	27922	R994-311	AMD	09/29/2005	2005-11/73
	27728	R994-401	NSC	04/01/2005	Not Printed
	27924	R994-401	AMD	09/29/2005	2005-11/75
	27729	R994-403	NSC	04/01/2005	Not Printed
	27937	R994-403-123	AMD	09/29/2005	2005-12/86
	27926	R994-404-101	AMD	09/29/2005	2005-11/76
	27927	R994-405	AMD	09/29/2005	2005-11/77
	27928	R994-406	AMD	09/29/2005	2005-11/79
	27936	R994-508-109	AMD	09/29/2005	2005-12/86

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>unemployment experience rating</u> Workforce Services, Workforce Information and Payment Services	27823	R994-304	NEW	06/01/2005	2005-9/69
<u>uninsured motorist database</u> Public Safety, Driver License	27877	R708-32	5YR	05/10/2005	2005-11/100
<u>units</u> Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29
<u>universal service</u> Public Service Commission, Administration	27860	R746-360	AMD	08/08/2005	2005-10/42
	27302	R746-360-9	CPR	01/04/2005	2004-23/54
	27302	R746-360-9	AMD	01/04/2005	2004-15/59
<u>utility regulations</u> Public Service Commission, Administration	27861	R746-405-1	AMD	08/08/2005	2005-10/44
<u>utility service shutoff</u> Public Service Commission, Administration	27587	R746-200-6	AMD	02/25/2005	2005-1/32
<u>vacations</u> Human Resource Management, Administration	27896	R477-7	AMD	07/02/2005	2005-11/36
<u>vehicle replacement</u> Administrative Services, Fleet Operations	27543	R27-4	AMD	01/10/2005	2004-23/5
<u>waste disposal</u> Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
Environmental Quality, Water Quality	27659	R317-1	AMD	04/20/2005	2005-3/5
	28054	R317-1	AMD	08/22/2005	2005-14/13
	27817	R317-1-7	AMD	06/29/2005	2005-9/5
<u>wastewater</u> Environmental Quality, Water Quality	27658	R317-3-10	AMD	04/20/2005	2005-3/10
	27699	R317-4	5YR	02/10/2005	2005-5/30
<u>wastewater treatment</u> Environmental Quality, Water Quality	27656	R317-10-6	AMD	04/20/2005	2005-3/18
<u>water pollution</u> Environmental Quality, Water Quality	28054	R317-1	AMD	08/22/2005	2005-14/13
	27659	R317-1	AMD	04/20/2005	2005-3/5
	27817	R317-1-7	AMD	06/29/2005	2005-9/5
	27593	R317-2	CPR	06/01/2005	2005-9/72
	27593	R317-2	AMD	06/01/2005	2005-1/13
	27658	R317-3-10	AMD	04/20/2005	2005-3/10
	27657	R317-8-3	AMD	04/20/2005	2005-3/12
	27656	R317-10-6	AMD	04/20/2005	2005-3/18
<u>water quality</u> Environmental Quality, Drinking Water	27905	R309-225	5YR	05/16/2005	2005-11/95
Environmental Quality, Water Quality	27658	R317-3-10	AMD	04/20/2005	2005-3/10

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27596	R317-7	NSC	02/01/2005	Not Printed
<u>water quality standards</u>					
Environmental Quality, Water Quality	27593	R317-2	AMD	06/01/2005	2005-1/13
	27593	R317-2	CPR	06/01/2005	2005-9/72
<u>water rights</u>					
Natural Resources, Water Rights	27690	R655-3	5YR	02/01/2005	2005-4/54
	27475	R655-4	NSC	02/01/2005	Not Printed
	27392	R655-4	AMD	01/12/2005	2004-18/30
	27691	R655-4	5YR	02/01/2005	2005-4/55
	28032	R655-14	NEW	08/15/2005	2005-13/34
<u>water system rating</u>					
Environmental Quality, Drinking Water	27909	R309-150	5YR	05/16/2005	2005-11/92
<u>watershed management</u>					
Environmental Quality, Drinking Water	27907	R309-105	5YR	05/16/2005	2005-11/91
	27959	R309-105-16	AMD	09/13/2005	2005-12/31
<u>weed control</u>					
Agriculture and Food, Plant Industry	27774	R68-9-2	NSC	05/01/2005	Not Printed
<u>well drilling</u>					
Natural Resources, Water Rights	27475	R655-4	NSC	02/01/2005	Not Printed
	27691	R655-4	5YR	02/01/2005	2005-4/55
	27392	R655-4	AMD	01/12/2005	2004-18/30
<u>wildlife</u>					
Natural Resources, Wildlife Resources	27550	R657-5	AMD	01/15/2005	2004-24/38
	27865	R657-5	AMD	07/05/2005	2005-11/61
	28082	R657-6	5YR	07/08/2005	2005-15/49
	28081	R657-6	AMD	09/06/2005	2005-15/7
	28168	R657-11	5YR	08/24/2005	2005-18/73
	27721	R657-12	AMD	04/15/2005	2005-6/24
	27432	R657-13	CPR	01/03/2005	2004-22/66
	27432	R657-13	AMD	01/03/2005	2004-20/33
	27863	R657-15	5YR	05/05/2005	2005-11/99
	27862	R657-15	AMD	07/05/2005	2005-11/63
	27864	R657-21	5YR	05/05/2005	2005-11/99
	28088	R657-21-2	AMD	09/06/2005	2005-15/14
	27649	R657-33	AMD	03/04/2005	2005-3/36
	27751	R657-33-2	NSC	04/01/2005	Not Printed
	27551	R657-37	AMD	01/15/2005	2004-24/45
	28087	R657-37	AMD	09/06/2005	2005-15/15
	27552	R657-38	AMD	01/15/2005	2004-24/48
	28083	R657-42	AMD	09/06/2005	2005-15/20
	27553	R657-42-4	AMD	01/15/2005	2004-24/53
	27637	R657-47	NSC	03/04/2005	Not Printed
	27639	R657-47	REP	03/04/2005	2005-3/39

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	27827	R657-55	NEW	06/01/2005	2005-9/38
<u>wildlife conservation</u>					
Natural Resources, Wildlife Resources	27552	R657-38	AMD	01/15/2005	2004-24/48
<u>wildlife law</u>					
Natural Resources, Wildlife Resources	28168	R657-11	5YR	08/24/2005	2005-18/73
	27721	R657-12	AMD	04/15/2005	2005-6/24
	27432	R657-13	AMD	01/03/2005	2004-20/33
	27432	R657-13	CPR	01/03/2005	2004-22/66
	27864	R657-21	5YR	05/05/2005	2005-11/99
	28088	R657-21-2	AMD	09/06/2005	2005-15/14
<u>wildlife management</u>					
Natural Resources, Wildlife Resources	27862	R657-15	AMD	07/05/2005	2005-11/63
	27863	R657-15	5YR	05/05/2005	2005-11/99
<u>wildlife permits</u>					
Natural Resources, Wildlife Resources	27639	R657-47	REP	03/04/2005	2005-3/39
	27637	R657-47	NSC	03/04/2005	Not Printed
	27827	R657-55	NEW	06/01/2005	2005-9/38
<u>woodburning</u>					
Environmental Quality, Air Quality	28214	R307-201	5YR	09/07/2005	2005-19/96
	27760	R307-207	NEW	09/02/2005	2005-7/16
	27760	R307-207	CPR	09/02/2005	2005-15/33
	27761	R307-302	CPR	09/02/2005	2005-15/34
	27761	R307-302	AMD	09/02/2005	2005-7/17
	28219	R307-302	5YR	09/07/2005	2005-19/99
<u>workers' compensation</u>					
Labor Commission, Industrial Accidents	27892	R612-1-3	AMD	07/02/2005	2005-11/49
	27894	R612-2-1	AMD	07/02/2005	2005-11/51
	27895	R612-2-2	AMD	07/02/2005	2005-11/52
	27900	R612-2-3	AMD	07/02/2005	2005-11/53
	27899	R612-2-5	AMD	07/02/2005	2005-11/54
	27893	R612-2-18	AMD	07/02/2005	2005-11/56
	27891	R612-2-22	AMD	07/02/2005	2005-11/57
Workforce Services, Workforce Information and Payment Services	27926	R994-404-101	AMD	09/29/2005	2005-11/76
<u>workers' compensation insurance</u>					
Insurance, Administration	27488	R590-231	CPR	05/20/2005	2005-3/55
	27488	R590-231	CPR	05/20/2005	2005-8/50
	27488	R590-231	NEW	05/20/2005	2004-21/15
<u>Workforce Investment Act</u>					
Workforce Services, Employment Development	28234	R986-600	5YR	09/14/2005	2005-19/108
	28063	R986-600	AMD	08/16/2005	2005-14/69
<u>x-ray</u>					
Environmental Quality, Radiation Control	27991	R313-16	AMD	08/12/2005	2005-13/26

