UTAH STATE BULLETIN

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Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3764, FAX 801-537-9240. Additional rulemaking information, and electronic versions of all administrative rule publications are available at: 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

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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 <u>December 01, 2012, 12:00 a.m.</u>, and <u>December 14, 2012, 11:59 p.m.</u> are included in this, the <u>January 01, 2013</u> 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 Rules being repealed are completely struck out.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 between paragraphs (.....) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not printed. 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 <u>January 31, 2013</u>. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the Rule Analysis. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific Proposed Rule. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through May 1, 2013, 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 seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State 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 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 Section 63G-3-301; 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

Human Services, Services for People with Disabilities

R539-1

Eligibility

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37110
FILED: 12/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division no longer uses regional administration.

SUMMARY OF THE RULE OR CHANGE: References to "Region" and regional administration have been removed or substituted. As these changes may reflect a change in authority the rule has been submitted as an amendment rather than a nonsubstantive change.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-5-103 and Section 62A-5-105

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The amendment is a language change reflecting existing policy. No cost or savings are anticipated for the state budget.
- ♦ LOCAL GOVERNMENTS: The amendment is a language change reflecting existing policy. No cost or savings are anticipated for local governments.
- ♦ SMALL BUSINESSES: The amendment is a language change reflecting existing policy. No cost or savings are anticipated for small businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The amendment is a language change reflecting existing policy. No cost or savings are anticipated for any other entity or organization.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendment is a language change reflecting existing policy. No compliance costs are anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no costs or savings associated with this rule.

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

HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
195 N 1950 W 3RD FLR
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Joseph Taylor by phone at 801-538-4154, by FAX at 801-538-4279, or by Internet E-mail at jitaylor@utah.gov
- ♦ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: Paul Smith, Director

R539. Human Services, Services for People with Disabilities. R539-1. Eligibility. R539-1-1. Purpose.

- (1) The purpose of this rule is to provide:
- (a) procedures and standards for the determination of eligibility for Division services as required by Title 62A, Chapter 5, Part-1; and
- (b) notice to Applicants of hearing rights and the hearing process.

R539-1-2. Authority.

- (1) This rule establishes procedures and standards for the determination of eligibility for Division services as required by Title 62A, Chapter 5, Part-1.
- (2) The procedures of this rule constitute the minimum requirements for eligibility for Division funding. Additional procedures may be required to comply with any other governing statute, federal law, or federal regulation.

R539-1-3. Definitions.

- (1) Terms used in this rule are defined in Section 62A-5-101.
 - (2) In addition:
- (a) "Agency Action" means an action taken by the Division that denies, defers, or changes services to an Applicant applying for, or a person receiving, Division funding;
- (b) "Applicant" means an individual or a representative of an individual applying for determination of eligibility;
- (c) "Brain Injury" means any acquired injury to the brain and is neurological in nature. This would not include those with deteriorating diseases such as Multiple Sclerosis, muscular dystrophy, Huntington's chorea, ataxia, or cancer, but would include cerebral vascular accident:
- (d) "Department" means the Department of Human Services;
- (e) "Division" means the Division of Services for People with Disabilities;
- (f) "Form" means a standard document required by Division rule or other applicable law;
- (g) "Guardian" means someone appointed by a court to be a substitute decision maker for a person deemed to be incompetent of making informed decisions;

- (h) "Hearing Request" means a written request made by a person or a person's representative for a hearing concerning a denial, deferral or change in service;
- (i) "ICF/ID" means Intermediate Care Facility for People with Intellectual Disability;
- (j) "Person" means someone who has been found eligible for Division funding for support services due to a disability and who is waiting for or receiving services at the present time;
- [(k) "Region" means one of four geographical areas of the State of Utah referred to as central, eastern, northern or western;
-] (m) "Related Conditions" means a severe, chronic disability that meets the following conditions:
 - (i) It is attributable to:
 - (A) Cerebral palsy or epilepsy; or
- (B) Any other condition, other than mental illness, found to be closely related to intellectual disability because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of people with intellectual disability, and requires treatment or services similar to those required for these persons.
 - (ii) It is manifest before the person reaches age 22.
 - (iii) It is likely to continue indefinitely.
- (iv) It results in substantial functional limitations in three or more of the following areas of major life activity:
 - (A) Self-care.
 - (B) Understanding and use of language.
 - (C) Learning.
 - (D) Mobility.
 - (E) Self-direction
 - (F) Capacity for independent living.
- (n) "Representative" means the person's legal representative including the person's parents if the person is a minor child, a court appointed guardian or a lawyer retained by the person;
- (o) "Resident" is an Applicant or Guardian who is physically present in Utah and provides a statement of intent to reside in Utah.;
- (p) "Support" is assistance for portions of a task allowing a person to independently complete other portions of the task or to assume increasingly greater responsibility for performing the task independently;
- (q) "Support Coordinator" means an employee of the Division who completes written documentation of supports and determination of eligibility and support needs;
- (r) "Team Member" means members of the person's circle of support who participate in the planning and delivery of services and supports with the Person. Team members may include the Person applying for or receiving services, his or her parents, Guardian, the support coordinator, friends of the Person, and other professionals and Provider staff working with the Person; and
- (s) "Waiver" means the Medicaid approved plan for a state to provide home and community-based services to persons with disabilities in lieu of institutionalization in a Title XIX facility, the Division administers three such waivers; the intellectual disabilities or related conditions waiver, the brain injury waiver and physical disabilities waiver.

R539-1-4. Non-Waiver Services for People with Intellectual Disabilities or Related Conditions.

- (1) The Division will serve those Applicants who meet the definition of a person with a disability in Subsections 62A-5-101(9).
- (2) When determining functional limitations in the areas listed below for Applicants ages 7 and older, age appropriate abilities must be considered.
- (a) Self-care An Applicant who requires assistance, training and/or supervision with eating, dressing, grooming, bathing or toileting.
- (b) Expressive and/or Receptive Language An Applicant who lacks functional communication skills, requires the use of assistive devices to communicate, or does not demonstrate an understanding of requests or is unable to follow two-step instructions.
- (c) Learning An Applicant who has a valid diagnosis of mental retardation based on the criteria found in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM).
- (d) Mobility An Applicant with mobility impairment who requires the use of assistive devices to be mobile and who cannot physically self-evacuate from a building during an emergency without the assistive device.
- (e) Capacity for Independent Living An Applicant (age 7-17) who is unable to locate and use a telephone, cross streets safely, or understand that it is not safe to accept rides, food or money from strangers. An adult who lacks basic survival skills in the areas of shopping, preparing food, housekeeping, or paying bills.
- (f) Self-direction An Applicant (age 7-17) who is significantly at risk in making age appropriate decisions. An adult who is unable to provide informed consent for medical/health care, personal safety, legal, financial, habilitative, or residential issues and/or who has been declared legally incompetent. A person who is a significant danger to self or others without supervision.
- (g) Economic self-sufficiency (This area is not applicable to children under 18.) An adult who receives disability benefits and who is unable to work more than 20 hours a week or is paid less than minimum wage without employment support.
- (3) Applicant must be diagnosed with intellectual disability as per R539-1-3 or related conditions.
- (a) Applicants who have a primary diagnosis of mental illness, hearing impairment and/or visual impairment, learning disability, behavior disorder, substance use disorder or personality disorder do not qualify for services under this rule.
- (4) The Applicant, parent of a minor child, or the Applicant's Guardian must be a resident of the State of Utah prior to the Division's final determination of eligibility.
- (5) The Applicant or Applicant's Representative shall be provided with information about all service options available through the Division as well as a copy of the Division's Guide to Services.
- (6) It is the Applicant's or Applicant's Representative's responsibility to ensure that the appropriate documentation is provided to the intake worker to determine eligibility.
- (7) The following documents are required to determine eligibility for non-waivered intellectual disability or related conditions services.
- (a) A Division Eligibility for Services Form 19 completed by the designated staff[within each region office]. For children under seven years of age, Eligibility for Services Form 19C, completed by

the designated staff within [each region]the Division office, will be accepted in lieu of the Eligibility for Services Form 19. The staff member will indicate on the Eligibility for Services Form 19C that the child is at risk for substantial functional limitation in three areas of major life activity due to intellectual disability or related conditions; that the limitations are likely to continue indefinitely; and what assessment provides the basis of this determination.

- (b) Inventory for Client and Agency Planning (ICAP) assessment shall be completed by the Division;
- (c) Social History completed by or for the Applicant within one year of the date of application;
- (d) Psychological Evaluation provided by the Applicant or, for children under seven years of age, a Developmental Assessment may be used as an alternative; and
- (e) Supporting documentation for all functional limitations identified on the Division Eligibility for Services Form 19 or Division Eligibility for Services Form 19C shall be gathered and filed in Applicant's record. Additional supporting documentation shall be required when eligibility is not clearly supported by the above-required documentation. Examples of supporting documentation include, but are not limited to, mental health assessments, educational records, neuropsychological evaluations, and medical health summaries.
- (8) If eligibility documentation is not completed within 90 calendar days of initial contact, a written notification letter shall be sent to Applicant or Applicant's Representative indicating that the intake case will be placed in inactive status.
- (a) The Applicant or Applicant's Representative may activate the application at anytime thereafter by providing the remaining required information.
- (b) The Applicant or Applicant's Representative shall be required to update information.
- (9) When all necessary eligibility documentation is received from the Applicant or Applicant's Representative, Region staff shall determine the Applicant eligible or ineligible for funding for non-waiver intellectual disability or related conditions services within 90 days of receiving the required documentation.
- (10) A Notice of Agency Action, Form 522-I, and a Hearing Request, Form 490S, shall be mailed to each Applicant or Applicant's Representative upon completion of the determination of eligibility or ineligibility for funding. The Notice of Agency Action, Form 522-I, shall inform the Applicant or Applicant's Representative of eligibility determination and placement on the waiting list. The Applicant or Applicant's Representative may challenge the Notice of Agency Action by filing a written request for an administrative hearing before the Department of Human Services, Office of Administrative Hearings.
- (11) People receiving services will have their eligibility redetermined on an annual basis. If people are determined to no longer be eligible for services, a transition plan will be developed to discontinue services and ensure health and safety needs are meet.
- (12) This rule does not apply to Applicants who meet the separate eligibility criteria for physical disability and brain injury outlined in Rule 539-1-6 and Rule 539-1-8 respectively.
- (13) Persons not participating in a Waiver or Persons participating in a Waiver but receiving non-Waiver services may have reductions in non-Waiver service packages or be discharged from non-Waiver services completely, due to budget shortfalls, reduced legislative allocations and/or reevaluations of eligibility.

R539-1-5. Medicaid Waiver for People with Intellectual Disability or Related Conditions.

- (1) Pursuant to R414-61-2, matching federal funds may be available through the Medicaid Home and Community-Based Waiver for People with Intellectual Disabilities or Related Conditions to provide an array of home and community-based services that an eligible individual needs.
- (a) A Notice of Agency Action, Form 522-F, and a Hearing Request, Form 490S, shall be mailed to each Applicant or Applicant's Representative upon completion to inform of the determination of eligibility or ineligibility for the Waiver. The Applicant or Applicant's Representative may challenge the Notice of Agency Action by filing a written request for an administrative hearing before the Department of Health.
- (2) Applicants who are found eligible for Waiver funding may choose to participate in the Medicaid Waiver. If the Applicant chooses not to participate in the Waiver, their funding will be equivalent to the State portion of the Waiver budget they would have received had they participated in the Waiver.

R539-1-6. Non-Waivered Services for People with Physical Disabilities.

- (1) The Division will serve those Applicants who meet the eligibility requirements for physical disabilities services. To be determined eligible for non-waivered Physical Disabilities Services, the Applicant must:
 - (a) Have the functional loss of two or more limbs;
 - (b) Be 18 years of age or older;
- (c) Have at least one personal attendant trained or willing to be trained and available to provide support services in a residence that is safe and can accommodate the personnel and equipment (if any) needed to adequately and safely care for the Person; and
- (d) Be medically stable, have a physical disability and require in accordance with the Person's physician's written documentation, at least 14 hours per week of personal assistance services in order to remain in the community and prevent unwanted institutionalization.
- (e) Have their physician document that the Person's qualifying disability and need for personal assistance services are attested to by a medically determinable physical impairment which the physician expects will last for a continuous period of not less than 12 months and which has resulted in the individual's functional loss of two or more limbs, to the extent that the assistance of another trained person is required in order to accomplish activities of daily living/instrumental activities of daily living;
- (f) Be capable, as certified by a physician, of selecting, training and supervising a personal attendant;
- $\mbox{\ensuremath{(g)}}$ Be capable of managing personal financial and legal affairs; and
 - (h) Be a resident of the State of Utah.
- (2) Applicants seeking non-Waiver funding for physical disabilities services from the Division shall apply directly to the Division's State Office, by submitting a completed Physical Disabilities Services Application Form 3-1 signed by a licensed physician.
- (3) If eligibility documentation is not completed within 90 calendar days of initial contact, a written notification letter shall be sent to the Applicant indicating that the intake case will be placed in inactive status.

- (a) The Applicant may activate the application at anytime thereafter by providing the remaining required information.
 - (b) The Applicant shall be required to update information.
- (4) When all necessary eligibility documentation is received from the Applicant and the Applicant is determined eligible, the Applicant will be assessed by a Nurse Coordinator, according to the Physical Disabilities Needs Assessment Form 3-2 and the Minimum Data Set-Home and Community-based (MDS-HC), and given a score prior to placing a Person into services. The Physical Disabilities Nurse Coordinator shall:
- (a) use the Physical Disabilities Needs Assessment Form 3-2 to evaluate each Person's level of need;
 - (b) determine and prioritize needs scores;
- (c) rank order the needs scores for every Person eligible for service, and
- (d) if funding is unavailable, enter the Person's name and score on the Physical Disabilities wait list.
- (5) The Physical Disabilities Nurse Coordinator assures that the needs assessment score and ranking remain current by updating the needs assessment score as necessary. A Person's ranking may change as needs assessments are completed for new Applicants found to be eligible for services.
- (6) A Notice of Agency Action, Form 522-I, and a Hearing Request, Form 490S, shall be mailed to each Applicant upon completion of the determination of eligibility or ineligibility for funding. The Notice of Agency Action, Form 522-I, shall inform the Applicant of eligibility determination and placement on the pending list. The Applicant may challenge the Notice of Agency Action by filing a written request for an administrative hearing before the Department of Human Services, Office of Administrative Hearings.
- (7) This does not apply to Applicants who meet the separate eligibility criteria for intellectual disability or related condition and brain injury outlined in Rule 539-1-4 and Rule 539-1-8 respectively.
- (8) Persons not participating in a waiver or Persons participating in a waiver but receiving non-waiver services may have reductions in service packages or be discharged from services completely, due to budget shortfalls, reduced legislative allocations and/or reevaluations of eligibility.

R539-1-7. Medicaid Waiver for People with Physical Disabilities.

- (1) Pursuant to R414-61-2, matching federal funds may be available through the Medicaid Home and Community-Based Waiver for People with Physical Disabilities to provide an array of home and community-based services that an eligible individual needs.
- (2) Applicants who are found eligible for the Home and Community-Based Waiver for People with Physical Disabilities funding but who choose not to participate in the Home and Community-Based Waiver for People with Physical Disabilities, will receive only the state paid portion of services.

R539-1-8. Non-Waiver Services for People with Brain Injury.

- (1) The Division will serve those Applicants who meet the eligibility requirements for brain injury services. To be determined eligible for non-waiver brain injury services the Applicant must:
- (a) have a documented acquired neurological brain injury (by a licensed physician) according to the International Classifications of Diseases, 9th Revision, (ICD 9 CM). The following codes listed below qualify for ABI services:

- 047.9--aseptic meningitis (unspecified viral meningitis)
- 290 294 Codes not accepted as stand alone diagnosis (needing additional diagnosis)
 - 290.4--vascular dementia
 - 290.10 Prehensile dementia, uncomplicated
 - 293.9--psychotic, post traumatic brain injury syndrome
 - 294.0--amnesia
- 294.9--unspecified persistent mental disorders due to conditions classified elsewhere
 - 294.9--with psychotic reaction
- 294.10-294.11--dementia without and with behavior disturbance Aggression, combative violent behaviors and wandering off
 - 310.0 310.9 nonpsychotic disorder, brain damage
 - 310.0--frontal lobe syndrome
- 310.1--mild memory loss or lack following organic brain damage
- 310.1--personality change due to conditions classified elsewhere
 - 310.2--post concussion syndrome
 - 310.2--post contusion syndrome, includes encephalopathy
 - 310.2--post contusion syndrome, includes TBI
 - 310.2--post contusion syndrome, includes TBI
 - 310.2--post traumatic brain injury
 - 310.2--post traumatic brain injury syndrome
- 310.8 310.9--other nonpsychotic mental disorder, following organic brain damage
- 310.8--other specified mental disorder following organic brain damage
- 310.8--other specified nonpsychotic mental disorders following organic brain damage
 - 310.9--organic brain syndrome
 - 310.9--Organic brain syndrome
 - 310.9--organic brain syndrome (chronic or acute)
- 310.9--unspecified nonpsychotic mental disorder following organic brain damage
 - 320.9--meningitis, bacterial
 - 322.0--meningitis, nonpyogenic
 - 322.2--meningitis, chronic
 - 322.9--meningitis
- 323.0 323.82--choose to pick cause of encephalitis, not 323.9
 - 324.0 324.9--Intracranial and intraspinal abscess
- 325 Phlebitis and thrombophlebitis of intracranial venous sinuses
- 326 Late effects of intracranial abscess or pyogenic infection
- 348.0--arachnoid cyst, brain; not as stand alone diagnosis (needs additional diagnosis)
 - 348.1--anoxic brain damage
 - 349.82 Toxic encephalopathy
 - 430--subarachnoid hemorrhage
 - 431--intracerebral hemorrhage
 - 432.0--hematoma, non-traumatic brain
 - 432.1--subdural hematoma
 - 432--other and unspecified intracranial hemorrhage
- 433 Occlusion and stenosis of precerebral arteries (only if 5th digit is 1)

434 Occlusion of cerebral arteries (only if 5th digit is 1)

436--brain or cerebral, acute seizure; need another diagnosis in combination

438 - 438.89 Late effects of cerebrovascular disease (excluding 438.9)

780.93--Memory loss amnesia -only in combination with an E Code - (excludes 310.1 Mild Memory Disturbance due to organic brain damage) need an E code secondary to cause

List codes from 800 - 804 then 5th digit list only those that are 2 - 9 exclude 0 to 1(excluding 802's)

800.0--closed skull fracture, vault (parietal, frontal, vertex)

 $800.1\,$ Fracture skull vault (frontal parietal) closed with laceration and contusion

800.1--closed skull fracture, vault with cerebral contusion

800.2 closed head injury with subarachnoid, subdural, and extradural hemorrhage

 $800.2\,$ Closed skull fracture, with subarachnoid, subdural, and extradural hemorrhage

800.2--closed skull fracture, vault with epidural, extradural hemorrhage

800.2--closed skull vault fracture with subdural hemorrhage

800.3--closed skull fracture, vault with intracranial hemorrhage

800.3--Closed skull fx with other and unspecified intracranial hemorrhage

800.4--closed skull fracture, vault with intracranial injury

800.4--closed skull fx with intracranial injury of other and unspecified nature

800.5 - $800.9\mbox{--}\mbox{Open}$ skull fracture, vault (parietal or frontal area)

800.6--open skull fx with cerebral laceration and contusion

 $800.7\mbox{--}\mbox{--}\mbox{open skull fx}$ with subarachnoid, subdural, and extra dural hemorrhage

800.7--open skull vault fracture with subdural hemorrhage

800.8--open skull fx other and unspecified intracranial hemorrhage

800.9--Open skull fx with intracranial injury of other and unspecified nature

 $800.9\mbox{--}\mbox{open}$ vault fracture with intracranial injury of other and unspecified nature

801.0 - 801.9 Fracture of base of skull

801.0--closed skull fracture, base

801.1--closed skull fracture, with cerebral hemorrhage

801.2--closed skull base fracture with subdural hemorrhage

801.2--closed skull fracture with epidural hemorrhage

801.3 - 801.4--closed skull fracture, base with intracranial hemorrhage

801.5 - 801.9--open skull fracture, base of skull

801.7--open skull base fracture with subdural hemorrhage

803.0 - 804.9--Other and unqualified skull fractures (includes single or multiple fx)

803.0--closed skull fracture with facial injuries

803.1--closed skull fracture with cerebral contusion

803.2--closed skull fracture with epidural, extradural hemorrhage

803.2--closed skull fracture, with subachnoid, subdural, and extradural hemorrhage

803.2--other and unqualified skull fractures, closed, subdural hemorrhage

803.3--closed skull fracture with intracranial hemorrhage

803.4--closed skull fracture with intracranial injury

803.5 - 803.9--open skull fracture, other and unqualified

 $803.7\mbox{--}\mbox{other}$ and unqualified skull fractures, open, subdural hemorrhage

804.2--multiple fractures skull and face, closed, subdural hemorrhage

804.5 - 804.9--Open skull fracture, multiple fractures skull and face

804.7--multiple fractures skull and face, open, subdural hemorrhage

List codes from 850-854 then 5th digit list only those that are 2 - 9 exclude 0 to 1

850.1 - 850.5--concussion with loss of conscious

851.0 - 851.9--cerebral laceration and contusion, open or closed, specifies site

851.0--cerebral contusion without mention open wound

851.2--cerebral laceration without mention of open wound

851.4 or 851-6--cerebral or brain stem contusion s mention open wnd

851.4--contusion brain stem

851.8--cerebral contusion (851.0 - 851.9--specify site, open, closed)

851.8--contusion brain

851.8--other and unspecified cerebral contusion

851.8--other unspecified cerebral s mention open wound

852.0, 852.2, 854.4 hemorrhage s mention open wound

852.0 - 852.5--Subarachnoid, subdural, and extradural hemorrhage following injury

852.0--subarachnoid hemorrhage

852.2 - 852.3--subdural hemorrhage, injury, without mention open, open

852.2--subdural hemorrhage following injury, s mention open wound

852.2--traumatic brain injury, subdural

852.3--subdural hemorrhage following injury, with open wound

852.4 - 852.5--extradural hemorrhage injury, without mention open

853.0 other intracranial hemorrhage after injury s mention open wound

853.0 - $853.1\mbox{--}\mbox{other}$ and unspecified intracranial hemorrhage following injury

853.0--hematoma, traumatic brain

854.0 - 854.1--Intracranial injury of other and unspecified nature

854.0--injury intracranial

854.0--intracranial hemorrhage due to injury

854.1--intracranial injury of other and unspecified nature s mention open <math display="inline">w

905.0 Late effects of fracture of skull and face bones (5th digit list only those that are 2 - 9 exclude 0 - 1)

906.0 Late effects of open wound of head, neck, and trunk (5th digit list only those that are 2 - 9 exclude 0 - 1)

907.0--late effect of intracranial injury (5th digit list only those that are 2 - 9 exclude 0 - 1);

(b) Be 18 years of age or older;

(c) score between $\overline{40}$ and 120 on the Comprehensive Brain Injury Assessment Form 4-1.

- (d) meet at least three of the functional limitations listed under number (4).
- (2) Applicants with functional limitations due solely to mental illness, substance use disorder or deteriorating diseases like Multiple Sclerosis, Muscular Dystrophy, Huntington's Chorea, Ataxia or Cancer are ineligible for non-waiver services.
- (3) Applicants with intellectual disability or related conditions are ineligible for these non-waiver services.
- (4) In addition to the definitions in Section 62A-5-101(3) and (5), eligibility for brain injury services will be evaluated according to the Applicant's functional limitations as described in the following definitions:
- (a) Memory or Cognition means the Applicant's brain injury resulted in substantial problems with recall of information, concentration, attention, planning, sequencing, executive level skills, or orientation to time and place.
- (b) Activities of Daily Life means the Applicant's brain injury resulted in substantial dependence on others to move, eat, bathe, toilet, shop, prepare meals, or pay bills.
- (c) Judgment and Self-protection means the Applicant's brain injury resulted in substantial limitation of the ability to:
 - (i) provide personal protection;
- (ii) provide necessities such as food, shelter, clothing, or mental or other health care;
 - (iii) obtain services necessary for health, safety, or welfare;
- (iv) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.
- (d) Control of Emotion means the Applicant's brain injury resulted in substantial limitation of the ability to regulate mood, anxiety, impulsivity, agitation, or socially appropriate conduct.
- (e) Communication means the Applicant's brain injury resulted in substantial limitation in language fluency, reading, writing, comprehension, or auditory processing.
- (f) Physical Health means the Applicant's brain injury resulted in substantial limitation of the normal processes and workings of the human body.
- (g) Employment means the Applicant's brain injury resulted in substantial limitation in obtaining and maintaining a gainful occupation without ongoing supports.
- (5) The Applicant shall be provided with information concerning service options available through the Division and a copy of the Division's Guide to Services.
- (6) The Applicant or the Applicant's Guardian must be physically present in Utah and provide evidence of residency prior to the determination of eligibility.
- (7) It is the Applicant's or Applicant's Representative's responsibility to provide the intake worker with documentation of brain injury, signed by a licensed physician;
- (8) The intake worker will complete or compile the following documents as needed to make an eligibility determination:
- (a) Comprehensive Brain Injury Assessment Form 4-1, Part I through Part VII; and
- (b) Brain Injury Social History Summary Form 824L, completed or updated within one year of eligibility determination;
- (9) If eligibility documentation is not completed within 90 calendar days of initial contact, a written notification letter shall be sent to the Applicant or the Applicant's Representative indicating that the intake case will be placed in inactive status.

- (a) The Applicant or Applicant's Representative may activate the application at anytime thereafter by providing the remaining required information.
- (b) The Applicant or Applicant's Representative shall be required to update information.
- (10) When all necessary eligibility documentation is received from the Applicant or Applicant's Representative, region staff shall determine the Applicant eligible or ineligible for funding for brain injury supports.
- (11) A Notice of Agency Action, Form 522-I, and a Hearing Request, Form 490S, shall be mailed to each Applicant or Applicant's Representative upon completion of the determination of eligibility or ineligibility for funding. The Notice of Agency Action, Form 522, shall inform the Applicant or Applicant's Representative of eligibility determination and placement on the waiting list. The Applicant or Applicant's Representative may challenge the Notice of Agency Action by filing a written request for an administrative hearing before the Department of Human Services, Office of Administrative Hearings.
- (12) Persons receiving Brain Injury services will have their eligibility re-determined on an annual basis. Persons who are determined to no longer be eligible for services will have a transition plan developed to discontinue services and ensure that health and safety needs are met.

R539-1-9. Medicaid Waiver for People with Acquired Brain Injury.

- (1) Pursuant to R414-61-2, matching federal funds may be available through the Medicaid Home and Community-Based Waiver for People with Acquired Brain Injury to provide an array of home and community-based services that an eligible individual needs.
- (2) Applicants who are found eligible for the Home and Community-Based Waiver for People with Brain Injury funding but who choose not to participate in the Home and Community-Based Waiver for People with Brain Injury, will receive only the state paid portion of services.
- (3) A Notice of Agency Action, Form 522-F, and a Hearing Request, Form 490S, shall be mailed to each Applicant or Applicant's Representative upon completion to inform of the determination of eligibility or ineligibility for the Waiver. The Applicant or Applicant's Representative may challenge the Notice of Agency Action by filing a written request for an administrative hearing before the Department of Health.

R539-1-10. Graduated Fee Schedule.

- (1) Pursuant to Utah Code 62A-5-105 the Division establishes a graduated fee schedule for use in assessing fees to individuals. The graduated fee schedule shall be applied to Persons who do not meet the Medicaid eligibility requirements listed in the Intellectual Disability or Related Conditions Waiver, the Traumatic Brain Injury Waiver or the Physical Disabilities Waiver. Family size and gross income shall be used to determine the fee. This rule does not apply to Persons who qualify for Medicaid waiver funding but who choose to have funding reduced to the state match per R539-1-5(2), R539-1-7(2), and R539-1-9(2) rather than participate in the Medicaid Waiver.
- (a) Persons who do not participate in a Medicaid Waiver who do not meet Waiver level of care must apply for a Medicaid Card within 30 days of receiving notice of this rule. Persons who do not

participate in a Medicaid Waiver who meet Waiver level of care must apply for determination of financial eligibility using Form 927 within 30 days of receiving notice of this rule. Persons who do not participate in a Medicaid Waiver shall provide the Support Coordinator or Nurse Coordinator with the financial determination letter within 10 days of the receipt of such documentation. Persons who do not participate in a Medicaid Waiver and who fail to comply with these requirements shall have funding reduced to the state match rate.

- (b) Persons who do not participate in a Medicaid Waiver due to financial eligibility, must be reduced to the state match rate.
- (c) Persons who only meet the general eligibility requirements, as per R539-1-4, R539-1-6, and R539-1-8, must report all cash assets (stocks, bonds, certified deposits, savings, checking and trust amounts), annual income and number of family members living together using Division Form 2-1G. Persons with Discretionary Trusts are exempt from the Graduated Fee Schedule as per Subsection 62A-5-110(6). The Form 2-1G shall be reviewed at the time of the annual planning meeting. The Person / family shall return Form 2-1G to the support coordinator prior to delivery of new services. Persons / families currently receiving services will have 60 days from receiving notice of this rule to return a completed and signed Form 2-1G to the Division. Persons / families who complete the Division Graduated Fee Assessment Form 2-1G shall be assessed a fee no more than 3% of their income. If the form is not received within 60 days of receiving notice of this rule, the Person will have funding reduced to the state match rate.
- (d) Cash assets, income and number of family members will be used to calculate available income (using the formula: (assets + income) / by the total number of family members = available income). Available income will be used to determine the fee percent (0 percent to 3 percent). The annual fee amount will be calculated by multiplying available income by the fee percent. Persons who do not participate in a Medicaid Waiver, who only meet general eligibility requirements, and have available incomes below 300 percent of the poverty level will not be assessed a fee. Persons with available incomes between 300 and 399 percent of poverty will be assessed a 1 percent fee, Persons with available incomes between 400 and 499 percent of poverty will be assessed a 2 percent fee and those with available income over 500 percent of poverty will be assessed a 3 percent fee.
- (e) No fee shall be assessed for a Person who does not participate in a Medicaid Waiver and who receives funding for less than 31 percent of their assessed need. A multiplier shall be applied to the fee of Persons who do not participate in a Medicaid Waiver and who receive 31 to 100% percent of their assessed need.
- (f) If a Person's annual allocation is at the state match rate, they will not be assessed a fee.
- (g) Only one fee will be assessed per family, regardless of the number of children in the family receiving services. Persons who do not participate in a Medicaid Waiver under the age of 18 shall be assessed a fee based upon parent income. Persons who do not participate in a Medicaid Waiver over the age of 18 shall be assessed a fee based upon individual income and assets.
- (h) If the Person is assessed a fee, the Person shall pay the Division of Services for People with Disabilities or designee 1/12th of the annual fee by the end of each month, beginning the following month after the notice of this rule was sent to the Person.
- (i) If the Person fails to pay the fee for six months, the Division may reduce the Person's next year annual allocation to recover the amount due. If a Person can show good cause why the fee

cannot be paid, the Division Director may grant exceptions on a caseby-case basis.

R539-1-11. Social Security Numbers.

(1) The Division requires persons applying for services to provide a valid Social Security Number. The Division adopts the same standard as Utah Administrative Code, Rule R414-302-5 and 42 CFR 435.910, 1997 ed., which is incorporated by reference.

KEY: human services, disabilities, social security numbers
Date of Enactment or Last Substantive Amendment: [April 1, 2008) 2013

Notice of Continuation: November 5, 2012

Authorizing, and Implemented or Interpreted Law: 62A-5-103; 62A-5-105

Human Services, Services for People with Disabilities **R539-2**

Service Coordination

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37111
FILED: 12/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division no longer uses regional administration.

SUMMARY OF THE RULE OR CHANGE: References to "Region" and regional administration have been removed or substituted. As these changes may reflect a change in authority the rule has been submitted as an amendment rather than a nonsubstantive change.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-5-103 and Section 62A-5-105

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The amendment is a language change reflecting existing policy. No cost or savings are anticipated for the state budget.
- ♦ LOCAL GOVERNMENTS: The amendment is a language change reflecting existing policy. No cost or savings are anticipated for local governments.
- ♦ SMALL BUSINESSES: The amendment is a language change reflecting existing policy. No cost or savings are anticipated for small businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The amendment is a language change reflecting existing policy. No cost or savings are anticipated for any other entity or organization.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendment is a language change reflecting existing policy. No compliance costs are anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no costs or savings associated with this rule.

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

HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
195 N 1950 W 3RD FLR
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjones@utah.gov ◆ Nathan Wolfley by phone at 801-538-4154, by FAX at 801-538-4279, or by Internet E-mail at nwolfley@utah.gov
- INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: Paul Smith, Director

R539. Human Services, Services for People with Disabilities. R539-2. Service Coordination. R539-2-1. Purpose.

(1) The purpose of this rule is to provide standards for the Division service system, including planning, developing and managing an array of services for Persons with disabilities and their families throughout the state as required by Subsection 62A-5-103(2)(a).

R539-2-2. Authority.

(1) This rule establishes standards as required by Subsection 62A-5-103(2)(b).

R539-2-3. Definitions.

- (1) Terms used in this rule are defined in Section 62A-5-101 and R539-1-3.
 - (2) In addition:
- (a) "Quality Assurance" means the Family, Provider, and Division management's role to assure accountability in areas of fiscal operations, health, safety, and contract compliance.
- (b) "Quality Improvement" means the Provider's role to evaluate and improve the internal delivery of services.
- (c) "Quality Enhancement" means the Division and the Team members' role in supporting a Person to experience personal life satisfaction in accordance with the Person's preferences.

R539-2-4. Waiting List.

(1) Pursuant to Subsection 62A-5-102(3), the Division shall determine a Person's eligibility for service, followed by a

determination of that Person's priority relative to others who are also eligible. The Division shall use a standardized Needs Assessment to score and prioritize the Person's level of need. Persons with the highest scores shall receive support first. The Support Coordinator shall assess with the Person the array of services that may be needed. If funding is not immediately available, the Person shall be placed on a waiting list for support. Persons who have been determined eligible for the Division's Medicaid Waivers can choose to wait for Division Support services or seek services available through Medicaid in an approved facility.

- (2) If the Person requires, and could use, support services on the day of intake, the Person has an immediate need; otherwise, the Person has a future need.
- (3) A Needs Assessment Form shall be completed for all Persons with an immediate need for support services. The Needs Assessment calculates the score of each Person by using the following criteria:
 - (a) severity of the disabling condition;
 - (b) needs of the Person and/or family;
 - (c) urgency of need
 - (d) appropriate alternatives available; and
- (e) other factors determined by the Division to reflect accurately on the Person's need:
 - (i) household composition and size;
 - (ii) parental/caregiver ability;
 - (iii) finances and insurances;
 - (iv) unmet medical needs;
 - (v) problem behaviors;
 - (vi) protective service issues;
 - (vii) resources/supports needed;
 - (viii) time on immediate or future need waiting list.
- (4) The Division determines the Person's score, rank orders the scores, and enters the Person's name and score on the statewide waiting list.
- (5) A Person's ranking may change if the Person's needs change or as Needs Assessments are completed for new Applicants.
- (6) No age limitations apply to a Person placed on the waiting list for community living support or family support.
- (7) To preserve the Medicaid Waiver and state-wide service infrastructure, exceptions may be made to the person's ranking on the waiting list when authorized by the Division Director and the Department of Health.

R539-2-5. Person-Centered Process.

- (1) The Division supports Person-Centered Planning, which includes assessing, planning, implementing, and evaluating. This process shall have an individualized focus and incorporate the principles of Person-Centered Planning, self-determination, informed choice, and equity. Input from the Person and the Person's Team should guide and direct this process.
- (a) The Person's Team shall work with the Person to identify goals.
- (i) The Person receiving supports determines the membership of the Team, which shall include the Support Coordinator.
- (ii) The Team meets at least annually within the month in which the previous meeting occurred, or more often as the Person or other members of the Team determine necessary.
- (b) The Person, Provider, and Family shall assess, plan, implement, and evaluate goals and supports for which they are

responsible, as agreed upon and listed on Division Form 1-16 in the planning meeting.

- (c) The Team shall decide the level of detail required to describe the actions involved in the assessing, planning, implementing, and evaluating needs for the supports based on the experience and expertise of the staff providing the Person's supports. The use of the philosophical Person-Centered Planning approach shall be demonstrated and documented in the Person's file.
- (d) Any interested party who believes that Person-Centered Planning is not being implemented as outlined or receives a request from the Person, should contact the Support Coordinator immediately to resolve the issue informally, and, if necessary, through the administrative hearing process outlined in R539-3-8 Notice of Agency Action and Administrative Hearings.

R539-2-6. Entry Into and Movement Within Service System.

- (1) The Division shall assure that an appropriate choice of supports and Providers exist for Persons entering or moving within the support system in accordance with Subsections 62A-5-103(1) and 62A-5-103(2). The Division shall coordinate, approve, and oversee all out-of-home placements.
 - (2) Entry into Division-funded supports:
- (a) Once a Person's application for waiver services is processed by the Division, the Person is referred to the local financial eligibility office.
- (b) Prior to the provision of community living supports, a Person may be required to complete a medical examination and, if under the age of 18, provide a current immunization record.
- (c) Admission to Division programs from a nursing facility will be coordinated by the Division with the Person, the nursing facility social worker, the Support Coordinator, and the prospective Provider.
- (d) The Division shall provide Persons with a choice of Providers by:
- (i) sending Providers notice and invitation to submit offers to provide services via use of Division Form 1-6; and
- (ii) assisting the Person to make an informed choice of Provider.
- (e) Interested Providers may schedule and coordinate a service entry meeting that involves the Person, the Representative, Support Coordinator, and invited guests, (e.g., Developmental Center staff, school representative, and Division staff). The meeting should be held at the prospective site of placement whenever possible.
- (f) The Provider shall submit an acceptance or denial letter within ten business days of the service entry meeting to the Support Coordinator and the Person. An acceptance letter shall include a written description of the following:
 - (i) services to be provided;
 - (ii) location of the service;
- (iii) name and address of the primary care physician, or other medical specialists, including, for example, neurologist or dentist, if applicable;
- (iv) a training and in-service schedule for the staff to meet with the Person;
 - (v) proposed date services will begin; and
 - (vi) agreed upon rate and level of support.
- (g) The physical move of the Person shall be the responsibility of the Provider who is accepting the Person.

- (h) The Division shall send the Person's information to the Provider five business days prior to the move.
- (3) Any Team Member may initiate a request to change Provider or Developmental Center residence by asking the Support Coordinator to arrange a meeting.
- (4) If a Person requests a change of Provider, the Support Coordinator shall arrange a discharge meeting that provides a tenbusiness-day written notice to the Person, present Provider, and Support Coordinator.
- (a) The present Provider may request the opportunity to make changes in the existing relationship to address the concerns that initiated the discharge meeting.
- (b) The [Region-]Director shall make the final decision concerning the discharge if the parties cannot come to agreement.
- (5) A Provider initiated request for discharge of a Person shall require 90 calendar days prior notification to the Person and the Division.
 - (6) Emergency Services Management Committee (ESMC):
- (a) An Emergency Services Management Committee chairperson shall be appointed by the Division Director. Membership shall include:
 - (i) Division Specialists;
- (ii) a representative from [each Region]the Division who is skilled in crisis intervention and knowledgeable of local resources;
 - (iii) a representative from the Developmental Center; and
 - (iv) others as appointed by the Division Director.
- (b) The Emergency Services Management Committee shall ensure that Persons are placed in the least restrictive most appropriate living situation as per Sections 62A-5-302 through 62A-5-312 and Subsection 62A-5-402(2)(a). Exceptions to the statute requiring children under age 11 to live only in family-like environments, as per Section 62A-5-403, require Emergency Services Management Committee review and recommendation to the Division Director for final written approval.

R539-2-7. Quality Management Procedures.

- (1) The Division will oversee the three distinct functional roles of quality management, which are Quality Assurance, Quality Improvement, and Quality Enhancement.
- (a) Necessary quality assurances are specified by contract with the Division. The Division may work with other offices and bureaus of the Department of Human Services and the Department of Health to assure quality.
- (b) Providers are responsible to develop and implement an internal quality management system, which shall:
 - (i) Evaluate the Provider's programs; and
 - (ii) Establish a system of self-correcting feedback.
- (c) The implementation of the Person's Action Plan shall be designed to enhance the Person's life. The Person and Person's Team shall:
 - (i) Identify and document the Person's preferences;
 - (ii) Plan how to support the Person's life satisfaction; and
- (iii) Implement the plan with supports from the Division, such as:
- (A) Technical Assistance, which involves training, mentoring, consultation, and referral through Division staff.
- (B) Quality Enhancement Resource Brokerage, which involves identification and compilation of community resources,

including other consumers and families, and referral to and prior approval of payment for these supports.

- (C) Consumer empowerment, which involves rights education, leadership training.
- (D) Team and System Process Enhancement, which involves facilitation and negotiation training, community education, and consumer satisfaction surveys.
- (2) The Division shall evaluate the Person's satisfaction and statistical statewide system indicators of life enhancement.
- (3) Division staff shall promote enhancement of the Person's life; support improvement efforts undertaken by Providers, Persons, and families; and assure accountability.

R539-2-8. Request for New Support Coordinator.

(1) A Person may request a new Support Coordinator by submitting a written request to the [Region]Division Office Supervisor.

KEY: services, people with disabilities

Date of Enactment or Last Substantive Amendment: [December 1, 2010] 2013

Notice of Continuation: August 17, 2009

Authorizing, and Implemented or Interpreted Law: 62A-5-102; 62A-5-103

Natural Resources, Wildlife Resources **R657-37**

Cooperative Wildlife Management Units for Big Game or Turkey

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37097
FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted for taking public input and reviewing the Cooperative Wildlife Management Unit (CWMU) program for big game.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment to this rule will establish the guideline for when September 1 falls on a Sunday to have the hunt start date default to the Saturday before. As established in Subsection 23-14-18(3) "The Wildlife Board may allow a season on protected wildlife to commence on any day of the week except Sunday".

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-23-3

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The amendments to this rule are for the purpose of clarification for both the CWMU operators and the Division of Wildlife Resources (DWR) as to which day a season will begin on when September 1 falls on a Sunday. DWR determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.
- ♦ LOCAL GOVERNMENTS: None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.
- ♦ SMALL BUSINESSES: The amendments to this rule are for the purpose of clarification for both the CWMU operators and DWR as to when a hunt season will start when September 1 falls on a Sunday. DWR determines that these amendments do not create a cost or savings impact to small businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The amendments to this rule are for the purpose of clarification for both the CWMU operators and the DWR as to when a hunt season will start when September 1 falls on a Sunday. The DWR determines that these amendments do not create a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule are for the purpose of determining when a hunt season will start when September 1 falls on a Sunday. DWR determines that there are no additional compliance costs associated with these amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule are for the purpose of clarification for both the CWMU operators and DWR. DWR determines that there is no compliance costs associated with this amendment.

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: Cindee Jensen, Deputy Director

R657. Natural Resources, Wildlife Resources.

R657-37. Cooperative Wildlife Management Units for Big Game or Turkey.

R657-37-1. Purpose and Authority.

- (1) Under authority of Section 23-23-3, this rule provides the standards and procedures applicable to Cooperative Wildlife Management units organized for the hunting of big game or turkey.
- (2) Cooperative Wildlife Management units are established to:
 - (a) increase wildlife resources;
 - (b) provide income to landowners;
- (c) provide the general public access to private and public lands for hunting big game or turkey within a Cooperative Wildlife Management Unit;
 - (d) create satisfying hunting opportunities; and
- (e) provide adequate protection to landowners who open their lands for hunting;
- (f) provide landowners an incentive to manage lands to protect and sustain wildlife habitat and benefit wildlife.

R657-37-12. Season Lengths.

- (1) A landowner association member or landowner association operator may arrange for permittees to hunt on the CWMU during the following dates:
- (a) an archery buck deer season may be established beginning with the opening of the general archery deer season through August 31 and during the sixty-one consecutive day buck deer season:
- (b) an archery bull elk season may be established beginning with the opening of the general archery elk season through October 31 and during a bull elk season variance;
- (c) general season bull elk, pronghorn, and moose seasons may be established September 1 through October 31, or the closing date of the general season for the respective species, whichever is later;
- (d)(i) general buck deer seasons may be established for no longer than sixty-one consecutive days from September 1 through November 10;
- (ii) a landowner association member or landowner association operator electing to establish buck deer hunting in November must:
 - (A) meet the CWMU management plan objectives;
- (B) not exceed average hunter density exhibited on the surrounding deer wildlife management units;
 - (C) provide positive hunter satisfaction; and
- (D) maintain a harvest success rate at least equal to the surrounding deer wildlife management units;
- (E) designate the CWMU's sixty-one consecutive day season in the application, or if the sixty-one day consecutive season is not designated the season shall begin September 1;
- (F) allow all public hunters the option to hunt in November;
- (e) muzzleloader bull elk seasons may be established September 1 through the end of the general muzzleloader elk season and during a bull elk season variance;

- (f) antlerless elk seasons may be established August 15 through January 31;
- (g) antlerless deer seasons may be established August 15 through December 31; and
- (h) turkey seasons may be established the second Saturday in April through May 31.
- (2) The Wildlife Board may authorize bull elk hunting season variances only if the CWMU landowner association member or landowner association operator clearly demonstrates that November hunting is necessary on the CWMU.
- (3) Notwithstanding the season length provisions in this section, any season described in Subsection (1) that begins on a Sunday will default to and commence the Saturday before.

KEY: wildlife, cooperative wildlife management unit Date of Enactment or Last Substantive Amendment: [February 8, 2010]2013

Notice of Continuation: May 8, 2008

Authorizing, and implemented or Interpreted Law: 23-23-3

Regents (Board of), University of Utah, Commuter Services

R810-1-8

University Vehicle Parking

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37096
FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: It was determined by Commuter Services Administration that university vehicles that are not used for maintenance purposes should not park in maintenance stalls, preventing maintenance access.

SUMMARY OF THE RULE OR CHANGE: Change in the definitions of university maintenance vehicles, and the areas where they are authorized to park.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-3-103 and Section 53B-3-107

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: No effect foreseen as parking facilities for university vehicles other than vans, trucks, and SUV's are available elsewhere on campus.
- ♦ LOCAL GOVERNMENTS: No effect foreseen as the scope of the rule amendments is limited to university-owned vehicles.
- ♦ SMALL BUSINESSES: No effect foreseen as the scope of the rule amendments is limited to university-owned vehicles.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No effect foreseen as the scope of the rule amendments is limited to university-owned vehicles.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No effect foreseen as the scope of the rule amendments is limited to university-owned vehicles.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No effect foreseen. Any fiscal impact on business will be linked to the ability to complete maintenance in a timely manner because the trucks, vans, and SUV's can access the locations faster.

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

REGENTS (BOARD OF)
UNIVERSITY OF UTAH,
COMMUTER SERVICES
ROOM 101
1910 E SOUTH CAMPUS DR
SALT LAKE CITY, UT 84112-9350
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Solomon Brumbaugh by phone at 801-587-9394, by FAX at 801-587-9667, or by Internet E-mail at solomon.brumbaugh@utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/14/2013

AUTHORIZED BY: Alma Allred, Director

R810. Regents (Board of), University of Utah, Commuter Services.

R810-1. University of Utah Parking Regulations. R810-1-8. University Vehicle Parking.

University owned [vehicles]vans, trucks, and SUV's are to be parked in maintenance stalls when available or other non-metered stalls when necessary and shall not violate "No Parking," "Tow Away," or "Disabled" zones. Drivers of improperly parked University vehicles will be responsible for tickets received. Any other university vehicle not defined as a van, truck, or SUV may not park in maintenance stalls. Parking meters and designated "A" areas are allowed only if payment is made, or proper permit is displayed. No university vehicle may park in designated "Load Zone" metered stalls.

KEY: parking facilities

Date of Enactment or Last Substantive Amendment: [March 6, 2008|2013

Notice of Continuation: October 15, 2012

Authorizing, and Implemented or Interpreted Law: 53B-3-103;

53B-3-107

Regents (Board of), University of Utah, Commuter Services R810-1-14

Living In A Motor Vehicle On Campus

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37098
FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Authorization for visitors to use designed RV parking stalls with appropriate permit.

SUMMARY OF THE RULE OR CHANGE: Removes informational text and allows for authorized parking of RV's on campus by permit only.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-3-103 and Section 53B-3-107

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: No effect foreseen--The location for RV parking is already in place, and the permits are in use. Potential revenue if RV's or other vehicles are parked in the location without a permit.
- ♦ LOCAL GOVERNMENTS: No effect foreseen--The location for RV parking is already in place, and the permits are in use. Potential revenue if RV's or other vehicles are parked in the location without a permit.
- ♦ SMALL BUSINESSES: No effect foreseen--The location for RV parking is already in place, and the permits are in use. Potential revenue if RV's or other vehicles are parked in the location without a permit.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No effect foreseen--The location for RV parking is already in place, and the permits are in use. Potential revenue if RV's or other vehicles are parked in the location without a permit.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No effect foreseen--The location for RV parking is already in place, and the permits are in use. Potential revenue if RV's or other vehicles are parked in the location without a permit.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No effect foreseen, as the RV locations have been available for more than 20 years, and the permits have been adopted by the user group.

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

REGENTS (BOARD OF)
UNIVERSITY OF UTAH,
COMMUTER SERVICES
ROOM 101
1910 E SOUTH CAMPUS DR
SALT LAKE CITY, UT 84112-9350
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Solomon Brumbaugh by phone at 801-587-9394, by FAX at 801-587-9667, or by Internet E-mail at solomon.brumbaugh@utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/14/2013

AUTHORIZED BY: Alma Allred, Director

R810. Regents (Board of), University of Utah, Commuter Services.

R810-1. University of Utah Parking Regulations. R810-1-14. Living In A Motor Vehicle On Campus.

[In accordance with state health law, e]Campers, trailers, and motor homes cannot be used for sleeping or living purposes [while parked] on campus [except in stalls]unless parked in areas designated by Commuter Services as RV parking[which provide for utilities and sanitary facilities]. Campers, trailers, and motor homes without assigned permit will be ticketed.

KEY: parking facilities

Date of Enactment or Last Substantive Amendment: [March 6, 2008|2013

Notice of Continuation: October 15, 2012

Authorizing, and Implemented or Interpreted Law: 53B-3-103;

53B-3-107

Regents (Board of), University of Utah, Commuter Services R810-2-1

Parking Meters

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37092
FILED: 12/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: It was determined by Commuter Services

Administration that university vehicles were occupying "load zone" meters for extended durations preventing their use for loading and unloading.

SUMMARY OF THE RULE OR CHANGE: Change in the language to reflect that university vehicles are not allowed to park in "load zone" meters.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-3-103 and Section 53B-3-107

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: No effect foreseen--University vehicles have alternative parking locations available.
- ♦ LOCAL GOVERNMENTS: No effect foreseen--The scope of the rule amendment is limited to university-owned vehicles.
- ♦ SMALL BUSINESSES: No effect foreseen--The scope of the rule amendment is limited to university-owned vehicles.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No effect foreseen--The scope of the rule amendment is limited to university-owned vehicles.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None-The scope of the rule amendment is limited to university-owned vehicles.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No major fiscal impacts foreseen by the department head. University vehicles have ample alternative locations to park that do not inhibit loading and unloading areas.

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

REGENTS (BOARD OF)
UNIVERSITY OF UTAH,
COMMUTER SERVICES
ROOM 101
1910 E SOUTH CAMPUS DR
SALT LAKE CITY, UT 84112-9350
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Solomon Brumbaugh by phone at 801-587-9394, by FAX at 801-587-9667, or by Internet E-mail at solomon.brumbaugh@utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/14/2013

AUTHORIZED BY: Alma Allred, Director

R810. Regents (Board of), University of Utah, Commuter Services.

R810-2. Parking Meters.

R810-2-1. Parking Meters.

Payment for the use of meters is required whether or not the vehicle displays a current University permit.

Parking at a broken meter is restricted to the time shown on the meter. Parking in a metered space for a continuous period longer than that designated on the meter or at an expired meter is prohibited. Enforcement hours for University parking meters are 8 a.m. to 6 p.m. Monday through Friday, or from 9:00 a.m. to 10:00 p.m. Monday through Friday where posted. <u>University vehicles are not authorized to park at load zone meters</u>.

KEY: parking facilities

Date of Enactment or Last Substantive Amendment: [March 6, 2008|2013

Notice of Continuation: February 17, 2012

Authorizing, and Implemented or Interpreted Law: 53B-3-103;

53B-3-107

Tax Commission, Administration **R861-1A-26**

Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63G-4-204 through 63G-4-209

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37104
FILED: 12/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment deletes misleading language that has never been enforced.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment deletes language stating that a request for documents by email constitutes a waiver of confidentiality. This language was incorrect and has never been enforced. Deleting the language continues the current practice.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-1-501 and Section 63G-4-204 and Section 63G-4-205 and Section 63G-4-206 and Section 63G-4-207 and Section 63G-4-208 and Section 63G-4-209

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: None--The amendment deletes language that has never been enforced.
- ♦ LOCAL GOVERNMENTS: None--The amendment deletes language that has never been enforced.

- ♦ SMALL BUSINESSES: None--The amendment deletes language that has never been enforced.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--The amendment deletes language that has never been enforced.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment continues the current practice and is consistent with statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This deletion creates no fiscal impact.

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

TAX COMMISSION
ADMINISTRATION
210 N 1950 W
SALT LAKE CITY, UT 84134-0002
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: Michael Cragun, Tax Commissioner

R861. Tax Commission, Administration.

R861-1A. Administrative Procedures.

R861-1A-26. Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63G-4-204 through 63G-4-209.

- (1) A scheduling or status conference may be held.
- (a) At the conference, the parties and the presiding officer
- (i) establish deadlines and procedures for discovery;
- (ii) discuss scheduling:

may:

- (iii) clarify other issues;
- (iv) determine whether to refer the action to a mediation process; and
 - (v) determine whether the initial hearing will be waived.
- (b) The scheduling or status conference may be converted to an initial hearing upon agreement of the parties.
- (2) Notice of Hearing. At least ten days prior to a hearing date, the commission shall notify the petitioning party or the petitioning party's representative by mail, e-mail, or facsimile of the date, time and place of any hearing or proceeding.
- (3) Proceedings Conducted by Telephone. Any proceeding may be held with one or more of the parties on the telephone if the presiding officer determines that it will be more

convenient or expeditious for one or more of the parties and does not unfairly prejudice the rights of any party. Each party to the proceeding is responsible for notifying the presiding officer of the telephone number where contact can be made for purposes of conducting the hearing.

- (4) Representation.
- (a) A party may pursue an appeal before the commission without assistance of legal counsel or other representation. However, a party may be represented by legal counsel or other representation at every stage of adjudication. Failure to obtain legal representation shall not be grounds for complaint at a later stage in the adjudicative proceeding or for relief on appeal from an order of the commission.
- (i) An attorney licensed in a jurisdiction outside Utah may represent a taxpayer before the commission without being admitted pro hac vice in Utah.
- (ii) For appeals concerning Utah corporate franchise and income taxes or Utah individual income taxes, legal counsel must file a power of attorney or the taxpayer must submit a signed petition for redetermination (Tax Commission form TC-738) on which the taxpayer has authorized legal counsel to represent him or her in the appeal. For all other appeals, legal counsel may, as an alternative, submit an entry of appearance.
- (iii) Any representative other than legal counsel must submit a signed power of attorney authorizing the representative to act on the party's behalf and binding the party by the representative's action, unless the taxpayer submits a signed petition for redetermination (Tax Commission form TC-738) on which the taxpayer has authorized the representative to represent him or her in the appeal.
- (iv) If a party is represented by legal counsel or other representation, all documents will be directed to the party's representative. Documents will be mailed to the representative's street or other address as shown in documents submitted by the representative. Documents may also be transmitted by facsimile number, e-mail address or other electronic means. [—A request by a party that documents be transmitted by e-mail shall constitute a waiver of confidentiality of any confidential information disclosed in that e-mail.]
- (b) Any division of the commission named as party to the proceeding may be represented by the Attorney General's Office upon an attorney of that office submitting an entry of appearance.
 - (5) Subpoena Power.
- (a) Issuance. Subpoenas may be issued to secure the attendance of witnesses or the production of evidence.
- (i) If all parties are represented by counsel, an attorney admitted to practice law in Utah may issue and sign the subpoena.
- (ii) In all other cases, the party requesting the subpoena must prepare it and submit it to the presiding officer for review and, if appropriate, signature. The presiding officer may inform a party of its rights under the Utah Rules of Civil Procedure.
- (b) Service. Service of the subpoena shall be made by the party requesting it in a manner consistent with the Utah Rules of Civil Procedure.
 - (6) Motions.
- (a) Consolidation. The presiding officer has discretion to consolidate cases when the same tax assessment, series of assessments, or issues are involved in each, or where the fact situations and the legal questions presented are virtually identical.

- (b) Continuance. A continuance may be granted at the discretion of the presiding officer.
 - (i) In the absence of a scheduling order:
- (A) Each party to an appeal may receive one continuance, upon request, prior to the initial hearing.
- (B) If the initial hearing is waived or a formal hearing is timely requested after an initial hearing decision is issued, each party may receive one continuance, upon request, prior to the formal hearing.
- (C) A request must be submitted no later than ten days prior to the proceeding for which the continuance is requested and may be denied if a party is prejudiced by the continuance.
- (ii) If a scheduling order has been issued or the requesting party has already been granted a continuance, a continuance request must be submitted in writing to the presiding officer. The request must set forth specific reasons for the continuance. After reviewing the request with one or more commissioners, the presiding officer shall grant the request only if the presiding officer determines that adequate cause has been shown and that no other party or parties will be unduly prejudiced.
- (c) Default. The presiding officer may enter an order of default against a party in accordance with Section 63G-4-209.
- (i) The default order shall include a statement of the grounds for default and shall be delivered to all parties.
- (ii) A defaulted party may seek to have the default set aside according to procedures set forth in the Utah Rules of Civil Procedure
- (d) Ruling on Motions. Motions may be made during the hearing or by written motion.
- (i) Each motion shall include the grounds upon which it is based and the relief or order sought. Copies of written motions shall be served upon all other parties to the proceeding.
- (ii) Upon the filing of any motion, the presiding officer may:
 - (A) grant or deny the motion; or
- (B) set the matter for briefing, hearing, or further proceedings.
- (iii) If a hearing on a motion is held that may dispose of all or a portion of the appeal or any claim or defense in the appeal, the commission shall make a record of the proceeding, which may include a written record or an audio recording of the proceeding.
- (e) Requests to Withdraw Locally-Assessed Property Tax Appeals.
- (i) A party who appeals a county board of equalization decision to the commission may unilaterally withdraw its appeal if:
- (A) it submits a written request to withdraw the appeal 20 or more days prior to:
 - (I) the initial hearing; or
- (II) the formal hearing, if the parties waived the initial hearing or participated in a mediation conference in lieu of the initial hearing; and
- (B) no other party has filed a timely appeal of the county board of equalization decision.
- (ii) A party who appeals an initial hearing decision issued by the commission may unilaterally withdraw its appeal if:
- (A) it submits a written request to withdraw 20 or more days prior to the formal hearing, regardless of whether the party who appealed the initial hearing order is also the party who appealed the county board of equalization decision; and

(B) no other party has filed a timely appeal of the initial hearing decision.

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements

Date of Enactment or Last Substantive Amendment: [October 25, 2012]2013

Notice of Continuation: January 3, 2012

Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

Tax Commission, Administration R861-1A-37

Provisions Relating to Disclosure of Commercial Information Pursuant to Utah Code Ann. Section 59-1-404

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37106
FILED: 12/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment clarifies how property tax commercial information may be disclosed.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment clarifies potentially misleading language in the current rule. The amendment provides that property tax commercial information disclosed in one proceeding may be used in a different proceeding subject to statutory constraints.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-1-404

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: None--Property tax revenues are local revenues.
- ♦ LOCAL GOVERNMENTS: None--The proposed amendment clarifies the current practice and is consistent with statute.
- ♦ SMALL BUSINESSES: None--The proposed amendment clarifies the current practice and is consistent with statute.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--The proposed amendment clarifies the current practice and is consistent with statute.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment clarifies the current practice and is consistent with statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This clarification creates no fiscal impact.

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

TAX COMMISSION
ADMINISTRATION
210 N 1950 W
SALT LAKE CITY, UT 84134-0002
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: Michael Cragun, Tax Commissioner

R861. Tax Commission, Administration.

R861-1A. Administrative Procedures.

R861-1A-37. Provisions Relating to Disclosure of Commercial Information Pursuant to Utah Code Ann. Section 59-1-404.

- (1) The provisions of this rule apply to the disclosure of commercial information under Section 59-1-404. For disclosure of information other than commercial information, see rule R861-1A-12.
- (2) For purposes of Section 59-1-404, "assessed value of the property" includes any value proposed for a property.
- (3) For purposes of Subsection 59-1-404(2), "disclosure" does not include the issuance by the commission of a decision, order, or private letter ruling containing commercial information to a:
 - (a) named party of a decision or order;
 - (b) party requesting a private letter ruling; or
- (c) designated representative of a party described in Subsection (3)(a) or (3)(b).
- (4) For purposes of Subsection 59-1-404(6), "published decision" does not include the issuance by the commission of a decision, order, or private letter ruling containing commercial information to a:
 - (a) named party of a decision or order;
 - (b) party requesting a private letter ruling; or

- (c) designated representative of a party described in Subsection (4)(a) or (4)(b).
- (5) Information that may be disclosed under [Section]Subsection 59-1-404(3) includes:
- (a) the following information related to the property's tax exempt status:
- (i) information provided on the application for property tax exempt status;
- (ii) information used in the determination of whether a property tax exemption should be granted or revoked; and
- (iii) any other information related to a property's property tax exemption;
- (b) the following information related to penalty or interest relating to property taxes that the commission or county legislative body determines should be abated:
 - (i) the amount of penalty or interest that is abated;
- (ii) information provided on an application or request for abatement of penalty or interest;
- (iii) information used in the determination of the abatement of penalty or interest; and
- (iv) any other information related to the amount of penalty or interest that is abated; and
- (c) the following information related to the amount of property tax due on property:
- (i) the amount of taxes refunded or deducted as an erroneous or illegal assessment under Section 59-2-1321;
- (ii) information provided on an application or request that property has been erroneously or illegally assessed under Section 59-2-1321; and
- (iii) any other information related to the amount of taxes refunded or deducted under <u>Subsection</u> (5)(c)(i).
- (6)(a) Except as provided in <u>statute and Subsection (6)</u> (b), commercial information disclosed during an action or proceeding may not be disclosed outside [the]an action or proceeding by any person conducting or participating in [the]any action or proceeding.
- (b) Notwithstanding <u>Subsection</u> (6)(a), commercial information contained in a decision issued by the commission may be disclosed outside the action or proceeding if all of the parties named in the decision agree in writing to the disclosure.
- (7) The commission may disclose commercial information in a published decision as follows.
- (a) If the property taxpayer that provided the commercial information does not respond in writing to the commission within 30 days of the decision's issuance, requesting that the commercial information not be published and identifying the specific commercial information the taxpayer wants protected, the commission may publish the entire decision.
- (b) If the property taxpayer that provided the commercial information indicates to the commission in writing the specific commercial information that the taxpayer wants protected, the commission may publish a version of the decision that contains commercial information not identified by the taxpayer under <u>Subsection</u> (7)(a).
- (8) The commission may share commercial information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, if these

political subdivisions, or the federal government grant substantially similar privileges to this state.

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements

Date of Enactment or Last Substantive Amendment: [October 25, 2012]2013

Notice of Continuation: January 3, 2012

Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

Tax Commission, Administration R861-1A-46

Procedures for Purchaser Refund Requests Pursuant to Utah Code Ann. Sections 59-1-1410 and 59-12-110

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37107
FILED: 12/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed rule is provides guidance for certain persons applying for a sales tax refund.

SUMMARY OF THE RULE OR CHANGE: This proposed rule replaces an earlier version of the rule that was submitted to the Division of Administrative Rules. That earlier version of the rule was not adopted. This current version of the proposed rule has been revised to incorporate changes suggested in comments received during the public comment period and subsequent meetings with impacted individuals. The proposed rule defines a purchaser refund request as a request for a refund of sales taxes submitted by a person other than the seller that originally collected and remitted the sales tax to the Tax Commission; indicates the information that must be provided to the Tax Commission when submitting a purchaser refund request; provides that an applicant may request to have the purchaser refund request reviewed by a sampling method, rather than a 100 percent

review of the transactions included in the refund request; provides that a purchaser refund request will be decreased by the amount of those transactions for which required information is not provided to the Tax Commission within the specified time period, and will be treated as dismissals that may be appealed only on the issue of whether information adequate to determine the validity of the purchaser refund request was received by the Tax Commission within the specified time period.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-1-1410 and Section 59-12-110

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: None--The proposed rule indicates how to apply for certain sales tax refunds.
- ♦ LOCAL GOVERNMENTS: None--The proposed rule indicates how to apply for certain sales tax refunds.
- ♦ SMALL BUSINESSES: None--The proposed rule indicates how to apply for certain sales tax refunds.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--The proposed rule indicates how to apply for certain sales tax refunds.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None-The proposed rule indicates how a person shall apply for a sales tax refund when that person is not the seller that originally collected and remitted the sales tax to the Tax Commission. While in most cases, the application process mirrors the long-standing practice of the agency, if an applicant and the Tax Commission agree to a sampling method of review, the applicant will provide less information to the Tax Commission than currently.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This procedural amendment creates no fiscal impact.

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

TAX COMMISSION
ADMINISTRATION
210 N 1950 W
SALT LAKE CITY, UT 84134-0002
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: Michael Cragun, Tax Commissioner

R861. Tax Commission, Administration.

R861-1A. Administrative Procedures.

R861-1A-46. Procedures for Purchaser Refund Requests
Pursuant to Utah Code Ann. Sections 59-1-1410 and 59-12-110.

- (1) Definitions.
- (a) "Division" means the Auditing Division of the commission.
 - (b) "Purchaser refund request" means:
 - (i) a refund request for sales tax overpaid; and
- (ii) submitted by a person other than the seller that originally collected and remitted the sales tax to the commission.
- (c) "Required information and documents" means, for each transaction included in a purchaser refund request:
- (i) a description of the item for which a refund is requested;
 - (ii) the invoiced transaction date;
 - (iii) the taxable purchase amount;
 - (iv) the tax rate applied to the purchase amount;
 - (v) the invoice number;
- (vi) invoices or receipts or other books and records that show the items purchased and sales tax charged;
 - (vii) the sales tax paid;
- (viii) the reason and basis in Utah law for exempting or excluding the item from sales tax:
- (ix) documentation that verifies that the item qualifies for a sales tax exemption or exclusion:
 - (x) the amount of sales tax overpaid;
- (xi) proof of payment of sales tax, such as a canceled check, bank statement, credit card statement or receipt, letter from the seller, or other books and records that demonstrate payment was made:
- (xii) if an agent applies for the refund on behalf of a purchaser, a power of attorney;
 - (xiii) the name and address of the seller; and
- (xiv) a signed statement that the seller that calculated and remitted the sales tax:
 - (A) has not provided a sales tax refund or credit; and
- (B) will not be asked to provide a sales tax refund or credit.
- (2)(a) Except as provided in Subsection (3), a person submitting a purchaser refund request shall include the required information and documents with the application to the division.
- (b) The items described in Subsection (2)(a) shall be provided to the division in the format and manner prescribed by the division.
- (c) If the application is not accompanied by all of the required information and documents, the division shall send a notice to the person that submitted the purchaser refund request.
 - (d) The notice described in Subsection (2)(c) shall:
- (i) indicate the required information and documents that are missing; and
- (ii) allow the person submitting the purchaser refund request 30 days to provide the missing required information and documents to the division.
- (e)(i) A person submitting a purchaser refund request who is unable to provide the information and documents described in Subsection (2)(d)(i) within the time period described in Subsection (2)(d)(ii) may contact the division to request an extension of time to provide the required information and documents that are missing.

- (ii) The division shall grant reasonable requests for extension that will not unnecessarily prolong the processing of the refund request. If an extension is granted, the division shall provide written notice to the person submitting the purchaser refund request of the length of an extension of time granted under Subsection (2) (e)(i).
- (f) If the division has not received all of the required information and documents within the time period described in Subsection (2)(d), or if applicable, within an extension of time granted under Subsection (2)(e), the division shall:
- (i) evaluate the purchaser refund request based solely on the required information and documents received; and
- (ii) dismiss for lack of evidence requests for refunds on items for which the division has not received the required information and documents.
- (g)(i) Dismissals under Subsection (2)(f) may be appealed to the commission.
- (ii) On an appeal under Subsection (2)(g)(i), the only matter that will be reviewed by the commission is whether information and documents adequate to determine the validity of the purchaser refund request were received by the division within the time period prescribed under Subsection (2)(d), or if applicable, within an extension of time granted under Subsection (2)(e).
- (3)(a) A person who submits a purchaser refund request may, at the time the application for the refund is filed, request the division use a sampling method in its review of the purchaser refund request.
- (b) A person requesting a sampling method of review under Subsection (3)(a) shall include the following information for each transaction included in the purchaser refund request with the application to the division:
 - (i) the invoice number;
 - (ii) the invoiced transaction date;
 - (iii) the taxable purchase amount;
 - (iv) the tax rate applied to the purchase amount;
 - (v) the sales tax paid;
 - (vi) the amount of sales tax overpaid;
 - (vii) the name and address of the seller
- (viii) a description of the item for which a refund is requested; and
- (ix) the reason and basis in Utah law the item is exempt or excluded from sales tax.
- (c) The items described in Subsection (3)(b) shall be provided to the division in the format and manner prescribed by the division.
- (4)(a) If the division and a person submitting a purchaser refund request agree to the division's use of a sampling method in its review of the purchaser refund request, the division shall:
- (i) determine the items that will be included in the sample;
- (ii) notify the person submitting the purchaser refund request of the items that will be included in the sample and the information and documents that must be submitted to the division; and
- (iii) allow the person submitting the purchaser refund request 30 days to provide the information and documents to the division in the format and manner prescribed by the division.

- (b)(i) A person submitting a purchaser refund request who is unable to provide the information and documents described in Subsection (4)(a)(ii) within the time period described in Subsection (4)(a)(iii) may contact the division to request an extension of time to provide the information and documents that are missing.
- (ii) The division shall grant reasonable requests for extension that will not unnecessarily prolong the processing of the refund request. If an extension is granted, the division shall provide written notice to the person submitting the purchaser refund request of the length of an extension of time granted under Subsection (4) (b)(i).
- (c) Information and documents described in Subsection (4)(a)(ii) that are not received by the end of the period described in Subsection(4)(a), or if applicable, within an extension of time granted under Subsection (4)(b), shall be:
 - (i) considered errors; and
- (ii) included in the overall error factor by which the purchaser refund request is decreased.
- (d)(i) Errors under Subsection (4)(c) may be appealed to the commission.
- (ii) On an appeal under Subsection (4)(d)(i), the only matter that will be reviewed by the commission is whether information and documents adequate to determine the validity of the purchaser refund request were received by the division within the time period prescribed under Subsection (4)(a), or if applicable, within an extension of time granted under Subsection (4)(b).

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements

Date of Enactment or Last Substantive Amendment: [October 25, 2012]2013

Notice of Continuation: January 3, 2012

Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

Tax Commission, Auditing R865-9I-13

Pass-Through Entity Withholding Pursuant to Utah Code Ann. Sections 59-10-116, 59-10-117, 59-10-118, 59-10-1403.2, and 59-10-1405

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37108
FILED: 12/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment deletes language that is now addressed in statute.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment deletes language that is no longer necessary since these provisions are now addressed in statute by S.B. 143 (2012 General Session); and makes technical amendments.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-10-116 and Section 59-10-117 and Section 59-10-118 and Section 59-10-1403.2 and Section 59-10-1405

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: None--Any fiscal impact was considered in S.B. 143 (2012).
- ♦ LOCAL GOVERNMENTS: None--Any fiscal impact was considered in S.B. 143 (2012).
- ♦ SMALL BUSINESSES: None--Any fiscal impact was considered in S.B. 143 (2012).
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--Any fiscal impact was considered in S.B. 143 (2012).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None-The proposed amendment deletes language that is now adequately addressed in statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These deletions create no fiscal impact.

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

TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY, UT 84134
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: Michael Cragun, Tax Commissioner

R865. Tax Commission, Auditing.

R865-9I. Income Tax.

R865-9I-13. Pass-Through Entity Withholding Pursuant to Utah Code Ann. Sections 59-10-116, 59-10-117, 59-10-118, 59-10-1403.2, and 59-10-1405.

- (1) A pass-through entity must withhold and pay over to the state a tax on:
- (a) the business income of the pass-through entity to the extent the business income is derived from Utah sources in accordance with Section 59-10-116; and
- (b) the nonbusiness income of the pass-through entity derived from or connected with Utah sources.
- (i) "Nonbusiness income of the pass-through entity derived from or connected with Utah sources" does not include portfolio income if the income would not be reportable to Utah on the pass-through entity taxpayer's Utah state tax return or the Utah state tax return of any downstream pass-through entity taxpayer.
- (ii) "Downstream pass-through entity taxpayer" means a pass-through entity taxpayer that is a pass-through entity taxpayer of any entity that is itself a pass-through entity taxpayer.
- (2) A schedule shall be included with the return listing all of the following information for each nonresident pass-through entity taxpayer:
 - (a) name;
 - (b) address;
 - (c) social security number;
 - (d) percentage of ownership in pass-through entity;
- (e) Utah income attributable to that pass-through entity taxpayer; and
- (f) amount of Utah tax withheld on behalf of that pass-through entity taxpayer.
- (3) The income of a pass-through entity that is an S corporation shall be calculated by:
- (a) adding back to the line on the federal Schedule K labeled "Income/loss reconciliation" the amount included on that schedule for:
 - (i) charitable contributions;
 - (ii) total foreign taxes paid or accrued; and
- (iii) recapture of a benefit derived from a deduction under Section 179, Internal Revenue Code; or
- (b) if the pass-through entity that is an S corporation was not required to complete the line labeled "Income/loss reconciliation" on the federal Schedule K, a pro forma calculation of the amounts for charitable contributions and foreign taxes paid or accrued, and of the amount that would have been entered on the Income/loss reconciliation" line shall be used for purposes of this rule
- (4) A pass-through entity shall calculate the tax it is required to withhold on behalf of pass-through entity taxpayers by:
- (a) multiplying the income of the pass-through entity computed in Subsection (1) by the tax rate in effect under Section 59-10-104; and
- (b) subtracting from the amount calculated in Subsection (4)(a) any amounts withheld from the pass-through entity under Section 59-6-102 that are attributable to pass-through entity taxpayers for whom the pass-through entity is required to withhold.
- (5)(a) A pass-through entity is not required to withhold a tax on behalf of a pass-through entity taxpayer of that pass-through entity if the pass-through entity taxpayer is:

- (i) exempt from taxation under Section 59-7-102 and the income from the pass-through entity is not unrelated business income to the pass-through entity taxpayer;
- (ii) [an individual retirement account as defined under Section 408(a), Internal Revenue Code and the income from the pass-through entity is not unrelated business income to the pass-through entity taxpayer;

[(iv)](iii) a person exempt from state income tax under Section 59-10-104.1.

- (6)[(a) Subject to Subsection (6)(b), and for For purposes of [Subsections 59-10-1403.2(5) and (6), a pass-through entity shall apply to the commission for a waiver of penalty or interest, on an amount the pass-through entity fails to pay or withhold and for which the pass-through entity taxpayer files and pays in a timely manner, by checking the box on the tax return requesting the waiver for required withholding.
- [(b) The provisions of Subsection (6)(a) shall be effective for taxable years beginning on or after January 1, 2010.
-] (7) An entity that is disregarded for federal tax purposes is disregarded for purposes of pass-through entity withholding.
- (8) The pass-through entity's federal identification number shall be used on the form TC-65 in place of a social security number.
 - (9) Examples.
- (a) Partnership A has two partners, both of whom are nonresident individuals exempt from state income tax under Section 59-10-104.1. Partnership A is not required to withhold Utah tax for these partners.
- (b) For tax year 2010, Partnership C has two partners, Partnerships D and E. Partnership D has two partners, both Utah resident individuals. Partnership E has three nonresident partners, all of whom are subject to Utah state tax. Partnership C's responsibility for withholding is based on Partnerships D and E, not the partners of Partnerships D and E. Accordingly, Partnership C must withhold tax on behalf of Partnerships D and E. If, however, both Partnership D and the partners of Partnership D file returns and pay any tax due by the filing due date for Partnership C, including extensions, Partnership C may elect to not withhold those amounts and may apply to the Tax Commission, by checking the box on the tax return requesting the waiver for required withholding, for a waiver of tax, penalty, and interest on amounts Partnership C should have collected and remitted for Partnership D, but did not.

KEY: historic preservation, income tax, tax returns, enterprise zones

Date of Enactment or Last Substantive Amendment: [July 26, 2012]2013

Notice of Continuation: January 3, 2012

Authorizing, and Implemented or Interpreted Law: 59-10-116; 59-10-117; 59-10-118; 59-10-1403.2; 59-10-1405

Tax Commission, Property Tax R884-24P-67

Information Required for Valuation of Low-Income Housing Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-301.3

NOTICE OF PROPOSED RULE

(Amendment) DAR FILE NO.: 37109 FILED: 12/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment deletes language that is now in statute.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment deletes language that is no longer necessary since these provisions are now adequately addressed in statute by H.B. 75 (2012 General Session).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-102 and Section 59-2-301.3

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: None--Any fiscal impact was considered in H.B. 75 (2012).
- ♦ LOCAL GOVERNMENTS: None--Any fiscal impact was considered in H.B. 75 (2012).
- ♦ SMALL BUSINESSES: None--Any fiscal impact was considered in H.B. 75 (2012).
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--Any fiscal impact was considered in H.B. 75 (2012).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None-The proposed amendment deletes language that is no longer necessary.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This deletion of language that now appears in statute creates no fiscal impact.

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

TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY, UT 84134
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: Michael Cragun, Tax Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-67. Information Required for Valuation of Low-Income Housing Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-301.3.

[A-](1) The purpose of this rule is to provide an annual reporting mechanism to assist county assessors in gathering data necessary for accurate valuation of low-income housing projects.

[B.](2) The Utah Housing Corporation shall provide the following information that it has obtained from the owner of a low-income housing project to the commission:

[1-](a) for each low-income housing project in the state that is eligible for a low-income housing tax credit:

[a)](i) the Utah Housing Corporation project identification number;

[b)](ii) the project name;

[e)](iii) the project address;

[d) (iv) the city in which the project is located;

[e](v) the county in which the project is located;

[f)](vi) the building identification number assigned by the Internal Revenue Service for each building included in the project;

 $[\underline{\mathfrak{p}}](vii)$ the building address for each building included in the project;

[h](viii) the total apartment units included in the project;

[i)](ix) the total apartment units in the project that are eligible for low-income housing tax credits;

[j)](x) the period of time for which the project is subject to rent restrictions under an agreement described in [B-2-]Subsection (2)(b);

[k] (xi) whether the project is:

[(1)](A) the rehabilitation of an existing building; or

[(2)] (B) new construction;

[i)](xii) the date on which the project was placed in service;

[m)](xiii) the total square feet of the buildings included in the project;

[n](xiv) the maximum annual federal low-income housing tax credits for which the project is eligible;

 $[\bullet](xv)$ the maximum annual state low-income housing tax credits for which the project is eligible; and

[p) (xvi) for each apartment unit included in the project:

[(1)](A) the number of bedrooms in the apartment unit;

 $\frac{1}{(2)}$ (B) the size of the apartment unit in square feet; and

[(3)](C) any rent limitation to which the apartment unit is subject; and

[2-](b) a recorded copy of the agreement entered into by the Utah Housing Corporation and the property owner for the low-income housing project; and

[3-](c) construction cost certifications for the project received from the low-income housing project owner.

[C-](3) The Utah Housing Corporation shall provide the commission the information under [B-]Subsection (2) by January 31 of the year following the year in which a project is placed into service.

[D.1. Except as provided in D.2., by April 30 of each year, the owner of a low-income housing project shall provide the county assessor of the county in which the project is located the following project information for the prior year:

a) operating statement;

b) rent rolls; and

e) federal and commercial financing terms and agreements.

2. Notwithstanding D.1., the information a low-income project housing owner shall provide by April 30, 2004 to a county assessor shall include a 3-year history of the information required under D.1.

E. A county assessor shall assess and list the property described in this rule using the best information obtainable if the property owner fails to provide the information required under D.

KEY: taxation, personal property, property tax, appraisals Date of Enactment or Last Substantive Amendment: [October 25, 2012]2013

Notice of Continuation: January 3, 2012

Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365

Transportation, Administration **R907-64**

Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities

NOTICE OF PROPOSED RULE

(Repeal and Reenact) DAR FILE NO.: 37094 FILED: 12/07/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to eliminate the need to publish notice when a telecommunication provider expresses interest in locating within the interstate right-of-way, because longitudinal access is now open all the time for all telecommunication providers. This change is also supported by the fact that the vast majority of deals with telecommunication providers have been to barter for fiber strands in other areas in exchange for the right to UDOT excess capacity or for the ability to trench in the interstate right-of-way.

SUMMARY OF THE RULE OR CHANGE: The rule change will eliminate the requirement to advertise the opening of longitudinal access in the interstate right-of-way and related language and makes access always open to allow telecommunication companies faster access to complete their projects on time and to eliminate barriers to conducting business. The new rule adds a definition of the Telecommunication Advisory Council and adds a section on public involvement in the process of granting permits for longitudinal access through public meetings of the Telecommunications Advisory Council. The rule change will also correct references to other department rules that have been changed since the original enactment of this rule and eliminate unnecessary or repetitive language.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-8b-1 and Section 72-1-201 and Section 72-7-108 and Section 72-7-109

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: Eliminating the requirement to advertise the opening of longitudinal access in the interstate right-of-way will provide a more consistent process for placement of telecommunication facilities, and will create a cost saving to the state budget by eliminating an administrative step.
- ♦ LOCAL GOVERNMENTS: There is no cost or savings to local government because they are not involved in longitudinal access in the interstate right-or-way.
- ♦ SMALL BUSINESSES: Small telecommunications companies will have the same ability to access the interstate right-of-way for telecommunication facilities as larger companies. By providing non-exclusive access to all telecommunications companies, the cost saving can be substantial but vary significantly depending on the circumstances.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities because the rule only applies to longitudinal access to interstate right-of-way for telecommunications companies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs because the changes to the rule only streamline the process to request longitudinal

access to interstate right-of-way for telecommunications companies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Any fiscal impact to businesses resulting from this rule changes will be positive because the changes keep longitudial access availability open to all telecommunication companies and eliminate the requirement to advertise longitudinal access, making the process more efficient for the department and for telecommunications companies.

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

TRANSPORTATION
ADMINISTRATION
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:

♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2013

AUTHORIZED BY: John Njord, Executive Director

R907. Transportation, Administration.

[R907-64. Longitudinal and Wireless Access to Interstate-Highway Rights-of-Way for Installation of Telecommunications-Facilities.

R907-64-1. Purpose.

The purpose of this rule is to implement a program for facilitating longitudinal access and wireless access to interstate highway rights-of-way to provide for the installation, operation and maintenance of wireline and wireless telecommunications facilities in the rights-of-way. This rule recognizes the importance of quality of infrastructure of the Interstate System and that the safety and convenience of users of the Interstate System must be preserved to the greatest extent possible. Compatible with this principle, the rule also permits the use of the rights-of-way of the Interstate System for telecommunications facilities that support Federal and State laws that encourage competition in telecommunications services and the deployment of advanced telecommunications technologies. The Department shall, through designated personnel, facilitate such installations and maintenance of such facilities, which comply with the criteria established by this rule.

R907-64-2. Authority.

Subsection 72-7-108(2)(a) states that, except as provided in Subsection (4), the Department may allow a Telecommunication-Facility Provider longitudinal access to the right-of-way of a highway

on the Interstate System for the installation, operation, and maintenance of Telecommunication Facility.

R907-64-3. Definitions.

- (1) "Department" means the Department of Transportation.
- (2) "Clear Zone" means the total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. The width of the clear zone is dependent upon the traffic volumes, speeds and the roadway geometry.
- (3) "Interstate System" means any existing or future-highway included as a part of the national system on interstate and-defense highways, as provided in the Federal Aid Highway Act of-1956 and any supplemental or amendatory acts, and which primarily consist of Interstate Highways I-15, I-215, I-70, I-80, and I-84.
- (4) "Longitudinal access" means access to or use of any part of a right-of-way of a highway on the Interstate System that extends generally parallel to the right-of-way for a total of 30 or more linear meters-
- (5) "Permit" means a document issued by the Department of Transportation to a Telecommunications Facility Provider which specifies the requirements and conditions under which longitudinal or wireless access to highway right-of-way of the Interstate System shall be allowed.
- (6) "Right-of-way" means real property or an interest in real property, usually in a strip, acquired for or devoted to a highway.
- (7) "Telecommunication Facility" means any telecommunication cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment or other equipment, system and device used to transmit, receive, produce or distribute via wireless, wireline, electronic, or optical signal for communication purposes.
- (9) "Utility" includes telephone, wireline and wireless, gas, electricity, cable television, water, and sewer transmission lines, drainage and irrigation systems, and other similar utilities located in, on, along, across, over, through, or under any highway of the State-Highway System.
- (10) "Wireless access" means access to and use of any part of a right-of-way or rights-of-way on, any highway of the Interstate System for the purpose of constructing, installing, maintaining, using and operating Telecommunication Facilities for wireless-telecommunications.

R907-64-4. Access Policy.

- (1) Telecommunication facility accommodations on the Interstate System shall comply with the federal utilities accommodations policies set forth in 23 CFR 645 (1997): "It is in the public interest for utility facilities to be accommodated on the right-of-way when such use and occupancy of the highway right-of-way do not adversely affect highway or traffic safety, or otherwise impair the highway or its aesthetic quality, and do not conflict with the provisions of Federal, State or local laws or regulations."
- (2) The Department also acknowledges that recent Federal and State Legislation, primarily the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 70 (Feb. 8, 1996) and Utah Code-Section 54-8b-1, encourage competition in the provision of telecommunications services, and the development and deployment of advanced telecommunication technologies, infrastructure, and

- networks. These legislative initiatives in turn have increased demand for rights-of-way, including highway rights-of-way, for the installation of Telecommunication Facilities necessary to support increased competition and deployment of an advanced telecommunication infrastructure.
- (3) The Department also recognizes that longitudinal access and wireless access for Telecommunication Facilities may be provided without compromising highway integrity, safety, normal highwayoperation or maintenance activities, while contributing to the deployment and efficient operation of intelligent transportationsystems.
- (4) Therefore, effective on or after August 17, 1999, the Department may allow longitudinal access and wireless access on highways of the Interstate System for placement, construction, installation, maintenance, repair, use, operation, replacement and removal of Telecommunication Facilities, as authorized by Utah Code Section 72-7-108 and subject to compliance with this rule. This rule applies only to longitudinal access and wireless access for Telecommunication Facilities on rights-of-way within the Interstate System and does not alter the existing policy concerning other Utilities on interstate rights-of-way, or for accommodating Utilities on other facilities under the jurisdiction of the Department.

R907-64-5. Limitations and Conditions.

- (1) Longitudinal and wireless access of Telecommunication Facilities shall be permitted only as approved by the Executive-Director or designee in accordance with the criteria and procedures set forth in this rule.
- (2) Occupancy by longitudinal access or wireless accessshall comply with, and produce no significant compromise of, thefollowing factors:
 - (a) highway safety requirements of federal and state law;
- (b) written policy and agreements adopted by the Department:
- (c) safe use of highways in the Interstate System by the traveling public;
- (d) prudent use and management of the Interstate System and its rights-of-way;
 - (e) highway design;
 - (f) highway construction;
 - -(g) highway operational and/or technical capacity;
 - (h) highway maintenance or stability;
 - (i) future expansion of the Interstate System;
 - (j) physical environmental features; and
- (k) physical capacity of the right-of-way to accommodate longitudinal access.
- (3) In the interest of safety and preservation of the highway facility and pavement structure, the placement, installation, maintenance, repair, use, operation, replacement and removal of Telecommunications Facilities with longitudinal access or wireless access to the Right-of-way of the Interstate System shall be accommodated only when in compliance with the "MANUAL FOR ACCOMMODATION OF UTILITIES AND THE CONTROL AND PROTECTION OF STATE HIGHWAY RIGHTS OF WAY," as adopted by rule (Rule 930-6), and with 23 CFR 645 (1997), Subpart B, "Accommodation of Utilities."
- (a) The location of all Telecommunication Facilities, whether above ground or below ground installations, including towers, pedestals, poles and boxes, within the highway right-of-way of the

Interstate System shall be as set forth in the permit and/or the negotiated agreement between the Telecommunications Facility Provider and the Department. Telecommunications Facilities shall-avoid: (a) use of through traffic roadways, lanes and ramps for construction, inspection, testing or maintenance activities; (b) placement of facilities within the median strip; (c) placement of facilities in a non-uniform alignment; (d) placement of facilities in places other than at or adjacent to the Right-of-way line and beyond the recovery or clear zone area; or (e) placement of facilities within the clear zone of through-traffic roadways, lanes or ramps. The Executive Director or designee is authorized to grant variances from the Manual and guidelines on a case-by-case basis. Variances will not be granted if, in the opinion of the Executive Director or designee, they create unacceptable risks or significant compromise of any factor listed in Subsection R907-64-5(2) of this rule.

(4) The Department may consider financial and technical qualifications of telecommunication facility providers, and specify insurance requirements for contractors authorized to enter Interstate-System rights-of-way to construct, install, inspect, test, maintain or repair Telecommunication Facilities with longitudinal access or wireless access. During each period that the Department authorizes-longitudinal access or wireless access for construction and installation, the Department may require approved Telecommunication Facility-Providers to install Telecommunication Facilities into the same general location on the Interstate System; coordinate their planning and work; install in a joint trench; and equitably share costs.

(5) The Department shall manage and administer access to rights of way of the Interstate System in compliance with 47 U.S.C. 253 2005.

R907-64-6. Compensation.

(1) The Department shall require compensation from a Telecommunication Facility Provider under the provisions of Section 72-7-108 for longitudinal access or other use within the Right-of-way of the Interstate System consistent with the rate schedule adopted by the Department through rulemaking.

(2) Until the rate schedule has been formally adopted-pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, all agreements are subject to modification to comply with the rate schedule.

R907-64-7. Permits and Agreements.

(1) In accordance with 23 CFR 645 (2005), subpart B, "Accommodations of Utilities," the Utah Code Section 72-6-116-"Regulation of Utilities-Relocation of Utilities," and Rule R930-6, which is described in the Department's "Manual for Accommodation of Utilities and the Control and Protection of State Highway Rights of Way," a Telecommunication Facility Provider shall be required tocomplete and sign an agreement with the Department prior toobtaining a permit for construction or installation Telecommunication Facilities in the Right-of-way. Based on thestatements of interest, if any, received by the Department in response to its advertisements of intent to consider opening highway segments in the Interstate System for construction and installation of-Telecommunication Facilities, as provided for in Subsections R907-64-8(3) and (4) of this rule, the Department shall determine within 30 days of the deadline for the receipt of such statements of interest, whether to open such segments for such use. If the Department decides to open such segments of the Interstate System for construction and installation

of Telecommunication Facilities, it shall notify each-Telecommunication Facility Provider which filed a statement of interest of such decision in writing and direct them to file with the Office of the Deputy Director an application, as modified by the Department from time to time, for a permit for longitudinal access or wireless access on rights-of-way in the Interstate System. The Department shall also specify the deadline for the filing of such permit applications.

(2) The Department will review each permit application within 30 working days following receipt thereof, in accordance with the criteria set forth in this rule. The review process will begin only when the Telecommunication Facility Provider(s) submits a complete permit application, including all documentation, as required in the-"Manual for Accommodation of Utilities and the Control and-Protection of State Highway Rights-of-Way," Rule R930-6. No later than the end of the 30 working day review period, the Department will either: (a) issue to the Telecommunications Facility Provider a written notice that the permit application is accepted for the negotiation of an agreement for the construction and installation of Telecommunication Facilities in the right-of-way segment, or (b) issue to the Telecommunication Facility Provider a written denial of the permitapplication, together with the specific reasons why the permitapplication was not approved, based on the criteria set forth in thisrule. If the Telecommunication Facility Provider's permit application has been accepted for negotiation of an agreement, the Departmentshall commence such negotiations not later than ten working days after the date of such notice of acceptance and shall proceed in a diligentmanner to favorably conclude such negotiations, to execute the-Department's standard form agreement with negotiated modifications necessary to accommodate the unique needs of each project, and toissue a permit for the construction and installation of Telecommunication Facilities in the right-of-way segment.

— (4) No permit shall be issued prior to an agreement having been reached between the Department and Telecommunication Facility Providers. Failure of the parties to reach agreement shall cause-longitudinal access to be denied and no permit shall be issued.

R907-64-8. Limited, Periodic Opportunities for Installation for Longitudinal Access.

(1) In order to minimize adverse impacts to rights-of-way and related highway facilities and pavement structures within the Interstate System and to avoid significant compromise of the safe, efficient and convenient use of the Interstate System for the traveling pubic, advertising for longitudinal access for constructing and installing Telecommunication Facilities in any particular segment of such Rights-of-Way shall be limited in frequency to once every 18 months, except that the Executive Director or designee may permit construction and installation of Telecommunications Facilities withlongitudinal access more frequently than once every 18 months, based on factors in Section 64-5(2) of this rule.

(2) the 18 month period shall begin on the date of the Department's formal notice of intent to open access to any highway segment in the Interstate System which has been noticed.

(3) When exercising the discretion to permit construction

and installation of Telecommunications Facilities with longitudinal access to the Interstate System, the Executive Director or his or her designee shall consider all factors relevant to the Department's policy with respect to utility accommodations as expressed in this rule, including the safe, effective, efficient use of highways in the Interstate System by the traveling public, impacts on the Interstate System's operational capacity, and prudent economic management of the Interstate System. The Department may perform capacity surveys of the Interstate System rights of way to assure that longitudinal access is feasible prior to opening any segment of the Interstate System to longitudinal access for new or additional Telecommunication Facilities.

- (4) The Department will advertise intent to consider opening highway segments in the Interstate System to provide opportunities for constructing and installing Telecommunications-Facilities for longitudinal access and wireless access, by one or more of the following means; provided, however, that Telecommunication-Facility Providers who have been granted a certificate of convenience and necessity by the Public Service Commission of Utah shall be given actual notice by mail:
- (a) Publication of the intent notice for not less than five consecutive days in a newspaper of national circulation:
- (b) Publication of the intent notice for not less than five consecutive days in a newspaper of statewide circulation;
- (c) Publication of notices of the intent in the calendar or other regular publications of the Department and/or those of other state agencies or Departments; or
- (d) Press or news releases from the Department tonewspapers, magazines, periodicals, or telecommunications industrypublications.
- (5) Advertisements and notices of intent to consider opening highway segments for constructing and installing Telecommunications Facilities in Interstate System highway rights-of-way whether for longitudinal access or wireless access, shall contain all of the following:
- (a) A description of the segment or segments of the-Interstate System for which longitudinal access for the installation and construction of Telecommunications Facilities are proposed;
- (b) A deadline that is not less than 30 days from the first date of publication or release of an advertisement or notice of intent to consider opening, as described above in Subsection (3), for the filing of statements of interest with the office of the Deputy Director by Telecommunications Facility Providers regarding their interest in installing and constructing Telecommunications Facilities in one or more specified highway segments of the Interstate System; and
- (e) The required contents of the statements of interest, to be filed in response to the advertisements or notices, shall include the identity of the interested party, the financial and technical qualifications of the interested party, and any other information-specified by the Department in the advertisement or notice.
- (6) Statements of interest received by the Department shall be processed in accordance with the requirements set forth herein. Based on its review of the statements of interest received, the Department will notify those Telecommunication Providers who submitted statements of interest of its intent to open one or more of the highway segments advertised within 30 days. This notice will include instructions to initiate the permitting process as specified in "Manual for Accommodation of Utilities and the Control and Protection of State Highway Rights-of-Way;" (Rule R930-6).

(7) The Department may enter into negotiations with one or more of the interested parties filing Statements of Interest toward the execution of an agreement or agreements and permits required under Section R907-64-7 above. After executing an agreement and permit, each telecommunications facility provider shall file them with the office of Right of Way.

R907-64-9. Removal and Relocation.

Pursuant to Subsection 72-7-108(7)(e) the Department shall require the removal and/or relocation of Telecommunication Facilities located on the Interstate System when highway changes are required to provide for the free and safe flow of traffic at the Telecommunication Facility Provider's expense. If prudent management of the interstate highway rights-of-way demand, The Department may require removal and/or relocation of such Telecommunication Facilities upon-expiration or earlier termination of the permit or other agreements at the Telecommunication Facility Provider's expense, in accordance with applicable law-]

R907-64. Longitudinal and Wireless Access to Interstate System Rights-of-Way for Installation of Telecommunication Facilities. R907-64-1. Purpose.

The purpose of this rule is to implement a program for facilitating longitudinal access and wireless access to interstate system rights-of-way to provide for the installation, operation and maintenance of cable and wireless telecommunication facilities in the rights-of-way. This rule recognizes the importance of quality infrastructure on the interstate system and that the safety and convenience of users of the interstate system must be preserved to the greatest extent possible. Compatible with this principle, the rule also permits the use of the rights-of-way of the interstate system for telecommunication facilities that support Federal and State laws that encourage competition in telecommunication services and the deployment of advanced telecommunication technologies. The department, through designated personnel, may facilitate such installations and maintenance of such facilities, which comply with the criteria established by this rule.

R907-64-2. Authority.

Subsection 72-7-108(2)(a) states that, except as provided in Subsection (4), the department may allow a telecommunication facility provider longitudinal access to the right-of-way of a highway on the interstate system for the installation, operation, and maintenance of a telecommunication facility.

R907-64-3. Definitions.

- (1) "Department" means the Utah Department of Transportation,
- (2) "Clear zone" means the total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes, speeds, and roadside geometry.
- (3) "Interstate system" means the Dwight D. Eisenhower. National System of Interstate and Defense Highways as defined in the Federal-aid Highway Act of 1956 and any supplemental acts or amendments.
- (4) "Longitudinal access" means access to or use of any part of a right-of-way of a highway on the interstate system that extends

generally parallel to the right-of-way for a total of 30 or more linear meters

- (5) "Permit" means encroachment permit, a document that specifies the requirements and conditions for performing work on the highway right-of-way.
- (6) "Right-of-way" means a general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.
- (7) "Telecommunication Advisory Council" means the Telecommunication Advisory Council created by Section 72-7-109.
- (8) "Telecommunication facility" means any telecommunication cable, line, fiber, wire, conduit, innerduct, access manhole, hand hole, tower, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment or other equipment, system and device used to transmit, receive, produce or distribute via wireless, wire line, electronic, or optical signal for communication purposes.
- (9) "Telecommunication facility provider" means any owner or operator of a telecommunication facility.
- (10) "Utility" means privately, publicly, cooperatively, or municipally owned pipelines, facilities, or systems for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, petroleum products, cable television, water, sewer, steam, waste, storm water not connected with highway drainage, and other similar commodities, which directly or indirectly service the public, or any part thereof.
- (11) "Wireless access" means access to and use of any part of a right-of-way or rights-of-way on, any highway of the interstate system for the purpose of constructing, installing, maintaining, using and operating telecommunication facilities for wireless telecommunications.

R907-64-4. Access Policy.

- (1) The department acknowledges that Federal and State Legislation, primarily the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 70 (Feb. 8, 1996) and Utah Code Section 54-8b-1, encourage competition in the provision of telecommunication services, and the development and deployment of advanced telecommunication technologies, infrastructure, and networks. These legislative initiatives in turn have increased demand for rights-of-way, including highway rights-of-way, for the installation of telecommunication facilities necessary to support increased competition and deployment of an advanced telecommunication infrastructure.
- (2) The department also recognizes that longitudinal access and wireless access for telecommunication facilities may be provided without compromising interstate system integrity, safety, normal interstate system operation or maintenance activities, while contributing to the deployment and efficient operation of intelligent transportation systems.
- (3) Therefore, effective on or after August 17, 1999, the department may allow longitudinal access and wireless access on highways of the interstate system for placement, construction, installation, maintenance, repair, use, operation, replacement and removal of telecommunication facilities, as authorized by Section 72-7-108 and subject to compliance with this rule. This rule applies only to longitudinal access and wireless access for telecommunication facilities on rights-of-way within the interstate system and does not alter the existing policy concerning other utilities on system rights-of-

way, or for accommodating utilities on other facilities under the jurisdiction of the department.

R907-64-5. Limitations and Conditions.

- (1) Longitudinal and wireless access of telecommunication facilities shall be permitted only as approved by the department in accordance with the criteria and procedures set forth in this rule.
- (2) In the interest of safety and preservation of the highway facility and pavement structure, the placement, installation, maintenance, repair, use, operation, replacement and removal of telecommunication facilities with longitudinal access or wireless access to the right-of-way of the interstate system shall be accommodated only when in compliance with Rule 930-7 Utility Accommodation.
- (3) The department may consider financial and technical qualifications of telecommunication facility providers, and specify insurance requirements for contractors authorized to enter interstate system rights-of-way to construct, install, inspect, test, maintain or repair telecommunication facilities with longitudinal access or wireless access. When the department authorizes longitudinal access or wireless access for construction and installation, the department may require approved telecommunication facility providers to install telecommunication facilities into the same general location on the interstate system, coordinate their planning and work, install in a joint trench, and equitably share costs.
- (4) Access to rights-of-way of the interstate system shall be administered in compliance with 47 U.S.C. 253 2005.

R907-64-6. Compensation.

The department shall require compensation from a telecommunication facility provider under the provisions of Section 72-7-108 for longitudinal access or other use within the right-of-way of the interstate system consistent with R907-65-10, R907-65-12 and R907-65-13.

R907-64-7. Permits and Agreements.

In addition to the requirements of R930-7, a telecommunication facility provider shall be required to complete and sign an agreement with the department prior to obtaining a permit for construction or installation of telecommunication facilities in the right-of-way.

R907-64-8. Public Involvement.

The department will advertise the Telecommunication Advisory Council public meeting whenever a permit for longitudinal access has been submitted to the department to access highway segments in the interstate system. This will allow other telecommunication providers opportunity to share joint placement of telecommunication facilities. Any interested parties may attend the public meeting to voice opinions to the Telecommunication Advisory Council as authorized by Section 72-7-108. The Telecommunication Advisory Council will assist the department in valuing in-kind compensation in accordance with 72-7-108(3)(c).

R907-64-9. Removal and Relocation.

Pursuant to Subsection 72-7-108(7)(c) the department shall require the removal or relocation of telecommunication facilities located on the interstate system to accommodate operations and highway projects at the telecommunication facility provider's expense.

The department may require removal or relocation of such telecommunication facilities upon expiration or earlier termination of the permit or other agreements at the telecommunication facility provider's expense, in accordance with applicable law.

Date of Enactment or Last Substantive Amendment: [January 12, 2009|2013

Notice of Continuation: September 18, 2008

Authorizing, and Implemented or Interpreted Law: 72-1-201;

[72-6-116]<u>72-7-108; 72-7-109; 54-8b-1</u>

KEY: right-of-way, interstate highway system, telecommunications, longitudinal access

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a Proposed Rule in the *Utah State Bulletin*, it may receive public comment that requires the Proposed Rule to be altered before it goes into effect. A Change IN Proposed Rule allows an agency to respond to comments it receives.

As with a Proposed Rule, a Change in Proposed Rule is preceded by a Rule analysis. This analysis provides summary information about the Change in Proposed Rule including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a Change IN Proposed Rule, it does provide for a 30-day waiting period. An agency may accept additional comments during this period, and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for Changes IN Proposed Rules published in this issue of the *Utah State Bulletin* ends <u>January 31, 2013</u>.

Following the Rule Analysis, the text of the Change in Proposed Rule is usually printed. The text shows only those changes made since the Proposed Rule was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text between paragraphs (.....) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a Change in Proposed Rule is too long to print, the Division of Administrative Rules will include only the Rule Analysis. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

From the end of the 30-day waiting period through May 1, 2013, an agency may notify the Division of Administrative Rules that it wants to make the Change in Proposed Rule effective. When an agency submits a Notice of Effective Date for a Change in Proposed Rule, the Proposed Rule as amended by the Change in Proposed Rule becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the Change in Proposed Rule. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another Change in Proposed Rule in response to additional comments received. If the Division of Administrative Rules does not receive a Notice of Effective Date or another Change in Proposed Rule by the end of the 120-day period after publication, the Change in Proposed Rule filing, along with its associated Proposed Rule, lapses and the agency must start the process over.

Changes in Proposed Rules are governed by Section 63G-3-303; Rule R15-2; and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page

Environmental Quality, Administration **R305-6**

Administrative Procedures

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36554 FILED: 12/13/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in proposed rule is being filed for the purpose of extending the effective date on the repeal of the rule proposed. This rule is being proposed for repeal, and a new rule (R305-7, DAR No. 36553) is being proposed to take its place. The effective date for both of these rules needs to be the same.

SUMMARY OF THE RULE OR CHANGE: No change has been proposed; the rule is still being proposed to be completely repealed. A new rule, R305-7 (DAR No. 36553) is being proposed to take its place. (DAR NOTE: This change in proposed rule has been filed to keep the proposed repeal that was published in the August 15, 2012, issue of the Utah State Bulletin, on page 28, active until the new Rule R305-7 can be made effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-1-301.5

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There will be no change to the state budget as a result of this proposal. When the repeal was originally proposed, the following information was included: No changes as a result of the repeal. The changes resulting from the enactment of Rule R305-7 (DAR No. 36553) are described in that rulemaking.
- ♦ LOCAL GOVERNMENTS: There will be no change to the impact on local government as a result of this proposed change. When the repeal was originally proposed, the following information was included: No changes as a result of the repeal. The changes resulting from the enactment of Rule R305-7 (DAR No. 36553) are described in that rulemaking.
- ♦ SMALL BUSINESSES: There will be no change to the impact on small business as a result of this proposed change. When the repeal was originally proposed, the following information was included: No changes as a result of the repeal. The changes resulting from the enactment of Rule R305-7 (DAR No. 36553) are described in that rulemaking.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will be no change to the impact on persons other than small businesses, businesses or local governmental entities as a result of this proposed change. When the repeal was originally proposed, the following information was included: No changes as a result of the repeal. The changes resulting

from the enactment of Rule R305-7 (DAR No. 36553) are described in that rulemaking.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no change to compliance costs for affected persons as a result of this proposed change. When the repeal was originally proposed, the following information was included: No changes as a result of the repeal. The changes resulting from the enactment of Rule R305-7 (DAR No. 36553) are described in that rulemaking.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no change to the impact on the fiscal impact the rule may have on businesses as a result of this proposed change. When the repeal was originally proposed, the following information was included: There will be no compliance costs because the rule is being proposed for repeal.

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

ENVIRONMENTAL QUALITY ADMINISTRATION 195 N 1950 W SALT LAKE CITY, UT 84116-3085 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Debbie Oberndorfer by phone at 801-536-4402, by FAX at 801-536-0061, or by Internet E-mail at doberndorfer@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2013

AUTHORIZED BY: Amanda Smith, Executive Director

DAR NOTE: No change has been proposed; the rule is still being proposed to be completely repealed, see the reason under the "Reason for the Change" in the rule analysis above. To view the proposed repealed text, see the proposed repeal that was published in the August 15, 2012, issue of the Utah State Bulletin, on page 28.

Environmental Quality, Administration **R305-7**

Administrative Procedures

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36553 FILED: 12/12/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes were made to the proposed rule to respond to comments, to clarify language that readers found confusing, to make the text more consistent with statutory requirements, to correct errors in the text, and to make different parts of the rule consistent. The rule was originally proposed to address the requirements of S.B. 11, which creates a new "permit review adjudicative proceeding" under Section 19-1-301.5, and which requires the Department to make rules governing the new proceedings. Procedural rules for other procedures were also revised to clarify or improve the process.

SUMMARY OF THE RULE OR CHANGE: Two changes were made in response to comments: Subsection R305-7-101(1) was clarified, and Subsections R305-7-213(4) and R305-7-316(1) were made to expand the page and time limits for comment on the administrative law judge's recommended order. Other changes were made to clarify the provisions in the rule (see, e.g., Subsection R305-7-211(1)); to make the text more consistent with statutory requirements (see, e.g., Subsection R305-7-206(5)); to correct errors in the text (see, e.g., Subsection R305-7-206(5)); and to make different parts of the rule consistent (see, e.g., Subsection R305-7-211(4)). (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the August 15, 2012, issue of the Utah State Bulletin, on page 45. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-1-301 and Section 19-1-301.5 and Section 63G-4-102 and Section 63G-4-201 and Section 63G-4-202 and Section 63G-4-203 and Section 63G-4-205 and Section 63G-4-503

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to the rule are clarifications and minor corrections or changes, and do not change the original analysis: Although it is anticipated that the new permit review adjudicative procedures will be more streamlined than UAPA procedures, any savings will be offset in part by increased workload resulting from an increasing number of permit challenges.
- ♦ LOCAL GOVERNMENTS: The changes to the rule are clarifications and minor corrections or changes, and do not change the original analysis: Local governments will not normally be affected. They could be affected to the extent they are parties or a prospective intervenor to a proceeding.
- ♦ SMALL BUSINESSES: The changes to the rule are clarifications and minor corrections or changes, and do not change the original analysis: Although some businesses can expect savings as a result of these streamlined rules, permits

and licenses to small business are rarely challenged so the proposed changes would not have a substantial impact.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The changes to the rule are clarifications and minor corrections or changes, and do not change the original analysis: Individuals and organizations that challenge permits, e.g., environmental organizations, will be affected by the rule. Generally, it is anticipated that the streamlined procedure will make that process less expensive both for the challenger and for the permittee.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to the rule are clarifications and minor corrections or changes, and do not change the original analysis: This rule does not impose any compliance requirements. It does provide new procedures for challenging permits. To the extent that the responsibility for defending against a permit challenge falls to a regulated entity, the streamlined process should be less expensive than the previous trial-type procedures.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to the rule are clarifications and minor corrections or changes, and do not change the original analysis: The trial-type procedures previously required for adjudicating permit challenges could be extremely expensive; discovery, for example, can be extremely time-consuming and therefore costly. The streamlined procedures in this rule (authorized by S.B. 11 (2012 General Session)) will be simpler and less costly. A specific estimate of savings is not feasible, however, given the wide variability in complexity of proceedings.

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

ENVIRONMENTAL QUALITY ADMINISTRATION 195 N 1950 W SALT LAKE CITY, UT 84116-3085 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Debbie Oberndorfer by phone at 801-536-4402, by FAX at 801-536-0061, or by Internet E-mail at doberndorfer@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 01/31/2012

AUTHORIZED BY: Amanda Smith, Executive Director

R305. Environmental Quality, Administration. R305-7. Administrative Procedures. R305-7-101. Scope of Rule and Purpose of Parts.

(1) This rule governs all adjudicative procedures conducted under the authority of the Environmental Quality Code, Utah Code Ann. Title 19. [It does not govern proceedings that

result in initial orders that are not subject to UAPA under Section-63G-4-102(2)(k).]This rule does not govern the proceedings that result in an initial determination by the Director, including the issuance of the initial determination itself.

- (2) (a) Part 1 of this Rule (R305-7-101 through 113) applies to all adjudications before the agency. It addresses general and preliminary matters.
- (b) Part 2 of this Rule (R305-7-201 through 217) applies to permit review adjudicative procedures. These procedures are governed by Section 19-1-301.5.
- (c) Part 3 of this Rule (R305-7-301 through 320) applies to adjudicative procedures that are not permit review adjudicative procedures. These procedures are governed by Section 19-1-301.
- (e) Part 4 of this Rule (R305-7-401 through 403) addresses matters initiated by notices of agency action.
- (d) Part 5 of this Rule (R305-7-501 through 503) addresses declaratory orders and emergency adjudication.
- (e) Part 6 of this Rule (R305-7-601 through 623) addresses matters relevant to specific statutes.

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R305-7-104. Filing and Service of Notices, Orders and Other Papers.

- (1) (a) Filing and service of all papers shall be made by email except as otherwise provided in this R305-7-104 and in R305-7-309(2)(b), R305-7-309(7)(b)(ii), and R305-7-313.
- (b) In the event the ALJ determines that it is inappropriate in a specific case to file and serve all papers by email, the requirements of R305-7-104(4) will govern. Those requirements may be modified by the ALJ.
- (c) The provisions of R305-7-104(2) will also apply regardless of whether filing and service are done by email (R305-7-104(3)) or by traditional service methods (R305-7-104(4)).
- (d) A party seeking to have filing and service requirements governed by R305-7-104(4), such as a person who does not have access to email, shall file and serve that request as

provided in R305-7-104(4). Once a request to proceed under R305-7-104(4) is filed and served, the provisions of that section shall apply to all future filing and service unless otherwise ordered by the ALJ.

- (2) General Provisions Governing Filing and Service.
- (a) Every submission shall be filed with:
- (i) the ALJ or, if no ALJ has been appointed, the Director;
 - (ii) the Administrative Proceedings Records Officer.
 - (b) In addition, every submission shall be served upon:
- (i) the Director, if a submission is not filed with the Director under paragraph (2)(a)(i);
- (ii) the assistant attorney general representing the Director;
- (iii) the permittee or the person who was the recipient of the Permit Order, or other order or notice of violation being challenged;
 - (iv) any other party.
- (c) A person, other than the Director, who is represented by an attorney or other representative, as provided in R305-7-106, shall be served through the attorney or other representative.

- (d) Every submission shall include a certificate of service that shows the date and manner of filing with and service on the persons identified in R305-7-104(2)(a) and (b).
- (e) Service on a regulated person at the person's last known address in the agency's file shall be deemed to be service on that person.
 - (3) Provisions governing electronic filing and service.
- (a) A submission shall be filed with the Administrative Proceedings Records Officer by emailing it to DEQAPRO@utah.gov.
- (b) Filing or service on all other parties shall be by email at addresses provided by those persons. If the person filing or serving the submission is unable, after due diligence, to determine an email address for a party, the person shall file or provide service by traditional means, as provided in R305-7-104(4).
- (c) (i) A text document served by email shall be submitted as a searchable PDF document.
- (ii) A person filing a submission may electronically file and serve a document without a signature if the person indicates that the document was signed (e.g., "signed by (name)" or "/s/ (name)") and keeps the original on file to be provided if requested by the ALJ.
- (d) The ALJ may order any other submission to be provided in a searchable format.
- (e) Large emails (5 Mb or more) may not be accepted by some email systems. It shall be the responsibility of a person sending a large email to ensure that it has been received by all parties, e.g., by telephoning or by sending a separate notification email and requesting a response.
- (f) Photographic or other illustration documents filed and served by email shall be submitted as:
 - (i) a PDF document; or
 - (ii) a JPEG document.
- (g) Documents that are difficult to file and serve by email because of their size or form may be filed and served on a CD, DVD, USB flash drive or other commonly used digital storage medium. A document may also be provided in paper form if it is impracticable to copy the document electronically. Filing and service of such documents shall be as provided in R305-7-104(4).
- (h) A party shall provide a paper copy of any document, including signed documents, upon request by the ALJ.
 - (4) Provisions governing traditional filing and service.
 - (a) Filing and service shall be made:
 - (i) by United States mail, postage pre-paid;
 - (ii) by hand-delivery;
 - (iii) by overnight courier delivery; or
- (iv) by the Utah State Building Mail system, if the sender and receiver are both state employees.
- (b) Documents to be filed with or served on the Director shall be filed and served at the address specified in Part 6.
- (c) Documents to be filed with the Administrative Proceedings Records Officer shall be submitted to one of these addresses:
- (i) By U.S. Mail: Administrative Proceedings Records Officer, Environment Division, Utah Attorney General's Office, PO Box 140873, Salt Lake City Utah 84114-0873; or
- (ii) By hand or commercial delivery: Administrative Proceedings Records Officer, Environment Division, Utah Attorney

and

General's Office, [160 East 300 South, 5th Floor]195 North 1950 West, Second Floor, Salt Lake City Utah [84111]84116.

- (d) (i) Except as provided in R305-7-104(5)(b), a document that is filed or served by U.S Mail or overnight delivery service shall be considered filed or served on the date it is mailed or provided to the overnight delivery service. A document that is filed or served by Utah State Building Mail shall be considered filed or served on the date it is placed in a Utah State Building Mail bin.
- (5) (a) A paper, signed original of any Request for Agency Action, Notice of Agency Action or Petition to Intervene shall be filed and served as provided in R305-7-104(2) and (4).
- (b) To be timely, a Request for Agency Action or a Petition to Intervene must be received by the Director and the Administrative Proceedings Records Officer as provided in:
- (i) R305-7-203(5) and R305-7-205 (for a request for agency action filed and served in a permit review adjudicative proceeding);
- (ii) R305-7-303(5) (for a request for agency action filed and served in a proceeding other than a permit review adjudicative proceeding):
- (iii) R305-7-204(2) and R305-7-205 (for a petition to intervene filed and served in a permit review adjudicative proceeding); and
- (iv) R305-7-304 (which incorporates the requirements of R305-7-204(2)) for a petition to intervene filed and served in a proceeding other than a permit review adjudicative proceeding).

R305-7-105. Computation and Extensions of Time.

- (1) A business day is any day other than a Saturday, Sunday or legal State of Utah holiday.
- (2) As provided in R305-7-102, "days" means calendar days unless otherwise specified.
 - (3) Computing time.
 - (a) If a period is in calendar days:
 - (i) exclude the day of the event that triggers the period:
- (ii) count every day, including intermediate Saturdays, Sundays, and legal holidays; and
- (iii) include the last day of the period, but if the last day is a Saturday, Sunday, or legal State of Utah holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal State of Utah holiday.
 - (b) If a period is in business days:
- (i) exclude the day of the event that triggers the period; and
 - (ii) count every business day.
- (c) If a document is not filed or served by email, any time for responding to the document shall be extended by three business days. This provision does not apply to a Request for Agency Action or a Petition to Intervene. *See* R305-7-104(5).
 - ([3]4) Date of issuance.

The date of issuance of a Permit Order, a Notice of Agency Action or other order is the date the document is signed and dated.

([4]5) Extensions of Time.

(a) The ALJ may approve extensions of any time limits established by this rule, and may extend time limits adopted in schedules established under R305-7-308.

- (b) The ALJ may postpone a deadline or, as applicable, a scheduled conference, oral argument or hearing, upon motion from the parties, or upon the ALJ's own motion.
- (c) Notwithstanding any other provision in this section, R305-7-108(2) governs the ALJ's authority to extend time to file a Request for Agency Action or Petition to Intervene. See also the provisions cited in R305-7-108(2).

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R305-7-110. Limitation on Authority [U]under Rule.

Nothing in this Rule constitutes a grant of authority for any person other than the recipient to challenge a Notice of Violation or to initiate an action to challenge or require the agency's enforcement either generally or in a specific situation. See UAPA, Sections 63G-4-102(8) and 63G-4-201(3).

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R305-7-202. Notice and Comment and Exhaustion of Remedies.

- (1) As provided in 19-1-301.5(4), if a public comment period is provided during the permit application process, a person who challenges a Permit Order, including the permit applicant, may only raise an issue or argument during the permit review adjudicative proceeding that:
- (a) the person raised during the public comment period; and
- (b) was supported with sufficient information or documentation to enable the Director to fully consider the substance and significance of the issue.
- (2) Any supporting materials which are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the Administrative Record in the same proceeding, or consist of state or federal statutes, regulations or rules, EPA documents of general applicability, or other generally available reference materials.
- (3) The relevance of and the relevant portions of any supporting materials included with or incorporated by reference in comments shall be described with reasonable specificity.
- (4) In preparing a comment response document, the Director may request <u>that</u> the permit applicant provide information in response to comments received during the public comment period.

R305-7-204. Intervention.

- (1) A person who seeks to intervene in a permit review adjudicative proceeding under this section shall file and serve:
 - (a) a petition to intervene that:
 - (i) meets the requirements of Section 63G-4-207(1); and
- (ii) demonstrates that the person is entitled to intervention under Section 19-1-301.5(7)(c)(ii); and
 - (b) a timely request for agency action.
- (2) To be timely, a Petition to Intervene shall[-be], within 30 days [of the date of the]after the day on which the Permit Order being challenged was issued, be:
- (a) received by the Administrative Proceedings Records Officer at the address specified in R305-7-104(4)(c) of this Rule;

- (b) received by the Director at the address specified in Part 6;
- (c) served on all other parties as provided in R305-7-104(4).

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R305-7-206. Proceedings After a Request for Agency Action is Filed.

- (1) After a Request for Agency Action has been filed, the parties are encouraged to meet to attempt to resolve the matter.
- (2) (a) Any party may at any time file a request for appointment of an ALJ. An ALJ will not ordinarily be appointed until requested by a party, although the Executive Director may appoint an ALJ at any time.
- (b) A request for appointment of an ALJ shall be filed as provided in R305-7-104(2)(a), and served as provided in R305-7-104(2)(b).
- (3) After an ALJ is appointed, the ALJ shall [issue a Notice of Further Proceedings in accordance with Section 63G-4-201(3)(d) and (e). The Notice of Further Proceedings shall require any responses to the Request for Agency Action to be filed within 30 days of the date the Notice of Further Proceedings is issued]review and respond to the request for agency action in accordance with Subsections 63G-4-201(3)(d) and (e).
- (4) Unless otherwise ordered by the ALJ, the Director shall file and serve the Administrative Record, as provided in R305-7-209, within 40 days after service of the Notice of Further Proceedings.
- (5) Any dispositive motion shall be filed within 15 days after service of the [Agency] Administrative Record.
- (6) Any issue or argument that could be raised in a dispositive motion is not waived by failure to file such a motion, but may be raised during the briefing on the merits. See R305-7-212.

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R305-7-211. Motions.

- (1) A motion shall be made in writing, and shall include the grounds upon which it is based and the relief or order sought. <u>A separate memorandum in support of the motion is not required.</u>
- (2) Any response to a motion shall be filed within 21 days of service of the motion.
- (3) Any reply to a response to a motion may be filed within 10 days of service of the response. A reply shall be limited to matters raised in the response.
- (4) A motion may not exceed [10]20 pages. If a separate memorandum in support of a motion is filed, the motion and memorandum together shall not exceed 20 pages. A response may not exceed [seven]15 pages. A reply may not exceed [five]ten pages.
- (5) Deadlines and page limits may be modified by order of the ALJ.
- (6) Any determination by the ALJ that is dispositive shall be forwarded to the Executive Director in the form of a recommended decision.
- (7) See also R305-7-206(6) and R305-7-212 regarding issues and arguments not raised by motion.

R305-7-212. Challenges to a Petition to Intervene or to Failure to Preserve an Issue.

- (1) A challenge to a Petition to Intervene under Section 19-1-301.5(7) or to a party's failure to preserve an issue under Section 19-1-301.5(4) and (6)(c) may be made by motion or may be made in the parties' briefs on the merits.
- (2) [If the argument(s) that forms the basis of a challenge under paragraph (1) requires a substantial evaluation of the arguments in support of or in opposition to the issues that form the basis of the request for agency action, or of its defense, a party is encouraged to raise the matter in the brief on the merits.] If a challenge under paragraph (1) relies on a significant portion of the evidence or arguments that must be considered to make a determination on the merits, the party making the challenge under paragraph (1) is encouraged to do so in the brief on the merits.
- (3) The ALJ may defer ruling on a motion under paragraph (1) until the ALJ makes a decision on the merits of the case if the ALJ finds that the [argument(s) that forms the basis of a challenge under paragraph (1) is likely to require a substantial evaluation of the arguments in support of or in opposition to the issues that form the basis of the request for agency action, or of its defense]motion relies on a significant portion of the evidence or arguments that must be considered to make a determination on the merits.

R305-7-213. Procedures for Determination on the Merits.

- (1) Briefs on the merits shall be filed according to a schedule and with page limits established by the ALJ. In the absence of an order otherwise specifying deadlines:
- (a) The Petitioner shall file and serve an Opening Brief of no more than 30 pages within 30 days after the Director serves the record or, if a dispositive motion is filed, within 30 days of the ALJ's determination on, or deferral of, the motion; and
- (b) A responsive brief of no more than 30 pages shall be filed and served within 30 days after the Petitioner's brief is served.
- (c) A reply brief of no more than 15 pages may be filed and served within 15 days after the responsive brief is served.
- (d) If a reply brief is filed, a surreply brief of no more than five pages may be filed and served within five business days after the reply brief is served.
- (2) A reply or a surreply brief may not raise any issue that was not raised in the responsive brief or the reply, respectively.
- (3) The ALJ shall provide an opportunity for oral argument. Oral argument shall, at a minimum, be recorded at the agency's expense using audio recording devices. The agency may elect instead to use a court reporter. If the agency does not elect to use a court reporter, any participant may request that the agency use a court reporter for the oral argument, which request shall be granted by the ALJ provided the requesting person agrees to bear the cost associated with the request. Any such request shall be submitted to the ALJ at least 10 business days before the scheduled oral argument.
- (4) The parties may submit comments on the ALJ's recommended decision to the Executive Director. Comments shall not exceed [five]15 pages, and shall be submitted within [five]ten business days of the service of the recommended decision. A party may file a response to another party's comments, not to exceed five pages, within five business days of the date of the service of the comments.

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R305-7-303. Requests for Agency Action and Contesting an Initial Order or Notice of Violation.

- (1) A Notice of Violation or an Initial Order may be contested by filing and serving a written Request for Agency Action as provided in R305-7-104(5).
- (2) Any Request for Agency Action is governed by and shall meet all of the requirements of UAPA, Section 63G-4-201(3) (a) and (3)(b).
- (3) As provided in Section 63G-4-201(3)(a), a Request for Agency Action shall be in writing and signed by the person making the Request for Agency Action, or by that person's representative, and shall include:
- (a) the names and addresses of all persons to whom a copy of the request for agency action is being sent;
- (b) the agency's file number or other reference number, if known;
 - (c) the date that the request for agency action was mailed;
- (d) a statement of the legal authority and jurisdiction under which agency action is requested;
- (e) a statement of the relief or action sought from the agency;
- (f) a statement of the facts and reasons forming the basis for relief or agency action; and
- (4) A Request for Agency Action shall include the requestor's name, address and email address, if any.
- (5) To be timely, a Request for Agency Action to contest an Initial Order or a Notice of Violation shall be received for filing by the Director and the Administrative Proceedings Records Officer as specified in R305-7-104(2), (4) and (5) within 30 days of the issuance of the Initial Order or a Notice of Violation. [This time may not be extended by stipulation.]This time may be extended only by stipulation of the parties and only if such stipulation is received for filing before the expiration of the time for filing the Request for Agency Action.
- (6) If a Request for Agency Action is made by a person other than the recipient of an Initial Order, the Request for Agency Action shall also include a Petition to Intervene that meets the requirements of Section 63G-4-207 and R305-7-304. See R305-7-110, however (limitations on the ability of third persons to challenge enforcement proceedings).
- (7) (a) It is not sufficient under Section 63G-4-201(3)(a) or this rule to file a general statement of disagreement, a reservation of rights to file a request for agency action, or a request to have the matter heard.
- (b) If a person files a document challenging a notice of violation or an order under this Part 3 that does not meet the requirements of this rule, a party may file a dispositive motion addressing that inadequacy. The notice of violation or order will be final if the Executive Director approves or approves with modifications the ALJ's recommended order of dismissal.
- (8) Failure to file a Request for Agency Action within the period specified in R305-7-104(5) waives any right to contest the Initial Order or to seek judicial review.

R305-7-304. Intervention.

Proceedings that are not permit review adjudicative proceedings will not ordinarily be subject to intervention. See R305-7-110 regarding intervention in enforcement proceedings. In the event intervention is appropriate under the specific facts of the case, the procedures for intervention specified in Part 2, including the deadlines for filing intervention specified in R305-7-204(2), shall govern. [This time may not be extended by stipulation.]This time may be extended only by stipulation of the parties and the prospective intervenor and only if such stipulation is received for filing before the expiration of the time for filing the Petition to Intervene. The status and treatment of prospective intervenors in R305-7-207(2), shall also govern.

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R305-7-312. Motions.

- (1) Motions may be made in writing at or before a hearing, or orally during a hearing. Each motion shall include the grounds upon which it is based and the relief or order sought. Copies of motions that are not made orally shall be filed and served in accordance with R305-7-104. A separate memorandum in support of the motion is not required.
- (2) A response to a motion, if any, shall be filed within 21 days of service of the motion.
- (3) A reply, if any, may be filed within 10 days of service of the response. A reply shall be limited to matters raised in the response.
- (4) A motion may not exceed [25]20 pages. If a separate memorandum in support of a motion is filed, the motion and memorandum together shall not exceed 20 pages. A response may not exceed 15 pages. A reply may not exceed 10 pages.
- (5) Deadlines and page limits may be modified by order of the ALJ.
- (6) When appropriate, parties are encouraged to file dispositive motions, such as a Motion for Judgment on the Pleadings, a Motion to Dismiss or a Motion for Summary Judgment. Parties are encouraged to file dispositive motions no later than 45 days prior to the scheduled hearing. <u>Dispositive motions shall be prepared in accordance with requirements of Rule 12 or Rule 56 of the Utah Rules of Civil Procedure, as appropriate.</u>

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R305-7-316. Executive Director's Decision on the Merits.

- (1) The parties may submit comments on the ALJ's recommended decision to the Executive Director. Comments shall not exceed [five]15 pages, and shall be submitted within [five]ten business days of the service of the recommended decision. A party may file a response to another party's comments, not to exceed five pages, within five business days of the date of the service of the comments.
- (2) The Executive Director shall issue an order that meets the requirements of Section 63G-4-208.

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KEY: administrative procedures, adjudicative procedures, hearings

Date of Enactment or Last Substantive Amendment: |2012|2013

Authorizing, and Implemented or Interpreted Law: 19-1-301; 19-1-301.5, 63G-4-102; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-205; 63G-4-503

Environmental Quality, Air Quality R307-101-2 Definitions

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36723 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, a recommendation was made to add two new definitions to the rule. These definitions have been added.

SUMMARY OF THE RULE OR CHANGE: New definitions are added for "Primary PM2.5" and "Secondary PM2.5." (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 29. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There are no new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: There are no new requirements to local government; therefore, there are no anticipated costs or savings to local government.
- ♦ SMALL BUSINESSES: The changes to the rule are additions of two new definitions. These changes do not add any additional requirements to small businesses; therefore, there are no anticipated costs or savings to small businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The changes to the rule are additions of two new definitions. These changes do not add any additional requirements to small businesses; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to the rule are additions of two new definitions. These changes do not add any additional requirements to affected persons; therefore, there are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to the rule are additions of two new definitions. These changes do not add any additional requirements to business; therefore, the changes to this rule should have no fiscal impact on business.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-101. General Requirements. R307-101-2. Definitions.

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

- (1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (2) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
- (3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.
- (4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the director, on an annual

basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the director if the director determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors (Section 19-2-102(1)).

"Air Contaminant Source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated (Section 19-2-102(2)).

"Air Pollution" means the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-8.

"Ambient Air" means the surrounding or outside air (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

"Board" means Air Quality Board. See Section 19-2-102(8) (a).

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

"Calibration Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is the same known upscale value.

"Carbon Adsorption System" means a device containing adsorbent material (e.g., activated carbon, aluminum, silica gel), an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of all VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Chargeable Pollutant" means any regulated air pollutant except the following:

- (1) Carbon monoxide;
- (2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;
- (3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act. Prevention of Accidental Releases.

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Clean Air Act" means federal Clean Air Act as amended in 1990

"Clean Coal Technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

"Clean Coal Technology Demonstration Project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

"Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is provided by the National Weather Service.

"Commence" as applied to construction of a major source or major modification means that the owner or operator has all necessary pre-construction approvals or permits and either has:

- (1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- (2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

"Condensable PM2.5" means material that is vapor phase at stack conditions, but which condenses and/or reacts upon cooling

and dilution in the ambient air to form solid or liquid particulate matter immediately after discharge from the stack.

"Compliance Schedule" means a schedule of events, by date, which will result in compliance with these regulations.

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Control Apparatus" means any device which prevents or controls the emission of any air contaminant directly or indirectly into the outdoor atmosphere.

"Department" means Utah State Department of Environmental Quality. See Section 19-1-103(1).

"Director" means the Director of the Division of Air Quality. See Section 19-1-103(1).

"Division" means the Division of Air Quality.

"Electric Utility Steam Generating Unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Emission" means the act of discharge into the atmosphere of an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

"Emissions Information" means, with reference to any source operation, equipment or control apparatus:

- (1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air contaminant which has been emitted by the source operation, equipment, or control apparatus;
- (2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air contaminant which, under an applicable standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and
- (3) A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

"Emission Limitation" means a requirement established by the Board, the director or the Administrator, EPA, which limits the quantity, rate or concentration of emission of air pollutants on a continuous emission reduction including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction (Section 302(k)).

"Emissions Unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

"Enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan and R307, any permit requirements established pursuant to 40 CFR 52.21 or R307-401.

"EPA" means Environmental Protection Agency.

"EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9, "Visual Determination of Opacity of Emissions from Stationary Sources," and Alternate 1, "Determination of the opacity of emissions from stationary sources remotely by LIDAR."

"Executive Director" means the Executive Director of the Utah Department of Environmental Quality. See Section 19-1-103(2).

"Existing Installation" means an installation, construction of which began prior to the effective date of any regulation having application to it.

"Facility" means machinery, equipment, structures of any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar device for the comfort of personnel.

"Filterable PM2.5" means particles with an aerodynamic diameter equal to or less than 2.5 micrometers that are directly emitted by a source as a solid or liquid at stack or release conditions and can be captured on the filter of a stack test train.

"Fireplace" means all devices both masonry or factory built units (free standing fireplaces) with a hearth, fire chamber or similarly prepared device connected to a chimney which provides the operator with little control of combustion air, leaving its fire chamber fully or at least partially open to the room. Fireplaces include those devices with circulating systems, heat exchangers, or draft reducing doors with a net thermal efficiency of no greater than twenty percent and are used for aesthetic purposes.

"Fugitive Dust" means particulate, composed of soil and/or industrial particulates such as ash, coal, minerals, etc., which becomes airborne because of wind or mechanical disturbance of surfaces. Natural sources of dust and fugitive emissions are not fugitive dust within the meaning of this definition.

"Fugitive Emissions" means emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

"Gasoline" means any petroleum distillate, used as a fuel for internal combustion engines, having a Reid vapor pressure of 4 pounds or greater.

"Hazardous Air Pollutant (HAP)" means any pollutant listed by the EPA as a hazardous air pollutant in conformance with Section 112(b) of the Clean Air Act. A list of these pollutants is available at the Division of Air Quality.

"Household Waste" means any solid or liquid material normally generated by the family in a residence in the course of ordinary day-to-day living, including but not limited to garbage, paper products, rags, leaves and garden trash.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.

"LPG" means liquified petroleum gas such as propane or butane.

"Maintenance Area" means an area that is subject to the provisions of a maintenance plan that is included in the Utah state implementation plan, and that has been redesignated by EPA from nonattainment to attainment of any National Ambient Air Quality Standard.

- (a) The following areas are considered maintenance areas for ozone:
 - (i) Salt Lake County, effective August 18, 1997; and
 - (ii) Davis County, effective August 18, 1997.
- (b) The following areas are considered maintenance areas for carbon monoxide:
 - (i) Salt Lake City, effective March 22, 1999;
 - (ii) Ogden City, effective May 8, 2001; and
 - (iii) Provo City, effective January 3, 2006.
- (c) The following areas are considered maintenance areas for PM10:
- (i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6,2005; and
- $\,$ (ii) Utah County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and
- (iii) Ogden City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005.
- (d) The following area is considered a maintenance area for sulfur dioxide: all of Salt Lake County and the eastern portion of Tooele County above 5600 feet, effective on the date that EPA approves the maintenance plan that was adopted by the Board on January 5, 2005.

"Major Modification" means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant. A net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone. Within Salt Lake and Davis Counties or any nonattainment area for ozone, a net emissions increase that is significant for nitrogen oxides shall be considered significant for ozone. Within areas of nonattainment for PM10, a significant net emission increase for any PM10 precursor is also a significant net emission increase for PM10. A physical change or change in the method of operation shall not include:

- (1) routine maintenance, repair and replacement;
- (2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;
- (4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - (5) use of an alternative fuel or raw material by a source:
- (a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or
 - (b) which the source is otherwise approved to use;
- (6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;

- (7) any change in ownership at a source
- (8) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the director determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:
- (a) when the director has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and
- (b) the director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.
- (9) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:
 - (a) the Utah State Implementation Plan; and
- (b) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Major Source" means, to the extent provided by the federal Clean Air Act as applicable to R307:

- (1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or
- (a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or
- (b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or
- (c) any source located in a nonattainment area for PM10 which emits, or has the potential to emit, PM10 or any PM10 precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.
- (2) any physical change that would occur at a source not qualifying under subpart 1 as a major source, if the change would constitute a major source by itself;
- (3) the fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of these R307 rules whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
 - (a) Coal cleaning plants (with thermal dryers);
 - (b) Kraft pulp mills;
 - (c) Portland cement plants;
 - (d) Primary zinc smelters;
 - (e) Iron and steel mills;
 - (f) Primary aluminum or reduction plants;
 - (g) Primary copper smelters;
- (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
 - (i) Hydrofluoric, sulfuric, or nitric acid plants;
 - (j) Petroleum refineries;

- (k) Lime plants;
- (l) Phosphate rock processing plants;
- (m) Coke oven batteries;
- (n) Sulfur recovery plants;
- (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;
- (q) Fuel conversion plants;
- (r) Sintering plants;
- (s) Secondary metal production plants;
- (t) Chemical process plants;
- (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;
- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (w) Taconite ore processing plants;
 - (x) Glass fiber processing plants;
 - (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;
- (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

"Modification" means any planned change in a source which results in a potential increase of emission.

"National Ambient Air Quality Standards (NAAQS)" means the allowable concentrations of air pollutants in the ambient air specified by the Federal Government (Title 40, Code of Federal Regulations, Part 50).

"Net Emissions Increase" means the amount by which the sum of the following exceeds zero:

- (1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and
- (2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":
- (a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences; and the date that the increase from the particular change occurs.
- (b) An increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs.
- (c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease.
- (d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- (e) A decrease in actual emissions is creditable only to the extent that:
- (i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

- (ii) It is enforceable at and after the time that actual construction on the particular change begins; and
- (iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (iv) It has not been relied on in issuing any permit under R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.
- (f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New Installation" means an installation, construction of which began after the effective date of any regulation having application to it.

"Nonattainment Area" means an area designated by the Environmental Protection Agency as nonattainment under Section 107, Clean Air Act for any National Ambient Air Quality Standard. The designations for Utah are listed in 40 CFR 81.345.

"Offset" means an amount of emission reduction, by a source, greater than the emission limitation imposed on such source by these regulations and/or the State Implementation Plan.

"Opacity" means the capacity to obstruct the transmission of light, expressed as percent.

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into ambient air without passage through a chimney or stack.

"Owner or Operator" means any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.

"PSD" Area means an area designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean Air Act.

"PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an EPA reference or equivalent method.

"PM2.5 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM2.5, and has been identified in the applicable implementation plan for PM2.5 as significant for the purpose of developing control measures. Specifically, PM2.5 precursors include SO₂, NOx, and VOC.

"PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA reference or equivalent method.

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM10.

"Part 70 Source" means any source subject to the permitting requirements of R307-415.

"Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. (Subsection 19-2-103(4)).

"Pollution Control Project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

- (1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;
- (2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;
- (3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or
- (4) A permanent clean coal technology demonstration project that constitutes a repowering project.

"Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Primary PM2.5" means the sum of filterable PM2.5 and condensable PM2.5.

"Process Level" means the operation of a source, specific to the kind or type of fuel, input material, or mode of operation.

"Process Rate" means the quantity per unit of time of any raw material or process intermediate consumed, or product generated, through the use of any equipment, source operation, or control apparatus. For a stationary internal combustion unit or any other fuel burning equipment, this term may be expressed as the quantity of fuel burned per unit of time.

"Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

- (1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the emission inventory at the time of enactment;
- (2) Was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;
- (3) Is equipped with low-NOx burners prior to the time of commencement of operations following reactivation; and
- (4) Is otherwise in compliance with the requirements of the Clean Air Act.

"Reasonable Further Progress" means annual incremental reductions in emission of an air pollutant which are sufficient to provide for attainment of the NAAQS by the date identified in the State Implementation Plan.

"Refuse" means solid wastes, such as garbage and trash.

"Regulated air pollutant" means any of the following:

- (a) Nitrogen oxides or any volatile organic compound;
- (b) Any pollutant for which a national ambient air quality standard has been promulgated:
- (c) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources:
- (d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection;
- (e) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:
- (i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;
- (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Repowering" means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

- (1) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.
- (2) The director shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 409 of the Clean Air Act.

"Representative Actual Annual Emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of unit, (or a different consecutive two-year

period within 10 years after that change, where the director determines that such period is more representative of source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the director shall:

- (1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and
- (2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

"Residence" means a dwelling in which people live, including all ancillary buildings.

"Residential Solid Fuel Burning" device means any residential burning device except a fireplace connected to a chimney that burns solid fuel and is capable of, and intended for use as a space heater, domestic water heater, or indoor cooking appliance, and has an air-to-fuel ratio less than 35-to-1 as determined by the test procedures prescribed in 40 CFR 60.534. It must also have a useable firebox volume of less than 6.10 cubic meters or 20 cubic feet, a minimum burn rate less than 5 kilograms per hour or 11 pounds per hour as determined by test procedures prescribed in 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a residential solid fuel burning device shall be considered as such. Fireplaces are not included in this definition for solid fuel burning devices.

"Road" means any public or private road.

"Salvage Operation" means any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Secondary PM2.5" means particles that form or grow in mass through chemical reactions in the ambient air well after dilution and condensation have occurred. Secondary PM2.5 is usually formed at some distance downwind from the source.

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy; Sulfur dioxide: 40 tpy; PM10: 15 tpy; PM2.5: 10 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air contaminant equal to a threshold limit value - ceiling (TLV- C) or threshold limit value -time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR 51.100(s)(1), effective as of the date referenced in R307-101-3, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

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Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

Environmental Quality, Air Quality R307-307

Davis, Salt Lake, and Utah Counties: Road Salting and Sanding

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36741 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, the Division of Air Quality (DAQ) received comments from both the EPA and the Utah Department of Transportation that resulted in several changes to the proposed rule.

SUMMARY OF THE RULE OR CHANGE: Section R307-307-1 is changed by clarifying that the version of 40 CFR 81.345 incorporated into the rule is the 07/01/2011 version. The definition for "arterial roadway" is moved from Section R307-307-5 to Section R307-307-2. The rule is changed throughout to add that applied salts shall be at least 92% by weight sodium chloride, magnesium chloride, calcium chloride, or potassium chloride. In the interest of public safety, several roads were added to Section R307-307-6 as being exempt from the requirements of Subsection R307-307-4(1). (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 42. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

MATERIALS INCORPORATED BY REFERENCES:

♦ Adds 40 CFR 81.345, published by United States Government Printing Office, 07/01/2011

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: Because the Utah Department of Transportation already applies salts that meet the purity requirements of the proposed rule and because there are no other new requirements to the state, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL ĞOVERNMENTS: The majority of local governments that apply salt to roads are already using salt with a sodium chloride (NaCl), magnesium chloride (MgCl2), calcium chloride (CaCl2), or potassium chloride (KCl) content of 92% or greater. Also, prices of salt with a NaCl, MgCl2, CaCl2, and KCl content of 92% or greater are competitive with salts with a lower content. Therefore, there are no anticipated costs or savings to local government.
- ♦ SMALL BUSINESSES: Because the salts that can be applied to roads are expanded by adding MgCl2, CaCl2, and KCI, there should be anticipated savings to small businesses; however, since it is difficult to predict the demand of these salts each year, the savings amounts are unknown.
- PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no new requirements for persons other than small businesses, businesses or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Most people applying salts to roads are already using salt with a NaCl, MgCl, CaCl2, and KCl content of 92% or greater. Also, prices of these salts are competitive with salts with lesser Any cost associated with the record-keeping requirements of the rule are expected to be minimal. Therefore, there are no anticipated compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Most people applying salts to roads are already using salt with a NaCl, MgCl, CaCl2, and KCl content of 92% or greater. Also, prices of these salts are competitive with salts with lesser purities. Any cost associated with the record-keeping requirements of the rule are expected to be minimal. Therefore, there are no anticipated compliance costs for affected persons.

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

> **ENVIRONMENTAL QUALITY** AIR QUALITY **FOURTH FLOOR** 195 N 1950 W

SALT LAKE CITY, UT 84116-3085 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-307. Road Salting and Sanding. R307-307-1. Applicability.

R307-307 applies to all persons who apply salt[3]or_abrasives such as crushed slag[3-or]and sand to roads in PM10 and PM2.5 nonattainment and maintenance areas as defined in 40 CFR 81.345 (July 1, 2011) and geographically described as all regions of Davis, Salt Lake, and Utah counties; all portions of the Cache Valley; all regions in Weber County west of the Wasatch mountain range; in Box Elder County, from the Wasatch mountain range west to the Promontory mountain range and south of Portage; and in Tooele County, from the northernmost part of the Oquirrh mountain range to the northern most part of the Stansbury mountain range and north of Route 199.

R307-307-2. Definitions.

The following additional definition applies to R307-307:

"Arterial roadway" has the same meaning as outlined in U.S. DOT Federal Highway Administration Publication No. FHWA-ED-90-006, Revised March 1989, "Highway Functional Classification: Concepts, Criteria, and Procedures" as interpreted by Utah Department of Transportation and shown in the following maps: Salt Lake Urbanized Area, Provo-Orem Urbanized Area, and Ogden Urbanized Area (1992 or later).

R307-307-3. Records.

- (1) Any person who applies salt or abrasives such as crushed slag and sand to roads in PM10 and PM2.5 nonattainment and maintenance areas shall maintain records of the material applied.
- (a) For salt, the records shall include the quantity applied, the percent by weight of insoluble solids in the salt, and the percentage of the material that is sodium chloride (Nacl), magnesium chloride (MgCl2), calcium chloride (CaCl2), or potassium chloride (KCl).
- (b) For <u>abrasives such as sand</u> or crushed slag, the records shall include the quantity applied and the percent by weight of fine material which passes the number 200 sieve in a standard gradation analysis.
- (2) All records shall be maintained for a period of at least two years, and the records shall be made available to the director or [the director's]his designated representative upon request.

R307-307-[3]4. Content.

(1) After October 1, 1993, any salt applied to roads in Salt Lake, Davis, or Utah [&]counties [must]shall be at least 92% [sodium ehloride (]NaCl[)], MgCl2, CaCl2, or KCl.

(2) After January 1, 2014, any salt applied to roads in all other areas specified in R307-307-1 [must]shall be [at least]no less than 92% by weight NaCl, MgCl2, CaCl2, or KCl.

R307-307-[4]5. Alternatives.

- (1) After October 1, 1993, any person who applies <u>an abrasive such as crushed slag, or sand[,]</u> or <u>who applies salt that is less than 92% by weight[sodium ehloride (]NaCl_[)] MgCl2, CaCl2 or KCl to roads in Salt Lake, Davis, or Utah Counties [must]shall either:</u>
- (a) demonstrate to the director that the material applied has no more PM10 or PM2.5 emissions than salt which is at least 92% NaCl, MgCl2, CaCl2, or KCl; or
- (b) vacuum sweep every arterial roadway (principal[e] and minor) to which the material was applied within three days of the end of the storm for which the application was made.[—For the purpose of this rule, the term "arterial roadway" shall have the meaning outlined in U.S. DOT Federal Highway Administration Publication No.-FHWA-ED-90-006, Revised March 1989, "Highway Functional-Classification: Concepts, Criteria, and Procedures" as interpreted by Utah Department of Transportation and shown in the following maps: Salt Lake Urbanized Area, Provo-Orem Urbanized Area, and Ogden Urbanized Area (1992 or later).]
- (2) After January 1, 2014, any person who applies an abrasive such as crushed slag[5] or sand, or who applies salt that is less than 92% by weight NaCl, MgCl2, and/or CaCl2 to roads in all other areas specified in R307-307-1 shall comply with the requirements of either R307-307-[4]5(1)(a) or (b).

R307-307-6. Exemptions.

- ([3]1) In the interest of public safety, any person who applies an abrasive such as crushed slag or sand to arterial roadways because salt alone would not ensure safe driving conditions due to steepness of grade[,] or extreme weather[, or other reasons,] is exempt[may petition the director for a variance] from the [sweeping-] requirements in R307-307-4[(1)(b)].
- (2) The following roads are [-S]specifically excluded from the[se] [sweeping]requirements of R307-307-5(1):[-are-]
 - ___(a)_all canyon roads;[-and-]
 - (b) the portion of Interstate 15 near Point of the Mountain;
 - (c) I-15, from Exit 385 northward to the Idaho Border;
 - (d) I-84 from Exit 17 eastward to Exit 40 at Tremonton;
- (e) SR-39 from Harrison Boulevard eastward into Ogden Canyon;
- (f) I-84 from the junction with US-89 eastward into Weber Canyon;
- (g) I-80 near Black Rock, from the junction with SR-36 to the junction with SR-202;

(h) SR-199; and

(i) SR-196.

KEY: air pollution, roads, particulate

Date of Enactment or Last Substantive Amendment: [2012]2013

Notice of Continuation: June 2, 2010

Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality **R307-312**

Aggregate Processing Operations for PM2.5 Nonattainment Areas

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36740 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, comments from both industry and the EPA were submitted that resulted in the need to make substantive changes to the rule.

SUMMARY OF THE RULE OR CHANGE: Section R307-312-2 is changed by incorporating the PM2.5 nonattainment and maintenance area as defined in 40 CFR 81.345 and by adding a geographical description of the area. A definition for "Aggregate" is added to Section R307-3121-3. Language is added to the opacity observation requirement of Subsection R307-312-4(2) that states the Method 9 observations shall be 30 minutes (five six-minute averages). The compliance shall be based on the average of the five six-minute averages, but the duration of the Method 9 may be reduced to 6 minutes (one six-minute average) if the first six-minute average is below the limit specified in Table 1 of Section R307-312-4. Section R307-312-5 is changed by adding language that states compliance with the requirements of Subsection R307-312-5(2) shall be determined by production records and fuel records. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 45. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-101 and Section 19-2-104 and Section 19-2-109

MATERIALS INCORPORATED BY REFERENCES:

◆ Adds 40 CFR 81.345, published by United States Government Printing Office, 07/01/2011

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: The changes to Subsection R307-312-4(2) may result in a cost or a savings to the Division of Air Quality; however, it is difficult to estimate what those costs or savings would be. Any additional cost or saving would be minimal; therefore, there are no anticipated costs or savings to the state budget.

- ♦ LOCAL GOVERNMENTS: There are no new requirements to local government; therefore, there are no anticipated costs or savings.
- ♦ SMALL BUSINESSES: There are no new requirements to small businesses; therefore, there are no anticipated costs or savings.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no new requirements to persons other than small businesses, businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only new requirement for affected persons is the requirement for hot mix asphalt plants to demonstrate compliance with Section R307-312-5 through production records and fuel records. This requirement should not result in any additional costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The only new requirement for businesses is the requirement for hot mix asphalt plants to demonstrate compliance with Section R307-312-5 through production records and fuel records. This requirement should not have a fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-312. Aggregate Processing Operations for PM2.5 Nonattainment Areas.

R307-312-1. Purpose.

R307-312 establishes emission standards for sources in the aggregate processing industry, including aggregate processing equipment, hot mix asphalt plants, and concrete batch plants.

R307-312-2. Applicability.

(1) R307-312 applies to all crushers, screens, conveyors, hot mix asphalt plants, and concrete batch plants located within a PM2.5 nonattainment and maintenance area as defined in 40 CFR 81.345 (July 1, 2011) and geographically described as all regions of Salt Lake and Davis counties; all portions of the Cache Valley; all regions in

Weber and Utah counties west of the Wasatch mountain range; in Box Elder County, from the Wasatch mountain range west to the Promontory mountain range and south of Portage; and in Tooele County, from the northernmost part of the Oquirrh mountain range to the northern most part of the Stansbury mountain range and north of Route 199. [Box Elder, Caehe, Davis, Salt Lake, Tooele, Utah, or-Weber counties.]

(2) The provisions of R307-312 do not apply to temporary hot mix asphalt plants.

R307-312-3. Definitions.

The following definitions apply to R307-312:

"Aggregate" means material of which the majority is nonmetallic minerals.

"Concrete batch plant" means any facility used to manufacture concrete by mixing aggregate with cement.

"Conveyor" means a device for transporting nonmetallic materials from one piece of equipment to another.

"Crusher" means a machine used to crush any nonmetallic minerals.

"Hot mix asphalt plant" means any facility used to manufacture hot mix asphalt by heating and drying aggregate and mixing with asphalt cements.

"Nonmetallic mineral" has the same definition as defined in $40\ \text{CFR}\ 60.671.$

"Screen" means a device for separating nonmetallic minerals according to size by passing undersize material through one or more mesh surfaces in series, and retaining oversize material on the mesh surfaces.

"Temporary" means not more than 180 operating days and not more than 365 calendar days.

R307-312-4. Visible Emissions.

(1) Visible emissions from sources subject to R307-312 shall not exceed the opacity limits as specified in Table 1.

CATEGORY		TABLE 1	OPACITY LIMIT
Crushers			12%
Screens			7%
Conveyor	transfer points		7%
Concrete	batch plants		7%

- (2) Opacity Observation.
- (a) Opacity observations of emissions shall be conducted according to 40 CFR 60, Appendix A, Method 9.
- (b) The duration of the Method 9 observations shall be 30 minutes (five six-minute averages).
- (c) Compliance shall be based on the average of the five six-minute averages. The duration of Method 9 may be reduced to 6 minutes (one six-minute average) if the first six-minute average is below the limit specified in Table 1.

R307-312-5. Hot Mix Asphalt Plants.

- (1) The filterable PM2.5 emission rate from a hot mix asphalt plant dryer shall not exceed 0.024 grains per dscf.
- (a) Filterable PM2.5 emissions shall be determined by 40 CFR 51, Appendix M, Method 201A.

- (2) From November 1 to March 1, a hot mix asphalt plant burning a fuel other than natural gas or liquefied petroleum gas (LPG) shall not produce more than 50% of its rated capacity.
- (a) Production shall be determined by scale house records or equivalent method on a daily basis.
- (b) Compliance shall be based on either the daily amount of hot mix asphalt produced averaged over the operating day or the daily amount of hot mix asphalt produced while burning a fuel other than natural gas or LPG averaged over the time the plant is operating while burning a fuel other than natural gas or LPG each day.
- (c) Compliance shall be determined by production records and fuel records.

R307-312-6. Compliance Schedule.

- (1) All sources subject to R307-312-4 or R307-312-5(2) shall be in compliance with this rule by June 7, 2013.
- (2) All sources subject to R307-312-5(1) that begin construction prior to June 7, 2013, shall submit test results demonstrating compliance with R307-312-5(1) to the director by December 14, 2015.
- (3) All sources subject to R307-312-5(1) that begin construction on or after June 7, 2013, shall submit test results demonstrating compliance with R307-312-5(1) to the director no later than 180 days after initial startup.

KEY: air pollution, aggregate, asphalt, concrete Date of Enactment or Last Substantive Amendment: [2012]2013 Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2-109

Environmental Quality, Air Quality **R307-340**

Ozone Nonattainment and Maintenance Areas: Surface Coating Processes

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36725 FILED: 12/11/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 12/05/2012, the Utah Air Quality Board approved the repeal of this rule but requested that the effective date of the repeal be 02/01/2013. That date comes three days after the proposed rule lapse date of 01/29/2013. Therefore, in order to not let the rule lapse, and to have an effective repeal date of 02/01/2013, a Change In Proposed Rule is being filed.

SUMMARY OF THE RULE OR CHANGE: There are no changes being made to the body of the rule. The Utah Air Quality Board has requested that the repeal of the rule be

made effective 02/01/2013, which is after the rule filing lapse date. Therefore, this Change in Proposed Rule is being filed. (DAR NOTE: This change in proposed rule has been filed to keep the proposed repeal that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 49, active until it can be made effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There are no new requirements to the state; therefore, there are no costs or savings to the state budget
- ♦ LOCAL GOVERNMENTS: There are no new requirements for local government; therefore, there are no anticipated costs or savings.
- ♦ SMALL BUSINESSES: Because there are no new requirements for small businesses, there are no anticipated costs or savings.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This Change in Proposed Rule is being filed so that the rule repeal can have an effective date of 02/01/2013; therefore, there are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This Change in Proposed Rule is being filed so that the rule repeal can have an effective date of 02/01/2013; therefore, there is no fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

DAR NOTE: No change has been proposed; the rule is still being proposed to be completely repealed, see the reason under the "Reason for the Change" in the rule analysis above. To view the proposed

repealed text, see the proposed repeal that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 49.

Environmental Quality, Air Quality **R307-343**

Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36738 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, EPA submitted comments regarding the rule applicability threshold, an error in Table 1, the VOC coating limits, the insufficiency of record-keeping requirements, and a lack of VOC content limits on cleaning solvents. The changes to the proposed rule are in response to these comments.

SUMMARY OF THE RULE OR CHANGE: Rule applicability in Section R307-343-2 is changed from 5 to 2.7 tons per year or more per year of VOCs. Several definitions are removed from Section R307-343-3. Language is added to Section R307-343-4 to clarify that exempt solvents are not included in the VOC content limits for the coating used. New VOC emissions rates are also added; these rates will become effective beginning 01/01/2015. Section R307-343-6 is changed to clarify that the owner or operator must provide documentation that the emission control system will meet the requirements of Section R307-343-6. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 56. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule do not result in any new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: The changes to this rule do not result in any new requirements to local governments;

therefore, there are no anticipated costs or savings to local governments.

- ♦ SMALL BUSINESSES: Because the rule's applicability is changed from sources with the potential to emit 5 tons per year VOC to sources with the the potential to emit 2.7 tons per year VOC, the rule will apply more sources resulting in a cost of up to \$2,260 per ton of VOC removed.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the rule's applicability is changed from sources with the potential to emit 5 tons per year VOC to sources with the the potential to emit 2.7 tons per year VOC, the rule will apply more sources resulting in a cost of up to \$2,260 per ton of VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the rule's applicability is changed from sources with the potential to emit 5 tons per year VOC to sources with the the potential to emit 2.7 tons per year VOC, the rule will apply more sources resulting in a cost of up to \$2,260 per ton of VOC removed.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 03/07/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-343. Emissions Standards for Wood Furniture
Manufacturing Operations.
R307-343-1. Purpose.

The purpose of R307-343 is to limit volatile organic compound (VOC) emissions from wood furniture manufacturing.

R307-343-2. Applicability.

R307-343 applies to wood furniture manufacturing operations, including related cleaning activities, that have the potential to emit 2.7[5] tons or more per year of VOCs and that are located in Box Elder, Cache, Davis, Salt Lake, Utah, Tooele, and Weber counties.

R307-343-3. Definitions.

The following additional definitions apply to R307-343:

"Affected source" means a wood furniture manufacturing source that meets the criteria in R307-343-2.

"As applied" means the volatile organic compound and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for inhouse dilution of the finishing material.

["Capture device" means a hood, enclosed room, floor sweep, or other means of collecting solvent emissions or other pollutants into a duct so that the pollutant can be directed to a pollution control device such as an incinerator or carbon adsorber.

"Certified product data sheet (CPDS)" means documentation furnished by a coating supplier or an outside laboratory that provides the volatile organic compound content by percent weight, the solids content by percent weight, and the density of a finishing material; strippable booth coating, or solvent, measured using EPA Method 24 or an equivalent method, or formulation data if the coating meets the criteria specified in R307-343-7(1).

] "Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

"Compliant coating" means a finishing material or strippable booth coating that meets the emission limits specified in R307-343-4(1).

["Control device" means any equipment that reduces the quantity of a pollutant that is emitted to the air. The device may destroy or secure the pollutant for subsequent recovery. Control devices include, but are not limited to, incinerators, earbon adsorbers, and condensers.

"Control device efficiency" means the ratio of the pollution released by a control device and the pollution introduced to the control device, expressed as a fraction.

"Control system" means the combination of capture and control devices used to reduce emissions to the atmosphere.

"Conventional Air Spray" means a spray coating method in which the coating is atomized by mixing it with compressed air at an air pressure greater than ten pounds per square inch (gauge) at the point of atomization. Airless, air assisted airless spray technologies, and electrostatic spray technology are not considered conventional air spray.

"Finishing material" means a coating used in the wood furniture industry, including basecoats, stains, washcoats, sealers, and topcoats.

"Finishing Operation" means those activities in which a finishing material is applied to a substrate and is subsequently airdried, cured in an oven, or cured by radiation.

["Normally closed container" means a container that is closed unless an operator is actively engaged in activities such as emptying or filling the container.

] "Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. A washcoat used to optimize aesthetics is not a sealer.

"Solids" means the part of the coating that remains after the coating is dried or cured; solids content is determined using data from EPA Method 24.

"Stain" means any color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate, including nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

- ["Strippable booth coating" means a coating that:
- (1) Is applied to a booth wall to provide a protective film to receive overspray during finishing operations;
 - (2) Is subsequently peeled off and disposed; and
- (3) By achieving (1) and (2), reduces or eliminates the need to use organic solvents to clean booth walls.

] "Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

"Touch-up and Repair" means the application of finishing materials to cover minor finishing imperfections.

"Washcoat" means a transparent special purpose coating having a solids content by weight of 12.0% or less that is applied over initial stains to protect and control color and to stiffen the wood fibers in order to aid sanding.

"Washoff operations" means those operations in which organic solvent is used to remove coating from a substrate.

"Wood furniture" means any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

"Wood furniture manufacturing operations" means the finishing, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components.

R307-343-4. Emission Standards.

- (1) Each affected source subject to R307-343 shall limit VOC emissions by:
- (a) Using the compliant coating method as described in R307-343-4(1)(a)(i) or using the control system method as described in R307-343-4(1)(a)(ii).
- (i) Compliant coating method is the use of the topcoats or topcoat/sealer combinations in Table 1:

TABLE 1

Compliant Coating VOC Limitations
(values in pounds VOC per pound of [coating]solids, minus water
_and exempt solvents (compounds not classified as VOC), as applied)

COATING CATEGORY

VOC EMISSION RATES

	Effective Through December 31,2014	Effective Beginning January 1, 2015
Topcoats	0.8	0.4
Topcoat/Sealer combination		
Topcoat	1.8	0.9

Sealer	1.9	0.9
Acid-cured, alkyd amino topcoat/sealer combinations		
Acid-cured,alkyd amino topcoat	2.0	1.0
Acid-cured,alkyd amino vinyl Sealer	2.3	1.2

- (ii) Control system method is the use of a VOC control system achieving a 90% or greater emissions reduction.
- (b) Using strippable spray booth coatings that contain no greater than 0.8 pounds VOC per pound solids as applied.
- (c) Using closed containers for the storing of finishing, gluing, cleaning and washoff materials.

R307-343-5. Application Equipment Requirements.

- (1) All coatings shall be applied using equipment having a minimum 65% transfer efficiency, except as allowed under R307-343-5(3) and operated according to the equipment manufacturer specifications. Equipment meeting the transfer efficiency requirement includes, but is not limited to:
 - (a) Brush, dip, or roll coating;
 - (b) Electrostatic application; and
 - (c) High volume, low pressure (HVLP) spray equipment.
- (2) Other coating application methods that achieve emission reductions equivalent to HVLP or electrostatic spray application methods may be used.
- (3) Conventional air spray methods may be used under the following circumstances:
- (a) To apply finishing materials that have no greater than 1.0 pound of VOC per pound of solids, as applied;
- (b) For touch-up and repair under the following circumstances:
- $\mbox{\ensuremath{(i)}}\mbox{\ensuremath{(The}}\mbox{\ensuremath{(total unitarity)}}\mbox{\ensuremath{and}}\mbox{\ensuremath{(repair occurs after completion of the finishing operation; or}$
- (ii) The touchup and repair occurs after the application of stain and before the application of any other type of finishing material, and the materials used for touchup and repair are applied from a container that has a volume of no more than 2.0 gallons;
- $\mbox{\ensuremath{(c)}}$ When the spray gun is aimed and triggered automatically, not manually;
- (d) When the emissions from the finishing application station are directed to a control device:
- (e) When the conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is no more than 10% of the total gallons of finishing material used during the calendar year; or
- (f) When the conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. The following criteria shall be used, either independently or in combination, to support the affected source's claim of technical or economic infeasibility:
- (i) The production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or
- (ii) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

R307-343-6. Control Systems Operations.

- (1) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations in order to maintain continuous emission reduction of 90%.
- (2) The owner or operator of a control device shall provide [eertification]documentation [from the manufacturer-]that the emission control system will attain the requirements of R307-343[required-efficiency performance].
- (3) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-343-7. Work Practices and Recordkeeping.

- (1) Control techniques and work practices shall be implemented at all times to reduce VOC emissions from fugitive type sources. Control techniques and work practices shall include, but are not limited to:
- (a) Storing all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;
- (b) Ensuring that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials;
- (c) Minimizing spills of VOC-containing coatings, thinners, and coating-related waste materials; and
- (d) Conveying VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed container or pipes.
- (2) The work practices for cleaning materials shall be implemented at all times to reduce VOC emissions from fugitive type sources. The work practices shall include, but are not limited to:
- (a) Storing all VOC-containing cleaning materials and used shop towels in closed containers:
- (b) Ensuring that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;
- (c) Minimizing spills of VOC-containing cleaning materials;
- (d) Conveying VOC-containing cleaning materials from one location to another in closed container or pipes; and
- (e) Minimizing VOC emission from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.
- (3) [A certified product data sheet shall be maintained for each sealer, topcoat, and strippable booth coating used to demonstrate compliance with the emission standards in R307-343-4. If solvent or other VOC is added before application, documentation shall bemaintained showing the VOC content as applied in pounds VOC perpounds solid.]All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less.
- (4) [The owner or operator shall demonstrate compliance with the requirements of R307-343-5-]All sources subject to R307-343 shall maintain records demonstrating compliance with all provisions of R307-343 on an annual basis.

- (a) Records shall include, but not be limited to, inventory and product data sheets for all coatings and solvents subject to R307-343.
- (b) These records shall be available to the director upon request.

R307-343-8. Compliance Schedule.

- (1) Sources in Salt Lake and Davis counties that have the potential to emit <u>2.7[5]</u> or more tons but less than 25 tons of VOC per year shall be in compliance by September 1, 2013.
- (2) Sources in Salt Lake and Davis counties that have the potential to emit 25 tons or more of VOC per year shall be in compliance upon the effective date of this rule.
- (3) All sources in Box Elder, Cache, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

KEY: air pollution, wood furniture, coatings

Date of Enactment or Last Substantive Amendment: [2012]2013

Notice of Continuation: February 1, 2012

Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (a); 19-2-104(3)(e)

Environmental Quality, Air Quality **R307-344**

Paper, Film, and Foil Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36726 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, stakeholders and existing small sources expressed their concerns about the 2.7 tons per year applicability being applied to existing sources in Box Elder and Tooele counties. The EPA also submitted comments regarding the record-keeping requirements. The changes to the proposed rule are in response to these comments.

SUMMARY OF THE RULE OR CHANGE: Section R307-344-2 is changed stating that in Tooele and Box Elder counties, the rule applies to existing sources as of 02/01/2013, that have the potential to emit 5 tons per year or more of VOC and applies to new sources that have the potential to emit 2.7 tons per year or more VOC. The rule still applies in Cache, Davis, Salt Lake, Utah and Weber counties to sources that have the potential to emit 2.7 tons per year or more VOC. Language is added to Section R307-344-4 to clarify that exempt solvents are not included in the VOC content limits for the coating used. Section R307-344-5 is changed to require owners and operators to maintain records demonstrating compliance with the rule on an annual basis

and to require them to make those records available to the director upon request. Subsection R307-344-5(3) is amended by adding application requirements. Section R307-344-6 is changed to clarify that the owner or operator must provide documentation that the emission control system will attain the requirements of Section R307-344-6. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 65. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule do not result in any new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: The changes to this rule do not result in any new requirements to local governments; therefore, there are no anticipated costs or savings to local governments.
- ♦ SMALL BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$1,440 per ton of VOC removed.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$1,440 per ton of VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$1,440 per ton of VOC removed.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality, R307-344. Paper, Film, and Foil Coatings. R307-344-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from roll, knife, and rotogravure coaters and drying ovens of paper, film, and foil coating operations.

R307-344-2. Applicability.

[R307-344 applies to paper, film, and foil coating operations, including related cleaning activities, that have the potential to emit 2.7 tons per year of VOC and that are located in Box Elder, Cache, Davis, Salt Lake, Toocle, Utah and Weber counties.](1) R307-344 applies to sources located in Cache, Davis, Salt Lake, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

- (2) In Box Elder and Tooele counties, R307-344 applies to the following sources:
- (a) Existing sources as of February 1, 2013, with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and
- (b) New sources as of February 1, 2013, that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-344-3. Definitions.

The following additional definitions apply to R307-344:

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels. It is also used to refer to films applied to paper, plastics, or foil.

"Foil coating" means a coating applied in a web coating process on any foil substrate other than paper or fabric, including, but not limited to, typewriter ribbons, photographic film, magnetic tape, and metal foil gift wrap, but excluding coatings applied to packaging used exclusively for food and health care products for human and animal consumption.

"Knife coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a blade that spreads the coating evenly over the width of the substrate.

"Paper coating" means uniform distribution of coatings put on paper, film, foils and pressure sensitive tapes regardless of substrate. Related web coating processes on plastic film and decorative coatings on metal foil are included in this definition. Paper coating covers saturation operations as well as coating operations.

"Roll coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls.

"Roll printing" means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

"Rotogravure coating" means the application of a uniform layer of material across the entire width of the web to substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

"Saturation" means dipping the web into a bath.

"Web" means a continuous sheet of substrate.

R307-344-4. Emission Standards.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-344-6.

TABLE 1

Paper, Film, and Foil Coating Limitations (values in pounds VOC per pound of coating, minus water<u>and</u> exempt solvents (compounds not classified as VOC), as applied)

COATING CATEGORY VOC EMISSION RATES

Paper, film and foil 0.08

Pressure sensitive tape and label 0.067

R307-344-5. Work Practices and Recordkeeping.

- (1) Control techniques and work practices are to be implemented at all times to reduce VOC emissions from fugitive type sources. Control techniques and work practices include:
 - (a) Using tight fitting covers for open tanks;
 - (b) Using covered containers for solvent wiping cloths;
- (c) Using collection hoods for areas where solvent is used for cleanup;
- (d) Minimizing spills of VOC-containing cleaning materials;
- (e) Conveying VOC-containing materials from one location to another in closed containers or pipes;
 - (f) Cleaning spray guns in enclosed systems; and
 - (g) Using recycled solvents for cleaning.
- (2) [The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission standards of R307-344-4.]All sources subject to R307-344 shall maintain records demonstrating compliance with all provisions of R307-344 on an annual basis
- (a) Records shall include, but not limited to, inventory and product data sheets of all coatings and solvents subject to R307-344.
- (b) These records shall be available to the director upon request.
- (3) No person shall apply coatings unless these materials are applied with equipment operated according to the manufacturer's specifications, and by the use of one of the following methods:

- (a) Flow coater;
- (b) Roll coater;
- (c) Dip coater;
- (d) Foam coater;
 - (e) Die coater;
 - (f) Hand application methods;
 - (g) High-volume, low pressure (HVLP) spray; or
- (h) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.
- (4) All persons shall perform solvent cleaning operations with cleaning materials having VOC content of 0.21 pounds per gallon or less.

R307-344-6. Optional Add-On Controls.

- (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.
- (2) The owner or operator of a control device shall provide [eertification]documentation [from the manufacturer-]that the emission control system will attain [required efficiency performance-]the requirements of R307-344-6.
- (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-344-7. Compliance Schedule.

- (1) All sources in Davis and Salt Lake counties are subject to this rule upon the effective date.
- (2) Sources in Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with the rule by January 1, 2014.

KEY: VOC emission, paper coating, film coating, foil coating Date of Enactment or Last Substantive Amendment: [2012]2013 Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (a)

Environmental Quality, Air Quality **R307-345**

Fabric and Vinyl Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36727 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, stakeholders and existing small sources expressed their concerns about the 2.7 tons per year applicability being applied to existing sources in Box Elder and Tooele counties. The EPA also submitted comments regarding the record-keeping

requirements. The changes to the proposed rule are in response to these comments.

SUMMARY OF THE RULE OR CHANGE: Section R307-345-2 is changed stating that in Tooele and Box Elder counties, as of 02/01/2013, the rule applies to existing sources as of 02/01/2013, that have the potential to emit 5 tons per year or more of VOC and applies to new sources that have the potential to emit 2.7 tons per year or more VOC. The rule still applies in Cache, Davis, Salt Lake, Utah, and Weber counties to sources that have the potential to emit 2.7 tons per year or more VOC. Language is added to Section R307-345-4 to clarify that exempt solvents are not included in the VOC content limits for the coating used. It is also changed by adding lower VOC emission rates that become effective 01/01/2015. Section R307-345-5 is changed to require owners and operators to maintain records demonstrating compliance with the rule on an annual basis and to require them to make those records available to the director upon request. Subsection R307-345-5(4) is amended by adding application requirements. Section R307-345-6 is changed to clarify that the owner or operator must provide documentation that the emission control system will attain the requirements of Section R307-345-6. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 67. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule do not result in any new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: The changes to this rule do not result in any new requirements to local governments; therefore, there are no anticipated costs or savings to local governments.
- ♦ SMALL BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$3,500 per ton of VOC removed.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$3,500 per ton of VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$3,500 per ton of VOC removed.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-345. Fabric and Vinyl Coatings. R307-345-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from fabric and vinyl coating operations, which use roll, knife, or rotogravure coaters and drying ovens.

R307-345-2. Applicability.

[R307-345 applies to fabric and vinyl coating operations, including related cleaning activities, which use roll, knife, orrotogravure coaters and drying ovens that have the potential to emit 2.7 tons per year of VOC and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.](1) R307-345 applies to sources located in Cache, Davis, Salt Lake, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

- (2) In Box Elder and Tooele counties, R307-345 applies to the following sources:
- (a) Existing sources as of February 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and
- (b) New sources as of February 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-345-3. Definitions.

The following additional definitions apply to R307-345:

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface [-including lacquers, enamels, latexes, aerylies, polyvinyl chloride, polyurethanes, natural and synthetic rubbers. It also applies to films applied to paper, plastics, or foil.]

"Fabric coating" means the coating or saturation of a textile substrate with a knife, roll or rotogravure coater to impart characteristics that are not initially present, such as strength, stability, water or acid repellency, or appearance. Fabric coatings can include, but are not limited to, industrial and electrical tapes, tie cord, utility meter seals, imitation leathers, tarpaulins, shoe material, and upholstery fabrics.

"Knife coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a blade that spreads the coating evenly over the width of the substrate.

"Roller coating" the coating material is applied to the moving fabric, in a direction opposite to the movement of the substrate, by hard rubber or steel rolls.

"Rotogravure coating" means the application of a uniform layer of material across the entire width of the web to substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

"Vinyl coating" means applying a decorative or protective top coat, or printing on vinyl coated fabric or vinyl sheets.

R307-345-4. Emission Standards.

(1) Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-345-6.

TABLE 1
Fabric and Vinyl Coating Limitations
(values in pounds VOC per gallon of coating, minus water <u>and</u>
exempt solvents (compounds not classified as VOC), as applied)

COATING CATEGTORY	VOC EMISSION RATES	VOC EMISSION RATES
	Effective Through	Effective Beginning
	December 31, 2014	January 1, 2015
Fabric	2.9	<u>2.2</u>
Vinyl	3.8	2.2

(2) Organosol and plastisol coatings shall not be used to bubble emissions from vinyl printing and top coating.

R307-345-5. Work Practices and Recordkeeping.

- (1) Control techniques and work practices are to be implemented at all times to reduce VOC emissions from fugitive type sources. Control techniques and work practices include:
 - (a) Tight fitting covers for open tanks or drums;
 - (b) Covered containers for solvent wiping cloths;
- (c) Collection hoods for areas where solvent is used for cleanup;
 - (d) Covered mixing tanks; and
- (e) Covered hoods and oven routed to add-on control devices, which may include, but are not limited to, after burners, thermal incinerators, catalytic oxidation, or carbon adsorption.

- (2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.
- The following applications achieve a minimum of 65% transfer efficiency and must be operated in accordance with the manufacturers specifications:
 - (a) Foam coat;
 - (b) Flow coat;
 - (c) Roll coat;
 - (d) Dip coat;
 - (e) Die coat;
 - (e) High-volume, low-pressure (HVLP) spray;
 - (f) Hand application methods; or
- (g) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.
- (3) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less.
- ([2]4) [The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission-standards of R307-348-4.]All sources subject to R307-345 shall maintain records demonstrating compliance with all provisions of R307-345 on an annual basis.
- (a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-345.
- (b) These records shall be available to the director upon request.

R307-345-6. Optional Add-On Controls.

- (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.
- (2) The owner or operator of a control device shall provide documentation that the emission control system will attain the requirements of R307-345-6 [certification from the manufacturer that the emission control system will attain required efficiency performance.]
- (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-345-7. Compliance Schedule.

- (1) All sources in Davis and Salt Lake counties are subject to this rule upon the effective date.
- (2) All sources within Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

KEY: air pollution, emission controls, fabric coating, vinyl coating Date of Enactment or Last Substantive Amendment: [2012]2013

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

Environmental Quality, Air Quality **R307-346**

Metal Furniture Surface Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36728 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, stakeholders and existing small sources expressed their concerns about the 2.7 tons per year applicability being applied to existing sources in Box Elder and Tooele counties. The EPA also submitted comments regarding the record keeping requirements. The changes to the proposed rule are in response to these comments.

SUMMARY OF THE RULE OR CHANGE: Section R307-346-2 is changed stating that in Tooele and Box Elder counties, as of 02/01/2013, the rule applies to existing sources as of 02/01/2013, that have the potential to emit 5 tons per year or more of VOC and applies to new sources that have the potential to emit 2.7 tons per year or more VOC. The rule still applies in Cache, Davis, Salt Lake, Utah, and Weber counties to sources that have the potential to emit 2.7 tons per year or more VOC. Language is added to Section R307-346-5 to clarify that exempt solvents are not included in the VOC content limits for the coating used. Section R307-346-6 is changed to require owners and operators to maintain records demonstrating compliance with the rule on an annual basis and to require them to make those records available to the director upon request. Subsection R307-346-6(3) is amended by adding application requirements. Section R307-346-7 is changed to clarify that the owner or operator must provide documentation that the emission control system will attain the requirements of Section R307-346-6. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 69. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule do not result in any new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ◆ LOCAL GOVERNMENTS: The changes to this rule do not result in any new requirements to local governments;

therefore, there are no anticipated costs or savings to local governments.

- ♦ SMALL BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,220 per ton of VOC removed.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,220 per ton of VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,220 per ton of VOC removed.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-346. Metal Furniture Surface Coatings. R307-346-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from metal furniture surface coating operations in application areas, flash-off areas, and ovens of metal furniture coating lines involved in prime and top-coat or single coat operations.

R307-346-2. Applicability.

[R307-346 applies to the application areas, flash-off areas, and ovens of metal furniture coating lines involved in prime and topecat or single coat operations, including related cleaning activities, that have the potential to emit 2.7 tons per year of VOC and that are located in Box Elder, Cache, Davis, Salt Lake, Toocle, Utah and Webercounties:](1) R307-346 applies to sources located in Cache, Davis, Salt Lake, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

- (2) In Box Elder and Tooele counties, R307-346 applies to the following sources:
- (a) Existing sources as of February 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and
- (b) New sources as of February 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-346-3. Exemptions.

- (1) The requirements of R307-346 do not apply to the following:
 - (a) Stencil coatings;
 - (b) Safety-indicating coatings;
 - (c) Solid-film lubricants;
 - (d) Electrical-insulating and thermal-conducting coatings;
 - (e) Touch-up and repair coatings; or
 - (f) Coating applications utilizing hand-held aerosol cans.

R307-346-4. Definitions.

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Application area" means the area where the coating is applied by spraying, dipping, or flow coating techniques.

"Baked coating" means a coating that is cured at a temperature at or above 194 degrees Fahrenheit.

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term applies to paints, sealants, caulks, inks, adhesives, and maskants.

"Extreme performance coatings" means coatings designed for harsh exposure or extreme environmental conditions.

"Maskants" means a material that protects a metal surface during the etching process.

"Metal furniture coating" means the surface coating of any furniture made of metal or any metal part that will be assembled with other metal, wood fabric, plastic, or glass parts to form a furniture piece.

R307-346-5. Emission Standards.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-346-7.

TABLE 1

METAL FURNITURE SURFACE COATING VOC LIMITS (values in pounds of VOC per gallon of coating, minus water<u>and</u> exempt solvents (compounds not classified as VOC, as applied)

COATING CATEGORY	VOC EMISSION	RATE
	Baked	Air Dried
General, One Component	2.3	2.3
General, Multi-Component	2.3	2.8
Extreme High Gloss	3.0	2.8
Extreme Performance	3.0	3.5
Heat Resistant	3.0	3.5
Metallic	3.5	3.5
Pretreatment Coatings	3.5	3.5
Solar Absorbent	3.0	3.5

R307-346-6. Work Practices.

- (1) The owner or operator shall:
- (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
- (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials:
 - (c) Clean up spills immediately;
- (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
- (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
- (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.
- (2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.
- The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:
 - (a) Electrostatic application;
 - (b) Electrodeposition;
 - (c) Brush coat;
 - (d) Flow coat;
 - (e) Roll coat;
 - (f) Dip coat;
 - (g) Continuous coating;
 - (h) High-volume, low-pressure (HVLP) spray; or
- (i) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.
- (3) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less, unless such cleaning operations are performed within the control of the emission control system of R307-346-7.
- ([2]4) [The owner or operator shall maintain records from the manufacturer that demonstrates compliance with the emission-standards of R307-348-4.]All sources subject to R307-346 shall maintain records demonstrating compliance with all provisions of R307-346 on an annual basis.
- (a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-346.
- (b) These records shall be available to the director upon request.

R307-346-7. Optional Add-On Controls.

- (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.
- (2) The owner or operator of a control device shall provide [eertification from the manufacturer that the emission control system will attain required efficiency performance]documentation that the emission control system will attain the requirements of R307-346-7.
- (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-346-8. Compliance Schedule.

- (1) All sources in Davis and Salt Lake counties are subject to this rule as of the effective date.
- (2) Sources in Box Elder, Cache, Utah, Tooele, and Weber counties shall be in compliance with the rule by January 1, 2014.

KEY: air pollution, emission controls, surface coating, metal furniture

Date of Enactment or Last Substantive Amendment: [2012] 2013

Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (a)

Environmental Quality, Air Quality **R307-347**

Large Appliance Surface Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36729 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, stakeholders and existing small sources expressed their concerns about the 2.7 tons per year applicability being applied to existing sources in Box Elder and Tooele counties. The EPA also submitted comments regarding the record-keeping requirements. The changes to the proposed rule are in response to these comments.

SUMMARY OF THE RULE OR CHANGE: Section R307-347-2 is changed stating that in Tooele and Box Elder counties, the rule applies to existing sources as of 02/01/2013, that have the potential to emit 5 tons per year or more of VOC and applies to new sources that have the potential to emit 2.7 tons per year or more VOC. The rule still applies in Cache, Davis, Salt Lake, Utah, and Weber counties to sources that have the potential to emit 2.7 tons per year or more VOC. Language is added to Section R307-347-5 to

clarify that exempt solvents are not included in the VOC content limits for the coating used. Section R307-347-6 is changed to require owners and operators to maintain records demonstrating compliance with the rule on an annual basis and to require them to make those records available to the director upon request. Subsection R307-347-5(3) is amended by adding application requirements. Section R307-347-7 is changed to clarify that the owner or operator must provide documentation that the emission control system will attain the requirements of Section R307-347-7. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 71. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule do not result in any new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: The changes to this rule do not result in any new requirements to local governments; therefore, there are no anticipated costs or savings to local governments.
- ♦ SMALL BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,020 per ton of VOC removed.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,020 per ton of VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply

to fewer sources in those counties, resulting in a savings of up to \$2,020 per ton of VOC removed.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-347. Large Appliance Surface Coatings. R307-347-1. Purpose.

The purpose of this rule is to reduce volatile organic compound (VOC) emissions from large appliance surface coating operations.

R307-347-2. Applicability.

[R307-347 applies to large appliance coating operations, including related cleaning activities, that have the potential to emit 2.7 tons a year of VOC and that are located in Box Elder, Cache, Davis, Salt Lake, Toocle, Utah, and Weber counties.](1) R307-347 applies to sources located in Cache, Davis, Salt Lake, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

- (2) In Box Elder and Tooele counties, R307-347 applies to the following sources:
- (a) Existing sources as of February 1, 2013, that have the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and
- (b) New sources as of February 1, 2013, that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-347-3. Exemptions.

- (1) The requirements of R307-347 do not apply to the following:
 - (a) Stencil coatings;
 - (b) Safety-indicating coatings;
 - (c) Solid-film lubricants;
 - (d) Electric-insulating and thermal-conducting coatings;
 - (e) Touch-up and repair coatings; or
 - (f) Coating application utilizing hand-held aerosol cans.

R307-347-4. Definitions.

The following additional definitions apply to R307-347:

"Air dried coating" means coatings that are dried by the use

of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Baked coating" means a coating that is cured at a temperature at or above 198 degrees Fahrenheit.

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels. It is also used to refer to films applied to paper, plastics, or foil.

"Extreme performance coatings" means coatings designed for harsh exposure or extreme environmental conditions.

"Large appliances" means doors, cases, lids, panels, and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other similar products.

R307-347-5. Emission Standards.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-347-7.

TABLE 1

Large Appliance Coating Limitations (values in pounds VOC per gallon of coating, minus water <u>and exempt solvents(compounds not classified as VOC)</u>, as applied)

COATING CATEGORY	VOC EMISSIO	N RATES
	Baked	Air Dried
General, one component	2.3	2.3
General, multi-component	2.3	2.8
Extreme high gloss	3.0	2.8
Extreme performance	3.0	3.5
Heat resistance	3.0	3.5
Solar absorbent	3.0	3.5
Metallic	3.5	3.5
Pretreatment coatings	3.5	3.5

R307-347-6. Work Practices and Recordkeeping.

- (1) The owner or operator shall:
- (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
- (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;
 - (c) Clean up spills immediately;
- (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
- (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
- (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.
- (2) All sources subject to R307-347[The owner or operator] shall maintain records [from the manufacturer that]demonstrat[es]ing compliance with all provisions of R307-347 on an annual basis.[the emission standards of R307-348-5.]

- (a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-352.
- (b) These records shall be made available to the director upon request.
- (3) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency. The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:
 - (a) Electrostatic application;
 - (b) Electrodeposition;
 - (c) Brush coat;
 - (d) Flow coat;
 - (e) Roll coat;
 - (f) Dip coat;
 - (g) High-volume, low-pressure (HVLP) spray; or
- (h) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.
- (4) All persons shall perform solvent cleaning operations with cleaning materials having VOC content of 0.21 pounds per gallon or less.

R307-347-7. Optional Add-On Controls.

- (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.
- (2) The owner or operator of a control device shall provide [eertification]documentation [from the manufacturer]that the emission control system will attain the require[d]ments of R307-347-7[efficiency performance].
- (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-347-8. Compliance Schedule.

- (1) All sources in Davis and Salt Lake counties are subject to this rule as of the effective date of this rule.
- (2) Sources in Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

KEY: air pollution, emission controls, large appliance, surface coating

Date of Enactment or Last Substantive Amendment: [2012]2013 Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (a)

Environmental Quality, Air Quality R307-348 Magnet Wire Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36730 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, the Division of Air Quality (DAQ) received several comments from the EPA and the industry that resulted in the need to make substantive changes to the proposed rule.

SUMMARY OF THE RULE OR CHANGE: The applicability of the rule is changed to only apply to existing sources in Box Elder and Tooele counties as of 02/01/2013 that have the potential to emit 5 tons per year or more of VOC and to apply to new sources in Box Elder and Tooele counties as of 02/01/2013 that have the potential to emit 2.7 tons per year or more VOC. The rule still applies in Cache. Davis. Salt Lake. Utah, and Weber counties to sources that have the potential to emit 2.7 tons per year or more VOC. Language is added to Subsection R307-348-4(1) to clarify that exempt solvents are not included in the VOC coating content limits. Language is added to Subsection R307-348-5(2) to require that sources make records available to the director upon request. Subsection R307-348-6(2) is changed to clarify that the owner or operator of a magnet wire coatings operation shall provide documentation that the emission control system will attain the requirements of Section R307-348-6. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 73. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There are no new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: There are no new requirements to local governments; therefore, there are no anticipated costs or savings to local governments.
- ♦ SMALL BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$8,528 per year per small source.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no new requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$8,528 per year per small source.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$8,528 per year per small source.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-348. Magnet Wire Coatings. R307-348-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from ovens of magnet wire coating operations.

R307-348-2. Applicability.

[R307-348 applies to magnet wire coating operations that have the potential to emit 2.7 tons per year of VOC and are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.]

(1) R307-348 applies to sources located in Cache, Davis, Salt Lake, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

- (2) In Box Elder and Tooele counties, R307-348 applies to the following sources:
- (a) Existing sources as of February 1, 2013, with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and
- (b) New sources as of February 1, 2013, that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-348-3. Definitions.

The following additional definition applies to R307-348:

"Magnet wire coating" means the process of applying coating of electrical insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

R307-348-4. Emission Standards.

- (1) No owner or operator of a magnet wire coating oven may cause, allow or permit discharge into the atmosphere of any VOC[s] in excess of 0.20 kilograms per liter of coating (1.7 pounds per gallon), excluding water, and exempt solvents (compounds not classified as VOCs) delivered to the coating applicator from magnet wire coating operations.
- (a) Equivalency calculations for coatings shall be performed in units of pounds VOCs per gallon of solid rather than pounds VOCs per gallon of coating when determining compliance.
- (b) The equivalent emission limit is 2.2 pounds VOCs per gallon solids.
- (2) The emission limitations specified above shall be achieved by:
- (a) The application of low solvent content coating technology; or
- (b) The use of an add-on control device on magnet wire coating ovens as specified in R307-348-6.

R307-348-5. Work Practices and Recordkeeping.

- (1) The owner or operator shall:
- (a) Store all VOC-containing coatings and cleaning materials in closed containers;
- (b) Minimize spills of VOC-containing coatings and cleaning materials;
 - (c) Clean up spills immediately;
- (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
- (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
- (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.
- (2) [The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission standards of R307-348-4-]All sources subject to R307-348 shall maintain records demonstrating compliance with all provisions of R307-348, and these records shall be available to the director upon request.

R307-348-6. Optional Add-On Controls.

(1) The owner or operator may install and maintain an incinerator provided that the emission control device will attain at least 90% efficiency performance.

- (2) The owner or operator of a control device shall provide [eertification] documentation that the emission control system will attain the requirements of R307-348-6. [from the manufacturer that the emission control system will attain required efficiency performance.]
- (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-348-7. Compliance Schedule.

- (1) All sources in Davis and Salt Lake counties are subject to this rule as of the effective date of this rule.
- (2) Sources in Box Elder, Cache, Utah, Tooele, and Weber counties shall be in compliance with this rule by January 1, 2014.

KEY: air pollution, emission controls, surface coating, magnet wire

Date of Enactment or Last Substantive Amendment: [2012]2013 Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (a)

Environmental Quality, Air Quality **R307-349**

Flat Wood Panel Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36731 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, stakeholders and existing small sources expressed their concerns about the 2.7 tons per year applicability being applied to existing sources in Box Elder and Tooele counties. The EPA also submitted comments regarding the record-keeping requirements. The changes to the proposed rule are in response to these comments.

SUMMARY OF THE RULE OR CHANGE: Section R307-349-2 is changed stating that in Tooele and Box Elder counties, the rule applies to existing sources as of 02/01/2013, that have the potential to emit 5 tons per year or more of VOC and applies to new sources that have the potential to emit 2.7 tons per year or more VOC. The rule still applies in Cache, Davis, Salt Lake, Utah, and Weber counties to sources that have the potential to emit 2.7 tons per year or more VOC. A definition for "Strippable booth coating" is added to Section R307-349-3. Language is added to Section R307-349-4 to clarify that exempt solvents are not included in the VOC content limits for the coating used. Subsection R307-349-5(2) is amended by adding application requirements. Subsection R307-349-5(4) is changed to

require owners and operators to maintain records demonstrating compliance with the rule on an annual basis and to require them to make those records available to the director upon request. Section R307-349-6 is changed to clarify that the owner or operator must provide documentation that the emission control system will attain the requirements of Section R307-349-6. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 74. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule do not result in any new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: The changes to this rule do not result in any new requirements to local governments; therefore, there are no anticipated costs or savings to local governments.
- ♦ SMALL BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,110 per ton of VOC removed.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,110 per ton of VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,110 per ton of VOC removed.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-349. Flat Wood Panel Coatings. R307-349-1. Purpose.

The purpose of R307-349 is to limit volatile organic compound (VOC) emissions from flat wood paneling coating sources.

R307-349-2. Applicability.

[R307-349 applies to flat wood paneling coating operations, including related cleaning activities, that have the potential to emit 2.7 tons per year of VOC and that are located in Box Elder, Cache, Davis, Salt Lake, Toocle, Utah, and Weber counties.](1) R307-349 applies to sources located in Cache, Davis, Salt Lake, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

- (2) In Box Elder and Tooele counties, R307-349 apples to the following sources:
- (a) Existing sources as of February 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and
- (b) New sources as of February 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-349-3. Definitions.

The following additional definitions apply to R307-349:

"Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

"Finishing material" means a coating used in the flat wood panel industry, including basecoats, stains, washcoats, sealers, and topcoats.

"Flat wood paneling" means wood paneling products that are any decorative interior, exterior or tileboard (class I hardboard) panel to which a protective, decorative, or functional material or layer has been applied.

"Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. A washcoat used to optimize aesthetics is not a sealer.

"Strippable booth coating" means a coating that is applied to a booth wall to provide a protective film to receive overspray during

finishing and that is subsequently peeled and disposed. Strippable booth coatings are intended to reduce or eliminate the need to use organic solvents to clean booth walls.

"Tileboard" means a premium interior wall paneling product made of hardboard that meets the specifications for Class I given by the standard ANSI/AHA A135.4-1995.

R307-349-4. Emission Standards.

- (1) Each owner or operator shall not apply coatings with a VOC content in excess of 2.1 pounds of VOC per gallon, excluding water and exempt solvents (compounds not classified as VOC). The equivalent emission limit shall be 2.9 pounds VOCs per gallon solids coating; or
- (2) Each owner or operator shall use an add-on control device as specified in R307-349-6.

R307-349-5. Work Practice and Recordkeeping.

- (1) The owner or operator shall:
- (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
- (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials:
 - (c) Clean up spills immediately;
- (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
- (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
- (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying of equipment.
- (2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.

The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:

- (a) Paint brush;
- (b) Flow coat;
- (c) Roll coat;
- (d) Dip coat;
- (e) Detailing or touch-up guns;
- (e) High-volume, low-pressure (HVLP) spray;
- (f) Hand application methods; or
- (g) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.
- (3) No person shall use organic solvents for cleaning operations that exceed a VOC content of 0.21 pounds per gallon and a strippable booth coating with a VOC content in excess of 3.8 pounds per gallon, excluding water and exempt solvents (compounds that are not defined as VOC).
- ([2]4) [The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission-standards of R307-348-4-]All sources subject to R307-349 shall maintain records demonstrating compliance with all provisions of R307-349 on an annual basis.
- (a) Records should include, but not be limited to, inventory and products data sheets of all coatings and solvents subject to R307-349.
- (b) These records shall be available to the Director upon request.

R307-349-6. Optional Add-On Controls.

- (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.
- (2) The owner or operator of a control device shall provide [eertification from the manufacturer that the emission control system will attain required efficiency performance]documentation that the emission control system will attain the requirements of R307-349-6.
- (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-349-7. Compliance Schedule.

- (1) All sources in Davis and Salt Lake counties are subject to this rule as of the effective date of this rule
- (2) Sources in Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

KEY: air pollution, emission controls, flat wood paneling, coatings Date of Enactment or Last Substantive Amendment: [2012]2013
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

Environmental Quality, Air Quality **R307-350**

Miscellaneous Metal Parts and Products Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36732 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period the Division of Air Quality (DAQ) received comments from industry that identified some overlap in this proposed rule and the proposed Rule R307-355 (DAR No. 36737). Industry also provided recommendations regarding exemptions to the rule, additional definitions, and other suggested language that was intended to clarify the requirements of the rule. The EPA also submitted comments regarding record-keeping, including VOC limits on cleaning solvents, and requirements and director's discretion language within the rule. Several substantive changes to the proposed rule have been made as a result of the comments from industry and EPA.

SUMMARY OF THE RULE OR CHANGE: Section R307-350-2 is changed stating that in Tooele and Box Elder counties, the rule applies to existing sources as of 02/01/2013, that have the potential to emit 5 tons per year or

more of VOC and applies to new sources that have the potential to emit 2.7 tons per year or more VOC. The rule still applies in Cache, Davis, Salt Lake, Utah, and Weber counties to sources that have the potential to emit 2.7 tons per year or more VOC. The exemptions section of the rule was changed by adding surface coating of aerospace vehicles and components and military munitions manufactured by or for the Armed Forces of the United States as exempt from Rule A definition for "Aerospace vehicles and component" was added to Section R307-350-4. Language is added to Section R307-350-5 to clarify that exempt solvents are not included in the VOC content limits for the coating Section R307-350-6 is changed by adding used. electrodeposition as an acceptable application method. A VOC content for cleaning material is added to Section R307-350-7. Section R307-350-7 is also changed to require owners and operators to maintain records demonstrating compliance with the rule on an annual basis and to require them to make those records available to the director upon request. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 76. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule do not result in any new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: The changes to this rule do not result in any new requirements to local governments; therefore, there are no anticipated costs or savings to local governments.
- ♦ SMALL BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings from \$238 up to \$2,020 per ton of VOC removed.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply

to fewer sources in those counties, resulting in a savings from \$238 up to \$2,020 per ton of VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings from \$238 up to \$2,020 per ton of VOC removed.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-350. Miscellaneous Metal Parts and Products Coatings. R307-350-1. Purpose.

The purpose of R307-350 is to limit volatile organic compound (VOC) emissions from miscellaneous metal parts and products coating operations.

R307-350-2. Applicability.

- [(1) R307-350 applies to each source that applies-miscellaneous metal parts and products coating operations, including related cleaning activities, that have the potential to emit 2.7 tons per year of VOCs and that are located within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties:](1) R307-350 applies to sources located in Cache, Davis, Salt Lake, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.
- (2) In Box Elder and Tooele counties, R307-350 applies to the following sources:
- (a) Existing sources as of February 1, 2013, with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and
- (b) New sources as of February 1, 2013, that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.
- ([2]3) R307-350 applies to, but is not limited to, the following industries:[Applieable industries include:]
- (a) Large farm machinery (harvesting, fertilizing, planting, tractors, combines, etc.);

- (b) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.)
- (c) Small appliance (fans, mixers, blenders, crock pots, vacuum cleaners, etc.);
- (d) Commercial machinery (computers, typewriters, calculators, vending machines, etc.);
- (e) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);
- (f) Fabricated metal products (metal covered doors, frames, trailer frames, etc.); and
- (g) Any other industrial category that coats metal parts or products under the standard Industrial Classification Code of major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectric machinery), major group 36 (electrical machinery), major group 37 (transportation equipment) major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries).

R307-350-3. Exemptions.

- (1) The requirements of R307-350 do not apply to the following:
- (a) The surface coating of automobiles and light-duty trucks;
 - (b) Flat metal sheets and strips in the form of rolls or coils;
- (c) [The exterior of airplanes]Surface coating of aerospace vehicles and components;
 - (d) Automobile refinishing;
 - (e) The exterior of marine vessels; [-or]
- (f) Customized top coating of automobiles and trucks if production is less than 35 vehicles per day; or[-]
- (g) Military munitions manufactured by or for the Armed Forces of the United States.
- (2) The requirements of R307-350-5 do not apply to the following:
 - (a) Stencil coatings;
 - (b) Safety-indicating coatings;
 - (c) Solid-film lubricants;
 - (d) Electric-insulating and thermal-conducting coatings;
 - (e) Magnetic data storage disk coatings; or
 - (f) Plastic extruded onto metal parts to form a coating.
- (3) The requirements of R307-350-6 do not apply to the following:
 - (a) Touch-up coatings;
 - (b) Repair coatings; or
 - (c) Textured finishes.

R307-350-4. Definitions.

The following additional definitions apply to R307-350:

"Aerospace vehicles and component" means any fabricated part, processed part, assembly of parts, or completed unit, with the exception of electronic components, of any aircraft including but not limited to airplanes, helicopters, missiles, rockets and space vehicles.

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Baked coating" means coatings that are cured at a temperature at or above $194\ degrees\ Fahrenheit.$

"Camouflage coating" means coatings that are used, principally by the military, to conceal equipment from detection.

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels. It is also used to refer to films applied to paper, plastics, or foil.

"Coating application System" means all operations and equipment that applies, conveys, and dries a surface coating, including, but not limited to, spray booths, flow coaters, flash off areas, air dryers and ovens.

"Dip coating" means a method of applying coatings to a substrate by submersion into and removal from a coating bath.

"Electric-insulating varnish" means a non-convertibletype coating applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.

"Electric-insulating and thermal-conducting" means a coating that displays an electrical insulation of at least 1000 volts DC per mil on a flat test plate and an average thermal conductivity of at least 0.27 BTU per hour-foot-degree-Fahrenheit.

"Electrostatic application" means a method of applying coating particles or coating droplets to a grounded substrate by electrically charging them.

"Etching filler" mean a coating that contains less than 23% solids by weight and at least 0.5% acid by weight, and is used instead of applying a pretreatment coating followed by a primer.

"Extreme high-gloss coating" means a coating which, when tested by the American Society for Testing Material (ASTM) Test Method D-523 adopted in 1980, shows a reflectance of [9]75 or more on a 60 degree meter.

"Extreme performance coatings" means coatings designed for harsh exposure or extreme environmental conditions.

"Flow coat" means a non-atomized technique of applying coatings to a substrate with a fluid nozzle in a fan pattern with no air supplied to the nozzle.

"Heat-resistant coating" means a coating that must withstand a temperature of at least 400 degrees Fahrenheit during normal use.

"High-performance architectural coating" means a coating used to protect architectural subsections and which meets the requirements of the Architectural Aluminum Manufacturer Association's publication number AAMA 605.2-1980.

"High-temperature coating" means a coating that is certified to with-stand a temperature of 1,000 degrees Fahrenheit for 24 hours.

"High-volume, low-pressure (HVLP) spray" means a coating application system which is designed to be operated and which is operated between 0.1 and 10 pounds per square inch gauge (psig) air pressure, measured dynamically at the center of the air cap and the air horns.

"Magnetic data storage disk coating" means a coating used on a metal disk which stores data magnetically.

"Metallic coating" means a coating which contains more than 5 grams of metal particles per liter of coating, applied.

"Military specification coating" means a coating applied to metal parts and products and which has a [paint_]formulation approved by a United States military agency for use on military equipment.

"Mold-seal coating" means the initial coating applied to a new mold or repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

"Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

"One-component coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.

"Pan backing coating" means a coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

"Prefabricated architectural component coatings" means coatings applied to metal parts and products that are to be used as an architectural structure or their appurtenances including, but not limited to, hand railings, cabinets, bathroom and kitchen fixtures, fences, rain-gutters and down-spouts, window screens, lamp-posts, heating and air conditioning equipment, other mechanical equipment, and large fixed stationary tools.

"Pretreatment coating" means a coating which contains no more than 12% solids by weight, and at least 0.5% acid, by weight, is used to provide surface etching, and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

"Primer" means a coating applied to a surface to provide a firm bond between the substrate and subsequent coats.

"Repair coating" means a coating used to recoat portions of a part or product which has sustained mechanical damage to the coating.

"Safety-indicating coating" means a coating which changes physical characteristics, such as color, to indicate unsafe condition.

"Silicone release coating" means any coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces[such baking pans].

"Solar-absorbent coating" means a coating which has as its prime purpose the absorption of solar radiation.

"Solid-film lubricant" means a very thin coating consisting of a binder system containing as its chief pigment material one or more of molybdenum disulfide, graphite, polytetrafluoroethylene (PTEF) or other solids that act as a dry lubricant between faying surfaces.

"Stencil coating" means an ink or a coating which is rolled or brushed onto a template or stamp in order to add identifying letters or numbers to metal parts and products.

"Textured finish" means a rough surface produced by spraying and splattering large drops of coating onto a previously applied coating. The coatings used to form the appearance of the textured finish are referred to as textured coatings.

"Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

"Vacuum-metalizing coating" means the undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film.

R307-350-5. Emission Standards.

(1) Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-350-8.

TABLE 1

METAL PARTS AND PRODUCTS VOC CONTENT LIMITS (values in pounds of VOC per gallon of coating, minus water<u>and</u> exempt solvents (compounds not classified as VOC)), as applied)

COATING CATEGORY	VOC EMISSI	ON RATES
	Air Dried	Baked
General One Component	2.8	2.3
General Multi Component	2.8	2.3
Camouflage	3.5	3.5
Electric-Insulating varnish	3.5	3.5
Etching Filler	3.5	3.5
Extreme High-Gloss	3.5	3.0
Extreme Performance	3.5	3.0
Heat-Resistant	3.5	3.0
High Performance architectural	6.2	6.2
High Temperature	3.5	3.5
Metallic	3.5	3.5
Military Specification	2.8	2.3
Mold-Seal	3.5	3.5
Pan Backing	3.5	3.5
Prefabricated Architectural Multi-Component	3.5	2.3
Prefabricated Architectural One-Component	3.5	2.3
Pretreatment Coatings	3.5	3.5
Repair and Touch Up	3.5	3.0
Silicone Release	3.5	3.5
Solar-Absorbent	3.5	3.0
Vacuum-Metalizing	3.5	3.5
Drum Coating, New, Exterior	2.8	2.8
Drum Coating, New, Interior	3.5	3.5
Drum Coating, Reconditioned, Exterior	3.5	3.5
Drum Coating, Reconditioned, Interior	4.2	4.2

(2) If more than one emission limitation indicated in this section applies to a specific coating, then the most stringent emission limitation shall apply.[—All VOC emissions from solvent washing involved in a coating process shall be considered in the emission-limitations set forth in R307-350-5(1) unless the solvent is directed into containers that prevent evaporation into the atmosphere.]

R307-350-6. Application Methods.

No owner or operator of a facility shall apply VOC containing coatings to metal parts and products unless the coating is applied with equipment operated according to the equipment manufacturer specifications, and by the use of one of the following methods:

- (1) Electrostatic application;
- (2) Flow coat:
- (3) Dip/electrodeposition coat;
- (4) Roll coat;
- (5) High- $[\Psi]$ volume, $[\underline{H}]$ low- $[\underline{P}]$ pressure (HVLP) $[\underline{S}]$ spray;
- (6) Hand Application Methods;
- (7) Airless or air-assisted airless spray may also be use for metal coatings with a viscosity of 15,000 centipoise or greater, as supplied; or
- (8) [Sueh-]Another [eoating-]application method[s] capable of achieving transfer efficiency [as are demonstrated to the director to be capable of achieving a transfer efficiency-]equivalent or better to HVLP spray, as certified by the manufacturer[-and-for-which-written approval of the director has been obtained].

R307-350-7. Work Practices and Recordkeeping.

- (1) Control techniques and work practices shall be implemented at all times to reduce VOC emissions from fugitive type sources. Control techniques and work practices shall include, but are not limited to:
- (a) Storing all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;
- (b) Ensuring that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials:
- (c) Minimizing spills of VOC-containing coatings, thinners, and coating-related waste materials; and
- (d) Conveying VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed container or pipes; and
- [(2) The work practices for cleaning materials shall beimplemented at all times to reduce VOC emissions from fugitive type sources. The work practices shall include, but are not limited to:
- (a) Storing all VOC-containing cleaning materials and used shop towels in closed containers;
- (b) Ensuring that storage containers used for VOCeontaining cleaning materials are kept closed at all times except when depositing or removing these materials;
- (e) Minimizing spills of VOC-containing cleaning materials;
- (d) Conveying VOC-containing cleaning materials from one location to another in closed container or pipes.](e) Minimizing VOC emission from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.
- (2) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less.
- (3) [The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission standards

of R307-350-5(1):]All sources subject to R307-350 shall maintain records demonstrating compliance with all provisions of R307-350 on an annual basis.

- (a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-350.
- (b) These records shall be available to the director upon request.

R307-350-8. Optional Add-On Controls.

- (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.
- (2) The owner or operator of a control device shall provide [eertification from the manufacturer that the emission control system-will attain required efficiency performance]documentation that the emission control system will attain the requirements of R307-350-8.
- (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-350-9. Compliance Schedule.

- (1) All sources within Davis and Salt Lake counties shall be in compliance by September 1, 2013.
- (2) All sources in Box Elder, Cache, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

KEY: air pollution, emission controls, coatings, miscellaneous metal parts

Date of Enactment or Last Substantive Amendment: |2012|2013

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

Environmental Quality, Air Quality **R307-351**Graphic Arts

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36733 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, industry and EPA both submitted comments that resulted in the need to make substantive changes to the definitions section and record-keeping requirements of the rule.

SUMMARY OF THE RULE OR CHANGE: Language is added throughout the rule to require owners and operators of

emission control devices to provide documentation that their emission control devices will meet the requirements of the rule. Owners and operators of emission control devices are now required to maintain for a minimum of two years records to demonstrate that the equipment is being operated and maintained in accordance with manufacturer recommendations, and these records must be made available to the director upon request. Clarifying language is added to the definition of "Blanket", a definition for "composite partial vapor pressure" is added, and the definition for "Gravure" is removed from Section R307-351-3. (DAR NOTE: change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 80. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: There are no new requirements for the state; therefore, there are no anticipated costs or savings.
- ♦ LOCAL GOVERNMENTS: There are no new requirements for local governments; therefore, there are no anticipated costs or savings.
- ♦ SMALL BUSINESSES: The added record-keeping requirements will likely result in increased costs to small businesses; however, those costs should be minimal.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no new requirements to persons other than small businesses, businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The added record-keeping requirements will likely result in increased compliance costs; however, those costs should be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The added record-keeping requirements will likely result in increased compliance costs to businesses; however, those costs should be minimal.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-351. Graphic Arts. R307-351-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from graphic arts printing operations.

R307-351-2. Applicability.

R307-351 applies to graphic arts printing operations in Box Elder, Cache, Davis, Salt Lake, Utah and Weber counties as specified below. For purposes of determining whether the emissions applicability threshold or an equivalent threshold is met, the owner or operator shall consider source-wide emissions from all printing operations including related cleaning activities prior to controls.

- (1) R307-351-4 applies to all packaging and publication rotogravure; packaging and publication flexographic; and specialty printing operations employing [solvent]VOC-[—]containing inks, including dilution and cleaning [solvents]materials, that have potential to emit on a per press basis equal to or greater than 25 tons per year of VOC. Flexible packaging printing is exempt from R307-351-4.
- (2) R307-351-5 applies to all flexible packaging printing operations with potential to emit on a per press basis, from the dryer, prior to controls, equal to or greater than 25 tons per year of VOC [(petroleum ink oil)] from inks, coatings and adhesives combined.
- (3) R307-351-6(1) applies to individual heatset web offset lithographic printing presses and individual heatset web letterpress printing presses with potential to emit from the dryer, on a per press basis, prior to controls, equal to or greater than 25 tons per year of VOC[-(petroleum-ink-oil)]. Heatset presses used for book printing and heatset presses with maximum web width of 22 inches or less are exempt from R307-351-6(1).
- (4) R307-351-6(2) applies to offset lithographic printing operations that emit at least 2.7 tons per year actual emissions of VOC, or an equivalent level, before consideration of controls. Any press with total fountain solution reservoir of less than one gallon and sheet-fed presses with maximum sheet size of 11 inches by 17 inches or smaller are exempt from R307-351-6(2).
- (5) R307-351-6(3) applies to offset lithographic printing and letterpress printing operations that emit at least 2.7 tons per year actual emissions of VOC, or an equivalent level, before consideration of controls. Cleaners used on electronic components of a press, pre-press cleaning operations (e.g., platemaking), postpress cleaning operations (e.g., binding), cleaning supplies (e.g., detergents) used to clean the floor (other than dried ink) in the area around a press, or cleaning performed in parts washers or cold cleaners are exempt from R307-351-6(3).
- (6) R307-351-7 applies to all graphic arts printing operations that emit at least 2.7 tons per year actual emissions of VOC, or an equivalent level, before consideration of controls.

R307-351-3. Definitions.

The following additional definitions apply to R307-351:

"Alcohol" means any of the following compounds, when used as a fountain solution additive for offset lithographic printing: ethanol, n-propanol, and isopropanol.

"Alcohol Substitute" means a nonalcohol additive that contains VOCs and is used in the fountain solution.

"Automatic Blanket Wash System" means equipment used to clean lithographic blankets which can include, but is not limited to those utilizing a cloth and expandable bladder, brush, spray, or impregnated cloth system.

"Cleaning Solution" means a liquid solvent or solution used to clean the operating surfaces of a printing press and its parts. Cleaning solutions include, but are not limited to blanket wash, roller wash, metering roller cleaner, plate cleaner, impression cylinder washes, rubber rejuvenators, and other cleaners used for cleaning a press, press parts, or to remove dried ink or coating from areas around the press.

"Blanket" [means a synthetic rubber mat used in offset-lithography to transfer or "offset" an image from a planographic printing plate to paper or other substrate]means a synthetic rubber material that is wrapped around a cylinder used in offset lithography to transfer or "offset" an image from an image carrier.

"Capture efficiency" means the fraction of all VOC emissions generated by a process that are delivered to a control device, expressed as a percentage.

"Capture system" means the equipment (including hoods, ducts, fans, etc.) used to collect, capture, or transport a pollutant to a control device.

"Coating" means material applied onto or impregnated into a substrate. Such materials include, but are not limited to, solventborne and waterborne coatings.

"Composite partial vapor pressure" means the sum of the partial pressure of the compounds defined as VOCs.

"Control device" means a device such as a carbon adsorber or oxidizer which reduces the VOC in an exhaust gas by recovery or by destruction.

"Control device efficiency" means the ratio of VOC emissions recovered or destroyed by a control device to the total VOC emissions that are introduced into the control device, expressed as a percentage.

"Flexible packaging" means any package or part of a package the shape of which can be readily changed. Flexible packaging includes, but is not limited to, bags, pouches, liners and wraps utilizing paper, plastic, film, aluminum foil, metalized or coated paper or film, or any combination of these materials.

"Flexographic press" means an unwind or feed section, which may include more than one unwind or feed station (such as on a laminator), a series of individual work stations, one or more of which is a flexographic print station, any dryers (including interstage dryers and overhead tunnel dryers) associated with the work stations, and a rewind, stack, or collection section. The work stations may be oriented vertically, horizontally, or around the circumference of a single large impression cylinder. Inboard and outboard work stations, including those employing any other technology, such as rotogravure, are included if they are capable of printing or coating on the same substrate. A publication rotogravure press with one or more flexographic imprinters is not a flexographic press.

"Flexographic printing" means the application of words, designs, and pictures to substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

"Fountain solution" means a mixture of water and other volatile and non-volatile chemicals and additives that wets the nonimage area of a lithographic printing plate so that the ink is maintained within the image areas.

["Gravure" means a method of printing with etched plates or cylinders.

] "Heatset" means an offset lithographic printing or letterpress printing operation in which the ink solvents are vaporized by passing the printed surface through a dryer.

"Letterpress printing" means a method where the image area is raised relative to the non-image area and the ink is transferred to the substrate directly from the image surface.

"Narrow-web flexographic press" means a flexographic press that is not capable of printing substrates greater than 18 inches in width and that does not also meet the definition of rotogravure press (i.e., it has no rotogravure print stations).

"Non-heatset", also called coldset, means an offset lithographic printing or letterpress printing operation in which the ink dries by oxidation and/or absorption into the substrate without use of heat from dryers.

"Offset lithographic printing" means a plane-o-graphic method in which the image and non-image areas are on the same plane and the ink is offset from a plate to a rubber blanket, and then from the blanket to the substrate.

"Overall control efficiency" means the total efficiency of a control system, determined either by:

- (1) The product of the capture efficiency and the control device efficiency; or
 - (2) A liquid-liquid material balance.

"Packaging printing" means rotogravure or flexographic printing, not otherwise defined as publication printing, upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels. This includes, but is not limited to, folding cartons, flexible packaging, labels and wrappers.

"Printing operation" means the application of words, designs, or pictures on a substrate. All units in a machine which have both coating and printing units shall be considered as performing a printing operation.

"Printing Press" means a printing production assembly composed of one or more units used to produce a printed substrate, including but not limited to, any associated coating, spray powder application, heatset web dryer, ultraviolet or electron beam curing units, or infrared heating units.

"Publication rotogravure printing" means rotogravure printing upon paper that is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

"Publication rotogravure press" means a rotogravure press used for publication rotogravure printing. A publication rotogravure press may include one or more flexographic imprinters. A publication rotogravure press with one or more flexographic imprinters is not a flexographic press.

"Roll coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls.

"Roll printing" means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

"Rotogravure coating" means the application of a uniform layer of material across the entire width of the web to substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

"Rotogravure press" means an unwind or feed section, which may include more than one unwind or feed station (such as on a laminator), a series of individual work stations, one or more of which is a rotogravure print station, any dryers associated with the work stations, and a rewind, stack, or collection section. Inboard and outboard work stations, including those employing any other technology, such as flexography, are included if they are capable of printing or coating on the same substrate.

"Rotogravure printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique that involves a recessed image area in the form of cells.

"Specialty printing operations" means all gravure and flexographic operations that print a design or image, excluding publication and packaging printing. Specialty printing operations include, among other things, printing on paper cups and plates, patterned gift wrap, wallpaper, and floor coverings.

"Web" means a continuous roll of substrate.

"Wide-web flexographic press" means a flexographic press capable of printing substrates greater than 18 inches in width.

R307-351-4. Standards for Rotogravure, Flexographic, and Specialty Printing Operations.

- (1) No owner or operator of a packaging and publication rotogravure; packaging and publication flexographic, and specialty printing operations employing [solvent]VOC-[-]containing ink may operate, cause, or allow or permit the operation of a facility unless:
- (a) The volatile fraction of ink, as it is applied to the substrate, contains 25.0% by volume or less of <u>VOC[organic solvent-]</u> and 75.0% by volume or more of water; or
- (b) The ink as it is applied to the substrate, less water, contains 60.0% by volume or more nonvolatile material; or
- (c) The owner or operator installs and operates either a carbon adsorption system as described in R307-351-4(1)(a)(i) or an incineration system as described in R307-351-4(1)(a)(ii).[—A eapture system as described in R307-351-4(1)(a)(iii) shall be used in eonjunction with a earbon adsorption system and an incineration system.]
- (i) A carbon adsorption system shall reduce the volatile organic emissions from the capture system by a minimum of 90.0% by weight.
- (ii) An incineration system shall oxidize, from the capture system, a minimum of 90.0% of the non-methane VOCs measured as total combustible carbon to carbon dioxide and water.
- (iii) A capture system as described in R307-351-4(1)(a)(iv) shall be used in conjunction with a carbon adsorption system and an incineration system.
- ([iii]iv) The design and operation of a capture system must be consistent with good engineering practices and shall be required to provide for an overall reduction in VOC emissions of at least:
- (A) 75.0% where a publication rotogravure process is employed;

- (B) $\,$ 65.0% where a packaging rotogravure process is employed; or
- (C) 60.0% where a flexographic printing process is employed.
- (2) The owner or operator of an emission control device shall provide documentation that the system will attain the requirements of R307-351-4.
- (3) The Emission control system shall be operated and maintained in accordance with the manufacturer recommendations.
- (4) The owner or operator of an emission control device shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-351-5. Standards for Flexible Packaging Printing Operations.

- (1) Presses used for flexible packaging printing shall comply with an 80% overall emission control efficiency.
- (a) The owner or operator of an emission control device shall provide documentation that the emissions control system will attain the requirements of R307-351-5.
- (b) The Emission control system shall be operated and maintained in accordance with the manufacturer recommendations.
- (2) The owner or operator of an emission control device shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.
- ([2]3) As an alternative to the overall control efficiency, the following two equivalent VOC content limits may be met by use of low VOC content materials or combinations of materials and controls as follows:
 - ([i]a) 0.8 kg VOC/kg solids applied; or
 - ([#]b) 0.16 kg VOC/kg materials applied.
- ([iii]c) The VOC content limits can be met by averaging the VOC content of materials used on a single press, i.e., within a line. The use of averaging to meet the VOC content limits is not allowed for cross-line, i.e., across multiple lines.

R307-351-6. Standards for Offset Lithographic Printing and Letterpress Printing Operations.

- (1) Requirements for heatset web offset lithographic and heatset letterpress inks and dryers.
- (a) Individual heatset web offset lithographic printing presses and individual heatset web letterpress printing presses shall comply with [a-]90% control efficiency for the control device on heatset dryers.
- (b) The owner or operator of an emission control device shall provide documentation that the emissions control system will attain the requirements of R307-351-6.
- (c) The Emission control system shall be operated and maintained in accordance with the manufacturer recommendations.
- (2) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.
- ([b]3) As an alternative to the control efficiency, the control device outlet concentration may be reduced to 20 ppmv as

hexane on a dry basis to accommodate situations where the inlet VOC concentration is low or there is no identifiable measurable inlet

- ([2]4) Requirements for fountain solution.
- (a) For heatset web offset lithographic printing, the level of control for VOC emissions from on-press (as-applied) fountain solution shall meet one of the following:
 - (i) 1.6% alcohol or less (by weight) in the fountain;
- (ii) 3.0% alcohol or less (by weight) [on-press (asapplied)—]in the fountain solution if the fountain solution is refrigerated to below 60 degrees Fahrenheit; or
- (iii) 5.0% alcohol substitute or less (by weight) [on-press (as-applied)] and no alcohol in the fountain solution.
- (b) For sheet-fed offset lithographic printing, the level of control for VOC emissions from on-press (as-applied) fountain solution shall meet one of the following:
 - (i) 5.0% alcohol or less (by weight) in the fountain;
- (ii) 8.5% alcohol or less (by weight) [on-press (asapplied)-]in the fountain solution provided the fountain solution is refrigerated to below 60 degrees Fahrenheit; or
- (iii) 5.0% alcohol substitute or less (by weight) [on-press (as-applied)] and no alcohol in the fountain solution.
- (c) For non-heatset web offset lithographic printing, the level of control for VOC emissions shall be 5.0% alcohol substitute or less (by weight) on-press (as-applied) and no alcohol in the fountain solution.
 - ([3]5) Requirements for cleaning materials.
- (a) For blanket washing, roller washing, plate cleaners, metering roller cleaners, impression cylinder cleaners, rubber rejuvenators, and other cleaners used for cleaning a press, press parts, or to remove dried ink from areas around a press, only cleaning materials with a VOC composite vapor pressure of less than ten mm Hg at 68 degrees Fahrenheit or cleaning materials containing less than 70 weight percent VOC shall be used.
- (b) Up to 110 gallons per year of cleaning materials which meet neither the VOC composite vapor pressure requirement nor the VOC content requirement may be used.

R307-351-7. Work Practices and Recordkeeping.

- (1) Control techniques and work practices are to be implemented at all times to reduce VOC emissions from fugitive type sources. Control techniques and work practices include:
 - (a) Tight fitting covers for open tanks; and
- (b) Keeping cleaning materials, used shop towels, and solvent wiping cloths in closed containers.
 - (2) Record keeping and reporting.
- (a) The owner or operator of any source subject to R307-351 shall maintain:
- (i) Records of the [monthly]annual us[e]age of all materials that may be a source of VOC emissions including, but not limited to, inks, coatings, adhesives, fountain solution, and cleaning materials[; and solvents].
- (ii) [The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the standards of R307-351.]All sources subject to R307-351 shall maintain records demonstrating compliance with all provisions of R307-351. These records shall be available to the director upon request.

[R307-351-8. Optional Add-On Controls for Coating—Operations.

- (1) The owner or operator of an add-on control deviceshall provide certification from the manufacturer that the emission control system will attain the efficiency performance specified in R307-351.
- (2) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations.

|R307-351-[9]8. Compliance Schedule.

- (1) All sources within Salt Lake and Davis counties shall be in compliance with this rule by the effective date of this rule.
- (2) All sources within Box Elder, Cache, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

KEY: air pollution, graphic arts, VOC, printing operations Date of Enactment or Last Substantive Amendment: [2012]2013 Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (a)

Environmental Quality, Air Quality **R307-352**

Metal Container, Closure, and Coil Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36734 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, stakeholders and existing small sources expressed their concerns about the 2.7 tons per year applicability being applied to existing sources in Box Elder and Tooele counties. The EPA also submitted comments regarding the record keeping requirements. The changes to the proposed rule are in response to these comments.

SUMMARY OF THE RULE OR CHANGE: Section R307-352-2 is changed stating that in Tooele and Box Elder counties, the rule applies to existing sources as of 02/01/2013, that have the potential to emit 5 tons per year or more of VOC and applies to new sources that have the potential to emit 2.7 tons per year or more VOC. The rule still applies in Cache, Davis, Salt Lake, Utah, and Weber counties to sources that have the potential to emit 2.7 tons per year or more of VOC. The definition of "Coil Coating" in Section R307-352-3 is replaced with a definition for "Coating." Language is added to Section R307-352-4 to clarify that exempt solvents are not included in the VOC content limits for

the coating used. Section R307-352-5 is changed to require owners and operators to maintain records demonstrating compliance with the rule on an annual basis and to require them to make those records available to the director upon request. The section is also amended by adding application requirements. Section R307-352-6 is changed to clarify that the owner or operator must provide documentation that the emission control system will meet the requirements of Section R307-352-6. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 84. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule do not result in any new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: The changes to this rule do not result in any new requirements to local governments; therefore, there are no anticipated costs or savings to local governments.
- ♦ SMALL BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$3,221 per ton of VOC removed.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$3,221 per ton of VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$3,221 per ton of VOC removed.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-352. Metal Container, Closure, and Coil Coatings. R307-352-1. Purpose.

The purpose of this rule is to reduce volatile organic compound (VOC) emissions from the coating of metal coils, cans, [drums,]pails, and lids in the manufacturing or reconditioning process.

R307-352-2. Applicability.

[R307-352 applies to all coating operations, including related cleaning activities, in the manufacturing or reconditioning of metal cans, drums, pails, and lids that have the potential to emit 2.7 tons a year of VOC and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties: [(1) R307-352 applies to sources located in Cache, Davis, Salt Lake, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

- (2) In Box Elder and Tooele counties, R307-352 applies to the following sources:
- (a) Existing sources as of February 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and
- (b) New sources as of February 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-352-3. Definitions.

The following additional definitions apply to R307-352:

"[Coil—e]Coating" means <u>a protective, functional or decorative film applied in a thin layer to a surface.[any coating applied to metal sheets or strips which are then rolled into coils for further industrial or commercial use.]</u>

"End sealing compound" means a compound which is coated onto can ends and which functions as a gasket when the end is assembled onto the can.

"Exterior body spray" means a coating sprayed on the exterior of the container body to provide a decorative or protective finish.

"Interior body spray" means a coating sprayed on the interior of the can body to provide a protective film between the product and the can.

"Metal container or closure coating" means any coating applied to either the interior or exterior of formed metal cans, [drums,] pails, lids or crowns or flat metal sheets which are intended to be formed into cans, [drums,] pails, lids or crowns.

"Overvarnish" means a coating applied directly over a design coating to reduce the coefficient of friction, to provide gloss and to protect the finish against abrasion and corrosion.

"Reconditioned [drums,]pails or lids" means any metal container which is reused, recycled or remanufactured.

"Three-piece can side-seam coating" means a coating sprayed on the exterior and/or interior of a welded, cemented or soldered seam to protect the exposed metal.

"Two-piece can exterior-end coating" means a coating applied to the exterior bottom end of a can to reduce the coefficient of friction and to provide protection to the metal.

R307-352-4. Emission Standards.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-352-6.

TARLE 1

METAL CONTAINER AND CLOSURE COIL COATING LIMITATIONS (values in pounds VOC per gallon of coating, minus water <u>and exempt solvents (compounds not classified as VOC)</u>, as applied)

COATING CATEGORY	VOC EMISSION RATES
CANS	
Sheet basecoat (interior and exterior) and overvarnish	1.9
Two-piece can exterior basecoat, overvarnish, and end coating	2.1
Interior body spray	
Two-piece cans	3.5
Three-piece cans	3.0
Three-piece can side seam spray	5.5
End sealing compound: Food cans, non-food cans, and beverage cans	0.1
Exterior body spray	3.5
[DRUMS, -]PAILS AND LIDS	
Body spray	
Reconditioned interior	4.2
Reconditioned exterior	3.5
New interior	3.5
New exterior	2.8
End sealing compound[:Food drums and non-food drums]	0.5
Inks, all applications	2.5
Coil Coil coating	1.7

R307-352-5. Work Practices and Recordkeeping.

- (1) The owner or operator shall:
- (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
- (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;
 - (c) Clean up spills immediately;
- (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
- (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
- (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.
- (2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.
- The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:
 - (a) Electrostatic application;
 - (b) Flow coat;
 - (c) Roll coat;
 - (d) Dip coat;
 - (e) High-volume, low-pressure (HVLP) spray;
 - (f) Hand application methods;
 - (g) Printing techniques; or
- (h) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.
- (3) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 lb/gallon or less.
- ([2]4) [The owner or operator shall maintain records from the manufacturer that demonstrates compliance with the emission-standards of R307-348-4:]All sources subject to R307-352 shall maintain records demonstrating compliance with all provisions of R307-352 on an annual basis.
- (a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-352.
- (b) These records shall be made available to the director upon request.

R307-352-6. Optional Add-On Controls.

- (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.
- (2) The owner or operator of a control device shall provide [eertification] documentation [from the manufacturer] that the emission control system will attain the requirements [d] of R307-352- $\underline{6}$ [efficiency performance].
- (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-352-7. Compliance Schedule.

All sources within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

KEY: air pollution, emission controls, metal containers, coil coatings

Date of Enactment or Last Substantive Amendment: [2012]2013 Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (a)

Environmental Quality, Air Quality **R307-353**

Plastic Parts Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36735 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, stakeholders and existing small sources expressed their concerns about the 2.7 tons per year applicability being applied to existing sources in Box Elder and Tooele counties. The EPA also submitted comments regarding the record-keeping requirements, a lack of a VOC content limit for cleaning materials, and the lack of transfer efficiency requirements. The changes to the proposed rule are in response to these comments.

SUMMARY OF THE RULE OR CHANGE: Section R307-353-2 is changed stating that in Tooele and Box Elder counties, the rule applies to existing sources as of 02/01/2013, that have the potential to emit 5 tons per year or more of VOC and applies to new sources that have the potential to emit 2.7 tons per year or more VOC. The rule still applies in Cache, Davis, Salt Lake, Utah, and Weber counties to sources that have the potential to emit 2.7 tons per year or Section R307-353-4 is amended by adding more VOC. definitions for "metallic coating," "military specification coating," "mirror backing," "mold-seal coating," "multi-colored "multi-component coating," "one-component coating," and "optical coating." Language is added to Section R307-353-5 to clarify that exempt solvents are not included in the VOC content limits for the coating used. Table 3, which lists new plastic product coating categories and their VOC emission limits, is also added to Section R307-353-5. A new Section R307-353-6 is added for coating application methods. Section R307-353-7 is changed by adding a VOC content limit for cleaning materials and by requiring owners and operators to maintain records demonstrating compliance with

the rule on an annual basis and to require them to make those records available to the director upon request. Section R307-353-8 is changed to clarify that the owner or operator must provide documentation that the emission control system will attain the requirements of Section R307-353-8. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 86. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule do not result in any new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: The changes to this rule do not result in any new requirements to local governments; therefore, there are no anticipated costs or savings to local governments.
- ♦ SMALL BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,020 per ton of VOC removed.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,020 per ton of VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,020 per ton of VOC removed.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 03/07/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-353. Plastic Parts Coatings. R307-353-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from [automobile, truck, and business-machine]the application of coatings to any plastic product[part coating lines].

R307-353-2. Applicability.

[R307-353 applies to automobile, truck, and business-machine plastic part coating line operations, including related cleaning activities, that have the potential to emit 2.7 tons per year of VOCs and that are located in Box Elder, Cache, Davis, Salt Lake, Toocle, Utahand Weber counties:](1) R307-353 applies to sources located in Cache, Davis, Salt Lake, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

- (2) In Box Elder and Tooele counties, R307-353 applies to the following sources:
- (a) Existing sources as of February 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and
- (b) New sources as of February 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-353-3. Exemptions.

- (1) The provisions of this rule shall not apply to any of the following:
 - (a) Stencil coatings;
 - (b) Safety-indicating coatings;
 - (c) Electric-insulating and thermal-conducting coatings;
 - (d) Magnetic data storage disk coatings;
 - (e) Plastic extruded onto metal parts to form a coating; and

- [(f) Touch-up coatings;
- (g) Repair coatings; and
 - ([h]f) Textured finishes.
- (2) If a coating line is subject to the requirements for existing automobile, light-duty truck, and other product and material coatings or for existing metallic surface coating lines, the coating line shall be exempt from this rule.

R307-353-4. Definitions.

The following additional definitions apply to R307-35[θ]3:

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Baked coating" means coatings that are cured at a temperature at or above $194\ degrees\ Fahrenheit.$

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels. It is also used to refer to films applied to paper, plastics, or foil.

"Electric-insulating and thermal-conducting" means a coating that displays an electrical insulation of at least 1000 volts DC per mil on a flat test plate and an average thermal conductivity of at least 0.27 BTU per hour-foot-degree-Fahrenheit.

"Magnetic data storage disk coating" means a coating used on a metal disk which stores data magnetically.

"Metallic coating" means a coating which contains more than 5 grams of metal particles per liter of coating as applied.

"Military specification coating" means a coating which has a formulation approved by the United States Military Agency for use on military equipment.

"Mirror backing" means the coating applied over the silvered surface of a mirror.

"Mold-seal coating" means the initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

"Multi-colored coating" means a coating which exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat.

"Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst, before application to form an acceptable dry film.

"One-component coating" means a coating that is ready for application as it comes out of its container to from an acceptable dry film. A thinner necessary to reduce the viscosity is not considered a component.

"Optical coating" means a coating applied to an optical lens.

"Primer" means a coating applied to a surface to provide a firm bond between the substrate and subsequent coats.

"Repair coating" means a coating used to recoat portions of a part or product which has sustained mechanical damage to the coating.

"Roller Coated" means a type of coating application equipment that utilizes a series of mechanical rollers to form a thin coating film on the surface of a roller, which is then applied to a substrate by moving the substrate underneath the roller.

"Safety-indicating coating" means a coating which changes physical characteristics, such as color, to indicate unsafe condition.

"Stencil coating" means an ink or a coating which is rolled

or brushed onto a template or stamp in order to add identifying letters or numbers to metal parts and products.

"Textured finish" means a rough surface produced by spraying and splattering large drops of coating onto a previously applied coating. The coatings used to form the appearance of the textured finish are referred to as textured coatings.

"Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

"Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

R307-353-5. Emission Standards.

- (1) For automobile and truck plastic parts coating lines:
- (a) Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-353-[7]8.
- [(b) Except as provided for in R307-353-3, any coating that is subject to an emission rate specified in Table 1 shall not be applied with conventional air-atomizing spray equipment. All spray equipment shall be installed, maintained, and operated in accordance with the recommendations and design of the equipment manufacturer.
-] ([e]b) For red and black coatings, the emission limitation shall be determined by multiplying the appropriate limit in Table 1 by 1.15
- ([d]c) When Method 24 is used to determine the VOC content of a high bake coating, the applicable emission limitation shall be determined by adding 0.5 to the appropriate limit in Table 1.
- ($[e]\underline{d}$) When Method 24 is used to determine the VOC content of an air-dried coating, the applicable emission limitation shall be determined by adding 0.1 to the appropriate limit in Table 1.

TABLE 1

AUTOMOBILE AND TRUCK PLASTIC PARTS COATING LINES (values in pounds of VOC per gallon of coating, minus water<u>and</u> exempt solvents (compounds not classified as VOC), as applied)

COATING CA	TEGORY	VOC EMISSION RATES
High bake interior p	coating - exterior [&] <u>and</u> parts	
Prime	2	
	Flexible coating	4.5
	Nonflexible coating	3.5
Торсо	pat	
	Basecoat	4.3
	Clearcoat	4.0
	Non-basecoat/clearcoat	4.3
Air-dried	coating - exterior parts	
Prime	2	4.8
	Topcoat	
	Basecoat	5.0
	Clearcoat	4.5

Non-basecoat/clearcoat	5.0
Air-dried coating - interior parts	5.0
Touch-up and repair	5.2

(2) [For business machine plastic parts coating lines:

- (a) [Each owner or operator of a business machine plastic parts coating line shall not apply coatings with a VOC content in excess of the amounts specified in Table 2 or shall use an add-on control device as specified in R307-353-[7]8.
- [(b) Any prime or topcoat coating that is subject to the emission rate specified in Table 2 shall not be applied with air-atomizing spray equipment. All spray equipment shall be installed, maintained, and operated in accordance with the recommendations and design of the equipment manufacturer.

TABLE 2

BUSINESS MACHINE PLASTIC PARTS COATING LINES (values in pounds of VOC allowed to be emitted per gallon of coating, minus water<u>and exempt solvents (compounds not classified as VOC)</u>, as applied)

COATING CATEGORY	VOC EMISSION RATES
Prime	2.9
Topcoat	2.9
Texture coat	2.9
Fog coat	2.2
Touch-up and repair	2.9

TABLE 3

OTHER PLASTIC PRODUCT COATING CATEGORIES

(values in pounds of VOC allowed to be emitted per gallon of coating, minus water and exempt solvents (compounds not classified as VOC), as applied))

COATING CATEGORY	VOC EMISSION RATES
General One-Component	2.3
General Multi-Component	3.5
Electric Dissipating Coatings And Shock-Free Coatings	3.0
Extreme Performance	
	(2-pack coatings)
Metallic	3.5
Military Specification	2.8 (1 pack) 3.5 (2 pack)
Mold-Seal	6.3
Multi-colored Coatings	5.7
Optical Coatings	6.7
Vacuum-Metalizing	6.7

Mirror Backing	
Curtain Coated	4.2
Roll Coated	3.6

([3]4) If a part consists of both plastic and metal surfaces and is exempted from the requirements for existing metallic surface coating lines, the part shall be subject to this rule.

R307-353-6. Application Methods.

No person shall apply VOC containing coatings unless the coating is applied with equipment operated according to the manufacturer specifications, and by use of one of the following methods:

- (1) Electrostatic application;
- (2) Flow coat;
- (3) Roller coat;
- (4) Dip/electrodeposition coat;
 - (5) Airless Spray;
 - (6) High-volume, low-pressure (HVLP) spray; or
- (7) Other application method equal to or better than HVLP, as certified by the manufacturer.

R307-353-[6]7. Work Practices and Recordkeeping.

- (1) The owner or operator shall:
- (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
- (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;
 - (c) Clean up spills immediately;
- (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
- (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
- (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.
- (2) All persons shall perform solvent cleaning operations with cleaning material having VOC content of 0.21 pounds per gallon or less.
- ([2]3) [The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission-standards of R307-348-5-]All sources subject to R307-353 shall maintain records demonstrating compliance with all provisions of R307-353 on an annual basis.
- (a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-350.
- (b) These records shall be available to the director upon request.

R307-353-[7]8. Optional Add-On Controls.

- (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.
- (2) The owner or operator of a control device shall provide [eertification]documentation [from the manufacturer]that the emission control system will attain the requirements[d efficiency performance] of R307-353-8.

1

(3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-353-[8]9. Compliance Schedule.

All sources within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties shall be in compliance with this rule by January 1, 2014.

KEY: air pollution, emission controls, coatings, plastic parts

Date of Enactment or Last Substantive Amendment:

|2012|2013|

Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (a)

Environmental Quality, Air Quality **R307-354**

Automotive Refinishing Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36736 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, stakeholders and existing small sources expressed their concerns about the 2.7 tons per year applicability being applied to existing sources in Box Elder and Tooele counties. Industry also submitted several comments requesting substantive changes to the proposed rule. The EPA also submitted comments regarding the record-keeping requirements. The changes to the proposed rule are in response to these comments.

SUMMARY OF THE RULE OR CHANGE: Section R307-354-2 is changed stating that in Tooele and Box Elder counties, the rule applies to existing sources as of 02/01/2013, that have the potential to emit 5 tons per year or more of VOC and applies to new sources that have the potential to emit 2.7 tons per year or more of VOC. The rule still applies in Cache, Davis, Salt Lake, Utah, and Weber counties to sources that have the potential to emit 2.7 tons per year or more VOC. Section R307-354-3 is changed by removing the definitions "cut-in, or jambing, clearcoat," "elastomeric coating," "finishing material," "finishina operation," "low gloss coating," and "specialty coatings." Language is added to Section R307-354-4 to clarify that exempt solvents are not included in the VOC content limits for the coating used. Section R307-354-5 is changed to require owners and operators to maintain records demonstrating compliance with the rule on an annual basis and to require them to make those records available to the director upon request. Section R307-354-6 is changed to clarify that the

owner or operator must provide documentation that the emission control system will attain the requirements of Section R307-354-6. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 88. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule do not result in any new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: The changes to this rule do not result in any new requirements to local governments; therefore, there are no anticipated costs or savings to local governments.
- ♦ SMALL BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,500 per ton of VOC removed.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,500 per ton of VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the rule's applicability to existing sources in Box Elder and Tooele counties is changed from sources with the potential to emit 2.7 tons per year VOC to sources with the the potential to emit 5 tons per year VOC, the rule will apply to fewer sources in those counties, resulting in a savings of up to \$2,500 per ton of VOC removed.

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

ENVIRONMENTAL QUALITY AIR QUALITY FOURTH FLOOR 195 N 1950 W SALT LAKE CITY, UT 84116-3085 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality. R307-354. Automotive Refinishing Coatings. R307-354-1. Purpose.

The purpose of R307-354 is to limit volatile organic compound emissions (VOC) from automotive refinishing sources.

R307-354-2. Applicability.

[R307-354 applies to automotive refinishing sources, including related cleaning operations, that have the potential to emit 2.7 tons per year of VOC and are located in Box Elder, Cache, Davis, Salt Lake, Toocle, Utah and Weber counties:](1) R307-354 applies to sources located in Cache, Davis, Salt Lake, Utah and Weber counties. that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

- (2) In Box Elder and Tooele counties, R307-354 applies to the following sources:
- (a) Existing sources as of February 1, 2013 with the potential to emit 5 tons per year or more of VOC, including related cleaning activities; and
- (b) New sources as of February 1, 2013 that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.
- (3) The requirements of R307-354 shall not apply to any canned aerosol coating products.

R307-354-3. Definitions.

The following additional definitions apply to R307-354:

"Adhesion promoter" means a coating which is labeled and formulated to be applied to uncoated plastic surfaces to facilitate bonding of subsequent coatings, and on which, a subsequent coating is applied.

"Automotive" means passenger cars, vans, motorcycles, trucks, buses, golf carts and all other mobile equipment.

"Automotive refinishing" means the process of coating automobiles, after-market automobiles, motorcycles, light and medium-duty trucks and vans that are performed in auto body shops, auto repair shops, production paint shops, new car dealer repair and paint shops, fleet operation repair and paint shops, and any other facility which coats vehicles under the Standard Industrial Classification Code 7532 (Top, Body and Upholstery Repair Shops and Paint Shops). This includes dealer repair of vehicles damaged in transit. It does not include refinishing operations for other types of mobile equipment, such as farm machinery and construction equipment or their parts, including partial body collision repairs, that is subsequent to the original coating applied at an automobile original equipment manufacturing plant.

"Clear coating" means any coating that contains no pigments and is labeled and formulated for application over a color coating or clear coating.

"Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

"Color coating" means any pigmented coating, excluding adhesion promoters, primers, and multi-color coatings, that requires a subsequent clear coating and which is applied over a primer, adhesion promoter, or color coating. Color coatings include metallic and iridescent color coatings.

["Cut-in, or jambing, clearcoat" means a fast-drying, ready-to-spray clearcoat applied to surfaces such as door jambs and trunk and hood edges to allow for quick closure.

"Elastomeric coating" means a coating designed for application over flexible parts, such as elastomeric bumpers.

Tenclosed paint gun cleaner" means a cleaner consisting of a closed container with a door or top that can be opened and closed and fitted with cleaning connections. The spray gun is attached to a connection, and solvent is pumped through the gun and onto the exterior of the gun. Cleaning solvent falls back into the cleaner's solvent reservoir for recirculation.

["Finishing material" means a coating used in the automotive refinishing industry, including basecoats, stains, washcoats, sealers, and topeoats.

"Finishing operation" means those activities in which a finishing material is applied to a substrate and is subsequently airdried, cured in an oven, or cured by radiation.

"Low-gloss coating" means a coating which exhibits a gloss reading less than or equal to 25 on a 60 degree glossmeter.

] "Metallic/Iridescent color coating" means a coating which contains iridescent particles, composed of either metal as metallic particles or silicon as mica particles, in excess of 0.042 pounds per gallon as applied, where such particles are visible in the dried film.

"Multi-color[ed] coating" means a coating which exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat.

"Non[—]-[—]enclosed paint gun cleaner" means cleaner consisting of a basin similar to a sink in which the operator washes the outside of the gun under a solvent stream. The gun cup is filled with recirculated solvent, the gun tip is placed into a canister attached to the basin, and suction draws the solvent from the cup through the gun. The solvent gravitates to the bottom of the basin and drains through a small hole to a reservoir that supplies solvent to the recirculation pump.

"Pretreatment coating" means a coating which contains no more that 16% solids, by weight, and at least 0.5% acid, by weight, is used to provide surface etching, and is applied directly to bare metal surfaces to provide corrosion resistance and promote adhesion for subsequent coatings.

"Primer" means any coating which is labeled and formulated for application to a substrate to provide a bond between the substrate and subsequent coats; corrosion resistance; a smooth substrate surface; or resistance to penetration of subsequent coats, and on which a subsequent coating is applied. Primers may be pigmented.

"Single-stage coating" means any pigmented coating, excluding primers and multi-color coatings, labeled and formulated for

application without a subsequent clear coat. Single-stage coatings include single-stage metallic/iridescent coatings.

"Solids" means the part of the coating that remains after the coating is dried or cured; solids content is determined using data from EPA Method 24.

["Specialty coatings" means adhesion promoters, low-glosseoatings, bright metal trim repair coatings, jambing (cut-in) clearcoats, elastomeric coatings, impact resistant coatings, underbody coatings, uniform finish blenders, and weld-through primers.

Temporary protective coating means any coating which is labeled and formulated for the purpose of temporarily protecting areas form overspray or mechanical damage.

"Topcoat" means any coating or series of coatings applied over a primer or an existing finish for the purpose of protection or beautification.

"Truck bed liner coating" means any coating, excluding clear, color, multi-color, and single-stage coatings, labeled and formulated for application to a truck bed to protect it from surface abrasion.

"Underbody coating" means any coating labeled and formulated for application to wheel wells, the inside of door panels or fenders, the underside of a trunk or hood, or the underside of the motor vehicle.

"Uniform finish coating" means any coating labeled and formulated for application to the area around a spot repair for the purpose of blending a repaired area's color or clear coat to match the appearance of an adjacent area's existing coating. Prior to May 1, 2013, this coating category may be referred to as uniform finish blenders.

"Uniform finish blender" means a coating designed to blend a repaired topcoat into an existing topcoat.

R307-354-4. Emission Standards.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-354-6.

TABLE 1

AUTOMOTIVE REFINISHING VOC LIMITS
(values in pounds of VOC per gallon of coating, minus water<u>and</u>
<u>exempt solvent (compounds not defined as VOC)</u>, as applied)

COATING CATEGORY	VOC	EMISSION	RATES
Adhesion Promoter		4.5	
Clear Coating		2.1	
Color Coating		3.5	
Multi-color Coating		5.7	
Pretreatment Coating		5.5	
Primer		2.1	
Primer Sealer		2.1	
Single-stage Coating		2.8	
Temporary Protective Coating		0.5	
Truck Bed Liner Coating		2.6	
Underbody Coating		3.6	

Uniform Finish Coating 4.5

Any Other Coating Type 2.1

R307-354-5. Work Practice and Recordkeeping.

cleanup;

- (1) Control techniques and work practices are to be implemented at all times to reduce VOC emissions from fugitive type sources. Control techniques and work practices include:
 - (a) Tight fitting covers for open tanks;
 - (b) Covered containers for solvent wiping cloths;
 - (c) Collection hoods for areas where solvent is used for
 - (d) Minimizing spill of VOC-containing cleaning materials;
- (e) Conveying VOC-containing materials from one location to another in closed containers or pipes; and
- (f) Cleaning spray guns in enclosed systems or a nonenclosed paint gun cleaner may be used if the vapor pressure of the cleaning solvent is less than 100 mm Hg at 68 degrees Fahrenheit and the solvent is directed towards a drain that leads directly to an enclosed remote reservoir. [; and
 - (g) Using recycled solvents for cleaning.
- (2) The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission standards of R307-354-4.1
 - ([3]2) Application equipment requirements:
- (a) A person shall not apply any coating to an automotive part or component unless the coating application method achieves a demonstrated 65% transfer efficiency.
- (b) The following coating application methods have been demonstrated to achieve a minimum of 65% transfer efficiency:
- (i) Brush, dip or roll coating operated in accordance with the manufacturers specifications:
- (ii) Electrostatic application equipment operated in accordance with the manufacturers specifications; and
- (iii) High Volume, Low Pressure spray equipment operated in accordance with the manufacturers specifications.
- (c) Other coating application methods may be used that have been demonstrated to be capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.
- (3) All sources subject to R307-354 shall maintain records demonstrating compliance with all provisions of R307-354 on an annual basis.
- (a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-354.
- (b) These records shall be available to the director upon request.

R307-354-6. Optional Add-On Controls.

- (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least 90% efficiency performance.
- (2) The owner or operator of a control device shall provide [eertification from the manufacturer]documentation that the emission control system will attain the requirements of R307-354-6[required efficiency performance].
- (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations.

The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-354-7. Compliance Schedule.

All sources within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties shall be in compliance with this rule by [January 1, July 1, 2014.

KEY: air pollution, automotive refinishing, VOC, coatings Date of Enactment or Last Substantive Amendment: [2012]2013 Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

Environmental Quality, Air Quality **R307-355**

Control of Emissions from Aerospace Manufacture and Rework Facilities

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 36737 FILED: 12/10/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the public comment period, both industry and EPA submitted comments that resulted in the need to make substantive changes. These comments were regarding changing the rule applicability to be in line with the CTG; including certain exemptions that were included in the model rule; adding a VOC content limit for solvent cleaning; changing the add-on control efficiency to be in line with what is in the CTG; more clearly defining the acceptable solvent application methods; adding more definitions to clarify rule requirements; and changing the record-keeping requirements.

SUMMARY OF THE RULE OR CHANGE: The rule applicability in Section R307-355-2 has been changed from sources with the potential to emit 5 tons per year of VOCs to sources with the potential to emit 10 tons per year of VOCs. The rule has been changed in Section R307-355-3 by adding rule exemptions to manufacturing or rework operations involving space vehicles and to rework operations performed on antique aerospace vehicles or components. Definitions for "antique aerospace vehicle or component," "chemical milling maskants," exempt solvents," "general aviation rework facility," "low vapor pressure hydrocarbon-based cleaning solvent," "space vehicle," and "specialty coating" are added to Section R307-355-4. New emission standards are added in Section R307-355-5 for coatings that are delivered to a coating applicator that applies Type I chemical milling maskant and Type II maskants. Language is also added to Section R307-355-5 to clarify that exempt solvents are not included in the VOC content limits for the the coatings used.

New application methods are added to Section R307-355-6. Section R307-355-7 is changed to require owners and operators to maintain records demonstrating compliance with the rule on an annual basis and to require them to make those records available to the director upon request. Several solvent cleaning exemptions are added to Section R307-355-8. Section R307-355-9 is changed to clarify that the owner or operator must provide documentation that the emission control system will meet the requirements of Section R307-355-9. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the October 1, 2012, issue of the Utah State Bulletin, on page 91. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: The changes to this rule do not result in any new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ♦ LOCAL GOVERNMENTS: The changes to this rule do not result in any new requirements to local governments; therefore, there are no anticipated costs or savings to local governments.
- ♦ SMALL BUSINESSES: Because the rule's applicability was changed from 5 tons per year to 10 tons per year, the rule no longer applies to small businesses.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because there are no new requirements for persons other than small businesses, businesses, or local government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will be reduced as there were several exemptions added to the proposed rule. However, these savings are difficult to determine as the exemptions do not apply to all sources.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The compliance costs for affected persons will be reduced as there were several exemptions added to the proposed rule. However, these savings are difficult to determine as the exemptions do not apply to all sources.

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

ENVIRONMENTAL QUALITY AIR QUALITY FOURTH FLOOR 195 N 1950 W SALT LAKE CITY, UT 84116-3085 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-355. Control of Emissions from Aerospace Manufacture and Rework Facilities.

R307-355-1. Purpose.

The purpose of R307-355 is to limit the emissions of volatile organic compounds (VOCs) from aerospace coatings and adhesives, from organic solvent cleaning, and from the storage and disposal of solvents and waste solvent materials associated with the use of aerospace coatings and adhesives.

R307-355-2. Applicability.

R307-355 applies to all aerospace manufacture and rework facilities that have the potential to emit [five]10 tons or more per year of VOCs and that are located in Box Elder, Cache, Davis, Salt Lake, Utah, Tooele and Weber counties.

R307-355-3. Exemptions.

- (1) R307-355 does not apply:
- (a) [w]Where cleaning and coating takes place in research and development, quality control, laboratory testing and electronic parts and assemblies, except for cleaning and coating of completed assemblies:
- (b) To manufacturing or rework operations involving space vehicles; and
- (c) To rework operations performed on antique aerospace vehicles or components.

R307-355-4. Definitions.

The following additional definitions apply to R307-355:

- "Aerospace manufacture" and "rework facility" means any installation that produces, reworks, or repairs in any amount any commercial, civil, or military aerospace vehicle or component.
- "Antique aerospace vehicle or component" means an aircraft or component thereof that was built at least 30 years ago and would not routinely be in commercial or military service in the capacity for which it was designed.
- "Chemical milling maskants" means a coating that is applied directly to aluminum components to protect surface areas when chemical milling the component with a Type I or Type II etchant. Type I chemical milling maskants are used with a Type I etchant and Type II chemical milling maskants are used with a Type II etchant.
- "Exempt solvents" means organic chemicals that are not defined as VOC.
- "General aviation rework facility" means any aerospace installation with the majority of its revenues resulting from the reconstruction, repair, maintenance, repainting, conversion, or alteration of general aviation aerospace vehicles or components.

- "Low vapor pressure hydrocarbon-based cleaning solvent" means a cleaning solvent that is composed of a mixture of photochemically reactive hydrocarbons and oxygenated hydrocarbons and has a maximum vapor pressure of 7 mm Hg at 68 degrees Fahrenheit. These cleaners must not contain hazardous air pollutants.
- "Space vehicle" means a man-made device, either manned or unmanned, designed for operation beyond earth's atmosphere. This definition includes integral equipment such as models, mock-ups, prototypes, mold, jigs, tooling, hardware jackets and test coupons. Also included, auxiliary equipment associated with test, transport and storage that through contamination can compromise the space vehicle performance.
- "Specialty coating" means a coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications.
- (1) These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection.
- (2) <u>Individual</u> specialty coatings are [as—]defined in <u>Appendix A of 40 CFR 63</u> subpart GG, [Appendix A,]which is incorporated by reference.

"Topcoat" means a coating that is applied over a primer or component for appearance, identification, camouflage, or protection. Topcoats that are defined as specialty coatings are not included under this definition.

R307-355-5. Emission Standards.

- (1) The owner or operator[No person] shall not cause, permit, or allow the emissions of VOCs from the coating of aerospace vehicles or components to exceed:
- (a) 2.9 pounds per gallon of coating, excluding water<u>and</u> exempt solvents, delivered to a coating applicator that applies primers. For general aviation rework facilities, the VOC limitation shall be 4.5 pounds per gallon of coating, excluding water<u>and exempt solvents</u>, delivered to a coating applicator that applies primers;
- (b) 3.5 pounds per gallon of coating, excluding water<u>and</u> exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats). For general aviation rework facilities, the VOC limit shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats);
- (c) 5.2 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type I chemical milling maskant;
- (d) 1.3 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type II chemical milling maskants; and
- ([e]d) Emissions of VOCs from[Each owner or operator shall not apply] specialty coatings[-with a VOC content] in excess of the amounts specified in EPA-453/R-97-004, December 1997, page B-2, hereby incorporated by reference.[-or shall use an add-on control device as specified in R307-355-9:]
- (2) The owner or operator may alternatively comply with R307-355-5(1)(a) through (d) by using an add-on control device as specified in R307-355-9.
- ([2]3) The following coating applications are exempt from the VOC content limits in R307-355-5(1);

- (a) Touchup and repair operations.
- (b) Use of hand-held spray can application method.
- (c) Department of Defense classified coatings.
- (d) Coatings of space vehicles.
- (e) Facilities that use separate formulations in volumes of less than 50 gallons per year subject to a maximum exemption of 200 gallons total for such formulations applied annually.

R307-355-6. Application Method.

- (1) No owner or operator shall apply any primer or topcoat unless the primer and topcoat is applied with equipment operated according to the equipment manufacturer specifications or by the use of one of the following methods:
 - (a) Electrostatic application;
 - (b) Flow/curtain coat;
 - (c) Dip/electrodeposition coat;
 - (d) Roll coat;
 - (e) Brush coating;
 - (f) cotton-tipped swab application;
 - ([e]g) High-Volume, Low-Pressure (HVLP) Spray;
 - ([f]h) Hand Application Methods; or
- ([g]i) Other coating application methods that achieve emission reductions equivalent to HVLP or electrostatic spray application methods, as determined according to the requirements in 40 CFR 63.750(i).
- (2) The following conditions are exempt from R307-355-6(1)[$\frac{1}{2}$]:
- (a)_Any situation that normally requires the use of an airbrush or an extension on the spray gun to properly reach limited access spaces.
- (b) _The application of coatings that contain fillers that adversely affect atomization with HVLP spray guns and that cannot be applied by any of the application methods specified in R307-355-6.
- (c) _The application of coatings that normally have dried film thickness of less than 0.0013 centimeters (0.0005 inches) and that cannot be applied by any of the application methods specified in R307-355-6.
- (d) _The use of airbrush application methods for stenciling, lettering, and other identification markings.
 - (e) The use of hand-held spray can application methods.
 - (f) Touch-up and repair operations.
 - (g) Application of specialty coatings.

R307-355-7. Work Practices and Recordkeeping.

- (1) Control techniques and work practices shall be implemented at all times to reduce VOC emissions from fugitive type sources. Control techniques and work practices shall include, but are not limited to:
- (a) Storing all VOC-containing coatings, adhesives, thinners, and coating-related waste materials in closed containers;
- (b) Ensuring that mixing and storage containers used for VOC-containing coatings, adhesives, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials;
- (c) Minimizing spills of VOC-containing coatings, adhesives, thinners, and coating-related waste materials; and
- (d) Conveying VOC-containing coatings, adhesives, thinners, and coating-related waste materials from one location to another in closed container or pipes.

- [(2) The work practices for cleaning materials shall beimplemented at all times to reduce VOC emissions from fugitive type sources. The work practices shall include, but are not limited to:
- (a) Storing all VOC-containing cleaning materials in closed containers;
- (b) Ensuring that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;
- (c) Minimizing spills of VOC-containing cleaning materials:
- (d) Conveying VOC-containing cleaning materials from one location to another in closed container or pipes.
-] ([3]2) [The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission-standards of R307-355-5:]All sources subject to R307-355 shall maintain records demonstrating compliance with all provisions of R307-355 on an annual basis.
- (a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-355.
- (b) These records shall be available to the Director upon request.
- [(4) The owner or operator shall maintain records of coatings listed in Table 1 with coating usage on an annual basis.
- (5) The owner or operator shall maintain records of cleaning solvents used on an annual basis.

R307-355-8. Solvent Cleaning.

- (1) Hand-wipe cleaning. Cleaning solvents used in hand-wipe cleaning operations shall meet one of the following requirements:
- (a) H[h]ave a VOC composite vapor pressure less than or equal to 45 mm Hg [or less-]at 68 degrees Fahrenheit[-or];
- (b) <u>Have</u> an aqueous cleaning solvent in which water is at least 80% of the solvent as applied[-]; or
- (c) Have a low vapor pressure hydrocarbon-based cleaning solvent.
 - (2) The following exemptions apply:
- (a) Cleaning during the manufacture, assembly, installation, maintenance, or testing of components of breathing oxygen systems that are exposed to the breathing oxygen.
- (b) Cleaning during the manufacture, assembly, installation, maintenance, or testing of parts, subassemblies, or assemblies that are exposed to strong oxidizers or reducers (e.g., nitrogen tetroxide, liquid oxygen, hydrazine).
- (c) Cleaning and surface activation prior to adhesive bonding.
- (d) Cleaning of electronics parts and assemblies containing electronics parts.
- (e) Cleaning of aircraft and ground support equipment fluid systems that are exposed to the fluid, including air-to-air heat exchangers and hydraulic fluid systems.
 - (f) Cleaning of fuel cells, fuel tanks, and confined spaces.
- (g) Surface cleaning of solar cells, coated optics, and thermal control surfaces.
- (h) Cleaning during fabrication, assembly, installation, and maintenance of upholstery, curtains, carpet, and other textile materials used on the interior of the aircraft.
- (i) Cleaning of metallic and nonmetallic materials used in honeycomb cores during the manufacture or maintenance of these

- cores, and cleaning of the completed cores used in the manufacture of aerospace vehicles or components.
- (j) Cleaning of aircraft transparencies, polycarbonate, or glass substrates.
- (k) Cleaning and solvent usage associated with research and development, quality control, or laboratory testing.
- (l) Cleaning operations, using nonflammable liquids, conducted within five feet of energized electrical systems.
- ([2]3) Flush cleaning. Cleaning solvents used in flush cleaning of parts, assemblies and coating unit components must be emptied into an enclosed container or collection system that is kept closed when not in use.
- ([3]4) Spray gun cleaning. All spray guns shall be cleaned by one or more of the following methods:
- (a) Enclosed system that is closed at all times except when inserting or removing the spray gun. If leaks in the system are found, repairs shall be made as soon as practicable, but no later than [48-hours]15 days after the leak was found. If the leak is not repaired by [48]the 15th day, [hours after detection,]the cleaning solvent shall be removed and the enclosed cleaner shall be shut down until the leak is repaired or its use is permanently discontinued.
 - (b) Nonatomized cleaning.
- (i) Spray guns shall be cleaned by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place.
 - (ii) No atomizing air is to be used.
- (iii) The cleaning solvent from the spray gun shall be directed into a vat, drum, or other waste container that is closed when not in use.
 - (c) Disassembled spray gun cleaning.
- (i) Spray guns shall be cleaned by disassembling and cleaning the components by hand in a vat, which shall remain closed at all times except when in use.
- (ii) Spray gun components shall be soaked in a vat, which shall remain closed during the soaking period and when not inserting or removing components.

- (d) Atomizing spray into a waste container that is fitted with a device designed to capture atomized solvent emissions.
- (e) Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that can be programmed to spray into a closed container, shall be exempt from these requirements.

R307-355-9. Optional Add-On Controls.

- (1) The owner or operator may install and maintain an incinerator, carbon adsorption, or any other add-on emission control device, provided that the emission control device will attain at least [95]81% efficiency performance.
- (2) The owner or operator of a control device <u>system</u> shall provide <u>documentation that the emission control system will attain the requirements of R307-355-9[-certification from the manufacturer that the emission control system will attain required efficiency—performance].</u>
- (3) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations. The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-355-10. Compliance Schedule.

All sources within Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties shall be in compliance by January 1, 2014.

KEY: air pollution, [degreasing, solvent cleaning,]coating, aerospace

Date of Enactment or Last Substantive Amendment: [2012]2013 Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (a)

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to 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 upon filing.

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

Administrative Services, Administration **R13-3**

Americans with Disabilities Act Grievance Procedures

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37089 FILED: 12/04/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

EXPLANATION OF THE STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is made under authority of Section 63A-1-105.5 which authorizes the Department of Administrative Services to make rules governing administrative services and the provision and use of administrative services furnished to state agencies and institutions, and Subsection 63G-3-201(3) which requires rulemaking when an agency issues a written interpretation of a state or federal legal mandate. As required by 28 CFR 35.107, the Utah Department of Administrative Services, as a public entity that employs more than 50 persons, adopts and publishes the grievance procedures within this rule for the prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act, as amended.

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 regarding this rule since it was last reviewed 12/10/2007 (DAR No. 30813).

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to provide for the prompt and equitable resolution of complaints alleging any action prohibited by the ADA and related federal regulations. Therefore, this rule should be continued.

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

ADMINISTRATIVE SERVICES
ADMINISTRATION
ROOM 3120 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Richard Amon by phone at 801-538-3091, by FAX at 801-538-3844, or by Internet E-mail at ramon@utah.gov

AUTHORIZED BY: Kimberly Hood, Executive Director

EFFECTIVE: 12/04/2012

Environmental Quality, Radiation
Control

R313-15

R313-15

Standards for Protection Against Radiation

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37086 FILED: 12/03/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 19-1-106 created the Radiation Control Board within the Department of Environmental Quality. Subsection 19-3-104(4) provides that the Board may make rules necessary for controlling exposure to sources of radiation that constitute a significant health hazard and to meet the requirements of federal law relating to radiation 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: This rule has not been controversial. There have been very few amendments to Rule R313-15 since the last five-year review and no comments were submitted about each amendment. The Division of Radiation Control Director has recommended to the Radiation Control Board that this rule be continued.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is continued because it establishes the standards for protection against ionizing radiation. The requirements are necessary to control the receipt, possession, use, transfer, and disposal of sources of radiation by a licensee or registrant so that the total dose to an individual, including the doses resulting from all sources of radiation other than background radiation, do not exceed established safety standards. The rule is also needed to meet the Utah's commitment, as an Agreement State with the U.S. Nuclear Regulatory Commission (NRC), to maintain regulatory compatibility with the NRC.

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
THIRD FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Craig Jones by phone at 801-536-4264, by FAX at 801-533-4097, or by Internet E-mail at cwjones@utah.gov

AUTHORIZED BY: Rusty Lundberg, Director

EFFECTIVE: 12/03/2012

Financial Institutions, Credit Unions **R337-4**

Establishment of "Credit Union Service Organizations"

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37105 FILED: 12/14/2012

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 7-1-301(15) and Section 7-1-505 authorize the commissioner with the powers, duties, and responsibilities with respect to institutions subject to the jurisdiction of the department and direct the commissioner to issue appropriate rules and regulations consistent with the purposes and provisions of this title governing the regulation, supervision, and examination of those persons, institutions, or classes of institutions.

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 supporting or opposing written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule clarifies that the department has jurisdiction over credit union service organizations and the activities of credit union service organizations; and should be continued.

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

FINANCIAL INSTITUTIONS
CREDIT UNIONS
ROOM 201
324 S STATE ST
SALT LAKE CITY, UT 84111-2393
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 12/14/2012

Health, Disease Control and Prevention, Epidemiology **R386-705**

Epidemiology, Health Care Associated Infection

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37093 FILED: 12/07/2012

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 required by: Subsections 26-1-30(2)(a); 26-1-30(2)(b); 26-1-30(2)(d); 26-1-30(2)(e); 26-1-30(2)(g); and Sections 26-6-3 and 26-6-7. Subsection 26-1-30(2)(a) authorizes the Department to promote and protect public health. Subsection 26-1-30(2)(b) authorizes the Department to establish, maintain, and enforce rules necessary to carry out provisions to promote and protect public health and prevent disease and illness. Subsection 26-1-30(2)(d) authorizes the Department to detect, report, prevent and control disease and health. Subsection 26-1-30(2)(e) authorizes the Department to collect and report information on causes of disease that contribute to death, illness, injury, etc. Section 26-6-3 authorizes the Department to investigate and control epidemics infections and communicable disease. Section 26-6-7 authorizes the Department which diseases, infections, are deemed of concern to public health. Rule R386-705 allows the Department to specifically enact these statutes as they pertain to healthcare-associated infections by enabling the Department to track Utah's healthcare-associated infection rates (specifically, central line-associated blood stream infections, or CLABSIs) and healthcare worker influenza vaccination data.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received since the rule's enactment.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department supports continuation of Rule R386-705. Healthcare-associated infections are a leading cause of morbidity nationwide, and this rule enables the Department to track Utah's CLABSI rates over time, facilitating monitoring and identification of trends in rates (increasing, indicating a growing problem, or decreasing,

indicating improvements) in various healthcare facilities. This rule also allows the Department to review healthcare worker influenza vaccination data which is provided to the public, facilitating transparency to Utah's citizens as they choose which facilities to use for care. It is important that this rule is maintained.

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

HEALTH
DISEASE CONTROL AND PREVENTION,
EPIDEMIOLOGY
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:

♦ Melissa Stevens Dimond by phone at 801-538-6810, by FAX at 801-538-9923, or by Internet E-mail at melissastevens@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 12/07/2012

Health, Center for Health Data, Vital Records and Statistics **R436-6**

Delayed Registration of Birth or Death

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37087 FILED: 12/03/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

EXPLANATION OF THE **PARTICULAR** STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-2-15. Petition for establishment of unregistered birth or death -- Court procedure. The rule is required as a further explanation of the statute to allow the Registrar to deny birth/death certificates to individuals who are not currently Utah residents or were not born or had not died in the state. The rule also indicates that the form the courts use to establish a birth or death must come from the Registrar's office rather than the courts. This is to insure all information needed to register is included and that the courts don't add or delete information. Finally, the rule sets the parameters for which foreign adoptions qualify for a delayed certificate of birth rather than an in-country birth certificate. The only foreign adoptees (or designates) that can petition for a court-ordered delayed

certificate are those born in countries without an existing vital records system.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There are no written comments that have been received by the Registrar.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: With the requirements under the federal REAL-ID Act that individuals produce a birth certificate in order to renew their driver's license, the rule allows the Registrar to reject court orders for individuals not born nor currently residing in Utah. It also allows us to reject court orders for death certificates when the place of death is not established to be in Utah. Without this discretion, Utah could potentially be a source of fraudulent birth and death certificates. Therefore, this rule should be continued.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

♦ Janice Houston by phone at 801-538-6262, by FAX at 801-538-7012, or by Internet E-mail at jlhouston@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 12/03/2012

Insurance, Administration **R590-124**

Loss Information Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37099 FILED: 12/12/2012

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 31A-2-201(3) allows for the adoption of rules to implement the Utah Insurance

Code. Subsection 31A-23a-402(8) authorizes the commissioner to define unfair methods of competition. This rule requires that upon a written request from the insured, an insurer must provide the insured with their loss information. Section R590-124-4 of the rule provides instructions as to what loss information insurers are required to release, when and how often, and in what format.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments regarding this rule over the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important that the law provide guidelines to insurers for the maintenance and dissemination of loss information to the insured and other insurers, otherwise, loss information would not be released by insurers. Loss information is important to insureds to determine if their efforts to reduce losses has been successful and it is important to insurers who want to provide the insured with a competitive quote for their business. Therefore, this rule should be continued.

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

INSURANCE
ADMINISTRATION
ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Neal Gooch, Commissioner

EFFECTIVE: 12/12/2012

Insurance, Administration **R590-155**

Utah Life and Health Insurance Guaranty Association Summary Document

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37100 FILED: 12/12/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICUI AR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3)(a) authorizes the commissioner to make rules to implement the provisions of the Insurance Code. Section 31A-28-119 provides guidelines for the Utah Life and Health Insurance Guaranty Association summary and disclaimer document. The purpose of the rule is to specify the form and content of the summary and disclaimer document for insurers to disclose to policy and contract holders the intent that contractual guarantees are not covered or have limited coverage by the Utah Life and Health Insurance Guaranty Association.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department received three written comments while this rule was being amended in the first half of 2010. One company representative was happy with the changes and thought they brought clarity to the rule. The other two comments received asked that the effective date and enforcement dates of the rule changes be extended to give them more time to comply with the new provisions. Specialists with the department did not think this necessary since the changes were not onerous and insurers had been aware of the impending change for some time.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 31A-28-119 was written to prohibit agents from telling prospective insureds that the policy they were buying was covered by the Guaranty Association, in the event the insurance company becomes insolvent. This assurance has been used deceptively to sell policies where the insurer was financially insolvent and/or unsound. Therefore, this rule should be continued.

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

INSURANCE ADMINISTRATION ROOM 3110 STATE OFFICE BLDG 450 N MAIN ST SALT LAKE CITY, UT 84114-1201 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Neal Gooch, Commissioner

EFFECTIVE: 12/12/2012

Insurance, Administration **R590-215**

Permissible Arbitration Provisions for Individual and Group Health Insurance

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37101 FILED: 12/12/2012

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 31A-2-201(3)(c) authorizes the commissioner to write rules to implement the provisions of the insurance code. The Department of Labor, Pension and Welfare Benefits Administration Rules and Regulations for Administration and Enforcement: Claims Procedure, 29 CPR 2560.503-1 effective 07/01/2002, and excluding 2560.503-1(a), requires the state write rules to recognize arbitration as an acceptable method of alternative dispute resolution with regards to health benefit plans. The rule is required to define "permissible arbitration provisions" and provide guidelines upon which disclosure of a contract arbitration provision is to be made. This rule fulfills this requirement.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department received no written requests to make changes to this rule in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Federal law requires states to establish rules setting guidelines for the use of arbitration in the claims process. This rule provides those guidelines. Once an insured has exhausted the insurer's internal appeals process, then they have the right to arbitration. This rule defines arbitration in its several forms, as well as the process itself. By having this rule the arbitration process is the same in all states, which reduces confusion and misunderstanding. Therefore, this rule should be continued.

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

INSURANCE
ADMINISTRATION
ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Neal Gooch, Commissioner

EFFECTIVE: 12/12/2012

Natural Resources, Wildlife Resources **R657-23**

Utah Hunter Education Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37090 FILED: 12/05/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Sections 23-14-18, 23-14-19, and 23-19-11, the Wildlife Board is authorized to adopt rules to prescribe safety measures and provide the process for obtaining proof of successfully completing an approved hunter education course.

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 supporting or opposing Rule R657-23 have been received since 12/06/2007 when the rule was last reviewed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-23 provides the procedures and requirements for presenting and obtaining proof of having successfully completed an approved hunter education course. The procedures adopted in this rule have provided an effective and efficient process. Continuation of this rule is necessary for continued success of the hunter education program.

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

AUTHORIZED BY: Cindee Jensen, Deputy Director

EFFECTIVE: 12/05/2012

Natural Resources, Wildlife Resources **R657-33**Taking Bear

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37091 FILED: 12/05/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.

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 supporting or opposing Rule R657-33 have been received since 12/11/2007 when the rule was last reviewed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-33 provides the procedures, standards, and requirements for taking and pursuing bear. The provisions adopted in this rule are effective in providing the standards and requirements for taking and pursuing bear. Continuation of this rule is necessary for continued success of this program.

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

AUTHORIZED BY: Cindee Jensen, Deputy Director

EFFECTIVE: 12/05/2012

Public Service Commission, Administration **R746-343**

Rule for Deaf, Severely Hearing or Speech Impaired Person

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37095 FILED: 12/10/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized pursuant to Section 54-8b-10 which requires the commission to exercise its rulemaking powers to establish a program to provide telephone service to certified deaf, severely hearing impaired, or speech impaired persons; to impose a surcharge on access lines to cover the cost of the program; and to administer the money collected.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OPPOSING THE RULE: In 2008, the rule was amended to change the language in Section R746-343-3 to eliminate reference to public assistance programs which no longer exist under the names used in the rule. The rule language was amended to follow the statutory language. Administering state department responsibilities also changed. comments were received during this amendment. In 2011 the statute that provides for a surcharge was amended by S.B. 209. The amended rule conforms the rule to the new law and establishes a surcharge that is consistent with recovering annual program costs. Comments were received by the Division of Public Utilities (DPU) recommending that the new rate for the Hearing and Speech Impaired Fund should be either \$0.05 or \$0.06 per line per month. DPU believes that this new collection rate will provide sufficient funds to operate the program and will enable a one-year surplus balance to be maintained as the Commission has requested. In 2012, the rule was amended to permit oral or written communication of approval of an application after certain medical and financial needs were met. The rule was also amended to allow the commission to send application denial letters via first class mail instead of certified mail. No comments were received during this amendment.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued because it establishes eligibility requirements and sets forth the procedure for approval of an application and the distribution process for telecommunications devices for the deaf (TDDs). This rule provides instructions for training, replacement of TDDs, ownership and liability, and out-of-state use. The rule also sets forth the liability of the telephone relay center and confidentiality and privacy requirements. Section R746-343-15 establishes the surcharge to be collected to cover the cost of the program as required by Subsection 54-8b-10(4). This rule is also necessary to comply with provisions in the Americans with Disabilities Act (ADA) and Federal Communications Commission (FCC) regulations.

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

PUBLIC SERVICE COMMISSION ADMINISTRATION HEBER M WELLS BLDG 160 E 300 S SALT LAKE CITY, UT 84111-2316 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ David Clark by phone at 801-530-6708, by FAX at 801-530-6796, or by Internet E-mail at drexclark@utah.gov
- ♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: David Clark, Legal Counsel

EFFECTIVE: 12/10/2012

Public Service Commission, Administration

R746-356

Intrastate (IntraLATA) Equal Access to Toll Calling Services by Telecommunications Carriers

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37102 FILED: 12/13/2012

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE

OR REQUIRE THE RULE: This rule is authorized pursuant to Section 54-8b-2.2 which requires the commission to make rules to implement the competitive provision of facilitiesbased intraLATA toll and local exchange services and to adopt rules which implement the competitive provision of facilities-based intraLATA toll and local exchange services. This rule is required to address those issues the commission determines are essential for a competing telecommunications corporation to provide intraLATA toll and local exchange services and necessary to protect the public interest, including the interconnection with essential facilities and the purchase and sale of essential services telecommunications corporations authorized to provide public telecommunications services in the same or overlapping service territories on a nondiscriminatory and reasonably unbundled basis.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 54-8b-2.2 requirements continue to authorize this rule for the reasons stated in the "concise explanation of the particular statutory provisions." Therefore, this rule should be continued.

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

PUBLIC SERVICE COMMISSION ADMINISTRATION HEBER M WELLS BLDG 160 E 300 S SALT LAKE CITY, UT 84111-2316 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ David Clark by phone at 801-530-6708, by FAX at 801-530-6796, or by Internet E-mail at drexclark@utah.gov
- ◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: David Clark, Legal Counsel

EFFECTIVE: 12/13/2012

School And Institutional Trust Lands, Administration

R850-70

Sales of Forest Products From Trust Lands Administration Lands

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37088 FILED: 12/04/2012

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 53C-2-201(1)(a)(ii) authorizes the director of the School and Institutional Trust Lands Administration to provide for the sale of forest products, desert products, and other vegetative material from Trust Lands Administration lands. This rule establishes the guidelines for the agency to follow in the management and sale of these resources.

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 by the agency concerning this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the guidelines for the agency to follow in the management and sale of forest product resources located on trust lands. It also provides the public with the requirements for the acquisition of these resources. The sale of these products provides valuable revenue for the benefit of the respective beneficiaries of the land. Therefore, this rule should be continued.

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

SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION ROOM 500 675 E 500 S SALT LAKE CITY, UT 84102-2818 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Kim Christy by phone at 801-538-5183, by FAX at 801-355-0922, or by Internet E-mail at kimchristy@utah.gov

AUTHORIZED BY: Kevin Carter, Director

EFFECTIVE: 12/04/2012

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their rules effective and enforceable after publication in the Utah State Bulletin. In the case of Proposed Rules or Changes in Proposed Rules with a designated comment period, the law permits an agency to file a notice of effective date any time after the close of comment plus seven days. In the case of Changes in Proposed Rules with no designated comment period, the law permits an agency to file a notice of effective date on any date including or after the thirtieth day after the rule's publication date. If an agency fails to file a Notice of Effective Date within 120 days from the publication of a Proposed Rule or a related Change in Proposed Rule the rule lapses and the agency must start the rulemaking process over.

Notices of Effective Date are governed by Subsection 63G-3-301(12), 63G-3-303, and Sections R15-4-5a and 5b.

Abbreviations AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

Commerce

Consumer Protection

No. 36905 (AMD): R152-34. Postsecondary Proprietary

School Act Rules Published: 10/15/2012 Effective: 12/05/2012

Occupational and Professional Licensing

No. 36930 (AMD): R156-38b. State Construction Registry

Rule

Published: 11/01/2012 Effective: 12/10/2012

Environmental Quality

Air Quality

No. 36742 (AMD): R307-110. General Requirements: State

Implementation Plan Published: 10/01/2012 Effective: 12/06/2012

No. 36721 (AMD): R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine

Particulate Matter Published: 10/01/2012 Effective: 12/06/2012

Health

Administration

No. 36843 (NEW): R380-42. Open and Public Meetings Act

Electronic Meetings Published: 10/15/2012 Effective: 12/11/2012 Disease Control and Prevention, Health Promotion No. 36937 (NEW): R384-202. Traumatic Spinal Cord and

Brain Injury Rehabilitation Fund

Published: 11/01/2012 Effective: 12/18/2012

Disease Control and Prevention, Epidemiology

No. 36853 (AMD): R386-705. Epidemiology, Health Care

Associated Infection Published: 10/15/2012 Effective: 12/21/2012

Family Health and Preparedness, Child Care Licensing No. 36715 (AMD): R430-6. Background Screening

Published: 10/01/2012 Effective: 01/01/2013

No. 36716 (AMD): R430-50. Residential Certificate Child

Care

Published: 10/01/2012 Effective: 01/01/2013

No. 36717 (AMD): R430-60. Hourly Child Care Centers

Published: 10/01/2012 Effective: 01/01/2013

No. 36718 (AMD): R430-70. Out of School Time Child Care

Programs

Published: 10/01/2012 Effective: 01/01/2013

No. 36719 (AMD): R430-90. Licensed Family Child Care

Published: 10/01/2012 Effective: 01/01/2013

No. 36720 (AMD): R430-100. Child Care Centers

Published: 10/01/2012 Effective: 01/01/2013

Family Health and Preparedness, Licensing

No. 36879 (R&R): R432-35. Background Screening

Published: 10/15/2012 Effective: 12/12/2012

Human Services

Administration

No. 36911 (AMD): R495-890. Department of Human Services Related Parties Conflict Investigation Procedure for Non Contracted Private Sector Independent Child Protective

Services

Published: 11/01/2012 Effective: 12/10/2012

Child and Family Services

No. 36916 (NEW): R512-52. Drug Testing Copayment for Parents of Children in Child and Family Services Custody

Published: 11/01/2012 Effective: 12/11/2012

<u>Insurance</u>

Administration

No. 36215 (AMD): R590-162. Actuarial Opinion and

Memorandum Rule Published: 06/01/2012 Effective: 12/05/2012

No. 36215 (CPR): R590-162. Actuarial Opinion and

Memorandum Rule Published: 10/15/2012 Effective: 12/05/2012

Labor Commission

Industrial Accidents

No. 36942 (AMD): R612-2-5.Regulation of Medical

Practitioner Fees Published: 11/01/2012 Effective: 12/10/2012

Public Safety

Criminal Investigations and Technical Services, Criminal

Identification

No. 36912 (AMD): R722-300. Concealed Firearm Permit

and Instructor Rule Published: 11/01/2012 Effective: 12/10/2012

Tax Commission

Property Tax

No. 36939 (AMD): R884-24P-53. 2012 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act

Pursuant to Utah Code Ann. Section 59-2-515

Published: 11/01/2012 Effective: 12/14/2012

No. 36940 (AMD): R884-24P-66. County Board of

Equalization Procedures and Appeals Pursuant to Utah Code

Ann. Section 59-2-1004 Published: 11/01/2012 Effective: 12/14/2012

No. 36862 (AMD): R884-24P-73. Urban Farming

Assessment Pursuant to Utah Code Ann. Section 59-2-1703

Published: 10/15/2012 Effective: 01/01/2013

Transportation

Operations, Traffic and Safety

No. 36948 (R&R): R920-4. Special Road Use

Published: 11/01/2012 Effective: 12/10/2012

Workforce Services

Employment Development

No. 36868 (AMD): R986-200. Family Employment Program

Published: 10/15/2012 Effective: 12/05/2012

End of the Notices of Rule Effective Dates Section

2012 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, 2012 through December 14, 2012. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules 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 (5110 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 CPR = Change in proposed rule NSC = Nonsubstantive rule change

REP = Repeal

EMR = Emergency rule (120 day) NEW = New rule R&R = Repeal and reenact 5YR = Five-Year Review

EXD = Expired

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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Archives R17-9	Electronic Participation at Meetings	35304	NEW	01/30/2012	2011-20/6
Child Welfare Parental R19-1-6	Child Welfare Parental Defense Oversight	35205	AMD	01/12/2012	2011-18/6
R19-1-7	Committee Electronic Meetings	35206	AMD	01/12/2012	2011-18/7
Debt Collection R21-1	Transfer of Collection Responsibility of State	36420	5YR	06/28/2012	2012-14/59
R21-1	Agencies Transfer of Collection Responsibility of State Agencies	36495	AMD	09/07/2012	2012-15/6
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R23-1-40	Acceptable Bid Security; Performance and Payment Bonds	36632	NSC	08/23/2012	Not Printed
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R23-20	Free Speech Activities	36148	5YR	05/03/2012	2012-11/177
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R23-24	Management Lease Procedures Capital Projects Utilizing Non-appropriated Funds	37055	5YR	11/14/2012	2012-23/83

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R25-14	Payment of Attorneys Fees in Death Penalty	35663	5YR	01/12/2012	2012-3/105
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R33-3	Source Selection and Contract Formation	36425	5YR	07/02/2012	2012-14/62
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R58-3	Brucellosis Vaccination Requirements	36683	NEW	10/29/2012	2012-18/4
R58-6	Poultry	35692	5YR	01/18/2012	2012-4/59
R58-10	Meat and Poultry Inspection	36249	REP	07/26/2012	2012-12/9
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R70-330	Raw Milk for Retail	36465	EMR	07/11/2012	2012-15/65
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R81-1-6	Violation Schedule	35588	AMD	03/01/2012	2012-2/20
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R81-2-12	Store Site Selection	37115	EMR	12/18/2012	Not Printed
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R81-4D-2	Application	35946	AMD	05/22/2012	2012-7/9
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R81-10A-3	Application	35953	AMD	05/22/2012	2012-7/19
R81-10B	Temporary Special Event Beer Permits	36116	AMD	07/01/2012	2012-10/14
R81-10C-2	Application	35954	AMD	05/22/2012	2012-7/20
R81-10D-2	Application	35955	AMD	05/22/2012	2012-7/21
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R105-1	Attorney General's Selection of Outside	35904	NEW	04/24/2012	2012-6/6
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R182-1 (Changed to	Government Records Access And	36750	NSC	10/01/2012	Not Printed					
R450-1)	Management Act Rules									
R182-2	Preservation Pro Fee	36353	NEW	08/31/2012	2012-13/14					
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D405.2	Eligibility, and Payment Determination	20245	חבח	00/44/0040	2042 42/20					
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D105-8	Energy Assistance: Special State Programs	35409	AMD	03/26/2012	2011-23/20					
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R277-116	Utah State Board of Education Internal Audit	36586	5YR	08/01/2012	2012-16/190
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R277-116	Utah State Board of Education Internal Audit	36598	AMD	09/21/2012	2012-16/17
11277 110	Procedure	00000	,B	00/21/2012	2012 10/11
R277-400	School Emergency Response Plans	36587	5YR	08/01/2012	2012-16/190
R277-400	School Emergency Response Plans	36599	AMD	09/21/2012	2012-16/18
R277-401	Child Abuse-Neglect Reporting by Education	36639	5YR	08/14/2012	2012-17/101
	Personnel				
R277-401	Child Abuse-Neglect Reporting by Education	36658	AMD	10/09/2012	2012-17/15
	Personnel				
R277-407	School Fees	36640	5YR	08/14/2012	2012-17/101
R277-407-1	Definitions	36659	AMD	10/09/2012	2012-17/16
R277-407-3	Classes and Activities During the Regular	36199	AMD	07/09/2012	2012-11/16
	School Day				
R277-408	Grants for Online Testing	36364	NEW	08/08/2012	2012-13/49
R277-410	Accreditation of Schools	36588	5YR	08/01/2012	2012-16/191
R277-410	Accreditation of Schools	36600	AMD	09/21/2012	2012-16/21
R277-411	Elementary School Accreditation	36589	5YR	08/01/2012	2012-16/191
R277-411	Elementary School Accreditation	36601	REP	09/21/2012	2012-16/23
R277-411	Junior High and Middle School Accreditation	36590		08/01/2012	2012-16/192
	•		5YR		
R277-412	Junior High and Middle School Accreditation	36602	REP	09/21/2012	2012-16/24
R277-413	Accreditation of Secondary Schools	36603	REP	09/21/2012	2012-16/25
R277-419	Pupil Accounting	36763	5YR	09/14/2012	2012-19/121
R277-419	Pupil Accounting	36660	AMD	10/09/2012	2012-17/18
R277-419-5	Student Membership	35905	AMD	05/08/2012	2012-7/28
R277-419-5	Student Membership	36931	NSC	11/01/2012	Not Printed
R277-419-7	Student Identification and Tracking	36069	AMD	06/07/2012	2012-9/34
R277-420	Aiding Financially Distressed School Districts	36070	AMD	06/07/2012	2012-9/35
R277-420	Aiding Financially Distressed School Districts	36764	5YR	09/14/2012	2012-19/121
R277-420-1	Definitions	36770	AMD	11/08/2012	2012-19/20
R277-422	State Supported Voted Local Levy, Board Local	36924	5YR	10/05/2012	2012-21/47
	Levy and Reading Improvement Program				
R277-422	State Supported Voted Local Levy, Board Local	36947	AMD	12/17/2012	2012-21/18
	Levy and Reading Improvement Program		,		
R277-423	Delivery of Flow Through Money	36765	5YR	09/14/2012	2012-19/122
R277-423	Delivery of Flow Through Money	36771	AMD	11/08/2012	2012-19/21
R277-424	Indirect Costs for State Programs		5YR		2012-19/21
	· · · · · · · · · · · · · · · · · · ·	36766		09/14/2012	
R277-424-1	Definitions	36772	AMD	11/08/2012	2012-19/22
R277-425	Budgeting, Accounting, and Auditing for Utah	35535	AMD	02/07/2012	2012-1/11
	School Districts				
R277-426	Definition of Private and Non-Profit Schools for	35536	AMD	02/07/2012	2012-1/13
	Federal Program Services				
R277-426	Definition of Private and Non-Profit Schools for	36767	5YR	09/14/2012	2012-19/123
	Federal Program Services				
R277-433	Disposal of Textbooks in the Public Schools	36641	5YR	08/14/2012	2012-17/102
R277-433	Disposal of Textbooks in the Public Schools	36661	AMD	10/09/2012	2012-17/23
R277-437-3	Local School Board and District	36200	AMD	07/09/2012	2012-11/17
	Responsibilities				
R277-445	Classifying Small Schools as Necessarily	36642	5YR	08/14/2012	2012-17/102
11211 440	Existent	00042	OTIV	00/14/2012	2012 177102
R277-445		36662	AMD	10/09/2012	2012-17/24
11211-440	Classifying Small Schools as Necessarily	36662	AIVID	10/03/2012	2012-17/24
D077 454	Existent	25022	AMD	05/00/0040	2012 7/20
R277-454	Construction Management of School Building	35933	AMD	05/08/2012	2012-7/30
D077 454	Projects	00700	EV/D	00/44/0040	0040 40/400
R277-454	Construction Management of School Building	36768	5YR	09/14/2012	2012-19/123
	Projects				

R277-454-1	Definitions	36773	AMD	11/08/2012	2012-19/23
R277-467	Distribution of Funds Appropriated for Library	36365	5YR	06/15/2012	2012-13/99
10211 401	Books and Electronic Resources	00000	OTIC	00/10/2012	2012 10/00
R277-467	Distribution of Funds Appropriated for Library	36366	AMD	08/08/2012	2012-13/51
R211-401		30300	AIVID	00/00/2012	2012-13/31
D077 470	Books and Electronic Resources	05454	4445	04/40/0040	0044 00/00
R277-470	Charter Schools	35451	AMD	01/10/2012	2011-23/28
R277-470	Charter Schools - General Provisions	36367	AMD	08/08/2012	2012-13/52
R277-475	Patriotic, Civic and Character Education	36663	AMD	10/09/2012	2012-17/26
R277-475-5	Requirements	36932	NSC	11/01/2012	Not Printed
R277-476	Incentives for Elementary Reading Program	35675	REP	03/12/2012	2012-3/22
R277-477	Distribution of Funds from the Interest and	36664	AMD	10/09/2012	2012-17/28
	Dividend Account (School LAND Trust Funds)				
	and Administration of the School LAND Trust				
	Program				
R277-477-4	Administration of School LAND Trust Program	36933	NSC	11/01/2012	Not Printed
R277-479	Charter School Special Education Student	35935	NEW	05/08/2012	2012-7/31
11211 110	Funding Formula	00000	11211	00/00/2012	2012 7701
R277-479-1	Definitions	36160	NSC	05/30/2012	Not Printed
R277-480-1	Definitions	35582	NSC	01/31/2012	Not Printed
R277-480-1	Definitions	35817	NSC	02/29/2012	Not Printed
R277-481	Charter School Oversight, Monitoring and	35452	NEW	01/10/2012	2011-23/34
	Appeals				
R277-482	Charter School Timelines and Approval	35453	NEW	01/10/2012	2011-23/38
	Processes				
R277-482	Charter School Timelines and Approval	36368	AMD	08/08/2012	2012-13/54
	Processes				
R277-483-4	Identification of Persistently Dangerous	36071	AMD	06/07/2012	2012-9/36
	Schools				
R277-484-3	Deadlines for Data Submission	35676	AMD	03/12/2012	2012-3/23
R277-485	Loss of Enrollment	35936	AMD	05/08/2012	2012-7/33
R277-486	Professional Staff Cost Program	36072	AMD	06/07/2012	2012-9/37
R277-488	Critical Languages Program	36369	5YR	06/15/2012	2012-13/100
R277-488	Critical Languages Program	36370	AMD	08/08/2012	2012-13/58
R277-489	Optional Extended-Day Kindergarten -	36372	5YR	06/15/2012	2012-13/100
11277 400	Responsibilities, Timelines, and Funding	00072	OTIC	00/10/2012	2012 10/100
R277-489	Optional Extended Day Kindergarten -	36373	AMD	08/08/2012	2012-13/61
10277-403	Responsibilities, Timelines, and Funding	30373	AIVID	00/00/2012	2012-10/01
R277-491	School Community Councils	36201	AMD	07/09/2012	2012-11/19
R277-491-4	School Community Council School/School	36451	NSC	07/25/2012	Not Printed
D077 407	Administrator Responsibilities	05075	NIT A	04/40/0040	0040 5/04
R277-497	School Grading System	35875	NEW	04/10/2012	2012-5/24
R277-497-3	Board Responsibilities	36202	AMD	07/09/2012	2012-11/22
R277-500	Educator Licensing Renewal, Timelines, and	36203	AMD	07/09/2012	2012-11/23
	Required Fingerprint Background Checks				
	(Effective Beginning July 1, 2012)				
R277-501	Educator Licensing Renewal, Timelines, and	36204	REP	07/09/2012	2012-11/28
	Required Fingerprint Background Checks				
	(Effective Through June 30, 2012)				
R277-502	Educator Licensing and Data Retention	36643	5YR	08/14/2012	2012-17/103
R277-503	Licensing Routes	35677	AMD	03/12/2012	2012-3/24
R277-503	Licensing Routes	35939	5YR	03/15/2012	2012-7/63
R277-503	Licensing Routes	36073	AMD	06/07/2012	2012-9/39
R277-505	Administrative License Areas of Concentration	36644	5YR	08/14/2012	2012-17/103
11211-303	and Programs	30044	3110	00/14/2012	2012-177100
R277-506	School Psychologists, School Social Workers,	36645	5YR	08/14/2012	2012-17/104
1(211-300	and School Counselors Licenses and	30043	3110	00/14/2012	2012-17/104
D077 F07	Programs Driver Education Endorsement	25040	EVD	02/45/2012	2012 7/64
R277-507		35940	5YR	03/15/2012	2012-7/64
R277-509	Licensure of Student Teachers and Interns	36925	5YR	10/05/2012	2012-21/48
R277-511	Highly Qualified Teacher Grants	35671	5YR	01/17/2012	2012-3/113
R277-511	Highly Qualified Teacher Grants	35678	REP	03/12/2012	2012-3/28
R277-512	Online Licensure	35673	5YR	01/17/2012	2012-3/114
R277-513	Dual Certification	35679	REP	03/12/2012	2012-3/30
R277-514	Board Procedures: Sanctions for Educator	36646	5YR	08/14/2012	2012-17/104
	Misconduct				
R277-514	Board Procedures: Sanctions for Educator	36665	AMD	10/09/2012	2012-17/33
	Misconduct				

R277-515	Utah Educator Standards	37060	5YR	11/15/2012	2012-23/83
R277-519	Educator Inservice Procedures and Credit	35941	5YR	03/15/2012	2012-7/64
R277-520	Appropriate Licensing and Assignment of	35680	AMD	03/12/2012	2012-3/32
	Teachers				
R277-520-6	Eminence	36074	AMD	06/07/2012	2012-9/43
R277-521	Professional Specialist Licensing	35876	REP	04/10/2012	2012-5/26
R277-522	Entry Years Enhancements (EYE) for Quality	36926	5YR	10/05/2012	2012-21/48
R211-322		30920	JIK	10/03/2012	2012-21/40
D077 504	Teaching - Level 1 Utah Teachers	00005	AMD	07/00/0040	0040 44/00
R277-524	Paraprofessional Qualifications	36205	AMD	07/09/2012	2012-11/33
R277-524	Paraprofessional/Paraeducator Programs,	36452	NSC	07/25/2012	Not Printed
	Assignments, and Qualifications				
R277-531	Public Educator Evaluation Requirements	36774	AMD	11/08/2012	2012-19/24
	(PEER)				
R277-600-7	Alternative Transportation	35877	AMD	04/10/2012	2012-5/28
R277-608	Prohibition of Corporal Punishment in Utah's	35454	AMD	01/10/2012	2011-23/41
	Public Schools				
R277-608	Prohibition of Corporal Punishment in Utah's	36647	5YR	08/14/2012	2012-17/105
	Public Schools				
R277-612	Foreign Exchange Students	36153	5YR	05/07/2012	2012-11/179
R277-615	Standards and Procedures for Student	35878	NEW	04/10/2012	2012-5/29
10277-015	Searches	33070	INLVV	04/10/2012	2012-3/23
D077 617		26200	NITIA	07/22/2012	2012 12/24
R277-617	Smart School Technology Program	36308	NEW	07/23/2012	2012-12/24
R277-617-1	Definitions	36536	NSC	08/08/2012	Not Printed
R277-618	Educator Peer Assistance and Review Pilot	36374	NEW	08/08/2012	2012-13/63
	Program (PAR Program)				
R277-618	Educator Peer Assistance and Review Pilot	36743	NSC	10/01/2012	Not Printed
	Program (PAR Program)				
R277-700	The Elementary and Secondary School Core	36075	AMD	06/07/2012	2012-9/45
	Curriculum				
R277-703	Centennial Scholarship for Early Graduation	35537	AMD	02/07/2012	2012-1/14
R277-703	Centennial Scholarship for Early Graduation	36648	5YR	08/14/2012	2012-17/105
R277-703	Centennial Scholarship for Early Graduation	36666	AMD	10/09/2012	2012-17/35
R277-705	Secondary School Completion and Diplomas	35818	5YR	02/02/2012	2012-5/103
R277-709	Education Programs Serving Youth in Custody	36667	AMD	10/09/2012	2012-17/37
R277-713	Concurrent Enrollment of High School Students		5YR	08/14/2012	2012-17/37
10211-110	in College Courses	30043	3110	00/14/2012	2012-177100
R277-713		26660	AMD	10/09/2012	2012-17/41
R211-113	Concurrent Enrollment of High School Students	30000	AIVID	10/09/2012	2012-17/41
D077 744	in College Courses	25004	AMD	00/40/0040	2042 2/20
R277-714	Dissemination of Information About Juvenile	35681	AMD	03/12/2012	2012-3/36
50	Offenders		555	0011010010	0010010=
R277-718	Utah Career Teaching Scholarship Program	35682	REP	03/12/2012	2012-3/37
R277-720	Child Nutrition Programs	35937	AMD	05/08/2012	2012-7/34
R277-720	Child Nutrition Programs	36650	5YR	08/14/2012	2012-17/106
R277-726	Statewide Public Education Online Program	36669	AMD	10/09/2012	2012-17/45
R277-726-7	Provider Requirements and Responsibilities	36934	NSC	11/01/2012	Not Printed
R277-730	Alternative High School Curriculum	35538	REP	02/07/2012	2012-1/16
R277-733	Adult Education Programs	36076	AMD	06/07/2012	2012-9/49
R277-733	Adult Education Programs	36927	5YR	10/05/2012	2012-21/49
R277-750	Education Programs for Students with	36651	5YR	08/14/2012	2012-17/107
	Disabilities				
R277-751	Special Education Extended School Year	35539	AMD	02/07/2012	2012-1/18
R277-800	Utah Schools for the Deaf and the Blind	36206	AMD	07/09/2012	2012-11/34
R277-911	Secondary Career and Technical Education	36652	5YR	08/14/2012	2012-17/107
R277-915		35819	5YR	02/02/2012	2012-1//10/
	Work-based Learning Programs for Interns				
R277-915	Work-based Learning Programs for Interns	35683	AMD	03/12/2012	2012-3/39
R277-916	Technology, Life, and Careers, and Work-	35938	AMD	05/08/2012	2012-7/35
	Based Learning Programs				
<u>Rehabilitation</u>					
R280-201	USOR ADA Complaint Procedure	36068	REP	06/07/2012	2012-9/56
ENVIRONMENTAL QUA	ALITY				
<u>Administration</u>					
R305-1	Records Access and Management	35928	5YR	03/13/2012	2012-7/65
R305-2	Electronic Meeting	37038	EXT	11/12/2012	2012-23/93
R305-8	Board Member Attendance Requirements	36775	NEW	12/19/2012	2012-19/27
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Air Quality					
R307-101	General Requirements	36624	AMD	11/08/2012	2012-17/49
R307-101-3	Version of Code of Federal Regulations Incorporated by Reference	35615	AMD	04/05/2012	2012-3/40
R307-102	General Requirements: Broadly Applicable	36625	AMD	11/08/2012	2012-17/56
R307-105	Requirements General Requirements: Emergency Controls	36333	5YR	06/06/2012	2012-13/101
	General Requirements. Emergency Controls General Requirement: Unavoidable	35865	R&R	07/31/2012	2012-13/101
R307-107		33003	Rak	07/31/2012	2012-3/31
R307-107	Breakdown General Requirements: Unavoidable Breakdown	35865	CPR	07/31/2012	2012-13/89
R307-110	General Requirements: State Implementation Plan	35774	5YR	02/01/2012	2012-4/65
R307-110	General Requirements: State Implementation Plan	36742	AMD	12/06/2012	2012-19/36
R307-110-10	Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter	36721	AMD	12/06/2012	2012-19/40
R307-120	General Requirements: Tax Exemption for Air	35775	5YR	02/01/2012	2012-4/81
R307-121	Pollution Control Equipment General Requirements: Clean Air and Efficient	35716	5YR	01/23/2012	2012-4/81
R307-121-7	Vehicle Tax Credit Proof of Purchase to Demonstrate Eligibility for	35718	NSC	02/09/2012	Not Printed
	Special Mobile Equipment Converted to Clean Fuels				
R307-123	General Requirements: Clean Fuels and Vehicle Technology Grant and Loan Program	36626	AMD	11/08/2012	2012-17/58
R307-130	General Penalty Policy	35776	5YR	02/01/2012	2012-4/82
R307-135	Enforcement Response Policy for Asbestos Hazard Emergency Response Act	35777	5YR	02/01/2012	2012-4/82
R307-135	Enforcement Response Policy for Asbestos	36627	AMD	11/08/2012	2012-17/60
D207 202	Hazard Emergency Response Act	25022	DOD	07/04/0040	2042 7/20
R307-202	Emission Standards: General Burning	35923 35923	R&R CPR	07/31/2012	2012-7/38
R307-202	Emission Standards: General Burning			07/31/2012	2012-13/91
R307-207	Residential Fireplaces and Solid Fuel Burning Devices	36607	AMD	11/08/2012	2012-16/60
R307-210-1	Standards of Performance for New Stationary Sources (NSPS)	35496	AMD	03/07/2012	2011-24/7
R307-214	National Emission Standards for Hazardous Air Pollutants	35922	AMD	06/07/2012	2012-7/42
R307-214	National Emission Standards for Hazardous Air Pollutants	37036	5YR	11/08/2012	2012-23/84
R307-220-3	Section II, Hospital, Medical, Infectious Waste Incinerators	35531	AMD	03/07/2012	2012-1/21
R307-222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste	35530	AMD	03/07/2012	2012-1/22
R307-222-1	Purpose and Applicability	36026	NSC	04/25/2012	Not Printed
R307-301	Utah and Weber Counties: Oxygenated	35778	5YR	02/01/2012	2012-4/83
	Gasoline Program As a Contingency Measure				
R307-307	Davis, Salt Lake, and Utah Counties: Road Salting and Sanding	36628	AMD	11/08/2012	2012-17/63
R307-320	Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program	35779	5YR	02/01/2012	2012-4/84
R307-325	Ozone Nonattainment and Maintenance Areas: General Requirements	35780	5YR	02/01/2012	2012-4/84
R307-326	Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries		5YR	02/01/2012	2012-4/85
R307-327	Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage	35782	5YR	02/01/2012	2012-4/86
R307-328	Gasoline Transfer and Storage	35783	5YR	02/01/2012	2012-4/86
R307-335	Ozone Nonattainment and Maintenance Areas:		5YR	02/01/2012	2012-4/87
*** ***	Degreasing and Solvent Cleaning Operations			· - · - • · -	
R307-340	Ozone Nonattainment and Maintenance Areas: Surface Coating Processes	35785	5YR	02/01/2012	2012-4/87
R307-341	Ozone Nonattainment and Maintenance Areas: Cutback Asphalt	35786	5YR	02/01/2012	2012-4/88
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R307-343	Ozone Nonattainment and Maintenance Areas:	35787	5YR	02/01/2012	2012-4/89
11007 010	Emissions Standards for Wood Furniture	00.01	0111	02/01/2012	2012 1/00
	Manufacturing Operations				
R307-401	Permit: New and Modified Sources	36334	5YR	06/06/2012	2012-13/101
R307-401-11	Replacement-in-Kind Equipment	36154	NSC	05/30/2012	Not Printed
R307-403	Permits: New and Modified Sources in	36335	5YR	06/06/2012	2012-13/102
	Nonattainment Areas and Maintenance Areas		• • • • • • • • • • • • • • • • • • • •	00/00/2012	
R307-405	Permits: Major Sources in Attainment or	35413	AMD	02/02/2012	2011-23/42
11007 100	Unclassified Areas (PSD)	00110	7 11 11 2	02/02/2012	2011 20/12
R307-405-3	Definitions	35872	NSC	02/29/2012	Not Printed
R307-406	Visibility	36336	5YR	06/06/2012	2012-13/102
R307-410	Permits: Emissions Impact Analysis	36337	5YR	06/06/2012	2012-13/103
R307-414	Permits: Fees for Approval Orders	36338	5YR	06/06/2012	2012-13/104
R307-415	Permits: Operating Permit Requirements	36339	5YR	06/06/2012	2012-13/104
R307-415-2	Authority	35529	AMD	03/07/2012	2012-1/25
R307-417	Permits: Acid Rain Sources	36340	5YR	06/06/2012	2012-13/105
R307-420	Permits: Ozone Offset Requirements in Davis	36341	5YR	06/06/2012	2012-13/106
11007 420	and Salt Lake Counties	00041	OTIV	00/00/2012	2012 10/100
R307-421	Permits: PM10 Offset Requirements in Salt	36342	5YR	06/06/2012	2012-13/106
11007 421	Lake County and Utah County	00012	OTIX	00/00/2012	2012 10/100
R307-424	Permits: Mercury Requirements for Electric	36033	5YR	04/05/2012	2012-9/79
11007 424	Generating Units	00000	OTIV	04/00/2012	2012 0/10
R307-801	Asbestos	36176	R&R	10/01/2012	2012-11/39
R307-801	Utah Asbestos Rule	36176	CPR	10/01/2012	2012-16/164
R307-840	Lead-Based Paint Program Purpose,	35857	AMD	05/03/2012	2012-10/104
11307-040	Applicability, and Definitions	33037	AIVID	03/03/2012	2012-3/33
R307-840-1	Purpose and Applicability	36161	NSC	05/30/2012	Not Printed
R307-841	Residential Property and Child-Occupied	35858	AMD	05/03/2012	2012-5/39
1307-041	Facility Renovation	33030	AIVID	03/03/2012	2012-3/33
R307-841	Residential Property and Child-Occupied	36162	NSC	05/30/2012	Not Printed
11307-041	Facility Renovation	30102	1100	03/30/2012	Not i inited
R307-842	Lead-Based Paint Activities	35859	AMD	05/03/2012	2012-5/47
R307-842	Lead-Based Paint Activities	36163	NSC	05/30/2012	Not Printed
11007 042	Edda Badda i aint / tottvitted	00100	1400	00/00/2012	Not i ilitou
Drinking Water					
R309-600-13	New Ground-water Sources of Drinking Water	36561	AMD	11/15/2012	2012-16/72
	ŭ				
Environmental Respon	se and Remediation				
D244 200					
R311-200	Underground Storage Tanks: Definitions	35668	AMD	03/09/2012	2012-3/42
R311-200 R311-200	Underground Storage Tanks: Definitions Underground Storage Tanks: Definitions	35668 36057	AMD 5YR	03/09/2012 04/10/2012	2012-3/42 2012-9/82
R311-200	Underground Storage Tanks: Definitions	36057	5YR	04/10/2012	2012-9/82
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R311-200 R311-201 R311-201 R311-201-12 R311-202	Underground Storage Tanks: Definitions Underground Storage Tanks: Certification Programs and UST Operator Training Underground Storage Tanks: Certification Programs and UST Operator Training UST Operator Training and Registration Underground Storage Tank Technical Standards	36057 35447 36045 36496 36046	5YR AMD 5YR AMD 5YR	04/10/2012 01/13/2012 04/10/2012 09/14/2012 04/10/2012	2012-9/82 2011-23/45 2012-9/82 2012-15/20 2012-9/84
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R311-200 R311-201 R311-201 R311-201-12 R311-202 R311-203 R311-204	Underground Storage Tanks: Definitions Underground Storage Tanks: Certification Programs and UST Operator Training Underground Storage Tanks: Certification Programs and UST Operator Training UST Operator Training and Registration Underground Storage Tank Technical Standards Underground Storage Tanks: Technical Standards	36057 35447 36045 36496 36046 36047	5YR AMD 5YR AMD 5YR 5YR	04/10/2012 01/13/2012 04/10/2012 09/14/2012 04/10/2012 04/10/2012	2012-9/82 2011-23/45 2012-9/82 2012-15/20 2012-9/84 2012-9/84
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R311-200 R311-201 R311-201 R311-201-12 R311-202 R311-203 R311-204	Underground Storage Tanks: Definitions Underground Storage Tanks: Certification Programs and UST Operator Training Underground Storage Tanks: Certification Programs and UST Operator Training UST Operator Training and Registration Underground Storage Tank Technical Standards Underground Storage Tanks: Technical Standards Underground Storage Tanks: Closure and Remediation Underground Storage Tanks: Site Assessment	36057 35447 36045 36496 36046 36047 36048	5YR AMD 5YR AMD 5YR 5YR	04/10/2012 01/13/2012 04/10/2012 09/14/2012 04/10/2012 04/10/2012 04/10/2012	2012-9/82 2011-23/45 2012-9/82 2012-15/20 2012-9/84 2012-9/84 2012-9/85
R311-200 R311-201 R311-201 R311-201-12 R311-202 R311-203 R311-204 R311-205	Underground Storage Tanks: Definitions Underground Storage Tanks: Certification Programs and UST Operator Training Underground Storage Tanks: Certification Programs and UST Operator Training UST Operator Training and Registration Underground Storage Tank Technical Standards Underground Storage Tanks: Technical Standards Underground Storage Tanks: Closure and Remediation Underground Storage Tanks: Site Assessment Protocol	36057 35447 36045 36496 36046 36047 36048 36049	5YR AMD 5YR AMD 5YR 5YR 5YR	04/10/2012 01/13/2012 04/10/2012 09/14/2012 04/10/2012 04/10/2012 04/10/2012 04/10/2012	2012-9/82 2011-23/45 2012-9/82 2012-15/20 2012-9/84 2012-9/84 2012-9/85 2012-9/86
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R311-401-2	Hazardous Substances Priority List	36028	AMD	07/20/2012	2012-9/58
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R313-17	Administrative Procedures	35416	AMD	03/19/2012	2011-23/50
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11010 22 70	Manufacture, Assemble, Repair, or Distribute	00111	,D	01/10/2012	2011 20/01
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D245.2	Listing of Hazardous Waste	25254	AMD	04/40/0040	0044 04/00
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5015	Disposal Facilities			0.1.1.0.10.0.1.0	0044 044=0
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	Maintain Underground Wastewater Disposal	00.00		00/21/2012	
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R317-12	General Requirements: Tax Exemption for	35726	5YR	01/25/2012	2012-4/89
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R333-12	Investment by State-Chartered Bank in Real Property Other Than Bank Premises	36848	5YR	09/24/2012	2012-20/123

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Consumer Credit R335-1	Rule Prohibiting Negative Amortizing Wrap Loans	36844	5YR	09/21/2012	2012-20/124
R335-2	Rule Prescribing Allowable Terms and Disclosure Requirements for Variable and Adjustable Interest Rates in Consumer Credit	36849	5YR	09/24/2012	2012-20/124
R335-4	Contracts Notice Concerning Refund of Unearned Credit Insurance Premiums Upon Prepayment of a Consumer Debt	36845	5YR	09/21/2012	2012-20/125
Credit Unions R337-2	Conversion from a Federal to a State-	36713	5YR	09/05/2012	2012-19/124
R337-4	Chartered Credit Union Establishment of "Credit Union Service	37105	5YR	12/14/2012	Not Printed
	Organizations"				
R337-5	Allowance for Loan and Lease Losses - Credit Unions	36712	5YR	09/05/2012	2012-19/125
R337-7	Discount Securities Brokerage Service by State-Chartered Credit Unions	36875	5YR	09/28/2012	2012-20/125
R337-8	Accounts for Parties Other Than Individual Members in State-Chartered Credit Unions	36876	5YR	09/28/2012	2012-20/126
R337-9	Schedule for Retention or Destruction of Records of Credit Unions Under the Jurisdiction of the Department of Financial Institutions	36877	5YR	09/28/2012	2012-20/126
R337-10	Rule Designating Applicable Federal Law for Credit Unions Subject to the Jurisdiction of the Department of Financial Institutions	35700	5YR	01/20/2012	2012-4/90
Industrial Loan Corpora					
R339-4	Authority for Industrial Loan Corporations to Issue Subordinated Capital Notes or Debentures	36850	5YR	09/24/2012	2012-20/127
R339-6	Rule Clarifying Industrial Loan Corporation Investments	36851	5YR	09/24/2012	2012-20/127
R339-11	Discount Securities Brokerage Service by Industrial Loan Corporations	36878	5YR	09/28/2012	2012-20/128
Nondepository Lenders					
R343-1	Rule Governing Form of Disclosures For Title Lenders, Who Are Under the Jurisdiction of the Department of Financial Institutions	35628	5YR	01/06/2012	2012-3/114
GOVERNOR					
Criminal and Juvenile J R356-1	ustice (State Commission on) Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates	36141	AMD	07/01/2012	2012-10/27
Economic Developmen				0.44040040	00.40.0/00
R357-1 R357-6	Rural Fast Track Program Technology and Life Science Economic	36066 36749	5YR AMD	04/13/2012 11/26/2012	2012-9/92 2012-19/94
R357-9	Development and Related Tax Credits Alternative Energy Development Tax Incentives	36855	NEW	11/26/2012	2012-20/47
Economic Developmen R358-1	t, Consumer Health Services Electronic Standards for Transmitting Information through the Health Insurance Exchange	36634	NEW	10/10/2012	2012-17/64
Economic Developmen R359-1 R359-1-506	t, <u>Pete Suazo Utah Athletic Commission</u> Pete Suazo Utah Athletic Commission Act Rule Drug Tests	36002 36130	5YR AMD	03/30/2012 06/30/2012	2012-8/74 2012-10/29

Energy Development (0					
R362-1	Qualification for the Alternative Energy Development Tax Credit	36548	NEW	09/24/2012	2012-16/74
R362-2	Renewable Energy Systems Tax Credits	36701	5YR	08/30/2012	2012-18/77
R362-3	Energy Efficiency Fund	36702	5YR	08/30/2012	2012-18/78
Planning and Budget II	nspector General of Medicaid Services (Office of)				
R367-1	Office of Inspector General of Medicaid Services	35879	NEW	04/23/2012	2012-5/74
R367-1	Office of Inspector General of Medicaid	36993	AMD	12/27/2012	2012-22/32
R367-1-7	Services Utilization Review and Medicaid Services	35973	NSC	04/23/2012	Not Printed
R367-1-15	Provided under the Utah Medicaid Program Administrative Hearings	35958	AMD	05/23/2012	2012-8/6
HEALTH					
Administration					
Administration R380-1	Petitions for Department Declaratory Orders	36096	5YR	04/26/2012	2012-10/88
R380-5	Petitions for Declaratory Orders on Orders Issued by Committees	36097	5YR	04/26/2012	2012-10/89
R380-10	Informal Adjudicative Proceedings	36098	5YR	04/26/2012	2012-10/89
R380-20	Government Records Access and Management		5YR	04/26/2012 04/03/2012	2012-10/69
R380-41	Government Records Access and Management Governance Committee Electronic Meetings	36432	NEW	09/20/2012	2012-14/14
R380-42	Open and Public Meetings Act Electronic	36843	NEW	12/11/2012	2012-14/14
K30U-42	Meetings	30043	INEVV	12/11/2012	2012-20/40
R380-50	Local Health Department Funding Allocation Formula	37070	5YR	11/20/2012	2012-24/35
R380-60	Local Health Department Emergency Protocols	35571	NEW	03/07/2012	2012-2/31
R380-100	Americans with Disabilities Act Grievance Procedures	36099	5YR	04/26/2012	2012-10/90
R380-300	Community Spay and Neuter Grants	37068	EXD	11/08/2012	2012-23/95
Center for Health Data,	Health Care Statistics				
R428-2	Health Data Authority Standards for Health Data	35868	AMD	04/26/2012	2012-5/80
R428-5	Appeal and Adjudicative Proceedings	35869	AMD	06/28/2012	2012-5/83
R428-5	Appeal and Adjudicative Proceedings	36027	NSC	06/28/2012	Not Printed
R428-10	Health Data Authority Hospital Inpatient	35870	AMD	05/31/2012	2012-5/85
	Reporting Rule				
R428-11	Health Data Authority Ambulatory Surgical Data Reporting Rule		5YR	11/14/2012	2012-23/86
R428-12	Health Data Authority Survey of Enrollees in Health Maintenance Organizations	36110	AMD	07/02/2012	2012-10/43
R428-13	Health Data Authority: Audit and Reporting of HMO Performance Measures	36111	AMD	07/02/2012	2012-10/44
R428-13	Health Data Authority. Audit and Reporting of Health Plan Performance Measures	37044	5YR	11/14/2012	2012-23/87
R428-15	Health Data Authority Health Insurance Claims Reporting	35616	AMD	03/16/2012	2012-3/51
R428-20	Health Data Authority Request for Health Data Information	35492	REP	01/24/2012	2011-24/20
Center for Health Data.	Vital Records and Statistics				
R436-1	Duties of the Department of Health	36994	EXT	10/26/2012	2012-22/165
R436-2	Infants of Unknown Parentage; Foundling Registration	36995	EXT	10/26/2012	2012-22/165
R436-3	Amendment of Vital Records	36996	EXT	10/26/2012	2012-22/165
R436-4	Delayed Registration of Birth	36997	EXT	10/26/2012	2012-22/166
R436-6	Delayed Registration of Birth or Death	37087	5YR	12/03/2012	Not Printed
R436-7	Death Registration	36998	EXT	10/26/2012	2012-22/166
R436-8	Authorization for Final Disposition of Deceased Persons	36999	EXT	10/26/2012	2012-22/166
R436-9	Persons and Institutions Required to Keep Monthly Listings of Vital Statistics Events	37000	EXT	10/26/2012	2012-22/166
R436-10	Birth and Death Certificates	37001	EXT	10/26/2012	2012-22/166
R436-12	Certified Copies of Vital Statistics Records	37002	EXT	10/26/2012	2012-22/167

R436-13	Disclosure of Records	37003	EXT	10/26/2012	2012-22/167
R436-14	Copies of Data From Vital Records	37004	EXT	10/26/2012	2012-22/167
R436-15	Fees	37005	EXT	10/26/2012	2012-22/167
	Violation of Rules	37006			
R436-16			EXT	10/26/2012	2012-22/168
R436-17	Review and Approval of Research Requests	37007	EXT	10/26/2012	2012-22/168
Children's Health Insur	rance Program				
R382-2	Electronic Personal Medical Records for the	36429	NEW	09/01/2012	2012-14/15
1302-2	Children's Health Insurance Program	30423	INLVV	03/01/2012	2012-14/13
D202 40		25700	AMD	04/04/2012	2012 4/7
R382-10	Eligibility	35788	AMD	04/01/2012	2012-4/7
Disease Control and P	Prevention, Environmental Services				
R392-100	Food Service Sanitation	35715	5YR	01/20/2012	2012-4/91
R392-100	Food Service Sanitation	35445	AMD	01/26/2012	2011-23/62
R392-100	Food Service Sanitation	36404	AMD	09/10/2012	2012-14/16
R392-200	Design, Construction, Operation, Sanitation,	35710	5YR	01/20/2012	2012-4/91
D000 000	and Safety of Schools	0.5700	EV/D	04/00/0040	0040 4/00
R392-300	Recreation Camp Sanitation	35709	5YR	01/20/2012	2012-4/92
R392-301	Recreational Vehicle Park Sanitation	35708	5YR	01/20/2012	2012-4/93
R392-302	Design, Construction and Operation of Public	35707	5YR	01/20/2012	2012-4/93
	Pools				
R392-400	Temporary Mass Gatherings Sanitation	35711	5YR	01/20/2012	2012-4/94
R392-401	Roadway Rest Stop Sanitation	35714	5YR	01/20/2012	2012-4/94
R392-402	Mobile Home Park Sanitation	35712	5YR	01/20/2012	2012-4/95
R392-501	Labor Camp Sanitation	35713	5YR	01/20/2012	2012-4/96
R392-502	Hotel, Motel and Resort Sanitation	36017	5YR	04/02/2012	2012-8/75
R392-510	Utah Indoor Clean Air Act	36019	5YR	04/02/2012	2012-8/75
R392-510	Utah Indoor Clean Air Act	36620	AMD	10/15/2012	2012-16/76
R392-700	Indoor Tanning Bed Sanitation	36580	AMD	10/15/2012	2012-16/78
	ŭ				
Disease Control and P	Prevention, Epidemiology				
R386-702	Communicable Disease Rule	36247	AMD	08/08/2012	2012-12/29
R386-705	Epidemiology, Health Care Associated Infection	37093	5YR	12/07/2012	Not Printed
R386-705	Epidemiology, Health Care Associated Infection		AMD	12/21/2012	2012-20/49
	_p				
Disease Control and P	Prevention, Health Promotion				
R384-202	Traumatic Spinal Cord and Brain Injury	36937	NEW	12/18/2012	2012-21/20
	Rehabilitation Fund				
	Prevention, Laboratory Improvement				
R444-11	Rules for Approval to Perform Blood Alcohol	35701	5YR	01/20/2012	2012-4/99
	Examinations				
	Prevention, Laboratory Services	05700	5\/D	04/00/0040	0040 4/00
R438-12	Rule for Law Enforcement Blood Draws	35706	5YR	01/20/2012	2012-4/98
Comily Hoolth and Dra	norodnoso Child Caro Licensina				
•	paredness, Child Care Licensing	25501	NEW	05/01/2012	2012-2/37
R430-1	General Licensing, Certificate, and	35581	INEVV	05/01/2012	2012-2/37
D.100.0	Enforcement Provisions, Child Care Facilities	05570	DED	05/04/0040	0040 0440
R430-2	General Licensing Provisions, Child Care	35579	REP	05/01/2012	2012-2/40
D. (0.0.0)	Facilities			0=10110010	00100110
R430-3	General Child Care Facility Rules Inspection	35580	REP	05/01/2012	2012-2/42
	and Enforcement				
R430-4	General Certificate Provisions	35653	REP	05/01/2012	2012-3/57
R430-6	Background Screening	35573	AMD	05/01/2012	2012-2/46
R430-6	Background Screening	36623	5YR	08/03/2012	2012-17/108
R430-6	Background Screening	36715	AMD	01/01/2013	2012-19/95
R430-30	Adjudicative Procedure	35654	REP	05/01/2012	2012-3/61
R430-50	Residential Certificate Child Care	35574	AMD	05/01/2012	2012-2/47
R430-50	Residential Certificate Child Care	36716	AMD	01/01/2013	2012-19/98
R430-60	Hourly Child Care Center	35575	R&R	05/01/2012	2012-2/55
R430-60	Hourly Child Care Centers	36717	AMD	01/01/2013	2012-19/100
R430-70	Out of School Time Child Care Programs	35576	AMD	05/01/2012	2012-2/70
R430-70	Out of School Time Child Care Programs	36718	AMD	01/01/2013	2012-19/103
R430-90	Licensed Family Child Care	35577	AMD	05/01/2012	2012-19/103
R430-90	Licensed Family Child Care	36719	AMD	01/01/2013	2012-19/107
R430-100	Child Care Centers	35578	AMD	05/01/2012	2012-19/10/
11430-100	Office Contors	33370	MINID	03/01/2012	ZU 1Z-Z/0Z

R430-100	Child Care Centers	36622	5YR	08/03/2012	2012-17/108
R430-100	Child Care Centers	36720	AMD	01/01/2013	2012-19/110
Family Health and Prep	aredness, Children with Special Health Care Nee				
R398-5	Birth Defects Reporting	36109	AMD	07/31/2012	2012-10/32
R398-15	Autism Treatment Account	36281	NEW	07/31/2012	2012-12/38
Family Health and Prep	aredness, Emergency Medical Services				
R426-2	Air Medical Service Rules	36880	EXT	09/28/2012	2012-20/153
R426-5	Statewide Trauma System Standards	36100	5YR	04/26/2012	2012-10/92
R426-6	Emergency Medical Services Competitive	36881	EXT	09/28/2012	2012-20/153
	Grants Program Rules				
R426-16	Emergency Medical Services Ambulance Rates	36182	AMD	07/19/2012	2012-11/66
	and Charges				
Family Health and Prep	aredness, Licensing				
R432-4	General Construction	35459	AMD	02/21/2012	2011-24/21
R432-4-8	Standards Compliance	35649	NSC	02/21/2012	Not Printed
R432-5	Nursing Facility Construction	35460	AMD	02/21/2012	2011-24/28
R432-6	Assisted Living Facility General Construction	35461	AMD	02/21/2012	2011-24/33
R432-7	Specialty Hospital Psychiatric Hospital	35462	AMD	02/21/2012	2011-24/38
	Construction				
R432-8	Specialty Hospital - Chemical	35463	AMD	02/21/2012	2011-24/40
	Dependency/Substance Abuse Construction				
R432-9	Specialty Hospital - Rehabilitation Construction	35464	AMD	02/21/2012	2011-24/43
	Rule				
R432-10	Specialty Hospital Long-Term Acute Care	35465	AMD	02/21/2012	2011-24/46
	Construction Rule				
R432-11	Orthopedic Hospital Construction	35466	AMD	02/21/2012	2011-24/50
R432-12	Small Health Care Facility (Four to Sixteen	35467	AMD	02/21/2012	2011-24/53
	Beds) Construction Rule				
R432-13	Freestanding Ambulatory Surgical Center	35468	AMD	02/21/2012	2011-24/57
	Construction Rule				
R432-14	Birthing Center Construction Rule	35469	AMD	02/21/2012	2011-24/59
R432-16	Hospice Inpatient Facility Construction	35470	AMD	02/21/2012	2011-24/61
R432-31	Life with Dignity Order	35976	5YR	03/28/2012	2012-8/76
R432-35	Background Screening	36879	R&R	12/12/2012	2012-20/60
R432-40	Long-Term Care Facility Immunizations	35977	5YR	03/28/2012	2012-8/77
R432-100	General Hospital Standards	35500	AMD	02/08/2012	2011-24/67
R432-100	General Hospital Standards	35471	AMD	02/21/2012	2011-24/65
R432-150	Nursing Care Facility	35978	5YR	03/28/2012	2012-8/77
R432-151	Mental Disease Facility	35979	5YR	03/28/2012	2012-8/78
R432-152	Mental Retardation Facility	35980	5YR	03/28/2012	2012-8/78
R432-200	Small Health Care Facility (Four to Sixteen	35981	5YR	03/28/2012	2012-8/79
	Beds)				
R432-201	Mental Retardation Facility: Supplement "A" to	35982	5YR	03/28/2012	2012-8/79
	the Small Health Care Facility Rule				
R432-270	Assisted Living Facilities	36445	AMD	09/25/2012	2012-15/31
R432-270-6	Administrator Qualifications	35499	AMD	02/08/2012	2011-24/73
R432-300	Small Health Care Facility - Type N	35983	5YR	03/28/2012	2012-8/80
R432-650	End Stage Renal Disease Facility Rules	35472	AMD	02/21/2012	2011-24/74
R432-650	End Stage Renal Disease Facility Rules	35652	AMD	03/28/2012	2012-3/63
R432-650	End Stage Renal Disease Facility Rules	35984	5YR	03/28/2012	2012-8/80
R432-700	Home Health Agency Rule	35985	5YR	03/28/2012	2012-8/81
R432-750	Hospice Rule	35986	5YR	03/28/2012	2012-8/81
R432-950	Mammography Quality Assurance	35987	5YR	03/28/2012	2012-8/82
14-02-000	Wallingraphy Quality / loodranoc	00001	OTIC	00/20/2012	2012 0/02
Family Health and Pren	aredness, Primary Care and Rural Health				
R434-30	Primary Care Grants Program for Medically	36963	5YR	10/18/2012	2012-22/151
11.01.00	Underserved Populations	00000	0111	10/10/2012	2012 22,101
	Chached Februarions				
Family Health and Pren	aredness, WIC Services				
R406-100	Special Supplemental Nutrition Program for	35812	5YR	02/02/2012	2012-5/104
	Women, Infants and Children		•		_0 0.101
R406-100-1	Incorporation of Federal Regulations	37008	AMD	12/27/2012	2012-22/36
R406-200	Program Overview	35813	5YR	02/02/2012	2012-5/105
R406-201	Outreach Program	35814	5YR	02/02/2012	2012-5/105
100 201	San Saon Frogram	30017	J	J_, J_, LU L	_0.2 0/100

R406-202	Eligibility	35815	5YR	02/02/2012	2012-5/106
	<u> </u>				
R406-301	Clinic Guidelines	35816	5YR	02/02/2012	2012-5/106
Health Care Financing					
R410-14	Administrative Hearing Procedures	35901	AMD	04/27/2012	2012-6/16
R410-14	Administrative Hearing Procedures	36870	5YR	09/27/2012	2012-20/128
Health Care Financing.	Coverage and Reimbursement Policy				
R414-1	Utah Medicaid Program	35907	5YR	03/02/2012	2012-7/66
R414-1	Utah Medicaid Program	36375	AMD	08/10/2012	2012-13/65
R414-1-2	Definitions	35902	AMD	04/27/2012	2012-6/21
R414-1-5	Incorporations by Reference	35584	AMD	02/21/2012	2012-2/33
R414-1-5	Incorporations by Reference	35994	AMD	05/24/2012	2012-8/9
	Incorporations by Reference	36871	AMD	11/30/2012	2012-20/53
R414-1-5					
R414-1-29	Provider-Preventable Conditions	36102	AMD	07/01/2012	2012-10/33
R414-1-30	Governing Hierarchy	36511	AMD	11/05/2012	2012-16/82
R414-1A	Medicaid Policy for Experimental,	36128	5YR	04/30/2012	2012-10/90
	Investigational or Unproven Medical Practices	00120	0111	0 1/00/2012	2012 10/00
D444.04		05000	4440	04/44/0040	0044 00/00
R414-2A	Inpatient Hospital Services	35390	AMD	01/11/2012	2011-22/30
R414-2A	Inpatient Hospital Services	36107	AMD	07/01/2012	2012-10/35
R414-2A	Inpatient Hospital Services	36935	5YR	10/10/2012	2012-21/51
R414-2B	Inpatient Hospital Intensive Physical	36910	5YR	10/02/2012	2012-21/52
R414-2D		30910	SIK	10/02/2012	2012-21/32
	Rehabilitation Services				
R414-3A	Outpatient Hospital Services	36936	5YR	10/10/2012	2012-21/52
R414-4x	Policy Statement on Denial of Payment to	37057	5YR	11/15/2012	2012-23/84
	Medicaid Provider When Client Fails to Keep		•		
	Scheduled Appointment				
R414-7C	Alternative Remedies for Nursing Facilities	35719	5YR	01/24/2012	2012-4/96
R414-8	Electronic Personal Medical Records for the	36431	NEW	09/01/2012	2012-14/19
	Medicaid Program				
D414 0 E		26106	AMD	07/04/2042	2012 10/27
R414-9-5	Alternative Payment Method	36106	AMD	07/01/2012	2012-10/37
R414-10	Physician Services	35720	5YR	01/24/2012	2012-4/97
R414-10A	Transplant Services Standards	35722	5YR	01/24/2012	2012-4/97
R414-13	Psychology Services	37046	5YR	11/14/2012	2012-23/85
R414-14A	Hospice Care	35503	AMD	02/01/2012	2011-24/11
R414-15	Residents Personal Needs Fund	36672	5YR	08/20/2012	2012-18/79
R414-21	Physical and Occupational Therapy	35908	5YR	03/02/2012	2012-7/66
R414-22	Administrative Sanction Procedures and	36710	AMD	11/14/2012	2012-18/13
==	Regulations		, =		
D444.00		07075	EVD.	44/00/0040	0040 04/00
R414-22	Administrative Sanction Procedures and	37075	5YR	11/26/2012	2012-24/36
	Regulations				
R414-29	Client Review/Education and Restriction Policy	36929	5YR	10/05/2012	2012-21/53
R414-32	Hospital Record-keeping Policy	37047	5YR	11/14/2012	2012-23/85
	Personal Care Service				
R414-38		35921	5YR	03/07/2012	2012-7/67
R414-45	Personal Supervision by a Physician	35721	5YR	01/24/2012	2012-4/98
R414-49	Dental Services	36377	AMD	08/10/2012	2012-13/68
R414-49-3	Client Eligibility Requirements	36105	AMD	07/01/2012	2012-10/38
	Dental, Oral and Maxillofacial Surgeons		AMD		2012-10/39
R414-50		36103		07/01/2012	
R414-50	Dental, Oral and Maxillofacial Surgeons	36378	AMD	08/10/2012	2012-13/69
R414-60	Medicaid Policy for Pharmacy Program	36129	5YR	04/30/2012	2012-10/91
R414-60A	Drug Utilization Review Board	36406	5YR	06/25/2012	2012-14/66
	Preferred Drug List				
R414-60B	3	36559	5YR	07/30/2012	2012-16/196
R414-61-2	Incorporation by Reference	35504	AMD	01/24/2012	2011-24/18
R414-70	Medical Supplies, Durable Medical Equipment,	36869	5YR	09/27/2012	2012-20/129
	and Prosthetic Devices				
R414-100	Medicaid Primary Care Network Services	36184	5YR	05/14/2012	2012-11/180
R414-200	Non-Traditional Medicaid Health Plan Services	36185	5YR	05/14/2012	2012-11/180
R414-301	Medicaid General Provisions	36872	AMD	12/01/2012	2012-20/56
R414-303	Coverage Groups	35789	AMD	04/01/2012	2012-4/12
R414-303	Coverage Groups	36444	AMD	10/01/2012	2012-14/21
	•				
R414-305	Resources	35437	AMD	02/06/2012	2011-23/65
R414-307	Eligibility for Home and Community-Based	36085	5YR	04/17/2012	2012-10/91
	Services Waivers				
R414-307	Eligibility for Home and Community-Based	36443	AMD	10/01/2012	2012-14/26
	Services Waivers				
D414 200		25111	AMD	02/06/2012	2011 22/70
R414-308	Application, Eligibility Determinations and	35441	AMD	02/06/2012	2011-23/70
	Improper Medical Assistance				

R414-308	Application, Eligibility Determinations and	35790	AMD	04/01/2012	2012-4/14
1111 000	Improper Medical Assistance	00700	,	0 1/0 1/2012	2012 1711
R414-308-3	Application and Signature	36566	AMD	10/01/2012	2012-16/83
R414-310	Medicaid Primary Care Network Demonstration		5YR	06/04/2012	2012-13/107
1414 010	Waiver	00000	OTIC	00/04/2012	2012 10/10/
R414-310	Medicaid Primary Care Network Demonstration	36565	AMD	10/01/2012	2012-16/85
114-310	Waiver	30303	AIVID	10/01/2012	2012-10/03
R414-320	Medicaid Health Insurance Flexibility and	36564	AMD	10/01/2012	2012-16/92
114-320	Accountability Demonstration Waiver	30304	AIVID	10/01/2012	2012-10/32
R414-320-10	Income Provisions	36563	AMD	10/01/2012	2012-16/99
R414-401-3	Assessment	36108	AMD	07/01/2012	2012-10/33
R414-401-5	Penalties and Interest	35583	AMD	02/21/2012	2012-10/40
R414-501-2	Definitions	36186	AMD	07/18/2012	2012-2/50
R414-502	Nursing Facility Levels of Care	36567	R&R	10/11/2012	2012-11/33
R414-503	Preadmission Screening and Resident Review	36187	R&R	07/18/2012	2012-11/61
R414-504	Nursing Facility Payments	37048	5YR	11/14/2012	2012-17/01
R414-506	Hospital Provider Assessments	36101	AMD	07/01/2012	2012-20/00
R414-509	Medicaid Autism Waiver Open Enrollment	36427	NEW	10/01/2012	2012-10/41
114-303	Process	30427	INLVV	10/01/2012	2012-14/01
R414-510	Intermediate Care Facility for Individuals with	35639	5YR	01/09/2012	2012-3/115
114-310	Mental Retardation Transition Program	33039	3110	01/03/2012	2012-3/113
R414-510	Intermediate Care Facility for Individuals with	36379	AMD	11/01/2012	2012-13/70
K414-310	Mental Retardation Transition Program	30379	AIVID	11/01/2012	2012-13/10
R414-510	Intermediate Care Facility for Individuals with	36379	CPR	11/01/2012	2012-18/70
K414-510	Mental Retardation Transition Program	30379	CFK	11/01/2012	2012-10//0
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History					
R455-4	Ancient Human Remains	36762	AMD	11/09/2012	2012-19/112
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R460-1	Authority and Purpose	36882	5YR	09/28/2012	2012-20/131
R460-2	Definitions of Terms Used Throughout R460	36883	5YR	09/28/2012	2012-20/132
R460-2	Definitions of Terms Used Throughout R460	36782	AMD	11/27/2012	2012-20/67
R460-3	Programs of UHC	36884	5YR	09/28/2012	2012-20/132
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R460-4	Additional Servicing Rules	36781	AMD	11/27/2012	2012-20/68
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R460-8	Americans with Disabilities Act (ADA)	36889	5YR	09/28/2012	2012-20/135
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R460-8	Americans with Disabilities Act Complaint	36784	AMD	11/27/2012	2012-20/72
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D 477 7	Incentive Awards	35880	AMD	07/10/2012	2012-6/23
R477-7	Leave	35827	5YR	02/02/2012	2012-5/111

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R477-7	Leave	36123	AMD	07/02/2012	2012-10/63
R477-8	Working Conditions	35828	5YR	02/02/2012	2012-5/112
R477-8	Working Conditions	36124	AMD	07/02/2012	2012-10/71
R477-9	Employee Conduct	35829	5YR	02/02/2012	2012-5/112
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R477-13	Volunteer Programs	35834	5YR	02/03/2012	2012-5/115
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R477-15	Workplace Harassment Prevention Policy and	35835	5YR	02/03/2012	2012-5/115
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	Act				
R495-861		27022	5YR	11/06/2012	2012 22/00
K495-00 I	Requirements for Local Discretionary Social	37032	SIK	11/06/2012	2012-23/88
	Services Block Grant Funds				
R495-878	Americans with Disabilities Act Grievance	35717	5YR	01/23/2012	2012-4/99
	Procedures		•	0 = 0 . = 0	
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R495-884	Kinship Locate	36284	NEW	08/15/2012	2012-12/39
R495-890	Department of Human Services Related	36911	AMD	12/10/2012	2012-21/22
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	Non Contracted Private Sector Independent				
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	and Community Programs on Aging				
DE40 400		00400	EVD.	07/44/0040	2042 45/00
R510-102	Amendments to Area Plan and Management	36466	5YR	07/11/2012	2012-15/80
	Plan				
R510-103	Use of Senior Centers by Long-Term Care	36467	5YR	07/11/2012	2012-15/81
	Facility Residents Participating in Activities				
	Outside Their Planning and Service Area				
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	Program Standards and Procedures				
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R510-109	Definition of Significant Population of Older	36471	5YR	07/11/2012	2012-15/83
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	Area Agencies on Aging for Private Eldercare				
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R510-111	Policy on Use of State Funding for Travel	36473	5YR	07/11/2012	2012-15/84
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R510-302	Adult Protective Services	36475	5YR	07/11/2012	2012-15/85
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R510-400	Home and Community Based Alternatives	36476	5YR	07/11/2012	2012-15/85
R510-400		30470	SIK	0//11/2012	2012-13/63
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R512-51	Fee Collection for Criminal Background	36044	5YR	04/09/2012	2012-9/93
11012 01	Screening for Prospective Foster and Adoptive	00011	0111	0 1/00/2012	2012 0/00
	Parents and for Employees of Other				
	Department of Human Services Licensed				
	Programs				
R512-52		36916	NEW	12/11/2012	2012-21/32
K312-32	Drug Testing Copayment for Parents of	30910	INEVV	12/11/2012	2012-21/32
DE40.00	Children in Child and Family Services Custody	25024	AMD	00/07/0040	2042 7/47
R512-60	Children's Trust Account	35931	AMD	06/07/2012	2012-7/47
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R547-7	Juvenile Holding Room Standards	36140	5YR	05/01/2012	2012-10/93
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R547-12	Division of Juvenile Justice Services	36138	5YR	05/01/2012	2012-10/94
1047-12	Classification of Records	30130	3110	03/01/2012	2012-10/54
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110-11-10	Detention Facilities	30133	3110	03/01/2012	2012-10/54
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1.047-14	Detention Facilities	30043	3110	04/03/2012	2012-9/93
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R549-1	Eligibility and Services Priority	35759	5YR	02/01/2012	2012-4/100
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R527-37	Closure Criteria for Support Cases	36678	AMD	10/23/2012	2012-18/15
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R527-253	Collection of Child Support Judgments	36679	AMD	10/23/2012	2012-18/16
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R527-255	Substantial Change in Circumstances	36680	AMD	10/23/2012	2012-18/17
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R527-330	Posting Priority of Payments Received	36681	AMD	10/23/2012	2012-13/11
R527-378	Withholding of Social Security Benefits	36674	5YR	08/21/2012	2012-16/16
R527-412	Intercept of Unemployment Compensation	36675	5YR	08/21/2012	2012-18/80
R527-601	Establishing or Modifying an Administrative	36676	5YR	08/21/2012	2012-18/81
1.021-001	Award for Child Support	55570	3110	0012 1120 12	2012-10/01
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R539-1	Eligibility	37029	5YR	11/05/2012	2012-23/89				
R539-11	Family Preservation Pilot Program	37030	5YR	11/05/2012	2012-23/89				
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R523-3	Child/Family Peer Support Specialist Training	37010	NEW	12/27/2012	2012-22/129				
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R525-2	Mental Health, State Hospital Patient Rights	35589	AMD	02/21/2012	2012-2/95				
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R525-5	Background Checks	35591	AMD	02/21/2012	2012-2/97				
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R525-7	Complaints/Suggestions/Concerns	35594	AMD	02/21/2012	2012-2/99				
R525-7	Complaints/Suggestions/Concerns	35855	NSC	02/29/2012	Not Printed				
R525-8	Forensic Mental Health Facility	35596	AMD	02/21/2012	2012-2/100				
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R590-85	Individual Accident and Health Insurance and	36034	5YR	04/05/2012	2012-9/94				
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DE00.05	Rates	05044	E)/D	04/40/0040	0040 0/447				
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11390-90	Tables for Use in Determining Reserve	30004	JIIX	00/22/2012	2012-10/02				
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R590-102-1	Authority	35725	NSC	02/09/2012	Not Printed				
R590-108	Interest Rate During Grace Period or Upon	36032	5YR	04/04/2012	2012-9/95				
. 1000 . 100	Reinstatement of Policy	0000_	•	0 0 20 . 2	20.2 0.00				
R590-114	Letters of Credit	35644	5YR	01/10/2012	2012-3/117				
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R590-143	Life and Health Reinsurance Agreements	35646	5YR	01/10/2012	2012-3/118				

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R590-151	Records Access Rule	36578	AMD	10/03/2012	2012-16/110
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D-00 400	Association Summary Document			1010=10010	0010111-0
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R590-162	Actuarial Opinion and Memorandum Rule	36215	CPR	12/05/2012	2012-20/112
R590-167	Individual, Small Employer, and Group Health	36635	AMD	10/16/2012	2012-17/67
D500 470	Benefit Plan Rule	00400	NOO	07/05/0040	Net Deleted
R590-170	Fiduciary and Trust Account Obligations	36492	NSC	07/25/2012	Not Printed
R590-173	Credit for Reinsurance	36417	5YR	06/27/2012	2012-14/69
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R590-199	Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans	36615	AMD	10/03/2012	2012-10/110
R590-203	Health Grievance Review Process	36035	5YR	04/05/2012	2012-9/96
R590-210	Authority	36534	NSC	08/08/2012	Not Printed
R590-215	Permissible Arbitration Provisions for Individual	36576	NSC	08/13/2012	Not Printed
11330-213	and Group Health Insurance	30370	1400	00/10/2012	Not i ilited
R590-215	Permissible Arbitration Provisions for Individual	37101	5YR	12/12/2012	Not Printed
1,000 2.10	and Group Health Insurance	07 10 1	0111	12/12/2012	110t i ilitou
R590-216	Standards for Safeguarding Customer	36688	5YR	08/23/2012	2012-18/83
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R590-262	Health Data Authority Health Insurance Claims	35201	NEW	03/07/2012	2011-18/41
D500 000	Reporting	05004	ODD	00/07/0040	0044 04/04
R590-262	Health Data Authority Health Insurance Claims	35201	CPR	03/07/2012	2011-24/84
DE00 000	Reporting	20440	AMD	10/02/2012	2040 44/22
R590-262	Health Data Authority Health Insurance Claims	36418	AMD	10/03/2012	2012-14/33
DE00 262 2	Reporting Most Commonly Salastad	25402	AMD	04/05/0040	2011 24/76
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R590-266	Utah Essential Health Benefits Package	36708	NEW	10/25/2012	2012-18/21
11080-200	Otan Laschila Health Dellells Fackage	30700	1 4 F A A	10/20/2012	ZU 1Z-10/Z I
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R592-5	Title Insurance Product or Service Approval for	36861	5YR	09/27/2012	2012-20/135
	a Dual Licensed Title Licensee			- 5 5 ! -	_00,100
R592-8	Application Process for an Attorney Exemption	35898	NSC	03/12/2012	Not Printed
	for Title Agency Licensing			· · · · ·	
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R597-3	Judicial Performance Evaluations	36671	AMD	11/16/2012	2012-1/30					
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11002-2	Occupational Disease Claims	30400	3110	00/19/2012	2012-14//1					
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R643-870 Abandoned Mine Reclamation Regulation

Abandoned Mine Reclamation Fund

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		35791	EVD	00/04/0040	2012-4/100
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R645-400-300	Provisions of State Enforcement	36000	AMD	05/23/2012	2012-8/54
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R649-5	Underground Injection Control of Recovery	35847	5YR	02/03/2012	2012-5/122
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R649-8	Reporting and Report Forms	35848	5YR	02/03/2012	2012-5/123
R649-9	Waste Management and Disposal	35849	5YR	02/03/2012	2012-5/123
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1100 1-200-1	Deminions	50250	MINID	0112312012	2012-12/40

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. 100 . 00 .	Deer and Bighorn Sheep Hunt	0000_	,2		2012 10/00
R651-637	Antelope Island State Park Special Mule Deer	36943	NSC	11/16/2012	Not Printed
11051-057	and Bighorn Sheep Hunt	30343	1100	11/10/2012	Not i ilitou
	and bignorn Sneep Hunt				
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D050 0 4	Resources	00007	4445	00/00/0040	0040 40/00
R653-2-4	Project Funding Process	36087	AMD	08/22/2012	2012-10/82
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R655-2	Procedure for Administrative Proceedings	36380	5YR	06/15/2012	2012-13/112
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DCEE 40.74	Rights	20505	AMD	40/04/0040	0040 40/440
R655-10-7A	Review of Design	36505	AMD	10/24/2012	2012-16/118
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R655-11-5C	Method of Analysis	36508	AMD	10/24/2012	2012-16/120
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R657-5	Taking Big Game	36158	AMD	07/09/2012	2012-11/85
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D657.40	Wildlife	26204	A N 4 D	00/04/0040	2040 44/22
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R657-16	Aquaculture and Fish Stocking	36689	NSC	09/14/2012	Not Printed
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R657-27	License Agent Procedures	36003	5YR	04/02/2012	2012-8/89
R657-28	Use of Division Lands	36637	5YR	08/13/2012	2012-17/109
R657-29	Government Records Access Management Act	36131	5YR	05/01/2012	2012-10/95
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R657-33	Taking Bear	37091	5YR	12/05/2012	Not Printed
R657-38	Dedicated Hunter Program	35211	AMD	01/10/2012	2011-18/65
R657-41	Conservation and Sportsman Permits	36393	AMD	08/21/2012	2012-14/37
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R657-43	Landowner Permits	35210	AMD	01/10/2012	2011-18/71
R657-43	Landowner Permits	35909	5YR	03/05/2012	2012-7/70
R657-44	Big Game Depredation	36392	5YR	06/19/2012	2012-14/72
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R657-50	Error Remedy	36004	5YR	04/02/2012	2012-8/89
R657-52	Commercial Harvesting of Brine Shrimp and	36895	5YR	10/01/2012	2012-20/148
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R657-59	Private Fish Ponds	35438	AMD	01/10/2012	2011-23/80
R657-59	Private Fish Ponds	36396	AMD	08/21/2012	2012-14/45
R657-62	Drawing Application Procedures	35436	AMD	01/10/2012	2011-23/85
R657-62	Drawing Application Procedures	36159	AMD	07/09/2012	2012-11/86
R657-64	Predator Control Incentives	36363	NEW	08/07/2012	2012-13/72
R657-64	Predator Control Incentives	36545	NSC	08/08/2012	Not Printed
K037-04	Fredator Control Incentives	30343	NSC	00/00/2012	Not Fillled
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		00.02	•	0 0 0	
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R671-202	Notification of Hearings	35737	5YR	01/31/2012	2012-4/110
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1101 1-200	Competency of Offenders				
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R671-207 R671-301 R671-301 R671-302 R671-302	Mentally III and Deteriorated Offender Custody Transfer Personal Appearance Personal Appearance News Media and Public Access to Hearings News Media and Public Access to Hearings	35758 35740 35741 36568 35742 36569	5YR 5YR 5YR AMD 5YR AMD	02/01/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012 10/04/2012	2012-4/111 2012-4/112 2012-4/112 2012-16/125 2012-4/113 2012-16/126
R671-207 R671-301 R671-301 R671-302	Mentally III and Deteriorated Offender Custody Transfer Personal Appearance Personal Appearance News Media and Public Access to Hearings News Media and Public Access to Hearings Information Received, Maintained or Used by	35758 35740 35741 36568 35742	5YR 5YR 5YR AMD 5YR	02/01/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012	2012-4/111 2012-4/112 2012-4/112 2012-16/125 2012-4/113
R671-207 R671-301 R671-301 R671-302 R671-302	Mentally III and Deteriorated Offender Custody Transfer Personal Appearance Personal Appearance News Media and Public Access to Hearings News Media and Public Access to Hearings Information Received, Maintained or Used by	35758 35740 35741 36568 35742 36569	5YR 5YR 5YR AMD 5YR AMD	02/01/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012 10/04/2012	2012-4/111 2012-4/112 2012-4/112 2012-16/125 2012-4/113 2012-16/126
R671-207 R671-301 R671-301 R671-302 R671-302 R671-303	Mentally III and Deteriorated Offender Custody Transfer Personal Appearance Personal Appearance News Media and Public Access to Hearings News Media and Public Access to Hearings Information Received, Maintained or Used by the Board	35758 35740 35741 36568 35742 36569 35743	5YR 5YR 5YR AMD 5YR AMD 5YR	02/01/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012 10/04/2012 01/31/2012	2012-4/111 2012-4/112 2012-16/125 2012-4/113 2012-16/126 2012-4/113
R671-207 R671-301 R671-301 R671-302 R671-302 R671-303	Mentally III and Deteriorated Offender Custody Transfer Personal Appearance Personal Appearance News Media and Public Access to Hearings News Media and Public Access to Hearings Information Received, Maintained or Used by the Board Hearing Record	35758 35740 35741 36568 35742 36569 35743 35744	5YR 5YR 5YR AMD 5YR AMD 5YR 5YR	02/01/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012 10/04/2012 01/31/2012 01/31/2012	2012-4/111 2012-4/112 2012-4/112 2012-16/125 2012-4/113 2012-16/126 2012-4/113 2012-4/113
R671-207 R671-301 R671-301 R671-302 R671-302 R671-303	Mentally III and Deteriorated Offender Custody Transfer Personal Appearance Personal Appearance News Media and Public Access to Hearings News Media and Public Access to Hearings Information Received, Maintained or Used by the Board	35758 35740 35741 36568 35742 36569 35743 35744	5YR 5YR 5YR AMD 5YR AMD 5YR	02/01/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012 10/04/2012 01/31/2012	2012-4/111 2012-4/112 2012-16/125 2012-4/113 2012-16/126 2012-4/113
R671-207 R671-301 R671-301 R671-302 R671-302 R671-303 R671-304 R671-304	Mentally III and Deteriorated Offender Custody Transfer Personal Appearance Personal Appearance News Media and Public Access to Hearings News Media and Public Access to Hearings Information Received, Maintained or Used by the Board Hearing Record Hearing Record	35758 35740 35741 36568 35742 36569 35743 35744 36570	5YR 5YR 5YR AMD 5YR AMD 5YR 5YR 5YR	02/01/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012 10/04/2012 01/31/2012 01/31/2012 10/04/2012	2012-4/111 2012-4/112 2012-16/125 2012-4/113 2012-16/126 2012-4/113 2012-4/113 2012-16/128
R671-207 R671-301 R671-301 R671-302 R671-302 R671-303 R671-304 R671-304 R671-305	Mentally III and Deteriorated Offender Custody Transfer Personal Appearance Personal Appearance News Media and Public Access to Hearings News Media and Public Access to Hearings Information Received, Maintained or Used by the Board Hearing Record Hearing Record Notification of Board Decision	35758 35740 35741 36568 35742 36569 35743 35744 36570 35745	5YR 5YR 5YR AMD 5YR AMD 5YR 5YR AMD 5YR	02/01/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012 10/04/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012	2012-4/111 2012-4/112 2012-16/125 2012-4/113 2012-16/126 2012-4/113 2012-16/128 2012-4/114
R671-207 R671-301 R671-301 R671-302 R671-302 R671-303 R671-304 R671-304	Mentally III and Deteriorated Offender Custody Transfer Personal Appearance Personal Appearance News Media and Public Access to Hearings News Media and Public Access to Hearings Information Received, Maintained or Used by the Board Hearing Record Hearing Record	35758 35740 35741 36568 35742 36569 35743 35744 36570	5YR 5YR 5YR AMD 5YR AMD 5YR 5YR 5YR	02/01/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012 10/04/2012 01/31/2012 01/31/2012 10/04/2012	2012-4/111 2012-4/112 2012-16/125 2012-4/113 2012-16/126 2012-4/113 2012-4/113 2012-16/128
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R671-207 R671-301 R671-301 R671-302 R671-302 R671-303 R671-304 R671-304 R671-305 R671-305	Mentally III and Deteriorated Offender Custody Transfer Personal Appearance Personal Appearance News Media and Public Access to Hearings News Media and Public Access to Hearings Information Received, Maintained or Used by the Board Hearing Record Hearing Record Notification of Board Decision Notification of Board Decision Offender Hearing Assistance	35758 35740 35741 36568 35742 36569 35743 35744 36570 35745 35551 36571 35746	5YR 5YR 5YR AMD 5YR AMD 5YR 5YR 5YR AMD 5YR AMD 5YR	02/01/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012 10/04/2012 01/31/2012 01/31/2012 10/04/2012 01/31/2012 01/31/2012 03/26/2012	2012-4/111 2012-4/112 2012-16/125 2012-4/113 2012-16/126 2012-4/113 2012-4/113 2012-16/128 2012-4/114 2012-2/101
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R765-993 College of Eastern Utah R767-1 R767-1 University of Utah, Com R810-1 R810-1 R810-2 R810-5 R810-6 R810-8 R810-8 R810-9	Lender-of-Last-Resort Program Records Access and Management Government Records Access and Management Act Government Records Access and Management Act muter Services University of Utah Parking Regulations University of Utah Parking Regulations Parking Meters Permit Types, Eligibility and Designated Parking Areas Permit Prices and Refunds Vendor Regulations Vendor Regulations Contractors and Their Employees	36919 36391 36902 36897 36944 35888 35889 35882 36898 36945 35883	REP 5YR EXT 5YR EXT 5YR 5YR 5YR 5YR 5YR 5YR 5YR	10/04/2012 06/18/2012 10/01/2012 10/01/2012 10/15/2012 02/17/2012 02/16/2012 10/01/2012 10/15/2012 10/15/2012 02/17/2012	2012-21/55 2012-14/83 2012-20/149 2012-20/153 2012-21/56 2012-6/38 2012-6/39 2012-6/39 2012-20/154 2012-21/56 2012-6/40
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R765-993 College of Eastern Utah R767-1 R767-1 University of Utah, Com R810-1 R810-1 R810-2 R810-5 R810-6 R810-8 R810-8 R810-9	Lender-of-Last-Resort Program Records Access and Management Government Records Access and Management Act Government Records Access and Management Act muter Services University of Utah Parking Regulations University of Utah Parking Regulations Parking Meters Permit Types, Eligibility and Designated Parking Areas Permit Prices and Refunds Vendor Regulations Vendor Regulations Contractors and Their Employees	36919 36391 36902 36897 36944 35888 35889 35882 36898 36945 35883	REP 5YR EXT 5YR EXT 5YR 5YR 5YR 5YR 5YR 5YR 5YR	10/04/2012 06/18/2012 10/01/2012 10/01/2012 10/15/2012 02/17/2012 02/16/2012 10/01/2012 10/15/2012 10/15/2012 02/17/2012	2012-21/55 2012-14/83 2012-20/149 2012-20/153 2012-21/56 2012-6/38 2012-6/39 2012-6/39 2012-20/154 2012-21/56 2012-6/40

SCHOOL AND INSTITUTIONAL TRUST LANDS

Administration	Definition of Towns	00074	EVD.	05/00/0040	0040 40/00
R850-1	Definition of Terms	36274	5YR	05/23/2012	2012-12/90
R850-2	Trust Land Management Objectives	36275	5YR	05/23/2012	2012-12/91
R850-3	Applicant Qualifications, Application Forms,	36276	5YR	05/23/2012	2012-12/91
R850-4	and Application Processing Application Fees and Assessments	26400	5YR	06/27/2012	2012 14/77
R850-5	Payments, Royalties, Audits, and	36408 36409	5YR	06/27/2012 06/27/2012	2012-14/77 2012-14/78
R650-5	Reinstatements	30409	JIK	00/2//2012	2012-14/70
R850-6	Government Records Access and Management	36410	5YR	06/27/2012	2012-14/78
R850-8	Adjudicative Proceedings	36446	NSC	07/25/2012	Not Printed
R850-11	Procurement	36088	5YR	04/24/2012	2012-10/95
R850-21-300	Lease Application Process	36279	AMD	07/23/2012	2012-12/71
R850-30	Special Use Leases	36411	5YR	06/27/2012	2012-14/79
R850-40	Easements	36412	5YR	06/27/2012	2012-14/79
R850-41	Rights of Entry	35542	NEW	02/07/2012	2012-1/44
R850-50	Range Management	36413	5YR	06/27/2012	2012-14/80
R850-60	Cultural Resources	36414	5YR	06/27/2012	2012-14/80
R850-70	Sales of Forest Products From Trust Lands	37088	5YR	12/04/2012	Not Printed
	Administration Lands				
R850-80	Sale of Trust Lands	36415	5YR	06/27/2012	2012-14/81
R850-83	Administration of Previous Sales to	37019	5YR	10/31/2012	2012-22/163
	Subdivisions of the State				
R850-90	Land Exchanges	35655	5YR	01/12/2012	2012-3/126
R850-100	Trust Land Management Planning	36655	5YR	08/15/2012	2012-17/109
R850-120	Beneficiary Use of Institutional Trust Land	35656	5YR	01/12/2012	2012-3/127
SCIENCE TECHNOLO	GY AND RESEARCH GOVERNING AUTH.				
Administration					
R856-1	Formation and Funding of Utah Science	36083	EXD	04/05/2012	2012-9/101
R856-1	Technology and Research Innovation Teams Formation and Funding of Utah Science	36156	NEW	07/31/2012	2012-11/108
11000 1	Technology and Research Innovation Teams	00100	NEVV	0770172012	2012 11/100
R856-2	Distribution of Utah Science Technology and Research Commercialization Revenues	36084	EXD	04/05/2012	2012-9/101
R856-2	Distribution of Utah Science Technology and	36155	NEW	07/31/2012	2012-11/110
11000 2	Research Commercialization Revenues	00100	INEWY	0770172012	2012 11/110
R856-2	Distribution of Utah Science Technology and	36491	NSC	07/31/2012	Not Printed
	Research Commercialization Revenues			0.70.720.2	
TAX COMMISSION					
., 5., 50					
<u>Administration</u>					
R861-1A	Administrative Procedures	35595	5YR	01/03/2012	2012-2/122
R861-1A-9	Tax Commission as Board of Equalization	35862	AMD	04/12/2012	2012-5/93
	Pursuant to Utah Code Ann. Sections 59-2-				
	212, 59-2-1004, and 59-2-1006				
R861-1A-12	Policies and Procedures Regarding Public	36546	AMD	09/27/2012	2012-16/143
	Disclosure Pursuant to Utah Code Ann. Section				
D004 44 40	59-1-210	00004	4445	00/44/0040	0040.0/05
R861-1A-16	Utah State Tax Commission Management Plan	36061	AMD	06/14/2012	2012-9/65
D004 44 00	Pursuant to Utah Code Ann. Section 59-1-207	00470	AMD	07/00/0040	0040 44/444
R861-1A-20	Time of Appeal Pursuant to Utah Code Ann.	36172	AMD	07/26/2012	2012-11/111
	Sections 59-1-301, 59-1-501, 59-2-1007, 59-7-				
	517, 59-10-532, 59-10-533, 59-10-535, 59-12-				
	114, 59-13-210, 63G-4-201, 63G-4-401, 68-3- 7, and 68-3-8.5				
R861-1A-20	Time of Appeal Pursuant to Utah Code Ann.	36694	AMD	10/25/2012	2012-18/49
1.00 1-17-20	Sections 59-1-301, 59-1-501, 59- 2-1007, 59-7-	5505 4	, AIVID	1012012012	2012-10/73
	517, 59-10-532, 59-10-533, 59-10-535, 59-12-				
	114, 59-13-210, 63G-4-201, 63G-4- 401, 68-3-				
	7, and 68-3-8.5				

R861-1A-26	Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63G-4-204 through 63G-4-209	36361	AMD	08/27/2012	2012-13/78
Auditing	O-marking language True	05507	EVD.	04/00/0040	0040 0/405
R865-3C R865-3C-1	Corporation Income Tax Allocation of Net Income Pursuant to Utah Code Ann. Section 59-7-204	35597 35863	5YR AMD	01/03/2012 04/12/2012	2012-2/125 2012-5/95
R865-4D	Special Fuel Tax	35598	5YR	01/03/2012	2012-2/125
R865-6F	Franchise Tax	35599	5YR	01/03/2012	2012-2/126
R865-6F-6	Application of Corporation Franchise or Income Tax Acts to Qualified Corporations and to Nonqualified Foreign Corporations Pursuant to Utah Code Ann. Section 59-7-104	36170	AMD	07/26/2012	2012-11/113
R865-9I	Income Tax	35600	5YR	01/03/2012	2012-2/127
R865-9I-49	Higher Education Savings Incentive Program Administration Pursuant to Utah Code Ann. Sections 53B-8a-112, 59-10-114, and 59-10-1017	36173	AMD	07/26/2012	2012-11/116
R865-11Q	Self-Insured Employer Assessment	35601	5YR	01/03/2012	2012-2/130
R865-12L	Local Sales and Use Tax Local Sales and Use Tax Distributions and	35602 36171	5YR	01/03/2012	2012-2/130 2012-11/117
R865-12L-14	Redistributions Pursuant to Utah Code Ann. Sections 59-12-210 and 59-12-210.1	36171	AMD	07/26/2012	2012-11/117
R865-13G	Motor Fuel Tax	35603	5YR	01/03/2012	2012-2/131
R865-14W R865-15O	Mineral Producers' Withholding Tax Oil and Gas Tax	35604 35605	5YR 5YR	01/03/2012 01/03/2012	2012-2/132 2012-2/133
R865-19S	Sales and Use Tax	35606	5YR	01/03/2012	2012-2/133
R865-19S-32	Leases and Rentals Pursuant to Utah Code Ann. Section 59-12-103	35511	AMD	02/09/2012	2012-1/48
R865-19S-123	Specie Legal Tender Pursuant to Utah Code Ann. Section 59-12-107	36175	AMD	07/26/2012	2012-11/118
R865-20T	Tobacco Tax	35607	5YR	01/03/2012	2012-2/137
R865-21U-6	Liability of Purchasers and Receipt For Payment to Retailers Pursuant to Utah Code Ann. Section 59-12-107	36362	AMD	08/27/2012	2012-13/80
Collections R867-2B-2	Jeopardy Assessment Pursuant to Utah Code Ann. Sections 59-1-701 and 59-1-702	36168	AMD	07/26/2012	2012-11/119
R867-2B-4	Uniform Affixing and Displaying of Drug Stamps Pursuant to Utah Code Ann. Section 59-19-104	36169	AMD	07/26/2012	2012-11/120
Motor Vehicle	Maday Valida	05000	5)/D	04/00/0040	0040 0/400
R873-22M R873-22M-42	Motor Vehicle Issuance of Nonrepairable Certificate in Certain Circumstances Pursuant to Utah Code Ann. Section 41-1a-1005.5	35608 36547	5YR AMD	01/03/2012 10/01/2012	2012-2/138 2012-16/145
Motor Vehicle Enforce	ment				
R877-23V	Motor Vehicle Enforcement	35609	5YR	01/03/2012	2012-2/140
R877-23V-7	Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210	36062	AMD	06/14/2012	2012-9/67
R877-23V-20	Reasonable Cause to Deny, Suspend, or Revoke a License Issued Under Title 41, Chapter 3 Pursuant to Utah Code Ann. Section	35512	AMD	02/09/2012	2012-1/49
R877-23V-21	41-3-209 Automated License Plate Recognition System Pursuant to Utah Code Ann. Section 41-3-105	35513	AMD	02/09/2012	2012-1/50
Da 001/00	Reasonable Cause to Waive, Reduce, or	36063	AMD	06/14/2012	2012-9/70
R877-23V-22	Compromise a Penalty Pursuant to Utah Code Ann. Section 41-3-704				

R884-24P-33	2012 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	36696	AMD	10/25/2012	2012-18/53
R884-24P-53	2012 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act	36939	AMD	12/14/2012	2012-21/37
R884-24P-62	Pursuant to Utah Code Ann. Section 59-2-515 Valuation of State Assessed Unitary Properties	35514	AMD	02/09/2012	2012-1/51
R884-24P-66	Pursuant to Utah Code Ann. Section 59-2-201 Appeal to County Board of Equalization	35864	AMD	04/12/2012	2012-5/96
R884-24P-66	Pursuant to Utah Code Ann. Section 59-2-1004 County Board of Equalization Procedures and Appeals Pursuant to Utah Code Ann. Section 59-2-1004	36174	AMD	07/26/2012	2012-11/121
R884-24P-66	County Board of Equalization Procedures and Appeals Pursuant to Utah Code Ann. Section	36940	AMD	12/14/2012	2012-21/42
R884-24P-68	59-2-1004 Property Tax Exemption for Taxable Tangible Personal Property With a Total Aggregate Fair Market Value of \$3,500 or Less Pursuant to	36064	AMD	06/14/2012	2012-9/71
R884-24P-73	Utah Code Ann. Section 59-2-1115 Urban Farming Assessment Pursuant to Utah Code Ann. Section 59-2-1703	36862	AMD	01/01/2013	2012-20/84
TECHNOLOGY SERVI	CES				
Administration					
R895-3	Computer Software Licensing, Copyright, Control, Retention, and Transfer	35989	EXT	03/29/2012	2012-8/91
R895-3	Computer Software Licensing, Copyright, Control, Retention, and Transfer	36709	5YR	08/31/2012	2012-18/83
R895-3	Computer Software Licensing, Copyright, Control, Retention, and Transfer	36699	AMD	10/22/2012	2012-18/61
R895-12	Telecommunications Services and Requirements	36896	5YR	10/01/2012	2012-20/149
TRANSPORTATION					
Administration					
R907-60	Handling of Publications Prepared by the Utah Department of Transportation Either for Sale or Free Copy	35670	REP	03/12/2012	2012-3/80
R907-68 (Changed to R940-6)	Prioritization of New Transportation Capacity Projects	36178	AMD	07/09/2012	2012-11/123
R907-69	Records Access	35672	NEW	03/12/2012	2012-3/81
Motor Carrier					
R909-1	Safety Regulations for Motor Carriers	35425	AMD	01/10/2012	2011-23/90
R909-1	Safety Regulations for Motor Carriers	35873	AMD	04/11/2012	2012-5/99
R909-2	Utah Trucking Guide	36863	R&R	11/26/2012	2012-20/85
R909-16	Overall Motor Carrier Safety Standing	35427	REP	01/10/2012	2011-23/92
R909-17	Appeal Process for Utah Commercial Vehicle Safety Alliance Inspections	35428	REP	01/10/2012	2011-23/94
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	35256	AMD	02/07/2012	2011-20/41
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	35256	CPR	02/07/2012	2012-1/64
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	35426	AMD	01/10/2012	2011-23/96
Motor Carrier, Ports of					
R912-6	Ports-of-Entry By-Pass Permit Provisions	36864	REP	11/26/2012	2012-20/99
R912-8	Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah	36865	REP	11/26/2012	2012-20/101

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R912-10	Requirements for Pilot/Escort Qualified Training and Certification Programs	36866	REP	11/26/2012	2012-20/102
R912-16	Special Mobile Equipment	36867	REP	11/26/2012	2012-20/105
Operations, Aeronautic					
R914-1	Rules and Regulations	36899	5YR	10/01/2012	2012-20/150
R914-2	Safety Rules and Procedures for Aircraft	36900	5YR	10/01/2012	2012-20/150
	Operations on Roads				
Operations, Maintenan	<u>ce</u>				
R918-3	Snow Removal	35515	AMD	02/07/2012	2012-1/55
R918-3	Snow Removal	36609	5YR	08/01/2012	2012-16/198
R918-4	Using Volunteer Groups for the Adopt-a-	35669	AMD	03/12/2012	2012-3/82
	Highway Program			****	
R918-6	Maintenance Responsibility at Intersections,	36345	NEW	08/20/2012	2012-13/81
	Overcrossings, and Interchanges Between Class A Roads and Class B or Class C Roads	00010	11211	00/20/2012	2012 10/01
On anations Traffic and	Cafab				
Operations, Traffic and		20040	EVD.	00/04/0040	0040 40/400
R920-1	Manual of Uniform Traffic Control Devices	36616	5YR	08/01/2012	2012-16/199
R920-1	Manual of Uniform Traffic Control Devices	36704	AMD	10/23/2012	2012-18/64
R920-2	Traffic Control Systems for Railroad-Highway	36705	REP	10/23/2012	2012-18/65
D000 0	Grade Crossings	00010	E)/T	00/04/0040	0040 40/000
R920-3	Manual of Uniform Traffic Control Devices, Part VI	36610	EXT	08/01/2012	2012-16/203
R920-3	Manual of Uniform Traffic Control Devices, Part	36706	REP	10/23/2012	2012-18/67
	VI				
R920-4	Permit Required for Special Road Use or Event		5YR	08/01/2012	2012-16/200
R920-4	Special Road Use	36948	R&R	12/10/2012	2012-21/44
R920-5	Manual and Specifications on School Crossing	36614	EXT	08/01/2012	2012-16/203
	Zones. Supplemental to Part VII of the Manual				
	on Uniform Traffic Control Devices				
R920-5	Manual and Specifications on School Crossing	36707	REP	10/23/2012	2012-18/67
	Zones. Supplemental to Part VII of the Manual				
	on Uniform Traffic Control Devices				
R920-6	Snow Tire and Chain Requirements	36617	5YR	08/01/2012	2012-16/200
R920-50	Ropeway Operation Safety	36081	5YR	04/16/2012	2012-9/98
R920-50	Ropeway Operation Safety	36082	AMD	06/07/2012	2012-9/72
R920-51	Safety Regulations for Railroads	36618	5YR	08/01/2012	2012-16/201
N920-31	Salety Regulations for Railloads	30010	JIK	00/01/2012	2012-10/201
<u>Preconstruction</u>					
R930-3	Highway Noise Abatement	35516	AMD	02/07/2012	2012-1/57
R930-6	Manual of Accommodation of Utility Facilities	36653	AMD	10/10/2012	2012-17/85
	and the Control and Protection of State				
	Highway Rights-of-Way				
R930-7	Utility Accommodation	36654	NEW	10/10/2012	2012-17/86
Preconstruction, Right-	of-Way Acquisition				
R933-1	Right of Way Acquisition	35429	AMD	01/10/2012	2011-23/97
R933-2	Control of Outdoor Advertising Signs	36180	EMR	05/14/2012	2012-11/168
R933-3-4	When Access is Controlled	36606	AMD	09/24/2012	2012-16/153
R933-5	Utah-Federal Agreement for the Control of	36756	5YR	09/12/2012	2012-19/126
	Outdoor Advertising				
Program Development					
	Establishing and Defining a Eurotianal	25050	EVD.	00/00/0040	2042 0/00
R926-4	Establishing and Defining a Functional	35959	5YR	03/20/2012	2012-8/90
5000 /	Classification of Highways in the State of Utah			0.44440040	
R926-4	Establishing and Defining a Functional	35960	NSC	04/11/2012	Not Printed
	Classification of Highways in the State of Utah				
R926-6 (Changed to	Transportation Corridor Preservation Revolving	36179	NSC	05/30/2012	Not Printed
R940-7)	Loan Fund				
TREASURER					
Unalaimand Descript					
Unclaimed Property	Description and for Oleins with a Part (20504	EVD.	07/40/0040	2042 42/224
R966-1	Requirements for Claims where no Proof of	36504	5YR	07/18/2012	2012-16/201
	Stock Ownership Exists				

WORKFORCE SERVICES

Administration					
R982-101	Americans with Disabilities Complaint	36354	5YR	06/12/2012	2012-13/115
11002 101	Procedure	00001	0111	00/12/2012	2012 10/110
R982-201	Government Records Access and Management	36355	5YR	06/12/2012	2012-13/115
	Act				
R982-301	Councils	36356	5YR	06/12/2012	2012-13/116
R982-401	Energy Assistance: General Provisions	36193	NEW	07/09/2012	2012-11/125
R982-401	Energy Assistance: General Provisions	36512	NSC	07/31/2012	Not Printed
R982-402	Energy Assistance Programs Standards	36194	NEW	07/09/2012	2012-11/127
R982-402	Energy Assistance Programs Standards	36513	NSC	07/31/2012	Not Printed
R982-403	Energy Assistance Income Standards, Income	36196	NEW	07/09/2012	2012-11/130
	Eligibility, and Payment Determination				
R982-403	Energy Assistance Income Standards, Income	36514	NSC	07/31/2012	Not Printed
. 1002 .00	Eligibility, and Payment Determination			0.70.720.2	
R982-404	Energy Assistance: Asset Standards	36197	NEW	07/09/2012	2012-11/132
R982-404	Energy Assistance: Asset Standards	36515	NSC	07/31/2012	Not Printed
R982-405	Energy Assistance: Program Benefits	36207	NEW	07/09/2012	2012-11/133
R982-405	Energy Assistance: Program Benefits	36516	NSC	07/31/2012	Not Printed
R982-406	Energy Assistance: Fligibility Determination	36209	NEW	07/09/2012	2012-11/134
R982-406	Energy Assistance: Eligibility Determination	36517	NSC	07/09/2012	Not Printed
	Energy Assistance: Records and Benefit	36210	NEW		
R982-407	0,	30210	INEVV	07/09/2012	2012-11/135
D000 407	Management	20540	NCC	07/04/0040	Net Deinted
R982-407	Energy Assistance: Records and Benefit	36518	NSC	07/31/2012	Not Printed
D000 400	Management	00040	NIT VA	07/00/0040	0040 44/400
R982-408	Energy Assistance: Special State Programs	36212	NEW	07/09/2012	2012-11/136
R982-408	Energy Assistance: Special State Programs	36519	NSC	07/31/2012	Not Printed
R982-501	Olene Walker Housing Loan Fund (OWHLF)	36213	NEW	07/09/2012	2012-11/138
R982-501	Olene Walker Housing Loan Fund (OWHLF)	36520	NSC	07/31/2012	Not Printed
R982-601	Provider Code of Conduct	36357	5YR	06/12/2012	2012-13/116
Employment Developm				0=10=10010	001010
R986-100-114a	Determining When a Document is Considered	36304	AMD	07/25/2012	2012-12/73
	Received by the Department				
R986-200	Family Employment Program	36868	AMD	12/05/2012	2012-20/106
R986-200-214	Assistance for Specified Relatives	35919	AMD	05/22/2012	2012-7/54
R986-200-221	Drug Testing Requirements	36133	AMD	08/01/2012	2012-10/83
R986-200-247	Utah Back to Work Pilot Program (BWP)	35501	AMD	02/01/2012	2011-24/78
R986-200-247	Utah Back to Work Pilot Program (BWP)	36761	AMD	11/09/2012	2012-19/116
R986-700-712	CC for Certain Homeless Families	36303	AMD	07/25/2012	2012-12/74
R986-700-713	Amount of CC Payment	35586	AMD	04/01/2012	2012-2/104
R986-700-716	CC in Unusual Circumstances	36498	AMD	09/18/2012	2012-15/59
R986-900-902	Options and Waivers	35993	AMD	07/01/2012	2012-8/67
R986-900-902	Options and Waivers	36300	AMD	07/25/2012	2012-12/75
R986-900-902	Options and Waivers	36499	AMD	10/01/2012	2012-15/60
R986-900-902	Options and Waivers	36621	AMD	10/01/2012	2012-16/155
Housing and Communi	ty Development				
R990-8	Permanent Community Impact Fund Board	36216	NEW	07/09/2012	2012-11/140
	Review and Approval of Applications for				
	Funding Assistance				
R990-8	Permanent Community Impact Fund Board	36521	NSC	07/31/2012	Not Printed
	Review and Approval of Applications for				
	Funding Assistance				
R990-9	Policy Concerning Enforceability and Taxability	36217	NEW	07/09/2012	2012-11/144
	of Bonds Purchased				
R990-9	Policy Concerning Enforceability and Taxability	36522	NSC	07/31/2012	Not Printed
	of Bonds Purchased			********	
R990-10	Procedures in Case of Inability to Formulate	36218	NEW	07/09/2012	2012-11/145
	Contract for Alleviation of Impact				_0
R990-10	Procedures in Case of Inability to Formulate	36523	NSC	07/31/2012	Not Printed
	Contract for Alleviation of Impact				
R990-11	Community Development Block Grants (CDBG)	36219	NEW	07/09/2012	2012-11/148
R990-11	Community Development Block Grants (CDBG)		NSC	07/31/2012	Not Printed
	2 3 J 2 3 3 3 5 5 5 5 6 7 6 7 6 7 6 7 6 7 6 7 6 7 6 7				

R990-12	State Small Business Credit Initiative Program	36486	EMR	07/12/2012	2012-15/69
R990-12	Fund State Small Business Credit Initiative Program	36487	NEW	09/12/2012	2012-15/62
1.000 12	Fund	00107		00/12/2012	2012 10/02
R990-100	Community Services Block Grant Rules	36221	NEW	07/09/2012	2012-11/151
R990-100	Community Services Block Grant Rules	36525	NSC	07/31/2012	Not Printed
R990-101	Qualified Emergency Food Agencies Fund (QEFAF)	36220	NEW	07/09/2012	2012-11/156
R990-101	Qualified Emergency Food Agencies Fund (QEFAF)	36526	NSC	07/31/2012	Not Printed
Unemployment Insu	rance				
R994-102	Employment Security Act, Public Policy and Authority	36091	5YR	04/25/2012	2012-10/96
R994-106	Combined Wage Claims	36092	5YR	04/25/2012	2012-10/96
R994-201-101	General Definitions and Acronyms	36613	AMD	09/27/2012	2012-16/157
R994-201-101	General Definitions and Acronyms	37065	NSC	12/05/2012	Not Printed
R994-202-101	Legal Status of Employing Unit	36754	NSC	10/01/2012	Not Printed
R994-204	Covered Employment	36755	NSC	10/01/2012	Not Printed
R994-205	Exempt Employment	36752	NSC	10/01/2012	Not Printed
R994-206-101	Definition of Agricultural Labor	36753	NSC	10/01/2012	Not Printed
R994-207-102	General Requirements for Eligibility	35992	NSC	04/11/2012	Not Printed
R994-303	Contribution Rates	36093	5YR	04/25/2012	2012-10/97
R994-401	Payment of Benefits	36094	5YR	04/25/2012	2012-10/97
R994-402	Extended Benefits (EB)	36095	5YR	04/25/2012	2012-10/98
R994-403	Claim for Benefits	36223	AMD	07/09/2012	2012-11/159
R994-403	Claim for Benefits	36619	AMD	10/01/2012	2012-16/159
R994-403-112c	Available	35448	AMD	01/17/2012	2011-23/98
R994-404	Payments Following Workers' Compensation	36256	5YR	05/22/2012	2012-12/92
R994-405	Ineligibility for Benefits	36224	AMD	07/09/2012	2012-11/164
R994-405-104	Quit to Accompany, Follow or Join a Spouse	36134	AMD	07/01/2012	2012-10/84
R994-406	Fraud, Fault and Nonfault Overpayments	36257	5YR	05/22/2012	2012-12/92
R994-406-302	Repayment and Collection of Fault Overpayments	36760	AMD	11/09/2012	2012-19/118
R994-508	Appeal Procedures	35455	AMD	02/01/2012	2011-23/101