

UTAH STATE BULLETIN

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The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63G-3-402.

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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TABLE OF CONTENTS

| | |
|--|----------|
| SPECIAL NOTICES | 1 |
| Environmental Quality | |
| Air Quality | |
| Notice of Public Comment Period for the Fireworks Exceptional Events..... | 1 |
| EXECUTIVE DOCUMENTS | 3 |
| Governor | |
| Administration | |
| Governor's Executive Order EO/09/2012: Wildland Fire Management..... | 3 |
| Governor's Proclamation 2012/07/E: Calling the Fifty-Ninth Legislature Into the Seventh Extraordinary Session..... | 4 |
| Governor's Executive Order EO/10/2012: Declaring a State of Emergency Due to a Breached Dam and Flooding in Washington County..... | 5 |
| NOTICES OF PROPOSED RULES | 7 |
| Commerce | |
| Occupational and Professional Licensing | |
| No. 36759 (Amendment): R156-24b Physical Therapy Practice Act Rule..... | 8 |
| No. 36757 (Amendment): R156-60 Mental Health Professional Practice Act Rule..... | 11 |
| No. 36758 (Amendment): R156-60c Professional Counselor Licensing Act Rule..... | 13 |
| Education | |
| Administration | |
| No. 36769 (Amendment): R277-112 Prohibiting Discrimination in the Public Schools..... | 18 |
| No. 36770 (Amendment): R277-420-1 Definitions..... | 20 |
| No. 36771 (Amendment): R277-423 Delivery of Flow Through Money..... | 21 |
| No. 36772 (Amendment): R277-424-1 Definitions..... | 22 |
| No. 36773 (Amendment): R277-454-1 Definitions..... | 23 |
| No. 36774 (Amendment): R277-531 Public Educator Evaluation Requirements (PEER)..... | 24 |
| Environmental Quality | |
| Administration | |
| No. 36775 (New Rule): R305-8 Board Member Attendance Requirements..... | 27 |
| No. 36776 (New Rule): R305-9 Recusal of a Board Member for Conflict of Interest..... | 28 |
| Air Quality | |
| No. 36723 (Amendment): R307-101-2 Definitions..... | 29 |
| No. 36742 (Amendment): R307-110 General Requirements: State Implementation Plan..... | 36 |
| No. 36721 (Amendment): R307-110-10 Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter..... | 40 |
| No. 36722 (Amendment): R307-110-17 Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits..... | 41 |
| No. 36741 (Amendment): R307-307 Davis, Salt Lake, and Utah Counties: Road Salting and Sanding..... | 42 |
| No. 36724 (New Rule): R307-311 Emission Standards for PM2.5 Nonattainment Areas..... | 44 |
| No. 36740 (New Rule): R307-312 Aggregate Processing Operations for PM2.5 Nonattainment Areas..... | 45 |
| No. 36739 (New Rule): R307-334 Emissions Standards: Industrial Baking Ovens..... | 47 |
| No. 36725 (Repeal): R307-340 Ozone Nonattainment and Maintenance Areas: Surface Coating Processes..... | 49 |
| No. 36738 (Amendment): R307-343 Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations..... | 56 |
| No. 36726 (New Rule): R307-344 Paper, Film, and Foil Coatings..... | 65 |
| No. 36727 (New Rule): R307-345 Fabric and Vinyl Coatings..... | 67 |
| No. 36728 (New Rule): R307-346 Metal Furniture Surface Coatings..... | 69 |
| No. 36729 (New Rule): R307-347 Large Appliance Surface Coatings..... | 71 |
| No. 36730 (New Rule): R307-348 Magnet Wire Coatings..... | 73 |
| No. 36731 (New Rule): R307-349 Flat Wood Panel Coatings..... | 74 |

TABLE OF CONTENTS

| | |
|--|------------|
| No. 36732 (New Rule): R307-350 Miscellaneous Metal Parts and Products Coatings..... | 76 |
| No. 36733 (New Rule): R307-351 Graphic Arts..... | 80 |
| No. 36734 (New Rule): R307-352 Metal Container, Closure, and Coil Coatings..... | 84 |
| No. 36735 (New Rule): R307-353 Plastic Part Coatings..... | 86 |
| No. 36736 (New Rule): R307-354 Automotive Refinishing Coatings..... | 88 |
| No. 36737 (New Rule): R307-355 Control of Emissions from Aerospace Manufacture and Rework Facilities..... | 91 |
| Governor | |
| Economic Development | |
| No. 36749 (Amendment): R357-6 Technology and Life Science Economic Development and Related Tax Credits..... | 94 |
| Health | |
| Family Health and Preparedness, Child Care Licensing | |
| No. 36715 (Amendment): R430-6 Background Screening..... | 95 |
| No. 36716 (Amendment): R430-50 Residential Certificate Child Care..... | 98 |
| No. 36717 (Amendment): R430-60 Hourly Child Care Centers..... | 100 |
| No. 36718 (Amendment): R430-70 Out of School Time Child Care Programs..... | 103 |
| No. 36719 (Amendment): R430-90 Licensed Family Child Care..... | 107 |
| No. 36720 (Amendment): R430-100 Child Care Centers..... | 110 |
| Heritage and Arts | |
| History | |
| No. 36762 (Amendment): R455-4 Ancient Human Remains..... | 112 |
| Insurance | |
| Administration | |
| No. 36745 (New Rule): R590-265 Hazardous Financial Condition Rule..... | 113 |
| Workforce Services | |
| Employment Development | |
| No. 36761 (Amendment): R986-200-247 Utah Back to Work Pilot Program (BWP)..... | 116 |
| Unemployment Insurance | |
| No. 36760 (Amendment): R994-406-302 Repayment and Collection of Fault Overpayments..... | 118 |
| FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION..... | 121 |
| Education | |
| Administration | |
| No. 36763: R277-419 Pupil Accounting..... | 121 |
| No. 36764: R277-420 Aiding Financially Distressed School Districts..... | 121 |
| No. 36765: R277-423 Delivery of Flow Through Money..... | 122 |
| No. 36766: R277-424 Indirect Costs for State Programs..... | 122 |
| No. 36767: R277-426 Definition of Private and Non-Profit Schools for Federal Program Services..... | 123 |
| No. 36768: R277-454 Construction Management of School Building Projects..... | 123 |
| Financial Institutions | |
| Banks | |
| No. 36714: R333-7 Investment by a State-Chartered Bank in Shares of Open-End Investment Companies..... | 124 |
| Credit Unions | |
| No. 36713: R337-2 Conversion from a Federal to a State-Chartered Credit Union..... | 124 |
| No. 36712: R337-5 Allowance for Loan and Lease Losses - Credit Unions..... | 125 |
| Natural Resources | |
| Wildlife Resources | |
| No. 36747: R657-12 Hunting and Fishing Accommodations for People With Disabilities..... | 125 |
| Transportation | |
| Preconstruction, Right-of-Way Acquisition | |
| No. 36756: R933-5 Utah-Federal Agreement for the Control of Outdoor Advertising..... | 126 |

NOTICES OF RULE EFFECTIVE DATES..... 127

RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)..... 129

SPECIAL NOTICES

Environmental Quality Air Quality

Notice of Public Comment Period for the Fireworks Exceptional Events

Fireworks Exceptional Events -- Event Date: July 4, 2012

Federal regulations (40 Code of Federal Regulations (CFR) Part 50) allow states to exclude air quality data that exceed or violate a National Ambient Air Quality Standard (NAAQS) if it can demonstrate that an "exceptional event" has caused the exceedance or violation. Exceptional events are unusual or naturally occurring events that can affect air quality but are not reasonably controllable or preventable using techniques implemented to attain and maintain the NAAQS. Exceptional events are events for which the normal planning and regulatory process established by the Clean Air Act are not appropriate.

Exceptional events may be caused by human activity that is unlikely to recur at a particular location, or may be due to a natural event. EPA defines a "natural event" as an event in which human activity plays little or no direct causal role to the event in question. For example, a natural event could include such things as high winds, wild fires, and seismic/volcanic activity. In addition, the EPA will allow states to exclude data from regulatory determinations on a case-by-case basis for monitoring stations that measure values that exceed or violate the NAAQS due to emissions from fireworks displays from cultural events. These events can be flagged as being affected by exceptional or natural events and then justified.

Federal regulations (40 CFR Part 50.14 (c) (3)(i)) require that all relevant flagged data, the reasons for the data being flagged, and a demonstration that the flagged data are caused by exceptional events be made available by the State for 30 days of public review and comment. These comments will be considered in the final demonstration of the event that is submitted to EPA. The following monitored values have been attributed to exceptional events:

July 4, 2012, Ogden Monitor Station, 63.7 microg/m³ PM_{2.5} (Due to Firework Display Emissions)

The documentation to support removing this data from use in regulatory determinations will be available by October 1, 2012, for public review and comment. It can be viewed at the following website www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/Exceptional_Events/Exceptional_Events.htm or at the DEQ Building located at 150 North 1950 West in Salt Lake City, Utah.

In compliance with the American with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Brooke Baker, Office of Human Resources at (801) 536-4412 (TDD 536-4414).

The comment period will close at 5:00 p.m. on October 31, 2012. Comments postmarked on or before that date will be accepted. Comments may be submitted by electronic mail to Jkarmazyn@utah.gov or may be mailed to:

Joel Karmazyn
Utah Division of Air Quality
PO Box 144820
195 N 1950 W
Salt Lake City, UT 84114-4820

End of the Special Notices Section

EXECUTIVE DOCUMENTS

As part of his or her constitutional duties, the Governor periodically issues **EXECUTIVE DOCUMENTS** comprised of Executive Orders, Proclamations, and Declarations. "Executive Orders" set policy for the Executive Branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. "Proclamations" call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. "Declarations" designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Division of Administrative Rules for publication and distribution. All orders issued by the Governor not in conflict with existing laws have the full force and effect of law during a state of emergency when a copy of the order is filed with the Division of Administrative Rules. (See Section 63K-4-401).

Governor's Executive Order EO/09/2012: Wildland Fire Management

EXECUTIVE ORDER

Wildland Fire Management

WHEREAS, the danger from wildland fires is extremely high throughout the State of Utah;

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

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

WHEREAS, immediate action is required to suppress the fires and mitigate post-burn flash floods to protect public safety, property, natural resources and the environment;

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

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of September 10, 2012 requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 10th day of September 2012

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Lieutenant Governor
Greg Bell

EO/09/2012

Governor's Proclamation 2012/07/E: Calling the Fifty-Ninth Legislature Into the Seventh Extraordinary Session

PROCLAMATION

WHEREAS, since the close of the 2012 General Session of the 59th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 59th Legislature into the Seventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of September 2012, at 1:30 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2012 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 14th day of September 2012.

(State Seal)

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

2012/07/E

Governor's Executive Order EO/10/2012: Declaring a State of Emergency Due to a Breached Dam and Flooding in Washington County

EXECUTIVE ORDER

Declaring a State of Emergency Due to a Breached Dam and Flooding in Washington County

WHEREAS, on September 11, 2012, following a significant rainfall in which approximately 3.25 inches of rain fell in a four hour period, the Laub Dam in Santa Clara, Utah, breached;

WHEREAS, the breach resulted in substantial flooding, mud, and debris, requiring evacuations, threatening life and property, and causing costly damage to homes, businesses, and public property;

WHEREAS, the areas hardest hit were in Santa Clara, St. George, Ivins, and other portions of Washington County;

WHEREAS, the high flows of water, mud, and debris disrupted business, transportation, waste water, storm drains, communications and power;

WHEREAS, the damage caused by the water, mud, and debris included damage to roads, infrastructure, and at least 66 homes and 18 businesses;

WHEREAS, on September 11, 2012, Santa Clara declared a local emergency, and subsequently, Washington County declared a local emergency;

WHEREAS, the Utah Department of Public Safety, Division of Emergency Management increased activities to support the incident, implement response procedures, and coordinated resources to support local officials in alleviating the immediate social and economic impacts to people, property, and infrastructure, and is continuing to assess the magnitude of the event; and

WHEREAS, these conditions constitute a disaster within the intent of the Disaster Response and Recovery Act found in Title 63K, Chapter 4 of the Utah Code;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, do hereby declare that a "State of Emergency" exists due to the aforesaid circumstances, requiring aid, assistance, and relief.

I HEREBY ORDER the continued execution of the State Emergency Operations Plan and assistance from State government as needed and coordinated by the Department of Public Safety.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this the 20th day of September 2012.

(State Seal)

Gary R. Herbert
Governor, State of Utah

ATTEST:

Greg Bell
Lieutenant Governor

EO/10/2012

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between September 01, 2012, 12:00 a.m., and September 14, 2012, 11:59 p.m. are included in this, the October 01, 2012 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 October 31, 2012. 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 January 29, 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 OF 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

**Commerce, Occupational and
Professional Licensing
R156-24b
Physical Therapy Practice Act Rule**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36759

FILED: 09/13/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Physical Therapy Licensing Board are proposing the following amendments to this rule: 1) outline additional options for continuing education; 2) outline criteria under which a temporary license may be issued; and 3) outline license reinstatement requirements for individuals whose licenses expired over two years ago.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-24b-303b(2), additional options for continuing education are outlined. The proposed amendment makes it possible to complete a maximum of 10 percent of the number of contact hours required for renewal for supervision of a physical therapist or physical therapist assistant student in an accredited college program. The proposed amendment also makes it possible to complete a maximum of 15 contact hours required for renewal for serving as a clinical mentor for a physical therapy residency or fellowship training program at a credentialed program. In Section R156-24b-305, the Federation of State Boards of Physical Therapy (FSBPT) recently limited the number of dates throughout the year that students may take the National Physical Therapy Examination (NPTE). As a result, graduating students must wait months in some cases before taking the first available examination that they need to pass in order to qualify for a license. Section R156-24b-305 is added to outline requirements for issuance of a temporary license that graduates may practice with for a limited period while they wait for the next available examination. Section R156-24b-308 outlines requirements for reinstatement of a license that has been expired for over two years. The Physical Therapy Licensing Board felt that it was necessary to outline the requirements in detail beyond that which is provided in Section R156-1-308g. In Section R156-24b-502, the American Physical Therapy Association (APTA) replaced the July 2010 versions of the APTA Guide for Professional Conduct and the Guide for Professional Conduct of the Physical Therapist Assistant with a November 2010 version. The Physical Therapy Licensing Board supports incorporation of the most current edition.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-24b-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates American Physical Therapy Association (APTA) Guide for Professional Conduct, published by APTA, November 2010
- ◆ Updates American Physical Therapy Association (APTA) Guide for Conduct of the Physical Therapist Assistant, published by APTA, November 2010

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$100 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
- ◆ **LOCAL GOVERNMENTS:** The proposed amendments only apply to practicing physical therapists and physical therapist assistants and applicants for these license classifications. As a result, the proposed amendments do not apply to local governments. Licensees work in a small number of local governments; however, the proposed amendments would not directly affect local governments.
- ◆ **SMALL BUSINESSES:** The proposed amendments only apply to practicing physical therapists and physical therapist assistants and applicants for these license classifications. Issuing temporary licenses under conditions outlined in new Section R156-24b-305 will lead some students to become employed quicker by small businesses. Consequently, some small businesses may experience a financial benefit; however, the Division is unable to estimate how many small businesses may be impacted by the changes nor it is able to estimate the financial benefit to the small business.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendments only apply to practicing physical therapists and physical therapist assistants and applicants for these license classifications. For some licensees, adding options for completing continuing education in Section R156-24b-303b will save time and money that they would have otherwise spent in efforts to complete other courses. In addition, issuing temporary licenses under conditions outlined in new Section R156-24b-305 will lead some students to become employed quicker. Consequently, some licensees may experience a financial benefit; however, the Division is unable to estimate how many licensees will be impacted by the changes nor it is able to estimate the financial benefit to the licensees as a result of the proposed amendments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to practicing physical therapists and physical therapist assistants and applicants for these license classifications. For some licensees, adding options for completing continuing education in Section R156-24b-303b will save time and money that they would have otherwise spent in efforts to complete other courses. In addition, issuing temporary licenses under conditions outlined in new Section R156-24b-305 will lead some students to become employed quicker. Consequently, some licensees may experience a financial benefit; however, the Division is unable to estimate how many licensees will be impacted by

the changes nor it is able to estimate the financial benefit to the licensees as a result of the proposed amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing makes amendments to the continuing education requirements, and adds provisions regarding temporary licensure and reinstatement criteria. As discussed in the rule filing, these changes are generally a cost-savings to applicants and licensees. However, no fiscal impact to businesses is anticipated from these amendments.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Rich Oborn by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at roborn@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 10/22/2012 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 474 (fourth floor), Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.

R156-24b. Physical Therapy Practice Act Rule.

R156-24b-303b. Continuing Education.

(1) Required Hours. In accordance with Subsection 58-24b-303(2), during each two year renewal cycle commencing on June 1 of each odd numbered year:

(a) A physical therapist shall be required to complete not fewer than 40 contact hours of continuing education of which a minimum of three contact hours must be completed in ethics/law.

(b) A physical therapist assistant shall be required to complete not fewer than 20 contact hours of continuing education of which a minimum of three contact hours must be completed in ethics/law.

(c) Examples of subjects to be covered in an ethics/law course for physical therapists and physical therapist assistants include one or more of the following:

- (i) patient/physical therapist relationships;
- (ii) confidentiality;
- (iii) documentation;

- (iv) charging and coding;
- (v) compliance with state and/or federal laws that impact the practice of physical therapy; and

(vi) any subject addressed in the American Physical Therapy Association Code of Ethics or Guide for Professional Conduct.

(d) The required number of contact hours of continuing education for an individual who first becomes licensed during the two year renewal cycle shall be decreased in a pro-rata amount.

(e) The Division may defer or waive the continuing education requirements as provided in Section R156-1-308d.

(2) A continuing education course shall meet the following standards:

(a) Time. Each contact hour of continuing education course credit shall consist of not fewer than 50 minutes of education. Licensees shall only receive credit for lecturing or instructing the same course up to two times. Licensees shall receive one contact hour of continuing education for every two hours of time spent:

- (i) lecturing or instructing a course;
- (ii) in a post-professional doctorate or transitional doctorate program; or
- (iii) in a post-professional clinical residency or fellowship approved by the American Physical Therapy Association.

(b) Course Content and Type. The course shall be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the course.

(i) The content of the course shall be relevant to the practice of physical therapy and shall be completed in the form of any of the following course types:

- (A) department in-service;
- (B) seminar;
- (C) lecture;
- (D) conference;
- (E) training session;
- (F) webinar;
- (G) internet course;
- (H) distance learning course;
- (I) journal club;
- (J) authoring of an article or textbook publication;
- (K) poster platform presentation;
- (L) specialty certification through the American Board of Physical Therapy Specialties;

(M) post-professional clinical residency or fellowship approved by the American Physical Therapy Association;

(N) post-professional doctorate from a CAPTE accredited program;

(O) lecturing or instructing a continuing education course; or

(P) study of a scholarly peer-reviewed journal article.

(ii) The following limits apply to the number of contact hours recognized in the following course types during a two year license renewal cycle:

(A) a maximum of 40 contact hours for initial specialty certification through the American Board of Physical Therapy Specialties (ABPTS);

(B) a maximum of 40 contact hours for hours spent in a post-professional doctorate or transitional doctorate CAPTE accredited program;

(C) a maximum of 40 contact hours for hours spent in a post-professional clinical residency or fellowship approved by the American Physical Therapy Association;

(D) a maximum of half of the number of contact hours required for renewal for lecturing or instructing in ~~continuing education~~ courses meeting these requirements;

(E) a maximum of ten percent of the number of contact hours required for renewal for supervision of a physical therapist or physical therapist assistant student in an accredited college program and the licensee shall receive one contact hour of credit for every 80 hours of clinical instruction;

(F) a maximum of 15 contact hours required for renewal for serving as a clinical mentor for a physical therapy residency or fellowship training program at a credentialed program and the licensee shall receive one contact hour of credit for every ten hours of residency or fellowship;

(G) a maximum of half of the number of contact hours required for renewal for online or distance learning courses that include examination and issuance of a completion certificate;

(~~F~~H) a maximum of 12 contact hours for authoring a published, peer-reviewed article;

(~~G~~I) a maximum of 12 contact hours for authoring a textbook chapter;

(~~H~~J) a maximum of ten contact hours for personal or group study of a scholarly peer-reviewed journal article;

(~~I~~K) a maximum of six contact hours for authoring a non-peer reviewed article or abstract of published literature or book review; and

(~~J~~L) a maximum of six contact hours for authoring a poster or platform presentation.

(c) Provider or Sponsor. The course shall be approved by, conducted by, or under the sponsorship of one of the following:

(i) a recognized accredited college or university;

(ii) a state or federal agency;

(iii) a professional association, organization, or facility involved in the practice of physical therapy; or

(iv) a commercial continuing education provider providing a course related to the practice of physical therapy.

(d) Objectives. The learning objectives of the course shall be clearly stated in course material.

(~~f~~e) Faculty. The course shall be prepared and presented by individuals who are qualified by education, training, and experience.

(~~g~~f) Documentation. Each licensee shall maintain adequate documentation as proof of compliance with this Section, such as a certificate of completion, school transcript, course description, or other course materials. The licensee shall retain this proof for a period of three years after the end of the renewal cycle for which the continuing education is due.

(i) At a minimum, the documentation shall contain the following:

(A) the date of the course;

(B) the name of the course provider;

(C) the name of the instructor;

(D) the course title;

(E) the number of contact hours of continuing education credit; and

(F) the course objectives.

(ii) If the course is self-directed, such as personal or group study or authoring of a scholarly peer-reviewed journal article, the documentation shall contain the following:

(A) the dates of study or research;

(B) the title of the article, textbook chapter, poster, or platform presentation;

(C) an abstract of the article, textbook chapter, poster, or platform presentation;

(D) the number of contact hours of continuing education credit; and

(E) the objectives of the self-study course.

(6) Extra Hours of Continuing Education. If a licensee completes more than the required number of contact hours of continuing education during the two-year renewal cycle specified in Subsection (1), up to ten contact hours of the excess may be carried over to the next two year renewal cycle. No education received prior to a license being granted may be carried forward to apply towards the continuing education required after the license is granted.

R156-24b-305. Temporary Licensure.

(1) In accordance with Subsection 58-1-303(1), the Division may issue a temporary physical therapist or temporary physical therapist assistant license to a person who meets all qualifications for licensure as a physical therapist or physical therapist assistant except for the passing of the required examination, if the applicant:

(a) submits a complete application for licensure as a physical therapist or physical therapist assistant except the passing of the NPTE examination;

(b) is a graduate of a CAPTE accredited physical therapy school within three months immediately preceding application for licensure;

(c) submits evidence of having secured employment conditioned upon issuance of the temporary license, and the employment is under the direct, on-site supervision of a physical therapist with an active, non-temporary license; and

(d) has registered to take the required licensure examination.

(2) A temporary physical therapist or temporary physical therapist assistant license issued under Subsection (1) expires the earlier of:

(a) six months from the date of issuance;

(b) the date upon which the Division receives notice from the examination agency that the individual has failed the examination twice; or

(c) the date upon which the Division issues the individual full licensure.

(3) A temporary physical therapist or temporary physical therapist assistant license issued in accordance with this section cannot be renewed or extended.

R156-24b-308. Reinstatement of a Physical Therapist or Physical Therapist Assistant License which has Expired Beyond Two Years.

In addition to the requirements established in Section R156-1-308g and in accordance with Subsection 58-1-308(6), an applicant for reinstatement for licensure as a physical therapist or physical therapist assistant, whose license has been expired for two

or more years, shall complete one or more of the following upon request of the Division in collaboration with the Board:

- (1) meet with the Board to evaluate the applicant's ability to safely and competently practice physical therapy;
- (2) pass the NPTE examination of the FSBPT if it is determined that examination or reexamination is necessary to verify the applicant's ability to safely and competently practice; and
- (3) establish and carry out a plan of supervision under an approved supervisor which may include up to 4,000 hours of physical therapy training under a temporary physical therapist or physical therapist assistant license before qualifying for full reinstatement of the license.

R156-24b-502. Unprofessional Conduct.

Unprofessional conduct includes:

- (1) violating, as a physical therapist, any provision of the American Physical Therapy Association's Code of Ethics for the Physical Therapist, last amended July 2010, which is hereby adopted and incorporated by reference;
- (2) violating, as a physical therapist, any provision of the American Physical Therapy Association's Guide for Professional Conduct, last amended ~~July~~ November 2010, which is hereby adopted and incorporated by reference;
- (3) not providing supervision, as a physical therapist, as set forth in Section R156-24b-503;
- (4) violating, as a physical therapist assistant, any provision of the American Physical Therapy Association's Standards of Ethical Conduct for the Physical Therapist Assistant, last amended ~~July~~ November 2010, which is hereby adopted and incorporated by reference; and
- (5) violating, as a physical therapist assistant, any provision of the American Physical Therapy Association's Guide for Conduct of the Physical Therapist Assistant, last amended July 2010, which is hereby adopted and incorporated by reference.

KEY: licensing, physical therapy, physical therapist, physical therapist assistant

Date of Enactment or Last Substantive Amendment: ~~[December 9, 2010]~~ 2012

Notice of Continuation: November 15, 2011

Authorizing, and Implemented or Interpreted Law: 58-24b-101; 58-1-106(1)(a); 58-1-202(1)(a)

**Commerce, Occupational and
 Professional Licensing
 R156-60
 Mental Health Professional Practice Act
 Rule**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36757

FILED: 09/13/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division, after consultation with the Social Worker Licensing Board, Marriage and Family Therapist Licensing Board, Clinical Mental Health Counselor Licensing Board, and Substance Use Disorder Licensing Board, determined amendments need to be made to provide necessary clarification of the definition of "employee" and removing Section R156-60-502 regarding unprofessional conduct as it is no longer necessary in this rule.

SUMMARY OF THE RULE OR CHANGE: In Section R156-60-102, the term "employee" appears seven times throughout Title 58, Chapter 60. In each case, it is used in the context of outlining a scope of practice of a licensee who is supervised or employed by another person who has the authority to control how services provided by the licensee are performed. The Internal Revenue Service requires that these individuals have a W-2 tax status. As a result, the definition of "employee" should be limited to individuals who have W-2 tax status. Under the current definition, whether these individuals are required to have W-2 tax status is unclear. The proposed amendment provides needed clarification and makes the definition consistent with federal law. In Section R156-60-103, the term "Division" is capitalized in this section. In Section R156-60-502, in this section regarding unprofessional conduct is being deleted in its entirety because each profession licensed under Title 58, Chapter 60, has its own definition of unprofessional conduct. As a result, it is no longer necessary in this rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-60-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ♦ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
- ♦ **LOCAL GOVERNMENTS:** The proposed amendments only apply to practicing mental health therapists in training and substance use disorder counselors. As a result, the proposed amendments do not apply to local governments. Some licensees work in local government; however, the proposed amendments would not directly affect local governments.
- ♦ **SMALL BUSINESSES:** The proposed amendments only apply to practicing mental health therapists in training and substance use disorder counselors. The clarification of the definition of employee may have cost impact on a small number of businesses that currently employ mental health therapists in training or substance use disorder counselors as 1099 independent contractors. If that is their current practice, the businesses are in violation of federal law. These employees should have W-2 tax status because Title 58, Chapter 60, limits them to supervised practice that the supervisor and employer have the right to control. The Division, however, is not able to estimate any cost impact as a result of this proposed amendment.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The proposed amendments only apply to practicing mental health therapists in training and substance use disorder counselors. The clarification of the definition of employee may have cost impact on some mental health therapists in training or substance use disorder counselors if they are currently employed under a 1099 independent contractor tax status. However, if that is their current practice, their employer is in violation of federal law. These employees should have W-2 tax status because Title 58, Chapter 60, limits them to supervised practice that the supervisor and employer have the right to control. The Division, however, is not able to estimate any cost impact as a result of this proposed amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to practicing mental health therapists in training and substance use disorder counselors. The clarification of the definition of employee may have cost impact on some mental health therapists in training or substance use disorder counselors if they are currently employed under a 1099 independent contractor tax status. However, if that is their current practice, their employer is in violation of federal law. These employees should have W-2 tax status because Title 58, Chapter 60, limits them to supervised practice that the supervisor and employer have the right to control. The Division, however, is not able to estimate any cost impact as a result of this proposed amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing is clarifying in nature and removes an unnecessary provision that is already addressed in separate rules for the individual mental health professions. Therefore, no fiscal impact to businesses is anticipated from these amendments.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Rich Oborn by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at roborn@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/20/2012 11:59 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-60. Mental Health Professional Practice Act Rule.
R156-60-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or this rule:

(1) "Approved diagnostic and statistical manual for mental disorders" means the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, or the ICD-10-CM published by Medicode, the American Psychiatric Association, or Practice Management Information Corporation in conjunction with the World Health Organization.

(2) "Client or patient" means an individual who, when competent requests, or when not competent to request is lawfully provided professional services by a mental health therapist when the mental health therapist agrees verbally or in writing to provide professional services to that individual, or without an overt agreement does in fact provide professional services to that individual.

(3) "Employee" means an individual who is or should be treated as a W-2 employee by [working or providing services for compensation paid in the form of wages or salary from which there is withheld or should be withheld income taxes or social security taxes under applicable law; or who meets any other definition of an employee established by the Labor Commission of the State of Utah or [the Internal Revenue Service] of the United States Government].

(4) "General supervision" means that the supervisor is available for consultation with the supervisee by personal face to face contact, or direct voice contact by telephone, radio, or some other means within a reasonable time consistent with the acts and practices in which the supervisee is engaged.

R156-60-103. Authority - Purpose.

This rule is adopted by the [d]Division under the authority of Subsection 58-1-106(1)(a) to enable the [d]Division to administer Title 58, Chapter 60.

[R156-60-502. Unprofessional Conduct.

_____ "Unprofessional conduct" includes:

(1) ~~to engage with a client/patient in any romantic, any sexual, or any intimate personal relationship, or in a business relationship in which the licensee receives any unilateral benefit or disproportionate benefit; or to engage in any such activity or relationship with a former client/patient during a two year period following the formal and properly documented termination of the professional relationship between the client/patient and the mental~~

~~health therapist, except under no circumstances shall a licensee at any time engage in any such activity or relationship with a client/patient or former client/patient who is especially vulnerable or susceptible to being disadvantaged because of the client's/patient's personal history, the client's/patient's current mental status, or any condition which could reasonably be expected to place the client/patient at a disadvantage recognizing the power imbalance which exists or may exist between the mental health therapist and the client/patient; and~~

~~(2) to engage with a former client/patient in any romantic, any sexual, or any intimate personal relationship, which is not unprofessional conduct under the provision of Subsection (1) without first obtaining professionally documented counseling from another competent mental health therapist with respect to that relationship, and without exercising all reasonable effort to ensure that the relationship is not adverse to the former client's/patient's best interests.~~

]KEY: licensing, mental health, therapists

Date of Enactment or Last Substantive Amendment:
[December 15, 1994]2012

Notice of Continuation: July 27, 2009

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-60-101

**Commerce, Occupational and
Professional Licensing
R156-60c
Professional Counselor Licensing Act
Rule**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36758

FILED: 09/13/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2012 General Session, H.B. 496 was passed which modified Title 58, Chapter 60, the Mental Health Professional Practice Act. H.B. 496 changed the title of professional counselor to clinical mental health counselor throughout Title 58, Chapter 60. As a result, corresponding amendments need to be made in this rule. This filing also proposes changes to the education requirement and the continuing education requirement.

SUMMARY OF THE RULE OR CHANGE: The title of "professional counselor" is changed to "clinical mental health counselor" throughout the rule. In Subsection R156-60c-102(1), the definitions of the internship and practicum courses are modified. Text is removed due to further definition of these courses in Section R156-60c-302a. The proposed rule expands on the definition of the practicum course to require

that it be completed in a public or private agency engaged in the practice of mental health therapy and under the supervision of a qualified mental health therapist. These are standards that most programs already have in place. In Section R156-60c-302a, the proposed changes to Section R156-60c-302a are intended to make the education requirements less restrictive and more consistent with the Council for Accreditation of Counseling and Related Educational Programs (CACREP) 2009 Standards. With this objective, the proposed rule changes create two possible education tracks to licensure. The first track is completion of a master's or doctorate degree in clinical mental health counseling or counselor education and supervision from a program accredited by CACREP. The second track is completion of a master's or doctorate degree in clinical mental health counseling or an equivalent field from a program affiliated with an institution that has accreditation recognized by the Council for Higher Education Accreditation (CHEA). Many course titles are reworded to be consistent with course titles used in the CACREP 2009 Standards. The professional roles and functions course requirement is removed because courses in professional orientation and ethical practice sufficiently cover that topic. Because the number of semester or quarter credit hours required is decreased in several cases, the number of credit hours required in counseling-related course work is increased. Lists of examples of possible topics to be covered in courses were removed because the Board felt they were unnecessary. The practicum and internship requirements were combined because some programs only include one or the other. Subsections R156-60c-302a(3) and (4) were deleted because the Clinical Mental Health Counselor Licensing Board concluded that they were unnecessary. Subsection R156-60c-302a(5) is removed because it restricts issuance of extern licenses beyond what is authorized in Section 58-60-117. In Section R156-60c-304, September 30 is the end of the renewal cycle, not the beginning. For this reason, the reference to September 30 is replaced with October 1 in Subsection R156-60c-304(2). In Subsection R156-60c-304(5), the phrase "unless otherwise approved by the Division" is added to provide licensees in rural areas the option of requesting approval to complete more than ten contact hours of continuing education in distance learning courses.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-60-401 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$100 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

◆ **LOCAL GOVERNMENTS:** The proposed amendments only apply to practicing professional counselors (clinical mental health counselors) and applicants for licensure in that category. As a result, the proposed amendments do not apply to local governments. Some licensees work in local

government; however, the proposed amendments would not directly affect local governments.

♦ **SMALL BUSINESSES:** The proposed amendments only apply to practicing professional counselors (clinical mental health counselors) and applicants for licensure in that category. The removal of Subsection R156-60c-302a(5) will allow some applicants with degrees in counseling related fields to obtain extern licenses. As a result, these applicants will likely become licensed and employed quicker which may translate into a financial benefit to small businesses that employ them.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendments only apply to practicing professional counselors (clinical mental health counselors) and applicants for licensure in that category. The consolidation of multiple course requirements may translate into cost savings for some applicants. The removal of Subsection R156-60c-302a(5) will allow applicants with degrees in counseling related fields to obtain extern licenses. As a result, these applicants will become licensed and employed quicker which may translate into financial benefit to them. The phrase "unless otherwise approved by the Division" is added to Subsection R156-60c-304(5) to provide licensees in rural areas the option of requesting approval to complete more than ten contact hours of continuing education in distance learning courses. This represents a potential cost savings for licensees in rural Utah.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to practicing professional counselors (clinical mental health counselors) and applicants for licensure in that category. The consolidation of multiple course requirements may translate into cost savings for some applicants. The removal of Subsection R156-60c-302a(5) will allow applicants with degrees in counseling related fields to obtain extern licenses. As a result, these applicants will become licensed and employed quicker which may translate into financial benefit to them. The phrase "unless otherwise approved by the Division" is added to Subsection R156-60c-304(5) to provide licensees in rural areas the option of requesting approval to complete more than ten contact hours of continuing education in distance learning courses. This represents a potential cost savings for licensees in rural Utah.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In addition to changing references to meet new statutory amendments, this rule filing makes various amendments to the education and continuing education requirements as recommended by the Clinical Mental Health Counselor Licensing Board. Many of these changes are a cost-savings to applicants and licensees. However, no fiscal impact to businesses is anticipated from these amendments.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Rich Oborn by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at roborn@utah.gov

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INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 10/15/2012 11:59 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475 (fourth floor), Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-60c. ~~Professional~~Clinical Mental Health Counselor
Licensing Act Rule.**

R156-60c-101. Title.

This rule is known as the "~~Professional~~Clinical Mental Health Counselor Licensing Act Rule".

R156-60c-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or this rule:

(1) "Internship" means:

(a) ~~900 clock hours of supervised counseling experience of which 360 hours must be in the provision of mental health therapy]~~one or more courses completed as part of a program at an accredited school:

(i) in a public or private agency engaged in the clinical practice of mental health therapy as defined in Subsection 58-60-102(7); and

(ii) ~~from a]~~under supervision provided by a qualified mental health training supervisor ~~[licensed as a mental health therapist]~~ as defined in Section R156-60c-401.

(2) "Practicum" means:

(a) one or more courses completed as part of a program at an accredited school: ~~[a supervised counseling experience in an appropriate setting of at least three semester or four quarter hours duration for academic credit.]~~

(i) in a public or private agency engaged in the clinical practice of mental health therapy as defined in Subsection 58-60-102(7); and

(ii) under supervision provided by a qualified mental health training supervisor as defined in Section R156-60c-401.

(3) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 60 is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-60c-502.

R156-60c-302a. Qualifications for Licensure - Education Requirements.

(1) Pursuant to Subsection 58-60-405(1)(d)(i), an applicant for licensure as a clinical mental health counselor shall: [the degree and educational program which prepares one to competently engage in mental health therapy is established and clarified to be a masters or doctorate degree in Mental Health Counseling or an equivalent degree from an institution accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or the Council for Higher Education Accreditation of the American Council on Education (CHEA), at the time the applicant obtained the education, which includes a minimum of 60 semester (90 quarter) hours of graduate studies and includes the specific course requirements as specified in Subsection (2)-.]

(a) produce certified transcripts evidencing completion of at least 60 semester or 90 quarter credit hours completed as part of a master's or doctorate degree conferred to the applicant in clinical mental health counseling or counselor education and supervision from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP); or

(b)(i) produce certified transcripts evidencing completion of at least 60 semester or 90 quarter credit hours as part of a master's or doctorate degree conferred to the applicant in clinical mental health counseling or an equivalent field from a program affiliated with an institution that has accreditation that is recognized by the Council for Higher Education Accreditation (CHEA).

(ii) A program under Subsection (1)(b)(i) shall include the following graduate level course work:

[~~(2) The core curriculum in Subsection 58-60-405(1)(d) shall consist of the following courses:~~

(~~a~~)A) a minimum of two semester or three quarter hours [shall be in ethical standards, issues, behavior and decision-making]in professional orientation and ethical practice based on the standards of the American Counseling Association (ACA), American Mental Health Counselors Association (AMHCA), or National Board of Certified Counselors (NBCC);[

(~~b~~) a minimum of two semester or three quarter hours shall be in professional roles and functions of a mental health counselor, trends and history, professional preparation standards and credentialing;]

(~~e~~)B) a minimum of two semester or three quarter hours [shall be in individual theory and shall include several of the predominant theories, which may include humanistic, behavioral or cognitive theories of individual therapy]in social and cultural diversity;

(~~d~~)C) a minimum of two semester or three quarter hours [shall be in group theory and shall include understanding of group development and multiple theories regarding group therapy]in group work;

(~~e~~)D) a minimum of [three]two semester or [four]three quarter hours [shall be]in human growth and development across the life span[; which may include:

- (i) physical, social and psychosocial development;
- (ii) personality development;

- (iii) learning theory and cognitive development;
- (iv) emotional development];

(~~f~~)E) a minimum of [three]two semester or [four]three quarter hours [shall be]in career development;

(~~g~~)E) a minimum of [three]six semester or [four]eight quarter hours [shall be]in helping relationships including theory and skills in counseling and psychotherapy with individuals, couples or families[~~cultural foundations. Examples are:~~

- (i) human diversity;
- (ii) multicultural issues and trends;
- (iii) gender issues;
- (iv) exceptionality;
- (v) disabilities; and
- (vi) aging;
- (h) a minimum of six semester or eight quarter hours shall be in the application of individual and group therapy and other therapeutic methods and interventions. Examples are:
 - (i) building, maintaining and terminating relationships;
 - (ii) solution focused and brief therapy;
 - (iii) crisis intervention;
 - (iv) prevention of mental illness;
 - (v) treatment of specific syndromes;
 - (vi) case conceptualization; and
 - (vii) referral, supportive and follow-up services;

(i) a minimum of two semester or three quarter hours shall be in psychopathology and multi-axial diagnosis DSM classification];

(~~j~~)G) a minimum of two semester or three quarter hours [shall be]in [dysfunctional]substance use disorders or addictive or compulsive behaviors[. Examples are:

- (i) addictions;
- (ii) substance abuse;
- (iii) cognitive dysfunction;
- (iv) sexual dysfunction; and
- (v) abuse and violence];

(~~k~~)H) a minimum of two semester or three quarter hours [shall be]in [a foundation course in]psychometric test and measurement theory[including the theory of test development, variety of test types and introduction to several tests used in mental health assessment];

(~~l~~)I) a minimum of [two]four semester or [three]six quarter hours [shall be in an advanced course]in assessment of mental status including the [assessment]appraisal of DSM [personality diagnosis]maladaptive and psychopathological behavior;

(~~m~~)J) a minimum of [three]two semester or [four]three quarter hours [shall be]in research and evaluation in clinical mental health counseling[. This shall not include a thesis, dissertation, or project, but may include:

- (i) statistics;
- (ii) research methods, qualitative and quantitative;
- (iii) use and interpretation of research data;
- (iv) evaluation of client change; and
- (v) program evaluation];

(~~n~~)K) a minimum of [three]four semester or [four]six quarter hours of internship or practicum as defined in Subsection R156-60c-102(1) or (2) that includes combined completion of at least 1,000 hours of supervised clinical training of which at least

400 hours shall be in providing mental health therapy directly to clients as defined in Subsection 58-60-102(7); and

~~[(o) a minimum of six semester or eight quarter hours of internship as defined in Subsection R156-60c-102(1); and~~

~~[(p)L] a minimum of [47]34 semester or [25.5]52 quarter hours of course work [in the behavioral sciences]related to the practice of counseling of which no[.No] more than six semester or [nine]eight quarter hours of credit for thesis, dissertation or project hours shall be counted toward the required [core curriculum]hours in this subsection.~~

~~(3) The supplemental course work shall consist of formal graduate level work meeting the requirements of Subsections (1) and (2) in regularly offered and scheduled classes. University based directed reading courses may be approved at the discretion of the Board.~~

~~(4) The following degrees do not prepare a person to competently engage in mental health therapy: Career Counseling, College Counseling, Community Counseling, Gerontological Counseling, School Counseling, Student Affairs, Rehabilitation Counseling, Music Therapy, Art Therapy, or Dance Therapy. Applicants who have one of these degrees or comparable degrees and who complete the classes which have been included in the Mental Health Counseling degree and as outlined in Subsection (1) and (2), may request the Division and the Board to consider their education as equivalent to the requirements for licensure. Upon completion of this substantially equivalent education requirement, the applicant may be granted a license as a licensed associate professional counselor under Subsection 58-60-405(2).~~

~~(5) An applicant who has met the degree requirements under Subsection (1) or (4) which prepares one to competently engage in mental health therapy, but who is deficient in one or more, but no more than three of the courses provided in Subsection (2), may be granted a temporary professional counselor license as a licensed associate professional counselor extern under Section 58-60-117. Furthermore, the deficient courses may not include ethics, psychopathology, advanced mental status, practicum, or internship.]~~

R156-60c-302b. Qualifications for Licensure - Experience Requirements.

(1) The [professional]clinical mental health counselor and mental health therapy training qualifying an applicant for licensure as a [professional]clinical mental health counselor under Subsections 58-60-405(1)(e) and (f) shall:

(a) be completed in not less than two years;

(b) be completed while the applicant is licensed as a licensed associate [professional]clinical mental health counselor or licensed associate [professional]clinical mental health counselor extern;

(c) be completed while the applicant is an employee, as defined in Subsection R156-60-102(3), of a public or private agency engaged in mental health therapy under the supervision of a qualified [professional counselor]clinical mental health counselor, psychiatrist, psychologist, clinical social worker, registered psychiatric mental health nurse specialist, physician, or marriage and family therapist; and

(c) be completed under a program of supervision by a mental health therapist meeting the requirements under Sections R156-60c-401 and R156-60c-402.

(2) An applicant for licensure as a [professional counselor]clinical mental health counselor, who is not seeking licensure by endorsement based upon licensure in another jurisdiction, who has completed all or part of the [professional]clinical mental health counselor and mental health therapy training requirements under Subsection (1) outside the state may receive credit for that training completed outside of the state if it is demonstrated by the applicant that the training completed outside the state is equivalent to and in all respects meets the requirements for training under Subsections 58-60-405(1)(e) and (f), and Subsections R156-60c-302b(1). The applicant shall have the burden of demonstrating by evidence satisfactory to the Division and Board that the training completed outside the state is equivalent to and in all respects meets the requirements under this Subsection.

R156-60c-302c. Qualifications for Licensure - Examination Requirements.

(1) Under Subsection 58-60-405(1)(g), an applicant for licensure as a [professional]clinical mental health counselor must pass the following examinations:

(a) the National Counseling Examination of the National Board for Certified Counselors; and

(b) the National Clinical Mental Health Counseling Examination of the National Board [of]for Certified Counselors.

R156-60c-304. Continuing Education.

(1) There is hereby established a continuing education requirement for all individuals licensed under Title 58, Chapter 60, Part 4, as a [professional]clinical mental health counselor and licensed associate [professional]clinical mental health counselor.

(2) During each two year period commencing [September 30th]October 1st of each even numbered year, a [professional]clinical mental health counselor or licensed associate [professional]clinical mental health counselor shall be required to complete not fewer than 40 hours of continuing education directly related to the licensee's professional practice of which a minimum of six hours must be completed in ethics/law.

(3) The required number of hours of continuing education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(4) Continuing education under this section shall:

(a) be relevant to the licensee's professional practice;

(b) be prepared and presented by individuals who are qualified by education, training and experience to provide continuing education regarding clinical mental health [therapy professional]counseling; and

(c) have a method of verification of attendance and completion.

(5) Credit for continuing education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences;

(b) a maximum of 10 hours per two year period may be recognized for teaching in a college or university, teaching qualified

continuing education courses in the field of clinical mental health [therapy professional] counseling, or supervision of an individual completing his experience requirement for licensure in a mental health therapist license classification; and

(c) a maximum of 10 hours per two year period may be recognized for distance learning, clinical readings, or internet-based courses directly related to practice as a clinical mental health counselor unless otherwise approved by the Division [therapist or professional counselor].

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

(7) A licensee who documents he is engaged in full-time activities or is subjected to circumstances which prevent that licensee from meeting the continuing education requirements established under this Section may be excused from the requirement for a period of up to three years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

R156-60c-306. License Reinstatement - Requirements.

In addition to the requirements established in Section R156-1-308e, an applicant for reinstatement of his license after two years following expiration of that license shall be required to meet the following reinstatement requirements:

(1) if deemed necessary, meet with the Board for the purpose of evaluating the applicant's current ability to engage safely and competently in practice as a [professional] clinical mental health counselor and to make a determination of any additional education, experience or examination requirements which will be required before reinstatement;

(2) upon the recommendation of the Board, establish a plan of supervision under an approved supervisor which may include up to 4,000 hours of [professional counselor and mental health therapy] clinical training as an associate clinical mental health counselor extern [professional counselor temporary];

(3) pass the National Counseling Examination of the National Board for Certified Counselors if it is determined by the Board that current taking and passing of the examination is necessary to demonstrate the applicant's ability to engage safely and competently in practice as a [professional] clinical mental health counselor;

(4) pass the National Clinical Mental Health Counseling Examination if it is determined by the Board that current taking and passing of the examination is necessary to demonstrate the applicant's ability to engage safely and competently in practice as a [professional] clinical mental health counselor; and

(5) complete a minimum of 40 hours of [professional] continuing education in subjects determined by the Board as necessary to ensure the applicant's ability to engage safely and competently in practice as a [professional] clinical mental health counselor.

R156-60c-401. Requirements to be Qualified as a [Professional] Clinical Mental Health Counselor Training Supervisor [~~and Mental Health Therapist Training Supervisor~~].

In accordance with Subsections 58-60-405(1)(e) and (f), in order for an individual to be qualified as a [professional] clinical mental health counselor training supervisor [~~or mental health therapist trainer]~~, the individual shall have the following qualifications:

(1) be currently licensed in good standing in a profession set forth for a supervisor under Subsection 58-60-405(1)(e) in the state in which the supervised training is being performed;

(2) have engaged in lawful practice of mental health therapy as a physician, [professional] clinical mental health counselor, psychiatrist, psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or marriage and family therapist for not fewer than 4,000 hours in a period of not less than two years prior to beginning supervision activities; and

(3) be employed by or have a contract with the mental health agency that employs the supervisee, but not be employed by the supervisee, nor be employed by an agency owned in total or in part by the supervisee, or in which the supervisee has any controlling interest.

R156-60c-402. Duties and Responsibilities of a Supervisor of [Professional] Clinical Mental Health Counselor [~~and Mental Health Therapy Training~~].

The duties and responsibilities of a licensee providing supervision to an individual completing supervised [professional] clinical mental health counselor [and mental health therapy] training requirements for licensure as a [professional] clinical mental health counselor are to:

(1) be professionally responsible for the acts and practices of the supervisee which are a part of the required supervised training;

(2) be engaged in a relationship with the supervisee in which the supervisor is independent from control by the supervisee and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;

(3) be available for advice, consultation, and direction consistent with the standards and ethics of the profession and the requirements suggested by the total circumstances including the supervisee's level of training, diagnosis of patients, and other factors known to the supervisee and supervisor;

(4) provide periodic review of the client records assigned to the supervisee;

(5) comply with the confidentiality requirements of Section 58-60-114;

(6) monitor the performance of the supervisee for compliance with laws, standards, and ethics applicable to the practice of [professional] clinical mental health counseling and report violations to the Division;

(7) supervise only a supervisee who is an employee of a public or private mental health agency;

(8) submit appropriate documentation to the Division with respect to all work completed by the supervisee evidencing the performance of the supervisee during the period of supervised

~~[professional]~~clinical mental health counselor ~~[and mental health therapy]~~training, including the supervisor's evaluation of the supervisee's competence in the practice of ~~[professional]~~clinical mental health counseling~~[and mental health therapy]~~;

(9) supervise not more than three supervisees at any given time unless approved by the Board and Division; and

(10) assure each supervisee is licensed as a licensed associate ~~[professional]~~clinical mental health counselor or licensed associate ~~[professional]~~clinical mental health counselor extern prior to beginning the supervised training of the supervisee as required under Subsection 58-60-405(1)(e) and (f).

R156-60c-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) acting as a supervisor or accepting supervision duties of a supervisor without complying with or ensuring the compliance with the requirements of Sections R156-60c-401 and R156-60c-402;

(2) engaging in the supervised practice of mental health therapy when not in compliance with Subsections R156-60c-401(3) and R156-60c-402(7);

(3) engaging in and aiding or abetting conduct or practices which are dishonest, deceptive or fraudulent;

(4) engaging in or aiding or abetting deceptive or fraudulent billing practices;

(5) failing to establish and maintain appropriate professional boundaries with a client or former client;

(6) engaging in dual or multiple relationships with a client or former client in which there is a risk of exploitation or potential harm to the client;

(7) engaging in sexual activities or sexual contact with a client with or without client consent;

(8) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services;

(9) engaging in sexual activities or sexual contact at any time with a former client who is especially vulnerable or susceptible to being disadvantaged because of the client's personal history, current mental status, or any condition which could reasonably be expected to place the client at a disadvantage recognizing the power imbalance which exists or may exist between the ~~[professional]~~ counselor and the client;

(10) engaging in sexual activities or sexual contact with client's relatives or other individuals with whom the client maintains a relationship when that individual is especially vulnerable or susceptible to being disadvantaged because of his personal history, current mental status, or any condition which could reasonably be expected to place that individual at a disadvantage recognizing the power imbalance which exists or may exist between the ~~[professional]~~ counselor and that individual;

(11) engaging in physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;

(12) engaging in or aiding or abetting sexual harassment or any conduct which is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;

(13) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health or any other determination concerning an individual's civil or legal rights;

(14) exploiting a client for personal gain;

(15) using a professional client relationship to exploit a person that is known to have a personal relationship with a client for personal gain;

(16) failing to maintain appropriate client records for a period of not less than ten years from the documented termination of services to the client;

(17) failing to obtain informed consent from the client or legal guardian before taping, recording or permitting third party observations of client care or records;

(18) failing to cooperate with the Division during an investigation; and

(19) failing to abide by the provisions of the American Mental Health Counselors Association Code of Ethics, last amended March 2010, which is adopted and incorporated by reference.

KEY: licensing, counselors, mental health, ~~[professional-counselors]~~clinical mental health counselor

Date of Enactment or Last Substantive Amendment: ~~[February 24, 2011]~~2012

Notice of Continuation: January 7, 2010

Authorizing, and Implemented or Interpreted Law: 58-60-401; 58-1-106(1)(a); 58-1-202(1)(a)

Education, Administration R277-112 Prohibiting Discrimination in the Public Schools

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 36769

FILED: 09/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to update standards and documents incorporated by reference that prohibit discrimination in the public schools.

SUMMARY OF THE RULE OR CHANGE: The changes add the Individuals with Disabilities Education Improvement Act of 2004, 20 USC 1400, Section 5 of the Americans with Disabilities Act Amendments of 2008, and State Board of Education Special Education Rules, August 2007, to the list of standards in the existing rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X, Section 3

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds Special Education Rules, published by Utah State Office of Education, August 2007
- ◆ Adds 20 CFR 1400, published by US Government Printing Office, 2004
- ◆ Adds 42 CFR 12101, published by US Government Printing Office, 2008

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. The amendments to this rule update standards that are incorporated by reference which do not result in a cost or savings.
- ◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. The amendments to this rule update standards that are incorporated by reference which do not result in a cost or savings.
- ◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. This rule applies to public education and does not affect businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The amendments to this rule update standards that are incorporated by reference which do not result in a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendments to this rule update standards that are incorporated by reference in which compliance costs are not affected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.**R277-112. Prohibiting Discrimination in the Public Schools.****R277-112-1. Definitions.**

"Board" means the Utah State Board of Education.

R277-112-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board.

B. The purpose of this rule is to establish standards prohibiting discrimination in the public school system, specifically in programs under the supervision of the Board.

R277-112-3. Standards.

A. The Board does not advocate, permit, or practice discrimination on the basis of race, creed, color, national origin, religion, age, sex, or disability. This rule incorporates by reference the following:

(1) the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1400;

(2) State Board of Education Special Education Rules, August 2007;

([1]3) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability in programs and activities receiving Federal financial assistance;

(4) Section 5 of the Americans with Disabilities Act Amendments of 2008, which prohibits discrimination on the basis of disability.

([2]5) Title IV of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000c et seq., which provides standards and training for educators relative to the desegregation of schools receiving Federal financial assistance;

([3]6) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance;

([4]7) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits discrimination in employment based on race, color, religion, sex, or national origin in programs and activities receiving Federal financial assistance;

([5]8) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance;

([6]9) Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits discrimination on the basis of race, color, religion, sex, or national origin, and also prohibits discrimination against an individual because of his or her association with another individual of a particular race, color, religion, sex, or national origin. Title VII also covers types of wage discrimination not covered by the Equal Pay Act;

([7]10) Equal Pay Act of 1963, 29 U.S.C. 206 et. seq., as amended in the Fair Labor Standards Act, which prohibits sex discrimination in pay under an equal work standard;

([8]11) The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance;

B. The Board shall take action consistent with:

(1) all regulations, guidelines, and standards lawfully adopted under the statutes named in R277-112-3A(1) through R277-112-3A(8) and effective as of October 11, 2011;

(2) all state laws prohibiting discrimination on the basis of race, creed, color, national origin, religion, age, sex, or disability and effective as of October 11, 2011.

C. All programs, activities, schools, institutions, and local education agencies under the general control and supervision of the Board shall adopt policies and rules prohibiting discrimination on the basis of race, creed, color, national origin, religion, age, sex, or disability.

KEY: educational policy, civil rights

Date of Enactment or Last Substantive Amendment: [~~October 11, 2011~~]2012

Notice of Continuation: August 1, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3

Education, Administration R277-420-1 Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36770

FILED: 09/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide updated language to a definition for clarification purposes.

SUMMARY OF THE RULE OR CHANGE: Provides new language to the "State Superintendent" definition in Subsection R277-420-1(D).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-19-105(5)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. The amendment adds a sentence at the end of a definition for clarification purposes which does not result in a cost or savings.

♦ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. The amendment adds a

sentence at the end of a definition for clarification purposes which does not result in a cost or savings.

♦ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. This rule applies to public education and does not affect businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. This amendment adds a sentence at the end of a definition which does not result in a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendment adds a sentence at the end of a definition for clarification purposes which does not affect compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY, UT 84111-3272

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-420. Aiding Financially Distressed School Districts.

R277-420-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Interfund transfer" means a transaction which withdraws money from one fund and places it in another without recourse. Interfund transfers are regulated by statute and Board rules. Interfund transfers do not include interfund loans in which money is temporarily withdrawn from a fund with full obligation for repayment during the fiscal year.

C. "School district," for purposes of this rule, means school district under the direction of the local board of education.

D. "State Superintendent" means the State Superintendent of Public Instruction. For purposes of this rule, the Board's designee is the State Superintendent.

E. "USOE" means the Utah State Office of Education.

F. "Without recourse" means there is no obligation to return withdrawn money to the fund from which it was transferred.

KEY: education finance

Date of Enactment or Last Substantive Amendment: [June 7,] 2012

Notice of Continuation: September 14, 2012

Authorizing, and Implemented or Interpreted Law: 53A-19-105; 53A-1-401(3); 53A-19-103

Education, Administration **R277-423** Delivery of Flow Through Money

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36771

FILED: 09/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide updated terminology and remove an outdated citation.

SUMMARY OF THE RULE OR CHANGE: Updated terminology is provided throughout the rule and an outdated citation is removed.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. The terminology that is updated and removal of an outdated citation do not affect cost or savings.

◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. The terminology that is updated and removal of an outdated citation do not affect cost or savings.

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. This rule and the amendments apply to public education and do not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The terminology that is updated and removal of an outdated citation do not affect cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The terminology that is updated and removal of an outdated citation do not affect cost or savings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.

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

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ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-423. Delivery of Flow Through Money.

R277-423-1. Definitions.

[B]A. "Bank transfer" means a monthly deposit of money to each [school district's or charter school's]LEA's bank as authorized by the USOE via the State Treasurer and agent bank.

[D]B. "Board" means the Utah State Board of Education.

[E]C. "Flow through money" means state funds appropriated under the state-supported minimum school program and federal funds, both of which are administered by the Board and disbursed to individual [school districts and charter schools]LEAs.

D. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

[A]E. "State-supported minimum school program" means school programs for kindergarten, elementary, and high schools which may be operated and maintained for the total of costs set by the Legislature annually.

[E]E. "USOE" means the Utah State Office of Education.

R277-423-2. Authority and Purpose.

A. This rule is authorized by Article X, Section 3 of the Utah Constitution which vests general control and supervision of public education in the Board[, Section 53A-1-402(1) which directs the Board to establish rules for the minimum school program,] and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to describe the process whereby flow through money is disbursed to [school districts and charter schools]LEAs.

R277-423-3. Procedures.

A. An estimate of the amount of each [~~school district's and charter school's~~]LEA's share of state funds appropriated for the state-supported minimum school program is made by the USOE annually before June 30. The estimate shall indicate, for each [~~district and charter school~~]LEA, its estimated number of units and the cost of its state-supported minimum school programs. One-twelfth of the [~~district's and charter school's~~]LEA's share of the state funds constitutes monthly payments. The estimates are revised periodically to accurately represent one-twelfth of the [~~district's and charter school's~~]LEA's share of the state funds. A final statement is made with [~~districts and charter schools~~]LEAs following the end of the fiscal year.

B. State and federal funds shall be transferred to [~~school districts and charter schools~~]LEAs by means of bank transfers.

(1) The USOE shall prepare a summary listing funds for each individual program and total funds for each [~~school district and charter school~~]LEA which shall be mailed electronically to each [~~school district and charter school~~]LEA. It shall also prepare a summary listing the designated bank and amount of funds for each [~~school district and charter school~~]LEA on the electronic funds transfer memo for the state designated agent bank and the State Treasurer.

(2) The USOE shall, in a timely manner, complete the necessary accounting work for the transfer of funds and deliver the request to the State Department of Finance. The USOE shall coordinate the letter of credit for federal funds withdrawal for deposit with the State Treasurer in accordance with the cash management agreement with the US Treasury.

(3) The State Department of Finance shall complete necessary accounting work to have funds authorized for release by the State Treasurer's office.

(4) The State Treasurer's office shall release funds in accordance with the electronic funds transfer memo to the state designated agent bank in time to ensure deposit of funds in each [~~school district's and charter school's~~]LEA's designated bank by 11:00 a.m. on the last working day of each month.

(5) The state designated agent bank shall deposit funds to each [~~school district's and charter school's~~]LEA's designated account by 11:00 a.m. on the last working day of each month.

(6) LEAs shall keep bank account transfer information accurate and current to enable the monthly transfers of funds to be completed in a timely manner; all information shall be sent to the USOE audit/finance specialist in the School Finance and Statistics Section at the USOE.

C. When a disruption occurs in the procedure specified in Subsection 3(B), the USOE shall coordinate transfer procedures in a timely manner.

D. The USOE may administer state and federal flow through money for state institutions and private and parochial schools. It prepares and processes vouchers for the funds and forwards warrant requests authorizing the State Treasurer to make payment to the identified recipient.

R277-423-4. Reports.

An [~~school district or charter school~~]LEA that fails to meet deadlines for submitting to the USOE reports that are necessary to calculate its share of state funds or that fails to meet deadlines for the annual audit report may have its state funds

withheld until an acceptable report is filed with the USOE in accordance with R277-484, Data Standards.

KEY: education finance

Date of Enactment or Last Substantive Amendment: [~~February 7, 2008~~]2012

Notice of Continuation: September 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [~~53A-1-402(1)(f)~~] 53A-1-401(3)

Education, Administration R277-424-1 Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36772

FILED: 09/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide updated language to make the definition consistent with definitions in other Utah State Board of Education (Board) rules.

SUMMARY OF THE RULE OR CHANGE: Provides additional language to "LEA" to make the definition in the rule consistent with the definition in other Board rules.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-1-402(1)(e)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. The amendment adds language to make the definition consistent with definitions in other Board rules which does not result in a cost or savings.

◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. The amendment adds language to make the definition consistent with definitions in other Board rules which does not result in a cost or savings.

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. This rule and the amendment apply to public education and do not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The amendment adds language to make the definition consistent with definitions in other Board rules which does not result in a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendment adds language to make the definition consistent

with definitions in other Board rules which does not result in compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-424. Indirect Costs for State Programs.

R277-424-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Direct costs" means costs which can be easily, obviously, and conveniently identified by the Utah State Office of Education with a specific program.

C. "Indirect costs" means the costs of providing indirect services. Restricted and non-restricted indirect costs are defined in R277-425, "Budgeting, Accounting and Auditing Handbook for Utah School Districts."

D. "Indirect Services" means services which cannot be identified with a specific program.

E. "LEA" means a local education agency[~~which~~], includ[es]ing local school boards/public school districts and charter schools.

F. "Non-restricted indirect cost rate" means a rate assigned to each LEA annually, based on the ratio of non-restricted indirect costs to direct costs as reported in the annual financial report for the specific LEA.

G. "Restricted indirect cost rate" means a rate assigned to each LEA annually based on the ratio of restricted indirect costs to direct costs as reported in the annual financial report for the specific LEA.

H. "Unallowable costs" means expenditures directly attributable to governance. Governance includes salaries and expenditures of the office of the superintendent, the governing board, election expenses, and expenditures for fringe benefits which are associated with unallowable salary expenditures.

KEY: education finance

Date of Enactment or Last Substantive Amendment:
~~[December 8, 2011]~~2012

Notice of Continuation: September 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(f); 53A-1-401(3)

Education, Administration
R277-454-1
Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36773

FILED: 09/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide updated language to make the definition consistent with definitions in other Utah State Board of Education (Board) rules.

SUMMARY OF THE RULE OR CHANGE: Provides additional language to "LEA" to make the definition in the rule consistent with the definition in other Board rules.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. The amendment adds language to make the definition in the rule consistent with definitions in other Board rules which does not result in a cost or savings.

♦ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. The amendment adds language to make the definition in the rule consistent with definitions in other Board rules which does not result in a cost or savings.

♦ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. The rule and the amendment apply to public education and do not affect businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The amendment adds language to make the definition in the rule consistent with definitions in other Board rules which does not result in a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendment adds language to make the definition in the rule consistent with definitions in other Board rules which does not result in compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-454. Construction Management of School Building Projects.

R277-454-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "CM" means an individual designated as a construction manager. The CM may be an architect, engineer, general contractor, or other professional consultant. It may also be an entity which is referred to as a construction management firm. The CM works as the agent of the owner of the construction project. The CM, at the discretion of the owner, may assist in the development and implementation of any or all of the pre-design, design, bidding, construction, and occupancy stages of the construction project. The CM is responsible for the effective, orderly, and acceptable completion of the construction project.

C. "Construction management" means a contractual and professional working relationship between the owner of a construction project and a CM.

D. "LEA" means a local education agency[~~which~~], includ[es]ing local school boards/public school districts[;] and charter schools.

KEY: educational facilities, education finance

Date of Enactment or Last Substantive Amendment: [May 8,] 2012

Notice of Continuation: September 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-20-103

Education, Administration **R277-531** Public Educator Evaluation Requirements (PEER)

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 36774
FILED: 09/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide additional language in a definition and make corrections to citations.

SUMMARY OF THE RULE OR CHANGE: A definition is revised to include language consistent with other Utah State Board of Education (Board) rules and citations are corrected throughout the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsections 53A-1-402(1)(a)(i) and (ii)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. Providing language to a definition to make the rule consistent with other Board rules and making corrections to citations do not result in a cost or savings.

♦ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. Providing language to a definition to make the rule consistent with other Board rules and making corrections to citations do not result in a cost or savings.

♦ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. This rule and the amendments apply to public education and do not affect businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. Providing language to a definition to make the rule consistent with other Board rules and making corrections to citations do not result in a cost or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The language that is added to a definition to make the rule consistent with other Board rules and correcting citations does not result in compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON
THIS RULE BY SUBMITTING WRITTEN COMMENTS NO
LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Carol Lear, Director, School Law and
Legislation

R277. Education, Administration.

R277-531. Public Educator Evaluation Requirements (PEER).

R277-531-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- B. "Educator" means an individual licensed under Section 53A-6-104 and who meets the requirements of R277-501.
- C. "Formative evaluation" means evaluations that provide educators with feedback on how to improve their performance.
- D. "Instructional quality data" means data acquired through observation of educator's instructional practices.
- E. "Joint educator evaluation committee" means the local committee described under Section 53A-~~10-103~~8a-403 that develops and assesses an LEA evaluation program.
- F. "LEA" means a local education agency directly responsible for the public education of Utah students, including traditional local school boards and school districts, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- G. "LEA Educator Evaluation Program" means an LEA's process, policies and procedures for evaluating educators' performance according to their various assignments; those policies and procedures shall align with R277-531.
- H. "School administrator" means an educator serving in a position that requires a Utah Educator License with an Administrative area of concentration and who supervises Level 2 educators.
- I. "Student growth score" means a measurement of a student's achievement towards educational goals in the course of a school year.
- J. "Summative evaluation" means evaluations that are used to make annual decisions or ratings of educator performance and may inform decisions on salary, confirmed employment, personnel assignments, transfers, or dismissals.
- K. "USOE" means the Utah State Office of Education.
- L. "Utah Consolidated Application (UCA)" means the web-based grants management tool employed by the Utah State Office of Education by which local education agencies submit plans and budgets for approval of the Utah State Office of Education.

M. "Utah Effective Teaching Standards" means the teaching standards identified and adopted in R277-530.

N. "Utah Educational Leadership Standards" means the standards for educational leadership identified and adopted in R277-530.

O. "Valid and reliable measurement tool(s)" means an instrument that has proved consistent over time and uses non-subjective criteria that require minimal interpretation.

R277-531-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, by Sections 53A-1-402(1)(a)(i) and (ii) which require the Board to establish rules and minimum standards for the qualification and certification of educators and for required school administrative and supervisory services, and Section 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities.

B. The purpose of this rule is to provide a statewide educator evaluation system framework that includes required Board directed expectations and components and additional LEA determined components and procedures to ensure the availability of data about educator effectiveness are available. The process shall focus on the improvement of high quality instruction and improved student achievement. Additionally, the process shall include common data that can be aggregated and disaggregated to inform Board and LEA decisions about retention, preparation, recruitment, improved professional development practices and ensure LEAs engage in a consistent process statewide of educator evaluation.

R277-531-3. Public Educator Evaluation Framework.

A. The Board shall provide a framework that includes five general evaluation system areas and additional discretionary components of an LEA's educator evaluation system.

B. Alignment with Board expectations and standards and required consistency of LEA policies with evaluation process:

(1) An LEA educator evaluation system shall be based on rigorous performance expectations aligned with R277-530.

(2) An LEA evaluation system shall establish and articulate performance expectations individually for all licensed LEA educators.

(3) An LEA evaluation system shall include valid and reliable measurement tools including, at a minimum:

- (a) observations of instructional quality;
- (b) evidence of student growth;
- (c) parent and student input; and
- (d) other indicators as determined by the LEA.

(4) An LEA evaluation system shall provide a summative yearly rating of educator performance using uniform statewide terminology and definitions. An LEA evaluation system shall include summative and formative components.

(5) An LEA evaluation system shall direct the revision or alignment of all related LEA policies, as necessary, to be consistent with the LEA Educator Evaluation System.

C. Valid and reliable tools:

(1) An LEA evaluation system shall use valid, reliable and research-based measurement tool(s) for all educator evaluations. Such measurements:

- (a) employ a variety of measurement tools;

(b) adopt differentiated methodologies for measuring student growth for educators in subject areas for which standardized tests are available and in subject areas for which standardized tests are not available;

(c) provide evaluation for non-instructional licensed educators and administrators;

(2) shall provide for both formative and summative evaluation data;

(3) data gathered from tools may be considered by an LEA to inform decisions about employment and professional development.

D. Discussion, collaboration and protection of confidentiality with educators regarding evaluation process:

(1) An LEA evaluation system shall provide for clear and timely notice to educators of the components, timelines and consequences of the evaluation process.

(2) An LEA evaluation system shall provide for timely discussion with evaluated educators to include professional growth plans as required in R277-501 and evaluation conferences.

(3) An LEA evaluation system shall protect personal data gathered in the evaluation process.

E. Support for instructional improvement:

(1) An LEA evaluation system shall assess professional development needs of educators.

(2) An LEA evaluation system shall identify educators who do not meet expectations for instructional quality and provide support as appropriate at the LEA level which may include providing educators with mentors, coaches, specialists in effective instruction and setting timelines and benchmarks to assist educators toward greater improved instructional effectiveness and student achievement.

F. Records and documentation of required educator evaluation information:

(1) An LEA evaluation system shall include the evaluation of all licensed educators at least once a year.

(2) An LEA evaluation system shall provide at least an annual rating for each licensed educator, including teachers, school administrators and other non-teaching licensed positions, using Board-directed statewide evaluation terminology and definitions.

(3) An LEA evaluation system shall provide for the evaluation of all provisional educators, as defined by the LEA under Section 53A-~~[6-106]8a-405~~, at least twice yearly.

(4) An LEA evaluation system shall include the following specific educator performance criteria:

(a) instructional quality measures to be determined by the LEA;

(b) student growth score to be completely phased in by July 1, 2015; and

(c) other measures as determined by the LEA including data gathered from student/parent input.

(5) the Board shall determine weightings for specific educator performance criteria to be used in the LEA's evaluation system.

(6) An LEA evaluation system shall include a plan for recognizing educators who demonstrate exemplary professional effectiveness, at least in part, by student achievement.

(7) An LEA evaluation system shall identify potential employment consequences, including discipline and termination, if an educator fails to meet performance expectations.

(8) An LEA evaluation system shall include a review or appeals process for an educator to challenge the conclusions of a summative evaluation that provides for adequate and timely due process for the educator consistent with Section 53A-~~[40-106-5]8a-406(2)~~.

G. An LEA may include additional components in an evaluation system.

H. A local board of education shall review and approve an LEA's proposed evaluation system in an open meeting prior to the local board's submission to the Board for review and approval.

R277-531-4. Board Support and Monitoring of LEA Evaluation Systems.

A. The Board shall establish a state evaluation advisory committee to provide ongoing review and support for LEAs as they develop and implement evaluation systems consistent with the law and this Rule. The Committee shall:

(1) analyze LEA evaluation data for purposes of:

(a) reporting;

(b) assessing instructional improvement; and

(c) assessing student achievement.

(2) review required Board evaluation components regularly and evaluate their usefulness in providing a consistent statewide framework for educator evaluation, instructional improvement and commensurate student achievement;

(3) review LEA educator evaluation plans for alignment with Board requirements.

B. The USOE, under supervision of the Board, shall develop a model educator evaluation system that includes performance expectations consistent with this rule.

C. The USOE shall evaluate and recommend tools and measures for use by LEAs as they develop and initiate their local educator evaluation systems.

D. The USOE shall provide professional development and technical support to LEAs to assist in evaluation procedures and to improve educators' ability to make valid and reliable evaluation judgments.

R277-531-5. Implementation.

A. Each LEA shall have an educator evaluation committee in place by October 2011.

B. Each LEA shall design the required evaluation program, including pilot programs as desired.

C. Each LEA shall continue to report educator effectiveness data to the USOE in the UCA.

D. Implementation shall be in place for the 2013-2014 school year.

E. Board directed student growth measures shall be implemented as part of the LEA evaluation system by the 2014-2015 school year.

KEY: educators, evaluations, requirements

Date of Enactment or Last Substantive Amendment: ~~[November 8, 2011]~~2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(a)(i); 53A-1-401(3)

Environmental Quality, Administration
R305-8
Board Member Attendance
Requirements

NOTICE OF PROPOSED RULE

(New Rule)
 DAR FILE NO.: 36775
 FILED: 09/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule will establish board meeting attendance requirements for the Department of Environmental Quality (DEQ) board members. DEQ is required to make this rule under Subsection 19-1-201(1)(d)(i)(A).

SUMMARY OF THE RULE OR CHANGE: This rule will establish board meeting attendance requirements for DEQ board members: members may be excused from the board if they have two unexcused absences during a one-year period, three consecutive absences, or miss more than one third of the board meetings during a one-year period.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-1-201(1)(d)(i)(A)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Any impact on the state budget as a result of this rule will be insignificant. Because individuals appointed to boards may attend more board meetings in order to meet the requirements of this rule, and because some board members have those expenses reimbursed by the Department, board expenses may increase. Any such increase would be managed within existing budgets.

◆ **LOCAL GOVERNMENTS:** There will be no fiscal impact to local government; local governments are not affected in any way by this rule.

◆ **SMALL BUSINESSES:** There will be no fiscal impact to small business; small businesses are not affected in any way by this rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Board members are the only persons affected by this rule, and most board members are reimbursed by DEQ for their expenses associated with attending board meetings. The compliance costs for board members will therefore be insignificant.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Board members are the only persons affected by this rule, and most board members are reimbursed by the Department for their expenses associated with attending board meetings. The compliance costs for board members will therefore be insignificant.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact to businesses; businesses are not affected in any way by this rule.

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:

◆ Laura Lockhart by phone at 801-366-0283, by FAX at 801-366-0292, or by Internet E-mail at llockhart@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/15/2012 03:00 PM, DEQ Board Room, First Floor, 195 N 1950 W, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Amanda Smith, Executive Director

R305. Environmental Quality, Administration.
R305-8. Board Member Attendance Requirements
R305-8-101. Purpose and Authority.

The purpose of this rule is to establish standards for board member attendance at regularly scheduled board meetings. This rule is authorized by Section 19-1-201(1)(d)(i)(A).

R305-8-102. Notification Requirement.

A board member shall notify the board chair of an absence at least two business days prior to the board meeting in order to be excused. A board member who fails to notify the board chair of an absence at least two business days prior to the board meeting shall not be excused.

R305-8-103. Standards for Attendance

(1) In order to effectively execute board duties, board members shall regularly attend board meetings.

(2) A board member shall be deemed to be out of conformity with the requirement to regularly attend board meetings if:

(a) the member has two unexcused absences from a board meeting within a one-year period;

(b) the member misses three consecutive meetings for any reason; or

(c) the member misses one-third of the total number of board meetings in a one year period.

R305-8-104. Remedy for Failure to Meet Standards for Attendance.

(1) If a board member fails to meet standards for attendance, the board chair shall:

- (a) notify the board member in writing; and
 (b) schedule an agenda item for the next board meeting to consider dismissal of the board member.

(2) The board member shall be given an opportunity to address the board at that meeting.

(3) The Board may recommend to the Governor that the member be removed from the board.

KEY: board membership, board attendance, board member dismissal

Date of Enactment or Last Substantive Amendment: 2012

Authorizing, and Implemented or Interpreted Law: 19-1-201(1)(d)(i)(A)

Environmental Quality, Administration **R305-9** Recusal of a Board Member for Conflict of Interest

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36776

FILED: 09/14/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule will establish standards and procedures for addressing Department of Environmental Quality (DEQ) board member potential conflicts of interest. DEQ is required to make this rule under Subsection 19-1-201(1)(d)(i)(B).

SUMMARY OF THE RULE OR CHANGE: This rule will establish standards and procedures for addressing DEQ board member potential conflicts of interest. Board members would be prohibited from participating in a matter before the board if their participation would violate the Utah Public Officers' and Employees' Ethics Act, or if it would violate principles of due process.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-1-201(1)(d)(i)(B)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There will be no impact on the state's budget; the only impact will be on the ability of individual board members to participate in the board's decision-making process.

♦ **LOCAL GOVERNMENTS:** There will be no impact on local government budgets; the only impact will be on the ability of individual board members to participate in the board's decision-making process.

♦ **SMALL BUSINESSES:** There will be no fiscal impact on small businesses; the only impact will be on the ability of individual board members to participate in the board's decision-making process.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There will be no fiscal impact on other persons; the only impact will be on the ability of individual board members to participate in the board's decision-making process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only persons impacted will be individual board members. There will be no compliance costs associated with determinations about their ability to participate in the board's decision-making process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on businesses; the only impact will be on the ability of individual board members to participate in the board's decision-making process.

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:

♦ Laura Lockhart by phone at 801-366-0283, by FAX at 801-366-0292, or by Internet E-mail at llockhart@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 10/15/2012 03:30 PM, DEQ Board Room, First Floor, 195 N 1950 W, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Amanda Smith, Executive Director

R305. Environmental Quality, Administration.

R305-9. Recusal of a Board Member for Conflict of Interest.

R305-9-101. Purpose and Authority.

The purpose of this rule is to establish standards and procedures for addressing potential conflicts of interest. This rule is authorized by Section 19-1-201(1)(d)(i)(B).

R305-9-102. Disclosure of Interest Statements.

Each board member shall provide disclosure of interest statements on forms provided by the Department.

R305-9-103. Recusal.

(1) A board member shall be recused from voting during any board proceeding involving a matter in which the member has a conflict of interest.

(2) A board member may also be recused from participating in the board's discussion of a matter in which the member has a conflict of interest.

R305-9-104. Potential Conflicts of Interest.

A board member has a potential conflict of interest with respect to a matter to be considered by the board if:

(1) the board member's participation is prohibited under Title 67, Chapter 16, the Utah Public Officers' and Employees' Ethics Act; or

(2) the board member's participation may constitute a violation of constitutional due process under the Utah or United States constitutions.

R305-9-105. Procedures.

A board member who has a potential conflict of interest with respect to a matter before the board, as described in R305-9-104, may:

(1) recuse himself or herself from participation in the board's discussion of the matter and from voting with the board on the matter; or

(2) disclose the potential conflict of interest and seek a determination by the board about how to proceed in the matter.

R305-9-106. Decision of the Board.

(1) In making a decision under this rule R305-9, the board shall consider:

(a) the nature of the matter before the board;

(b) the nature of the potential conflict; and

(c) the Legislative intent that the board reflect balanced viewpoints.

(2) The board shall determine:

(a) whether the circumstances constitute a conflict of interest such that the board member shall be recused from voting with the board on the matter; and

(b) if the board member has a conflict of interest, whether the board member shall also be recused from participation in the board's discussion of the matter.

KEY: conflict of interest, board member recusal, recusal

Date of Enactment: 2012

Authorizing, and Implemented or Interpreted Law: 19-1-201(1)(d)(i)(B)

**Environmental Quality, Air Quality
R307-101-2
Definitions**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36723

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As part of the development of the Utah State Implementation Plan for PM2.5, additional definitions need to be added to the Utah Air Quality rules.

SUMMARY OF THE RULE OR CHANGE: Definitions are added for "condensable PM2.5", "filterable PM2.5", and "PM2.5 precursor". The definition for "significant" is amended by adding PM2.5 with a rate of emissions that would equal or exceed 10 tons per year.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This amendment simply adds definitions to the Utah Air Quality rules; therefore, there are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** This amendment simply adds definitions to the Utah Air Quality rules; therefore, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** This amendment simply adds definitions to the Utah Air Quality rules; therefore, there are no anticipated costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment simply adds definitions to the Utah Air Quality rules; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment simply adds definitions to the Utah Air Quality rules; 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 amendment simply adds definitions to the Utah Air Quality rules; therefore, there is no anticipated 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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
- ◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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 PM_{2.5}" 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, NO_x, 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.

"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-NO_x 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.

"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.

KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: [April 5,] 2012

Notice of Continuation: July 2, 2009

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

Environmental Quality, Air Quality R307-110

General Requirements: State Implementation Plan

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 36742

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Air Quality Board has proposed for public comment the repeal and reenactment of the Utah State Implementation Plan Section X Parts A, B, D, and E and to add Part F. As a result, Utah Air Quality Sections R307-110-31, 32, 34, 35, and 36 need to be amended to change the Board adoption date of the most recent version adopted by the Utah Air Quality Board. The rule also needs to be changed in Section R307-110-1 to reflect administrative changes in how the Utah Division of Air Quality will provide the SIP to the public.

SUMMARY OF THE RULE OR CHANGE: Sections R307-110-31, 32, 34, 35, and 36 are amended by changing the date of the last adoption by the Air Quality Board to 12/05/2012. The State Implementation Plan Section X is divided into subparts. Part A reflects the history and some of the general requirements of the I/M programs and Parts B through E provide a more detailed summary of the individual I/M programs. Because much of the same information was duplicated in each of these parts, the division has consolidated the common requirements of each part and placed them into Part A, leaving the more specific requirements in the county specific parts of Section X. In Part A, which is incorporated by reference under Section R307-110-31, several subsections are added to specify recent legislative changes that impacted the I/M programs. One of these changes exempts a motor vehicle that is less than two

years old as of January 1 of any given year from needing an inspection. This proposal adds language to Part A stating that there is reciprocity between county I/M programs. In Part B, which is incorporated by reference under Section R307-110-32, the network type, test frequency, and the testing procedure that Davis County has implemented were updated. In Parts B, D, and E, obsolete language was removed throughout. Parts A, B, C, D, and E of Section X, together with the referenced appendices, continue to demonstrate compliance with the 40 CFR Part 51 provisions for Inspection and Maintenance Program Requirements for Davis, Salt Lake, Utah, and Weber Counties and produce mobile source emission reductions that are sufficient to demonstrate continued maintenance of the applicable CO and 1-hour ozone NAAQS. In addition, the Board is proposing to add a new Part F to Section X that will require an I/M program in Cache County and require the county to provide an implementation schedule to develop and implement the program. This Part will be incorporated by reference under Section R307-110-36. Finally, the board is proposing to amend Section R307-110-1 to change the language related to how the Division of Air Quality provides copies of the SIP to the general public.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(e)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County, published by State of Utah Division of Air Quality, 12/05/2012
- ◆ Updates Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County, published by State of Utah Division of Air Quality, 12/05/2012
- ◆ Updates Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County, published by State of Utah Division of Air Quality, 12/05/2012
- ◆ Updates Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements, published by State of Utah Division of Air Quality, 12/05/2012
- ◆ Adds Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County, published by State of Utah Division of Air Quality, 12/05/2012

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The vehicle inspection and maintenance programs are supervised by affected counties, not the state; therefore, this change does not affect the state budget.
- ◆ **LOCAL GOVERNMENTS:** This change will not affect the budgets of Cache, Weber, Davis, Salt Lake, and Utah Counties because the costs to administer the inspection and maintenance programs are covered by the counties' share of the fees paid by vehicle owners.

◆ **SMALL BUSINESSES:** Owners of vehicles that are less than two years old or newer and are registered in Davis, Weber, or Utah County may save the cost of vehicle emissions inspection. Small businesses in Cache County may have to pay fees related to being part of an inspection and maintenance (I/M) program. However, these costs have not been determined. Cache County has the authority to design its own program which would include how much the fees would be. This will be part of a separate public review process. The Utah Division of Air Quality has recommended that Cache County officials cap the fees at \$15 for 1996 and newer vehicles and \$20 for 1995 and older vehicles and inspection vehicles on biennial basis.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Owners of vehicles that are less than two years old or newer and are registered in Davis, Weber, or Utah County may save the cost of vehicle emissions inspection. Other persons in Cache County may have to pay fees related to being part of an inspection and maintenance (I/M) program. However, these costs have not been determined. Cache County has the authority to design its own program which would include how much the fees would be. This will be part of a separate public review process. UDAQ has recommended that Cache County officials cap the fees at \$15 for 1996 and newer vehicles and \$20 for 1995 and older vehicles and inspection vehicles on biennial basis.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Owners of vehicles that are less than two years old or newer and are registered in Davis, Weber, or Utah County may save the cost of vehicle emissions inspection. Other persons in Cache County may have to pay fees related to being part of an inspection and maintenance (I/M) program. However, these costs have not been determined. Cache County has the authority to design its own program which would include how much the fees would be. This will be part of a separate public review process. UDAQ has recommended that Cache County officials cap the fees at \$15 for 1996 and newer vehicles and \$20 for 1995 and older vehicles and inspection vehicles on biennial basis.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses in Davis, Utah, and Weber County that own vehicles less than two years old may not be required to have an inspection and therefore would be able to save in inspection costs. Businesses in Cache County may have to pay fees related to being part of an inspection and maintenance (I/M) program. However, these costs have not been determined. Cache County has the authority to design its own program which would include how much the fees would be. This will be part of a separate public review process. UDAQ has recommended that Cache County officials cap the fees at \$15 for 1996 and newer vehicles and \$20 for 1995 and older vehicles and inspection vehicles on biennial basis.

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 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan.

R307-110-1. Incorporation by Reference.

To meet requirements of the Federal Clean Air Act, the Utah State Implementation Plan (SIP) must be incorporated by reference into these rules. Copies of the [~~Utah State Implementation Plan~~]SIP are available [~~at the Utah Department of Environmental Quality, Division of Air Quality~~]on the division's website.

R307-110-2. Section I, Legal Authority.

The Utah State Implementation Plan, Section I, Legal Authority, as most recently amended by the Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-3. Section II, Review of New and Modified Air Pollution Sources.

The Utah State Implementation Plan, Section II, Review of New and Modified Air Pollution Sources, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-4. Section III, Source Surveillance.

The Utah State Implementation Plan, Section III, Source Surveillance, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-5. Section IV, Ambient Air Monitoring Program.

The Utah State Implementation Plan, Section IV, Ambient Air Monitoring Program, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-6. Section V, Resources.

The Utah State Implementation Plan, Section V, Resources, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-7. Section VI, Intergovernmental Cooperation.

The Utah State Implementation Plan, Section VI, Intergovernmental Cooperation, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-8. Section VII, Prevention of Air Pollution Emergency Episodes.

The Utah State Implementation Plan, Section VII, Prevention of Air Pollution Emergency Episodes, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-9. Section VIII, Prevention of Significant Deterioration.

The Utah State Implementation Plan, Section VIII, Prevention of Significant Deterioration, as most recently amended by the Utah Air Quality Board on March 8, 2006, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter, as most recently amended by the Utah Air Quality Board on July 6, 2005, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-11. Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide, as most recently amended by the Utah Air Quality Board on January 5, 2005, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide, as most recently amended by the Utah Air Quality Board on November 3, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone, as most recently amended by the Utah Air Quality Board on January 3, 2007, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-14. Section IX, Control Measures for Area and Point Sources, Part E, Nitrogen Dioxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part E, Nitrogen Dioxide, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-15. Section IX, Control Measures for Area and Point Sources, Part F, Lead.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part F, Lead, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-16. (Reserved.)

Reserved.

R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits, as most recently amended by the Utah Air Quality Board on May 4, 2011, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-18. Reserved.

Reserved.

R307-110-19. Section XI, Other Control Measures for Mobile Sources.

The Utah State Implementation Plan, Section XI, Other Control Measures for Mobile Sources, as most recently amended by the Utah Air Quality Board on February 9, 2000, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-20. Section XII, Transportation Conformity Consultation.

The Utah State Implementation Plan, Section XII, Transportation Conformity Consultation, as most recently amended by the Utah Air Quality Board on May 2, 2007, pursuant to 19-2-

104, is hereby incorporated by reference and made a part of these rules.

R307-110-21. Section XIII, Analysis of Plan Impact.

The Utah State Implementation Plan, Section XIII, Analysis of Plan Impact, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-22. Section XIV, Comprehensive Emission Inventory.

The Utah State Implementation Plan, Section XIV, Comprehensive Emission Inventory, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-23. Section XV, Utah Code Title 19, Chapter 2, Air Conservation Act.

Section XV of the Utah State Implementation Plan contains Utah Code Title 19, Chapter 2, Air Conservation Act.

R307-110-24. Section XVI, Public Notification.

The Utah State Implementation Plan, Section XVI, Public Notification, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-25. Section XVII, Visibility Protection.

The Utah State Implementation Plan, Section XVII, Visibility Protection, as most recently amended by the Utah Air Quality Board on March 26, 1993, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-26. R307-110-26 Section XVIII, Demonstration of GEP Stack Height.

The Utah State Implementation Plan, Section XVIII, Demonstration of GEP Stack Height, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-27. Section XIX, Small Business Assistance Program.

The Utah State Implementation Plan, Section XIX, Small Business Assistance Program, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-28. Regional Haze.

The Utah State Implementation Plan, Section XX, Regional Haze, as most recently amended by the Utah Air Quality Board on April 6, 2011, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-29. Section XXI, Diesel Inspection and Maintenance Program.

The Utah State Implementation Plan, Section XXI, Diesel Inspection and Maintenance Program, as most recently amended by

the Utah Air Quality Board on July 12, 1995, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-30. Section XXII, General Conformity.

The Utah State Implementation Plan, Section XXII, General Conformity, as adopted by the Utah Air Quality Board on October 4, 1995, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, as most recently amended by the Utah Air Quality Board on [~~March 31, 2004~~]December 5, 2012, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County, as most recently amended by the Utah Air Quality Board on [~~February 5, 1997~~]December 5, 2012, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-33. Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County, as most recently amended by the Utah Air Quality Board on October 6, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-34. Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County, as most recently amended by the Utah Air Quality Board on [~~March 31, 2004~~]December 5, 2012, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-35. Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County, as most recently amended by the Utah Air Quality Board on [~~November 3, 2004~~]December 5, 2012, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-36. Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County, as most recently adopted by the Utah Air Quality Board on December 5, 2012, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-37. Section XXIII, Interstate Transport.

The Utah State Implementation Plan, Section XXIII, Interstate Transport, as most recently adopted by the Utah Air Quality Board on February 7, 2007, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone

Date of Enactment or Last Substantive Amendment: [~~May 4, 2011~~]2012

Notice of Continuation: February 1, 2012

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

Environmental Quality, Air Quality
R307-110-10
Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 36721

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM2.5 national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet the standard. The Utah Air Quality Board is proposing to expand Section IX, Part A of the State Implementation Plan (SIP) to address PM2.5. The new Section X, Part A of the SIP needs to be incorporated into the Utah Air Quality rules. Section R307-110-10 currently does this.

SUMMARY OF THE RULE OR CHANGE: The amendment changes the date of Section IX, Part A of the SIP most recently adopted by the Air Quality Board that is incorporated into the Utah Air Quality Rules. Section IX, Part A of the SIP is amended to add three sections to address PM2.5 in the Salt Lake City, UT; Logan, UT - ID; and Provo, UT nonattainment areas. The new sections identify PM2.5 control strategies, the impact the control strategies have on PM2.5 concentrations in the nonattainment areas, and the tons per day of volatile organic compounds and primary particulate that will still need to be controlled to attain the standard by 2019.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(e)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds Utah State Implementation Plan Section IX, Control Measures for Area and Point Sources, Part

A, Fine Particulate Matter, published by State of Utah Division of Air Quality, 12/05/2012

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact the state budget.
- ◆ **LOCAL GOVERNMENTS:** No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact local government.
- ◆ **SMALL BUSINESSES:** No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs for affected persons are anticipated with this rule change. No new requirements were created with this rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact 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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
- ◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

**R307-110. General Requirements: State Implementation Plan.
R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter, as most recently amended by the Utah Air Quality Board on ~~July 6, 2005~~ December 5, 2012, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone

Date of Enactment or Last Substantive Amendment: ~~[May 4, 2011]~~ 2012

Notice of Continuation: February 1, 2012

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

**Environmental Quality, Air Quality
R307-110-17
Section IX, Control Measures for Area
and Point Sources, Part H, Emissions
Limits**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36722

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the PM2.5 national ambient air quality standard from 65 to 35 micrograms per cubic meter. On 12/14/2009, the EPA designated the Salt Lake City - UT PM2.5 nonattainment area. Emission control measures associated with the new SIP for PM2.5 need to be incorporated into the Utah Air Quality Rules. The Air Quality Board has proposed to expand Section IX, Part H of the SIP to add emission limitations for PM2.5 and PM2.5 precursors. Section IX, Part H of the SIP is incorporated by reference into the Air Quality rules in Section R307-110-17. This rule amendment will update the incorporation date to include the most recent version of Section IX, Part H, which will include the new emission control measures associated with the new SIP for PM2.5, adopted by the Air Quality Board.

SUMMARY OF THE RULE OR CHANGE: This amendment changes the date of Section IX, Part H most recently adopted by the Air Quality Board. Section IX, Part H is being

amended by adding sections that address the requirement of the Clean Air Act to include emission limitations, control measures, and schedules for certain large stationary sources in the State Implementation Plan for PM2.5.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(e)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Utah State Implementation Plan Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits, published by State of Utah Division of Air Quality, 12/05/2012

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact the state budget.
- ◆ LOCAL GOVERNMENTS: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact local government.
- ◆ SMALL BUSINESSES: No cost or savings are anticipated with this rule change. No new requirements were created with this rule change that impacted small businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No cost or savings are anticipated with this rule change. No new requirements were created with this rule change that impacted persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are anticipated with this rule change. No new requirements were created with this rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No costs are anticipated with this rule change. No new requirements were created with this rule change.

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
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- ◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
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- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan. R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits, as most recently amended by the Utah Air Quality Board on [~~May 4, 2011~~] December 5, 2012, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone

Date of Enactment or Last Substantive Amendment: [~~May 4, 2011~~] 2012

Notice of Continuation: February 1, 2012

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

Environmental Quality, Air Quality **R307-307** Davis, Salt Lake, and Utah Counties: Road Salting and Sanding

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36741

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour national ambient air quality standard for PM2.5 from 65 to 35 micrograms per cubic meter. As a result, seven Utah counties no longer meet the standard. Road salting and sanding operations contribute to particulate matter emissions. To avoid these emissions, the applicability of this rule is being expanded to include the entire PM2.5 nonattainment area.

SUMMARY OF THE RULE OR CHANGE: The applicability of this rule is expanded to include all persons who apply salt, crushed slag, or sand to roads in 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. Any salt applied to roads in all these areas must be at least 92% sodium chloride.

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The changes to this rule do not create any new requirements for the state; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** The majority of cities that apply salt to roads are already using salt with a sodium chloride (NaCl) content of 92% or greater. Also, prices of salt with a NaCl content of 92% or greater are competitive with salts with a lower NaCl content. Therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** Most small businesses that apply salt to roads are already using salt with a sodium chloride (NaCl) content of 92% or greater. Also, prices of salt with a NaCl content of 92% or greater are competitive with salts with a lower NaCl content. Therefore, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Most people who apply salt to roads are already using salt with a sodium chloride (NaCl) content of 92% or greater. Also, prices of salt with a NaCl content of 92% or greater are competitive with salts with a lower NaCl content. Therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Most people applying salts to roads are already using salt with a sodium chloride (NaCl) content of 92% or greater. Also, prices of salt with a NaCl content of 92% or greater are competitive with salts with a lower NaCl content. 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 sodium chloride (NaCl) content of 92% or greater. Also, prices of salt with a NaCl content of 92% or greater are competitive with salts with a lower NaCl content; and any cost associated with the record keeping requirements of the rule are expected to 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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
- ◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-307. [~~Davis, Salt Lake, and Utah Counties~~]-Road Salting and Sanding.

R307-307-1. Applicability.

R307-307 applies to all persons who apply salt, crushed slag, or sand to roads in 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-~~1~~2. Records.

~~(1) Any person [who applies salt, crushed slag, or sand to roads in Salt Lake, Davis or Utah Counties]~~ shall maintain records of the material applied.

~~(a) For salt, the records shall include the quantity applied, the percent weight of insoluble solids in the salt, and the percentage of the material that is sodium chloride.~~

~~(b) For sand 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 designated representative upon request.~~

R307-307-[2]3. Content.

(1) After October 1, 1993, any salt applied to roads in Salt Lake, Davis, or Utah Counties must be at least 92% sodium chloride (NaCl).

(2) After January 1, 2014, any salt applied to roads in all other areas specified in R307-307-1 must be at least 92% NaCl.

R307-307-[3]4. Alternatives.

(1) After October 1, 1993, any person who applies crushed slag, sand, or salt that is less than 92% sodium chloride (NaCl) to roads in Salt Lake, Davis, or Utah Counties must either:

(a) demonstrate to the director that the material applied has no more PM10 emissions than salt which is at least 92% [sodium chloride]NaCl; or

(b) vacuum sweep every arterial roadway (principle 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 crushed slag, sand, or salt that is less than 92% NaCl to roads in all other areas specified in R307-307-1 shall comply with the requirements of either R307-307-4(1)(a) or (b).

([2]3) In the interest of public safety, any person who applies crushed slag [and] or sand to arterial roadways because salt alone would not ensure safe driving conditions due to steepness of grade, extreme weather, or other reasons, may petition the [Board]director for a variance from the sweeping requirements in R307-307-4(1)(b)[above]. Specifically excluded from these sweeping requirements are all canyon roads and the portion of Interstate 15 near Point of the Mountain.

KEY: air pollution, roads, particulate

Date of Enactment or Last Substantive Amendment: 2012

Notice of Continuation: June 2, 2010

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

Environmental Quality, Air Quality
R307-311
 Emission Standards for PM2.5
 Nonattainment Areas

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36724

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour national ambient air quality standard for PM2.5 from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties do not meet the standard. This rule as part of Utah's PM2.5 State Implementation Plan establishes emission standards to meet the reasonably available control measures required in section 172(c)(1) of the Clean Air Act.

SUMMARY OF THE RULE OR CHANGE: This rule applies to any source listed in Section IX, Part H.11 of the State Implementation Plan and to sources in the PM2.5 nonattainment area. The rule expands to the PM2.5 nonattainment area the visible emission requirements for PM10 nonattainment areas that are currently established in Section R307-305-3.

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

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds R307-305-3, published by Utah Division of Administrative Rules, 09/02/2005

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There will be costs to administer this rule; however, those costs are not expected to affect the state budget. Therefore, there are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** There are no requirements in this rule that affect local government; therefore, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** Sources that are unable to meet the emission standards established in this rule will have to take action to meet them. There are several control strategies a source can choose to implement to meet the standard; therefore, it is difficult to estimate the anticipated additional costs to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to the owner or operator of any source that is listed in Section IX, Part H.11 of the State Implementation Plan or located in a PM2.5 nonattainment area. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Sources that are unable to meet the emission standards established in this rule will have to take action to meet them. There are several control strategies a source can choose to implement to meet the standard; therefore, it is difficult to estimate the anticipated additional costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Sources that are unable to meet the emission standards established in this rule will have to take action to meet them.

There are several control strategies a source can choose to implement to meet the standard; therefore, it is difficult to estimate the fiscal impact the rule may have 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

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♦ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
♦ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
♦ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-311. Emission Standards for PM2.5 Nonattainment Areas.

R307-311-1. Purpose.

This rule establishes emission standards and work practices for sources located in PM2.5 nonattainment areas to meet the reasonably available control measures requirement in section 172(c)(1) of the Act as expeditiously as practicable.

R307-311-2. Applicability.

The requirements of R307-311 apply to the owner or operator of any source that is listed in Section IX, Part H.11 of the state implementation plan or located in a PM2.5 nonattainment area.

R307-311-3. Visible Emissions.

The visible emissions requirements for PM10 nonattainment areas established in R307-305-3 shall also apply in nonattainment areas for PM2.5.

R307-311-4. Particulate Emission Limitations and Operating Parameters (PM2.5).

Any source with emission limits included in Section IX, Part H.11 of the Utah State Implementation Plan (SIP) shall comply with those emission limitations and operating parameters. Specific limitations will be set by the director, through an approval order issued under R307-401, for installations within a source that do not have limitations specified in the SIP.

R307-311-5. Compliance Testing (PM2.5).

Compliance testing for PM2.5, sulfur dioxide, and oxides of nitrogen emission limitations shall be done in accordance with Section IX, Part H.11 of the State Implementation Plan.

R307-311-6. Automobile Emission Control Devices.

Any person owning or operating any motor vehicle or motor vehicle engine registered in the State of Utah on which is installed or incorporated a system or device for the control of crankcase emissions or exhaust emissions in compliance with the federal motor vehicle rules, shall maintain the system or device in operable condition and shall use it at all times that the motor vehicle or motor vehicle engine is operated. No person shall remove or make inoperable within the State of Utah the system or device or any part thereof, except for the purpose of installing another system or device, or part thereof, which is equally or more effective in reducing emissions from the vehicle to the atmosphere.

KEY: air pollution, particulate matter, PM 2.5

Date of Enactment or Last Substantive Amendment: 2012

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

Environmental Quality, Air Quality
R307-312
Aggregate Processing Operations for
PM2.5 Nonattainment Areas

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36740

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, the EPA tightened the PM2.5 national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet the new standard. As part of the PM2.5 State Implementation Plan, a Reasonably Available Control Technology (RACT) analysis is required for all point sources within the PM2.5 nonattainment area. Aggregate processing

operations were identified as a source of direct particulate emissions; therefore, the Division of Air Quality began working with the Association of General Contractors in October 2011 to evaluate the efficiency and cost effectiveness of different controls for the aggregate processing industry. This rule addresses controls for non-fugitive sources, including aggregate processing equipment, concrete batch plants, and hot mix asphalt plants.

SUMMARY OF THE RULE OR CHANGE: The rule establishes opacity limits for aggregate processing equipment as follows: all crushers will be required to meet an opacity limit of 12%; all screens will be required to meet an opacity limit of 7%; and all conveyor transfer points will be required to meet an opacity limit of 7%. Concrete batch plant opacity limits are established at 7% opacity. The filterable PM2.5 emission limit from a hot mix asphalt plant dryer is 0.024 grains per dscf. From November 1 to March 1, the production of material at hot mix asphalt plants is restricted to 50% of the plant's rated capacity during the times that facilities are using a fuel other than natural gas or liquified petroleum gas.

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 60.671, published by United States Government Printing Office, July 1, 2011
- ◆ Adds 40 CFR 51, Appendix M, published by Government Printing Office, July 1, 2011

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Any additional costs to administer this rule at the Division of Air Quality are expected to be minimal; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This rule does not create any new requirements for local government; therefore there are no anticipated costs or savings.
- ◆ **SMALL BUSINESSES:** Sources that are unable to meet the emission standards established in this rule will have to take action to meet them. There are several control strategies a source can choose to implement to meet the standard; therefore, it is difficult to estimate the anticipated additional costs to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to all crushers, screens, conveyors, hot mix asphalt plants, and concrete batch plants. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Sources that are unable to meet the emission standards established in this rule will have to take action to meet them. There are several control strategies a source can choose to implement to meet the standard; therefore, it is difficult to estimate the anticipated additional costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Sources that are unable to meet the emission standards established in this rule will have to take action to meet them. There are several control strategies a source can choose to implement to meet the standard; therefore, it is difficult to estimate the anticipated additional costs this rule may have 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

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- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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 Box Elder, Cache, 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:

"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 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 | 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.

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. 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.

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

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2-109

**Environmental Quality, Air Quality
R307-334
Emissions Standards: Industrial
Baking Ovens**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36739

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM2.5 national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Industrial baking ovens emit volatile organic compounds (VOCs), which are precursors to the formation of PM2.5. This rule for the PM2.5 state implementation plan will lower VOCs that are emitted from industrial baking ovens by requiring them to implement control measures.

SUMMARY OF THE RULE OR CHANGE: This rule requires owners and operators of industrial baking ovens that process yeast leavened products, have a combined rated heat input capacity equal to or greater than three million BTU per hour, and that have 25 tons per year of VOC emissions to use a control system that reduces VOC emissions by 90% or more. Owners and operators are also required to maintain records for a minimum of two years that the control system is being operated and maintained in accordance with the manufacturer recommendations and is meeting the continuous emission reduction of 90%. The estimated cost on sources to comply with this rule varies with EPA estimating the cost to be \$2,740 per ton of VOCs removed while industry reporting the cost would be somewhere around \$9,735 per ton of VOCs removed. That is why during the public comment period, the division is asking for cost information from industry. The Division of Air Quality staff will evaluate cost information received during the comment period and make a recommendation to the Board.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There may be a slight increase in administrative costs to enforce this rule; however, costs will be minimal and will not result in increased costs to the state budget.

- ◆ LOCAL GOVERNMENTS: Because this rule does not introduce any requirements on local governments, there are no anticipated costs or savings to local government.
- ◆ SMALL BUSINESSES: The sources in Utah that this rule applies to are businesses that employ more than 50 persons. Therefore, there are no anticipated costs or savings to small businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule applies to businesses that operate industrial industrial baking ovens. Therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS:
Between \$2,740 and \$9,735 per ton of VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses that this rule applies to will be required to implement a control system to reduce VOC emissions by 90%. This is estimated to cost between \$2,740 and \$9,735 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

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◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-334. Emissions Standards: Industrial Baking Ovens.

R307-334-1. Purpose.

The purpose of R307-334 is to limit volatile organic compound (VOC) emissions from baking ovens that process yeast leavened products.

R307-334-2. Applicability.

R307-334 applies to baking ovens that process yeast leavened products, that have a combined rated heat input capacity equal to or greater than three million BTU per hour, have 25 tons per year or greater of VOC emissions, and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.

R307-334-3. Definitions.

"Baking oven" means an oven which bakes yeast leavened products, including, but not limited to, bread, buns, rolls and pizza dough.

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

"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, catalytic oxidizers, incinerators, carbon adsorbers, and condensers.

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

R307-334-4. Emission Standard.

Beginning January 1, 2014, each source subject to R307-334 shall use a control system that reduces VOC emissions by 90% or more.

R307-334-5. Control Systems Operations.

(1) The owner or operator shall provide certification from the manufacturer that the emission control system will attain required efficiency performance.

(2) Emission control systems shall be operated and maintained in accordance with the manufacturer recommendations in order to maintain continuous emission reduction of 90%.

(3) Multiple ovens may be ducted through a single control system.

R307-334-6. Recordkeeping.

(1) The owner or operator shall maintain records to demonstrate that the control system is being operated and maintained in accordance with the manufacturer recommendations and meeting the continuous emission reduction of 90%.

(2) Records shall be maintained for a minimum of two years from the date recorded and shall be made available to the director or his representative upon request.

KEY: air pollution, yeast, VOC, baking ovens

Date of Enactment or Last Substantive Amendment: 2012

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

Environmental Quality, Air Quality
R307-340
Ozone Nonattainment and
Maintenance Areas: Surface Coating
Processes

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 36725

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM2.5 national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Because the coatings industries regulated in this rule emit volatile organic compounds, which are precursors to the formation of PM2.5, DAQ staff wanted to expand the applicability of this rule to include the seven counties that do not meet the new 24-hour standard. While looking into amending this rule to expand applicability, add new requirements to new coatings industries and while attempting to clarify regulatory requirements for coating industries it became evident that repealing this rule and writing new rules for each individual industry would be preferable to attempting to amend this rule.

SUMMARY OF THE RULE OR CHANGE: The rule is repealed in its entirety. The Air Quality Board has proposed for public comment several individual coatings rules to take its place. (DAR NOTE: The proposed new Rule R307-344 is under DAR No. 36726, the proposed new Rule R307-345 is under DAR No. 36727, the proposed new Rule R307-346 is under DAR No. 36728, the proposed new Rule R307-347 is under DAR No. 36729, the proposed new Rule R307-348 is under DAR No. 36730, the proposed new Rule R307-349 is under DAR No. 36731, the proposed new Rule R307-350 is under DAR No. 36732, and the proposed new Rule R307-351 is under DAR No. 36733 in this issue, October 1, 2012, of the Bulletin.)

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The majority of the requirements of this rule are being included in individual coatings rules that have been proposed for public comment. Therefore, there are no anticipated costs or savings to the state budget.
 ◆ **LOCAL GOVERNMENTS:** The majority of the requirements of this rule are being included in individual coatings rules that have been proposed for public comment. Therefore, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** The majority of the requirements of this rule are being included in individual coatings rules that have been proposed for public comment. Therefore, there are no anticipated costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The majority of the requirements of this rule are being included in individual coatings rules that have been proposed for public comment. 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 majority of the requirements of this rule are being included in individual coatings rules that have been proposed for public comment. 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: The majority of the requirements of this rule are being included in individual coatings rules that have been proposed for public comment. Therefore, the repeal of this rule has no anticipated 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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT

◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT

◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.**[R307-340. ~~Ozone Nonattainment and Maintenance Areas: Surface Coating Processes.~~****R307-340-1. Purpose.**

~~The purpose of this rule is to establish Reasonably Available Control Technology (RACT) for surface coating operations that are located in an ozone nonattainment or maintenance area. This rule is based on federal control technique guidance documents.~~

R307-340-2. Applicability.

~~R307-340 applies to the owner or operator who applies surface coating of paper, fabric, vinyl, metal furniture, large appliance, magnet wire, flat wood, miscellaneous metal parts and products, and graphic arts in any ozone nonattainment or maintenance area.~~

R307-340-3. Definitions.

~~The following additional definitions apply to R307-340:~~

~~"Air Dried Coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 90 degrees C (194 degrees F):~~

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

~~"Basecoat" means a primary flat wood coating or coloring of panels and normally should completely hide substrate characteristics.~~

~~"Capture System" means the equipment (including hoods, ducts, fans, etc.) used to contain, capture, or transport a pollutant to a control device.~~

~~"Class II Hard Board Paneling Finish" means finishes that meet the specifications of voluntary product standards PS-9-73 as approved by the American National Standards Institute.~~

~~"Clear Coat" means a coating that lacks color and opacity.~~

~~"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, but 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.~~

~~"Curtain Coating" means the application of a coating material to a wood substrate by means of a free-falling film of coating.~~

~~"Exterior Single Coat" means the same as topcoat but is applied directly to the metal substrate omitting the primer application.~~

~~"Extreme Performance Coatings" means coatings designed for harsh exposure or extreme environmental conditions.~~

~~"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.~~

~~"Filler" means a type of coating used to fill pores, voids, and cracks in wood to provide a smooth surface. It can also be used to accentuate the grain of natural hardwood veneers.~~

~~"Flat Wood Coating" means the surface coating of any flat wood products.~~

~~"Flexographic Printing" means the application of works, 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.~~

~~"Groove Coat" means a flat wood coating that covers grooves cut into the panel to assure that the grooves are compatible with the final surface color.~~

~~"Hardwood Plywood" means plywood whose surface layer is a veneer of hardwood.~~

~~"Ink" means a flat wood coating used to put a decorative design on printed panels. It can also produce special appearances on natural hardwood plywood.~~

~~"Interior Single Coat" means a single film of coating applied to internal parts of large appliances that are not normally visible to the user.~~

~~"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.~~

~~"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.~~

~~"Low Organic Solvent Coating" means coatings that contain less organic solvents than the conventional coatings used by industry. Low organic solvent coatings include water-borne, higher-solids, electrodeposition, and powder coatings.~~

~~"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.~~

~~"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.~~

~~"Natural Finish Hardwood Plywood Panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.~~

~~"Packaging Rotogravure Printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels.~~

~~"Paper Coating" means uniform distribution of coatings put on paper 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. (Saturation means dipping the web into a bath).~~

~~"Particle Board" means a manufactured board made of individual particles that have been coated with a binder and formed into flat sheets by pressure.~~

~~"Pressure Head Coating" means the application of a coating material to a wood substrate by means of a pressure head coater where coating material is metered into a pressure head and forced through a calibrated slit between two knives.~~

~~"Prime Coat" means the first film of coating applied in a two-coat operation.~~

~~"Primer" means a flat wood coating used to protect the wood from moisture and to provide a good surface for further coating applications.~~

"Printed Interior Panels" means panels whose grain or natural surface is obscured by fillers or basecoats upon which a simulated grain or decorative pattern is printed.

"Publication of 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.

"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 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.

"Sealer" means a type of coating used to seal off substances in the wood that may affect subsequent finishes as well as protect the wood from moisture.

"Single Coat" means a single film of coating applied directly to the metal substrate omitting the primer application.

"Specialty Printing Operations" means all gravure and flexographic operations that print a design or image, excluding publication gravure and packaging gravure printing. Specialty printing operations include, among other things, printing on paper cups and plates, patterned gift wrap, wallpaper, and floor coverings.

"Stain" means a nonprotective flat wood coating that colors the wood surface without obscuring the grain.

"Tile Board" means paneling that has a colored waterproof surface coating.

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

R307-340-4. General Provisions for Volatile Organic Compounds:

(1) Fugitive emissions. Control techniques and work practices are to be implemented at all times to reduce volatile organic compound (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 cleanup; and
- (d) proper disposal of dirty cleanup solvent.

(2) Record keeping and reporting.

(a) The owner or operator of any source subject to R307-340 shall maintain:

- (i) Records detailing all malfunctions affecting control equipment;
- (ii) Records of all testing conducted under R307-340-15;
- (iii) Records of all monitoring conducted under R307-340-15; and
- (iv) Records of the daily use of all paints, stains, lacquers, solvents, and other materials that may be a source of VOC emissions.

(v) The recording format shall, at a minimum, follow the guidance in EPA-340/1-88-003, "Recordkeeping Guidance Document for Surface Coating Operations and the Graphic Arts Industry", or the most recent EPA guidance, and shall contain all information necessary to determine compliance with emissions limits on a daily basis.

(b) The owner or operator shall:

(i) Install, operate, and maintain process or control equipment, or both; monitoring instruments or procedures, as necessary to comply with (2)(a) above; and

(ii) Maintain, in writing, data or reports, or both, relating to monitoring instruments or procedures to document, upon review, the compliance status of the VOC emission source or control equipment.

(c) Copies of all records and reports required by (2)(a) and (b) above shall be retained by the owner or operator for a minimum of two years after the date on which the record was made, and shall be made available to the executive secretary or representative upon verbal or written request.

(d) If add-on control equipment is used, in addition to the requirements of R307-340-15(5), the following information, as determined applicable for each source by the executive secretary, shall be monitored and recorded daily in order to assure continuous compliance. The substitution of continuous recordings of system operation for daily recordings may be allowed by the executive secretary. The required information pertains to the following systems:

(i) capture systems: fan power use, duct flow, and duct pressure.

(ii) carbon absorbers systems: bed temperature, bed vacuum pressure, pressure at the vacuum pump, accumulated time of operation, concentration of VOCs in the outlet gas, and solvent recovery.

(iii) refrigeration systems: compressor discharge and suction pressures, condenser fluid temperature, and solvent recovery.

(iv) incinerator systems: exhaust gas temperature, temperature rise across a catalytic incinerator bed, flame temperature, and accumulated time of incineration.

(3) Malfunctions, Breakdowns, and Upsets. The owner or operator of a surface coating installation shall maintain a record of malfunctions, breakdowns, and upsets that result in excess VOC emissions. The record shall be kept for a calendar year and shall be submitted to the executive secretary by April 1 of the following year.

(4) Disposal of waste solvents. Waste solvents or waste materials that contain solvents shall be disposed of by recycling, reclaiming or by incineration in an incinerator approved to process hazardous materials or by an alternate means approved by the executive secretary.

(5) Compliance Calculation Procedures.

(a) Compliance with R307-340 shall be determined on a daily basis. Sources may request approval for longer times for compliance determination from the executive secretary.

(b) Compliance calculation procedures shall follow the guidance of "Procedures for Certifying Quantity of VOCs Emitted by Paint, Ink, and other Coatings," EPA-450/3-84-019, or the most recent EPA guidance. Sources that use add-on controls, or an approved alternative strategy instead of low solvent technology to

meet the applicable emission limit, shall meet the equivalent VOCs emission limit on the basis of solids applied (lbs. VOCs/gallon solids applied, or lbs. VOCs/lb. solids applied, for graphic arts sources):

R307-340-5. Paper Coating.

(1) R307-340-5 applies to roll, knife rotogravure coaters and drying ovens of paper coating operations.

(2) No owner or operator of a paper coating operation subject to R307-340-5 may cause, allow or permit the discharge into the atmosphere of any VOC in excess of 0.35 kilograms per liter of coating (2.9 pounds per gallon), excluding water and solvents exempt from the definition of VOC, delivered to the coating application from a paper coating operation.

(3) Equivalency calculations for coatings should be performed in units of lbs. VOCs/gallon of solid rather than lbs. VOC/gallon of coating when determining compliance. The equivalent emission limit is 4.8 lbs. VOC/gallon of solid.

(4) The emission limit specified above shall be achieved by:

(a) The application of a low solvent technology coating; or

(b) Incineration, provided that a minimum of 90 percent of non-methane VOCs (VOCs measured as total combustible carbon) that enter the incinerator are oxidized to carbon dioxide and water; or

(c) Through carbon adsorption provided that there is a minimum of 90% reduction efficiency of captured VOC emissions.

(5) The design, operation, and efficiency of any capture system used in conjunction with (4) above shall be certified in writing by the owner or operator and approved by the executive secretary.

R307-340-6. Fabric and Vinyl Coating.

(1) R307-340-6 applies to roll, knife or rotogravure coaters and drying ovens of fabric and vinyl coating operations.

(2) No owner or operator of a fabric or vinyl coating line subject to this section may cause, allow or permit the discharge into the atmosphere of any VOCs in excess of:

(a) 0.35 kilograms per liter of coating (2.9 pounds per gallon), excluding water and solvents exempt from the definition of VOC, delivered to the coating applicator from a fabric coating line; or

(b) 0.45 kilograms per liter of coating (3.8 pounds per gallon), excluding water and solvents exempt from the definition of VOC, delivered to the coating applicator from a vinyl coating line.

(3) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon of solids rather than lbs. VOCs/gallon of coating when determining compliance. The equivalent emission limits shall be 4.8 lbs VOCs/gallon solids for fabric coating, and 7.9 lbs VOCs/gallon for vinyl coating.

(4) Organosol and plastisol coatings shall not be used to bubble emissions from vinyl printing and topcoating.

(5) The emission limitations specified above shall be achieved by:

(a) The application of a low solvent content coating technology; or

(b) Incineration, provided that a minimum of 90 percent of the non-methane VOCs (VOCs measured as total combustible

carbon) that enter the incinerator are oxidized to carbon dioxide and water; or

(c) Through carbon adsorption provided that there is a minimum of 90 percent reduction efficiency of captured VOC emissions.

(6) The design, operation, and efficiency of any capture system used in conjunction with (5) above shall be certified in writing by the owner or operator and approved by the executive secretary.

R307-340-7. Metal Furniture Coating VOC Emissions.

(1) R307-340-7 applies to the application areas, flash-off areas, and ovens of metal furniture coating lines involved in prime and top coat or single coat operations.

(2) No owner or operator of a metal furniture coating line subject to this section may cause, allow or permit the discharge into the atmosphere of any VOC in excess of 0.3 kilograms per liter of coating (3.0 pounds per gallon) excluding water and solvents exempt from the definition of VOC, delivered to the coating applicator from prime and topcoat or single coat operations.

(3) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon of solid rather than lbs. VOCs/gallon of coating when determining compliance. The equivalent emission limit is 5.1 lbs. VOCs/gallon solids.

(4) The emission limitation specified above shall be achieved by:

(a) The application of low solvent technology; or

(b) Incineration, provided that a minimum of 90 percent of the non-methane VOCs (VOCs measured as total combustible carbon) that enter the incinerator are oxidized to carbon dioxide and water; or

(c) using water-borne electrodeposition; or

(d) using water-borne spray, dip or flowcoat; or

(e) using powder; or

(f) using higher solids spray; or

(g) carbon adsorption.

(5) The design, operation, and efficiency of any capture system used in conjunction with (4) above shall be certified in writing by the owner or operator and approved by the executive secretary.

R307-340-8. Large Appliance Surface Coating VOC Emissions.

(1) R307-340-8 applies to application areas flash-off areas and ovens of large appliance coating lines involved in prime, single or top coating operations.

(2) No owner or operator of a large appliance coating line subject to this section may cause, allow or permit the discharge to the atmosphere of any VOCs in excess of 0.34 kilograms per liter of coating (2.8 pounds per gallon), excluding water and solvents exempt from the definition of VOC, delivered to the coating applicator from prime, single, or top coat coating operations.

(3) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon of solid rather than lbs. VOCs/gallon of coating when determining compliance. The equivalent emission limit is 4.5 lbs. VOCs/gallon solids.

(4) The emission limitations specified above shall be achieved by:

(a) The application of low solvent content technology; or

- ~~_____ (b) Incineration provided 90 percent of the non-methane VOCs (VOCs measured as total combustible carbon) that enter the incinerator are oxidized to carbon dioxide and water; or~~
- ~~_____ (c) using water-borne electrodeposition; or~~
- ~~_____ (d) using water-borne spray, dip or flowcoat; or~~
- ~~_____ (e) using powder; or~~
- ~~_____ (f) using higher solids spray; or~~
- ~~_____ (g) carbon adsorption.~~
- ~~_____ (5) The design, operation, and efficiency of any capture system used in conjunction with (4) above shall be certified in writing by the owner or operator.~~

R307-340-9. Magnet Wire Coating VOC Emissions.

- ~~_____ (1) R307-340-9 applies to ovens of magnet wire coating operations.~~
- ~~_____ (2) No owner or operator of a magnet wire coating oven subject to this section may cause, allow or permit discharge into the atmosphere of any VOCs in excess of 0.20 kilograms per liter of coating (1.7 pounds per gallon), excluding water and solvents exempt from the definition of VOC, delivered to the coating applicator from magnet wire coating operations.~~
- ~~_____ (3) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon of solid rather than lbs. VOCs/gallon of coating when determining compliance. The equivalent emission limit is 2.2 lbs. VOCs/gallon solids.~~
- ~~_____ (4) The emission limitations specified above shall be achieved by:~~
 - ~~_____ (a) The application of low solvent content coating technology; or~~
 - ~~_____ (b) Incineration, provided that a minimum of 90 percent of the non-methane VOCs (VOCs measured as total combustible carbon) that enter the incinerator are oxidized to carbon dioxide and water; or~~
 - ~~_____ (5) The design, operation, and efficiency of any capture system used in conjunction with (4)(b) above shall be certified in writing by the owner or operator and approved by the executive secretary.~~

R307-340-10. Flat Wood Coating.

- ~~_____ (1) R307-340-10 applies to the application areas of flat wood coating operations involved in but not limited to, filler, sealer, groove coat, primer, stain, basecoat, inks, and topecoat operations.~~
- ~~_____ (2) No owner or operator of an interior printed hardwood, plywood, and particle board coating operation may cause, allow or permit discharge to the atmosphere of any VOCs in excess of a weighted average VOC content of 0.20 kilograms per liter of coating (1.7 pounds per gallon), excluding water and solvents exempt from the definition of VOC, delivered to a coating applicator from, but not limited to, filler, sealer, groove coat, primer, stain, basecoat, ink and topecoat operation.~~
- ~~_____ (3) No owner or operator of a natural finish hardwood plywood coating operation may cause, allow or permit discharge to the atmosphere any VOCs in excess of a weighted average VOC content of 0.40 kilograms per liter of coating (3.3 pounds per gallon) excluding water and solvents exempt from the definition of VOC, delivered to a coating applicator from, but not limited to, filler, sealer, groove coat, primer, stain basecoat, ink and topecoat operations.~~

- ~~_____ (4) No owner or operator of a Class II hardwood panel finish operation may cause, allow, or permit discharge to the atmosphere of any VOCs in excess of a weighted average VOC content of 0.34 kilograms per liter of coating (2.8 pounds per gallon), excluding water and solvents exempt from the definition of VOC, delivered to a coating applicator from, but not limited to, filler, sealer, groove coat, primer, stain, basecoat, ink, and topecoat operations.~~
- ~~_____ (5) The emission limitations specified above shall be achieved by:~~
 - ~~_____ (a) The application of low solvent technology; or~~
 - ~~_____ (b) The application of water-borne coating technology; or~~
 - ~~_____ (c) The application of ultraviolet curable coating technology; or~~
 - ~~_____ (6) This regulation does not apply to the manufacture of exterior siding, tile board, or particle board used as a furniture component.~~
 - ~~_____ (7) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon of solid rather than lbs. VOCs/gallon of coating when determining compliance. The equivalent emission limit for interior printed hardwood, plywood, and particle board coating is 2.2 lbs. VOCs/gallon solids. The equivalent emission limit for natural finish hardwood plywood coating shall be 6.0 lbs. VOCs/gallon solids. The equivalent emission limit for Class II hardwood panel finish operations is 4.5 lbs. VOCs/gallon solids.~~

R307-340-11. Miscellaneous Metal Parts and Products VOC Emissions.

- ~~_____ (1) R307-340-11 applies to the application areas, flash-off areas air and forced air dryers, and ovens used in the surface coating of miscellaneous metal parts and products:~~
 - ~~_____ (2) Applicable Industries:~~
 - ~~_____ (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.)~~
 - ~~_____ (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).~~
 - ~~_____ (h) This regulation does not apply to:~~
 - ~~_____ (i) the surface coating of automobiles and light-duty trucks;~~
 - ~~_____ (ii) flat metal sheets and strips in the form of rolls or coils;~~
 - ~~_____ (iii) exterior of airplanes;~~

~~(iv) automobile refinishing;~~
~~(v) exterior of marine vessels;~~
~~(vi) customized top coating of automobiles and trucks if production is less than 35 vehicles per day;~~
~~(vii) a source whose potential VOC emissions are less than 10 tons/year. Potential emissions are based upon design capacity (or maximum production), and 8760 hours/year, before add-on controls. The potential emission level is determined on a plant-wide basis, summing all individual emission sources within the miscellaneous metal parts and products category.~~

~~(3) No owner or operator of a facility engaged in the surface coating of miscellaneous metal parts and products may cause, allow or permit discharge to the atmosphere of any VOCs in excess of:~~

~~(a) 0.52 kilograms per liter (4.3 pounds per gallon) of coating, excluding water and solvents exempt from the definition of VOC, delivered to a coating applicator that applies clear coating;~~

~~(b) 0.42 kilograms per liter (3.5 pounds per gallon) of coating, excluding water and solvents exempt from the definition of VOC, delivered to a coating applicator in a coating application system that utilizes air or forced warm air at temperatures up to 90 degrees C (194 degrees F);~~

~~(c) 0.42 kilograms per liter (3.5 pounds per gallon) of coating, excluding water and solvents exempt from the definition of VOC, delivered to a coating applicator that applies extreme performance coatings;~~

~~(d) 0.36 kilograms per liter (3.0 pounds per gallon) of coating, excluding water and solvents exempt from the definition of VOC, delivered to a coating applicator for all other coating and coating application systems.~~

~~(4) Equivalency calculations for coatings shall be performed in units of lbs. VOCs/gallon of solid rather than lbs. VOCs/gallon of coating when determining compliance. The equivalent emission limit for air dried items is 6.7 lbs. VOCs/gallon solids. The equivalent emission limit for clear-coated items is 10.3 lbs. VOCs/gallon solids. The equivalent emission limit for extreme performance coatings is 6.7 lbs. VOCs/gallon solids. The equivalent emission limit for other coatings and systems is 5.1 lbs. VOCs/gallon solids.~~

~~(5) If more than one emission limitation indicated in this section applies to a specific coating, then the least 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 R307-340-11(3), unless the solvent is directed into containers that prevent evaporation into the atmosphere.~~

~~(6) The emission limitations set forth in (3) above shall be achieved by:~~

~~(a) The application of low solvent technology; or~~

~~(b) An incineration system that oxidizes a minimum of 90 percent of the non-methane VOCs (VOCs measured as total combustible carbon) to carbon dioxide and water.~~

~~(7) The design, operation, and efficiency of any capture system used in conjunction with (6)(b) above shall be certified in writing by the owner or operator and approved by the executive secretary.~~

R307-340-12. Graphic Arts.

~~(1) R307-340-12 applies to: packaging and publication rotogravure; packaging and publication flexographic; and specialty printing operations employing solvents containing ink and having plant-wide potential emissions of VOCs equal to or greater than 90 megagrams/yr (100 tons/yr). Potential emissions shall be calculated based on uncontrolled emissions operating at design capacity or at maximum production for 8760 hours/year. (Solvent shall include that used for dilution of ink and for equipment cleaning.) Machines that have both coating units (application of a uniform layer of material across the entire width of a web) and printing units (formation of words, designs and pictures) shall be considered as performing a printing operation. This rule does not apply to offset lithography or letter press printing that do not use VOCs.~~

~~(2) No owner or operator of a packaging and publication rotogravure; packaging and publication flexographic, and specialty printing operations employing solvent 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 percent by volume or less of organic solvent and 75.0 percent by volume or more of water; or~~

~~(b) The ink as it is applied to the substrate, less water, contains 60.0 percent by volume or more nonvolatile material; or~~

~~(c) The owner or operator installs and operates;~~

~~(i) A carbon adsorption system that reduces the volatile organic emissions from the capture system by a minimum of 90.0 percent by weight; or~~

~~(ii) An incineration system that oxidizes a minimum of 90.0 percent of the non-methane VOCs measured as total combustible carbon) to carbon dioxide and water.~~

~~(3) A capture system must be used in conjunction with the emission control systems indicated in this section. 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 percent where a publication rotogravure process is employed;~~

~~(b) 65.0 percent where a packaging rotogravure process is employed; or~~

~~(c) 60.0 percent where a flexographic printing process is employed.~~

R307-340-13. Exemptions.

~~The requirements of R307-340-3 through 10 shall not apply to the following:~~

~~(1) sources whose emissions of VOCs are not more than 6.8 kilograms (15 pounds) in any 24 hour period, nor more than 1.4 kilograms (3 pounds) in any one (1) hour provided the emission rates are certified. These cutoffs apply to the emissions level on a plant-wide basis, and are determined by summing emissions from all coating operations within the same regulated category;~~

~~(2) sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance provided;~~

~~(a) the operation of the source is not an integral part of the production process; and~~

(b) the emissions from the source do not exceed 363 kilograms (800 pounds) in any one calendar month. These cutoffs apply to the emissions level on a plant-wide basis, and are determined by summing emissions from all coating operations within the same regulated category.

R307-340-14. Capture Systems.

The design, operation and efficiency of any capture system used in conjunction with any emission control system shall be certified in writing by the source owner or operator and approved by the executive secretary. Unless the capture system meets the requirements for a total enclosure, specified in section 60.713(b)(5) (i) of 40 CFR Part 60 Subpart SSS, or unless material balance techniques approved by the executive secretary are used to adequately determine overall VOC capture and destruction or recovery efficiency, the efficiency of the capture system will be determined by test methods approved by the executive secretary. Testing for capture efficiency shall be performed on a case-by-case basis as required by the executive secretary, and shall be consistent with EPA guidance. The requirements of R307-340-4(3)(d) apply to the capture and control device system. When capture and control device efficiency must be independently determined, the overall VOC emission percent reduction equals (percent capture efficiency x percent control device efficiency)/100.

R307-340-15. Testing and Monitoring.

(1) Upon request by the executive secretary, the owner or operator of a VOC source required to comply with R307-340 shall demonstrate compliance by the method of this section or an alternative method approved by the executive secretary.

(2) Test procedures to determine compliance with R307-340 must be approved by the executive secretary and must utilize one of the following methods or an alternative method approved by the executive secretary or equivalent method:

(a) For surface coatings: EPA Reference Method 24 of 40 CFR Part 60

(b) For add-on control equipment: EPA Reference Methods 1 through 4, 18 and 25, of the 40 CFR Part 60;

(c) EPA 340/1-86-016 "A Guide for Surface Coating Calculations;" and

(d) EPA 450/3-84-019 "Procedures for Certifying Quantity of VOCs Emitted by Paint, Ink and Other Coatings."

(3) All tests shall be made by, or under the direction of, a person qualified by training or experience, or both, in the field of air pollution testing. The executive secretary will evaluate test data submitted.

(4) A person proposing to conduct a VOC emissions test shall notify the executive secretary of the intent to test not less than 30 days before the proposed initiation of the test. The notification shall contain the information required by, and be in a format approved by, the executive secretary.

(5) If add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

(a) Exhaust gas temperatures of all incinerators;

(b) Temperature rise across a catalytic incinerator bed;

(c) Breakthrough of VOCs on a carbon adsorption unit; and

(d) Any other continuous monitoring or recording device required by the executive secretary.

(6) The executive secretary may accept, instead of the testing required in R307-340-15, a certification by the manufacturer of the composition of the coatings if supported by actual batch formulation records. The owner or operator of a VOC source required to comply with R307-340 must obtain certification from the coating manufacturers that the test methods used for determination of the VOC content meet the requirements specified in (2) above. The owner or operator shall make this certification readily available to the Division of Air Quality to allow the results to be used in the daily compliance calculations specified in R307-340-4(5).

(7) The performance of add-on control equipment shall be demonstrated with the required test methods of (2) above at equipment start up and after any major modification to the control equipment. Baseline operating parameters shall be established during the satisfactory (i.e. in-compliance) operation of the control equipment, including operation during all anticipated ranges of process throughput. During subsequent process operation, the owner or operator shall maintain the operating conditions of the add-on controls as close to these baseline conditions as possible. If serious operational problems with an add-on control system are indicated by the daily monitoring required by R307-340-4(2)(d), (such problems may be indicated by changes from baseline conditions), repeat performance tests shall be performed by the owner or operator, and may be required by the executive secretary, as necessary.

(8) To determine compliance with the applicable standards in R307-340, samples shall be taken from the coating as freshly delivered to the reservoir of the coating applicator. All VOC emissions from solvent washing involved in a coating process shall be considered in determining compliance with an emission limit, unless the source owner or operator documents that the VOCs from solvent washing are collected and disposed of in a manner that prevents their evaporation into the atmosphere.

R307-340-16. Alternate Methods of Control.

(1) Any person may apply to the executive secretary for approval of an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule. The application must include a demonstration that the proposed alternate produces an equal or greater air quality benefit than that required by R307-340, or that the alternate test method is equivalent to that required by these rules. The executive secretary shall obtain concurrence from EPA when approving an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule.

(2) Manufacturer's operational specifications, records, and testings of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60, the most recent EPA test methods, or EPA-approved state methods, to determine the efficiency of the control device. In addition, the owner or operator must meet the applicable requirements of record keeping for any control device. A record of all tests, monitoring, and inspections required by R307-340 shall be maintained by the owner or operator for a minimum of 2 years and shall be made available to the executive secretary or the executive secretary's representative upon

~~request. Any malfunctioning control device shall be repaired within 15 calendar days after it is found by the owner or operator to be malfunctioning, unless otherwise approved by the executive secretary.~~

~~(3) For purposes of determining compliance with emission limits, VOCs and nitrogen oxides will be measured by the test methods identified in federal regulation or approved by the executive secretary. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.~~

R307-340-17. Compliance Schedule.

~~All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.~~

KEY: air pollution, emission controls, surface coating, ozone
Date of Enactment or Last Substantive Amendment: March 9, 2007
Notice of Continuation: February 1, 2012
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)]

Environmental Quality, Air Quality
R307-343
 Ozone Nonattainment and
 Maintenance Areas: Emissions
 Standards for Wood Furniture
 Manufacturing Operations

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 36738
 FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM2.5 national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Wood furniture manufacturing operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM2.5. This rule for the PM2.5 State Implementation Plan is expanded to apply to Box Elder, Cache, Davis, Salt Lake, Utah, Tooele, and Weber counties. This will lower VOCs that are emitted in those areas.

SUMMARY OF THE RULE OR CHANGE: The proposed rule changes the rule applicability from sources that have the potential to emit 25 tons VOC per year to sources that have the potential to emit five tons of VOC per year. In Section R307-343-4, Emission Standards is changed to clarify source

requirements to lower VOC emissions. Sources are required to use a compliant coating method as described in the new Table 1 or use a control system method that achieves a 90% or greater VOC emissions reduction. A new section is added for application equipment requirements. This section requires all coatings to be applied using equipment that has a minimum 65% transfer efficiency and establishes requirements for when conventional air spray methods may be used. A control system operations section is added. This section requires owners and operators of emission to operate and maintain control systems in accordance with the manufacturer recommendations; to provide certification from the control system manufacturer that the emission control system will attain the required efficiency performance; and to maintain for two years records of operating and maintenance of the control system. A new section for work practices and recordkeeping is added that establish required control techniques to reduce VOC emissions. A compliance schedule is added. Rule applicability is expanded to include all sources in Box Elder, Cache, Davis, Salt Lake, Utah, Tooele, and Weber counties. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a) and Subsection 19-2-104(3)(e)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** No changes in the rule change any requirements for the state; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** No changes in the rule change any requirements for the local government; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **SMALL BUSINESSES:** Anticipated cost to sources is approximately \$2,260 per ton VOC removed.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to wood furniture manufacturing operations that have the potential to emit five tons VOC per year. There are no anticipated costs to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Anticipated cost to sources is approximately \$2,260 per ton VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to business to comply with this rule is approximately \$2,260 per ton 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 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-343. ~~[Ozone Nonattainment and Maintenance Areas:] 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. ~~[sources located in any ozone nonattainment or maintenance area.]~~

R307-343-2. Applicability.

~~[Provisions of]R307-343 applies[y] to [each]wood furniture manufacturing [source]operations, including related cleaning activities, that[is not an incidental wood furniture manufacturer,] ha[s]ve the potential to emit [25]5 tons or more per year of [volatile organic compounds]VOCs and [is]that are located in Box Elder, Cache, Davis, Salt Lake, Utah, Tooele, and Weber counties~~[any ozone nonattainment or maintenance area].~~~~

R307-343-3. Definitions.

The following additional definitions apply to R307-343:

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

~~["Alternate Method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but that has been demonstrated to the executive secretary's satisfaction to, in specific cases, produce results adequate for a determination of compliance.~~

]"As [A]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 in-house dilution of the finishing material.

~~["Basecoat" means a coat of colored material, usually opaque, that is applied before graining inks, glazing coats, or other opaque finishing materials, and is usually topcoated for protection.~~

]"Capture [D]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.

~~["Capture Efficiency" means the fraction of all organic vapors generated by a process that is directed to a control device.~~

]"Certified [P]product d[ata] [S]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~~[or alternate]~~ method, or formulation data if the coating meets the criteria specified in R307-343-7(1).~~[The purpose of the CPDS is to assist the affected source in demonstrating compliance with the emission limitations presented in Subsection R307-343-4.]~~

~~["Cleaning Operations" means operations in which organic solvent is used to remove coating materials from equipment used in wood furniture manufacturing operations.~~

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

~~["Continuous Coater" means a finishing system that continuously applies finishing materials onto furniture parts moving along a conveyor system. Finishing materials that are not transferred to the part are recycled to the finishing material reservoir. Several types of application methods can be used with a continuous coater including spraying, curtain coating, roll coating, dip coating, and flow coating.~~

~~["Continuous Compliance" means that the affected source meets the emission limitations and other requirements of R307-343 at all times and fulfills all monitoring and recordkeeping provisions of R307-343 in order to demonstrate compliance.~~

]"Control [D]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, carbon adsorbers, and condensers.

"Control [D]device e[fficiency]" means the ratio of the pollution released by a control device and the pollution introduced to the control device, expressed as a fraction.

"Control [S]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 [40]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.

~~["Day" means a period of 24 consecutive hours beginning at midnight local time, or beginning at a time consistent with a source's operating schedule.~~

~~—"Emission" means the direct or indirect release or discharge of volatile organic compound into the ambient air.~~

~~—"Equipment Leak" means emissions of volatile organic compounds from pumps, valves, flanges, or other equipment used to transfer or apply finishing materials or organic solvents.~~

~~—"Equivalent Method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to the executive secretary's satisfaction to have a consistent and quantitatively known relationship to the reference method under specific conditions.~~

~~—"Finishing Application Station" means the part of a finishing operation where the finishing material is applied, such as a spray booth.~~

] "Finishing [M]aterial" 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 air-dried, cured in an oven, or cured by radiation.

~~["—"Incidental Wood Furniture Manufacturer" means a major source as defined in 40 CFR 63.2 that is primarily engaged in the manufacture of products other than wood furniture or wood furniture components and that uses no more than 100 gallons per month of finishing material in the manufacture of wood furniture or wood furniture components.~~

~~—"Incinerator" means an enclosed combustion device that thermally oxidizes volatile organic compounds to carbon monoxide and carbon dioxide. This term does not include devices that burn municipal or hazardous waste material.~~

~~—"Noncompliant Coating" means a finishing material or strippable booth coating that has a volatile organic compound content greater than the emission limitation specified in Subsection R307-343-4(1).~~

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

~~["—"Operating Parameter Value" means a minimum or maximum value established for a control device or process parameter that, if achieved by itself or in combination with one or more other operating parameter values, determines that an owner or operator has complied with an applicable emission limit.~~

~~—"Organic Solvent" means a liquid containing volatile organic compounds that is used for dissolving or dispersing constituents in a coating, adjusting the viscosity of a coating, cleaning, or washoff. When used in a coating, the organic solvent evaporates during drying and does not become a part of the dried film.~~

~~—"Overall Control Efficiency" means the efficiency of a control system, calculated as the product of the capture and control device efficiencies, expressed as a percentage.~~

~~—"Permanent Total Enclosure" means a permanently installed enclosure that completely surrounds a source of emissions such that all emissions are captured and contained for discharge through a control device, and that meets the criteria presented in Subsection R307-343-7(5)(a)(i) through (iv).~~

~~—"Reference Method" means any method of sampling and analyzing for an air pollutant that is published in Appendix A of 40 CFR 60.~~

~~—"Responsible Official" has the same meaning as in R307-415, Operating Permit Requirements.~~

] "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, or an alternate or equivalent method approved by the executive secretary.]24.

~~["—"Solvent" means a liquid used in a coating for dissolving or dispersing constituents in a coating, adjusting the viscosity of a coating, cleaning, or washoff. When used in a coating, it evaporates during drying and does not become a part of the dried film.~~

] "Stain" means any color coat having a solids content by weight of no more than 8.0% [percent] 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 [B]ooth [C]oating" means a coating that:

(1) [i]s applied to a booth wall to provide a protective film to receive overspray during finishing operations;

(2) [i]s subsequently peeled off and disposed; and

(3) [b]y achieving (1) and (2), reduces or eliminates the need to use organic solvents to clean booth walls.

~~["—"Substrate" means the surface onto which coatings are applied, or into which coatings are impregnated.~~

~~—"Temporary Total Enclosure" means an enclosure that meets the requirements of Subsection R307-343-7(5)(a)(i) through (iv) and is not permanent, but is constructed only to measure the capture efficiency of pollutants emitted from a given source. Additionally, any exhaust point from the enclosure shall be at least 4 equivalent duct or hood diameters from each natural draft opening.~~

] "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% [percent] 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 [O]perations" means those operations in which organic solvent is used to remove coating from a substrate.

"Wood [F]urniture" 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 [F]urniture [M]anufacturing [O]perations" means the finishing, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components.

~~["—"Working Day" means a day, or any part of a day, in which a source is engaged in manufacturing.~~

R307-343-4. Emission Standards.

(1) Each [owner or operator of an] affected source subject to R307-343 shall limit [volatile organic compound]VOC emissions

by: [from finishing operations. Methods in (a) through (c) below are accepted.]

(a) Using the compliant coating method as described in R307-343-4(a)(i) or using the control system method as described in R307-343-4(a)(ii). [Use topcoats with a volatile organic compound content no greater than 0.8 kilogram per kilogram of solids, as applied; or]

(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, minus water, as applied)

| <u>COATING CATEGORY</u> | <u>VOC EMISSION RATES</u> |
|--|---------------------------|
| <u>Topcoats</u> | <u>0.8</u> |
| <u>Topcoat/Sealer combination</u> | |
| <u> Topcoat</u> | <u>1.8</u> |
| <u> Sealer</u> | <u>1.9</u> |
| <u>Acid-cured, alkyd amino topcoat/sealer combinations</u> | |
| <u> Acid-cured, alkyd amino topcoat</u> | <u>2.0</u> |
| <u> Acid-cured, alkyd amino vinyl Sealer</u> | <u>2.3</u> |

(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.

~~(b) Use a finishing system of sealers with a volatile organic compound content no greater than 1.9 kilograms per kilogram of solids, as applied, and topcoats with a volatile organic compound content no greater than 1.8 kilograms per kilogram of solids, as applied; or~~

~~(c) For affected sources using acid-cured alkyd amino vinyl sealers or acid-cured alkyd amino conversion varnish topcoats, use sealers and topcoats based on the following criteria:~~

~~(i) If the affected source is using acid-cured alkyd amino vinyl sealers and acid-cured alkyd amino conversion varnish topcoats, the sealer shall contain no more than 2.3 kilograms of volatile organic compound per kilogram of solids, as applied, and the topcoat shall contain no more than 2.0 kilograms of volatile organic compound per kilogram of solids, as applied;~~

~~(ii) If the affected source is using a sealer other than an acid-cured alkyd amino vinyl sealer and acid-cured alkyd amino conversion varnish topcoats, the sealer shall contain no more than 1.9 kilograms of volatile organic compound per kilogram of solids, as applied, and the topcoat shall contain no more than 2.0 kilograms of volatile organic compound per kilogram of solids, as applied; or~~

~~(iii) if the affected source is using an acid-cured alkyd amino vinyl sealer and a topcoat other than an acid-cured alkyd amino conversion varnish topcoat, the sealer shall contain no more than 2.3 kilograms of volatile organic compound per kilogram of~~

~~solids, as applied, and the topcoat shall contain no more than 1.8 kilograms of volatile organic compound per kilogram of solids, as applied; or~~

~~(d) Use a control system that will achieve an equivalent reduction in emissions as the requirements of Subsection R307-343-4(1)(a) or (b), as calculated using the compliance provisions in R307-343-6(2), as appropriate; or~~

~~(e) Use a combination of the methods presented in (a) through (d) above.~~

~~(2) Each owner or operator of an affected source subject to R307-343 shall limit volatile organic compound emissions from cleaning operations when using a strippable booth coating. A strippable booth coating shall contain no more than 0.8 kilogram of volatile organic compound per kilogram of solids, as applied.~~

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:

(i) The touchup and 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;

(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;

(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 certification from the manufacturer that the emission control system will attain 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 be maintained showing the VOC content as applied in pounds VOC per pounds solid.

(4) The owner or operator shall demonstrate compliance with the requirements of R307-343-5.

[R307-343-5. Work Practice Standards.

(1) Work Practice Implementation Plan. Each owner or operator of an affected source subject to R307-343 shall prepare and

maintain a written work practice implementation plan that defines environmentally desirable work practices for each wood furniture manufacturing operation and addresses each of the topics specified in R307-343-5(2) through (10). The owner or operator of the affected source shall comply with each provision of the work practice implementation plan. The written work practice implementation plan shall be available for inspection by the executive secretary, upon request. If the executive secretary determines that the work practice implementation plan does not adequately address each of the topics specified in (2) through (10) below or that the plan does not include sufficient mechanisms for ensuring that the work practice standards are being implemented, the executive secretary may require the affected source to modify the plan.

(2) Operator Training.

(a) Each owner or operator of an affected source shall train new and existing personnel, including contract workers, who are involved in finishing, gluing, cleaning, or washoff operations, use of manufacturing equipment, or implementation of the requirements of R307-343. All new personnel, those hired after June 2, 1999, shall be trained upon hiring. All existing personnel, those hired before June 2, 1999, shall be trained by December 4, 1999. All personnel shall be given refresher training annually.

(b) The affected source shall maintain a copy of the training program with the work practice implementation plan. The training program shall include, at a minimum, the following:

(i) A list of all current personnel by name and job description that are required to be trained;

(ii) An outline of the subjects to be covered in the initial and refresher training for each position or group of personnel;

(iii) Lesson plans for courses to be given at the initial and the annual refresher training that include, at a minimum, appropriate application techniques, appropriate cleaning and washoff procedures, appropriate equipment setup and adjustment to minimize finishing material usage and overspray, and appropriate management of cleanup wastes; and

(iv) A description of the methods to be used at the completion of initial or refresher training to demonstrate and document successful completion and a record of the training date for all personnel.

(3) Leak Inspection and Maintenance Plan. Each owner or operator of an affected source shall prepare and maintain with the work practice implementation plan a written leak inspection and maintenance plan that specifies:

(a) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply finishing materials, or organic solvents;

(b) An inspection schedule;

(c) Methods for documenting the date and results of each inspection and any repairs that were made;

(d) The time elapsed between identifying the leak and making the repair, using at a minimum the following schedule:

(i) A first attempt at repair, such as tightening of packing glands, shall be made no later than five working days after the leak is detected; and

(ii) Final repairs shall be made within 15 working days, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within three months.

~~_____ (4) Cleaning and Washoff Solvent Accounting System. Each owner or operator of an affected source shall develop an organic solvent accounting form to record:~~

~~_____ (a) The quantity and type of organic solvent used each month for washoff and cleaning;~~

~~_____ (b) The number of pieces washed off each month, and the reason for the washoff; and~~

~~_____ (c) The net quantity of spent organic solvent generated from each washoff and cleaning operation each month, and whether it is recycled onsite or disposed offsite. The net quantity of spent solvent is equivalent to the total amount of organic solvent that is generated from the activity minus any organic solvent that is reused onsite for operations other than cleaning or washoff and any organic solvent that was sent offsite for disposal.~~

~~_____ (5) Spray Booth Cleaning. Each owner or operator of an affected source shall not use compounds containing more than 8.0 percent by weight of volatile organic compound for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic solvent to prepare the booth prior to applying the booth coating.~~

~~_____ (6) Storage Requirements. Each owner or operator of an affected source shall use normally closed containers for storing finishing, cleaning, and washoff materials.~~

~~_____ (7) Application Equipment Requirements. Each owner or operator of an affected source shall use conventional air spray guns for applying finishing materials only under any of the following circumstances:~~

~~_____ (a) To apply finishing materials that have a volatile organic compound content no greater than 1.0 kilogram per kilogram of solids, as applied;~~

~~_____ (b) For touch-up and repair under the following circumstances:~~

~~_____ (i) The touchup and 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.~~

~~_____ (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) The conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is no more than 5.0 percent of the total gallons of finishing material used during that semiannual reporting period; or~~

~~_____ (f) 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 affected source shall demonstrate technical or economic infeasibility by submitting to the executive secretary a videotape, a technical report, or other documentation that supports the affected source's claim of technical or economic infeasibility. 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.~~

~~_____ (8) Line Cleaning. Each owner or operator of an affected source shall pump or drain all organic solvent used for line cleaning into a normally closed container.~~

~~_____ (9) Gun Cleaning. Each owner or operator of an affected source shall collect all organic solvent used to clean spray guns into a normally closed container.~~

~~_____ (10) Washoff Operations. Each owner or operator of an affected source shall control emissions from washoff operations by using normally closed tanks for washoff and minimizing dripping by tilting or rotating the part to drain as much organic solvent as possible.~~

~~R307-343-6. Compliance Procedures and Monitoring Requirements.~~

~~_____ (1) Methodology. Terms and equations required in the calculation of compliance are found in Appendix B, "Control of Organic Compound Emissions from Wood Furniture Manufacturing Operations." EPA-453/R-96-007, April 1996. The terms found in B.3(b) on pages B-10 and B-11, Equation 3 on page B-18, Equations 4, 5, 6, and 7 on pages B-26 and B-27 are hereby adopted and incorporated by reference. Copies are available at the Division of Air Quality, the Division of Administrative Rules and most state depository libraries.~~

~~_____ (2) General Compliance. The owner or operator of an affected source subject to the emission standards in Section R307-343-4 shall demonstrate compliance with those provisions by using any of the methods in (a) or (b) below.~~

~~_____ (a) To demonstrate compliance with emission standards in R307-343-4(1)(a), (b), or (c) or R307-343-4(2), maintain certified product data sheets for each of these finishing materials and strippable booth coatings. If solvent or other volatile organic compound is added to the finishing material before application, the affected source shall maintain documentation showing the volatile organic compound content of the finishing material as applied, in kilograms of volatile organic compound per kilogram of solids.~~

~~_____ (b) To comply through the use of a control system as specified in R307-343-4(1)(d):~~

~~_____ (i) Determine the overall control efficiency needed to demonstrate compliance using Equation 3.~~

~~_____ (ii) Document that the amount of volatile organic compound in Equation 3 is obtained from the volatile organic compound and solids content of the finishing material as applied;~~

~~_____ (iii) Calculate the overall efficiency of the control device, using the procedures in R307-343-7(4) or (5), and demonstrate that the overall efficiency of the control device calculated by Equation 6 is equal to or greater than the overall efficiency of the control device calculated by Equation 3.~~

~~_____ (3) Initial Compliance. The owner or operator of each affected source shall demonstrate compliance by submitting an initial compliance status report.~~

~~_____ (a) Each owner or operator of an affected source that complies through the procedures established in (2)(a) above shall submit an initial compliance status report stating that compliant~~

sealers, topcoats and strippable booth coatings are being used by the affected source:

(b) Each owner or operator of an affected source that complies by using the procedures in R307-343-6(2)(a) and applies sealers or topcoats using continuous coaters shall:

(i) Submit an initial compliance status report stating that compliant sealers or topcoats, as determined by the volatile organic compound content of the finishing material in the reservoir and the volatile organic compound content as calculated from records, are used; or

(ii) Submit an initial compliance status report stating that compliant sealers or topcoats, as determined by the volatile organic compound content of the finishing material in the reservoir, are used and the viscosity of the finishing material in the reservoir is being monitored. The affected source also shall provide data that demonstrates the correlation between the viscosity of the finishing material and the volatile organic compound content of the finishing material in the reservoir.

(c) Each owner or operator of an affected source using a control system, capture device or control device to comply with the requirements of R307-343, as allowed by R307-343-4(1)(d) and R307-343-6(2)(b), shall:

(i) Submit a monitoring plan that identifies the operating parameter to be monitored for the capture device and demonstrates why the parameter is appropriate to show ongoing compliance;

(ii) Conduct an initial performance test using the procedures and test methods listed in R307-343-7(3) and (4) or (5);

(iii) Calculate the overall control efficiency using Equation 6; and

(iv) Determine those operating conditions that are critical to determining compliance and establishing operating parameters that will ensure compliance with the standard, as follows:

(A) For a thermal incinerator, use minimum combustion temperature;

(B) For a catalytic incinerator equipped with a fixed-catalyst bed, use the minimum gas temperature both upstream and downstream of the catalyst bed;

(C) For a catalytic incinerator equipped with a fluidized catalyst bed, use the minimum gas temperature upstream of the catalyst bed and the pressure drop across the catalyst bed;

(D) For a carbon adsorber, use either the total regeneration mass stream flow for each regeneration cycle and the carbon bed temperature after each regeneration, or the concentration level of organic compounds exiting the adsorber, unless the owner or operator requests and receives approval from the executive secretary to establish other operating parameters;

(E) For a control device not listed in (A) through (D) above, the operating parameter shall be established using the procedures in R307-343-6(4)(c)(vi).

(v) Each owner or operator complying with R307-343-6(3)(c) shall calculate the site-specific operating parameter value as the arithmetic average of the maximum or minimum operating parameter values, as appropriate, that demonstrate compliance with the standards, during the three test runs required by R307-343-7(3)(a).

(d) Each owner or operator of an affected source subject to the work practice standards in R307-343-5 shall submit an initial compliance status report, as required by R307-343-9(1), stating that the work practice implementation plan has been developed and

procedures have been established for implementing the provisions of the plan:

(4) Continuous Compliance Demonstrations:

(a) Each owner or operator of an affected source subject to the provisions of R307-343-4 that comply using the procedures established in R307-343-6(2)(a) shall demonstrate continuous compliance by using compliant materials, maintaining records that demonstrate the materials are compliant, and submitting a compliance certification with the semiannual report required by R307-343-9(2).

(i) The compliance certification shall state that compliant sealers, topcoats and strippable booth coatings have been used during the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(ii) The compliance certification shall be signed by a responsible official.

(b) Each owner or operator of an affected source subject to the provisions of R307-343-4 that comply using the procedures established in R307-343-6(2)(a) and applies sealers or topcoats using continuous coaters shall demonstrate continuous compliance by following the procedures in (i) or (ii) below:

(i) Use compliant materials, as determined by the volatile organic compound content of the finishing material in the reservoir and the volatile organic compound content as calculated from records, and submit a compliance certification with the semiannual report required by R307-343-9(2).

(A) The compliance certification shall state that compliant sealers and topcoats have been used during the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(B) The compliance certification shall be signed by a responsible official.

(ii) Use compliant materials, as determined by the volatile organic compound content of the finishing material in the reservoir, maintaining a viscosity of the finishing material in the reservoir that is no less than the viscosity of the initial finishing material by monitoring the viscosity with a viscosity meter or by testing the viscosity of the initial finishing material and retesting the material in the reservoir each time solvent is added, maintaining records of solvent additions, and submitting a compliance certification with the semiannual report required by R307-343-9(2).

(A) The compliance certification shall state that compliant sealers and topcoats, as determined by the volatile organic compound content of the finishing material in the reservoir, have been used during the semiannual reporting period. Additionally, the certification shall state that the viscosity of the finishing material in the reservoir has not been less than the viscosity of the initial finishing material, that is, the material that is initially mixed and placed in the reservoir, during the semiannual reporting period.

(B) The compliance certification shall be signed by a responsible official.

(C) An affected source is in violation of the standard when a sample of the finishing material as applied exceeds the applicable limit established in R307-343-4(1)(a), (b), or (c), as determined using EPA Method 24 or an alternate or equivalent method, or the viscosity of the finishing material in the reservoir is less than the viscosity of the initial finishing material.

~~(e) Each owner or operator of an affected source subject to the provisions of R307-343-4 that complies using a control system, capture device or control device shall demonstrate continuous compliance by installing, calibrating, maintaining, and operating the appropriate monitoring equipment according to manufacturer's specifications.~~

~~(i) Where a capture or control device is used, a device to monitor the site specific operating parameter established in accordance with R307-343-6(3)(c)(i) is required.~~

~~(ii) Where an incinerator is used, a temperature monitoring device equipped with a continuous recorder is required.~~

~~(A) Where a thermal incinerator is used, a temperature monitoring device shall be installed in the firebox or in the ductwork immediately downstream of the firebox in a position before any substantial heat exchange occurs.~~

~~(B) Where a catalytic incinerator equipped with a fixed catalyst bed is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.~~

~~(C) Where a catalytic incinerator equipped with a fluidized catalyst bed is used, a temperature monitoring device shall be installed in the gas stream immediately before the bed. In addition, a pressure monitoring device shall be installed to determine the pressure drop across the catalyst bed. The pressure drop shall be measured monthly at a constant flow rate.~~

~~(iii) Where a carbon adsorber is used, one of the following monitoring devices shall be used:~~

~~(A) An integrating regeneration stream flow monitoring device having an accuracy of plus or minus 10 percent, capable of recording the total regeneration stream mass flow for each regeneration cycle; and a carbon bed temperature monitoring device having an accuracy of plus or minus one percent of the temperature being monitored expressed in degrees Celsius, or plus or minus 0.5 C, whichever is greater, capable of recording the carbon bed temperature after each regeneration and within fifteen minutes of completing any cooling cycle;~~

~~(B) An organic monitoring device, equipped with a continuous recorder, to indicate the concentration level of organic compounds exiting the carbon adsorber; or~~

~~(C) Any other monitoring device that has been approved by the executive secretary as allowed under (vi) below.~~

~~(iv) Each owner or operator of an affected source shall not operate the capture or control device at a daily average value greater than or less than the operating parameter value, as defined in the plan required by R307-343-6(3)(c)(i). The daily average value shall be calculated as the average of all values for a monitored parameter recorded during the operating day.~~

~~(v) Each owner or operator of an affected source that complies through the use of a catalytic incinerator equipped with a fluidized catalyst bed shall maintain a constant pressure drop, measured monthly, across the catalyst bed.~~

~~(vi) An owner or operator using a control device not listed in R307-343-6(3)(c) shall submit to the executive secretary a description of the device, test data verifying the performance of the device, and appropriate operating parameter values that will be monitored to demonstrate continuous compliance with the standard. Use of this device to demonstrate compliance is subject to the executive secretary's approval.~~

~~(vii) The owner or operator shall submit a compliance certification with the semiannual report required by R307-343-92.~~

~~(A) The compliance certification shall state that, during the semiannual reporting period, the monitoring plan has been followed and the operating requirements included in the monitoring plan have been met. If the plan has not been followed, or the operating requirements have not been met, the compliance certification shall identify the dates of noncompliance and the reasons for noncompliance.~~

~~(B) The compliance certification shall be signed by a responsible official.~~

~~(d) Each owner or operator of an affected source subject to the work practice standards in R307-343-5 shall demonstrate continuous compliance by following the work practice implementation plan and submitting a compliance certification with the semiannual report required by R307-343-9(2).~~

~~(i) The compliance certification shall state that the work practice implementation plan was followed, or should otherwise identify the periods of noncompliance with the work practice standards.~~

~~(ii) The compliance certification shall be signed by a responsible official.~~

R307-343-7. Performance Test Methods.

~~(1) The EPA Method 24 (40 CFR 60) shall be used to determine the volatile organic compound content and the solids content by weight of the finishing materials as supplied by the manufacturer. The owner or operator of the affected source may request approval from the executive secretary to use an alternate or equivalent method for determining the volatile organic compound content of the finishing material. Batch formulation information may be accepted by the executive secretary if the source demonstrates that a finishing material does not release volatile organic compound reaction byproducts during the cure. If the EPA Method 24 value is higher than the source's formulation data, the EPA Method 24 test shall govern. Sampling procedures shall follow the guidelines in "Standard Procedures for Collection of Coating and Ink Samples for volatile organic compound Content Analysis by Reference Method 24 and Reference Method 24A," EPA-340/1-91-010.~~

~~(2) Each owner or operator using a control system to demonstrate compliance shall determine the overall control efficiency of the control system as the product of the capture and control device efficiencies, using the test methods cited in (3) below and the procedures in (4) or (5) below.~~

~~(3) Each owner or operator using a control system shall demonstrate initial compliance using the procedures in (a) through (f) below.~~

~~(a) The EPA Method 18, 25, or 25A shall be used to determine the volatile organic compound concentration of gaseous air streams. The test shall consist of three separate runs, each lasting a minimum of 30 minutes.~~

~~(b) The EPA Method 1 or 1A shall be used for sample and velocity traverses.~~

~~(c) The EPA Method 2, 2A, 2C, or 2D shall be used to measure velocity and volumetric flow rates.~~

~~(d) The EPA Method 3 shall be used to analyze the exhaust gases.~~

~~(e) The EPA Method 4 shall be used to measure the moisture in the stack gas.~~

~~(f) The EPA Methods 2, 2A, 2C, 2D, 3, and 4 shall be performed, as applicable, at least twice during each test period.~~

~~(4) Each owner or operator using a control system to demonstrate compliance with R307-343 shall use the procedures in (a) through (f) below.~~

~~(a) Construct the overall volatile organic compound control system so that volumetric flow rates and volatile organic compound concentrations can be determined by the test methods specified in R307-343-7(3);~~

~~(b) Measure the capture efficiency from the affected emission points by capturing, venting, and measuring all volatile organic compound emissions from the affected emission points. To measure the capture efficiency of a capture device located in an area with nonaffected volatile organic compound emission points, the affected emission points shall be isolated from all other volatile organic compound sources by one of the following methods:~~

~~(i) Build a temporary total enclosure around the affected emission points;~~

~~(ii) Shut down all nonaffected volatile organic compound emission points and continue to exhaust fugitive emissions from the affected emission points through any building ventilation system and other room exhausts such as drying ovens. All exhaust air must be vented through stacks suitable for testing; or~~

~~(iii) Use another methodology approved by the executive secretary provided it complies with the EPA criteria for acceptance under 40 CFR Part 63, Appendix A, Method 301.~~

~~(c) Operate the control system with all affected emission points connected and operating at maximum production rate;~~

~~(d) Determine the efficiency of the control device using Equation 4;~~

~~(e) Determine the efficiency of the capture system using Equation 5;~~

~~(f) Compliance is demonstrated if the overall control efficiency in Equation 6 is greater than or equal to the overall control efficiency calculated by Equation 3, in accordance with R307-343-6(2)(b)(i).~~

~~(5) An alternate to the compliance method presented in (4) above is the installation of a permanent total enclosure.~~

~~(a) Each affected source that complies using a permanent total enclosure shall demonstrate that the total enclosure meets the following requirements:~~

~~(i) The total area of all natural draft openings shall not exceed five percent of the total surface area of the enclosure's walls, floor, and ceiling;~~

~~(ii) All sources of emissions within the enclosure shall be a minimum of four equivalent diameters away from each natural draft opening;~~

~~(iii) Average inward face velocity (FV) across all natural draft openings shall be a minimum of 3,600 meters per hour or 200 feet per minute as determined by the following procedures:~~

~~(A) All forced makeup air ducts and all exhaust ducts are constructed so that the volumetric flow rate in each can be accurately determined by the test methods and procedures specified in (3)(b) and (3)(c) above. Volumetric flow rates shall be calculated without the adjustment normally made for moisture content; and~~

~~(B) Determine face velocity by Equation 7:~~

~~(iv) All access doors and windows whose areas are not included as natural draft openings and are not included in the calculation of face velocity shall be closed during routine operation of the process.~~

~~(b) Determine the control device efficiency using Equation 4, and the test methods and procedures specified in R307-343-7(3).~~

~~(c) For a permanent total enclosure, the capture efficiency in Equation 5 is equal to one.~~

~~(d) For owners or operators using a control system to comply with the provisions of R307-343, compliance is demonstrated if:~~

~~(i) The capture efficiency of the enclosure is determined to equal one; and~~

~~(ii) The overall efficiency of the control system calculated by Equation 6 in accordance with (4) above is greater than or equal to the overall efficiency of the control system calculated by Equation 3 in accordance with R307-343-6(2)(b).~~

R307-343-8. Recordkeeping Requirements.

~~(1) The owner or operator of an affected source subject to the emission limits in R307-343-4 shall maintain records of the following:~~

~~(a) A certified product data sheet for each finishing material and strippable booth coating subject to the emission limits in R307-343-4;~~

~~(b) The volatile organic compound content, kilograms of volatile organic compound per kilogram of solids, as applied, of each finishing material and strippable booth coating subject to the emission limits in R307-343-4, and copies of data sheets documenting how the as applied values were determined.~~

~~(2) The owner or operator of an affected source following the compliance procedures of R307-343-6(4)(b) shall maintain the records required by (1) above and records of solvent and finishing material additions to the continuous coater reservoir and viscosity measurements.~~

~~(3) The owner or operator of an affected source following the compliance method of R307-343-6(2)(b) shall maintain the following records:~~

~~(a) Copies of the calculations to demonstrate that the control system achieves emission control equivalent to the requirements of R307-343-4(1)(a) or (b), as well as the data that are necessary to support the calculation of the emission limit in Equation 3 and the calculation of overall control efficiency in Equation 6;~~

~~(b) Records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day; and~~

~~(c) Records of the pressure drop across the catalyst bed for sources complying with the emission limitations using a catalytic incinerator with a fluidized catalyst bed.~~

~~(4) The owner or operator of an affected source subject to the work practice standards in R307-343-5 shall maintain onsite the work practice implementation plan and all records associated with fulfilling the requirements of that plan, including:~~

~~(a) Records demonstrating that the operator training program is in place;~~

~~(b) Records maintained in accordance with the inspection and maintenance plan;~~

~~(c) Records associated with the cleaning solvent accounting system;~~

~~(d) Records associated with the limitation on the use of conventional air spray guns showing total finishing material usage and the percentage of finishing materials applied with conventional air spray guns for each semiannual reporting period;~~

~~(e) Records showing the volatile organic compound content of compounds used for cleaning booth components, except for solvent used to clean conveyors, continuous coaters and their enclosures, or metal filters; and~~

~~(f) Copies of logs and other documentation to demonstrate that the other provisions of the work practice implementation plan are followed.~~

~~(5) In addition to the records required by R307-343-8(1) of this section, the owner or operator of an affected source that complies using the provisions of R307-343-6(2)(a) or R307-343-5 shall maintain a copy of the compliance certifications submitted in accordance with R307-343-9(2) for each semiannual period following the compliance date.~~

~~(6) The owner or operator of an affected source shall maintain a copy of all other information submitted with the initial status report required by R307-343-9(1) and the semiannual reports required by R307-343-9(2).~~

~~(7) The owner or operator of an affected source shall maintain all records for a minimum of five years.~~

R307-343-9. Reporting Requirements.

~~(1) The owner or operator of any new source subject to R307-343 that complies using the procedures established in R307-343-6(2)(a) shall submit an initial compliance report within 60 days of initial startup. The owner or operator of a new source subject to R307-343 that complies using the procedures established in R307-343-6(2)(b) shall submit an initial compliance report within 180 days of initial startup. Each initial compliance report shall include the items required by R307-343-6(3).~~

~~(2) The owner or operator of an affected source subject to R307-343 and demonstrating compliance in accordance with R307-343-6(2)(a) or (b) shall submit a semiannual report covering the previous six months of wood furniture manufacturing operations.~~

~~(a) Reports shall be submitted on January 2 and July 2 each year.~~

~~(b) Each semiannual report shall include the information required by R307-343-6(4), a statement of whether the affected source was in compliance or noncompliance. If the affected source was not in compliance, the measures taken to bring the affected source into compliance shall be reported.~~

[R307-343-~~10~~8. Compliance Schedule.

~~(1) Sources in Salt Lake and Davis counties that have the potential to emit 5 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. [within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.]~~

KEY: air pollution, [ozone], wood furniture, coatings

Date of Enactment or Last Substantive Amendment: [March 9, 2007]2012

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 PROPOSED RULE

(New Rule)

DAR FILE NO.: 36726

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM2.5 national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Paper, film, and foil coating operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM2.5. This rule for the PM2.5 State Implementation Plan will lower VOCs that are emitted from paper, film, and foil coating operations, as well as clarify regulatory requirements to the industry.

SUMMARY OF THE RULE OR CHANGE: This rule applies to paper, film, and foil coating operations, including related cleaning activities, that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties. The rule establishes reasonably available control technology requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 90% VOC reduction. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties.

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

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to the state budget. (DAR NOTE: The proposed repeal of Rule R307-340 is under DAR No. 36725 in this issue, October 1, 2012, of the Bulletin.)

◆ LOCAL GOVERNMENTS: The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to local government.

◆ SMALL BUSINESSES: Anticipated cost to sources is approximately \$1,440 per ton VOC removed.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule applies to owners and operators of paper, film, and foil coatings operations that emit 2.7 tons of VOC per year. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to implement the requirements of this rule is approximately \$1,440 per ton VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to business to comply with this rule is approximately \$1,440 per ton 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 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
- ◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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, Tooele, Utah and Weber counties.

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, 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.

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 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.

R307-344-7. 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
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

Environmental Quality, Air Quality
R307-345
 Fabric and Vinyl Coatings

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36727

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM2.5 national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Fabric and vinyl coating operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM2.5. This rule for the PM2.5 State Implementation Plan will lower VOCs that are emitted from fabric and vinyl coating operations, as well as clarify regulatory requirements to the industry.

SUMMARY OF THE RULE OR CHANGE: This rule applies to fabric and vinyl coating operations, including related cleaning activities, that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties. The rule establishes reasonably available control technology requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 90% VOC reduction. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to the state budget. (DAR NOTE: The proposed repeal of Rule R307-340 is under DAR No. 36725 in this issue, October 1, 2012, of the Bulletin.)

♦ **LOCAL GOVERNMENTS:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to local government.

♦ **SMALL BUSINESSES:** Anticipated cost to sources is \$3,500 per ton VOC removed.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to fabric and vinyl coatings operations that emit 2.7 tons of VOC per year. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to implement the requirements of this rule is approximately \$3,500 per ton VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to business to comply with this rule is approximately \$3,500 per ton 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 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
 ♦ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
 ♦ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
 ♦ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
 ♦ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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.

R307-345-2. Applicability.

R307-345 applies to fabric and vinyl coating operations, including related cleaning activities, which use roll, knife, or rotogravure 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.

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, acrylics, 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, as applied)

| COATING CATEGORY | VOC EMISSION RATES |
|------------------|--------------------|
| Fabric | 2.9 |
| Vinyl | 3.8 |

(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) The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission standards of R307-348-4.

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

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 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

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

Environmental Quality, Air Quality
R307-346
 Metal Furniture Surface Coatings

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36728

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM2.5 national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Metal furniture surface coating operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM2.5. This rule for the PM2.5 State Implementation Plan will lower VOCs that are emitted from metal furniture surface coating operations as well as clarify regulatory requirements to the industry.

SUMMARY OF THE RULE OR CHANGE: This rule applies to metal furniture surface coating operations, including related cleaning activities, that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties. The rule establishes reasonably

available control technology requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 90% VOC reduction. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to the state budget. (DAR NOTE: The proposed repeal of Rule R307-340 is under DAR No. 36725 is this issue, October 1, 2012, of the Bulletin.)

◆ **LOCAL GOVERNMENTS:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** Anticipated cost to sources is \$2,020 per ton VOC removed.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to metal furniture coating operations that emit 2.7 tons of VOC per year. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to implement the requirements of this rule is approximately \$2,020 per ton VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to business to comply with this rule is approximately \$2,020 per ton 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 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
- ◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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.

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 top-coat 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, Tooele, Utah and Weber counties.

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, 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) The owner or operator shall maintain records from the manufacturer that demonstrates compliance with the emission standards of R307-348-4.

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 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.

R307-346-8. 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
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**

**Environmental Quality, Air Quality
R307-347
Large Appliance Surface Coatings**

**NOTICE OF PROPOSED RULE
(New Rule)**

DAR FILE NO.: 36729
FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM2.5 national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Large appliance surface coating operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM2.5. This rule for the PM2.5 State Implementation Plan will lower VOCs that are emitted from large appliance surface coating operations, as well as clarify regulatory requirements to the industry.

SUMMARY OF THE RULE OR CHANGE: This rule applies to large appliance surface coating operations, including related cleaning activities, that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties. The rule establishes reasonably available control technology requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 90% VOC reduction. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to the state budget. (DAR NOTE: The proposed repeal of Rule R307-340 is under DAR No. 36725 in this issue, October 1, 2012, of the Bulletin.)

◆ **LOCAL GOVERNMENTS:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** Anticipated cost to sources is \$2,020 per ton VOC removed.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to fabric and vinyl coatings operations that emit 2.7 tons of VOC per year. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to implement the requirements of this rule is approximately \$2,020 per ton VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to business to comply with this rule is approximately \$2,020 per ton 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 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
- ◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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, Tooele, Utah, and Weber counties.

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, as applied)

| COATING CATEGORY | VOC EMISSION 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) The owner or operator shall maintain records from the manufacturer that demonstrates compliance with the emission standards of R307-348-5.

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 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.

R307-347-8. 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
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

Environmental Quality, Air Quality
R307-348
Magnet Wire Coatings

NOTICE OF PROPOSED RULE

(New Rule)
 DAR FILE NO.: 36730
 FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM_{2.5} national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Magnet wire coating operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM_{2.5}. This rule for the PM_{2.5} State Implementation Plan will lower VOCs that are emitted from magnet wire coating operations, as well as clarify regulatory requirements to the industry.

SUMMARY OF THE RULE OR CHANGE: This rule applies to magnet wire coating operations, including related cleaning activities, that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties. The rule establishes reasonably available control technology requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 90% VOC reduction. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties.

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to the state budget. (DAR NOTE: The proposed repeal of Rule R307-340 is under DAR No. 36725 in this issue, October 1, 2012, of the Bulletin.)
- ◆ **LOCAL GOVERNMENTS:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** Anticipated cost to sources is \$6,560 per ton VOC removed.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to fabric and vinyl coatings operations that emit 2.7 tons of VOC per year. There are no anticipated

costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to implement the requirements of this rule is approximately \$6,560 per ton VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to business to comply with this rule is approximately \$6,560 per ton 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 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
- ◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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.

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 VOCs in excess of 0.20 kilograms per liter of coating (1.7 pounds per gallon), excluding water, 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 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.

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 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.

R307-348-7. 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

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

Environmental Quality, Air Quality R307-349 Flat Wood Panel Coatings

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36731

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM_{2.5} national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Flat wood panel coating operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM_{2.5}. This rule for the PM_{2.5} State Implementation Plan will lower VOCs that are emitted from flat wood panel coating operations, as well as clarify regulatory requirements to the industry.

SUMMARY OF THE RULE OR CHANGE: This rule applies to flat wood panel coating operations, including related cleaning activities, that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties. The rule establishes reasonably available control technology requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 90% VOC reduction. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to the state budget. (DAR NOTE: The proposed repeal of Rule

R307-340 is under DAR No. 36725 in this issue, October 1, 2012, of the Bulletin.)

♦ LOCAL GOVERNMENTS: The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to local government.

♦ SMALL BUSINESSES: Anticipated cost to sources is \$2,110 per ton VOC removed.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule applies to flat wood panel coatings operations that emit 2.7 tons of VOC per year. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to implement the requirements of this rule is approximately \$2,110 per ton VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to business to comply with this rule is approximately \$2,110 per ton 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 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

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♦ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
♦ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
♦ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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, Tooele, Utah, and Weber counties.

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.

"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. 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) The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission standards of R307-348-4.

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 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.

R307-349-7. 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
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 PROPOSED RULE

(New Rule)

DAR FILE NO.: 36732

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM_{2.5} national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Miscellaneous metal parts and products coating operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM_{2.5}. This rule for the PM_{2.5} State Implementation Plan will lower VOCs that are emitted from fabric and vinyl coating operations, as well as clarify regulatory requirements to the industry.

SUMMARY OF THE RULE OR CHANGE: This rule applies to miscellaneous metal parts coating operations, including related cleaning activities, that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele,

Utah, and Weber counties. The rule establishes reasonably available control technology requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 90% VOC reduction. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to the state budget. (DAR NOTE: The proposed repeal of Rule R307-340 is under DAR No. 36725 in this issue, October 1, 2012, of the Bulletin.)

◆ **LOCAL GOVERNMENTS:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** Anticipated cost to sources is between \$238 to \$6,560 per ton VOC removed. These costs are highly dependent on the industrial application.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to miscellaneous metal part coatings operations that emit 2.7 tons of VOC per year. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to implement the requirements of this rule depends on which industry the rule is being applied to. Estimated costs range from \$238 to \$6,560 per ton VOC removed. These costs are highly dependent on the industrial application.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact this rule has on business depends on which industry the rule is being applied to. Estimated costs range from \$238 to \$6,560 per ton VOC removed. This fiscal impact is highly dependent on the industrial application.

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

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- ♦ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
- ♦ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
- ♦ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ♦ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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.

(2) Applicable 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;
 - (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.
- (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:
- "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-convertible-type 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 % 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 95 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 (PTFE) 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, as applied)

| COATING CATEGORY | VOC EMISSION 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 coat;
- (4) Roll coat;
- (5) High-Volume, Low-Pressure (HVLP) 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) Such other coating application methods as are demonstrated to the director to be capable of achieving a transfer efficiency equivalent or better to HVLP spray 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.

(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) The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission standards of R307-350-5(1).

(3) The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission standards of R307-350-5(1).

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 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.

R307-350-9. 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

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

Environmental Quality, Air Quality **R307-351** Graphic Arts

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36733

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM_{2.5} national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Graphic arts printing operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM_{2.5}. This rule for the PM_{2.5} State Implementation Plan will lower VOCs that are emitted from graphic arts printing operations.

SUMMARY OF THE RULE OR CHANGE: Owners and operators of rotogravure, flexographic, and specialty printing operations that have the potential to emit 25 tons per year of VOC can only operate if the volatile fraction of ink, as it is applied to substrate, contains 25% by volume or less of organic solvent and 75% by volume or more of water; if the ink as it is applied to the substrate, less water, contains 60% by volume or more nonvolatile material; or if the owner or operator installs and operates either a carbon adsorption system or an incineration system. Owners and operators of flexible packaging printing operations that have the potential to emit 2 tons per year of VOC are required to comply with an 80% overall control efficiency or by using the low VOC content materials listed in the rule. Owners and operators of offset lithographic printing and letterpress printing operations that have the potential to emit 25 tons per year of VOC are required to comply with a 90% control efficiency for the control device on heatset dryers or 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. Various required alcohol percentages of on-press fountain solution for offset lithographic printing and sheet-fed offset lithographic printing operations that have the potential to emit 2.7 tons per year of VOC are established. Requirements for cleaning materials for offset lithographic printing and letterpress printing operations that emit at least 2.7 tons per year actual emissions of VOC are established.

The rule also establishes control techniques and work practices that are to be implemented at all times to reduce VOC emissions as well as the requirements for when an add-on control device is used. During the public comment period, the Air Quality Board is asking for input on the appropriateness of applying this rule in Tooele and Box Elder counties.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to the state budget. (DAR NOTE: The proposed repeal of Rule R307-340 is under DAR No. 36725 in this issue, October 1, 2012, of the Bulletin.)

◆ **LOCAL GOVERNMENTS:** The majority of the requirements in this rule were already found in the Utah Air Quality rule, Rule R307-340, which has been proposed to be repealed. Therefore, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** Anticipated cost to sources is \$5,890 per ton VOC removed.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to graphic art printing operations. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to implement the requirements of this rule is approximately \$5,890 per ton VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to business to comply with this rule is approximately \$5,890 per ton 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 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
- ◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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 containing inks, including dilution and cleaning solvents, 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), post-press 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.

"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, solvent-borne and waterborne coatings.

"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 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 organic solvent 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 capture system as described in R307-351-4(1)(a)(iii) shall be used in conjunction with a carbon 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) 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.

R307-351-5. Standards for Flexible Packaging Printing Operations.

 (1) Presses used for flexible packaging printing shall comply with an 80% overall control efficiency.

 (2) 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) 0.8 kg VOC/kg solids applied; or

 (ii) 0.16 kg VOC/kg materials applied.

 (iii) 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) 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) 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 (as-applied) 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 (as-applied) 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) 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 use of all materials that may be a source of VOC emissions including, but not limited to, inks, coatings, adhesives, fountain solution, cleaning materials, and solvents.

 (ii) The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the standards of R307-351.

R307-351-8. Optional Add-On Controls for Coating Operations.

 (1) The owner or operator of an add-on control device shall 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.

 (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.

R307-351-9. 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
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 PROPOSED RULE

(New Rule)

DAR FILE NO.: 36734

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM2.5 national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Coating operations in the manufacturing or reconditioning of metal cans, drums, pails, and lids emit volatile organic compounds (VOCs), which are precursors to the formation of PM2.5. This rule for the PM2.5 State Implementation Plan will lower VOCs that are emitted from from these coating operations.

SUMMARY OF THE RULE OR CHANGE: This rule applies to coating operations in the manufacturing or reconditioning of metal cans, drums, pails, and lids that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties. The rule establishes reasonably available control technology requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 90% VOC reduction. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties.

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This rule may add to the Division of Air Quality's administrative costs; however, those costs will be minimal. Therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This rule does not create any new requirements for local government; therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** Anticipated cost to sources is \$3,221 per ton VOC removed.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to coating operations in the manufacturing or reconditioning of metal cans, drums, pails, and lids that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year. There are no anticipated costs or savings to

persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to implement the requirements of this rule is approximately \$3,221 per ton VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to business to comply with this rule is approximately \$3,221 per ton 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 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
- ◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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.

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.

R307-352-3. Definitions.

The following additional definitions apply to R307-352:
 "Coil coating" means any coating applied to metal sheets or strips which are then rolled into coils for further industrial or commercial use.

"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.

TABLE 1

METAL CONTAINER AND CLOSURE COIL COATING LIMITATIONS
 (values in pounds VOC per gallon of coating, minus water, 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) The owner or operator shall maintain records from the manufacturer that demonstrates compliance with the emission standards of R307-348-4.

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 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.

R307-352-7. 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 Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

(a)

Environmental Quality, Air Quality
R307-353
Plastic Part Coatings

NOTICE OF PROPOSED RULE

(New Rule)
 DAR FILE NO.: 36735
 FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM_{2.5} national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Automobile, truck, and business machine plastic part coating line operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM_{2.5}. This rule for the PM_{2.5} State Implementation Plan will lower VOCs that are emitted from from these coating operations.

SUMMARY OF THE RULE OR CHANGE: This rule applies to automobile, truck, and business machine plastic part coating line operations that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties. The rule establishes reasonably available control technology requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 90% VOC reduction. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties.

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This rule may add to the Division of Air Quality's administrative costs; however, those costs will be minimal. Therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This rule does not create any new requirements for local government; therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** Anticipated cost to sources is \$2,020 per ton VOC removed.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to coating operations of in the manufacturing or reconditioning of metal cans, drums, pails, and lids that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to implement the requirements of this rule is approximately \$2,020 per ton VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to business to comply with this rule is approximately \$2,020 per ton 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 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 10/15/2012 11:00 AM, Bridgerland Applied Technology College, 1301 N 600 W, Rooms 171 D and E, Logan, UT
- ◆ 10/16/2012 11:00 AM, Mountainland Association of Governments, 586 E 800 N, Orem, UT
- ◆ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
- ◆ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-353. Plastic Part Coatings.

R307-353-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from automobile, truck, and business machine plastic 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, Tooele, Utah and Weber counties.

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;
 - (f) Touch-up coatings;
 - (g) Repair coatings; and
 - (h) 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 R307-350:

"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.

"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.

"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.
 - (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.

(c) For red and black coatings, the emission limitation shall be determined by multiplying the appropriate limit in Table 1 by 1.15.

(d) 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) 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, as applied)

| COATING CATEGORY | VOC EMISSION RATES |
|--|--------------------|
| <u>High bake coating - exterior & interior parts</u> | |
| <u>Prime</u> | |
| <u>Flexible coating</u> | 4.5 |
| <u>Nonflexible coating</u> | 3.5 |
| <u>Topcoat</u> | |
| <u>Basecoat</u> | 4.3 |
| <u>Clearcoat</u> | 4.0 |
| <u>Non-basecoat/clearcoat</u> | 4.3 |
| <u>Air-dried coating - exterior parts</u> | |
| <u>Prime</u> | 4.8 |
| <u>Topcoat</u> | |
| <u>Basecoat</u> | 5.0 |
| <u>Clearcoat</u> | 4.5 |
| <u>Non-basecoat/clearcoat</u> | 5.0 |
| <u>Air-dried coating - interior parts</u> | 5.0 |
| <u>Touch-up and repair</u> | 5.2 |

- (2) For business machine 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 2 or shall use an add-on control device as specified in R307-353-7.
 - (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, 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 |

(3) 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. 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) The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission standards of R307-348-5.

R307-353-7. 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 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.

R307-353-8. 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
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

Environmental Quality, Air Quality **R307-354** Automotive Refinishing Coatings

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36736

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM_{2.5} national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Automotive refinishing coatings operations emit volatile organic compounds (VOCs), which are precursors to the formation of PM_{2.5}. This rule for the PM_{2.5} State Implementation Plan will lower VOCs that are emitted from automotive refinishing coatings operations, as well as clarify regulatory requirements to the industry.

SUMMARY OF THE RULE OR CHANGE: This rule applies to automotive refinishing coatings operations, including related cleaning activities, that have the potential to emit 2.7 tons of volatile organic compounds (VOC) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties. The rule establishes reasonably available control technology requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 90% VOC reduction. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties.

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

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There may some an increase in administrative costs at the Division of Air Quality; however, costs should be minimal. Therefore, there are no anticipated costs or savings to the state budget.

◆ LOCAL GOVERNMENTS: This rule does not add any requirements to local government; therefore, there are no anticipated costs or savings.

♦ **SMALL BUSINESSES:** Anticipated cost to sources is approximately \$2,740 per ton VOC removed.
 ♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to automotive refinishing coatings operations that emit 2.7 tons of VOC per year. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance cost to implement the requirements of this rule is approximately \$2,740 per ton VOC removed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to business to comply with this rule is approximately \$2,740 per ton 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

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 ♦ 10/17/2012 02:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT
 ♦ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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, Tooele, Utah and Weber counties.

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 shop, 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.

"Enclosed 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 topcoats.

"Finishing operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, 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-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.

"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 than 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-gloss coatings, 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 from 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, as applied)

| <u>COATING CATEGORY</u> | <u>VOC EMISSION RATES</u> |
|-------------------------------------|---------------------------|
| <u>Adhesion Promoter</u> | <u>4.5</u> |
| <u>Clear Coating</u> | <u>2.1</u> |
| <u>Color Coating</u> | <u>3.5</u> |
| <u>Multi-color Coating</u> | <u>5.7</u> |
| <u>Pretreatment Coating</u> | <u>5.5</u> |
| <u>Primer</u> | <u>2.1</u> |
| <u>Primer Sealer</u> | <u>2.1</u> |
| <u>Single-stage Coating</u> | <u>2.8</u> |
| <u>Temporary Protective Coating</u> | <u>0.5</u> |
| <u>Truck Bed Liner Coating</u> | <u>2.6</u> |
| <u>Underbody Coating</u> | <u>3.6</u> |
| <u>Uniform Finish Coating</u> | <u>4.5</u> |
| <u>Any Other Coating Type</u> | <u>2.1</u> |

R307-354-5. Work Practice 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;

(b) Covered containers for solvent wiping cloths;

(c) Collection hoods for areas where solvent is used for cleanup;

(d) Minimizing spill 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 or a non-enclosed 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.

(3) 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.**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 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.**R307-354-7. 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, 2014.**KEY: air pollution, automotive refinishing, VOC, coatings****Date of Enactment or Last Substantive Amendment: 2012****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 PROPOSED RULE

(New Rule)

DAR FILE NO.: 36737

FILED: 09/06/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM2.5 national ambient air quality standard from 65 to 35

micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet this standard. Coatings operations, organic solvent cleansing, and storage and disposal of solvents at aerospace manufacture and rework facilities emit volatile organic compounds (VOCs), which are precursors to the formation of PM2.5. This rule for the PM2.5 State Implementation Plan will lower VOCs that are emitted from these operations.

SUMMARY OF THE RULE OR CHANGE: This rule applies to aerospace manufacture and rework facilities that have the potential to emit five tons of volatile organic compounds (VOC) per year and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties. The rule establishes reasonably available control technology requirements to reduce VOC emissions. Owners and operators have the option to reduce VOCs by applying coatings with the VOC limits established in the rule or to use add-on controls to achieve at least a 95% VOC reduction. Coating application methods and work practices for cleaning materials are established. Owners and operators are required to maintain records from the manufacturer that demonstrate compliance with the emission standards in the rule. Hand-wipe, flush, and spray gun cleaning requirements are included in the rule. During the public comment period, the Air Quality Board is requesting public input on the appropriateness of applying this rule in Tooele and Box Elder counties and is asking industry to provide information on their cost to comply with the rule.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There may be some increase in administrative costs at the Division of Air Quality; however, costs should be minimal. Therefore, there are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** This rule does not add any requirements to local government; therefore, there are no anticipated costs or savings.

◆ **SMALL BUSINESSES:** The division does anticipate a cost to small businesses to implement this rule. However, the division is unsure of what those costs would be. That is why during the public comment period, the Air Quality Board is asking that industry provide cost information.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to aerospace manufacture and rework facilities that have the potential to emit five tons of volatile organic compounds (VOC) per year. There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The division does anticipate compliance costs for affected persons. However, the division is unsure of what those costs would be. That is why during the public comment period, the

Air Quality Board is asking that industry provide cost information.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The division does anticipate compliance costs for affected persons. However, the division is unsure of what those costs would be. That is why during the public comment period, the Air Quality Board is asking that industry provide cost information.

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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 10/31/2012

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♦ 10/17/2012 06:00 PM, Utah Department of Environmental Quality, 195 N 1950 W, Room No. 1015, SLC, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/06/2012

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 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.

R307-355 does not apply 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.

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.

"Specialty coating" means specialty coating as defined in 40 CFR 63 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) No person shall 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, 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, delivered to a coating applicator that applies primers;

(b) 3.5 pounds per gallon of coating, excluding water, 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); and

(c) 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 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 coat;

(c) Dip coat;

(d) Roll coat;

(e) High-Volume, Low-Pressure (HVLP) Spray;

(f) Hand Application Methods; or

(g) Other coating application methods that achieve emission reductions equivalent to HVLP or electrostatic spray application methods

(2) The following conditions are exempt from R307-355-6(1):

(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.

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 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 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) The owner or operator shall maintain records from the manufacturer that demonstrate compliance with the emission standards of R307-355-5.

(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 have a VOC composite vapor pressure less than or equal to 45 mm Hg or less at 68 degrees Fahrenheit or an aqueous cleaning solvent in which water is at least 80% of the solvent as applied.

(2) 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) 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 after the leak was found. If the leak is not repaired by 48 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.

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% efficiency performance.

(2) The owner or operator of a control device shall provide 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.

R307-355-10. 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, aerospace
Date of Enactment or Last Substantive Amendment: 2012
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

60 E SOUTH TEMPLE THIRD FLOOR
 SALT LAKE CITY, UT 84111
 or at the Division of Administrative Rules.

Governor, Economic Development
R357-6
 Technology and Life Science Economic
 Development and Related Tax Credits

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 36749
 FILED: 09/11/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The statute was amended, thus requiring a rule change.

SUMMARY OF THE RULE OR CHANGE: These changes: remove capital gains tax credit language and add quarterly application deadlines.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63M-1-2908

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** None--This is an amendment to a program which is currently being administered by the Governor's Office of Economic Development. The changes in the rule will not create nor save costs to the existing program.

♦ **LOCAL GOVERNMENTS:** None--Local government is not involved in this program and would not be affected by the change.

♦ **SMALL BUSINESSES:** None--Small businesses which were previously eligible for the tax credits continue to be eligible. There is no fiscal impact on small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--There is no application fee for the tax credits and the application is similar to what was required in the past.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--There is no application fee for the tax credits and the application is similar to what was required in the past.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--There is no fiscal impact on small businesses.

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

GOVERNOR
 ECONOMIC DEVELOPMENT

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Zachary Derr by phone at 801-538-8746, by FAX at 801-538-8888, or by Internet E-mail at zderr@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/10/2012

AUTHORIZED BY: Spencer Eccles, Executive Director

R357. Governor, Economic Development.

R357-6. Technology and Life Science Economic Development and Related Tax Credits.

R357-6-1. Purpose.

(1) The purpose of these rules is to provide:

(a) the criteria upon which the Governor's Office of Economic Development will determine whether to award tax credits to applicants;

(b) the procedures for documenting the Governor's Office of Economic Development's application of this criteria;

(c) the procedures by which the Governor's Office of Economic Development issues tax credit certificates;

(d) the available tax credits for which applicants may apply.

R357-6-2. Authority.

(1) UCA 63M-1-2907 requires the office to make rules establishing criteria to prioritize the issuance of tax credits among applicants and to establish procedures for documenting the office's application of the criteria.

R357-6-3. Definitions.

(1) Terms in these rules are used as defined in UCA 63M-1-2902.

R357-6-4. Conditions.

(1) Applicants shall use the application form provided by the office and follow the procedures and requirements set forth in UCA 63M-1-2905 for obtaining a tax credit certificate.

(2) Applicants shall submit the application form to the office to be eligible to receive a tax credit, quarterly throughout the fiscal year as set forth in UCA 63M-1-2908, on or before the following quarterly deadlines:

(a) September 1; and

(b) December 1; and

(c) March 1; and

(d) June 1.

~~(2)~~(3) The office shall review and rank for approval accepted applications based upon the following criteria:

(a) The overall economic impact on the state related to providing tax credits, taking into account such factors as:

(i) the number of new incremental jobs to Utah; or

- (ii) capital investment in the state; or
- (iii) new state revenues; or
- (iv) any combination of Subsections (i), (ii), or (iii); or
- (v) other criteria as established by the office by policy publication.

~~[(3)](4)~~ The office shall keep a record of the review and ranking of applications based on the criteria in subsection (2).

~~[(4)](5)~~ The office, with advice from the board, may enter into an agreement with a business entity authorizing a tax credit if the business entity meets the standards under subsections (2) and (3) and according to the requirements and procedures set forth in UCA 63M-1-2909.

~~[(5)](6)~~ A business entity is eligible for an economic development tax credit only if the office has entered into an agreement under subsection (4) with the business entity.

R357-6-5. Available Tax Credits.

(1) An applicant may seek one of three types of tax credits, drawn from funds expressly set aside by the Legislature:

- (a) a refundable tax credit for generating state tax revenue; or
- (b) a non-refundable tax credit for investment in certain life sciences establishments~~[-or-]~~.

~~[(c) a non-refundable tax credit for capital gains transactions related to a life sciences establishment.]~~

(2) Eligibility shall be determined by:

- (a) statutory requirements; and
- (b) policy established by the office, with advice and consent of the board, which shall be posted on the office's public website; and
- (c) the criteria listed in R357-6-4(2).

KEY: economic development, life sciences, new state revenue
Date of Enactment or Last Substantive Amendment: [August 8, 2011]2012
Authorizing, and Implemented or Interpreted Law: 63M-1-2901

**Health, Family Health and
 Preparedness, Child Care Licensing
 R430-6
 Background Screening**

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 36715
 FILED: 09/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify the language related to individuals required to submit background screening information and the conditions under which an exemption to this rule may be granted by the Executive Director of the Department of Health.

SUMMARY OF THE RULE OR CHANGE: The proposed change clarifies the definition of "involved with child care". It also clarifies that background screening information must be submitted for children who turn 12 and live in a home where child care is provided. Lastly, it specifies the conditions under which the Executive Director of the Department of Health may exempt individual background screening cases involving misdemeanor offenses.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Some state agencies operate or sponsor child care programs. However, the Department does not anticipate that this rule will result in any new costs or savings to child care programs operated by state agencies. This is because the first two changes are only clarifications and do not change current requirements, and the third change is only expected to affect one or two individual people once every few years.

◆ **LOCAL GOVERNMENTS:** Some local governments operate or sponsor child care programs. However, the Department does not anticipate that this rule will result in any new costs or savings to child care programs operated by local governments. This is because the first two changes are only clarifications and do not change current requirements, and the third change is only expected to affect one or two individual people once every few years.

◆ **SMALL BUSINESSES:** Almost all child care facilities are small businesses. However, the Department does not anticipate that this rule will result in any new costs or savings to child care programs operated by small businesses. This is because the first two changes are only clarifications and do not change current requirements, and the third change is only expected to affect one or two individual people once every few years.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate that this rule will result in any new costs or savings to child care programs operated by businesses, individuals, local governments, and persons that are not small businesses. This is because the first two changes are only clarifications and do not change current requirements, and the third change is only expected to affect one or two individual people once every few years.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule does not impose any new requirement for child care providers, the Department does not anticipate any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Background screening is an important tool to protect children but should be applied carefully. Clarity on who must be screened and when a finding may be exempted are supported by this rule change. The possibility to hire qualified people with a criminal background that does not present a

risk to children through the exemption process should have a positive impact on businesses.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.

R430-6. Background Screening.

R430-6-2. Definitions.

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

In addition:

(1) "Applicant" means a person who has applied for a new child care license or residential certificate from the Department, or a currently licensed or certified child care provider who is applying for a renewal of their child care license or certificate.

(2) "Background finding" means a determination by the Department that an individual:

(a) has been convicted of, has pleaded no contest to, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor.

(b) has been adjudicated in juvenile court of committing an act which if committed by an adult would be a felony or misdemeanor.

(3) "Covered individual" means:

(a) owners;

(b) directors;

(c) members of the governing body;

(d) employees;

(e) providers of care, including children residing in a home where child care is provided;

(f) volunteers, excluding parents of children enrolled in the program;

(g) all individuals age 12 and older residing in a residence where child care is provided; and

(h) anyone who has unsupervised contact with a child in care.

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

~~_____ (5) "Involved with child care" means to provide child care, volunteer, own, operate, direct, be employed in, or function as a member of the governing body of a child care program with a license or certificate issued by the Department.~~

_____ (5) "Involved with child care" means to do any of the following at or for a facility with a child care license or certificate issued by the Department:

_____ (a) provide child care;

_____ (b) volunteer at a child care facility;

_____ (c) own, operate, direct, or be employed at a child care facility;

_____ (d) reside at a facility where care is provided;

_____ (e) function as a member of the governing body of a child care facility; or

_____ (e) be present at a facility while care is being provided, except for parents dropping off or picking up their child, or attending a scheduled event at the child care facility.

(6) "Supported finding" means an individual is listed on the Licensing Information System child abuse and neglect database maintained by the Utah Department of Human Services.

(7) "Unsupervised Contact" means contact with children that provides the person opportunity for personal communication or touch when not under the direct supervision of a child care provider or employee who has passed a background screening.

(8) "Volunteer" means an individual who receives no form of direct or indirect compensation for providing care.

R430-6-3. Submission of Background Screening Information.

(1) Each applicant requesting a new or renewal child care license or residential certificate must submit to the Department the name and other required identifying information on all covered individuals.

(a) Unless an exception is granted under Subsection (4) below, the applicant shall ensure that the identifying information submitted for all individuals age 18 and older includes a fingerprint card and fee.

(b) The fingerprint card must be prepared either by a local law enforcement agency or an agency approved by local law enforcement.

(2) The applicant shall state in writing, based upon the applicant's information and belief, whether each covered individual:

(a) has been convicted of, has pleaded no contest to, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor.

(b) has been adjudicated in juvenile court of committing an act which if committed by an adult would be a felony or misdemeanor;

(c) has ever had a supported finding by the Department of Human Services, or a substantiated finding from a juvenile court, of abuse or neglect of a child.

(3) Within five days of a new covered individual beginning work at a child care facility or moving into a licensed or certified home, or a child turning 12 who resides in the facility where care is provided, the licensee or certificate holder must submit to the Department the name and other required identifying information for that individual.

(a) Unless an exception is granted under Subsection (4) below, the licensee or certificate holder shall ensure that the identifying information submitted for all individuals age 18 and older includes a fingerprint card and fee.

(b) The fingerprint card must be prepared either by a local law enforcement agency or an agency approved by local law enforcement.

(4) Fingerprint cards are not required if:

(a) the covered individual has resided in Utah continuously for the past five years;

(b) the covered individual is less than 23 years of age, and has resided in Utah continuously since the individual's 18th birthday; or

(c) the covered individual has previously submitted fingerprints under this section for a national criminal history record check and has resided in Utah continuously since that time.

R430-6-4. Criminal Background Screening.

(1) Regardless of any exception under R430-6-4(4), if an in-state criminal background screening indicates that a covered individual age 18 or older has a background finding, the Department may require that individual to submit a fingerprint card and fee from which the Department may conduct a national criminal background screening on that individual.

(2) Except for the offenses listed under Subsection (3), if a covered individual has a background finding, that individual may not be involved with child care. If such a covered individual resides in a home where child care is provided, the Department shall revoke an existing license or certificate or refuse to issue a new license or certificate.

(3) A background finding for any of the following offenses does not prohibit a covered individual from being involved with child care:

(a) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 32A, Alcoholic Beverage Control Act, except for 32A-12-203, Unlawful sale or furnishing to minors;

(b) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 41, Chapter 6a, Traffic Code except for an offense under section 41-6a-502, Driving under the influence of alcohol, drugs, or a combination of both or with specified or unsafe blood alcohol concentration, that is punishable as a Class A misdemeanor under subsection 41-6a-503(1)(b);

(c) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 58, Chapter 37, Utah Controlled Substances Act;

(d) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

(e) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 58, Chapter 37b, Imitation Controlled Substances Act;

(f) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 76, Chapter 4, Inchoate Offenses, except for:

(i) 76-4-401, Enticing a Minor;

(g) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 76, Chapter 6, Offenses Against Property;

(h) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 76, Chapter 6a, Pyramid Scheme Act;

(i) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 76, Chapter 7, Subsection 103, Adultery, and 104, Fornication;

(j) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 76, Chapter 8, Offenses Against the Administration of Government;

(k) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 76, Chapter 9, Offenses Against Public Order and Decency, except for:

(i) 76-9-301, Cruelty to Animals;

(ii) 76-9-301.1, Dog Fighting;

(iii) 76-9-301.8, Bestiality;

(iv) 76-9-702, Lewdness;

(v) 76-9-702.5, Lewdness Involving Child; and

(vi) 76-9-702.7, Voyeurism; and

(l) any Class A misdemeanor offense as allowed in Subsection (4), and any Class B or C misdemeanor offense under Title 76, Chapter 10, Offenses Against Public Health, Welfare, Safety and Morals, Utah Criminal Code, except for:

(i) 76-9-509.5, Providing Certain Weapons to a Minor;

(ii) 76-10-509.6, Parent or guardian providing firearm to violent minor;

(iii) 76-10-509.7, Parent or Guardian Knowing of a Minor's Possession of a Dangerous Weapon;

(iv) 76-10-1201 to 1229.5, Pornographic Material or Performance;

(v) 76-10-1301 to 1314, Prostitution; and

(vi) 76-10-2301, Contributing to the Delinquency of a Minor.

(4) A covered individual with a Class A misdemeanor background finding may be involved with child care if either of the following conditions is met:

(a) if the Class A misdemeanor background finding is for any of the excluded misdemeanor offenses in Subsection (3), and:

(i) ten or more years have passed since the Class A misdemeanor offense; and

(ii) there is no other background finding for the individual in the past ten years; or

(b) if the Class A misdemeanor background finding is for any of the excluded misdemeanor offenses in Subsection (3) and five or more years have passed, but ten years have not passed since the Class A misdemeanor offense, and there is no other background finding since the Class A misdemeanor offense, then the individual may be involved with child care as an employee of an existing licensed or certified child care program for up to six months if:

(i) the individual provides documentation for an active petition for expungement of the disqualifying offense within 30 days of the notice of the disqualifying background finding; and

(ii) the licensee or certificate holder ensures that another employee who has passed the background screening is always present in the same room as the individual, and ensures that the individual has no unsupervised contact with any child in care.

(5) If the court denies a petition for expungement from an individual who has petitioned for expungement and continues to be involved with child care as an employee under Subsection (4)(b), that individual may no longer be employed in an existing licensed or certified child care program, even if six months have not passed since the notice of the disqualifying background finding.

(6) The Department may rely on the criminal background screening as conclusive evidence of the arrest warrant, arrest, charge, or conviction, and the Department may revoke or deny a license, certificate, or employment based on that evidence.

(7) If a covered individual is denied a license, certificate or employment based upon the criminal background screening and the covered individual disagrees with the information provided by the Department of Public Safety, the covered individual may challenge the information as provided in Utah Code, Sections 77-18-10 through 77-18-14 and 77-18a-1.

(8) If the Department takes an action adverse to any covered individual based upon the criminal background screening, the Department shall send a written decision to the licensee or certificate holder and the covered individual explaining the action and the right of appeal.

(9) All licensees, certificate holders, and covered individuals must report to the Department any felony or misdemeanor arrest, charge, or conviction of a covered individual within 48 hours of becoming aware of the arrest warrant, arrest, charge, or conviction. Failure to notify the Department within 48 hours may result in disciplinary action, including revocation of the license or certificate.

(10) The Executive Director of the Department of Health may consider and exempt individual cases under the following conditions:

- (a) the background finding is not for a felony; and
- (b) the Executive Director determines that the nature of the background finding, or mitigating circumstances related to the background finding, are such that the individual with the background finding does not pose a risk to children.

KEY: child care facilities, background screening

Date of Enactment or Last Substantive Amendment: [May 1,] 2012

Notice of Continuation: August 3, 2012

Authorizing, and Implemented or Interpreted Law: 26-39

**Health, Family Health and
Preparedness, Child Care Licensing
R430-50
Residential Certificate Child Care**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36716

FILED: 09/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to correct minor rule references and to replace language related to contact information during off-site activities.

SUMMARY OF THE RULE OR CHANGE: The proposed change corrects references to required first aid and CPR training and clarifies what documentation is needed for off-site activities.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** No state agencies operate in-home child care programs, so there are no anticipated costs or savings to state budgets associated with this rule change.

◆ **LOCAL GOVERNMENTS:** No local governments operate in-home child care programs, so there are no anticipated costs or savings to local governments associated with this rule change.

◆ **SMALL BUSINESSES:** Almost all child care facilities are small businesses. However, because this amendment would not remove or add to any of the requirements for child care programs, the Department does not anticipate that this rule will result in any new costs or savings to child care programs operated by small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Because this amendment does not add to or remove any of the requirements for child care providers, the Department does not anticipate any new costs or savings to entities or persons that are not small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule does not impose any new requirement for child care providers, the Department does not anticipate any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These technical and other minor changes will have no fiscal impact on businesses.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG

288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.

R430-50. Residential Certificate Child Care.

R430-50-9. Records.

(1) The certificate holder shall maintain on-site for review by the Department during any inspection the following general records:

(a) current animal vaccination records as required in R430-50-22(1)(b);

(b) a six week record of child attendance, as required in R430-50-13(3);

(c) a current local health department kitchen inspection;

(d) an initial local fire department clearance for all areas of the home being used for care;

(e) approved initial "CBS/LIS Consent and Release of Liability for Child Care" form for all providers, volunteers, and each person age 12 and older who resides in the certificate holder's home;

(f) if the certificate holder has been certified for more than a year, the most recent criminal background "Disclosure Statement" which includes all providers, volunteers, and each person age 12 and older who resided in the home of the certificate holder at any time since the last certificate renewal; and

(g) if the certificate holder has been certified for more than a year, the most recent "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" which includes all providers, volunteers, and each person age 12 and older who resided in the home of the certificate holder at any time since the last certificate renewal.

(2) The certificate holder shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:

(a) an admission form containing the following information for each child:

(i) name;

(ii) date of birth;

(iii) the parent's name, address, and phone number, including a daytime phone number;

(iv) the names of people authorized by the parent to pick up the child;

(v) the name, address and phone number of a person to be contacted in the event of an emergency if a provider is unable to contact the parent;

(vi) child health information, as required in R430-50-14(7); and

(vii) current emergency medical treatment and emergency medical transportation releases with the parent's signature;

(b) current immunization records or documentation of a legally valid exemption, as specified in R430-50-14(5) and (6); ~~and~~

(c) a completed transportation permission form, if transportation services are offered to any child in care; and

(~~e~~d) a six week record of medication permission forms, and a six week record of medications actually administered, as specified in R430-50-17(3) and R430-50-17(5)(f), if medications are administered to any child in care.

(3) The certificate holder shall maintain on-site for review by the Department during any inspection the following records for the certificate holder and each non-emergency substitute:

(a) orientation training documentation for all non-emergency substitutes as required in R430-50-7(5);

(b) annual training documentation for the past two years as required in R430-50-7(6)(a); and

(c) current first aid and CPR certification, as required in R430-50-10(~~+~~)(2) and R430-50-20(~~+~~e)(3)(d).

(4) The certificate holder shall maintain on-site for review by the Department during any inspection orientation training documentation for each volunteer as required in R430-50-7(5).

(5) The certificate holder shall ensure that information in any child's file is not released without written parental permission.

R430-50-20. Activities.

(1) The certificate holder shall offer daily activities to support each child's healthy physical, social-emotional, and cognitive-language development.

(2) The certificate holder shall ensure that the toys and equipment necessary to carry out the activities are accessible to children.

(3) If off-site activities are offered:

(a) the certificate holder shall obtain parental consent for off-site activities in advance;

(b) the certificate holder shall accompany the children and shall take a copy of each child's emergency contact information ~~admission form as specified in R430-50-9(2)(a)~~.

(c) the certificate holder shall maintain required provider to child ratios and direct supervision during the activity;

(d) at least one provider present shall have a current Red Cross, American Heart Association, or equivalent first aid and infant and child CPR certification. Equivalent CPR certification must include hands-on testing. And

(e) the certificate holder shall ensure that there is a way for each provider, volunteer, and child to wash his or her hands as specified in R430-50-16(1) and (2). If there is no source of running water, providers, volunteers, and children may clean their hands with individual disposable wet wipes and hand sanitizer.

(4) If off-site swimming activities are offered, providers shall remain with the children during the activity, and lifeguards and pool personnel shall not count toward the provider to child ratio.

KEY: child care facilities; residential certificate

Date of Enactment or Last Substantive Amendment: [~~May 1,~~] 2012

Notice of Continuation: June 6, 2008

Authorizing, and Implemented or Interpreted Law: 26-39

Health, Family Health and
Preparedness, Child Care Licensing
R430-60
Hourly Child Care Centers

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36717

FILED: 09/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to fix references in the definitions and records sections and to remove outdated language related to personnel.

SUMMARY OF THE RULE OR CHANGE: The proposed change corrects an error that refers to assistant caregivers. Hourly facilities do not have assistant caregivers. The proposed change also corrects outdated references in the definitions and records sections.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** No state agencies operate hourly child care programs, so there are no anticipated costs or savings to state budgets associated with this rule change.

♦ **LOCAL GOVERNMENTS:** Some local government operate hourly care programs. The Department does not anticipate a cost or savings to these programs. Because this rule does not add or remove any rule requirements, the Department does not anticipate any new costs or savings to local government.

♦ **SMALL BUSINESSES:** Almost all hourly child care programs are small businesses. The Department does not anticipate a cost or savings to these programs. Because this rule does not add or remove any rule requirements, the Department does not anticipate any new costs or savings to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate a cost or savings to these programs. Because this rule does not add or remove

any rule requirements, the Department does not anticipate any new costs or savings to entities or persons that are not small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule does not impose any new requirement for child care providers, the Department does not anticipate any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These technical and other minor changes will have no fiscal impact on businesses.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.

R430-60. Hourly Child Care Centers.

R430-60-2. Definitions.

(1) "Accredited College" means a college accredited by an agency recognized by the United States Department of Education as a valid accrediting agency.

(2) "ASTM" means American Society for Testing and Materials.

(3) "Body fluids" means blood, urine, feces, vomit, mucous, and saliva.

(4) "Caregiver" means an employee or volunteer who provides direct care to children.

(5) "CPSC" means the Consumer Product Safety Commission.

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

(7) "Designated Play Surface" means a flat surface on a piece of stationary play equipment that a child could stand, walk, sit, or climb on, and is at least 2" by 2" in size.

(8) "Direct Supervision" for infants, toddlers, and preschoolers means the caregiver can see and hear all of the children in his or her assigned group, and is near enough to

intervene when necessary. "Direct Supervision" for school age children means the caregiver must be able to hear school age children and must be near enough to intervene when necessary.

(9) "Emotional Abuse" means behavior that could impair a child's emotional development, such as threatening, intimidating, humiliating, or demeaning a child, constant criticism, rejection, profane language, and inappropriate physical restraint.

(10) "Group" means the children assigned to one or two caregivers, occupying an individual classroom or an area defined by furniture or another partition within a room.

(11) "Health Care Provider" means a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician's assistant.

(12) "Inaccessible to Children" means either locked, such as in a locked room, cupboard or drawer, or with a child safety lock, or in a location that a child can not get to.

(13) "Infant" means a child aged birth through 11 months of age.

(14) "Infectious Disease" means an illness that is capable of being spread from one person to another.

(15) "Licensee" means the legally responsible person or persons holding a valid Department of Health child care license.

(16) "Over-the-Counter Medication" means medication that can be purchased without a written prescription from a health care provider. This includes herbal remedies and vitamin or mineral supplements.

(17) "Parent" means the parent or legal guardian of a child in care.

(18) "Person" means an individual or a business entity.

(19) "Physical Abuse" means causing nonaccidental physical harm to a child.

(20) "Preschooler" means a child aged 2 through 4, and 5 year olds who have not yet started kindergarten.

(21) "Protective cushioning" means cushioning material that has been tested to and meets American Society for Testing and Materials (ASTM) Specification F 1292, such as unitary surfaces, wood chips, engineered wood fiber, and shredded rubber mulch. Protective cushioning may also include pea gravel or sand as allowed by the Consumer Product Safety Commission (CPSC).

(22) "Provider" means the licensee or a staff member to whom the licensee has delegated a duty under this rule.

(23) "Sanitize" means to remove soil and small amounts of certain bacteria from a surface or object with a chemical agent.

(24) "School Age" means kindergarten and older age children.

(25) "Sexual Abuse" means abuse as defined in Utah Code, Section 76-5-404.1.(4)(2).

(26) "Sexually Explicit Material" means any depiction of sexually explicit conduct, as defined in Utah Code, Section ~~76-5a-2(8)~~; ~~76-5b-103(10)~~.

(27) "Sleeping Equipment" means a cot, mat, crib, bassinet, porta-crib, or play pen.

(28) "Stationary Play Equipment" means equipment such as a climber, a slide, a swing, a merry-go-round, or a spring rocker that is meant to stay in one location when children use it. Stationary play equipment does not include:

(a) a sandbox;

(b) a stationary circular tricycle;

(c) a sensory table; or

(d) a playhouse, if the playhouse has no play equipment, such as a slide, swing, ladder, or climber attached to it.

(29) "Toddler" means a child aged 12 months but less than 24 months.

(30) "Use Zone" means the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment, and onto which a child falling from or exiting the equipment could be expected to land.

(31) "Volunteer" means a person who provides care to a child but does not receive direct or indirect compensation for doing so.

R430-60-7. Personnel.

(1) The center must have a director who is at least 21 years of age and who has one of the following:

(a) an associates, bachelors, or graduate degree in child development, early childhood education, elementary education, or recreation from an accredited college;

(b) a college degree in a related field with documented four courses of higher education completed in child development;

(c) valid proof of a level 8, 9, or 10 Utah Early Childhood Career Ladder certification issued by the Utah Office of Child Care or the Utah Child Care Professional Development Institute;

(d) a currently valid national certification such as a Certified Childcare Professional (CCP) issued by the National Child Care Association, a Child Development Associate (CDA) issued by the Council for Early Childhood Professional Recognition, or other credential that the licensee demonstrates as equivalent to the Department; or

(e) a currently valid National Administrator Credential (NAC) issued by the National Child Care Association, plus one of the following:

(i) valid proof of successful completion of 12 semester credit hours of early childhood development courses from an accredited college; or

(ii) valid proof of completion of the following six Utah Early Childhood Career Ladder courses offered through Child Care Resource and Referral: Child Development Ages and Stages, Learning in the Early Years, A Great Place for Kids, Strong and Smart, Learning to Get Along, and Advanced Child Development.

(f) two years experience in child care, elementary education, or a related field.

(2) All caregivers included in the required caregiver to child ratios shall be at least 18 years of age.

(3) A volunteer may be included in the provider to child ratio only if the volunteer meets all of the caregiver requirements of this rule.

(4) Each new director, assistant director, caregiver, ~~assistant caregiver,~~ and volunteer shall receive orientation training prior to assuming caregiving duties. Orientation training shall be documented in the caregiver's file and shall include the following topics:

(a) specific job responsibilities;

(b) the center's emergency and disaster plan;

(c) the current child care licensing rules found in Sections R430-60-11 through 24;

(d) procedure for releasing children to authorized individuals only;

- (e) proper clean up of body fluids;
- (f) signs and symptoms of child abuse and neglect, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;
- (g) obtaining assistance in emergencies, as specified in the center's emergency and disaster plan.
- (h) If the center provides infant or toddler care, new caregiver orientation training topics shall also include:
 - (i) preventing shaken baby syndrome and coping with crying babies; and
 - (ii) preventing sudden infant death syndrome.
- (5) The following individuals shall complete a minimum of 10 hours of child care training each year, based on the center's license date:
 - (a) the director;
 - (b) all caregivers;
 - (c) all substitutes who work an average of 10 hours a week or more, as averaged over any three month period; and
 - (d) all volunteers that the provider includes in the provider to child ratio.
- (6) Documentation of annual training shall be kept in each caregiver's file, and shall include the name of the training organization, the date, the training topic, and the total hours or minutes of training.
- (7) Caregivers who begin employment partway through the license year shall complete a proportionate number of training hours based on the number of months worked prior to the center's relicensure date.
- (8) Annual training hours shall include the following topics:
 - (a) the current child care licensing rules found in Sections R430-60-11 through 24;
 - (b) a review of the center's policies and procedures and emergency and disaster plans, including any updates;
 - (c) signs and symptoms of child abuse and neglect, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;
 - (d) principles of child growth and development, including development of the brain; and
 - (e) positive guidance.
- (9) If the center provides infant or toddler care, annual training topics for the center director and all infant and toddler caregivers shall also include:
 - (a) preventing shaken baby syndrome and coping with crying babies; and
 - (b) preventing sudden infant death syndrome.
- (10) A minimum of 5 hours of the required annual in-service training shall be face-to-face instruction.

R430-60-9. Records.

- (1) The provider shall maintain the following general records on-site for review by the Department:
 - (a) documentation of the previous 12 months of fire and disaster drills as specified in R430-60-10(9) and (11);
 - (b) current animal vaccination records as required in R430-60-22(2);
 - (c) a six week record of child attendance, including sign-in and sign-out records;

- (d) a current local health department inspection;
- (e) a current local fire department inspection;
- (f) if the licensee has been licensed for one year or longer, the most recent "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" listing the licensee and all current providers, caregivers, volunteers, directors, owners, and members of the governing body; and
- (g) if the licensee has been licensed for one year or longer, the most recent criminal background "Disclosure and Consent Statement" listing the licensee and all current providers, caregivers, volunteers, directors, owners, and members of the governing body.
- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:
 - (a) an admission form containing the following information for each child:
 - (i) name;
 - (ii) date of birth;
 - (iii) the parent's name, address, and phone number, including a daytime phone number;
 - (iv) the names of people authorized by the parent to pick up the child;
 - (v) the name, address and phone number of a person to be contacted in the event of an emergency if the provider is unable to contact the parent; and
 - (vi) medical conditions, including a certification that all immunizations are current.
 - (b) a transportation permission form, if the center provides transportation services;
 - (c) a six week record of medication permission forms, and a six week record of medications actually administered; and
 - (d) a six week record of incident, accident, and injury reports.
- (3) The provider shall ensure that information in children's files is not released without written parental permission.
- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:
 - (a) date of initial employment;
 - (b) approved initial CBS/LIS Consent and Release of Liability for Child Care" form;
 - (c) a six week record of days worked, and the times worked each day;
 - (d) orientation training documentation for caregivers, and for volunteers who work at the center at least once each month;
 - (e) annual training documentation for all providers and substitutes who work an average of 10 hours or more a week, as averaged over any three month period; and
 - (f) current first aid and CPR certification, if applicable as required in R430-60-10(2), R430-60-20(2)(~~e~~)(d), and R430-60-21(2).

KEY: child care facilities, hourly child care centers

Date of Enactment or Last Substantive Amendment: [~~May 1,~~ 2012

Notice of Continuation: June 6, 2008

Authorizing, and Implemented or Interpreted Law: 26-39

**Health, Family Health and
Preparedness, Child Care Licensing
R430-70
Out of School Time Child Care
Programs**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36718

FILED: 09/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to correct outdated rule references and to remove and clarify rule language.

SUMMARY OF THE RULE OR CHANGE: The proposed change corrects outdated rule references, removes requirements for safety glass in mirrors, corrects an error in the phase-in schedule for playground improvements, and clarifies the language about information to be given to parents.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** No state agencies operate out of school time child care programs, so there are no anticipated costs or savings to state budgets associated with this rule change.

♦ **LOCAL GOVERNMENTS:** Some local governments operate out of school time child care programs. Not requiring the use of safety guards in mirrors may produce some minor savings. However, because having mirrors is not a requirement and the Department has no way of knowing if programs will install or increase the number mirrors they use, the Department cannot anticipate what their savings from this might be.

♦ **SMALL BUSINESSES:** Almost all out of school time child care programs are small businesses. Not requiring the use of safety guards in mirrors may produce some minor savings. However, because having mirrors is not a requirement and the Department has no way of knowing if programs will install or increase the number mirrors they use, the Department cannot anticipate what their savings from this might be.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Not requiring the use of safety glass in mirrors may produce some savings. Not requiring the use of safety guards in mirrors may produce some minor savings. However, because having mirrors is not a requirement and the Department has no way of knowing if programs will install or increase the number mirrors they use, the Department cannot anticipate what their savings from this might be.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule does not impose any new requirement for child care providers, the Department does not anticipate any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These technical and other minor changes will have no fiscal impact on businesses.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.

R430-70. Out of School Time Child Care Programs.

R430-70-3. License Required.

(1) A person or persons must be licensed to provide child care if:

- (a) they provide care in the absence of the child's parent;
- (b) they provide care for five or more children;
- (c) they provide care in a place other than the provider's home or the child's home;

(d) the program is open to children on an ongoing basis, on three or more days a week and for 30 or more days in a calendar year; and

- (e) they provide care for direct or indirect compensation.

(2) A person or persons may be licensed as an out of school time program under this rule if:

(a) they either provide care for two or more hours per day on days when school is in session for the child in care, and four or more hours per day on days when school is not in session for the child in care; or they provide care for four or more hours per day on days when school is not in session; and

(e)(b) all of the children who attend the program are at least five years of age.

R430-70-4. Facility.

(1) The licensee shall ensure that any building or playground structure constructed prior to 1978 which has peeling, flaking, chalking, or failing paint is tested for lead based paint. If lead based paint is found, the licensee shall contact the local health department and follow all required procedures for the removal of the lead based paint.

(2) There shall be at least two working toilets and two working sinks accessible to the children in care.

(3) If there are more than 50 children in attendance, there shall be one additional working sink and one additional working toilet for each additional group of 1 to 25 children.

(4) Children shall have privacy when using the bathroom.

(5) For buildings newly licensed under this rule after 30 June 2010 there shall be a working hand washing sink in each classroom.

(6) In gymnasiums, and in classrooms in buildings licensed before 30 June 2010, hand sanitizer must be available to children in care if there is not a handwashing sink in the room.

(7) All rooms and occupied areas in the building shall be ventilated by mechanical ventilation or by windows that open and have screens.

(8) The provider shall maintain the indoor temperature between 65 and 82 degrees Fahrenheit.

(9) The provider shall maintain adequate light intensity for the safety of children and the type of activity being conducted by keeping lighting equipment in good working condition.

(10) Windows[;] and glass doors[~~and glass mirrors~~] within 36 inches from the floor or ground shall be made of safety glass, or have a protective guard.

(11) There shall be at least 35 square feet of indoor space for each child, including the licensee's and employees' children who are not counted in the caregiver to child ratios.

(12) Indoor space per child may include floor space used for furniture, fixtures, or equipment if the furniture, fixture, or equipment is used:

- (a) by children;
- (b) for the care of children; or
- (c) to store classroom materials.

(13) Bathrooms, closets, staff lockers, hallways, corridors, lobbies, kitchens, or staff offices are not included when calculating indoor space for children's use.

R430-70-6. Outdoor Environment.

(1) There shall be an outdoor play area for children that is safely accessible to children.

(2) The outdoor play area shall have at least 40 square feet of space for each child using the playground at the same time.

(3) The outdoor play area shall accommodate at least 33 percent of the licensed capacity at one time or shall be at least 1600 square feet.

(4) The outdoor play area used by children shall be enclosed within a 4 foot high fence or wall, or a solid natural barrier that is at least 4 feet high.

(5) There shall be no openings greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter anywhere in the outdoor play area where children's feet cannot touch the ground.

(6) When in use, the outdoor play area shall be free of animal excrement, harmful plants, harmful objects, harmful substances, and standing water.

(7) The outdoor play area shall have a shaded area to protect children from excessive sun and heat.

(8) Children shall have unrestricted access to drinking water whenever the outside temperature is 75 degrees or higher.

(9) All outdoor play equipment and areas shall comply with the following safety standards by the dates specified in Subsection (10) below.

(a) All stationary play equipment used by children shall meet the following requirements for use zones:

(i) If the height of a designated play surface or climbing bar on a piece of equipment, excluding swings, is greater than [29]30 inches, it shall have use zones that meet the following criteria:

(A) The use zone shall extend a minimum of 6 feet in all directions from the perimeter of each piece of equipment.

(B) The use zones of two pieces of equipment that are positioned adjacent to one another may overlap if the designated play surfaces of each structure are no more than 30 inches above the protective surfacing underneath the equipment. In such cases, there shall be a minimum of 6 feet between the adjacent pieces of equipment.

(C) There shall be a minimum use zone of 9 feet between adjacent pieces of equipment if the designated play surface of one or both pieces of equipment is more than 30 inches above the protective surfacing underneath the equipment.

(ii) The use zone in the front and rear of a single-axis swing shall extend a minimum distance of twice the height of the pivot point of the swing, and may not overlap the use zone of any other piece of equipment.

(iii) The use zone for the sides of a single-axis swing shall extend a minimum of 6 feet from the perimeter of the structure, and may overlap the use zone of a separate piece of equipment.

(iv) The use zone of a multi-axis swing shall extend a minimum distance of 6 feet plus the length of the suspending members, and shall never overlap the use zone of another piece of equipment.

(v) The use zone for merry-go-rounds shall never overlap the use zone of another piece of equipment.

(vi) The use zone for spring rockers shall extend a minimum of 6 feet from the at-rest perimeter of the equipment.

(b) Protective cushioning is required in all use zones.

(c) If sand, gravel, or shredded tires are used as protective cushioning, the depth of the material shall meet the CPSC guidelines in Table 1. The provider shall ensure that the material is periodically checked for compaction, and if compacted, shall loosen the material to the depth listed in Table 1. If the material cannot be loosened due to extreme weather conditions, the provider shall not allow children to play on the equipment until the material can be loosened to the required depth.

TABLE 1

Depths of Protective Cushioning Required for Sand, Gravel, and Shredded Tires

| Highest Designated Play Surface, Climbing Bar, or Swing Pivot Point | Fine Sand | Coarse Sand | Fine Gravel | Medium Gravel | Shredded Tires |
|---|-------------|-------------|-------------|---------------|----------------|
| 4' high or less | 6" | 6" | 6" | 6" | 6" |
| Over 4' up to 5' | 6" | 6" | 6" | 6" | 6" |
| Over 5' up to 6' | 12" | 12" | 6" | 12" | 6" |
| Over 6' up to 7' | 12" | Not Allowed | 9" | Not Allowed | 6" |
| Over 7' up to 8' | 12" | Not Allowed | 12" | Not Allowed | 6" |
| Over 8' up to 9' | 12" | Not Allowed | 12" | Not Allowed | 6" |
| Over 9' up to 10' | Not Allowed | Not Allowed | 12" | Not Allowed | 6" |
| Over 10' up to 11' | Not Allowed | Not Allowed | Not Allowed | Not Allowed | 6" |
| Over 11' up to 12' | Not Allowed | Not Allowed | Not Allowed | Not Allowed | 6" |

(d) If shredded wood products are used as protective cushioning, the depth of the shredded wood shall meet the CPSC guidelines in Table 2.

TABLE 2

Depths of Protective Cushioning Required for Shredded Wood Products

| Highest Designated Play Surface, Climbing Bar, or Swing Pivot Point | Engineered Wood Fibers | Double Shredded Wood Chips | Bark Mulch |
|---|------------------------|----------------------------|-------------|
| 4' high or less | 6" | 6" | 6" |
| Over 4' up to 5' | 6" | 6" | 6" |
| Over 5' up to 6' | 6" | 6" | 6" |
| Over 6' up to 7' | 9" | 6" | 9" |
| Over 7' up to 8' | 12" | 9" | 9" |
| Over 8' up to 9' | 12" | 9" | 9" |
| Over 9' up to 10' | 12" | 9" | 9" |
| Over 10' up to 11' | 12" | 12" | 12" |
| Over 11' | 12" | Not Allowed | Not Allowed |

(e) If wood products are used as cushioning material:

(i) the providers shall maintain documentation from the manufacturer verifying that the material meets ASTM Specification F 1292, which is adopted by reference; and

(ii) there shall be adequate drainage under the material.

(f) If a unitary cushioning material, such as rubber mats or poured rubber-like material is used as protective cushioning:

(i) the licensee shall ensure that the material meets the standard established in ASTM Specification F 1292. The provider shall maintain documentation from the manufacturer that the material meets these specifications.

(ii) the licensee shall ensure that the cushioning material is securely installed, so that it cannot become displaced when children jump, run, walk, land, or move on it, or be moved by children picking it up.

(g) Stationary play equipment that has a designated play surface less than 30 inches and that does not have moving parts children sit or stand on, may be placed on grass, but shall not be placed on concrete, asphalt, dirt, or any other hard surface.

(h) Stationary play equipment shall have protective barriers on all play equipment platforms that are over 48 inches above the ground. The bottom of the protective barrier shall be less than 3-1/2 inches above the surface of the platform, and there shall be no openings greater than 3-1/2 inches in the barrier. The top of the protective barrier shall be at least 38 inches above the surface of the platform.

(i) There shall be no openings greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on any piece of stationary play equipment, or within or adjacent to the use zone of any piece of stationary play equipment.

(j) There shall be no protrusion or strangulation hazards on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.

(k) There shall be no crush, shearing, or sharp edge hazards on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.

(l) There shall be no tripping hazards, such as concrete footings, tree stumps, tree roots, or rocks within the use zone of any piece of stationary play equipment.

(10) The outdoor play equipment rules specified in Subsection (9) above must be in compliance by the following dates:

(a) by December 31, 2009: R430-70-6(9)(b-f). There is protective cushioning in all existing use zones that meets the requirements for depth and ASTM Standards.

(b) by December 31, 2010:

(i) R430-70-6(9)(g). Stationary play equipment that has a designated play surface less than 30 inches, and that does not have moving parts children sit or stand on, is not placed on concrete, asphalt, dirt, or any other hard surface, unless equipment is installed in concrete or asphalt footings.

(ii) R430-70-6(9)(j). There are no protrusion or strangulation hazards in or adjacent to the use zone of any piece of stationary play equipment.

(c) By December 31, 2011: R430-70-6(9)(g). Stationary play equipment that has a designated play surface less than 30 inches, and that does not have moving parts children sit or stand on, is not placed on concrete, asphalt, dirt, or any other hard surface.

(d) By December 31, 2012:

(i) R430-70-6(9)(h). Protective barriers are installed on all stationary play equipment that requires them, and the barriers meet the required specifications.

(ii) R430-70-6(9)(i). There are no openings greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on any piece of stationary play equipment, or within or adjacent to the use zone of any piece of stationary play equipment.

(iii) R430-70-6(9)(k). There are no crush, shearing, or sharp edge hazards in or adjacent to the use zone of any piece of stationary play equipment.

(e) By December 31, [2011]2013:

(i) R430-70-6(9)(a)(i-vi). All stationary play equipment has use zones that meet the required measurements.

(ii) R430-70-6(9)(l). There are no tripping hazards, such as concrete footings, tree stumps, tree roots, or rocks within the use zone of any piece of stationary play equipment.

(11) The provider shall maintain playgrounds and playground equipment to protect children's safety.

R430-70-8. Administration.

(1) The licensee is responsible for all aspects of the operation and management of the program.

(2) The licensee shall comply with all federal, state, and local laws and rules pertaining to the operation of a child care program.

(3) The provider shall not engage in or allow conduct that is adverse to the public health, morals, welfare, and safety of the children in care.

(4) The provider shall take all reasonable measures to protect the safety of children in care. The licensee shall not engage in activity or allow conduct that unreasonably endangers children in care.

(5) Either the program director or a designee with authority to act on behalf of the program director shall be present at the facility whenever the program is open for care.

(6) Director designees shall be at least 21 years of age, and shall have completed their orientation training.

(7) Each week, the program director shall be on-site at the program during operating hours for at least 50% of the time the program is open to children, in order to fulfill the duties specified in this rule, and to ensure compliance with this rule.

(8) The program director must have sufficient freedom from other responsibilities to manage the program and respond to emergencies.

(9) There shall be a working telephone at the facility, and the program director shall inform each child's[a] parent and the Department of any changes to the program's telephone number within 48 hours of the change.

(10) The provider shall call the Department within 24 hours to report any fatality, hospitalization, emergency medical response, or injury that requires attention from a health care provider, unless an emergency medical transport was part of a child's medical treatment plan identified by the parent. The provider shall also mail or fax a written report to the Department within five days of the incident.

(11) The duties and responsibilities of the program director include the following:

(a) appoint one or more individuals who meet the background screening and training requirements of this rule to be a director designee, with authority to act on behalf of the program director in his or her absence;

(b) train and supervise staff to:

(i) ensure their compliance with this rule;

(ii) ensure they meet the needs of the children in care as specified in this rule; and

(iii) ensure that children are not subjected to emotional, physical, or sexual abuse while in care.

(12) The provider shall establish and follow written policies and procedures for the health and safety of the children in care. The written policies and procedures shall address at least the following areas:

(a) supervision and protection of children at all times, including when they are using the bathroom, on the playground, and during off-site activities;

(b) maintaining required caregiver to child ratios when the program has more than the expected number of children, or fewer than the scheduled number of caregivers;

(c) procedures to account for each child's attendance and whereabouts;

(d) procedures to ensure that the program releases children to authorized individuals only;

(e) confidentiality and release of information;

(f) the use of movies and video or computer games, including what industry ratings the program allows;

(g) recognizing early signs of illness and determining when there is a need for exclusion from the program;

(h) discipline of children, including behavioral expectations of children and discipline methods used;

(i) transportation to and from off-site activities, or to and from home, if the program offers these services; and

(j) if the program offers transportation to or from school, policies addressing:

(i) how long children will be unattended before and after school;

(ii) what steps will be taken if children fail to meet the vehicle;

(iii) how and when parents will be notified of delays or problems with transportation to and from school; and

(iv) the use of size-appropriate safety restraints.

(k) if the program has a computer that is connected to the internet and that is accessible to any child in care:

(i) written policies for parents explaining how children's computer use is monitored; and

(ii) a signed parent permission form for each child who is allowed to use the computer.

(13) The provider shall ensure that the written policies and procedures are available for review by parents, staff, and the Department during business hours.

R430-70-9. Records.

(1) The provider shall maintain the following general records on-site for review by the Department:

(a) documentation of the previous 12 months of fire and disaster drills as specified in R430-70-10(9) and R430-70-10(11);

(b) current animal vaccination records as required in R430-70-22(3);

(c) a six week record of child attendance, including sign-in and sign-out records;

(d) a current local health department inspection;

(e) a current local fire department inspection;

(f) if the licensee has been licensed for one or more years, the most recent "Request for Annual Renewal of CBS/LI[€]S Criminal History Information for Child Care" which includes the licensee and all current providers, caregivers, and volunteers; and:

(g) if the licensee has been licensed for one or more years, the most recent criminal background "Disclosure and Consent Statement" which includes the licensee and all current providers, caregivers, and volunteers[; ~~and~~].

(2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:

(a) an admission form containing the following information for each child:

- (i) name;
 - (ii) date of birth;
 - (iii) the parent's name, address, and phone number, including a daytime phone number;
 - (iv) the names of people authorized by the parent to pick up the child;
 - (v) the name, address and phone number of a person to be contacted in the event of an emergency if the provider is unable to contact the parent;
 - (vi) if available, the name, address, and phone number of an out of area/state emergency contact person for the child; and
 - (vii) current emergency medical treatment and emergency medical transportation releases with the parent's signature;
 - (b) a current annual health assessment form as required in R430-70-14(5);
 - (c) a transportation permission form, if the program provides transportation services;
 - (d) a six week record of medication permission forms, and a six week record of medications actually administered; and
 - (e) a six week record of incident, accident, and injury reports.
- (3) The provider shall ensure that information in children's files is not released without written parental permission.
- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:
- (a) date of initial employment;
 - (b) approved initial "CBS/[MIS]LIS Consent and Release of Liability for Child Care" form;
 - (c) a six week record of days and hours worked;
 - (d) orientation training documentation for caregivers, and for volunteers who work at the program at least once each month;
 - (e) annual training documentation for all providers and substitutes who work an average of 10 hours a week or more, as averaged over any three month period; and
 - (f) current first aid and CPR certification, if applicable as required in R430-70-10(2), R430-70-20(5)(d), and R430-70-21(2).

KEY: child care facilities, child care, child care centers, out of school time child care programs
Date of Enactment or Last Substantive Amendment: [May 1,] 2012
Authorizing, Implemented, or Interpreted Law: 26-39

**Health, Family Health and
 Preparedness, Child Care Licensing
 R430-90
 Licensed Family Child Care**

**NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 36719
 FILED: 09/05/2012**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to correct outdated language and rule references.

SUMMARY OF THE RULE OR CHANGE: The proposed changes remove outdated references to tuberculosis (TB) testing of staff. Based on a recommendation from the state's TB Advisory Board, the requirement for TB testing was previously removed from this rule. Some language related to TB testing was inadvertently left in a different section of the rule. The proposed changes also clarify the requirements for equipment use zones and correct an outdated rule reference.

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** No state agencies operate in-home child care programs, so there are no anticipated costs or savings to state budgets associated with this rule change.
- ◆ **LOCAL GOVERNMENTS:** No local governments operate in-home child care programs so there are no anticipated costs or savings to local government associated with this rule change.
- ◆ **SMALL BUSINESSES:** Almost all in-home child care programs are small businesses. However, because none of the proposed changes add or remove content to the current requirements, the Department does not anticipate any cost or savings as a result of this change.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Because none of the proposed changes add or remove content to the current requirements, the Department does not anticipate any cost or savings as a result of this change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule does not impose any new requirement for child care providers, the Department does not anticipate any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These technical and other minor changes will have no fiscal impact on businesses.

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

HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 CHILD CARE LICENSING
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY, UT 84116-3231
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.

R430-90. Licensed Family Child Care.

R430-90-6. Outdoor Environment.

(1) There shall be an outdoor play area for children that is safely accessible to children.

(2) The outdoor play area shall have at least 40 square feet of space for each child using the space at one time.

(3) The outdoor play area shall be enclosed within a 4 foot high fence or wall, or within a solid natural barrier that is at least 4 feet high if:

(a) the licensee's home is located on a street with a speed limit higher than 25 miles per hour, or within half a mile of a street with a speed limit higher than 25 miles per hour; or

(b) the licensee's home is located on a street with more than two lanes of traffic, or within half a mile of a street with more than two lanes of traffic.

(4) If any of the following hazards exist, they must be located behind a 4 foot high fence, wall, or solid barrier that separates the hazard from the children's outdoor play area:

(a) livestock on the licensee's property or within 50 yards of the licensee's property line;

(b) a water hazard, such as a swimming pool, pond, ditch, lake, reservoir, river, stream, creek, or animal watering trough, on the licensee's property or within 100 yards of the licensee's property line;

(c) dangerous machinery, such as farm equipment, on the licensee's property or within 50 yards of the licensee's property line;

(d) a drop-off of more than five feet on the licensee's property or within 50 yards of the licensee's property line; or

(e) barbed wire within 30 feet of the children's play area.

(5) The outdoor play area shall be free of poisonous plants, harmful objects, toxic or hazardous substances, and standing water.

(6) When in use by a child in care, the outdoor play area shall be free of animal excrement.

(7) If a fence or barrier is required in Subsections (3) or (4) above, or Subsections 12(10)(c)(i) or 12(11)(b) below, there shall be no gap greater than five inches in the fence or barrier, nor shall any gap between the bottom of the fence or barrier and the ground be greater than five inches.

(8) The outdoor play area shall have a shaded area to protect each child from excessive sun and heat.

(9) An outdoor source of drinking water, such as individually labeled water bottles or a pitcher of water and

individual cups that are taken outside, shall be available to each child whenever the outside temperature is 75 degrees or higher.

(10) Stationary play equipment used by any child in care shall not be located over hard surfaces such as cement, asphalt, or packed dirt, and shall have a 3' use zone that is free of hard surfaces. The licensee shall have until 1 September 2013 to meet the 3' use zone requirement.

(11) The licensee shall ensure that children using outdoor play equipment use it safely and in the manner intended by the manufacturer.

(12) There shall be no openings of a size greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on or within the use zone of any piece of stationary play equipment where the feet of any child in care whose head is entrapped in the opening cannot touch the ground.

(13) There shall be no strangulation hazard on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.

(14) There shall be no crush, shearing, or sharp edge hazards on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.

(15) There shall be no tripping hazards, such as concrete footings, tree stumps, exposed tree roots, or rocks within the use zone of any piece of stationary play equipment.

(16) The licensee shall ensure that outdoor play areas and outdoor play equipment are maintained to protect each child's safety.

R430-90-7. Personnel.

(1) The licensee and all substitutes and caregivers must:

(a) be at least 18 years of age; and

(b) have knowledge of and comply with all applicable laws and rules.

(2) All assistant caregivers shall:

(a) be at least 16 years of age;

(b) work under the immediate supervision of a provider who is at least 18 years of age; and

(c) have knowledge of and comply with all applicable laws and rules.

(3) Assistant caregivers may be included in provider to child ratios, but only if there is also another provider present in the home who is 18 years of age or older.

(4) Assistant caregivers shall meet the training [~~and TB screening~~] requirements of this rule.

(5) The licensee may make arrangements for a substitute who is at least 18 years old and who is capable of providing care, supervising children, and handling emergencies in the absence of the licensee.

(6) Substitutes who care for children an average of 10 hours per week or more shall meet the training, first aid, and CPR [~~and TB screening~~] requirements of this rule.

(7) In an unforeseeable emergency, such as a medical emergency requiring immediate care at a hospital or at an urgent care center or a lost child, the licensee may assign an emergency substitute who has not had a criminal background screening to care for the children. A licensee may use an emergency substitute for up to 24 hours for each emergency event.

(a) The emergency substitute shall be at least 18 years of age.

(b) The emergency substitute is not required to meet the training, first aid, and CPR [~~and TB screening~~] requirements of this rule.

(c) The emergency substitute cannot be a person who has been convicted of a felony or misdemeanor or has been investigated for abuse or neglect by any federal, state, or local government agency. The emergency substitute must provide a signed, written declaration to the licensee that he or she is not disqualified under this subsection.

(d) During the term of the emergency, the emergency substitute may be counted as a provider for the purpose of maintaining the required provider to child ratios.

(e) The licensee shall make reasonable efforts to minimize the time that the emergency substitute has unsupervised contact with the children in care.

(8) Any new caregiver, volunteer, or non-emergency substitute shall receive orientation training prior to assuming caregiving duties. Orientation training shall be documented in the individual's file and shall include the following topics:

- (a) specific job responsibilities;
- (b) the licensee's written policies and procedures;
- (c) the licensee's emergency and disaster plan;
- (d) the current child care licensing rules found in Sections R430-90-11 through 24;
- (e) introduction and orientation to the children in care;
- (f) a review of the information in the health assessment for each child in care;
- (g) procedure for releasing children to authorized individuals only;
- (h) proper clean up of body fluids;
- (i) signs and symptoms of child abuse and neglect, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;
- (j) obtaining assistance in emergencies; and
- (k) if the licensee accepts infants or toddlers for care, orientation training topics shall also include:
 - (i) preventing shaken baby syndrome and coping with crying babies; and
 - (ii) preventing sudden infant death syndrome.

(9) Substitutes who care for children an average of 10 hours per week or more, the licensee, and all caregivers shall complete a minimum of 20 hours of child care training each year, based on the license date. A minimum of 10 hours of the required annual training shall be face-to-face instruction.

(a) Documentation of annual training shall be kept in each individual's file, and shall include the name of the training organization, the date, the training topic, and the total hours or minutes of training.

(b) All caregivers and non-emergency substitutes who begin employment partway through the license year shall complete a proportionate number of training hours based on the number of months worked prior to the relicense date.

(c) Annual training hours shall include the following topics at least once every two years:

- (i) a review of all of the current child care licensing rules found in Sections R430-90-11 through 24;
- (ii) a review of the licensee's written policies and procedures and emergency and disaster plan, including any updates;

(iii) signs and symptoms of child abuse and neglect, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;

(iv) principles of child growth and development, including development of the brain; and

(v) positive guidance; and

(d) if the licensee accepts infants or toddlers for care, required training topics shall also include:

- (i) preventing shaken baby syndrome and coping with crying babies; and
- (ii) preventing sudden infant death syndrome.

R430-90-9. Records.

(1) The licensee shall maintain on-site for review by the Department during any inspection the following general records:

(a) documentation of the previous 12 months of quarterly fire drills and annual disaster drills as specified in R430-90-10(9) and R430-90-10(11);

(b) current animal vaccination records as required in R430-90-22(2)(b);

(c) a six week record of child attendance as required in R430-90-13(3);

(d) a current local health department kitchen inspection;

(e) an initial local fire department clearance for all areas of the home being used for care;

(f) approved initial "CBS/LIS Consent and Release of Liability for Child Care" form for all providers, volunteers, and each person age 12 and older who resides in the licensee's home;

(g) if the licensee has been licensed for more than a year, the most recent criminal background "Disclosure Statement" which includes all providers, volunteers, and each person age 12 and older who resided in the home of the licensee at any time since the last license renewal; and

(h) if the licensee has been licensed for more than a year, the most recent "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" which includes all providers, volunteers, and each person age 12 and older who resided in the home of the licensee at any time since the last license renewal.

(2) The licensee shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:

(a) an admission form containing the following information for each child:

(i) name;

(ii) date of birth;

(iii) the parent's name, address, and phone number, including a daytime phone number;

(iv) the names of people authorized by the parent to pick up the child;

(v) the name, address and phone number of a person to be contacted in the event of an emergency if a provider is unable to contact the parent;

(vi) child health information, as required in R430-90-14(7); and

(vii) current emergency medical treatment and emergency medical transportation releases with the parent's signature;

(b) current immunization records or documentation of a legally valid exemption, as specified in R430-90-14(5) and (6);

(c) a completed transportation permission form, if transportation services are offered to any child in care;

(d) a six week record of medication permission forms, and a six week record of medications actually administered as specified in R430-90-17(4) and R430-90-17(6)(f), if medications are administered to any child in care; and

(e) a six week record of incident, accident, and injury reports.

(3) The licensee shall maintain on-site for review by the Department during any inspection the following records for the licensee and each non-emergency substitute and caregiver:

(a) orientation training documentation for all non-emergency substitutes and caregivers as required in R430-90-7(8);

(b) annual training documentation for the past two years, for the licensee and all non-emergency substitutes and caregivers, as required in R430-90-7(9)(a); and

(c) current first aid and CPR certification, as required in R430-90-10(2), R430-90-20(3)(d), and R430-90-21(2).

(4) The licensee shall maintain on-site for review by the Department during any inspection orientation training documentation for each volunteer as required in R430-90-7(8).

(5) The licensee shall ensure that information in any child's file is not released without written parental permission.

KEY: child care facilities, licensed family child care

Date of Enactment or Last Substantive Amendment: [~~May 1,~~ 2012

Notice of Continuation: June 6, 2008

Authorizing, and Implemented or Interpreted Law: 26-39

Health, Family Health and Preparedness, Child Care Licensing **R430-100** Child Care Centers

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36720

FILED: 09/05/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to remove language related to safety glass for mirrors and to make minor lettering corrections.

SUMMARY OF THE RULE OR CHANGE: The proposed change removes the requirement for safety glass in mirrors and makes lettering corrections.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Some state agencies operate child care centers. Not requiring the use of safety glass in mirrors may produce some minor savings. However, because having mirrors is not a requirement and the Department has no way of knowing if programs will install or increase the number mirrors they use, the Department cannot anticipate what their savings from this might be.

◆ **LOCAL GOVERNMENTS:** Some local governments operate child care centers. Not requiring the use of safety glass in mirrors may produce some minor savings. However, because having mirrors is not a requirement and the Department has no way of knowing if programs will install or increase the number mirrors they use, the Department cannot anticipate what their savings from this might be.

◆ **SMALL BUSINESSES:** Almost all child care centers are small businesses. Not requiring the use of safety glass in mirrors may produce some minor savings. However, because having mirrors is not a requirement and the Department has no way of knowing if programs will install or increase the number mirrors they use, the Department cannot anticipate what their savings from this might be.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Not requiring the use of safety glass in mirrors may produce some minor savings. However, because having mirrors is not a requirement and the Department has no way of knowing if programs will install or increase the number mirrors they use, the Department cannot anticipate what their savings from this might be.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule does not impose any new requirement for child care providers, the Department does not anticipate any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These technical and other minor changes will have no fiscal impact on businesses.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.

R430-100. Child Care Centers.

R430-100-4. Facility.

(1) The licensee shall ensure that any building or playground structure constructed prior to 1978 which has peeling, flaking, chalking, or failing paint is tested for lead based paint. If lead based paint is found, the licensee shall contact the local health department and follow all required procedures for the remediation of the lead based paint.

(2) For preschoolers and toddlers who are toilet trained, there shall be one working toilet and one working sink for every fifteen children in the center, excluding diapered children. For school age children, there shall be one working toilet and one working sink for every 25 children in the center.

(3) School age children shall have privacy when using the bathroom.

(4) For buildings constructed after 1 July 1997 there shall be a working hand washing sink in each classroom.

(5) Each area where infants or toddlers are cared for shall meet one of the following criteria:

(a) There shall be two working sinks in the room. One sink shall be used exclusively for the preparation of food and bottles and hand washing prior to food preparation, and the other sink shall be used exclusively for hand washing after diapering and non-food activities.

(b) There shall be one working sink in the room which is used exclusively for hand washing, and all bottle and food preparation shall be done in the kitchen and brought to the infant and toddler area by a non-diapering staff member.

(6) Infant and toddler areas shall not be used as access to other areas or rooms.

(7) All rooms and occupied areas in the building shall be ventilated by windows that open and have screens or by mechanical ventilation.

(8) The provider shall maintain the indoor temperature between 65 and 82 degrees Fahrenheit.

(9) The provider shall maintain adequate light intensity for the safety of children and the type of activity being conducted by keeping lighting equipment in good working condition.

(10) Windows[;] and glass doors~~[; and glass mirrors]~~ within 36 inches from the floor or ground shall be made of safety glass, or have a protective guard.

(11) There shall be at least 35 square feet of indoor space for each child, including the licensee's and employees' children who are not counted in the caregiver to child ratios.

(12) Indoor space per child may include floor space used for furniture, fixtures, or equipment if the furniture, fixture, or equipment is used:

- (a) by children;
- (b) for the care of children; or
- (c) to store classroom materials.

(13) Bathrooms, closets, staff lockers, hallways, corridors, lobbies, kitchens, or staff offices are not included when calculating indoor space for children's use.

R430-100-9. Records.

(1) The provider shall maintain the following general records on-site for review by the Department:

(a) documentation of the previous 12 months of fire and disaster drills as specified in R430-10(11)(12)(13)(14);

(b) current animal vaccination records as required in R430-100-22(3);

(c) a six week record of child attendance, including sign-in and sign-out records;

~~(e)~~(d) a current local health department inspection;

~~(f)~~(e) a current local fire department inspection;

~~(g)~~(f) if the licensee has been licensed for one year or longer, the most recent "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" listing the licensee and all current providers, caregivers, volunteers, directors, owners, and members of the governing body; and

~~(h)~~(g) if the licensee has been licensed for one year or longer, the most recent criminal background "Disclosure and Consent Statement" listing the licensee and all current providers, caregivers, volunteers, directors, owners, and members of the governing body.

(2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:

(a) an admission form containing the following information for each child:

(i) name;

(ii) date of birth;

(iii) the parent's name, address, and phone number, including a daytime phone number;

(iv) the names of people authorized by the parent to pick up the child;

(v) the name, address and phone number of a person to be contacted in the event of an emergency if the provider is unable to contact the parent;

(vi) if available, the name, address, and phone number of an out of area/state emergency contact person for the child; and

(vii) current emergency medical treatment and emergency medical transportation releases with the parent's signature;

(b) a current annual health assessment form as required in R430-100-14(5);

(c) for each infant, toddler, and preschooler, current immunization records or documentation of a legally valid exemption, as specified in R430-100-14(4);

(d) a transportation permission form, if the center provides transportation services;

(e) a six week record of medication permission forms, and a six week record of medications actually administered; and

(f) a six week record of incident, accident, and injury reports; and

(g) a six week record of eating, sleeping, and diaper changes as required in R430-100-23(12) R430-100-24(15).

(3) The provider shall ensure that information in children's files is not released without written parental permission.

(4) The provider shall maintain the following records for each staff member on-site for review by the Department:

- (a) date of initial employment;
- (b) approved initial "CBS/LIS Consent and Release of Liability for Child Care" form;
- (c) a six week record of days worked, and the times worked each day;
- (d) orientation training documentation for caregivers, and for volunteers who work at the center at least once each month;
- (e) annual training documentation for all providers and substitutes who work an average of 10 hours or more a week, as averaged over any three month period; and
- (f) current first aid and CPR certification, if applicable as required in R430-100-10(2), R430-100-20(5)(d), and R430-100-21(2).

KEY: child care facilities, child care, child care centers
Date of Enactment or Last Substantive Amendment: [May 1,] 2012
Notice of Continuation: August 3, 2012
Authorizing, and Implemented or Interpreted Law: 26-39

Heritage and Arts, History **R455-4** Ancient Human Remains

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 36762
 FILED: 09/13/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The media has a high level of interest in publishing photographs of human remains when they are discovered (usually as part of a development project). However, Native Americans view this practice as highly disrespectful. Police have statutory authority to set a perimeter around a recovery site because the site is critical to an "ongoing investigation". However, once the remains are determined to be of ancient origin, the police are frequently called away to more immediate priorities. The Department doesn't currently have specific statutory authority to establish a formal perimeter.

SUMMARY OF THE RULE OR CHANGE: The majority of ancient human remains that are discovered are located in areas that are inconvenient to the media, but when they are found in more urban areas, departmental staff involved in the recovery find themselves struggling to conduct their work because of the time they have to invest in trying to maintain cultural sensitivity. The purpose of this rule amendment is to clarify the process by which department personnel conduct their excavations.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 76-9-704 and Section 9-8-309 and Section 9-8-403

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The existing recovery process is funded as part of the department's regular operating expenses. Other than a one-time cost for the screening material (which has already been purchased), there will be no new cost or savings to the state budget. This rule will result in greater cultural sensitivity, as well as greater efficiency for the excavation process.

◆ **LOCAL GOVERNMENTS:** Local governments don't participate in the cost of remains recovery and repatriation. It is anticipated that there will be no additional costs to local government with the proposed rule.

◆ **SMALL BUSINESSES:** Small businesses don't participate in the cost of remains recovery and repatriation. It is anticipated that there will be no additional costs to local government with the proposed rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The existing recovery process is funded as part of the department's regular operating expenses. It is anticipated that there will be no additional costs resulting from this rule amendment to any public or private entity.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None-- The screening equipment has already been purchased by the Division of History.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule doesn't restrict the media from photographing excavation sites, but is intended only to restrict photos of culturally sensitive items (human remains).

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HERITAGE AND ARTS
 HISTORY
 300 RIO GRANDE ST
 SALT LAKE CITY, UT 84101-1182
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Michael Hansen by phone at 801-245-7204, by FAX at 801-521-4727, or by Internet E-mail at mhansen1@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2012

AUTHORIZED BY: Michael Hansen, Deputy Director

R455. Heritage and Arts, History.**R455-4. Ancient Human Remains.****R455-4-1. General Authority.**

Section 9-8-309 defines the Antiquities Section's duties with respect to recovery, disposition, and determination of ownership of ancient human remains found on nonfederal lands that are not state lands in the State of Utah.

R455-4-2. Purpose.

The primary purpose of the 9-8-309 and this rule is to assure that ancient human remains are given respectful, lawful, and scientifically-sound treatment, that landowners are not harmed or burdened by a discovery of ancient human remains on their property, and to ensure that steps are taken to determine lawful ownership of recovered remains.

R455-4-3. Definitions.

A. "Antiquities Section" means the Antiquities Section of the Division of State History.

B. "ancient" means one-hundred years of age or older.

C. "Native American" means of or relating to a tribe, people, or culture that is indigenous to the United States.

D. "human remains" means all or part of a physical individual, in any stage of decomposition, and objects on or in association with the physical individual that were placed there as part of the death rite or ceremony of a culture.

E. "nonfederal land" includes land owned or controlled by the state, a county, city, or town, an Indian tribe, if the land is not held in trust by the United States for the Indian tribe or the Indian tribe's members, a person other than the federal government; or school and institutional trust lands as defined in Section 53C-1-103.

F. "state land" means any land owned by the state including the state's legislative and judicial branches, departments, divisions, agencies, boards, commissions, councils, and committees, institutions of higher education as defined under Section 53B-3-102. "State land" does not include land owned by a political subdivision of the state, land owned by a school district; private land, school and institutional trust lands as defined in Section 53C-1-103.

G. "excavate" means the scientific disturbance or removal of surface or subsurface archaeological resources by qualified archaeologists in compliance with Title 9, Chapter 8, Part 3, Antiquities.

H. "Director" means the Director of the Utah Division of State History.

I. "local law enforcement agency" means the police department, sheriff's office, or other agency having jurisdiction.

R455-4-4. Response to Notification of a Discovery of Ancient Human Remains.

Human remains that are discovered in conjunction with a project or undertaking subject to Chapter 8, part 4 Historic Sites, or Section 106 of the National Historic Preservation Act, are the responsibility of the project proponents, not the Antiquities Section. The Antiquities Section may however advise, assist and cooperate with responsible agencies in meeting their obligations regarding ancient human remains. For ancient human remains recovered as part of a compliance project from lands covered by 9-8-309, the Antiquities Section will, following appropriate analyses, and if

asked, assume the role of the landowner for purposes of determination of ownership as per 9-9-403(8).

Upon notification that ancient human remains have been discovered, the Antiquities Section will gather information and consult as necessary with affected agencies and individuals and within two business days determine a course of action with approval of the landowner (leave remains in place or excavate and remove remains) and notify the affected agencies and individuals of the decision.

R455-4-5. Excavation and Removal of Ancient Human Remains.

If the landowner grants permission for excavation and removal, the Antiquities Section or its agent will conduct respectful and scientifically-sound investigations of the remains and will remove from the site the remains within five days of receiving permission to excavate. The Antiquities Section may establish a perimeter around the area of the remains for the protection of staff and the remains. Only Antiquities Section personnel and those individuals with permission from the Antiquities Section will be allowed into the area surrounding the remains until the excavation is completed. If agreed to by the landowner, an alternative agreement may be reached (as provided for in 9-8-309(3)). If extraordinary circumstances (as defined in 9-8-309(1)(c)(i) exist or arise requiring a time extension, the Antiquities Section will notify the landowner immediately.

If the landowner does not grant permission to excavate and remove the ancient human remains, the Antiquities Section will inform the landowner of the legal restrictions regarding human remains as specified in UCA 76-9-704.

Excavated human remains will be examined. Those determined to be Native American will be subject to Chapter 9, Part 4, Native American Grave Protection and Repatriation Act. For the purposes of determining ownership under the act, for all remains excavated under the provisions of this part by the Antiquities Section, the Section will serve in the capacity of the landowner and will make lineal descent and cultural affiliation ownership determinations in consultation with the Division of Indian Affairs and allowing interested individuals and tribes to assert claims of ownership.

KEY: ancient human remains, archaeology

Date of Enactment or Last Substantive Amendment: [~~June 25, 2008~~]2012****

Notice of Continuation: July 13, 2011

Authorizing, and Implemented or Interpreted Law: 9-8-309; 9-8-403; 76-9-704

Insurance, Administration
R590-265
 Hazardous Financial Condition Rule

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 36745

FILED: 09/07/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to set forth the standards the commissioner may use to identify insurers found to be in such condition as to render the continuance of their business hazardous to the policyholder, creditor, and general public. This rule is a national standard set by the National Association of Insurance Commissioners (NAIC) and is one of the requirements that an insurance department must be in compliance with to maintain their accreditation status.

SUMMARY OF THE RULE OR CHANGE: This rule is to set forth the standards the commissioner may use to identify insurers found to be in such condition as to render the continuance of their business hazardous to the policyholder, creditor, and general public.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-2-201 and Subsection 13A-27a-101(3)(c) and Subsection 31A-27-503(1)(a)(v)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule will not change the workload of the department. It simply identifies additional ways financial examiners and analysts can spot hazardous financial condition and hopefully take steps sooner to have the insurer take corrective action.

◆ **LOCAL GOVERNMENTS:** This rule will have no impact on local governments since it deals solely with relationship between the department and insurance companies licensed through them.

◆ **SMALL BUSINESSES:** This rule does not deal with small businesses. It regulates the financial standing of insurers that are large insurers licensed through the department.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule follows the national standard set through the NAIC. It will have no fiscal impact on insurers nor increase their workload. It is a guide and standard that will help the Department identify insurers in a financially hazardous condition. Awareness of the standards in the rule may also help insurers to avoid or more quickly identify a financial hazardous condition.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The rule will have no financial impact on insurers nor increase their workload. It is a guide and standard that will help the Department identify insurers in a financially hazardous condition. Awareness of the standards in the rule may also help insurers to avoid or more quickly identify a financially hazardous condition.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will not add costs or additional workload to businesses under the Department's regulatory authority. It may help them avoid a financially hazardous condition or take early corrective action.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/25/2012 11:00 AM, State Office Building, 450 N State St, Room 3112, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.**R590-265. Hazardous Financial Condition Rule.****R590-265-1. Authority.**

This rule is promulgated by the Insurance Commissioner pursuant to Utah Insurance Code Sections:

(1) 31A-2-201, which authorizes the commissioner to make rules to implement the provisions of Title 31A; and

(2) 31A-27-503(1)(a)(v) and 31A-27a-101(3)(c), which authorize the commissioner to make rules pertaining to an insurer deemed to be in hazardous financial condition or potentially hazardous financial condition.

R590-265-2. Purpose and Scope.

(1) The purpose of this rule is to set forth the standards which the commissioner may use for identifying insurers found to be in such condition as to render the continuance of their business hazardous to:

(a) their policyholders;

(b) creditors; or

(c) the general public.

(2) This rule shall not be interpreted to:

(a) limit the powers granted the commissioner by any laws or parts of laws of this state; or

(b) supersede any laws or parts of laws of this state.

R590-265-3. Standards.

The following standards, either singly or a combination of two or more, may be considered by the commissioner to determine whether the continued operation of any insurer transacting an insurance business in this state might be deemed to be hazardous to its policyholders, creditors or the general public. The commissioner may consider:

_____ (1) adverse findings reported in:
 _____ (a) financial condition examination reports;
 _____ (b) market conduct examination reports;
 _____ (c) audit reports; and
 _____ (d) actuarial opinions, reports or summaries;
 _____ (2) the National Association of Insurance Commissioners' Insurance Regulatory Information System and its other financial analysis solvency tools and reports;
 _____ (3) the insurer's provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the insurer, when considered in light of the assets held by the insurer with respect to such reserves and related actuarial items including, but not limited to:
 _____ (a) investment earnings on such assets; and
 _____ (b) considerations anticipated to be received and retained under such policies and contracts;
 _____ (4) an assuming reinsurer's ability to perform and whether the insurer's reinsurance program provides sufficient protection for the insurer's remaining surplus after taking into account:
 _____ (a) the insurer's cash flow;
 _____ (b) classes of business written; and
 _____ (c) the financial condition of the assuming reinsurer;
 _____ (5) the insurer's operating loss in the last 12 month period or any shorter period of time, including but not limited to net capital gain or loss, change in non-admitted assets, and cash dividend paid to shareholders, if greater than 50% of the insurer's remaining surplus as regards policyholders in excess of the minimum required;
 _____ (6) the insurer's operating loss in the last 12 month period or any shorter period of time, excluding net capital gains, if it is greater than 20% of the insurer's remaining surplus as regards policyholders in excess of the minimum required;
 _____ (7) an insolvent or nearly insolvent or delinquent in payment of its monetary obligations, obligor or any entity within the insurer's insurance holding company system, when in the opinion of the commissioner it may also affect the solvency of the insurer;
 _____ (8) contingent liabilities, pledges or guaranties which either individually or collectively involve a total amount which in the opinion of the commissioner may affect the solvency of the insurer;
 _____ (9) any "controlling person" of an insurer who is delinquent in transmitting to, or payment of, net premiums to the insurer;
 _____ (10) the age and collectability of receivables;
 _____ (11) whether management of an insurer, including officers, directors, or any other person who directly or indirectly controls the operation of the insurer, fails to possess and demonstrate competence, fitness and reputation deemed necessary to serve the insurer in such position;
 _____ (12) the insurer's failure to respond to inquiries relative to the condition of the insurer or has furnished false and misleading information concerning an inquiry;
 _____ (13) the insurer's failure to meet financial and holding company filing requirements in the absence of a reason satisfactory to the commissioner;
 _____ (14) whether management of an insurer has:

_____ (a) filed any false or misleading sworn financial statement;
 _____ (b) released any false or misleading financial statement to lending institutions or to the general public;
 _____ (c) made a false or misleading entry or omitted an entry of material amount in the books of the insurer;
 _____ (15) a lack of adequate financial and administrative capacity to meet obligations in a timely manner due to the insurer's rapid growth;
 _____ (16) cash flow or liquidity problems currently identified or expected in the foreseeable future;
 _____ (17) insurer reserves that do not comply with minimum standards established by the state insurance laws, regulations, statutory accounting standards, sound actuarial principles and standards of practice;
 _____ (18) persistent under reserving resulting in adverse development;
 _____ (19) transactions among affiliates, subsidiaries or controlling persons for which the insurer receives assets or capital gains, or both, if the transactions do not provide sufficient value, liquidity or diversity to assure the insurer's ability to meet its outstanding obligations as they mature; or
 _____ (20) any other finding determined by the commissioner to be hazardous to the insurer's policyholders, creditors or general public.

R590-265-4. Commissioner's Authority.

_____ (1) For the purposes of making a determination of an insurer's financial condition under this rule, the commissioner may:
 _____ (a) disregard any credit or amount receivable resulting from transactions with a reinsurer that is insolvent, impaired or otherwise subject to a delinquency proceeding;
 _____ (b) make appropriate adjustments including disallowance to asset values attributable to investments in or transactions with parents, subsidiaries or affiliates consistent with the NAIC Accounting Practices and Procedures Manual, state laws and regulations;
 _____ (c) refuse to recognize the stated value of accounts receivable if the ability to collect receivables is highly speculative in view of the age of the account or the financial condition of the debtor;
 _____ (d) increase the insurer's liability in an amount equal to any contingent liability, pledge, or guarantee not otherwise included if there is a substantial risk that the insurer will be called upon to meet the obligation undertaken with the next 12 month period.
 _____ (2) If the commissioner determines that the continued operation of the insurer licensed to transact business in this state may be hazardous to its policyholders, creditors or the general public, then the commissioner may, upon a determination, issue an order requiring the insurer to:
 _____ (a) reduce the total amount of present and potential liability for policy benefits by reinsurance;
 _____ (b) reduce, suspend or limit the volume of business being accepted or renewed;
 _____ (c) reduce general insurance and commission expenses by specified methods;
 _____ (d) increase the insurer's capital and surplus;

(e) suspend or limit the declaration and payment of dividend by an insurer to its stockholders or to its policy holders;

(f) file reports in a form acceptable to the commissioner concerning the market value of an insurer's assets;

(g) limit or withdraw from certain investments or discontinue certain investment practices to the extent the commissioner deems necessary;

(h) document the adequacy of premium rates in relation to the risks insured;

(i) file, in addition to regular annual statements, interim financial reports on the form adopted by the National Association of Insurance Commissioners or in such format as promulgated by the commissioner;

(j) correct corporate governance practice deficiencies, and adopt and utilize governance practices acceptable to the commissioner;

(k) provide a business plan to the commissioner in order to continue to transact business in the state; or

(l) notwithstanding any other provision of law limiting the frequency or amount of premium rate adjustments, adjust rates for any non-life insurance product written by the insurer that the commissioner considers necessary to improve the financial condition of the insurer.

(3) If the insurer is a foreign insurer the commissioner's order may be limited to the extent provided by statute.

(4) An insurer subject to an order under Subsection (1) may request a hearing to review that order. The notice of hearing shall:

(a) be served upon the insurer pursuant to 31A-27-503;

(b) state the time and place of hearing, and the conduct, condition or ground upon which the commissioner based the order.

(5) Unless mutually agreed between the commissioner and the insurer, all hearings under Subsection (4) shall:

(a) occur not less than 10 days nor more than 30 days after notice is served;

(b) be either in Salt Lake County or in some other place convenient to the parties designated by the commissioner.

(6) The commissioner shall hold all hearings under Subsection (4) privately, unless the insurer requests a public hearing, in which case the hearing shall be public.

R590-265-5. Judicial Review.

Any order or decision of the commissioner shall be subject to review in accordance with 31A-27-503(4)(b) at the instance of any party to the proceedings whose interests are substantially affected.

R590-265-6. Enforcement Date.

The commissioner will begin enforcing the provisions of this rule 30 days from the rule's effective date.

R590-265-7. Severability.

If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: insurers, hazardous financial conditions

Date of Enactment or Last Substantive Amendment: 2012

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-27-503(1)(a)(v); 31A-27a-101(3)(c)

Workforce Services, Employment Development **R986-200-247** Utah Back to Work Pilot Program (BWP)

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 36761

FILED: 09/13/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to eliminate the Back to Work Pilot program.

SUMMARY OF THE RULE OR CHANGE: The Department has been offering a Back to Work program in an effort to help people move from unemployment to work more quickly. The Department does not have the funds to operate the program at the present time and it will no longer be offered.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Subsection 35A-1-104(4) and Subsection 35A-3-302(5)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This applies to federally-funded programs so there are no costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** This is a federally-funded program so there are no costs or savings to the local government.

◆ **SMALL BUSINESSES:** There will be no costs to small businesses, to comply with these changes because there are no costs or fees associated with these proposed changes. Any employer currently participating will be paid according to the contract.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There will be no costs to persons other than small businesses, businesses or local government entities to comply with these changes because there are no costs or fees associated with these proposed changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with these changes for any affected persons because this is a federally-funded

program and there are no fees or costs associated with these proposed changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 WORKFORCE SERVICES
 EMPLOYMENT DEVELOPMENT
 140 E 300 S
 SALT LAKE CITY, UT 84111-2333
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Jon Pierpont, Acting Executive Director

R986. Workforce Services, Employment Development.

R986-200. Family Employment Program.

[R986-200-247. Utah Back to Work Pilot Program (BWP).]

(1) BWP is a voluntary program providing short term subsidized employment for a maximum of three months to an eligible unemployment insurance (UI) claimant. To be eligible, a UI claimant must:

- (a) be currently receiving UI benefits and have received at least one week of paid UI benefit. The waiting week is not considered a "paid" benefit for the purposes of this section;
- (b) be legally eligible to work in the U.S. and be a U.S. citizen or meet the alienage requirements of R986-200-203;
- (c) have at least 1 week of UI benefits remaining on his or her claim. The week can be Extended Benefits under 35A-4-402 or Emergency Unemployment Compensation (EUC) benefits as defined by the UI division;
- (d) be the parent of at least one minor dependent child and be contributing to the financial support of that child or children;
- (e) have not worked for the employer where the claimant is to be hired under this program more than 40 hours in the 60 days immediately preceding the date of hire under the BWP program;
- (f) have not previously participated in the BWP or BWY program; and
- (g) sign a "statement of facts" agreement.

(2) The Utah Back to Work Youth Program (BWY) provides short term subsidized employment for a maximum of three months to unemployed youth 18-24 years of age. BWY youth must

be legally eligible to work in the U.S. and be unemployed but do not need to be receiving or eligible to receive UI benefits. BWY youth do not need to be a parent but must meet the requirements of subsections (1)(c) through (g) of this section. Eligible Utah Back to Work Youth who are also eligible UI claimants are not required to have a minor dependent child.

(3) An employer eligible for a subsidy under this section is an employer that:

(a) is registered with the Department's UI division as an active employer in "good standing". For the purposes of this section, "good standing" means the employer has no delinquent UI contributions or reports, or has no outstanding balance owed the BWP program;

(b) is a "qualified employer" which "means any employer other than the United States, any State, or any political subdivision or instrumentality thereof. A public institution of higher education is considered a "qualified employer" for purposes of this section. The employer cannot be a Temporary Help Company as defined in R994-202-102 or a Professional Employer Organization as defined in R994-202-106;

(c) pays a wage of at least \$9 per hour. Commission only jobs may qualify if the employer guarantees \$9 per hour or more; employees who receive gratuities plus wages may qualify if the employer reports \$9 per hour or more to the UI Contributions division;

(d) has not displaced or partially displaced existing workers by participating in this program;

(e) has at least one other employee;

(f) will provide the claimant with at least 35 hours work per week;

(g) does not hire the claimant for temporary or seasonal work and

(h) has signed a participation agreement with the department. The agreement must be signed no later than seven calendar days after the "date of hire" of the qualified unemployed individual. A qualified unemployed individual is one who has enrolled in, and is eligible for, the BWP. The date of hire means the date services for remuneration were first performed by the employee.

(4) Once it has been verified that a claimant has been hired, a qualified employer will be paid a \$500 subsidy and an additional \$1,500 subsidy at the conclusion of the third month of employment provided the required DWS invoices have been provided.

(5) If any employer has received any subsidy payment from DWS that the department determines was not entitled to;

(a) the employer shall repay the sum, or shall, at the discretion of the department, have the sum deducted from any future subsidy payment payable to the employer;

(b) the sum the employer is determined liable for shall be collectible in the same manner as provided for in Section 35A-3-601 et seq.

(6) A review of a decision or determination involving BWP subsidy payment liability shall be made in accordance with the provisions of Section 35A-3-605(2) and Department rules R986-100-123 et seq.

(7) BWP and BWY will continue for as long as funding is available.]

KEY: family employment program**Date of Enactment or Last Substantive Amendment:** [~~August 1,~~ 2012]**Notice of Continuation:** September 8, 2010**Authorizing, and Implemented or Interpreted Law:** 35A-3-301 et seq.

**Workforce Services, Unemployment
Insurance
R994-406-302
Repayment and Collection of Fault
Overpayments**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 36760

FILED: 09/13/2012

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add a provision allowing the Department to recover overpayments from federal income refunds.

SUMMARY OF THE RULE OR CHANGE: The Department has decided to participate in a federal program which will allow the Department to intercept federal income tax refunds for fraud and fault overpayments when the claimant failed to report wages. This will only apply to claimants who have failed to make payments as agreed and the Department has obtained a warrant.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Section 35A-4-406 and Subsection 35A-1-104(4) and Subsection 35A-4-502(1)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This is a federally-funded program so there are no costs or savings to the state budget. Although it is anticipated the Department will collect more outstanding and overdue overpayments, and those collections will be returned to the state where the state paid the benefits, it is not anticipated this will generate sufficient sums to affect the state budget.

◆ **LOCAL GOVERNMENTS:** This is a federally-funded program so there are no costs or savings to local government. However it is anticipated the Department will collect more overpayments which will be refunded to the appropriate employer account.

◆ **SMALL BUSINESSES:** There are no costs or savings to small businesses as there are no fees associated with this program and it is federally funded. However it is anticipated the Department will collect more overpayments which will be refunded to the appropriate employer account.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no costs or savings to any other persons or small businesses as there are no fees associated with this program and it is federally funded.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings to any affected persons as there are no fees associated with this program and it is federally funded. These changes will not impact any employer's contribution rate however it is anticipated the Department will collect more overpayments which will be refunded to the appropriate employer account.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. These changes will have no impact on any employers contribution tax rate.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
140 E 300 S
SALT LAKE CITY, UT 84111-2333
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2012

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2012

AUTHORIZED BY: Jon Pierpont, Acting Executive Director

**R994. Workforce Services, Unemployment Insurance.
R994-406. Fraud, Fault and Nonfault Overpayments.
R994-406-302. Repayment and Collection of Fault
Overpayments.**

(1) When the claimant has been determined to be "at fault" in the creation of an overpayment, the overpayment must be repaid. If the claimant is otherwise eligible and files for additional benefits during the same or any subsequent benefit year, 100% of the benefit payment to which the claimant is entitled will be used to reduce the overpayment.

(2) Discretion for Repayment.

(a) Full restitution is required for all fault overpayments. However, legal collection proceedings may be held in abeyance at the Department's discretion and the overpayment will be deducted from future benefits payable during the current or subsequent benefit years. Discretion will only be exercised if the Department

or the employer share fault in the creation of the overpayment but it is determined the claimant was more at fault under the provisions of rule R994-403-119e.

(3) Collection Procedures.

(a) The Department will send an initial overpayment notice on all outstanding fault or fraud overpayments. If, after 15 days, the claimant does not either make payment in full or enter into an installment payment agreement as provided in subsection (4) below the account is considered delinquent and the claimant is notified that a warrant will be filed unless a payment is received or an installment agreement entered into within 15 days. However, there may be other circumstances under which a warrant may be filed on any outstanding overpayment. A warrant attaches a lien to any personal or real property and establishes a judgment that is collectible under Utah Rules of Civil Procedure.

(b) All outstanding overpayments on which a lien has been filed are reported to the State Division of Finance for collection whereby any refunds due to the claimant from State income tax or any such rebates, refunds, or other amounts owed by the state and subject to legal attachment may be applied against the overpayment.

(c) All overpayments that are past due, legally enforceable, and attributable to fraud or the claimant's failure to report earnings shall be submitted to the Treasury Offset Program whereby the Secretary of the Treasury can offset Federal tax refund payments to be applied against the approved overpayment. Only overpayments where a valid warrant has been filed for failure to repay, that lack an installment agreement or are not current on approved installment agreement payments will be subject to the Treasury Offset Program.

(e)d No warrant will be issued on fault overpayments provided the claimant entered into an installment agreement within 30 days of the issuance of the initial overpayment notice and all payments are made in a timely manner in accordance with the installment agreement.

(4) Installment Payments.

(a) If repayment in full has not been made within 30 days of the initial overpayment notice or the claimant has not voluntarily entered into an installment agreement, the Department will allow the claimant to pay in installments by notifying the claimant in writing of the minimum installment payment which the claimant is required to make. If the claimant is unable to make the minimum installment payments, the claimant may request a review within ten days of the date written notice is mailed.

(b) Whether voluntarily or involuntary, installment payments will be established as follows:

If the entire overpayment is:

(i) \$3,000 or less, the monthly installment payment is equal to 50% of claimant's weekly benefit entitlement

(ii) \$3,001 to 5,000, the monthly installment payment is equal to 100% of claimant's weekly benefit entitlement

(iii) \$5,001 to 10,000 the monthly installment payment is equal to 125% of claimant's weekly benefit entitlement

(iv) \$10,001 or more the monthly installment payment is equal to 150% of claimant's weekly benefit entitlement

(c) Installment agreements will not be approved in amounts less than those established above except in cases where the claimant meets the requirements of economically disadvantaged as defined in R994-406-203(1)(b)(iii). On a periodic basis the Department may send notice to the claimant requesting verification of his or her disadvantaged status. If the claimant fails to provide the verification as requested, or no longer qualifies for a lesser installment payment, the Department will send the claimant a new monthly payment amount. The new installment payment amount may be in accordance with the percentages in subparagraph (b) or a lesser amount depending on the information received from the claimant.

(d) Minimum monthly installment agreement payments must be received by the Department by the last day of each month. Payments not made timely are considered delinquent.

(5) Offsetting overpayments with subsequent eligible weeks.

If an overpayment is set up under Section R994-406-201 or R994-406-301 for weeks paid on a claim, the claimant may repay the overpayment by filing for open weeks in the same benefit year after the claim has been exhausted, provided the claimant is otherwise eligible. 100% of the compensation amount for each eligible week claimed will be credited to the established overpayment(s) up to the total amount of the outstanding overpayment balance owed to the Department.

KEY: overpayments, unemployment compensation

Date of Enactment or Last Substantive Amendment: ~~April 1, 2010~~ **2012**

Notice of Continuation: May 22, 2012

Authorizing, and Implemented or Interpreted Law: 35A-4-406(2); 35A-4-406(3); 35A-4-406(4); 35A-4-406(5)

End of the Notices of 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.

Education, Administration **R277-419** Pupil Accounting

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36763
FILED: 09/14/2012

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 53A-1-401(3) allows the Utah State Board of Education (Board) to make rules in accordance with its responsibilities and Subsection 53A-1-402(1)(e) directs the Board to establish rules and standards regarding cost-effectiveness, school budget formats, and financial, statistical, and student accounting requirements, Subsection 53A-1-404(2).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment has been received.

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 provides necessary pupil accounting procedures used to apportion and distribute state funds for education.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/14/2012

Education, Administration **R277-420** Aiding Financially Distressed School Districts

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36764
FILED: 09/14/2012

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 53A-19-105(5) requires the Utah State Board of Education (Board) to develop standards for defining and aiding financially distressed school districts and Subsection 53A-1-401(3) permits the Board to adopt rules in accordance with its responsibilities.

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 comment has been received.

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 provides necessary procedures to specify eligibility requirements for nonrecurring or nonroutine interfund transfers for financially distressed school districts.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/14/2012

Education, Administration
R277-423
Delivery of Flow Through Money

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 36765
 FILED: 09/14/2012

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 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities.

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 comment has been received.

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 provides necessary procedures to disburse flow through money to local education agencies.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/14/2012

Education, Administration
R277-424
Indirect Costs for State Programs

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 36766
 FILED: 09/14/2012

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 53A-1-402(1)(e) directs the Utah State Board of Education (Board) to adopt rules for financial, statistical, and student accounting requirements and Subsection 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities.

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 comment has been received.

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 provides necessary standards for local education agencies to claim indirect costs for state programs.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/14/2012

Education, Administration

R277-426

Definition of Private and Non-Profit Schools for Federal Program Services

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36767
FILED: 09/14/2012

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 53A-1-402(3) allows the Utah State Board of Education (Board) to administer federal funds and to distribute them to eligible applicants and Subsection 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities.

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 comment has been received.

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 provides necessary requirements for private, non-public, and non-profit schools to receive services under federal laws requiring the public education system to serve students in identified schools.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/14/2012

Education, Administration

R277-454

Construction Management of School Building Projects

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36768
FILED: 09/14/2012

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 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

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 comment has been received.

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 provides necessary standards for local boards of education to follow for school construction/building projects.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/14/2012

**Financial Institutions, Banks
R333-7**

**Investment by a State-Chartered Bank
in Shares of Open-End Investment
Companies**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 36714
FILED: 09/05/2012

**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: Subsection 7-1-301(8)(b)(i) authorizes the Commissioner to establish eligible classes and types of investments for the deposits and funds for financial institutions if the restrictions or requirements are not more stringent than those applicable under federal law or regulation to federally-chartered institutions of the same class.

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 permits a state-chartered bank to purchase for its own account shares of open-end investment companies subject to certain restrictions. The rule expands eligible classes and types of investments for state-chartered

banks and gives them rights, privileges, and powers granted to national banks, and should be continued.

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

FINANCIAL INSTITUTIONS
BANKS
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: 09/05/2012

**Financial Institutions, Credit Unions
R337-2**

**Conversion from a Federal to a State-
Chartered Credit Union**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 36713
FILED: 09/05/2012

**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: Section 7-1-301 authorizes rulemaking authority to the Commissioner; Section 7-1-706 grants the Commissioner authority to exercise procedural power; and Subsection 7-1-713(4) authorizes the conversion of financial institutions from federal to state-chartered.

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 establishes the requirements and procedures for converting from a federally-chartered credit union to a state-chartered credit union 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: 09/05/2012

Financial Institutions, Credit Unions **R337-5**

Allowance for Loan and Lease Losses - Credit Unions

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36712
FILED: 09/05/2012

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: Section 7-9-29 states that credit unions shall establish an allowance account for loan losses subject to regulation as the commissioner may prescribe.

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 is necessary because it requires an allowance account for loan losses and prescribes the optional methods of determining the required amount. Therefore, this rule 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: 09/05/2012

Natural Resources, Wildlife Resources **R657-12**

Hunting and Fishing Accommodations for People With Disabilities

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 36747
FILED: 09/10/2012

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: Section 23-20-12 authorizes the Wildlife Board to adopt rules specifying terms and conditions whereby an individual, who is validly licensed to hunt may be authorized to hunt from a vehicle. Section 23-19-36 allows a resident who is blind, paraplegic, or permanently disabled to receive a license to fish upon satisfactory proof to the Division of Wildlife Resources. This rule specifies terms, conditions, and the process for providing proof of a disability, respectively.

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 R657-12 have been received since 09/10/2007, 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: The standards and procedures adopted in Rule R657-12 have worked well in providing fairness to all concerned individuals. The provisions of this rule have provided an effective and efficient process for persons to obtain a certificate of registration for taking wildlife from a vehicle and persons to obtain a fishing license as authorized

under Subsection 23-19-36(1). Continuation of this rule is necessary for continued success of the 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: James Karpowitz, Director

EFFECTIVE: 09/10/2012

**Transportation, Preconstruction, Right-of-way Acquisition
 R933-5**

Utah-Federal Agreement for the Control of Outdoor Advertising

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 36756
 FILED: 09/12/2012

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: The Utah-Federal Agreement was executed by the governor of Utah and the secretary of the United States Department of Transportation's Federal Highway Administrator on 01/18/1968. It sets out the parameters by which Utah agrees to manage and regulate

outdoor advertising along the federal highway system. It is enacted under the authority of Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This rule has been in place for almost four and a half decades. No specific written comments were received within the past five years regarding specific support for, or opposition to, 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 Utah-Federal Agreement is derived from the Federal Highway Beautification Act, which compels the states to "effectively control" outdoor advertising. Ten percent of all federal highway funding in the State of Utah is tied to the continuation of Rule R933-5. Failing to continue this rule would place the State of Utah in default violation of the Federal Highway Beautification Act, which would result in a ten percent reduction of all available federal highway funding. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 TRANSPORTATION
 PRECONSTRUCTION,
 RIGHT-OF-WAY ACQUISITION
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W
 SALT LAKE CITY, UT 84119-5998
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov

AUTHORIZED BY: John Njord, Executive Director

EFFECTIVE: 09/12/2012

End of the Five-Year Notices of Review and Statements of Continuation Section

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

Administrative Services

Debt Collection

No. 36495 (AMD): R21-1. Transfer of Collection

Responsibility of State Agencies

Published: 08/01/2012

Effective: 09/07/2012

Commerce

Occupational and Professional Licensing

No. 36484 (AMD): R156-20a. Environmental Health

Scientist Act Rule

Published: 08/01/2012

Effective: 09/11/2012

Community and Culture

Home Energy Assistance Target (HEAT)

No. 36313 (REP): R195-1. Energy Assistance: General Provisions

Published: 07/01/2012

Effective: 09/11/2012

No. 36314 (REP): R195-2. Energy Assistance Programs Standards

Published: 07/01/2012

Effective: 09/11/2012

No. 36315 (REP): R195-3. Energy Assistance Income Standards, Income Eligibility, and Payment Determination

Published: 07/01/2012

Effective: 09/11/2012

No. 36316 (REP): R195-4. Energy Assistance: Asset Standards

Published: 07/01/2012

Effective: 09/11/2012

No. 36317 (REP): R195-5. Energy Assistance: Program Benefits

Published: 07/01/2012

Effective: 09/11/2012

No. 36318 (REP): R195-6. Energy Assistance: Eligibility Determination

Published: 07/01/2012

Effective: 09/11/2012

No. 36319 (REP): R195-7. Energy Assistance: Records and Benefit Management

Published: 07/01/2012

Effective: 09/11/2012

No. 36320 (REP): R195-8. Energy Assistance: Special State Programs

Published: 07/01/2012

Effective: 09/11/2012

Housing and Community Development

No. 36321 (REP): R199-8. Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance

Published: 07/01/2012

Effective: 09/11/2012

No. 36322 (REP): R199-9. Policy Concerning Enforceability and Taxability of Bonds Purchased

Published: 07/01/2012

Effective: 09/11/2012

No. 36323 (REP): R199-10. Procedures in Case of Inability to Formulate Contract for Alleviation of Impact

Published: 07/01/2012

Effective: 09/11/2012

No. 36324 (REP): R199-11. Community Development Block Grants (CDBG)

Published: 07/01/2012

Effective: 09/11/2012

NOTICES OF RULE EFFECTIVE DATES

Housing and Community Development, Community Services
No. 36325 (REP): R202-100. Community Services Block
Grant Rules
Published: 07/01/2012
Effective: 09/11/2012

No. 36326 (REP): R202-101. Qualified Emergency Food
Agencies Fund (QEFAP)
Published: 07/01/2012
Effective: 09/11/2012

Environmental Quality

Environmental Response and Remediation
No. 36496 (AMD): R311-201-12. UST Operator Training and
Registration
Published: 08/01/2012
Effective: 09/14/2012

No. 36497 (AMD): R311-206. Underground Storage Tanks:
Financial Assurance Mechanisms
Published: 08/01/2012
Effective: 09/14/2012

Health

Disease Control and Prevention, Environmental Services
No. 36404 (AMD): R392-100. Food Service Sanitation
Published: 07/15/2012
Effective: 09/10/2012

Insurance

Administration
No. 36493 (AMD): R590-130. Rules Governing
Advertisements of Insurance
Published: 08/01/2012
Effective: 09/11/2012

No. 36458 (AMD): R590-225-7. Procedures for Form Filings
Published: 08/01/2012
Effective: 09/10/2012

Natural Resources

Wildlife Resources
No. 36494 (AMD): R657-3. Collection, Importation,
Transportation, and Possession of Zoological Animals
Published: 08/01/2012
Effective: 09/10/2012

Workforce Services

Employment Development
No. 36499 (AMD): R986-900-902. Options and Waivers
Published: 08/01/2012
Effective: 10/01/2012

Housing and Community Development
No. 36487 (NEW): R990-12. State Small Business Credit
Initiative Program Fund
Published: 08/01/2012
Effective: 09/12/2012

End of the Notices of Rule Effective Dates Section

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)**

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2012 through September 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).

Questions regarding the index and the information it contains should be addressed to 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 | NSC = Nonsubstantive rule change |
| CPR = Change in proposed rule | REP = Repeal |
| EMR = Emergency rule (120 day) | R&R = Repeal and reenact |
| NEW = New rule | 5YR = Five-Year Review |
| EXD = Expired | |

| CODE REFERENCE | TITLE | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|---|--|-------------|--------|----------------|---------------------|
| ADMINISTRATIVE SERVICES | | | | | |
| <u>Administration</u> | | | | | |
| R13-2-4 | Requests for Access | 36285 | AMD | 08/07/2012 | 2012-12/8 |
| <u>Archives</u> | | | | | |
| R17-9 | Electronic Participation at Meetings | 35304 | NEW | 01/30/2012 | 2011-20/6 |
| <u>Child Welfare Parental Defense (Office of)</u> | | | | | |
| R19-1-6 | Child Welfare Parental Defense Oversight Committee | 35205 | AMD | 01/12/2012 | 2011-18/6 |
| R19-1-7 | Electronic Meetings | 35206 | AMD | 01/12/2012 | 2011-18/7 |
| <u>Debt Collection</u> | | | | | |
| R21-1 | Transfer of Collection Responsibility of State Agencies | 36420 | 5YR | 06/28/2012 | 2012-14/59 |
| R21-1 | Transfer of Collection Responsibility of State Agencies | 36495 | AMD | 09/07/2012 | 2012-15/6 |
| R21-2 | Office of State Debt Collection Administrative Procedures | 36421 | 5YR | 06/28/2012 | 2012-14/60 |
| R21-3 | Debt Collection Through Administrative Offset | 36422 | 5YR | 06/28/2012 | 2012-14/60 |
| <u>Facilities Construction and Management</u> | | | | | |
| R23-1 | Procurement of Construction | 36145 | 5YR | 05/03/2012 | 2012-11/177 |
| R23-1-40 | Procurement of Construction | 36020 | AMD | 08/07/2012 | 2012-8/4 |
| R23-1-40 | Acceptable Bid Security; Performance and Payment Bonds | 36020 | CPR | 08/07/2012 | 2012-13/88 |
| R23-1-40 | Acceptable Bid Security; Performance and Payment Bonds | 36632 | NSC | 08/23/2012 | Not Printed |
| R23-19 | Facility Use Rules | 36146 | 5YR | 05/03/2012 | 2012-11/177 |
| R23-20 | Free Speech Activities | 36148 | 5YR | 05/03/2012 | 2012-11/178 |
| <u>Finance</u> | | | | | |
| R25-7 | Travel-Related Reimbursements for State Employees | 36112 | AMD | 07/01/2012 | 2012-10/4 |
| R25-7-6 | Reimbursements for Meals | 36636 | NSC | 08/30/2012 | Not Printed |
| R25-14 | Payment of Attorneys Fees in Death Penalty Cases | 35663 | 5YR | 01/12/2012 | 2012-3/105 |
| R25-20 | Indigent Defense Funds Board, Procedures for Electronic Meetings | 35975 | NEW | 05/22/2012 | 2012-8/5 |
| <u>Fleet Operations</u> | | | | | |
| R27-4 | Vehicle Replacement and Expansion of State Fleet | 35622 | 5YR | 01/05/2012 | 2012-3/105 |
| R27-5 | Fleet Tracking | 35617 | 5YR | 01/05/2012 | 2012-3/106 |
| R27-5 | Fleet Tracking | 35623 | NSC | 01/31/2012 | Not Printed |
| R27-6 | Fuel Dispensing Program | 35620 | 5YR | 01/05/2012 | 2012-3/106 |
| R27-7 | Safety and Loss Prevention of State Vehicles | 36024 | AMD | 06/28/2012 | 2012-9/4 |
| R27-8 | State Vehicle Maintenance Program | 35621 | 5YR | 01/05/2012 | 2012-3/107 |

| | | | | | |
|--|---|-------|-----|------------|-------------|
| R27-9 | Dispensing Compressed Natural Gas to the Public | 35727 | NEW | 03/26/2012 | 2012-4/6 |
| <u>Purchasing and General Services</u> | | | | | |
| R33-1 | Utah State Procurement Rules Definitions | 35664 | AMD | 03/30/2012 | 2012-3/4 |
| R33-1 | Utah State Procurement Rules Definitions | 36423 | 5YR | 07/02/2012 | 2012-14/61 |
| R33-2 | Procurement Organization | 36424 | 5YR | 07/02/2012 | 2012-14/61 |
| R33-3 | Source Selection and Contract Formation | 35613 | AMD | 03/30/2012 | 2012-2/6 |
| R33-3 | Source Selection and Contract Formation | 36425 | 5YR | 07/02/2012 | 2012-14/62 |
| R33-3-7 | Types of Contracts | 35667 | AMD | 03/30/2012 | 2012-3/6 |
| R33-4 | Specifications | 35665 | AMD | 03/30/2012 | 2012-3/10 |
| R33-4 | Specifications | 36426 | 5YR | 07/02/2012 | 2012-14/62 |
| R33-5 | Construction and Architect-Engineer Selection | 36428 | 5YR | 07/02/2012 | 2012-14/63 |
| R33-6-101 | Revisions to Contract Clauses | 35666 | AMD | 03/30/2012 | 2012-3/12 |
| R33-8 | Property Management | 36430 | 5YR | 07/02/2012 | 2012-14/63 |
| <u>Risk Management</u> | | | | | |
| R37-1 | Risk Management General Rules | 36286 | 5YR | 05/30/2012 | 2012-12/81 |
| R37-2 | Risk Management State Workers' Compensation Insurance Administration | 36287 | 5YR | 05/30/2012 | 2012-12/81 |
| R37-3 | Risk Management Adjudicative Proceedings | 36288 | 5YR | 05/30/2012 | 2012-12/82 |
| R37-4 | Adjusted Utah Governmental Immunity Act Limitations on Judgments | 36289 | 5YR | 05/30/2012 | 2012-12/83 |
| R37-4 | Adjusted Utah Governmental Immunity Act Limitations on Judgments | 35844 | AMD | 05/31/2012 | 2012-5/4 |
| AGRICULTURE AND FOOD | | | | | |
| <u>Administration</u> | | | | | |
| R51-2 | Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food | 35614 | 5YR | 01/04/2012 | 2012-3/107 |
| <u>Animal Industry</u> | | | | | |
| R58-1 | Admission and Inspection of Livestock, Poultry, and Other Animals | 35691 | 5YR | 01/18/2012 | 2012-4/59 |
| R58-3 | Brucellosis Vaccination Requirements | 36143 | EMR | 05/08/2012 | 2012-11/167 |
| 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 |
| R58-11 | Slaughter of Livestock | 35866 | AMD | 05/15/2012 | 2012-5/5 |
| R58-11 | Slaughter of Livestock and Poultry | 36144 | NSC | 05/30/2012 | Not Printed |
| R58-16 | Swine Garbage Feeding | 36248 | REP | 07/26/2012 | 2012-12/10 |
| R58-18 | Elk Farming | 35695 | 5YR | 01/18/2012 | 2012-4/60 |
| R58-19 | Compliance Procedures | 35696 | 5YR | 01/18/2012 | 2012-4/60 |
| R58-21 | Trichomoniasis | 36164 | AMD | 07/10/2012 | 2012-11/4 |
| R58-22 | Equine Infectious Anemia (EIA) | 35694 | 5YR | 01/18/2012 | 2012-4/61 |
| R58-23 | Equine Viral Arteritis (EVA) | 35693 | 5YR | 01/18/2012 | 2012-4/61 |
| <u>Marketing and Development</u> | | | | | |
| R65-2 | Utah Cherry Marketing Order | 36489 | 5YR | 07/12/2012 | 2012-15/73 |
| R65-5 | Utah Red Tart and Sour Cherry Marketing Order | 36488 | 5YR | 07/12/2012 | 2012-15/73 |
| R65-11 | Utah Sheep Marketing Order | 36490 | 5YR | 07/12/2012 | 2012-15/74 |
| <u>Plant Industry</u> | | | | | |
| R68-15 | Quarantine Pertaining to Japanese Beetle | 36697 | 5YR | 08/28/2012 | 2012-18/77 |
| R68-19 | Compliance Procedures | 35697 | 5YR | 01/18/2012 | 2012-4/62 |
| R68-21 | Standard of Identity for Honey | 35566 | REP | 03/07/2012 | 2012-2/16 |
| <u>Regulatory Services</u> | | | | | |
| R70-201 | Compliance Procedures | 35660 | 5YR | 01/12/2012 | 2012-3/108 |
| R70-320 | Minimum Standards for Milk for Manufacturing Purposes, its Production and Processing | 35661 | 5YR | 01/12/2012 | 2012-3/109 |
| R70-330 | Raw Milk for Retail | 36465 | EMR | 07/11/2012 | 2012-15/65 |
| R70-350 | Ice Cream and Frozen Dairy Food Standards | 35658 | 5YR | 01/12/2012 | 2012-3/109 |
| R70-360 | Procedure for Obtaining a License to Test Milk for Payment | 35657 | 5YR | 01/12/2012 | 2012-3/110 |

RULES INDEX

| | | | | | |
|---------|---|-------|-----|------------|------------|
| R70-520 | Standard of Identity and Labeling Requirements for Honey | 36147 | NEW | 07/10/2012 | 2012-11/6 |
| R70-530 | Food Protection | 35920 | 5YR | 03/07/2012 | 2012-7/63 |
| R70-550 | Utah Inland Shellfish Safety Program | 35659 | 5YR | 01/12/2012 | 2012-3/110 |
| R70-560 | Inspection and Regulation of Cottage Food Production Operations | 35662 | 5YR | 01/12/2012 | 2012-3/111 |

ALCOHOLIC BEVERAGE CONTROL

Administration

| | | | | | |
|-----------|--|-------|-----|------------|------------|
| R81-1-3 | General Policies | 36271 | AMD | 07/31/2012 | 2012-12/11 |
| R81-1-6 | Violation Schedule | 35588 | AMD | 03/01/2012 | 2012-2/20 |
| R81-3-11 | Application | 35942 | AMD | 07/17/2012 | 2012-7/4 |
| R81-4A-2 | Application | 35943 | AMD | 05/22/2012 | 2012-7/5 |
| R81-4B-2 | Application | 35944 | AMD | 05/22/2012 | 2012-7/6 |
| R81-4C-2 | Application | 35945 | AMD | 05/22/2012 | 2012-7/8 |
| R81-4D-2 | Application | 35946 | AMD | 05/22/2012 | 2012-7/9 |
| R81-4E-2 | Application | 35947 | AMD | 05/22/2012 | 2012-7/11 |
| R81-4F-2 | Application | 35948 | AMD | 05/22/2012 | 2012-7/12 |
| R81-4F-7 | Sale and Purchase of Alcoholic Beverages | 36113 | AMD | 07/01/2012 | 2012-10/9 |
| R81-4F-13 | Agreement for Alcoholic Beverage Service | 36115 | AMD | 07/01/2012 | 2012-10/10 |
| R81-5-2 | Application | 35949 | AMD | 05/22/2012 | 2012-7/13 |
| R81-6-1 | Application | 35950 | AMD | 05/22/2012 | 2012-7/15 |
| R81-7 | Single Event Permits | 36114 | AMD | 07/01/2012 | 2012-10/11 |
| R81-8-1 | Application | 35951 | AMD | 05/22/2012 | 2012-7/16 |
| R81-9-1 | Application | 35952 | AMD | 05/22/2012 | 2012-7/17 |
| 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 |
| R81-11-1 | Application | 35956 | AMD | 05/22/2012 | 2012-7/23 |
| R81-12-1 | Application | 35957 | AMD | 05/22/2012 | 2012-7/24 |

ATTORNEY GENERAL

Administration

| | | | | | |
|--------|---|-------|-----|------------|----------|
| R105-1 | Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services | 35904 | NEW | 04/24/2012 | 2012-6/6 |
|--------|---|-------|-----|------------|----------|

AUDITOR

Administration

| | | | | | |
|--------|---|-------|-----|------------|-------------|
| R123-3 | State Auditor Adjudicative Proceedings | 36506 | 5YR | 07/18/2012 | 2012-16/183 |
| R123-4 | Public Petitions for Declaratory Orders | 36509 | 5YR | 07/18/2012 | 2012-16/183 |
| R123-5 | Audit Requirements for Audits of Political Subdivisions and Nonprofit Organizations | 36510 | 5YR | 07/18/2012 | 2012-16/184 |

CAPITOL PRESERVATION BOARD (STATE)

Administration

| | | | | | |
|---------|---|-------|-----|------------|------------|
| R131-3 | Use of Magnetometers on Capitol Grounds | 35899 | EXT | 02/29/2012 | 2012-6/43 |
| R131-3 | Use of Magnetometers on Capitol Hill | 36359 | 5YR | 06/13/2012 | 2012-13/97 |
| R131-9 | State Capitol Preservation Board Art Program and Policy | 35686 | R&R | 03/09/2012 | 2012-3/13 |
| R131-10 | Commercial Solicitations | 35687 | 5YR | 01/17/2012 | 2012-3/111 |
| R131-11 | Preservation of Free Speech Activities | 35688 | 5YR | 01/17/2012 | 2012-3/112 |
| R131-13 | Health Reform - Health Insurance Coverage in State Contracts - Implementation | 35611 | EMR | 01/03/2012 | 2012-2/105 |
| R131-13 | Health Reform - Health Insurance Coverage in State Contracts - Implementation | 35610 | AMD | 02/21/2012 | 2012-2/24 |

CAREER SERVICE REVIEW OFFICE

Administration

| | | | | | |
|-----------|--|-------|-----|------------|-----------|
| R137-1-21 | The Evidentiary/Step 4 Adjudicatory Procedures | 35559 | AMD | 02/21/2012 | 2012-2/26 |
|-----------|--|-------|-----|------------|-----------|

COMMERCE

Administration

| | | | | | |
|------------|---|-------|-----|------------|------------|
| R151-3 | Americans With Disabilities Act Rule | 35897 | 5YR | 02/28/2012 | 2012-6/35 |
| R151-4-306 | Motion to Recuse or Disqualify a Board or Commission Member | 36104 | AMD | 06/21/2012 | 2012-10/16 |
| R151-4-306 | Motion to Recuse or Disqualify a Board or Commission Member | 36416 | AMD | 08/21/2012 | 2012-14/4 |
| R151-35 | Powersport Vehicle Franchise Act Rule | 36329 | 5YR | 06/05/2012 | 2012-13/97 |

Consumer Protection

| | | | | | |
|---------|--|-------|-----|------------|------------|
| R152-6 | Utah Administrative Procedures Act Rules | 35974 | 5YR | 03/26/2012 | 2012-8/71 |
| R152-15 | Business Opportunity Disclosure Act Rules | 35965 | 5YR | 03/22/2012 | 2012-8/71 |
| R152-20 | New Motor Vehicle Warranties | 35967 | 5YR | 03/22/2012 | 2012-8/72 |
| R152-22 | Charitable Solicitations Act | 35970 | 5YR | 03/22/2012 | 2012-8/72 |
| R152-23 | Utah Health Spa Services | 35971 | 5YR | 03/22/2012 | 2012-8/73 |
| R152-34 | Postsecondary Proprietary School Act Rules | 36360 | 5YR | 06/14/2012 | 2012-13/98 |
| R152-42 | Uniform Debt-Management Services Act Rules | 35972 | 5YR | 03/22/2012 | 2012-8/73 |

Occupational and Professional Licensing

| | | | | | |
|--------------|---|-------|-----|------------|-------------|
| R156-1 | General Rule of the Division of Occupational and Professional Licensing | 35624 | 5YR | 01/05/2012 | 2012-3/112 |
| R156-1 | General Rule of the Division of Occupational and Professional Licensing | 36077 | AMD | 06/07/2012 | 2012-9/8 |
| R156-3a | Architect Licensing Act Rule | 36282 | AMD | 07/30/2012 | 2012-12/12 |
| R156-9 | Funeral Service Licensing Act Rule | 36117 | AMD | 06/21/2012 | 2012-10/17 |
| R156-11a | Barber, Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rule | 35853 | 5YR | 02/06/2012 | 2012-5/101 |
| R156-16a | Optometry Practice Act Rule | 35893 | 5YR | 02/21/2012 | 2012-6/35 |
| R156-20a | Environmental Health Scientist Act Rule | 35430 | AMD | 01/10/2012 | 2011-23/10 |
| R156-20a | Environmental Health Scientist Act Rule | 36484 | AMD | 09/11/2012 | 2012-15/8 |
| R156-22 | Professional Engineers and Professional Land Surveyors Licensing Act Rule | 36090 | AMD | 06/21/2012 | 2012-10/19 |
| R156-22 | Professional Engineers and Professional Land Surveyors Licensing Act Rule | 36405 | 5YR | 06/25/2012 | 2012-14/64 |
| R156-37 | Utah Controlled Substances Act Rule | 35892 | 5YR | 02/21/2012 | 2012-6/36 |
| R156-40a | Athletic Trainer Licensing Act Rule | 36089 | AMD | 06/28/2012 | 2012-10/22 |
| R156-47b | Massage Therapy Practice Act Rule | 36132 | 5YR | 05/01/2012 | 2012-10/87 |
| R156-47b-102 | Definitions | 35498 | AMD | 01/26/2012 | 2011-24/6 |
| R156-55a-602 | Contractor License Bonds | 36157 | AMD | 07/09/2012 | 2012-11/8 |
| R156-55d | Burglar Alarm Licensing Rule | 35860 | 5YR | 02/07/2012 | 2012-5/102 |
| R156-55d | Burglar Alarm Licensing Rule | 36191 | NSC | 05/30/2012 | Not Printed |
| R156-56 | Building Inspector and Factory Built Housing Licensing Act Rule | 35735 | 5YR | 01/31/2012 | 2012-4/62 |
| R156-60a | Social Worker Licensing Act Rule | 36189 | AMD | 07/09/2012 | 2012-11/10 |
| R156-60d | Substance Abuse Counselor Act Rule | 36228 | AMD | 07/30/2012 | 2012-12/17 |
| R156-60d | Substance Use Disorder Counselor Act Rule | 36550 | NSC | 08/08/2012 | Not Printed |
| R156-63b-102 | Definitions | 36192 | NSC | 05/30/2012 | Not Printed |
| R156-64 | Deception Detection Examiners Licensing Act Rule | 35736 | 5YR | 01/31/2012 | 2012-4/64 |
| R156-67-503 | Administrative Penalties | 35389 | AMD | 03/09/2012 | 2011-22/14 |
| R156-67-503 | Administrative Penalties | 35389 | CPR | 03/09/2012 | 2012-3/86 |
| R156-68-503 | Administrative Penalties | 35388 | AMD | 03/09/2012 | 2011-22/19 |
| R156-68-503 | Administrative Penalties | 35388 | CPR | 03/09/2012 | 2012-3/90 |
| R156-69-302d | Licensing of Dentist-Educators | 36181 | AMD | 07/09/2012 | 2012-11/14 |
| R156-75 | Genetic Counselors Licensing Act Rule | 36183 | AMD | 07/09/2012 | 2012-11/15 |
| R156-75-102 | Definitions | 36450 | NSC | 07/25/2012 | Not Printed |
| R156-76 | Professional Geologist Licensing Act Rule | 35894 | 5YR | 02/21/2012 | 2012-6/37 |
| R156-78B | Prelitigation Panel Review Rule | 35820 | 5YR | 02/02/2012 | 2012-5/102 |
| R156-83-502 | Unprofessional Conduct | 35585 | AMD | 02/21/2012 | 2012-2/28 |

Real Estate

| | | | | | |
|-------------|---|-------|-----|------------|-----------|
| R162-2c | Utah Residential Mortgage Practices and Licensing Rules | 36079 | AMD | 06/07/2012 | 2012-9/12 |
| R162-2e-402 | Administrative Proceedings | 35915 | AMD | 05/23/2012 | 2012-7/25 |

RULES INDEX

| | | | | | |
|---|--|-------|-----|------------|-------------|
| R162-2f | Real Estate Licensing and Practices Rules | 36390 | AMD | 08/21/2012 | 2012-14/5 |
| R162-57a | Timeshare and Camp Resort Rules | 36078 | AMD | 08/21/2012 | 2012-9/27 |
| R162-57a | Timeshare and Camp Resort Rules | 36078 | CPR | 08/21/2012 | 2012-14/48 |
| <u>Securities</u> | | | | | |
| R164-1 | Fraudulent Practices | 36459 | 5YR | 07/11/2012 | 2012-15/75 |
| R164-4 | Licensing Requirements | 36460 | 5YR | 07/11/2012 | 2012-15/75 |
| R164-5 | Broker-Dealer and Investment Adviser Books and Records | 36461 | 5YR | 07/11/2012 | 2012-15/76 |
| R164-6 | Denial, Suspension or Revocation of a License | 36462 | 5YR | 07/11/2012 | 2012-15/76 |
| R164-9 | Registration by Coordination | 36537 | 5YR | 07/25/2012 | 2012-16/184 |
| R164-10 | Registration by Qualification | 36538 | 5YR | 07/25/2012 | 2012-16/185 |
| R164-11 | Registration Statement | 36539 | 5YR | 07/25/2012 | 2012-16/185 |
| R164-12 | Sales Commission | 36540 | 5YR | 07/25/2012 | 2012-16/186 |
| R164-14 | Exemptions | 36541 | 5YR | 07/25/2012 | 2012-16/186 |
| R164-15 | Federal Covered Securities | 36542 | 5YR | 07/25/2012 | 2012-16/187 |
| R164-18 | Procedures | 36463 | 5YR | 07/11/2012 | 2012-15/77 |
| R164-25 | Record of Registration | 36464 | 5YR | 07/11/2012 | 2012-15/77 |
| R164-26 | Consent to Service of Process | 36543 | 5YR | 07/25/2012 | 2012-16/187 |
| R164-101 | Securities Fraud Reporting Program Act | 35558 | NEW | 02/21/2012 | 2012-2/29 |
| COMMUNITY AND CULTURE | | | | | |
| <u>Administration</u> | | | | | |
| R182-2 | Preservation Pro Fee | 36353 | NEW | 08/31/2012 | 2012-13/14 |
| <u>Arts and Museums</u> | | | | | |
| R207-1 | Utah Arts Council General Program Rules | 35723 | 5YR | 01/24/2012 | 2012-4/64 |
| R207-2 | Policy for Commissions, Purchases, and Donations to, and Loans from, the Utah State Art Collection | 35724 | 5YR | 01/24/2012 | 2012-4/65 |
| <u>History</u> | | | | | |
| R212-1 | Adjudicative Proceedings | 36299 | 5YR | 05/31/2012 | 2012-12/83 |
| R212-12 | Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds | 36301 | 5YR | 05/31/2012 | 2012-12/84 |
| R212-12 | Computerized Record of Cemeteries, Burials Location and Plots, and Granting Matching Funds | 36305 | NSC | 06/29/2012 | Not Printed |
| <u>Home Energy Assistance Target (HEAT)</u> | | | | | |
| R195-1 | Energy Assistance: General Provisions | 35403 | AMD | 03/26/2012 | 2011-23/12 |
| R195-1 | Energy Assistance: General Provisions | 36313 | REP | 09/11/2012 | 2012-13/15 |
| R195-2 | Energy Assistance Programs Standards | 36293 | EXT | 05/31/2012 | 2012-12/95 |
| R195-2 | Energy Assistance Programs Standards | 36314 | REP | 09/11/2012 | 2012-13/17 |
| R195-3 | Energy Assistance Income Standards, Income Eligibility, and Payment Determination | 36294 | EXT | 05/31/2012 | 2012-12/95 |
| R195-3 | Energy Assistance Income Standards, Income Eligibility, and Payment Determination | 36315 | REP | 09/11/2012 | 2012-13/20 |
| R195-3-3 | Unearned Income | 35405 | AMD | 03/26/2012 | 2011-23/16 |
| R195-4 | Energy Assistance: Asset Standards | 36295 | EXT | 05/31/2012 | 2012-12/95 |
| R195-4 | Energy Assistance: Asset Standards | 36316 | REP | 09/11/2012 | 2012-13/22 |
| R195-5 | Energy Assistance: Program Benefits | 35406 | AMD | 03/26/2012 | 2011-23/17 |
| R195-5 | Energy Assistance: Program Benefits | 36296 | EXT | 05/31/2012 | 2012-12/96 |
| R195-5 | Energy Assistance: Program Benefits | 36317 | REP | 09/11/2012 | 2012-13/23 |
| R195-6 | Energy Assistance: Eligibility Determination | 35407 | AMD | 03/26/2012 | 2011-23/18 |
| R195-6 | Energy Assistance: Eligibility Determination | 36297 | EXT | 05/31/2012 | 2012-12/96 |
| R195-6 | Energy Assistance: Eligibility Determination | 36318 | REP | 09/11/2012 | 2012-13/24 |
| R195-7 | Energy Assistance: Records and Benefit Management | 35408 | AMD | 03/26/2012 | 2011-23/19 |
| R195-7 | Energy Assistance: Records and Benefit Management | 36298 | EXT | 05/31/2012 | 2012-12/96 |
| R195-7 | Energy Assistance: Records and Benefit Management | 36319 | REP | 09/11/2012 | 2012-13/25 |
| R195-8 | Energy Assistance: Special State Programs | 35409 | AMD | 03/26/2012 | 2011-23/20 |
| R195-8 | Energy Assistance: Special State Programs | 36302 | EXT | 05/31/2012 | 2012-12/96 |

| | | | | | |
|--|--|-------|-----|------------|------------|
| R195-8 | Energy Assistance: Special State Programs | 36320 | REP | 09/11/2012 | 2012-13/26 |
| <u>Housing and Community Development</u> | | | | | |
| R199-8 | Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance | 36321 | REP | 09/11/2012 | 2012-13/28 |
| R199-9 | Policy Concerning Enforceability and Taxability of Bonds Purchased | 36322 | REP | 09/11/2012 | 2012-13/32 |
| R199-10 | Procedures in Case of Inability to Formulate Contract for Alleviation of Impact | 36323 | REP | 09/11/2012 | 2012-13/33 |
| R199-11 | Community Development Block Grants (CDBG) | 36324 | REP | 09/11/2012 | 2012-13/36 |

Housing and Community Development, Community Services

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R202-100 | Community Services Block Grant Rules | 36325 | REP | 09/11/2012 | 2012-13/39 |
| R202-101 | Qualified Emergency Food Agencies Fund (QEFAF) | 36326 | REP | 09/11/2012 | 2012-13/44 |

Library

| | | | | | |
|--------|-------------------------|-------|-----|------------|------------|
| R223-1 | Adjudicative Procedures | 36328 | 5YR | 06/05/2012 | 2012-13/98 |
|--------|-------------------------|-------|-----|------------|------------|

Olene Walker Housing Trust Fund

| | | | | | |
|--------|--|-------|-----|------------|------------|
| R235-1 | Olene Walker Housing Loan Fund (OWHLF) | 36327 | REP | 08/31/2012 | 2012-13/46 |
|--------|--|-------|-----|------------|------------|

CORRECTIONS

Administration

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R251-106 | Media Relations | 35760 | EXD | 01/18/2012 | 2012-4/123 |
| R251-106 | Media Relations | 35767 | EMR | 02/01/2012 | 2012-4/45 |
| R251-106 | Media Relations | 35805 | NEW | 04/09/2012 | 2012-5/11 |
| R251-107 | Executions | 35761 | EXD | 01/18/2012 | 2012-4/123 |
| R251-107 | Executions | 35768 | EMR | 02/01/2012 | 2012-4/47 |
| R251-107 | Executions | 35806 | NEW | 04/09/2012 | 2012-5/13 |
| R251-108 | Adjudicative Proceedings | 35762 | EXD | 01/18/2012 | 2012-4/123 |
| R251-108 | Adjudicative Proceedings | 35769 | EMR | 02/01/2012 | 2012-4/49 |
| R251-108 | Adjudicative Proceedings | 35807 | NEW | 04/09/2012 | 2012-5/15 |
| R251-115 | Contract County Jail Programming Payment | 36292 | NEW | 08/01/2012 | 2012-12/21 |
| R251-305 | Visiting at Community Correctional Centers | 35754 | EXT | 01/31/2012 | 2012-4/121 |
| R251-305 | Visiting at Community Correctional Centers | 36039 | 5YR | 04/06/2012 | 2012-9/77 |
| R251-306 | Sponsors in Community Correctional Centers | 35755 | EXT | 01/31/2012 | 2012-4/121 |
| R251-306 | Sponsors in Community Correctional Centers | 36040 | 5YR | 04/06/2012 | 2012-9/77 |
| R251-401 | Supervision Fees | 36312 | 5YR | 06/05/2012 | 2012-13/99 |
| R251-703 | Vehicle Direction Station | 35763 | EXD | 01/18/2012 | 2012-4/124 |
| R251-703 | Vehicle Direction Station | 35770 | EMR | 02/01/2012 | 2012-4/51 |
| R251-703 | Vehicle Direction Station | 35808 | NEW | 04/09/2012 | 2012-5/17 |
| R251-704 | North Gate | 35764 | EXD | 01/18/2012 | 2012-4/124 |
| R251-704 | North Gate | 35771 | EMR | 02/01/2012 | 2012-4/52 |
| R251-704 | North Gate | 35809 | NEW | 04/09/2012 | 2012-5/18 |
| R251-705 | Inmate Mail Procedures | 35765 | EXD | 01/18/2012 | 2012-4/124 |
| R251-705 | Inmate Mail Procedures | 35772 | EMR | 02/01/2012 | 2012-4/53 |
| R251-705 | Inmate Mail Procedures | 35810 | NEW | 04/09/2012 | 2012-5/19 |
| R251-706 | Inmate Visiting | 35766 | EXD | 01/18/2012 | 2012-4/124 |
| R251-706 | Inmate Visiting | 35773 | EMR | 02/01/2012 | 2012-4/56 |
| R251-706 | Inmate Visiting | 35811 | NEW | 04/09/2012 | 2012-5/22 |
| R251-707 | Legal Access | 35756 | EXT | 01/31/2012 | 2012-4/121 |
| R251-707 | Legal Access | 36041 | 5YR | 04/06/2012 | 2012-9/78 |
| R251-710 | Search | 35757 | EXT | 01/31/2012 | 2012-4/121 |
| R251-710 | Search | 36042 | 5YR | 04/06/2012 | 2012-9/78 |

EDUCATION

Administration

| | | | | | |
|----------|--|-------|-----|------------|-------------|
| R277-100 | Rulemaking Policy | 35449 | AMD | 01/10/2012 | 2011-23/21 |
| R277-101 | Utah State Board of Education Procedures | 36581 | 5YR | 08/01/2012 | 2012-16/188 |
| R277-102 | Adjudicative Proceedings | 35534 | R&R | 02/07/2012 | 2012-1/8 |
| R277-102 | Adjudicative Proceedings | 35856 | NSC | 02/29/2012 | Not Printed |
| R277-103 | USOE Government Records and Management Act | 36582 | 5YR | 08/01/2012 | 2012-16/188 |

RULES INDEX

| | | | | | |
|------------|---|-------|-----|------------|-------------|
| R277-104 | USOE ADA Complaint Procedure | 36067 | R&R | 06/07/2012 | 2012-9/31 |
| R277-107 | Educational Services Outside of Educator's Regular Employment | 35674 | AMD | 03/12/2012 | 2012-3/19 |
| R277-107-6 | Public Education Employees | 35932 | AMD | 05/08/2012 | 2012-7/27 |
| R277-110 | Legislative Supplemental Salary Adjustment | 36583 | 5YR | 08/01/2012 | 2012-16/188 |
| R277-112 | Prohibiting Discrimination in the Public Schools | 36584 | 5YR | 08/01/2012 | 2012-16/189 |
| R277-115 | Material Developed with State Public Education Funds | 36585 | 5YR | 08/01/2012 | 2012-16/189 |
| R277-116 | Utah State Board of Education Internal Audit Procedure | 36586 | 5YR | 08/01/2012 | 2012-16/190 |
| R277-400 | School Emergency Response Plans | 36587 | 5YR | 08/01/2012 | 2012-16/190 |
| R277-401 | Child Abuse-Neglect Reporting by Education Personnel | 36639 | 5YR | 08/14/2012 | 2012-17/101 |
| R277-407 | School Fees | 36640 | 5YR | 08/14/2012 | 2012-17/101 |
| R277-407-3 | Classes and Activities During the Regular School Day | 36199 | AMD | 07/09/2012 | 2012-11/16 |
| 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 |
| R277-411 | Elementary School Accreditation | 36589 | 5YR | 08/01/2012 | 2012-16/191 |
| R277-412 | Junior High and Middle School Accreditation | 36590 | 5YR | 08/01/2012 | 2012-16/192 |
| R277-419 | Pupil Accounting | 36763 | 5YR | 09/14/2012 | Not Printed |
| R277-419-5 | Student Membership | 35905 | AMD | 05/08/2012 | 2012-7/28 |
| 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 | Not Printed |
| R277-423 | Delivery of Flow Through Money | 36765 | 5YR | 09/14/2012 | Not Printed |
| R277-424 | Indirect Costs for State Programs | 36766 | 5YR | 09/14/2012 | Not Printed |
| R277-425 | Budgeting, Accounting, and Auditing for Utah School Districts | 35535 | AMD | 02/07/2012 | 2012-1/11 |
| R277-426 | Definition of Private and Non-Profit Schools for Federal Program Services | 35536 | AMD | 02/07/2012 | 2012-1/13 |
| R277-426 | Definition of Private and Non-Profit Schools for Federal Program Services | 36767 | 5YR | 09/14/2012 | Not Printed |
| R277-433 | Disposal of Textbooks in the Public Schools | 36641 | 5YR | 08/14/2012 | 2012-17/102 |
| R277-437-3 | Local School Board and District Responsibilities | 36200 | AMD | 07/09/2012 | 2012-11/17 |
| R277-445 | Classifying Small Schools as Necessarily Existent | 36642 | 5YR | 08/14/2012 | 2012-17/102 |
| R277-454 | Construction Management of School Building Projects | 35933 | AMD | 05/08/2012 | 2012-7/30 |
| R277-454 | Construction Management of School Building Projects | 36768 | 5YR | 09/14/2012 | Not Printed |
| R277-467 | Distribution of Funds Appropriated for Library Books and Electronic Resources | 36365 | 5YR | 06/15/2012 | 2012-13/99 |
| R277-467 | Distribution of Funds Appropriated for Library Books and Electronic Resources | 36366 | AMD | 08/08/2012 | 2012-13/51 |
| 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 |
| R277-476 | Incentives for Elementary Reading Program | 35675 | REP | 03/12/2012 | 2012-3/22 |
| R277-479 | Charter School Special Education Student Funding Formula | 35935 | NEW | 05/08/2012 | 2012-7/31 |
| 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 Appeals | 35452 | NEW | 01/10/2012 | 2011-23/34 |
| R277-482 | Charter School Timelines and Approval Processes | 35453 | NEW | 01/10/2012 | 2011-23/38 |
| R277-482 | Charter School Timelines and Approval Processes | 36368 | AMD | 08/08/2012 | 2012-13/54 |
| R277-483-4 | Identification of Persistently Dangerous Schools | 36071 | AMD | 06/07/2012 | 2012-9/36 |
| 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 - Responsibilities, Timelines, and Funding | 36372 | 5YR | 06/15/2012 | 2012-13/100 |
| R277-489 | Optional Extended Day Kindergarten - Responsibilities, Timelines, and Funding | 36373 | AMD | 08/08/2012 | 2012-13/61 |
| R277-491 | School Community Councils | 36201 | AMD | 07/09/2012 | 2012-11/19 |
| R277-491-4 | School Community Council School/School Administrator Responsibilities | 36451 | NSC | 07/25/2012 | Not Printed |
| 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 Required Fingerprint Background Checks (Effective Beginning July 1, 2012) | 36203 | AMD | 07/09/2012 | 2012-11/23 |
| R277-501 | Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks (Effective Through June 30, 2012) | 36204 | REP | 07/09/2012 | 2012-11/28 |
| 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 and Programs | 36644 | 5YR | 08/14/2012 | 2012-17/103 |
| R277-506 | School Psychologists, School Social Workers, and School Counselors Licenses and Programs | 36645 | 5YR | 08/14/2012 | 2012-17/104 |
| R277-507 | Driver Education Endorsement | 35940 | 5YR | 03/15/2012 | 2012-7/64 |
| 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 Misconduct | 36646 | 5YR | 08/14/2012 | 2012-17/104 |
| R277-519 | Educator Inservice Procedures and Credit | 35941 | 5YR | 03/15/2012 | 2012-7/64 |
| R277-520 | Appropriate Licensing and Assignment of Teachers | 35680 | AMD | 03/12/2012 | 2012-3/32 |
| 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 |
| R277-524 | Paraprofessional Qualifications | 36205 | AMD | 07/09/2012 | 2012-11/33 |
| R277-524 | Paraprofessional/Paraeducator Programs, Assignments, and Qualifications | 36452 | NSC | 07/25/2012 | Not Printed |
| R277-600-7 | Alternative Transportation | 35877 | AMD | 04/10/2012 | 2012-5/28 |
| R277-608 | Prohibition of Corporal Punishment in Utah's Public Schools | 35454 | AMD | 01/10/2012 | 2011-23/41 |
| R277-608 | Prohibition of Corporal Punishment in Utah's Public Schools | 36647 | 5YR | 08/14/2012 | 2012-17/105 |
| R277-612 | Foreign Exchange Students | 36153 | 5YR | 05/07/2012 | 2012-11/179 |
| R277-615 | Standards and Procedures for Student Searches | 35878 | NEW | 04/10/2012 | 2012-5/29 |
| 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 Program (PAR Program) | 36374 | NEW | 08/08/2012 | 2012-13/63 |
| R277-700 | The Elementary and Secondary School Core Curriculum | 36075 | AMD | 06/07/2012 | 2012-9/45 |
| 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 |
| R277-705 | Secondary School Completion and Diplomas | 35818 | 5YR | 02/02/2012 | 2012-5/103 |
| R277-713 | Concurrent Enrollment of High School Students in College Courses | 36649 | 5YR | 08/14/2012 | 2012-17/106 |
| R277-714 | Dissemination of Information About Juvenile Offenders | 35681 | AMD | 03/12/2012 | 2012-3/36 |
| 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 |
| R277-730 | 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 |
| R277-750 | Education Programs for Students with Disabilities | 36651 | 5YR | 08/14/2012 | 2012-17/107 |

RULES INDEX

| | | | | | |
|----------|---|-------|-----|------------|-------------|
| 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 | Work-based Learning Programs for Interns | 35819 | 5YR | 02/02/2012 | 2012-5/104 |
| R277-915 | Work-based Learning Programs for Interns | 35683 | AMD | 03/12/2012 | 2012-3/39 |
| R277-916 | Technology, Life, and Careers, and Work-Based Learning Programs | 35938 | AMD | 05/08/2012 | 2012-7/35 |

Rehabilitation

| | | | | | |
|----------|------------------------------|-------|-----|------------|-----------|
| R280-201 | USOR ADA Complaint Procedure | 36068 | REP | 06/07/2012 | 2012-9/56 |
|----------|------------------------------|-------|-----|------------|-----------|

ENVIRONMENTAL QUALITY

Administration

| | | | | | |
|--------|-------------------------------|-------|-----|------------|-----------|
| R305-1 | Records Access and Management | 35928 | 5YR | 03/13/2012 | 2012-7/65 |
|--------|-------------------------------|-------|-----|------------|-----------|

Air Quality

| | | | | | |
|------------|---|-------|-----|------------|-------------|
| R307-101-3 | Version of Code of Federal Regulations Incorporated by Reference | 35615 | AMD | 04/05/2012 | 2012-3/40 |
| R307-105 | General Requirements: Emergency Controls | 36333 | 5YR | 06/06/2012 | 2012-13/101 |
| R307-107 | General Requirement: Unavoidable Breakdown | 35865 | R&R | 07/31/2012 | 2012-5/31 |
| R307-107 | 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 |
| R307-120 | General Requirements: Tax Exemption for Air Pollution Control Equipment | 35775 | 5YR | 02/01/2012 | 2012-4/81 |
| R307-121 | General Requirements: Clean Air and Efficient Vehicle Tax Credit | 35716 | 5YR | 01/23/2012 | 2012-4/81 |
| R307-121-7 | Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels | 35718 | NSC | 02/09/2012 | Not Printed |
| 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 |
| R307-202 | Emission Standards: General Burning | 35923 | R&R | 07/31/2012 | 2012-7/38 |
| R307-202 | Emission Standards: General Burning | 35923 | CPR | 07/31/2012 | 2012-13/91 |
| 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 |
| R307-220-3 | 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 Gasoline Program As a Contingency Measure | 35778 | 5YR | 02/01/2012 | 2012-4/83 |
| 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 | 35781 | 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: Degreasing and Solvent Cleaning Operations | 35784 | 5YR | 02/01/2012 | 2012-4/87 |
| 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 |
| R307-343 | Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture | 35787 | 5YR | 02/01/2012 | 2012-4/89 |

| | | | | | |
|---|---|-------|-----|------------|-------------|
| | 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 Nonattainment Areas and Maintenance Areas | 36335 | 5YR | 06/06/2012 | 2012-13/102 |
| R307-405 | Permits: Major Sources in Attainment or Unclassified Areas (PSD) | 35413 | AMD | 02/02/2012 | 2011-23/42 |
| 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 and Salt Lake Counties | 36341 | 5YR | 06/06/2012 | 2012-13/106 |
| R307-421 | Permits: PM10 Offset Requirements in Salt Lake County and Utah County | 36342 | 5YR | 06/06/2012 | 2012-13/106 |
| R307-424 | Permits: Mercury Requirements for Electric Generating Units | 36033 | 5YR | 04/05/2012 | 2012-9/79 |
| R307-840 | Lead-Based Paint Program Purpose, Applicability, and Definitions | 35857 | AMD | 05/03/2012 | 2012-5/33 |
| R307-840-1 | Purpose and Applicability | 36161 | NSC | 05/30/2012 | Not Printed |
| R307-841 | Residential Property and Child-Occupied Facility Renovation | 35858 | AMD | 05/03/2012 | 2012-5/39 |
| R307-841 | Residential Property and Child-Occupied Facility Renovation | 36162 | NSC | 05/30/2012 | Not Printed |
| 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 |
| <u>Environmental Response and Remediation</u> | | | | | |
| R311-200 | Underground Storage Tanks: Definitions | 35668 | AMD | 03/09/2012 | 2012-3/42 |
| R311-200 | Underground Storage Tanks: Definitions | 36057 | 5YR | 04/10/2012 | 2012-9/82 |
| R311-201 | Underground Storage Tanks: Certification Programs and UST Operator Training | 35447 | AMD | 01/13/2012 | 2011-23/45 |
| R311-201 | Underground Storage Tanks: Certification Programs and UST Operator Training | 36045 | 5YR | 04/10/2012 | 2012-9/82 |
| R311-201-12 | UST Operator Training and Registration | 36496 | AMD | 09/14/2012 | 2012-15/20 |
| R311-202 | Underground Storage Tank Technical Standards | 36046 | 5YR | 04/10/2012 | 2012-9/84 |
| R311-203 | Underground Storage Tanks: Technical Standards | 36047 | 5YR | 04/10/2012 | 2012-9/84 |
| R311-204 | Underground Storage Tanks: Closure and Remediation | 36048 | 5YR | 04/10/2012 | 2012-9/85 |
| R311-205 | Underground Storage Tanks: Site Assessment Protocol | 36049 | 5YR | 04/10/2012 | 2012-9/86 |
| R311-206 | Underground Storage Tanks: Financial Assurance Mechanisms | 36050 | 5YR | 04/10/2012 | 2012-9/86 |
| R311-206 | Underground Storage Tanks: Financial Assurance Mechanisms | 36497 | AMD | 09/14/2012 | 2012-15/24 |
| R311-207 | Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks | 36051 | 5YR | 04/10/2012 | 2012-9/87 |
| R311-208 | Underground Storage Tank Penalty Guidance | 36052 | 5YR | 04/10/2012 | 2012-9/88 |
| R311-209 | Petroleum Storage Tank Cleanup Fund and State Cleanup Appropriation | 36053 | 5YR | 04/10/2012 | 2012-9/89 |
| R311-210 | Administrative Procedures | 36054 | 5YR | 04/10/2012 | 2012-9/89 |
| R311-211 | Corrective Action Cleanup Standards Policy - UST and CERCLA Sites | 36055 | 5YR | 04/10/2012 | 2012-9/90 |
| R311-212 | Administration of the Petroleum Storage Tank Loan Fund | 36056 | 5YR | 04/10/2012 | 2012-9/90 |
| R311-401 | Utah Hazardous Substances Priority List | 36030 | 5YR | 04/04/2012 | 2012-9/91 |
| R311-401-2 | Hazardous Substances Priority List | 36028 | AMD | 07/20/2012 | 2012-9/58 |
| <u>Radiation Control</u> | | | | | |
| R313-17 | Administrative Procedures | 35416 | AMD | 03/19/2012 | 2011-23/50 |

RULES INDEX

| | | | | | |
|----------------------------------|---|-------|-----|------------|-------------|
| R313-22-75 | Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material | 35417 | AMD | 01/16/2012 | 2011-23/51 |
| R313-24 | Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements | 36277 | 5YR | 05/24/2012 | 2012-12/84 |
| R313-35 | Requirements for X-Ray Equipment Used for Non-Medical Applications | 35906 | 5YR | 03/02/2012 | 2012-7/65 |
| R313-36 | Special Requirements for Industrial Radiographic Operations | 35418 | AMD | 01/16/2012 | 2011-23/54 |
| <u>Solid and Hazardous Waste</u> | | | | | |
| R315-1 | Utah Hazardous Waste Definitions and References | 35349 | AMD | 01/13/2012 | 2011-21/27 |
| R315-2 | General Requirements - Identification and Listing of Hazardous Waste | 35350 | AMD | 01/13/2012 | 2011-21/30 |
| R315-3 | Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities | 35351 | AMD | 01/13/2012 | 2011-21/38 |
| R315-5 | Hazardous Waste Generator Requirements | 35352 | AMD | 01/13/2012 | 2011-21/53 |
| R315-6 | Hazardous Waste Transporter Requirements | 35353 | AMD | 01/13/2012 | 2011-21/57 |
| R315-7 | Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities | 35354 | AMD | 01/13/2012 | 2011-21/60 |
| R315-8 | Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities | 35355 | AMD | 01/13/2012 | 2011-21/67 |
| R315-13 | Land Disposal Restrictions | 35356 | AMD | 01/13/2012 | 2011-21/75 |
| R315-14-8 | Military Munitions | 35357 | AMD | 01/13/2012 | 2011-21/76 |
| R315-15 | Standards for the Management of Used Oil | 36246 | 5YR | 05/17/2012 | 2012-12/85 |
| R315-16 | Standards for Universal Waste Management | 35867 | AMD | 04/17/2012 | 2012-5/62 |
| R315-50-9 | Basis for Listing Hazardous Wastes | 35358 | AMD | 01/13/2012 | 2011-21/77 |
| R315-304 | Industrial Solid Waste Landfill Requirements | 35988 | 5YR | 03/29/2012 | 2012-8/74 |
| R315-312-1 | Recycling and Composting Facility Standards | 35432 | AMD | 01/13/2012 | 2011-23/59 |
| R315-315-5 | Special Waste Requirements | 35433 | AMD | 01/13/2012 | 2011-23/60 |
| R315-320-2 | Definitions | 35434 | AMD | 01/13/2012 | 2011-23/61 |
| <u>Water Quality</u> | | | | | |
| R317-2 | Standards of Quality for Waters of the State | 35359 | AMD | 04/01/2012 | 2011-21/78 |
| R317-2 | Standards of Quality for Waters of the State | 35359 | CPR | 04/01/2012 | 2012-4/40 |
| R317-3 | Design Requirements for Wastewater Collection, Treatment and Disposal Systems | 36190 | 5YR | 05/15/2012 | 2012-11/179 |
| R317-5 | Large Underground Wastewater Disposal Systems | 36388 | 5YR | 06/18/2012 | 2012-14/65 |
| R317-6 | Ground Water Quality Protection | 36544 | 5YR | 07/26/2012 | 2012-16/192 |
| R317-8 | Utah Pollutant Discharge Elimination System (UPDES) | 35238 | AMD | 01/25/2012 | 2011-19/31 |
| R317-10 | Certification of Wastewater Works Operators | 36457 | 5YR | 07/11/2012 | 2012-15/78 |
| R317-11 | Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems | 36135 | AMD | 06/27/2012 | 2012-10/23 |
| R317-12 | General Requirements: Tax Exemption for Water Pollution Control Equipment | 35726 | 5YR | 01/25/2012 | 2012-4/89 |
| R317-100 | Utah State Project Priority System for the Utah Wastewater Project Assistance Program | 36456 | 5YR | 07/11/2012 | 2012-15/78 |
| R317-550 | Rules for Waste Disposal By Liquid Scavenger Operations | 36389 | 5YR | 06/18/2012 | 2012-14/65 |
| R317-560 | Rules for the Design, Construction, and Maintenance of Vault Privies and Earthen Pit Privies | 36387 | 5YR | 06/18/2012 | 2012-14/66 |
| R317-801 | Utah Sewer Management Program (USMP) | 35903 | NEW | 06/21/2012 | 2012-6/12 |
| EXAMINERS (BOARD OF) | | | | | |
| <u>Administration</u> | | | | | |
| R320-101 | Procedures for Electronic Meetings | 35497 | NEW | 02/10/2012 | 2011-24/10 |

FINANCIAL INSTITUTIONS

Administration

| | | | | | |
|---------|---|-------|-----|------------|-------------|
| R331-5 | Rule Governing Sale of Securities by Persons Issuing Securities, Who Are Under the Jurisdiction of the Department of Financial Institutions | 36527 | 5YR | 07/20/2012 | 2012-16/193 |
| R331-7 | Rule Governing Leasing Transactions by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions | 35684 | AMD | 03/09/2012 | 2012-3/46 |
| R331-7 | Rule Governing Leasing Transactions by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions | 36532 | 5YR | 07/20/2012 | 2012-16/193 |
| R331-9 | Rule Prescribing Rules of Procedure for Hearings Before the Commissioner of Financial Institutions of the State of Utah | 36528 | 5YR | 07/20/2012 | 2012-16/194 |
| R331-10 | Schedule for Retention or Destruction of Records of Financial Institutions Under the Jurisdiction of the Department of Financial Institutions | 36529 | 5YR | 07/20/2012 | 2012-16/194 |
| R331-12 | Guidelines Governing the Purchase and Sale of Loans and Participations in Loans by all State Chartered Financial Institutions | 36530 | 5YR | 07/20/2012 | 2012-16/195 |
| R331-14 | Rule Governing Parties Who Engage in the Business of Issuing and Selling Money Orders, Traveler's Checks, and Other Instruments for the Purpose of Effecting Third-Party Payments | 36531 | 5YR | 07/20/2012 | 2012-16/195 |
| R331-22 | Rule Governing Reimbursement of Costs of Financial Institutions for Production of Records | 36021 | EXT | 04/02/2012 | 2012-8/91 |
| R331-22 | Rule Governing Reimbursement of Costs of Financial Institutions for Production of Records | 36533 | 5YR | 07/20/2012 | 2012-16/196 |

Banks

| | | | | | |
|--------|---|-------|-----|------------|-------------|
| R333-7 | Investment by a State-Chartered Bank in Shares of Open-End Investment Companies | 36714 | 5YR | 09/05/2012 | Not Printed |
|--------|---|-------|-----|------------|-------------|

Credit Unions

| | | | | | |
|---------|---|-------|-----|------------|-------------|
| R337-2 | Conversion from a Federal to a State-Chartered Credit Union | 36713 | 5YR | 09/05/2012 | Not Printed |
| R337-5 | Allowance for Loan and Lease Losses - Credit Unions | 36712 | 5YR | 09/05/2012 | Not Printed |
| 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 |

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 Justice (State Commission on)

| | | | | | |
|--------|---|-------|-----|------------|------------|
| R356-1 | 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 Development

| | | | | | |
|--------|--------------------------|-------|-----|------------|-----------|
| R357-1 | Rural Fast Track Program | 36066 | 5YR | 04/13/2012 | 2012-9/92 |
|--------|--------------------------|-------|-----|------------|-----------|

RULES INDEX

Economic Development, Pete Suazo Utah Athletic Commission

| | | | | | |
|------------|--|-------|-----|------------|------------|
| R359-1 | Pete Suazo Utah Athletic Commission Act Rule | 36002 | 5YR | 03/30/2012 | 2012-8/74 |
| R359-1-506 | Drug Tests | 36130 | AMD | 06/30/2012 | 2012-10/29 |

Energy Development (Office of)

| | | | | | |
|--------|--------------------------------------|-------|-----|------------|------------|
| 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, Inspector General of Medicaid Services (Office of)

| | | | | | |
|-----------|---|-------|-----|------------|-------------|
| R367-1 | Office of Inspector General of Medicaid Services | 35879 | NEW | 04/23/2012 | 2012-5/74 |
| R367-1-7 | Utilization Review and Medicaid Services Provided under the Utah Medicaid Program | 35973 | NSC | 04/23/2012 | Not Printed |
| R367-1-15 | Administrative Hearings | 35958 | AMD | 05/23/2012 | 2012-8/6 |

HEALTH

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 | 36025 | 5YR | 04/03/2012 | 2012-9/92 |
| 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 |

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 Reporting Rule | 35870 | AMD | 05/31/2012 | 2012-5/85 |
| 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 |
| R428-15 | 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 |

Children's Health Insurance Program

| | | | | | |
|---------|---|-------|-----|------------|------------|
| R382-2 | Electronic Personal Medical Records for the Children's Health Insurance Program | 36429 | NEW | 09/01/2012 | 2012-14/15 |
| R382-10 | Eligibility | 35788 | AMD | 04/01/2012 | 2012-4/7 |

Disease Control and 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, and Safety of Schools | 35710 | 5YR | 01/20/2012 | 2012-4/91 |
| 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 Pools | 35707 | 5YR | 01/20/2012 | 2012-4/93 |
| 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 |

Disease Control and Prevention, Epidemiology

| | | | | | |
|----------|---------------------------|-------|-----|------------|------------|
| R386-702 | Communicable Disease Rule | 36247 | AMD | 08/08/2012 | 2012-12/29 |
|----------|---------------------------|-------|-----|------------|------------|

Disease Control and Prevention, Laboratory Improvement

R444-11 Rules for Approval to Perform Blood Alcohol Examinations 35701 5YR 01/20/2012 2012-4/99

Disease Control and Prevention, Laboratory Services

R438-12 Rule for Law Enforcement Blood Draws 35706 5YR 01/20/2012 2012-4/98

Family Health and Preparedness, Child Care Licensing

R430-1 General Licensing, Certificate, and Enforcement Provisions, Child Care Facilities 35581 NEW 05/01/2012 2012-2/37
 R430-2 General Licensing Provisions, Child Care Facilities 35579 REP 05/01/2012 2012-2/40
 R430-3 General Child Care Facility Rules Inspection and Enforcement 35580 REP 05/01/2012 2012-2/42
 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
 R430-30 Adjudicative Procedure 35654 REP 05/01/2012 2012-3/61
 R430-50 Residential Certificate Child Care 35574 AMD 05/01/2012 2012-2/47
 R430-60 Hourly Child Care Center 35575 R&R 05/01/2012 2012-2/55
 R430-70 Out of School Time Child Care Programs 35576 AMD 05/01/2012 2012-2/70
 R430-90 Licensed Family Child Care 35577 AMD 05/01/2012 2012-2/77
 R430-100 Child Care Centers 35578 AMD 05/01/2012 2012-2/82
 R430-100 Child Care Centers 36622 5YR 08/03/2012 2012-17/108

Family Health and Preparedness, Children with Special Health Care Needs

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 Preparedness, Emergency Medical Services

R426-5 Statewide Trauma System Standards 36100 5YR 04/26/2012 2012-10/92
 R426-16 Emergency Medical Services Ambulance Rates and Charges 36182 AMD 07/19/2012 2012-11/66

Family Health and Preparedness, 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 Construction 35462 AMD 02/21/2012 2011-24/38
 R432-8 Specialty Hospital - Chemical Dependency/Substance Abuse Construction 35463 AMD 02/21/2012 2011-24/40
 R432-9 Specialty Hospital - Rehabilitation Construction Rule 35464 AMD 02/21/2012 2011-24/43
 R432-10 Specialty Hospital -- Long-Term Acute Care Construction Rule 35465 AMD 02/21/2012 2011-24/46
 R432-11 Orthopedic Hospital Construction 35466 AMD 02/21/2012 2011-24/50
 R432-12 Small Health Care Facility (Four to Sixteen Beds) Construction Rule 35467 AMD 02/21/2012 2011-24/53
 R432-13 Freestanding Ambulatory Surgical Center Construction Rule 35468 AMD 02/21/2012 2011-24/57
 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
 R432-40 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 Beds) 35981 5YR 03/28/2012 2012-8/79
 R432-201 Mental Retardation Facility: Supplement "A" to the Small Health Care Facility Rule 35982 5YR 03/28/2012 2012-8/79
 R432-270-6 Administrator Qualifications 35499 AMD 02/08/2012 2011-24/73

RULES INDEX

| | | | | | |
|---|---|-------|-----|------------|-------------|
| 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 |
| <u>Family Health and Preparedness, WIC Services</u> | | | | | |
| R406-100 | Special Supplemental Nutrition Program for Women, Infants and Children | 35812 | 5YR | 02/02/2012 | 2012-5/104 |
| R406-200 | Program Overview | 35813 | 5YR | 02/02/2012 | 2012-5/105 |
| R406-201 | Outreach Program | 35814 | 5YR | 02/02/2012 | 2012-5/105 |
| R406-202 | Eligibility | 35815 | 5YR | 02/02/2012 | 2012-5/106 |
| R406-301 | Clinic Guidelines | 35816 | 5YR | 02/02/2012 | 2012-5/106 |
| <u>Health Care Financing</u> | | | | | |
| R410-14 | Administrative Hearing Procedures | 35901 | AMD | 04/27/2012 | 2012-6/16 |
| <u>Health Care Financing, Coverage and Reimbursement Policy</u> | | | | | |
| 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 |
| R414-1-29 | Provider-Preventable Conditions | 36102 | AMD | 07/01/2012 | 2012-10/33 |
| R414-1A | Medicaid Policy for Experimental, Investigational or Unproven Medical Practices | 36128 | 5YR | 04/30/2012 | 2012-10/90 |
| 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 |
| R414-7C | Alternative Remedies for Nursing Facilities | 35719 | 5YR | 01/24/2012 | 2012-4/96 |
| R414-8 | Electronic Personal Medical Records for the Medicaid Program | 36431 | NEW | 09/01/2012 | 2012-14/19 |
| 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 |
| R414-14A | 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 |
| R414-38 | Personal Care Service | 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 |
| R414-50 | Dental, Oral and Maxillofacial Surgeons | 36103 | AMD | 07/01/2012 | 2012-10/39 |
| 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 |
| R414-60B | Preferred Drug List | 36559 | 5YR | 07/30/2012 | 2012-16/196 |
| R414-61-2 | Incorporation by Reference | 35504 | AMD | 01/24/2012 | 2011-24/18 |
| 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 |
| R414-303 | Coverage Groups | 35789 | AMD | 04/01/2012 | 2012-4/12 |
| R414-305 | Resources | 35437 | AMD | 02/06/2012 | 2011-23/65 |
| R414-307 | Eligibility for Home and Community-Based Services Waivers | 36085 | 5YR | 04/17/2012 | 2012-10/91 |
| R414-308 | Application, Eligibility Determinations and Improper Medical Assistance | 35441 | AMD | 02/06/2012 | 2011-23/70 |
| R414-308 | Application, Eligibility Determinations and Improper Medical Assistance | 35790 | AMD | 04/01/2012 | 2012-4/14 |
| R414-310 | Medicaid Primary Care Network Demonstration Waiver | 36309 | 5YR | 06/04/2012 | 2012-13/107 |
| R414-401-3 | Assessment | 36108 | AMD | 07/01/2012 | 2012-10/40 |
| R414-401-5 | Penalties and Interest | 35583 | AMD | 02/21/2012 | 2012-2/36 |
| R414-501-2 | Definitions | 36186 | AMD | 07/18/2012 | 2012-11/59 |
| R414-503 | Preadmission Screening and Resident Review | 36187 | R&R | 07/18/2012 | 2012-11/61 |
| R414-506 | Hospital Provider Assessments | 36101 | AMD | 07/01/2012 | 2012-10/41 |

| | | | | | |
|----------|---|-------|-----|------------|------------|
| R414-510 | Intermediate Care Facility for Individuals with Mental Retardation Transition Program | 35639 | 5YR | 01/09/2012 | 2012-3/115 |
|----------|---|-------|-----|------------|------------|

HUMAN RESOURCE MANAGEMENT

Administration

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R477-1 | Definitions | 35821 | 5YR | 02/02/2012 | 2012-5/107 |
| R477-1 | Definitions | 36118 | AMD | 07/02/2012 | 2012-10/47 |
| R477-2 | Administration | 35822 | 5YR | 02/02/2012 | 2012-5/108 |
| R477-2 | Administration | 36119 | AMD | 07/02/2012 | 2012-10/51 |
| R477-3 | Classification | 35823 | 5YR | 02/02/2012 | 2012-5/108 |
| R477-3 | Classification | 36120 | AMD | 07/02/2012 | 2012-10/54 |
| R477-4 | Filling Positions | 35824 | 5YR | 02/02/2012 | 2012-5/109 |
| R477-4 | Filling Positions | 36121 | AMD | 07/02/2012 | 2012-10/55 |
| R477-5 | Employee Status and Probation | 35825 | 5YR | 02/02/2012 | 2012-5/109 |
| R477-6 | Compensation | 35826 | 5YR | 02/02/2012 | 2012-5/110 |
| R477-6 | Compensation | 36211 | AMD | 07/10/2012 | 2012-11/68 |
| R477-6-5 | Incentive Awards | 35880 | AMD | 07/10/2012 | 2012-6/23 |
| R477-7 | Leave | 35827 | 5YR | 02/02/2012 | 2012-5/111 |
| 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 |
| R477-9 | Employee Conduct | 36125 | AMD | 07/02/2012 | 2012-10/76 |
| R477-10 | Employee Development | 35830 | 5YR | 02/03/2012 | 2012-5/113 |
| R477-11 | Discipline | 35831 | 5YR | 02/03/2012 | 2012-5/114 |
| R477-11 | Discipline | 36126 | AMD | 07/02/2012 | 2012-10/79 |
| R477-12 | Separations | 35832 | 5YR | 02/03/2012 | 2012-5/114 |
| R477-13 | Volunteer Programs | 35834 | 5YR | 02/03/2012 | 2012-5/115 |
| R477-13 | Volunteer Programs | 36127 | AMD | 07/02/2012 | 2012-10/81 |
| R477-15 | Workplace Harassment Prevention Policy and Procedure | 35835 | 5YR | 02/03/2012 | 2012-5/115 |

HUMAN SERVICES

Administration

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R495-810 | Government Records Access and Management Act | 35689 | 5YR | 01/17/2012 | 2012-3/115 |
| R495-878 | Americans with Disabilities Act Grievance Procedures | 35717 | 5YR | 01/23/2012 | 2012-4/99 |
| R495-884 | Kinship Locate | 36284 | NEW | 08/15/2012 | 2012-12/39 |

Aging and Adult Services

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R510-1 | Authority and Purpose | 36477 | 5YR | 07/11/2012 | 2012-15/79 |
| R510-100 | Funding Formulas | 36478 | 5YR | 07/11/2012 | 2012-15/79 |
| R510-101 | Carryover Policy for Title III: Grants for State and Community Programs on Aging | 36479 | 5YR | 07/11/2012 | 2012-15/80 |
| R510-102 | Amendments to Area Plan and Management Plan | 36466 | 5YR | 07/11/2012 | 2012-15/80 |
| R510-103 | Use of Senior Centers by Long-Term Care Facility Residents Participating in Activities Outside Their Planning and Service Area | 36467 | 5YR | 07/11/2012 | 2012-15/81 |
| R510-106 | Minimum Percentages of Older Americans Act, Title III Part B: State and Supportive Services Funds | 36468 | 5YR | 07/11/2012 | 2012-15/81 |
| R510-107 | Title V Senior Community Service Employment Program Standards and Procedures | 36469 | 5YR | 07/11/2012 | 2012-15/82 |
| R510-108 | Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act | 36470 | 5YR | 07/11/2012 | 2012-15/82 |
| R510-109 | Definition of Significant Population of Older Native Americans | 36471 | 5YR | 07/11/2012 | 2012-15/83 |
| R510-110 | Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services | 36472 | 5YR | 07/11/2012 | 2012-15/83 |

RULES INDEX

| | | | | | |
|--|--|-------|-----|------------|-------------|
| R510-111 | Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC) | 36473 | 5YR | 07/11/2012 | 2012-15/84 |
| R510-200 | Long-Term Care Ombudsman Program Policy | 36474 | 5YR | 07/11/2012 | 2012-15/84 |
| R510-302 | Adult Protective Services | 36475 | 5YR | 07/11/2012 | 2012-15/85 |
| R510-400 | Home and Community Based Alternatives Program | 36476 | 5YR | 07/11/2012 | 2012-15/85 |
| <u>Child and Family Services</u> | | | | | |
| R512-1 | Description of Division Services, Eligibility, and Service Access | 35895 | 5YR | 02/23/2012 | 2012-6/38 |
| R512-2 | Title IV-B Child Welfare/Family Preservation and Support Services and Title IV-E Foster Care, Adoption, and Independent Living | 35910 | 5YR | 03/05/2012 | 2012-7/68 |
| R512-31 | Foster Parent Due Process | 35911 | 5YR | 03/05/2012 | 2012-7/68 |
| R512-32 | Children with Reportable Communicable Diseases | 35912 | 5YR | 03/05/2012 | 2012-7/69 |
| R512-40 | Adoptive Home Studies, Recruitment, Approval | 35913 | 5YR | 03/05/2012 | 2012-7/69 |
| R512-42 | Adoption by Relatives | 35914 | 5YR | 03/05/2012 | 2012-7/70 |
| R512-51 | Fee Collection for Criminal Background Screening for Prospective Foster and Adoptive Parents and for Employees of Other Department of Human Services Licensed Programs | 36044 | 5YR | 04/09/2012 | 2012-9/93 |
| R512-60 | Children's Trust Account | 35931 | AMD | 06/07/2012 | 2012-7/47 |
| R512-80 | Definitions of Abuse, Neglect, and Dependency | 35630 | NEW | 03/15/2012 | 2012-3/64 |
| <u>Juvenile Justice Services</u> | | | | | |
| R547-1 | Residential and Non-Residential, Nonsecure Community Program Standards | 36136 | 5YR | 05/01/2012 | 2012-10/92 |
| R547-3 | Juvenile Jail Standards | 36137 | 5YR | 05/01/2012 | 2012-10/93 |
| R547-6 | Youth Parole Authority Policies and Procedures | 36226 | 5YR | 05/16/2012 | 2012-12/85 |
| R547-7 | Juvenile Holding Room Standards | 36140 | 5YR | 05/01/2012 | 2012-10/93 |
| R547-10 | Ex-Offender Policy | 36227 | 5YR | 05/16/2012 | 2012-12/86 |
| R547-12 | Division of Juvenile Justice Services Classification of Records | 36138 | 5YR | 05/01/2012 | 2012-10/94 |
| R547-13 | Guidelines for Admission to Secure Youth Detention Facilities | 36139 | 5YR | 05/01/2012 | 2012-10/94 |
| R547-14 | Possession of Prohibited Items in Juvenile Detention Facilities | 36043 | 5YR | 04/09/2012 | 2012-9/93 |
| <u>Public Guardian (Office of)</u> | | | | | |
| R549-1 | Eligibility and Services Priority | 35759 | 5YR | 02/01/2012 | 2012-4/100 |
| <u>Recovery Services</u> | | | | | |
| R527-3 | Definitions | 36346 | 5YR | 06/12/2012 | 2012-13/108 |
| R527-5 | Release of Information | 35631 | 5YR | 01/06/2012 | 2012-3/116 |
| R527-34 | Non IV-A Services | 35728 | AMD | 03/27/2012 | 2012-4/19 |
| R527-35 | Non IV-A Fee Schedule | 35729 | AMD | 03/27/2012 | 2012-4/20 |
| R527-37 | Closure Criteria for Support Cases | 36347 | 5YR | 06/12/2012 | 2012-13/108 |
| R527-201 | Medical Support Services | 35619 | AMD | 03/27/2012 | 2012-3/70 |
| R527-253 | Collection of Child Support Judgments | 36348 | 5YR | 06/12/2012 | 2012-13/109 |
| R527-255 | Substantial Change in Circumstances | 36349 | 5YR | 06/12/2012 | 2012-13/109 |
| R527-258 | Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program | 36350 | 5YR | 06/12/2012 | 2012-13/110 |
| R527-300 | Income Withholding | 36673 | 5YR | 08/21/2012 | 2012-18/79 |
| R527-330 | Posting Priority of Payments Received | 36351 | 5YR | 06/12/2012 | 2012-13/111 |
| R527-378 | Withholding of Social Security Benefits | 36674 | 5YR | 08/21/2012 | 2012-18/80 |
| R527-412 | Intercept of Unemployment Compensation | 36675 | 5YR | 08/21/2012 | 2012-18/80 |
| R527-601 | Establishing or Modifying an Administrative Award for Child Support | 36676 | 5YR | 08/21/2012 | 2012-18/81 |
| R527-928 | Lost Checks | 36677 | 5YR | 08/21/2012 | 2012-18/82 |
| <u>Substance Abuse and Mental Health</u> | | | | | |
| R523-20 | Division Rules of Administration | 36310 | 5YR | 06/05/2012 | 2012-13/107 |

| | | | | | |
|-----------|---|-------|-----|------------|------------|
| R523-22 | Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders | 36383 | 5YR | 06/18/2012 | 2012-14/67 |
| R523-23 | On-Premise Alcohol Training and Education Seminar Rules of Administration | 36384 | 5YR | 06/18/2012 | 2012-14/67 |
| R523-23-4 | Provider Responsibilities | 35626 | AMD | 03/09/2012 | 2012-3/66 |
| R523-24 | Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration | 35625 | AMD | 03/09/2012 | 2012-3/67 |

Substance Abuse and Mental Health, State Hospital

| | | | | | |
|--------|----------------------------------|-------|-----|------------|-------------|
| R525-2 | Patient Rights | 35589 | AMD | 02/21/2012 | 2012-2/95 |
| R525-3 | Medication Treatment of Patients | 35590 | AMD | 02/21/2012 | 2012-2/96 |
| R525-5 | Background Checks | 35591 | AMD | 02/21/2012 | 2012-2/97 |
| R525-6 | Prohibited Items and Devices | 35593 | AMD | 02/21/2012 | 2012-2/98 |
| 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 |

INSURANCE

Administration

| | | | | | |
|------------|---|-------|-----|------------|-------------|
| R590-68 | Insider Trading of Equity Securities of Domestic Stock Insurance Companies | 36037 | 5YR | 04/05/2012 | 2012-9/94 |
| R590-70 | Insurance Holding Companies | 35643 | 5YR | 01/10/2012 | 2012-3/116 |
| R590-85 | Individual Accident and Health Insurance and Individual and Group Medicare Supplement Rates | 36034 | 5YR | 04/05/2012 | 2012-9/94 |
| R590-95 | Rule to Permit the Same Minimum Nonforfeiture Standards for Men and Women Insureds Under the 1980 CSO and 1980 CET Mortality Tables | 35641 | 5YR | 01/10/2012 | 2012-3/117 |
| R590-96 | Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities | 36684 | 5YR | 08/22/2012 | 2012-18/82 |
| R590-102-1 | Authority | 35725 | NSC | 02/09/2012 | Not Printed |
| R590-108 | Interest Rate During Grace Period or Upon Reinstatement of Policy | 36032 | 5YR | 04/04/2012 | 2012-9/95 |
| R590-114 | Letters of Credit | 35644 | 5YR | 01/10/2012 | 2012-3/117 |
| R590-116 | Valuation of Assets | 35850 | 5YR | 02/06/2012 | 2012-5/116 |
| R590-117 | Valuation of Liabilities | 35851 | 5YR | 02/06/2012 | 2012-5/116 |
| R590-120 | Surety Bond Forms | 36059 | 5YR | 04/11/2012 | 2012-9/95 |
| R590-122 | Permissible Arbitration Provisions | 36385 | 5YR | 06/18/2012 | 2012-14/68 |
| R590-130 | Rules Governing Advertisements of Insurance | 36493 | AMD | 09/11/2012 | 2012-15/33 |
| R590-142 | Continuing Education Rule | 35642 | 5YR | 01/10/2012 | 2012-3/118 |
| R590-142 | Continuing Education Rule | 35543 | AMD | 02/08/2012 | 2012-1/26 |
| R590-143 | Life and Health Reinsurance Agreements | 35646 | 5YR | 01/10/2012 | 2012-3/118 |
| R590-146 | Medicare Supplement Insurance Standards | 36036 | 5YR | 04/05/2012 | 2012-9/96 |
| R590-147 | Annual and Quarterly Statement Filing Instructions | 35647 | 5YR | 01/10/2012 | 2012-3/119 |
| R590-148 | Long-Term Care Insurance Rule | 36501 | 5YR | 07/16/2012 | 2012-15/86 |
| R590-149 | Americans with Disabilities Act (ADA) Grievance Procedures | 36386 | 5YR | 06/18/2012 | 2012-14/69 |
| R590-150 | Commissioner's Acceptance of Examination Reports | 35645 | 5YR | 01/10/2012 | 2012-3/120 |
| R590-151 | Records Access Rule | 36485 | 5YR | 07/12/2012 | 2012-15/86 |
| 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 |
| R590-197-1 | Authority | 36535 | NSC | 08/08/2012 | Not Printed |
| 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 and Group Health Insurance | 36576 | NSC | 08/13/2012 | Not Printed |
| R590-216 | Standards for Safeguarding Customer Information | 36688 | 5YR | 08/23/2012 | 2012-18/83 |
| R590-225-7 | Procedures for Form Filings | 36458 | AMD | 09/10/2012 | 2012-15/35 |
| R590-230 | Suitability in Annuity Transactions | 35699 | AMD | 03/26/2012 | 2012-4/21 |

RULES INDEX

| | | | | | |
|--|--|-------|-----|------------|-------------|
| R590-238 | Captive Insurance Companies | 36142 | 5YR | 05/02/2012 | 2012-11/181 |
| R590-239 | Exemption of Student Health Centers From Insurance Code | 36031 | 5YR | 04/04/2012 | 2012-9/97 |
| R590-240 | Procedure to Obtain Exemption of Student Health Programs From Insurance Code | 36344 | 5YR | 06/07/2012 | 2012-13/111 |
| R590-241 | Rule to Recognize the Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities | 36500 | 5YR | 07/16/2012 | 2012-15/87 |
| R590-261-11 | Expedited Independent Review | 35918 | NSC | 03/22/2012 | Not Printed |
| R590-262 | Health Data Authority Health Insurance Claims Reporting | 35201 | NEW | 03/07/2012 | 2011-18/41 |
| R590-262 | Health Data Authority Health Insurance Claims Reporting | 35201 | CPR | 03/07/2012 | 2011-24/84 |
| R590-263-3 | Most Commonly Selected | 35483 | AMD | 01/25/2012 | 2011-24/76 |
| R590-264 | Property and Casualty Actuarial Opinion Rule | 36222 | NEW | 07/13/2012 | 2012-11/83 |
| R590-266 | Utah Essential Health Benefits Package | 36703 | EMR | 08/30/2012 | 2012-18/73 |
| <u>Title and Escrow Commission</u> | | | | | |
| R592-8 | Application Process for an Attorney Exemption for Title Agency Licensing | 35898 | NSC | 03/12/2012 | Not Printed |
| R592-14 | Delay or Failure to Record Documents and the Insuring of Properties with the False Appearance of Unmarketability as Unfair Title Insurance Practices | 35648 | 5YR | 01/10/2012 | 2012-3/120 |
| JUDICIAL PERFORMANCE EVALUATION COMMISSION | | | | | |
| <u>Administration</u> | | | | | |
| R597-3 | Judicial Performance Evaluations | 35930 | EMR | 03/15/2012 | 2012-7/57 |
| R597-3 | Judicial Performance Evaluations | 35934 | AMD | 06/01/2012 | 2012-7/50 |
| LABOR COMMISSION | | | | | |
| <u>Adjudication</u> | | | | | |
| R602-1 | General Provisions | 36399 | 5YR | 06/19/2012 | 2012-14/70 |
| R602-2 | Adjudication of Workers' Compensation and Occupational Disease Claims | 36400 | 5YR | 06/19/2012 | 2012-14/71 |
| <u>Administration</u> | | | | | |
| R600-2 | Operations | 36401 | 5YR | 06/19/2012 | 2012-14/70 |
| R600-3-1 | Authority and Scope | 35446 | NSC | 02/01/2012 | Not Printed |
| <u>Antidiscrimination and Labor, Labor</u> | | | | | |
| R610-3-21 | Uniforms | 35833 | AMD | 04/16/2012 | 2012-5/88 |
| <u>Boiler and Elevator Safety</u> | | | | | |
| R616-2-3 | Safety Codes and Rules for Boilers and Pressure Vessels | 35963 | AMD | 05/22/2012 | 2012-8/12 |
| R616-2-15 | Deputy Boiler/Pressure Vessel Inspectors | 35961 | AMD | 05/22/2012 | 2012-8/14 |
| R616-3-3 | Safety Codes for Elevators | 35962 | AMD | 05/22/2012 | 2012-8/16 |
| <u>Industrial Accidents</u> | | | | | |
| R612-1 | Workers' Compensation Rules - Procedures | 36402 | 5YR | 06/19/2012 | 2012-14/71 |
| R612-1-10 | Permanent Total Disability | 36454 | NSC | 07/25/2012 | Not Printed |
| <u>Occupational Safety and Health</u> | | | | | |
| R614-1-4 | Incorporation of Federal Standards | 36306 | AMD | 07/23/2012 | 2012-12/41 |
| R614-1-8 | Recording and Reporting Occupational Injuries and Illnesses | 36398 | NSC | 07/12/2012 | Not Printed |
| MONEY MANAGEMENT COUNCIL | | | | | |
| <u>Administration</u> | | | | | |
| R628-2 | Investment of Funds of Public Education Foundations Established under Section 53A-4-205 or Funds Acquired by Gift, Devise or Bequest | 36453 | 5YR | 07/10/2012 | 2012-15/87 |

| | | | | | |
|---------|---|-------|-----|------------|------------|
| R628-17 | Limitations on Commercial Paper and Corporate Notes | 35640 | 5YR | 01/09/2012 | 2012-3/121 |
|---------|---|-------|-----|------------|------------|

NATURAL RESOURCES

Forestry, Fire and State Lands

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R652-1 | Definition of Terms | 36005 | 5YR | 04/02/2012 | 2012-8/82 |
| R652-3 | Applicant Qualification and Application Forms | 36006 | 5YR | 04/02/2012 | 2012-8/83 |
| R652-4 | Application Fees and Assessments | 36007 | 5YR | 04/02/2012 | 2012-8/83 |
| R652-5 | Payments, Royalties, Audits and Reinstatements | 36008 | 5YR | 04/02/2012 | 2012-8/84 |
| R652-6 | Government Records Access and Management | 36018 | 5YR | 04/02/2012 | 2012-8/84 |
| R652-20 | Mineral Resources | 36009 | 5YR | 04/02/2012 | 2012-8/85 |
| R652-30 | Special Use Leases | 36010 | 5YR | 04/02/2012 | 2012-8/85 |
| R652-40 | Easements | 36011 | 5YR | 04/02/2012 | 2012-8/86 |
| R652-50 | Range Management | 36012 | 5YR | 04/02/2012 | 2012-8/86 |
| R652-60 | Cultural Resources | 36013 | 5YR | 04/02/2012 | 2012-8/87 |
| R652-70 | Sovereign Lands | 36014 | 5YR | 04/02/2012 | 2012-8/87 |
| R652-90 | Sovereign Land Management Planning | 36015 | 5YR | 04/02/2012 | 2012-8/88 |
| R652-100 | Materials Permits | 36016 | 5YR | 04/02/2012 | 2012-8/88 |
| R652-140 | Utah Forest Practices Act | 35698 | 5YR | 01/19/2012 | 2012-4/108 |

Geological Survey

| | | | | | |
|----------------------------|--------------------------------------|-------|-----|------------|-------------|
| R638-2 (Changed to R362-2) | Renewable Energy Systems Tax Credits | 36593 | NSC | 08/13/2012 | Not Printed |
| R638-3 | Energy Efficiency Fund | 35685 | EMR | 02/01/2012 | 2012-3/97 |
| R638-3 (Changed to R362-3) | Energy Efficiency Fund | 36597 | NSC | 08/13/2012 | Not Printed |

Oil, Gas and Mining Board

| | | | | | |
|----------|-------------------|-------|-----|------------|-------------|
| R641-113 | Hearing Examiners | 36407 | NSC | 07/12/2012 | Not Printed |
|----------|-------------------|-------|-----|------------|-------------|

Oil, Gas and Mining: Abandoned Mine Reclamation

| | | | | | |
|----------|---|-------|-----|------------|------------|
| R643-870 | Abandoned Mine Reclamation Regulation Definitions | 35792 | 5YR | 02/01/2012 | 2012-4/101 |
| R643-872 | Abandoned Mine Reclamation Fund | 35793 | 5YR | 02/01/2012 | 2012-4/101 |
| R643-874 | General Reclamation Requirements | 35794 | 5YR | 02/01/2012 | 2012-4/102 |
| R643-875 | Noncoal Reclamation | 35795 | 5YR | 02/01/2012 | 2012-4/102 |
| R643-877 | Rights of Entry | 35796 | 5YR | 02/01/2012 | 2012-4/103 |
| R643-879 | Acquisition, Management, and Disposition of Lands and Water | 35797 | 5YR | 02/01/2012 | 2012-4/104 |
| R643-882 | Reclamation on Private Land | 35798 | 5YR | 02/01/2012 | 2012-4/104 |
| R643-884 | State Reclamation Plan | 35799 | 5YR | 02/01/2012 | 2012-4/105 |
| R643-886 | State Reclamation Grants | 35800 | 5YR | 02/01/2012 | 2012-4/105 |

Oil, Gas and Mining: Administration

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R642-100 | Records of the Division and Board of Oil, Gas and Mining | 35791 | 5YR | 02/01/2012 | 2012-4/100 |
|----------|--|-------|-----|------------|------------|

Oil, Gas and Mining: Coal

| | | | | | |
|--------------|--|-------|-----|------------|------------|
| R645-100 | Administrative: Introduction | 35801 | 5YR | 02/01/2012 | 2012-4/106 |
| R645-100-200 | Definitions | 35995 | AMD | 05/23/2012 | 2012-8/18 |
| R645-103 | Areas Unsuitable for Coal Mining and Reclamation Operations | 35802 | 5YR | 02/01/2012 | 2012-4/106 |
| R645-200 | Coal Exploration: Introduction | 35803 | 5YR | 02/01/2012 | 2012-4/107 |
| R645-201 | Coal Exploration: Requirements for Exploration Approval | 35804 | 5YR | 02/01/2012 | 2012-4/107 |
| R645-202 | Coal Exploration: Compliance Duties | 35836 | 5YR | 02/03/2012 | 2012-5/117 |
| R645-203 | Coal Exploration: Public Availability of Information | 35837 | 5YR | 02/03/2012 | 2012-5/117 |
| R645-300 | Coal Mine Permitting: Administrative Procedures | 35838 | 5YR | 02/03/2012 | 2012-5/118 |
| R645-300-100 | Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions | 35996 | AMD | 05/23/2012 | 2012-8/31 |
| R645-301 | Coal Mine Permitting: Permit Application Requirements | 35839 | 5YR | 02/03/2012 | 2012-5/118 |

RULES INDEX

| | | | | | |
|---|---|-------|-----|------------|-------------|
| R645-301-100 | General Contents | 35997 | AMD | 05/23/2012 | 2012-8/39 |
| R645-301-500 | Engineering | 36151 | NSC | 05/30/2012 | Not Printed |
| R645-302 | Coal Mine Permitting: Special Categories and Areas of Mining | 35840 | 5YR | 02/03/2012 | 2012-5/119 |
| R645-302-200 | Special Categories of Mining | 35998 | AMD | 05/23/2012 | 2012-8/43 |
| R645-303 | Coal Mine Permitting: Change, Renewal, and Transfer, Assignment, or Sale of Permit Rights | 35841 | 5YR | 02/03/2012 | 2012-5/120 |
| R645-303-300 | Transfer, Assignment, or Sale of Permit Rights | 35999 | AMD | 05/23/2012 | 2012-8/52 |
| R645-400-300 | Provisions of State Enforcement | 36000 | AMD | 05/23/2012 | 2012-8/54 |
| R645-402 | Inspection and Enforcement: Individual Civil Penalties | 35842 | 5YR | 02/03/2012 | 2012-5/120 |
| R645-403 | Alternative Enforcement | 36001 | NEW | 05/23/2012 | 2012-8/58 |
| <u>Oil, Gas and Mining: Oil and Gas</u> | | | | | |
| R649-1 | Oil and Gas General Rules | 35843 | 5YR | 02/03/2012 | 2012-5/121 |
| R649-1 | Oil and Gas General Rules | 35871 | NSC | 02/29/2012 | Not Printed |
| R649-2 | General Rules | 35845 | 5YR | 02/03/2012 | 2012-5/121 |
| R649-3 | Drilling and Operating Practices | 35846 | 5YR | 02/03/2012 | 2012-5/122 |
| R649-3-1 | Bonding | 36177 | NSC | 05/30/2012 | Not Printed |
| R649-3-6 | Drilling Operations | 36670 | NSC | 09/14/2012 | Not Printed |
| R649-5 | Underground Injection Control of Recovery Operations and Class II Injection Wells | 35847 | 5YR | 02/03/2012 | 2012-5/122 |
| 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 |
| <u>Parks and Recreation</u> | | | | | |
| R651-102 | Government Records Access Management Act | 36060 | 5YR | 04/11/2012 | 2012-9/98 |
| R651-201-7 | Low Capacity Vessel | 36237 | AMD | 07/23/2012 | 2012-12/42 |
| R651-205-2 | Deer Creek Reservoir | 36242 | AMD | 07/23/2012 | 2012-12/43 |
| R651-205-15 | Lost Creek Reservoir | 36234 | AMD | 07/23/2012 | 2012-12/44 |
| R651-206-1 | Definitions | 36238 | AMD | 07/23/2012 | 2012-12/45 |
| R651-206-3 | Utah Captain's/Guides License and Utah Boat Crew Permit | 36243 | AMD | 07/23/2012 | 2012-12/46 |
| R651-206-4 | Additional PFD Requirements for Vessels Carrying Passengers for Hire | 36239 | AMD | 07/23/2012 | 2012-12/50 |
| R651-219-3 | Spare Propulsion | 36241 | AMD | 07/23/2012 | 2012-12/51 |
| R651-226-2 | Safety Vessels Permitted | 36240 | AMD | 07/23/2012 | 2012-12/52 |
| R651-227 | Boating Safety Course Fees | 36235 | AMD | 07/23/2012 | 2012-12/53 |
| R651-301 | State Recreation Fiscal Assistance Programs | 36225 | 5YR | 05/16/2012 | 2012-12/86 |
| R651-401-1 | Stickers | 36233 | AMD | 07/23/2012 | 2012-12/54 |
| R651-406-1 | Annual Registration Fee | 36232 | AMD | 07/23/2012 | 2012-12/55 |
| R651-407-1 | Appointment and Description of Vehicle Advisory Council Membership | 36230 | AMD | 07/23/2012 | 2012-12/56 |
| R651-612 | Firearms, Traps and Other Weapons | 36229 | REP | 07/23/2012 | 2012-12/57 |
| <u>Water Resources</u> | | | | | |
| R653-2-4 | Project Funding Process | 36087 | AMD | 08/22/2012 | 2012-10/82 |
| R653-8 | Flaming Gorge Water Right Assignment | 36038 | REP | 08/22/2012 | 2012-9/63 |
| <u>Water Rights</u> | | | | | |
| R655-1 | Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah | 36376 | 5YR | 06/15/2012 | 2012-13/112 |
| R655-2 | Procedure for Administrative Proceedings Before the Division of Water Rights Commenced Prior to January 1, 1988 | 36380 | 5YR | 06/15/2012 | 2012-13/112 |
| R655-6 | Administrative Procedures for Informal Proceedings Before the Division of Water Rights | 36381 | 5YR | 06/15/2012 | 2012-13/113 |
| R655-15 | Administrative Procedures for Distribution Systems and Water Commissioners | 36382 | 5YR | 06/15/2012 | 2012-13/113 |
| <u>Wildlife Resources</u> | | | | | |
| R657-2 | Adjudicative Proceedings | 36149 | 5YR | 05/04/2012 | 2012-11/181 |
| R657-3 | Collection, Importation, Transportation, and Possession of Zoological Animals | 36494 | AMD | 09/10/2012 | 2012-15/38 |
| R657-4 | Possession of Live Game Birds | 36280 | 5YR | 05/29/2012 | 2012-12/87 |
| R657-5 | Taking Big Game | 35520 | AMD | 02/07/2012 | 2012-1/29 |

| | | | | | |
|---------|---|-------|-----|------------|-------------|
| R657-5 | Taking Big Game | 36158 | AMD | 07/09/2012 | 2012-11/85 |
| R657-12 | Hunting and Fishing Accommodations for People With Disabilities | 36747 | 5YR | 09/10/2012 | Not Printed |
| R657-13 | Taking Fish and Crayfish | 35440 | AMD | 01/10/2012 | 2011-23/75 |
| R657-14 | Commercial Harvesting of Protected Aquatic Wildlife | 36448 | 5YR | 07/09/2012 | 2012-15/88 |
| R657-16 | Aquaculture and Fish Stocking | 36394 | AMD | 08/21/2012 | 2012-14/36 |
| R657-16 | Aquaculture and Fish Stocking | 36689 | NSC | 09/14/2012 | Not Printed |
| R657-17 | Lifetime Hunting and Fishing License | 35209 | AMD | 01/10/2012 | 2011-18/63 |
| R657-20 | Falconry | 35734 | AMD | 04/02/2012 | 2012-4/25 |
| R657-22 | Commercial Hunting Areas | 36150 | 5YR | 05/04/2012 | 2012-11/182 |
| 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 |
| R657-30 | Fishing License for the Terminally Ill | 36152 | 5YR | 05/04/2012 | 2012-11/182 |
| R657-33 | Taking Bear | 35733 | AMD | 04/02/2012 | 2012-4/32 |
| 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 |
| R657-42 | Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents | 35435 | AMD | 01/10/2012 | 2011-23/76 |
| 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 |
| R657-50 | Error Remedy | 36004 | 5YR | 04/02/2012 | 2012-8/89 |
| R657-57 | Division Variance Rule | 36397 | AMD | 08/21/2012 | 2012-14/40 |
| R657-58 | Fishing Contests and Clinics | 35439 | AMD | 01/10/2012 | 2011-23/79 |
| 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 |

PARDONS (BOARD OF)

Administration

| | | | | | |
|----------|---|-------|-----|------------|-------------|
| R671-101 | Rules | 35730 | 5YR | 01/26/2012 | 2012-4/108 |
| R671-102 | Americans with Disabilities Act Complaint Procedures | 35731 | 5YR | 01/26/2012 | 2012-4/109 |
| R671-201 | Original Parole Grant Hearing Schedule and Notice. | 35732 | 5YR | 01/26/2012 | 2012-4/109 |
| R671-202 | Notification of Hearings | 35737 | 5YR | 01/31/2012 | 2012-4/110 |
| R671-203 | Victim Input and Notification | 35738 | 5YR | 01/31/2012 | 2012-4/110 |
| R671-205 | Credit for Time Served | 35739 | 5YR | 01/31/2012 | 2012-4/111 |
| R671-206 | Competency of Offenders | 35758 | 5YR | 02/01/2012 | 2012-4/111 |
| R671-207 | Mentally Ill and Deteriorated Offender Custody Transfer | 35740 | 5YR | 01/31/2012 | 2012-4/112 |
| R671-301 | Personal Appearance | 35741 | 5YR | 01/31/2012 | 2012-4/112 |
| R671-302 | News Media and Public Access to Hearings | 35742 | 5YR | 01/31/2012 | 2012-4/113 |
| R671-303 | Information Received, Maintained or Used by the Board | 35743 | 5YR | 01/31/2012 | 2012-4/113 |
| R671-304 | Hearing Record | 35744 | 5YR | 01/31/2012 | 2012-4/113 |
| R671-305 | Notification of Board Decision | 35745 | 5YR | 01/31/2012 | 2012-4/114 |
| R671-305 | Notification of Board Decision | 35551 | AMD | 03/26/2012 | 2012-2/101 |
| R671-308 | Offender Hearing Assistance | 35746 | 5YR | 01/31/2012 | 2012-4/114 |
| R671-309 | Impartial Hearings | 35747 | 5YR | 01/31/2012 | 2012-4/115 |
| R671-310 | Rescission Hearings | 35748 | 5YR | 01/31/2012 | 2012-4/115 |
| R671-311 | Special Attention Hearings and Reviews | 35749 | 5YR | 01/31/2012 | 2012-4/116 |
| R671-315 | Pardons | 35750 | 5YR | 01/31/2012 | 2012-4/116 |
| R671-316 | Redetermination | 35751 | 5YR | 01/31/2012 | 2012-4/117 |
| R671-402 | Special Conditions of Parole | 35752 | 5YR | 01/31/2012 | 2012-4/117 |
| R671-403 | Restitution | 36549 | 5YR | 07/27/2012 | 2012-16/198 |
| R671-405 | Parole Termination | 35753 | 5YR | 01/31/2012 | 2012-4/118 |

RULES INDEX

PUBLIC LANDS POLICY COORDINATING OFFICE

Administration

R694-1 Archeological Permits 35874 NEW 04/30/2012 2012-5/90

PUBLIC SAFETY

Criminal Investigations and Technical Services, Criminal Identification

R722-300 Concealed Firearm Permit and Instructor Rule 35650 AMD 03/09/2012 2012-3/79
 R722-350-3 Application for a Certificate of Eligibility 35487 AMD 01/24/2012 2011-24/77

Driver License

R708-2 Commercial Driver Training Schools 35702 5YR 01/20/2012 2012-4/118
 R708-3 Driver License Point System Administration 35636 5YR 01/09/2012 2012-3/121
 R708-7 Functional Ability in Driving: Guidelines for Physicians 35632 5YR 01/09/2012 2012-3/122
 R708-8 Review Process: Driver License Medical Section 35633 5YR 01/09/2012 2012-3/123
 R708-10 Classified License System 35629 EMR 01/07/2012 2012-3/101
 R708-10 Classified License System 36330 EMR 06/06/2012 2012-13/95
 R708-10 Classified License System 36331 AMD 08/09/2012 2012-13/75
 R708-14 Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs 35637 5YR 01/09/2012 2012-3/123
 R708-21 Third-Party Testing 35703 5YR 01/20/2012 2012-4/119
 R708-21 Third-Party Testing 36231 R&R 07/23/2012 2012-12/58
 R708-25 Commercial Driver License Applicant Fitness Certification 35704 5YR 01/20/2012 2012-4/119
 R708-27 Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests 35705 5YR 01/20/2012 2012-4/120
 R708-34 Medical Waivers for Intrastate Commercial Driving Privileges 35634 5YR 01/09/2012 2012-3/124
 R708-34 Medical Waivers for Intrastate Commercial Driving Privileges 35635 NSC 01/31/2012 Not Printed
 R708-35 Adjudicative Proceedings For Driver License Offenses Not Involving Alcohol or Drug Actions 35638 5YR 01/09/2012 2012-3/124
 R708-39 Physical and Mental Fitness Testing 35854 5YR 02/06/2012 2012-5/124
 R708-47 Emergency Contact Database 36283 EMR 07/01/2012 2012-12/79
 R708-47 Emergency Contact Database 36332 NEW 08/09/2012 2012-13/77
 R708-48 Ignition Interlock System Program 36419 EMR 07/01/2012 2012-14/53

Fire Marshal

R710-1 Concerns Servicing Portable Fire Extinguishers 36198 5YR 05/15/2012 2012-11/183
 R710-2 Rules Pursuant to the Utah Fireworks Act 35690 AMD 03/09/2012 2012-3/73
 R710-2 Rules Pursuant to the Utah Fireworks Act 36251 5YR 05/21/2012 2012-12/87
 R710-3 Assisted Living Facilities 36273 5YR 05/23/2012 2012-12/88
 R710-4 Buildings Under the Jurisdiction of the State Fire Prevention Board 36278 5YR 05/24/2012 2012-12/89
 R710-4-3 Amendments and Additions 36022 AMD 05/22/2012 2012-8/60
 R710-7 Concerns Servicing Automatic Fire Suppression Systems 36250 5YR 05/21/2012 2012-12/89
 R710-7-2 Definitions 36188 AMD 07/10/2012 2012-11/92
 R710-8 Day Care Rules 35929 5YR 03/13/2012 2012-7/71
 R710-9 Rules Pursuant to the Utah Fire Prevention and Safety Act 36343 5YR 06/07/2012 2012-13/114
 R710-10-5 Fire Service Standards and Training Council 36023 AMD 05/22/2012 2012-8/62

Highway Patrol

R714-110 Permit to Operate a Motor Vehicle in Violation of Equipment Laws 36440 5YR 07/02/2012 2012-14/72
 R714-158 Vehicle Safety Inspection Program Requirements 36442 5YR 07/02/2012 2012-14/73
 R714-159 Vehicle Safety Inspection Apprenticeship Program Guidelines 36439 5YR 07/02/2012 2012-14/73
 R714-200 Standards for Vehicle Lights and Illuminating Devices 36433 5YR 07/02/2012 2012-14/74
 R714-210 Standards for Motor Vehicle Air Conditioning 36441 5YR 07/02/2012 2012-14/74

| | | | | | |
|----------|---|-------|-----|------------|------------|
| | Equipment | | | | |
| R714-220 | Standards for Protective Headgear | 36434 | 5YR | 07/02/2012 | 2012-14/75 |
| R714-230 | Standards and Specifications for Vehicle Seat Belts and Safety Harnesses | 36435 | 5YR | 07/02/2012 | 2012-14/75 |
| R714-240 | Standards and Specifications for Child Restraint Devices and Safety Belts | 36437 | 5YR | 07/02/2012 | 2012-14/76 |
| R714-300 | Standards for Motor Vehicle Braking Systems | 36438 | 5YR | 07/02/2012 | 2012-14/76 |
| R714-550 | Rule for Spending Fees Provided under Section 53-1-117 | 36436 | 5YR | 07/02/2012 | 2012-14/77 |

Peace Officer Standards and Training

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R728-401 | Requirements for Approval and Certification of Peace Officer Basic Training Programs and Applicants | 36291 | R&R | 08/06/2012 | 2012-12/64 |
| R728-408 | POST Academy and the Emergency Vehicle Operations Range are Secure Facilities | 35568 | REP | 05/14/2012 | 2012-2/102 |
| R728-409 | Suspension or Revocation of Peace Officer Certification | 36290 | AMD | 08/06/2012 | 2012-12/68 |
| R728-411 | Guidelines Regarding Administrative Action Taken Against Individuals Functioning As Peace Officers Without Peace Officer Certification Or Powers | 35627 | 5YR | 01/06/2012 | 2012-3/125 |
| R728-505 | Service Dog Program Rules | 36245 | 5YR | 05/17/2012 | 2012-12/90 |

PUBLIC SERVICE COMMISSION

Administration

| | | | | | |
|------------|---|-------|-----|------------|-------------|
| R746-100 | Practice and Procedures Governing Formal Hearings | 35508 | AMD | 02/07/2012 | 2012-1/30 |
| R746-100 | Practice and Procedures Governing Formal Hearings | 35900 | AMD | 05/07/2012 | 2012-6/24 |
| R746-100 | Practice and Procedures Governing Formal Hearings | 36195 | AMD | 07/09/2012 | 2012-11/94 |
| R746-310-1 | General Provisions | 35505 | AMD | 02/07/2012 | 2012-1/38 |
| R746-310-2 | Customer Relations | 35925 | NSC | 03/22/2012 | Not Printed |
| R746-320 | Uniform Rules Governing Natural Gas Service | 35926 | NSC | 03/22/2012 | Not Printed |
| R746-342 | Rule on One-Way Paging | 35509 | REP | 02/07/2012 | 2012-1/40 |
| R746-343-4 | Approval of an Application | 36029 | AMD | 06/20/2012 | 2012-9/64 |
| R746-348 | Interconnection | 35651 | 5YR | 01/11/2012 | 2012-3/126 |
| R746-349 | Competitive Entry and Reporting Requirements | 35916 | 5YR | 03/06/2012 | 2012-7/71 |
| R746-351 | Pricing Flexibility | 35917 | 5YR | 03/06/2012 | 2012-7/72 |
| R746-365 | Intercarrier Service Quality | 35927 | NSC | 03/22/2012 | Not Printed |
| R746-400 | Public Utility Reports | 36358 | 5YR | 06/13/2012 | 2012-13/114 |
| R746-405-2 | Format and Construction of Tariffs | 35507 | AMD | 02/07/2012 | 2012-1/41 |
| R746-405-2 | Format and Construction of Tariffs | 35896 | AMD | 05/07/2012 | 2012-6/31 |
| R746-405-2 | Format and Construction of Tariffs | 36208 | AMD | 07/09/2012 | 2012-11/102 |
| R746-420 | Requests for Approval of a Solicitation Process | 36166 | 5YR | 05/10/2012 | 2012-11/183 |
| R746-430 | Procedural and Informational Requirements for Action Plans, for an Approval of a Significant Energy Resource, for Determination of Whether to Proceed, and for Waivers of a Solicitation Process or of an Approval of a Significant Energy Resource | 36167 | 5YR | 05/10/2012 | 2012-11/184 |
| R746-440 | Voluntary Resource Decision | 35924 | 5YR | 03/08/2012 | 2012-7/73 |
| R746-800 | Working 4 Utah Operations | 35506 | REP | 02/07/2012 | 2012-1/43 |

REGENTS (BOARD OF)

Administration

| | | | | | |
|----------|--|-------|-----|------------|-------------|
| R765-604 | New Century Scholarship | 36165 | AMD | 07/09/2012 | 2012-11/104 |
| R765-607 | Utah Higher Education Tuition Assistance Program | 36272 | REP | 08/28/2012 | 2012-12/69 |

College of Eastern Utah

| | | | | | |
|--------|--|-------|-----|------------|------------|
| R767-1 | Government Records Access and Management Act | 36391 | EXT | 06/18/2012 | 2012-14/83 |
|--------|--|-------|-----|------------|------------|

RULES INDEX

University of Utah, Commuter Services

| | | | | | |
|---------|--|-------|-----|------------|-----------|
| R810-2 | Parking Meters | 35888 | 5YR | 02/17/2012 | 2012-6/38 |
| R810-5 | Permit Types, Eligibility and Designated Parking Areas | 35889 | 5YR | 02/17/2012 | 2012-6/39 |
| R810-6 | Permit Prices and Refunds | 35882 | 5YR | 02/16/2012 | 2012-6/39 |
| R810-9 | Contractors and Their Employees | 35883 | 5YR | 02/17/2012 | 2012-6/40 |
| R810-10 | Enforcement System | 35884 | 5YR | 02/17/2012 | 2012-6/40 |
| R810-11 | Appeals System | 35890 | 5YR | 02/17/2012 | 2012-6/41 |

SCHOOL AND INSTITUTIONAL TRUST LANDS

Administration

| | | | | | |
|-------------|---|-------|-----|------------|-------------|
| 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, and Application Processing | 36276 | 5YR | 05/23/2012 | 2012-12/91 |
| R850-4 | Application Fees and Assessments | 36408 | 5YR | 06/27/2012 | 2012-14/77 |
| R850-5 | Payments, Royalties, Audits, and Reinstatements | 36409 | 5YR | 06/27/2012 | 2012-14/78 |
| 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 |
| R850-80 | Sale of Trust Lands | 36415 | 5YR | 06/27/2012 | 2012-14/81 |
| 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 TECHNOLOGY AND RESEARCH GOVERNING AUTH.

Administration

| | | | | | |
|--------|---|-------|-----|------------|-------------|
| R856-1 | Formation and Funding of Utah Science Technology and Research Innovation Teams | 36083 | EXD | 04/05/2012 | 2012-9/101 |
| R856-1 | Formation and Funding of Utah Science Technology and Research Innovation Teams | 36156 | NEW | 07/31/2012 | 2012-11/108 |
| 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 Research Commercialization Revenues | 36155 | NEW | 07/31/2012 | 2012-11/110 |
| R856-2 | Distribution of Utah Science Technology and Research Commercialization Revenues | 36491 | NSC | 07/31/2012 | Not Printed |

TAX COMMISSION

Administration

| | | | | | |
|------------|---|-------|-----|------------|-------------|
| R861-1A | Administrative Procedures | 35595 | 5YR | 01/03/2012 | 2012-2/122 |
| R861-1A-9 | Tax Commission as Board of Equalization Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006 | 35862 | AMD | 04/12/2012 | 2012-5/93 |
| R861-1A-16 | Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207 | 36061 | AMD | 06/14/2012 | 2012-9/65 |
| R861-1A-20 | Time of Appeal Pursuant to Utah Code Ann. 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 | 36172 | AMD | 07/26/2012 | 2012-11/111 |
| 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

| | | | | | |
|--------------|--|-------|-----|------------|-------------|
| R865-3C | Corporation Income Tax | 35597 | 5YR | 01/03/2012 | 2012-2/125 |
| R865-3C-1 | Allocation of Net Income Pursuant to Utah Code Ann. Section 59-7-204 | 35863 | AMD | 04/12/2012 | 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 | 35602 | 5YR | 01/03/2012 | 2012-2/130 |
| R865-12L-14 | Local Sales and Use Tax Distributions and 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 | Mineral Producers' Withholding Tax | 35604 | 5YR | 01/03/2012 | 2012-2/132 |
| R865-15O | Oil and Gas Tax | 35605 | 5YR | 01/03/2012 | 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

| | | | | | |
|----------|---------------|-------|-----|------------|------------|
| R873-22M | Motor Vehicle | 35608 | 5YR | 01/03/2012 | 2012-2/138 |
|----------|---------------|-------|-----|------------|------------|

Motor Vehicle Enforcement

| | | | | | |
|-------------|---|-------|-----|------------|------------|
| 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 41-3-209 | 35512 | AMD | 02/09/2012 | 2012-1/49 |
| R877-23V-21 | Automated License Plate Recognition System Pursuant to Utah Code Ann. Section 41-3-105 | 35513 | AMD | 02/09/2012 | 2012-1/50 |
| R877-23V-22 | Reasonable Cause to Waive, Reduce, or Compromise a Penalty Pursuant to Utah Code Ann. Section 41-3-704 | 36063 | AMD | 06/14/2012 | 2012-9/70 |

Property Tax

| | | | | | |
|-------------|--|-------|-----|------------|-------------|
| R884-24P | Property Tax | 35592 | 5YR | 01/03/2012 | 2012-2/141 |
| R884-24P-62 | Valuation of State Assessed Unitary Properties Pursuant to Utah Code Ann. Section 59-2-201 | 35514 | AMD | 02/09/2012 | 2012-1/51 |
| R884-24P-66 | Appeal to County Board of Equalization Pursuant to Utah Code Ann. Section 59-2-1004 | 35864 | AMD | 04/12/2012 | 2012-5/96 |
| R884-24P-66 | County Board of Equalization Procedures and Appeals Pursuant to Utah Code Ann. Section 59-2-1004 | 36174 | AMD | 07/26/2012 | 2012-11/121 |

RULES INDEX

| | | | | | |
|-------------|--|-------|-----|------------|-----------|
| R884-24P-68 | Property Tax Exemption for Taxable Tangible Personal Property With a Total Aggregate Fair Market Value of \$3,500 or Less Pursuant to Utah Code Ann. Section 59-2-1115 | 36064 | AMD | 06/14/2012 | 2012-9/71 |
|-------------|--|-------|-----|------------|-----------|

TECHNOLOGY SERVICES

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 |

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 |
| R909-16 | 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 |

Operations, Maintenance

| | | | | | |
|--------|---|-------|-----|------------|-------------|
| 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-Highway Program | 35669 | AMD | 03/12/2012 | 2012-3/82 |
| R918-6 | Maintenance Responsibility at Intersections, Overcrossings, and Interchanges Between Class A Roads and Class B or Class C Roads | 36345 | NEW | 08/20/2012 | 2012-13/81 |

Operations, Traffic and Safety

| | | | | | |
|---------|---|-------|-----|------------|-------------|
| R920-1 | Manual of Uniform Traffic Control Devices | 36616 | 5YR | 08/01/2012 | 2012-16/199 |
| R920-3 | Manual of Uniform Traffic Control Devices, Part VI | 36610 | EXT | 08/01/2012 | 2012-16/203 |
| R920-4 | Permit Required for Special Road Use or Event | 36612 | 5YR | 08/01/2012 | 2012-16/200 |
| R920-5 | Manual and Specifications on School Crossing Zones. Supplemental to Part VII of the Manual on Uniform Traffic Control Devices | 36614 | EXT | 08/01/2012 | 2012-16/203 |
| 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 |

Preconstruction

| | | | | | |
|--------|-------------------------|-------|-----|------------|-----------|
| R930-3 | Highway Noise Abatement | 35516 | AMD | 02/07/2012 | 2012-1/57 |
|--------|-------------------------|-------|-----|------------|-----------|

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 |

| | | | | | |
|--|--|-------|-----|------------|-------------|
| R933-5 | Utah-Federal Agreement for the Control of Outdoor Advertising | 36756 | 5YR | 09/12/2012 | Not Printed |
| <u>Program Development</u> | | | | | |
| R926-4 | Establishing and Defining a Functional Classification of Highways in the State of Utah | 35959 | 5YR | 03/20/2012 | 2012-8/90 |
| R926-4 | Establishing and Defining a Functional Classification of Highways in the State of Utah | 35960 | NSC | 04/11/2012 | Not Printed |
| R926-6 (Changed to R940-7) | Transportation Corridor Preservation Revolving Loan Fund | 36179 | NSC | 05/30/2012 | Not Printed |
| TREASURER | | | | | |
| <u>Unclaimed Property</u> | | | | | |
| R966-1 | Requirements for Claims where no Proof of Stock Ownership Exists | 36504 | 5YR | 07/18/2012 | 2012-16/201 |
| WORKFORCE SERVICES | | | | | |
| <u>Administration</u> | | | | | |
| R982-101 | Americans with Disabilities Complaint Procedure | 36354 | 5YR | 06/12/2012 | 2012-13/115 |
| R982-201 | Government Records Access and Management Act | 36355 | 5YR | 06/12/2012 | 2012-13/115 |
| 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 Eligibility, and Payment Determination | 36196 | NEW | 07/09/2012 | 2012-11/130 |
| R982-403 | Energy Assistance Income Standards, Income Eligibility, and Payment Determination | 36514 | NSC | 07/31/2012 | Not Printed |
| 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: Eligibility Determination | 36209 | NEW | 07/09/2012 | 2012-11/134 |
| R982-406 | Energy Assistance: Eligibility Determination | 36517 | NSC | 07/31/2012 | Not Printed |
| R982-407 | Energy Assistance: Records and Benefit Management | 36210 | NEW | 07/09/2012 | 2012-11/135 |
| R982-407 | Energy Assistance: Records and Benefit Management | 36518 | NSC | 07/31/2012 | Not Printed |
| 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 |
| <u>Employment Development</u> | | | | | |
| R986-100-114a | Determining When a Document is Considered Received by the Department | 36304 | AMD | 07/25/2012 | 2012-12/73 |
| 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 |
| R986-700-712 | 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 |
| R986-900-902 | 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 |
| <u>Housing and Community Development</u> | | | | | |
| R990-8 | Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance | 36216 | NEW | 07/09/2012 | 2012-11/140 |
| R990-8 | Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance | 36521 | NSC | 07/31/2012 | Not Printed |

RULES INDEX

| | | | | | |
|-------------------------------|---|-------|-----|------------|-------------|
| R990-9 | Policy Concerning Enforceability and Taxability of Bonds Purchased | 36217 | NEW | 07/09/2012 | 2012-11/144 |
| R990-9 | Policy Concerning Enforceability and Taxability of Bonds Purchased | 36522 | NSC | 07/31/2012 | Not Printed |
| R990-10 | Procedures in Case of Inability to Formulate Contract for Alleviation of Impact | 36218 | NEW | 07/09/2012 | 2012-11/145 |
| R990-10 | Procedures in Case of Inability to Formulate Contract for Alleviation of Impact | 36523 | NSC | 07/31/2012 | Not Printed |
| R990-11 | Community Development Block Grants (CDBG) | 36219 | NEW | 07/09/2012 | 2012-11/148 |
| R990-11 | Community Development Block Grants (CDBG) | 36524 | NSC | 07/31/2012 | Not Printed |
| R990-12 | State Small Business Credit Initiative Program Fund | 36486 | EMR | 07/12/2012 | 2012-15/69 |
| R990-12 | State Small Business Credit Initiative Program Fund | 36487 | NEW | 09/12/2012 | 2012-15/62 |
| 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 |
| <u>Unemployment Insurance</u> | | | | | |
| 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 |
| R994-207-102 | 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 |
| R994-403-112c | 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 |
| R994-508 | Appeal Procedures | 35455 | AMD | 02/01/2012 | 2011-23/101 |

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment
 CPR = Change in proposed rule
 EMR = Emergency rule (120 day)
 NEW = New rule
 EXD = Expired
 NSC = Nonsubstantive rule change
 REP = Repeal
 R&R = Repeal and reenact
 5YR = Five-Year Review

| KEYWORD AGENCY | FILE NUMBER | CODE REFERENCE | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|---|----------------|-------------------|------------|--------------------------|-------------------------|
| <u>access to information</u> Administrative Services, Administration | 36285 | R13-2-4 | AMD | 08/07/2012 | 2012-12/8 |
| <u>accessing records</u> Human Services, Recovery Services | 35631 | R527-5 | 5YR | 01/06/2012 | 2012-3/116 |
| <u>accidents</u> Administrative Services, Fleet Operations | 36024 | R27-7 | AMD | 06/28/2012 | 2012-9/4 |
| <u>accounts receivable</u> Administrative Services, Debt Collection | 36420 36495 | R21-1 R21-1 | 5YR AMD | 06/28/2012 09/07/2012 | 2012-14/59 2012-15/6 |

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| | 36421 | R21-2 | 5YR | 06/28/2012 | 2012-14/60 |
| | 36422 | R21-3 | 5YR | 06/28/2012 | 2012-14/60 |
| <u>accreditation</u> | | | | | |
| Education, Administration | 36588 | R277-410 | 5YR | 08/01/2012 | 2012-16/191 |
| | 36589 | R277-411 | 5YR | 08/01/2012 | 2012-16/191 |
| | 36590 | R277-412 | 5YR | 08/01/2012 | 2012-16/192 |
| | 36644 | R277-505 | 5YR | 08/14/2012 | 2012-17/103 |
| <u>acid rain</u> | | | | | |
| Environmental Quality, Air Quality | 36340 | R307-417 | 5YR | 06/06/2012 | 2012-13/105 |
| <u>action plan</u> | | | | | |
| Public Service Commission, Administration | 36167 | R746-430 | 5YR | 05/10/2012 | 2012-11/184 |
| <u>ADA</u> | | | | | |
| Insurance, Administration | 36386 | R590-149 | 5YR | 06/18/2012 | 2012-14/69 |
| <u>adjudicative procedures</u> | | | | | |
| Commerce, Securities | 36463 | R164-18 | 5YR | 07/11/2012 | 2012-15/77 |
| Community and Culture, Library | 36328 | R223-1 | 5YR | 06/05/2012 | 2012-13/98 |
| <u>adjudicative proceedings</u> | | | | | |
| Commerce, Administration | 36104 | R151-4-306 | AMD | 06/21/2012 | 2012-10/16 |
| | 36416 | R151-4-306 | AMD | 08/21/2012 | 2012-14/4 |
| Community and Culture, History | 36299 | R212-1 | 5YR | 05/31/2012 | 2012-12/83 |
| Environmental Quality, Environmental Response and Remediation | 36054 | R311-210 | 5YR | 04/10/2012 | 2012-9/89 |
| Environmental Quality, Radiation Control | 35416 | R313-17 | AMD | 03/19/2012 | 2011-23/50 |
| Public Safety, Driver License | 35637 | R708-14 | 5YR | 01/09/2012 | 2012-3/123 |
| | 35638 | R708-35 | 5YR | 01/09/2012 | 2012-3/124 |
| School and Institutional Trust Lands, Administration | 36446 | R850-8 | NSC | 07/25/2012 | Not Printed |
| <u>adjudicative process</u> | | | | | |
| Administrative Services, Debt Collection | 36421 | R21-2 | 5YR | 06/28/2012 | 2012-14/60 |
| <u>administrative law</u> | | | | | |
| Human Services, Recovery Services | 36348 | R527-253 | 5YR | 06/12/2012 | 2012-13/109 |
| | 36350 | R527-258 | 5YR | 06/12/2012 | 2012-13/110 |
| <u>administrative offset</u> | | | | | |
| Administrative Services, Debt Collection | 36422 | R21-3 | 5YR | 06/28/2012 | 2012-14/60 |
| <u>administrative procedures</u> | | | | | |
| Auditor, Administration | 36506 | R123-3 | 5YR | 07/18/2012 | 2012-16/183 |
| Commerce, Administration | 36104 | R151-4-306 | AMD | 06/21/2012 | 2012-10/16 |
| | 36416 | R151-4-306 | AMD | 08/21/2012 | 2012-14/4 |
| Commerce, Consumer Protection | 35974 | R152-6 | 5YR | 03/26/2012 | 2012-8/71 |
| Community and Culture, History | 36299 | R212-1 | 5YR | 05/31/2012 | 2012-12/83 |
| Community and Culture, Library | 36328 | R223-1 | 5YR | 06/05/2012 | 2012-13/98 |
| Corrections, Administration | 35762 | R251-108 | EXD | 01/18/2012 | 2012-4/123 |
| | 35769 | R251-108 | EMR | 02/01/2012 | 2012-4/49 |
| | 35807 | R251-108 | NEW | 04/09/2012 | 2012-5/15 |
| Education, Administration | 35449 | R277-100 | AMD | 01/10/2012 | 2011-23/21 |
| | 35534 | R277-102 | R&R | 02/07/2012 | 2012-1/8 |
| | 35856 | R277-102 | NSC | 02/29/2012 | Not Printed |
| Environmental Quality, Radiation Control | 35416 | R313-17 | AMD | 03/19/2012 | 2011-23/50 |
| Health, Administration | 36096 | R380-1 | 5YR | 04/26/2012 | 2012-10/88 |
| | 36097 | R380-5 | 5YR | 04/26/2012 | 2012-10/89 |
| | 36098 | R380-10 | 5YR | 04/26/2012 | 2012-10/89 |
| Human Resource Management, Administration | 35823 | R477-3 | 5YR | 02/02/2012 | 2012-5/108 |
| | 36120 | R477-3 | AMD | 07/02/2012 | 2012-10/54 |
| | 35832 | R477-12 | 5YR | 02/03/2012 | 2012-5/114 |
| | 35835 | R477-15 | 5YR | 02/03/2012 | 2012-5/115 |
| Labor Commission, Adjudication | 36399 | R602-1 | 5YR | 06/19/2012 | 2012-14/70 |
| | 36400 | R602-2 | 5YR | 06/19/2012 | 2012-14/71 |
| Labor Commission, Industrial Accidents | 36402 | R612-1 | 5YR | 06/19/2012 | 2012-14/71 |

RULES INDEX

| | | | | | |
|---|-------|-------------|-----|------------|-------------|
| | 36454 | R612-1-10 | NSC | 07/25/2012 | Not Printed |
| Natural Resources, Forestry, Fire and State Lands | 36005 | R652-1 | 5YR | 04/02/2012 | 2012-8/82 |
| | 36006 | R652-3 | 5YR | 04/02/2012 | 2012-8/83 |
| | 36007 | R652-4 | 5YR | 04/02/2012 | 2012-8/83 |
| | 36008 | R652-5 | 5YR | 04/02/2012 | 2012-8/84 |
| | 36009 | R652-20 | 5YR | 04/02/2012 | 2012-8/85 |
| | 36010 | R652-30 | 5YR | 04/02/2012 | 2012-8/85 |
| | 36011 | R652-40 | 5YR | 04/02/2012 | 2012-8/86 |
| | 36012 | R652-50 | 5YR | 04/02/2012 | 2012-8/86 |
| | 36014 | R652-70 | 5YR | 04/02/2012 | 2012-8/87 |
| | 36016 | R652-100 | 5YR | 04/02/2012 | 2012-8/88 |
| Natural Resources, Oil, Gas and Mining Board | 36407 | R641-113 | NSC | 07/12/2012 | Not Printed |
| Natural Resources, Water Rights | 36381 | R655-6 | 5YR | 06/15/2012 | 2012-13/113 |
| Natural Resources, Wildlife Resources | 36149 | R657-2 | 5YR | 05/04/2012 | 2012-11/181 |
| Public Safety, Driver License | 35632 | R708-7 | 5YR | 01/09/2012 | 2012-3/122 |
| | 35633 | R708-8 | 5YR | 01/09/2012 | 2012-3/123 |
| School and Institutional Trust Lands, Administration | 36274 | R850-1 | 5YR | 05/23/2012 | 2012-12/90 |
| | 36276 | R850-3 | 5YR | 05/23/2012 | 2012-12/91 |
| | 36408 | R850-4 | 5YR | 06/27/2012 | 2012-14/77 |
| | 36409 | R850-5 | 5YR | 06/27/2012 | 2012-14/78 |
| | 36446 | R850-8 | NSC | 07/25/2012 | Not Printed |
| | 36279 | R850-21-300 | AMD | 07/23/2012 | 2012-12/71 |
| | 36411 | R850-30 | 5YR | 06/27/2012 | 2012-14/79 |
| | 36412 | R850-40 | 5YR | 06/27/2012 | 2012-14/79 |
| | 35542 | R850-41 | NEW | 02/07/2012 | 2012-1/44 |
| | 36413 | R850-50 | 5YR | 06/27/2012 | 2012-14/80 |
| | 36415 | R850-80 | 5YR | 06/27/2012 | 2012-14/81 |
| | 35655 | R850-90 | 5YR | 01/12/2012 | 2012-3/126 |
| | 35656 | R850-120 | 5YR | 01/12/2012 | 2012-3/127 |
| <u>administrative proceedings</u> | | | | | |
| Commerce, Real Estate | 35915 | R162-2e-402 | AMD | 05/23/2012 | 2012-7/25 |
| Environmental Quality, Environmental Response and Remediation | 35447 | R311-201 | AMD | 01/13/2012 | 2011-23/45 |
| | 36045 | R311-201 | 5YR | 04/10/2012 | 2012-9/82 |
| | 36496 | R311-201-12 | AMD | 09/14/2012 | 2012-15/20 |
| | 36054 | R311-210 | 5YR | 04/10/2012 | 2012-9/89 |
| <u>administrative responsibility</u> | | | | | |
| Human Resource Management, Administration | 35822 | R477-2 | 5YR | 02/02/2012 | 2012-5/108 |
| | 36119 | R477-2 | AMD | 07/02/2012 | 2012-10/51 |
| <u>administrative rules</u> | | | | | |
| Human Resource Management, Administration | 35834 | R477-13 | 5YR | 02/03/2012 | 2012-5/115 |
| | 36127 | R477-13 | AMD | 07/02/2012 | 2012-10/81 |
| <u>adopt-a-highway</u> | | | | | |
| Transportation, Operations, Maintenance | 35669 | R918-4 | AMD | 03/12/2012 | 2012-3/82 |
| <u>adoption</u> | | | | | |
| Human Services, Child and Family Services | 35910 | R512-2 | 5YR | 03/05/2012 | 2012-7/68 |
| | 35913 | R512-40 | 5YR | 03/05/2012 | 2012-7/69 |
| | 35914 | R512-42 | 5YR | 03/05/2012 | 2012-7/70 |
| | 36044 | R512-51 | 5YR | 04/09/2012 | 2012-9/93 |
| <u>adult education</u> | | | | | |
| Education, Administration | 36076 | R277-733 | AMD | 06/07/2012 | 2012-9/49 |
| <u>affidavit of merit</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 35820 | R156-78B | 5YR | 02/02/2012 | 2012-5/102 |
| <u>affordable housing</u> | | | | | |
| Community and Culture, Olene Walker Housing Trust Fund | 36327 | R235-1 | REP | 08/31/2012 | 2012-13/46 |
| Workforce Services, Administration | 36213 | R982-501 | NEW | 07/09/2012 | 2012-11/138 |
| | 36520 | R982-501 | NSC | 07/31/2012 | Not Printed |

| | | | | | | |
|---|-------|-------------|-----|------------|-------------|--|
| <u>aging</u> | | | | | | |
| Human Services, Aging and Adult Services | 36473 | R510-111 | 5YR | 07/11/2012 | 2012-15/84 | |
| <u>agricultural laws</u> | | | | | | |
| Agriculture and Food, Animal Industry | 35696 | R58-19 | 5YR | 01/18/2012 | 2012-4/60 | |
| Agriculture and Food, Plant Industry | 35697 | R68-19 | 5YR | 01/18/2012 | 2012-4/62 | |
| Agriculture and Food, Regulatory Services | 35660 | R70-201 | 5YR | 01/12/2012 | 2012-3/108 | |
| <u>air conditioning</u> | | | | | | |
| Public Safety, Highway Patrol | 36441 | R714-210 | 5YR | 07/02/2012 | 2012-14/74 | |
| <u>air pollution</u> | | | | | | |
| Environmental Quality, Air Quality | 35615 | R307-101-3 | AMD | 04/05/2012 | 2012-3/40 | |
| | 36333 | R307-105 | 5YR | 06/06/2012 | 2012-13/101 | |
| | 35865 | R307-107 | R&R | 07/31/2012 | 2012-5/31 | |
| | 35865 | R307-107 | CPR | 07/31/2012 | 2012-13/89 | |
| | 35774 | R307-110 | 5YR | 02/01/2012 | 2012-4/65 | |
| | 35775 | R307-120 | 5YR | 02/01/2012 | 2012-4/81 | |
| | 35716 | R307-121 | 5YR | 01/23/2012 | 2012-4/81 | |
| | 35718 | R307-121-7 | NSC | 02/09/2012 | Not Printed | |
| | 35776 | R307-130 | 5YR | 02/01/2012 | 2012-4/82 | |
| | 35777 | R307-135 | 5YR | 02/01/2012 | 2012-4/82 | |
| | 35923 | R307-202 | R&R | 07/31/2012 | 2012-7/38 | |
| | 35923 | R307-202 | CPR | 07/31/2012 | 2012-13/91 | |
| | 35496 | R307-210-1 | AMD | 03/07/2012 | 2011-24/7 | |
| | 35922 | R307-214 | AMD | 06/07/2012 | 2012-7/42 | |
| | 35531 | R307-220-3 | AMD | 03/07/2012 | 2012-1/21 | |
| | 35530 | R307-222 | AMD | 03/07/2012 | 2012-1/22 | |
| | 36026 | R307-222-1 | NSC | 04/25/2012 | Not Printed | |
| | 35779 | R307-320 | 5YR | 02/01/2012 | 2012-4/84 | |
| | 35780 | R307-325 | 5YR | 02/01/2012 | 2012-4/84 | |
| | 35781 | R307-326 | 5YR | 02/01/2012 | 2012-4/85 | |
| | 35782 | R307-327 | 5YR | 02/01/2012 | 2012-4/86 | |
| | 35783 | R307-328 | 5YR | 02/01/2012 | 2012-4/86 | |
| | 35784 | R307-335 | 5YR | 02/01/2012 | 2012-4/87 | |
| | 35785 | R307-340 | 5YR | 02/01/2012 | 2012-4/87 | |
| | 35786 | R307-341 | 5YR | 02/01/2012 | 2012-4/88 | |
| | 35787 | R307-343 | 5YR | 02/01/2012 | 2012-4/89 | |
| | 36334 | R307-401 | 5YR | 06/06/2012 | 2012-13/101 | |
| | 36154 | R307-401-11 | NSC | 05/30/2012 | Not Printed | |
| | 35413 | R307-405 | AMD | 02/02/2012 | 2011-23/42 | |
| | 35872 | R307-405-3 | NSC | 02/29/2012 | Not Printed | |
| | 36336 | R307-406 | 5YR | 06/06/2012 | 2012-13/102 | |
| | 36337 | R307-410 | 5YR | 06/06/2012 | 2012-13/103 | |
| | 36338 | R307-414 | 5YR | 06/06/2012 | 2012-13/104 | |
| | 36339 | R307-415 | 5YR | 06/06/2012 | 2012-13/104 | |
| | 35529 | R307-415-2 | AMD | 03/07/2012 | 2012-1/25 | |
| | 36341 | R307-420 | 5YR | 06/06/2012 | 2012-13/106 | |
| | 36342 | R307-421 | 5YR | 06/06/2012 | 2012-13/106 | |
| | 36033 | R307-424 | 5YR | 04/05/2012 | 2012-9/79 | |
| <u>air pollution control</u> | | | | | | |
| Environmental Quality, Air Quality | 35778 | R307-301 | 5YR | 02/01/2012 | 2012-4/83 | |
| <u>air quality</u> | | | | | | |
| Environmental Quality, Air Quality | 36335 | R307-403 | 5YR | 06/06/2012 | 2012-13/102 | |
| | 36340 | R307-417 | 5YR | 06/06/2012 | 2012-13/105 | |
| <u>air travel</u> | | | | | | |
| Administrative Services, Finance | 36112 | R25-7 | AMD | 07/01/2012 | 2012-10/4 | |
| | 36636 | R25-7-6 | NSC | 08/30/2012 | Not Printed | |
| <u>aircraft</u> | | | | | | |
| Tax Commission, Motor Vehicle | 35608 | R873-22M | 5YR | 01/03/2012 | 2012-2/138 | |
| <u>alarm company</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35860 | R156-55d | 5YR | 02/07/2012 | 2012-5/102 | |

RULES INDEX

| | | | | | |
|--|-------|------------|-----|------------|-------------|
| | 36191 | R156-55d | NSC | 05/30/2012 | Not Printed |
| <u>alcohol</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 35625 | R523-24 | AMD | 03/09/2012 | 2012-3/67 |
| Public Safety, Highway Patrol | 36436 | R714-550 | 5YR | 07/02/2012 | 2012-14/77 |
| <u>alcoholic beverages</u> | | | | | |
| Alcoholic Beverage Control, Administration | 36271 | R81-1-3 | AMD | 07/31/2012 | 2012-12/11 |
| | 35588 | R81-1-6 | AMD | 03/01/2012 | 2012-2/20 |
| | 35942 | R81-3-11 | AMD | 07/17/2012 | 2012-7/4 |
| | 35943 | R81-4A-2 | AMD | 05/22/2012 | 2012-7/5 |
| | 35944 | R81-4B-2 | AMD | 05/22/2012 | 2012-7/6 |
| | 35945 | R81-4C-2 | AMD | 05/22/2012 | 2012-7/8 |
| | 35946 | R81-4D-2 | AMD | 05/22/2012 | 2012-7/9 |
| | 35947 | R81-4E-2 | AMD | 05/22/2012 | 2012-7/11 |
| | 35948 | R81-4F-2 | AMD | 05/22/2012 | 2012-7/12 |
| | 36113 | R81-4F-7 | AMD | 07/01/2012 | 2012-10/9 |
| | 36115 | R81-4F-13 | AMD | 07/01/2012 | 2012-10/10 |
| | 35949 | R81-5-2 | AMD | 05/22/2012 | 2012-7/13 |
| | 35950 | R81-6-1 | AMD | 05/22/2012 | 2012-7/15 |
| | 36114 | R81-7 | AMD | 07/01/2012 | 2012-10/11 |
| | 35951 | R81-8-1 | AMD | 05/22/2012 | 2012-7/16 |
| | 35952 | R81-9-1 | AMD | 05/22/2012 | 2012-7/17 |
| | 35953 | R81-10A-3 | AMD | 05/22/2012 | 2012-7/19 |
| | 36116 | R81-10B | AMD | 07/01/2012 | 2012-10/14 |
| | 35954 | R81-10C-2 | AMD | 05/22/2012 | 2012-7/20 |
| | 35955 | R81-10D-2 | AMD | 05/22/2012 | 2012-7/21 |
| | 35956 | R81-11-1 | AMD | 05/22/2012 | 2012-7/23 |
| | 35957 | R81-12-1 | AMD | 05/22/2012 | 2012-7/24 |
| <u>all payer database</u> | | | | | |
| Health, Center for Health Data, Health Care Statistics | 35616 | R428-15 | AMD | 03/16/2012 | 2012-3/51 |
| <u>alternative fuels</u> | | | | | |
| Environmental Quality, Air Quality | 35716 | R307-121 | 5YR | 01/23/2012 | 2012-4/81 |
| | 35718 | R307-121-7 | NSC | 02/09/2012 | Not Printed |
| <u>alternative licensing</u> | | | | | |
| Education, Administration | 35677 | R277-503 | AMD | 03/12/2012 | 2012-3/24 |
| | 35939 | R277-503 | 5YR | 03/15/2012 | 2012-7/63 |
| | 36073 | R277-503 | AMD | 06/07/2012 | 2012-9/39 |
| <u>alternative school</u> | | | | | |
| Education, Administration | 35538 | R277-730 | REP | 02/07/2012 | 2012-1/16 |
| <u>ambulance rates</u> | | | | | |
| Health, Family Health and Preparedness, Emergency Medical Services | 36182 | R426-16 | AMD | 07/19/2012 | 2012-11/66 |
| <u>anchor location</u> | | | | | |
| Administrative Services, Archives | 35304 | R17-9 | NEW | 01/30/2012 | 2011-20/6 |
| <u>animal protection</u> | | | | | |
| Natural Resources, Wildlife Resources | 36494 | R657-3 | AMD | 09/10/2012 | 2012-15/38 |
| <u>annuity suitability</u> | | | | | |
| Insurance, Administration | 35699 | R590-230 | AMD | 03/26/2012 | 2012-4/21 |
| <u>antipoverty programs</u> | | | | | |
| Community and Culture, Housing and Community Development, Community Services | 36325 | R202-100 | REP | 09/11/2012 | 2012-13/39 |
| | 36326 | R202-101 | REP | 09/11/2012 | 2012-13/44 |
| Workforce Services, Housing and Community Development | 36221 | R990-100 | NEW | 07/09/2012 | 2012-11/151 |
| | 36525 | R990-100 | NSC | 07/31/2012 | Not Printed |
| | 36220 | R990-101 | NEW | 07/09/2012 | 2012-11/156 |

| | | | | | |
|---|-------|--------------|-----|------------|-------------|
| | 36526 | R990-101 | NSC | 07/31/2012 | Not Printed |
| <u>appeals</u> | | | | | |
| Education, Administration | 35452 | R277-481 | NEW | 01/10/2012 | 2011-23/34 |
| Transportation, Motor Carrier | 35428 | R909-17 | REP | 01/10/2012 | 2011-23/94 |
| <u>appellate procedures</u> | | | | | |
| Agriculture and Food, Administration | 35614 | R51-2 | 5YR | 01/04/2012 | 2012-3/107 |
| Auditor, Administration | 36506 | R123-3 | 5YR | 07/18/2012 | 2012-16/183 |
| Workforce Services, Unemployment Insurance | 35455 | R994-508 | AMD | 02/01/2012 | 2011-23/101 |
| <u>applications</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 35441 | R414-308 | AMD | 02/06/2012 | 2011-23/70 |
| | 35790 | R414-308 | AMD | 04/01/2012 | 2012-4/14 |
| <u>applied behavior analysis (ABA)</u> | | | | | |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 36281 | R398-15 | NEW | 07/31/2012 | 2012-12/38 |
| <u>appraisal management company</u> | | | | | |
| Commerce, Real Estate | 35915 | R162-2e-402 | AMD | 05/23/2012 | 2012-7/25 |
| <u>appraisals</u> | | | | | |
| Tax Commission, Property Tax | 35592 | R884-24P | 5YR | 01/03/2012 | 2012-2/141 |
| | 35514 | R884-24P-62 | AMD | 02/09/2012 | 2012-1/51 |
| | 35864 | R884-24P-66 | AMD | 04/12/2012 | 2012-5/96 |
| | 36174 | R884-24P-66 | AMD | 07/26/2012 | 2012-11/121 |
| | 36064 | R884-24P-68 | AMD | 06/14/2012 | 2012-9/71 |
| <u>apprentices</u> | | | | | |
| Public Safety, Highway Patrol | 36439 | R714-159 | 5YR | 07/02/2012 | 2012-14/73 |
| <u>approval orders</u> | | | | | |
| Environmental Quality, Air Quality | 36334 | R307-401 | 5YR | 06/06/2012 | 2012-13/101 |
| | 36154 | R307-401-11 | NSC | 05/30/2012 | Not Printed |
| <u>aquaculture</u> | | | | | |
| Natural Resources, Wildlife Resources | 36394 | R657-16 | AMD | 08/21/2012 | 2012-14/36 |
| | 36689 | R657-16 | NSC | 09/14/2012 | Not Printed |
| | 35438 | R657-59 | AMD | 01/10/2012 | 2011-23/80 |
| | 36396 | R657-59 | AMD | 08/21/2012 | 2012-14/45 |
| <u>ARC</u> | | | | | |
| Administrative Services, Fleet Operations | 36024 | R27-7 | AMD | 06/28/2012 | 2012-9/4 |
| <u>archaeology</u> | | | | | |
| Community and Culture, Administration | 36353 | R182-2 | NEW | 08/31/2012 | 2012-13/14 |
| <u>archeological permits</u> | | | | | |
| Public Lands Policy Coordinating Office, Administration | 35874 | R694-1 | NEW | 04/30/2012 | 2012-5/90 |
| <u>architects</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 36282 | R156-3a | AMD | 07/30/2012 | 2012-12/12 |
| <u>armored car company</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 36192 | R156-63b-102 | NSC | 05/30/2012 | Not Printed |
| <u>armored car security officers</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 36192 | R156-63b-102 | NSC | 05/30/2012 | Not Printed |
| <u>art</u> | | | | | |
| Capitol Preservation Board (State), Administration | 35686 | R131-9 | R&R | 03/09/2012 | 2012-3/13 |
| <u>art donations</u> | | | | | |
| Community and Culture, Arts and Museums | 35724 | R207-2 | 5YR | 01/24/2012 | 2012-4/65 |

RULES INDEX

| | | | | | | |
|---|-------|------------|-----|------------|-------------|--|
| <u>art financing</u> | | | | | | |
| Community and Culture, Arts and Museums | 35723 | R207-1 | 5YR | 01/24/2012 | 2012-4/64 | |
| <u>art in public places</u> | | | | | | |
| Community and Culture, Arts and Museums | 35723 | R207-1 | 5YR | 01/24/2012 | 2012-4/64 | |
| | 35724 | R207-2 | 5YR | 01/24/2012 | 2012-4/65 | |
| <u>art loans</u> | | | | | | |
| Community and Culture, Arts and Museums | 35724 | R207-2 | 5YR | 01/24/2012 | 2012-4/65 | |
| <u>art preservation</u> | | | | | | |
| Community and Culture, Arts and Museums | 35723 | R207-1 | 5YR | 01/24/2012 | 2012-4/64 | |
| <u>art work</u> | | | | | | |
| Community and Culture, Arts and Museums | 35724 | R207-2 | 5YR | 01/24/2012 | 2012-4/65 | |
| <u>asbestos</u> | | | | | | |
| Environmental Quality, Air Quality | 35777 | R307-135 | 5YR | 02/01/2012 | 2012-4/82 | |
| <u>asphalt</u> | | | | | | |
| Environmental Quality, Air Quality | 35786 | R307-341 | 5YR | 02/01/2012 | 2012-4/88 | |
| <u>assembly</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 36148 | R23-20 | 5YR | 05/03/2012 | 2012-11/178 | |
| <u>assessment instruments</u> | | | | | | |
| Human Services, Substance Abuse and Mental Health | 36310 | R523-20 | 5YR | 06/05/2012 | 2012-13/107 | |
| <u>assignments</u> | | | | | | |
| Education, Administration | 35680 | R277-520 | AMD | 03/12/2012 | 2012-3/32 | |
| | 36074 | R277-520-6 | AMD | 06/07/2012 | 2012-9/43 | |
| <u>assistance</u> | | | | | | |
| Natural Resources, Parks and Recreation | 36225 | R651-301 | 5YR | 05/16/2012 | 2012-12/86 | |
| <u>assisted living facilities</u> | | | | | | |
| Public Safety, Fire Marshal | 36273 | R710-3 | 5YR | 05/23/2012 | 2012-12/88 | |
| <u>athletic trainer</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 36089 | R156-40a | AMD | 06/28/2012 | 2012-10/22 | |
| <u>attorney exemption application process</u> | | | | | | |
| Insurance, Title and Escrow Commission | 35898 | R592-8 | NSC | 03/12/2012 | Not Printed | |
| <u>Attorney General</u> | | | | | | |
| Attorney General, Administration | 35904 | R105-1 | NEW | 04/24/2012 | 2012-6/6 | |
| <u>attorneys</u> | | | | | | |
| Administrative Services, Finance | 35663 | R25-14 | 5YR | 01/12/2012 | 2012-3/105 | |
| <u>auditing</u> | | | | | | |
| Auditor, Administration | 36506 | R123-3 | 5YR | 07/18/2012 | 2012-16/183 | |
| | 36510 | R123-5 | 5YR | 07/18/2012 | 2012-16/184 | |
| <u>autism spectrum disorders</u> | | | | | | |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 36281 | R398-15 | NEW | 07/31/2012 | 2012-12/38 | |
| <u>autism treatment</u> | | | | | | |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 36281 | R398-15 | NEW | 07/31/2012 | 2012-12/38 | |
| <u>automobile repair</u> | | | | | | |
| Commerce, Consumer Protection | 35967 | R152-20 | 5YR | 03/22/2012 | 2012-8/72 | |

| | | | | | | |
|---|-------|----------|-----|------------|-------------|--|
| <u>automobiles</u> | | | | | | |
| Commerce, Consumer Protection | 35967 | R152-20 | 5YR | 03/22/2012 | 2012-8/72 | |
| <u>aviculture</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36280 | R657-4 | 5YR | 05/29/2012 | 2012-12/87 | |
| <u>background checks</u> | | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 35591 | R525-5 | AMD | 02/21/2012 | 2012-2/97 | |
| <u>bait dealers</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36448 | R657-14 | 5YR | 07/09/2012 | 2012-15/88 | |
| <u>banks and banking</u> | | | | | | |
| Financial Institutions, Banks | 36714 | R333-7 | 5YR | 09/05/2012 | Not Printed | |
| Human Services, Recovery Services | 36677 | R527-928 | 5YR | 08/21/2012 | 2012-18/82 | |
| <u>barrier</u> | | | | | | |
| Transportation, Preconstruction | 35516 | R930-3 | AMD | 02/07/2012 | 2012-1/57 | |
| <u>bear</u> | | | | | | |
| Natural Resources, Wildlife Resources | 35733 | R657-33 | AMD | 04/02/2012 | 2012-4/32 | |
| <u>beneficiaries</u> | | | | | | |
| School and Institutional Trust Lands, Administration | 35656 | R850-120 | 5YR | 01/12/2012 | 2012-3/127 | |
| <u>benefits</u> | | | | | | |
| Community and Culture, Home Energy Assistance Target (HEAT) | 35406 | R195-5 | AMD | 03/26/2012 | 2011-23/17 | |
| | 36296 | R195-5 | EXT | 05/31/2012 | 2012-12/96 | |
| | 36317 | R195-5 | REP | 09/11/2012 | 2012-13/23 | |
| | 35408 | R195-7 | AMD | 03/26/2012 | 2011-23/19 | |
| | 36298 | R195-7 | EXT | 05/31/2012 | 2012-12/96 | |
| | 36319 | R195-7 | REP | 09/11/2012 | 2012-13/25 | |
| Workforce Services, Administration | 36207 | R982-405 | NEW | 07/09/2012 | 2012-11/133 | |
| | 36516 | R982-405 | NSC | 07/31/2012 | Not Printed | |
| | 36210 | R982-407 | NEW | 07/09/2012 | 2012-11/135 | |
| | 36518 | R982-407 | NSC | 07/31/2012 | Not Printed | |
| Workforce Services, Unemployment Insurance | 36094 | R994-401 | 5YR | 04/25/2012 | 2012-10/97 | |
| <u>bicycles</u> | | | | | | |
| Public Safety, Highway Patrol | 36434 | R714-220 | 5YR | 07/02/2012 | 2012-14/75 | |
| Transportation, Operations, Traffic and Safety | 36612 | R920-4 | 5YR | 08/01/2012 | 2012-16/200 | |
| <u>big game</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36392 | R657-44 | 5YR | 06/19/2012 | 2012-14/72 | |
| <u>big game seasons</u> | | | | | | |
| Natural Resources, Wildlife Resources | 35520 | R657-5 | AMD | 02/07/2012 | 2012-1/29 | |
| | 36158 | R657-5 | AMD | 07/09/2012 | 2012-11/85 | |
| | 35210 | R657-43 | AMD | 01/10/2012 | 2011-18/71 | |
| | 35909 | R657-43 | 5YR | 03/05/2012 | 2012-7/70 | |
| <u>birds</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36280 | R657-4 | 5YR | 05/29/2012 | 2012-12/87 | |
| | 35734 | R657-20 | AMD | 04/02/2012 | 2012-4/25 | |
| <u>birth defect reporting</u> | | | | | | |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 36109 | R398-5 | AMD | 07/31/2012 | 2012-10/32 | |
| <u>birth defects</u> | | | | | | |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 36109 | R398-5 | AMD | 07/31/2012 | 2012-10/32 | |

RULES INDEX

| | | | | | | |
|---|-------|-------------|-----|------------|-------------|--|
| <u>bison</u> | | | | | | |
| Agriculture and Food, Animal Industry | 36143 | R58-3 | EMR | 05/08/2012 | 2012-11/167 | |
| <u>Board of Examiners</u> | | | | | | |
| Examiners (Board of), Administration | 35497 | R320-101 | NEW | 02/10/2012 | 2011-24/10 | |
| <u>boating</u> | | | | | | |
| Natural Resources, Parks and Recreation | 36237 | R651-201-7 | AMD | 07/23/2012 | 2012-12/42 | |
| | 36242 | R651-205-2 | AMD | 07/23/2012 | 2012-12/43 | |
| | 36234 | R651-205-15 | AMD | 07/23/2012 | 2012-12/44 | |
| | 36238 | R651-206-1 | AMD | 07/23/2012 | 2012-12/45 | |
| | 36243 | R651-206-3 | AMD | 07/23/2012 | 2012-12/46 | |
| | 36239 | R651-206-4 | AMD | 07/23/2012 | 2012-12/50 | |
| | 36241 | R651-219-3 | AMD | 07/23/2012 | 2012-12/51 | |
| | 36240 | R651-226-2 | AMD | 07/23/2012 | 2012-12/52 | |
| | 36235 | R651-227 | AMD | 07/23/2012 | 2012-12/53 | |
| <u>boilers</u> | | | | | | |
| Labor Commission, Boiler and Elevator Safety | 35963 | R616-2-3 | AMD | 05/22/2012 | 2012-8/12 | |
| | 35961 | R616-2-15 | AMD | 05/22/2012 | 2012-8/14 | |
| <u>bonds</u> | | | | | | |
| Treasurer, Unclaimed Property | 36504 | R966-1 | 5YR | 07/18/2012 | 2012-16/201 | |
| <u>boxing</u> | | | | | | |
| Governor, Economic Development, Pete Suazo Utah Athletic Commission | 36002 | R359-1 | 5YR | 03/30/2012 | 2012-8/74 | |
| | 36130 | R359-1-506 | AMD | 06/30/2012 | 2012-10/29 | |
| <u>brakes</u> | | | | | | |
| Public Safety, Highway Patrol | 36438 | R714-300 | 5YR | 07/02/2012 | 2012-14/76 | |
| <u>breakdowns</u> | | | | | | |
| Environmental Quality, Air Quality | 35865 | R307-107 | CPR | 07/31/2012 | 2012-13/89 | |
| <u>breaks</u> | | | | | | |
| Human Resource Management, Administration | 35828 | R477-8 | 5YR | 02/02/2012 | 2012-5/112 | |
| | 36124 | R477-8 | AMD | 07/02/2012 | 2012-10/71 | |
| <u>broad scope</u> | | | | | | |
| Environmental Quality, Radiation Control | 35417 | R313-22-75 | AMD | 01/16/2012 | 2011-23/51 | |
| <u>brucellosis</u> | | | | | | |
| Agriculture and Food, Animal Industry | 36143 | R58-3 | EMR | 05/08/2012 | 2012-11/167 | |
| <u>building inspections</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35735 | R156-56 | 5YR | 01/31/2012 | 2012-4/62 | |
| <u>building inspectors</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35735 | R156-56 | 5YR | 01/31/2012 | 2012-4/62 | |
| <u>bulls</u> | | | | | | |
| Agriculture and Food, Animal Industry | 36164 | R58-21 | AMD | 07/10/2012 | 2012-11/4 | |
| <u>burglar alarms</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35860 | R156-55d | 5YR | 02/07/2012 | 2012-5/102 | |
| | 36191 | R156-55d | NSC | 05/30/2012 | Not Printed | |
| <u>burial</u> | | | | | | |
| Community and Culture, History | 36301 | R212-12 | 5YR | 05/31/2012 | 2012-12/84 | |
| | 36305 | R212-12 | NSC | 06/29/2012 | Not Printed | |
| <u>business practices</u> | | | | | | |
| Commerce, Securities | 36462 | R164-6 | 5YR | 07/11/2012 | 2012-15/76 | |
| <u>camp resort</u> | | | | | | |
| Commerce, Real Estate | 36078 | R162-57a | AMD | 08/21/2012 | 2012-9/27 | |

| | | | | | |
|--|-------|--------------|-----|------------|-------------|
| | 36078 | R162-57a | CPR | 08/21/2012 | 2012-14/48 |
| <u>capacity</u> | | | | | |
| Transportation, Administration | 36178 | R907-68 | AMD | 07/09/2012 | 2012-11/123 |
| <u>capital punishment</u> | | | | | |
| Administrative Services, Finance | 35663 | R25-14 | 5YR | 01/12/2012 | 2012-3/105 |
| Pardons (Board Of), Administration | 35739 | R671-205 | 5YR | 01/31/2012 | 2012-4/111 |
| <u>captive insurance</u> | | | | | |
| Insurance, Administration | 36142 | R590-238 | 5YR | 05/02/2012 | 2012-11/181 |
| <u>career and technical education</u> | | | | | |
| Education, Administration | 36652 | R277-911 | 5YR | 08/14/2012 | 2012-17/107 |
| <u>career education</u> | | | | | |
| Education, Administration | 35682 | R277-718 | REP | 03/12/2012 | 2012-3/37 |
| <u>carryover funding</u> | | | | | |
| Human Services, Aging and Adult Services | 36479 | R510-101 | 5YR | 07/11/2012 | 2012-15/80 |
| <u>cattle</u> | | | | | |
| Agriculture and Food, Animal Industry | 36143 | R58-3 | EMR | 05/08/2012 | 2012-11/167 |
| | 36164 | R58-21 | AMD | 07/10/2012 | 2012-11/4 |
| <u>cemetery</u> | | | | | |
| Community and Culture, History | 36301 | R212-12 | 5YR | 05/31/2012 | 2012-12/84 |
| | 36305 | R212-12 | NSC | 06/29/2012 | Not Printed |
| <u>census</u> | | | | | |
| Transportation, Program Development | 35959 | R926-4 | 5YR | 03/20/2012 | 2012-8/90 |
| | 35960 | R926-4 | NSC | 04/11/2012 | Not Printed |
| <u>certificate of compliance</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 35820 | R156-78B | 5YR | 02/02/2012 | 2012-5/102 |
| <u>certificate of eligibility</u> | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 35487 | R722-350-3 | AMD | 01/24/2012 | 2011-24/77 |
| <u>certification</u> | | | | | |
| Public Safety, Peace Officer Standards and Training | 36290 | R728-409 | AMD | 08/06/2012 | 2012-12/68 |
| <u>certification of instructors</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 36383 | R523-22 | 5YR | 06/18/2012 | 2012-14/67 |
| <u>certifications</u> | | | | | |
| Environmental Quality, Water Quality | 36135 | R317-11 | AMD | 06/27/2012 | 2012-10/23 |
| Labor Commission, Boiler and Elevator Safety | 35963 | R616-2-3 | AMD | 05/22/2012 | 2012-8/12 |
| | 35961 | R616-2-15 | AMD | 05/22/2012 | 2012-8/14 |
| | 35962 | R616-3-3 | AMD | 05/22/2012 | 2012-8/16 |
| Transportation, Motor Carrier | 35256 | R909-19 | AMD | 02/07/2012 | 2011-20/41 |
| | 35256 | R909-19 | CPR | 02/07/2012 | 2012-1/64 |
| <u>charities</u> | | | | | |
| Commerce, Consumer Protection | 35970 | R152-22 | 5YR | 03/22/2012 | 2012-8/72 |
| Tax Commission, Auditing | 35606 | R865-19S | 5YR | 01/03/2012 | 2012-2/133 |
| | 35511 | R865-19S-32 | AMD | 02/09/2012 | 2012-1/48 |
| | 36175 | R865-19S-123 | AMD | 07/26/2012 | 2012-11/118 |
| <u>charter schools</u> | | | | | |
| Education, Administration | 35451 | R277-470 | AMD | 01/10/2012 | 2011-23/28 |
| | 36367 | R277-470 | AMD | 08/08/2012 | 2012-13/52 |
| | 35935 | R277-479 | NEW | 05/08/2012 | 2012-7/31 |
| | 36160 | R277-479-1 | NSC | 05/30/2012 | Not Printed |
| | 35582 | R277-480-1 | NSC | 01/31/2012 | Not Printed |

RULES INDEX

| | | | | | |
|---|-------|--------------|-----|------------|-------------|
| | 35817 | R277-480-1 | NSC | 02/29/2012 | Not Printed |
| | 35452 | R277-481 | NEW | 01/10/2012 | 2011-23/34 |
| <u>child</u> | | | | | |
| Health, Children's Health Insurance Program | 36429 | R382-2 | NEW | 09/01/2012 | 2012-14/15 |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36431 | R414-8 | NEW | 09/01/2012 | 2012-14/19 |
| <u>child abuse</u> | | | | | |
| Education, Administration | 36639 | R277-401 | 5YR | 08/14/2012 | 2012-17/101 |
| Human Services, Child and Family Services | 35931 | R512-60 | AMD | 06/07/2012 | 2012-7/47 |
| <u>child care</u> | | | | | |
| Health, Family Health and Preparedness, Child Care Licensing | 36622 | R430-100 | 5YR | 08/03/2012 | 2012-17/108 |
| Workforce Services, Employment Development | 36303 | R986-700-712 | AMD | 07/25/2012 | 2012-12/74 |
| | 35586 | R986-700-713 | AMD | 04/01/2012 | 2012-2/104 |
| <u>child care centers</u> | | | | | |
| Health, Family Health and Preparedness, Child Care Licensing | 36622 | R430-100 | 5YR | 08/03/2012 | 2012-17/108 |
| <u>child care facilities</u> | | | | | |
| Health, Family Health and Preparedness, Child Care Licensing | 35581 | R430-1 | NEW | 05/01/2012 | 2012-2/37 |
| | 35579 | R430-2 | REP | 05/01/2012 | 2012-2/40 |
| | 35580 | R430-3 | REP | 05/01/2012 | 2012-2/42 |
| | 35653 | R430-4 | REP | 05/01/2012 | 2012-3/57 |
| | 35573 | R430-6 | AMD | 05/01/2012 | 2012-2/46 |
| | 36623 | R430-6 | 5YR | 08/03/2012 | 2012-17/108 |
| | 35654 | R430-30 | REP | 05/01/2012 | 2012-3/61 |
| | 35574 | R430-50 | AMD | 05/01/2012 | 2012-2/47 |
| | 35575 | R430-60 | R&R | 05/01/2012 | 2012-2/55 |
| | 35576 | R430-70 | AMD | 05/01/2012 | 2012-2/70 |
| | 35577 | R430-90 | AMD | 05/01/2012 | 2012-2/77 |
| | 35578 | R430-100 | AMD | 05/01/2012 | 2012-2/82 |
| | 36622 | R430-100 | 5YR | 08/03/2012 | 2012-17/108 |
| <u>child support</u> | | | | | |
| Human Services, Administration | 36284 | R495-884 | NEW | 08/15/2012 | 2012-12/39 |
| Human Services, Recovery Services | 36346 | R527-3 | 5YR | 06/12/2012 | 2012-13/108 |
| | 35728 | R527-34 | AMD | 03/27/2012 | 2012-4/19 |
| | 35729 | R527-35 | AMD | 03/27/2012 | 2012-4/20 |
| | 36347 | R527-37 | 5YR | 06/12/2012 | 2012-13/108 |
| | 35619 | R527-201 | AMD | 03/27/2012 | 2012-3/70 |
| | 36348 | R527-253 | 5YR | 06/12/2012 | 2012-13/109 |
| | 36349 | R527-255 | 5YR | 06/12/2012 | 2012-13/109 |
| | 36350 | R527-258 | 5YR | 06/12/2012 | 2012-13/110 |
| | 36673 | R527-300 | 5YR | 08/21/2012 | 2012-18/79 |
| | 36351 | R527-330 | 5YR | 06/12/2012 | 2012-13/111 |
| | 36674 | R527-378 | 5YR | 08/21/2012 | 2012-18/80 |
| | 36675 | R527-412 | 5YR | 08/21/2012 | 2012-18/80 |
| | 36676 | R527-601 | 5YR | 08/21/2012 | 2012-18/81 |
| <u>child welfare</u> | | | | | |
| Administrative Services, Child Welfare Parental Defense (Office of) | 35205 | R19-1-6 | AMD | 01/12/2012 | 2011-18/6 |
| | 35206 | R19-1-7 | AMD | 01/12/2012 | 2011-18/7 |
| Human Services, Child and Family Services | 35895 | R512-1 | 5YR | 02/23/2012 | 2012-6/38 |
| | 35910 | R512-2 | 5YR | 03/05/2012 | 2012-7/68 |
| | 35911 | R512-31 | 5YR | 03/05/2012 | 2012-7/68 |
| | 35912 | R512-32 | 5YR | 03/05/2012 | 2012-7/69 |
| | 35931 | R512-60 | AMD | 06/07/2012 | 2012-7/47 |
| | 35630 | R512-80 | NEW | 03/15/2012 | 2012-3/64 |

| | | | | | | |
|---|-------|--------------|-----|------------|-------------|--|
| <u>children</u> | | | | | | |
| Health, Family Health and Preparedness, WIC Services | 35812 | R406-100 | 5YR | 02/02/2012 | 2012-5/104 | |
| | 35813 | R406-200 | 5YR | 02/02/2012 | 2012-5/105 | |
| | 35814 | R406-201 | 5YR | 02/02/2012 | 2012-5/105 | |
| | 35815 | R406-202 | 5YR | 02/02/2012 | 2012-5/106 | |
| | 35816 | R406-301 | 5YR | 02/02/2012 | 2012-5/106 | |
| <u>Children's Account</u> | | | | | | |
| Human Services, Child and Family Services | 35931 | R512-60 | AMD | 06/07/2012 | 2012-7/47 | |
| <u>children's health benefits</u> | | | | | | |
| Health, Children's Health Insurance Program | 35788 | R382-10 | AMD | 04/01/2012 | 2012-4/7 | |
| <u>CHIP</u> | | | | | | |
| Health, Children's Health Insurance Program | 36429 | R382-2 | NEW | 09/01/2012 | 2012-14/15 | |
| <u>civil rights</u> | | | | | | |
| Education, Administration | 36584 | R277-112 | 5YR | 08/01/2012 | 2012-16/189 | |
| <u>Class I area</u> | | | | | | |
| Environmental Quality, Air Quality | 35413 | R307-405 | AMD | 02/02/2012 | 2011-23/42 | |
| | 35872 | R307-405-3 | NSC | 02/29/2012 | Not Printed | |
| <u>classified license</u> | | | | | | |
| Public Safety, Driver License | 35629 | R708-10 | EMR | 01/07/2012 | 2012-3/101 | |
| | 36330 | R708-10 | EMR | 06/06/2012 | 2012-13/95 | |
| | 36331 | R708-10 | AMD | 08/09/2012 | 2012-13/75 | |
| <u>cleanup standards</u> | | | | | | |
| Environmental Quality, Water Quality | 36544 | R317-6 | 5YR | 07/26/2012 | 2012-16/192 | |
| <u>client rights</u> | | | | | | |
| Community and Culture, Home Energy Assistance Target (HEAT) | 35403 | R195-1 | AMD | 03/26/2012 | 2011-23/12 | |
| | 36313 | R195-1 | REP | 09/11/2012 | 2012-13/15 | |
| Workforce Services, Administration | 36193 | R982-401 | NEW | 07/09/2012 | 2012-11/125 | |
| | 36512 | R982-401 | NSC | 07/31/2012 | Not Printed | |
| <u>CNG</u> | | | | | | |
| Administrative Services, Fleet Operations | 35727 | R27-9 | NEW | 03/26/2012 | 2012-4/6 | |
| <u>coal mines</u> | | | | | | |
| Natural Resources, Oil, Gas and Mining; Coal | 35801 | R645-100 | 5YR | 02/01/2012 | 2012-4/106 | |
| | 35995 | R645-100-200 | AMD | 05/23/2012 | 2012-8/18 | |
| | 35802 | R645-103 | 5YR | 02/01/2012 | 2012-4/106 | |
| | 35803 | R645-200 | 5YR | 02/01/2012 | 2012-4/107 | |
| | 35804 | R645-201 | 5YR | 02/01/2012 | 2012-4/107 | |
| | 35836 | R645-202 | 5YR | 02/03/2012 | 2012-5/117 | |
| | 35837 | R645-203 | 5YR | 02/03/2012 | 2012-5/117 | |
| | 35838 | R645-300 | 5YR | 02/03/2012 | 2012-5/118 | |
| | 35996 | R645-300-100 | AMD | 05/23/2012 | 2012-8/31 | |
| | 35839 | R645-301 | 5YR | 02/03/2012 | 2012-5/118 | |
| | 35997 | R645-301-100 | AMD | 05/23/2012 | 2012-8/39 | |
| | 36151 | R645-301-500 | NSC | 05/30/2012 | Not Printed | |
| | 35840 | R645-302 | 5YR | 02/03/2012 | 2012-5/119 | |
| | 35998 | R645-302-200 | AMD | 05/23/2012 | 2012-8/43 | |
| | 35841 | R645-303 | 5YR | 02/03/2012 | 2012-5/120 | |
| | 35999 | R645-303-300 | AMD | 05/23/2012 | 2012-8/52 | |
| | 36000 | R645-400-300 | AMD | 05/23/2012 | 2012-8/54 | |
| | 35842 | R645-402 | 5YR | 02/03/2012 | 2012-5/120 | |
| | 36001 | R645-403 | NEW | 05/23/2012 | 2012-8/58 | |
| <u>coatings</u> | | | | | | |
| Environmental Quality, Air Quality | 35787 | R307-343 | 5YR | 02/01/2012 | 2012-4/89 | |

RULES INDEX

| | | | | | | |
|--|-------|-------------|-----|------------|-------------|--|
| <u>code of conduct</u> | | | | | | |
| Workforce Services, Administration | 36357 | R982-601 | 5YR | 06/12/2012 | 2012-13/116 | |
| <u>collection transfer</u> | | | | | | |
| Administrative Services, Debt Collection | 36420 | R21-1 | 5YR | 06/28/2012 | 2012-14/59 | |
| | 36495 | R21-1 | AMD | 09/07/2012 | 2012-15/6 | |
| <u>collections</u> | | | | | | |
| Tax Commission, Auditing | 35602 | R865-12L | 5YR | 01/03/2012 | 2012-2/130 | |
| | 36171 | R865-12L-14 | AMD | 07/26/2012 | 2012-11/117 | |
| <u>comments</u> | | | | | | |
| Environmental Quality, Radiation Control | 35416 | R313-17 | AMD | 03/19/2012 | 2011-23/50 | |
| <u>commercial solicitations</u> | | | | | | |
| Capitol Preservation Board (State), Administration | 35687 | R131-10 | 5YR | 01/17/2012 | 2012-3/111 | |
| <u>commercialization of aquatic wildlife</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36448 | R657-14 | 5YR | 07/09/2012 | 2012-15/88 | |
| <u>commercialization revenues</u> | | | | | | |
| Science Technology and Research Governing Auth., Administration | 36084 | R856-2 | EXD | 04/05/2012 | 2012-9/101 | |
| | 36155 | R856-2 | NEW | 07/31/2012 | 2012-11/110 | |
| | 36491 | R856-2 | NSC | 07/31/2012 | Not Printed | |
| <u>communicable diseases</u> | | | | | | |
| Health, Disease Control and Prevention, Epidemiology | 36247 | R386-702 | AMD | 08/08/2012 | 2012-12/29 | |
| <u>community action programs</u> | | | | | | |
| Community and Culture, Housing and Community Development, Community Services | 36325 | R202-100 | REP | 09/11/2012 | 2012-13/39 | |
| | 36326 | R202-101 | REP | 09/11/2012 | 2012-13/44 | |
| Workforce Services, Housing and Community Development | 36221 | R990-100 | NEW | 07/09/2012 | 2012-11/151 | |
| | 36525 | R990-100 | NSC | 07/31/2012 | Not Printed | |
| | 36220 | R990-101 | NEW | 07/09/2012 | 2012-11/156 | |
| | 36526 | R990-101 | NSC | 07/31/2012 | Not Printed | |
| <u>community development</u> | | | | | | |
| Community and Culture, Housing and Community Development | 36324 | R199-11 | REP | 09/11/2012 | 2012-13/36 | |
| Workforce Services, Housing and Community Development | 36219 | R990-11 | NEW | 07/09/2012 | 2012-11/148 | |
| | 36524 | R990-11 | NSC | 07/31/2012 | Not Printed | |
| <u>community-based corrections</u> | | | | | | |
| Corrections, Administration | 35755 | R251-306 | EXT | 01/31/2012 | 2012-4/121 | |
| | 36040 | R251-306 | 5YR | 04/06/2012 | 2012-9/77 | |
| <u>complaints</u> | | | | | | |
| Commerce, Administration | 35897 | R151-3 | 5YR | 02/28/2012 | 2012-6/35 | |
| Education, Administration | 36067 | R277-104 | R&R | 06/07/2012 | 2012-9/31 | |
| Education, Rehabilitation | 36068 | R280-201 | REP | 06/07/2012 | 2012-9/56 | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 35594 | R525-7 | AMD | 02/21/2012 | 2012-2/99 | |
| | 35855 | R525-7 | NSC | 02/29/2012 | Not Printed | |
| Workforce Services, Administration | 36354 | R982-101 | 5YR | 06/12/2012 | 2012-13/115 | |
| <u>compressed natural gas</u> | | | | | | |
| Administrative Services, Fleet Operations | 35727 | R27-9 | NEW | 03/26/2012 | 2012-4/6 | |
| <u>computer software</u> | | | | | | |
| Technology Services, Administration | 35989 | R895-3 | EXT | 03/29/2012 | 2012-8/91 | |
| | 36709 | R895-3 | 5YR | 08/31/2012 | 2012-18/83 | |

| | | | | | | |
|--|-------|--------------|-----|------------|-------------|--|
| <u>concealed firearm permit instructor</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 35650 | R722-300 | AMD | 03/09/2012 | 2012-3/79 | |
| <u>concerns</u> | | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 35594 | R525-7 | AMD | 02/21/2012 | 2012-2/99 | |
| | 35855 | R525-7 | NSC | 02/29/2012 | Not Printed | |
| <u>condemnation</u> | | | | | | |
| Transportation, Preconstruction, Right-of-Way Acquisition | 35429 | R933-1 | AMD | 01/10/2012 | 2011-23/97 | |
| <u>conduct</u> | | | | | | |
| Commerce, Real Estate | 35915 | R162-2e-402 | AMD | 05/23/2012 | 2012-7/25 | |
| <u>confidential information</u> | | | | | | |
| Public Service Commission, Administration | 35508 | R746-100 | AMD | 02/07/2012 | 2012-1/30 | |
| | 35900 | R746-100 | AMD | 05/07/2012 | 2012-6/24 | |
| | 36195 | R746-100 | AMD | 07/09/2012 | 2012-11/94 | |
| <u>confidentiality of information</u> | | | | | | |
| Administrative Services, Administration | 36285 | R13-2-4 | AMD | 08/07/2012 | 2012-12/8 | |
| Community and Culture, Home Energy Assistance Target (HEAT) | 35403 | R195-1 | AMD | 03/26/2012 | 2011-23/12 | |
| | 36313 | R195-1 | REP | 09/11/2012 | 2012-13/15 | |
| Human Resource Management, Administration | 35822 | R477-2 | 5YR | 02/02/2012 | 2012-5/108 | |
| | 36119 | R477-2 | AMD | 07/02/2012 | 2012-10/51 | |
| Regents (Board Of), College of Eastern Utah | 36391 | R767-1 | EXT | 06/18/2012 | 2012-14/83 | |
| Workforce Services, Administration | 36193 | R982-401 | NEW | 07/09/2012 | 2012-11/125 | |
| | 36512 | R982-401 | NSC | 07/31/2012 | Not Printed | |
| <u>conflict of interest</u> | | | | | | |
| Human Resource Management, Administration | 35829 | R477-9 | 5YR | 02/02/2012 | 2012-5/112 | |
| | 36125 | R477-9 | AMD | 07/02/2012 | 2012-10/76 | |
| <u>conservation permits</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36393 | R657-41 | AMD | 08/21/2012 | 2012-14/37 | |
| <u>construction</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 36020 | R23-1-40 | AMD | 08/07/2012 | 2012-8/4 | |
| <u>consumer protection</u> | | | | | | |
| Commerce, Consumer Protection | 35974 | R152-6 | 5YR | 03/26/2012 | 2012-8/71 | |
| | 35965 | R152-15 | 5YR | 03/22/2012 | 2012-8/71 | |
| | 35967 | R152-20 | 5YR | 03/22/2012 | 2012-8/72 | |
| | 35970 | R152-22 | 5YR | 03/22/2012 | 2012-8/72 | |
| | 35971 | R152-23 | 5YR | 03/22/2012 | 2012-8/73 | |
| | 36360 | R152-34 | 5YR | 06/14/2012 | 2012-13/98 | |
| | 35972 | R152-42 | 5YR | 03/22/2012 | 2012-8/73 | |
| <u>contractors</u> | | | | | | |
| Capitol Preservation Board (State), Administration | 35611 | R131-13 | EMR | 01/03/2012 | 2012-2/105 | |
| | 35610 | R131-13 | AMD | 02/21/2012 | 2012-2/24 | |
| Commerce, Occupational and Professional Licensing | 36157 | R156-55a-602 | AMD | 07/09/2012 | 2012-11/8 | |
| <u>contracts</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 36145 | R23-1 | 5YR | 05/03/2012 | 2012-11/177 | |
| | 36020 | R23-1-40 | AMD | 08/07/2012 | 2012-8/4 | |
| | 36020 | R23-1-40 | CPR | 08/07/2012 | 2012-13/88 | |
| | 36632 | R23-1-40 | NSC | 08/23/2012 | Not Printed | |
| Capitol Preservation Board (State), Administration | 35611 | R131-13 | EMR | 01/03/2012 | 2012-2/105 | |
| | 35610 | R131-13 | AMD | 02/21/2012 | 2012-2/24 | |

RULES INDEX

controlled substance database

Commerce, Occupational and Professional Licensing 35892 R156-37 5YR 02/21/2012 2012-6/36

controlled substances

Commerce, Occupational and Professional Licensing 35892 R156-37 5YR 02/21/2012 2012-6/36
 Tax Commission, Collections 36168 R867-2B-2 AMD 07/26/2012 2012-11/119
 36169 R867-2B-4 AMD 07/26/2012 2012-11/120

copyright

Education, Administration 36585 R277-115 5YR 08/01/2012 2012-16/189
 Technology Services, Administration 35989 R895-3 EXT 03/29/2012 2012-8/91
 36709 R895-3 5YR 08/31/2012 2012-18/83

corporation tax

Tax Commission, Auditing 35597 R865-3C 5YR 01/03/2012 2012-2/125
 35863 R865-3C-1 AMD 04/12/2012 2012-5/95

correctional institutions

Corrections, Administration 35764 R251-704 EXD 01/18/2012 2012-4/124
 35771 R251-704 EMR 02/01/2012 2012-4/52
 35809 R251-704 NEW 04/09/2012 2012-5/18

corrections

Corrections, Administration 35760 R251-106 EXD 01/18/2012 2012-4/123
 35767 R251-106 EMR 02/01/2012 2012-4/45
 35805 R251-106 NEW 04/09/2012 2012-5/11
 35761 R251-107 EXD 01/18/2012 2012-4/123
 35768 R251-107 EMR 02/01/2012 2012-4/47
 35806 R251-107 NEW 04/09/2012 2012-5/13
 35762 R251-108 EXD 01/18/2012 2012-4/123
 35769 R251-108 EMR 02/01/2012 2012-4/49
 35807 R251-108 NEW 04/09/2012 2012-5/15
 35754 R251-305 EXT 01/31/2012 2012-4/121
 36039 R251-305 5YR 04/06/2012 2012-9/77
 35755 R251-306 EXT 01/31/2012 2012-4/121
 36040 R251-306 5YR 04/06/2012 2012-9/77
 35763 R251-703 EXD 01/18/2012 2012-4/124
 35770 R251-703 EMR 02/01/2012 2012-4/51
 35808 R251-703 NEW 04/09/2012 2012-5/17
 35765 R251-705 EXD 01/18/2012 2012-4/124
 35772 R251-705 EMR 02/01/2012 2012-4/53
 35810 R251-705 NEW 04/09/2012 2012-5/19
 35766 R251-706 EXD 01/18/2012 2012-4/124
 35773 R251-706 EMR 02/01/2012 2012-4/56
 35811 R251-706 NEW 04/09/2012 2012-5/22
 35756 R251-707 EXT 01/31/2012 2012-4/121
 36041 R251-707 5YR 04/06/2012 2012-9/78
 35757 R251-710 EXT 01/31/2012 2012-4/121
 36042 R251-710 5YR 04/06/2012 2012-9/78

cosmetologists/barbers

Commerce, Occupational and Professional Licensing 35853 R156-11a 5YR 02/06/2012 2012-5/101

cost sharing

Health, Health Care Financing, Coverage and Reimbursement Policy 36185 R414-200 5YR 05/14/2012 2012-11/180

costs

Financial Institutions, Administration 36021 R331-22 EXT 04/02/2012 2012-8/91
 36533 R331-22 5YR 07/20/2012 2012-16/196

cottage foods

Agriculture and Food, Regulatory Services 35662 R70-560 5YR 01/12/2012 2012-3/111

councils

Workforce Services, Administration 36356 R982-301 5YR 06/12/2012 2012-13/116

| | | | | | | |
|--|-------|------------|-----|------------|-------------|--|
| <u>course</u> | | | | | | |
| Natural Resources, Parks and Recreation | 36235 | R651-227 | AMD | 07/23/2012 | 2012-12/53 | |
| <u>coverage groups</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 35789 | R414-303 | AMD | 04/01/2012 | 2012-4/12 | |
| <u>covered-at-work</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36309 | R414-310 | 5YR | 06/04/2012 | 2012-13/107 | |
| <u>CPB</u> | | | | | | |
| Capitol Preservation Board (State), Administration | 35686 | R131-9 | R&R | 03/09/2012 | 2012-3/13 | |
| <u>credit unions</u> | | | | | | |
| Financial Institutions, Credit Unions | 36713 | R337-2 | 5YR | 09/05/2012 | Not Printed | |
| | 36712 | R337-5 | 5YR | 09/05/2012 | Not Printed | |
| <u>criminal background screening</u> | | | | | | |
| Human Services, Child and Family Services | 36044 | R512-51 | 5YR | 04/09/2012 | 2012-9/93 | |
| <u>criminal competency</u> | | | | | | |
| Pardons (Board Of), Administration | 35758 | R671-206 | 5YR | 02/01/2012 | 2012-4/111 | |
| | 35740 | R671-207 | 5YR | 01/31/2012 | 2012-4/112 | |
| <u>critical languages</u> | | | | | | |
| Education, Administration | 36369 | R277-488 | 5YR | 06/15/2012 | 2012-13/100 | |
| | 36370 | R277-488 | AMD | 08/08/2012 | 2012-13/58 | |
| <u>cultural resources</u> | | | | | | |
| Community and Culture, Administration | 36353 | R182-2 | NEW | 08/31/2012 | 2012-13/14 | |
| Natural Resources, Forestry, Fire and State Lands | 36013 | R652-60 | 5YR | 04/02/2012 | 2012-8/87 | |
| School and Institutional Trust Lands, Administration | 36414 | R850-60 | 5YR | 06/27/2012 | 2012-14/80 | |
| <u>curricula</u> | | | | | | |
| Education, Administration | 36075 | R277-700 | AMD | 06/07/2012 | 2012-9/45 | |
| | 35537 | R277-703 | AMD | 02/07/2012 | 2012-1/14 | |
| | 36648 | R277-703 | 5YR | 08/14/2012 | 2012-17/105 | |
| | 35818 | R277-705 | 5YR | 02/02/2012 | 2012-5/103 | |
| | 36649 | R277-713 | 5YR | 08/14/2012 | 2012-17/106 | |
| <u>dairy inspections</u> | | | | | | |
| Agriculture and Food, Regulatory Services | 36465 | R70-330 | EMR | 07/11/2012 | 2012-15/65 | |
| <u>data standards</u> | | | | | | |
| Education, Administration | 35676 | R277-484-3 | AMD | 03/12/2012 | 2012-3/23 | |
| <u>day care</u> | | | | | | |
| Public Safety, Fire Marshal | 35929 | R710-8 | 5YR | 03/13/2012 | 2012-7/71 | |
| <u>deadlines</u> | | | | | | |
| Education, Administration | 35676 | R277-484-3 | AMD | 03/12/2012 | 2012-3/23 | |
| <u>debt</u> | | | | | | |
| Human Services, Recovery Services | 36351 | R527-330 | 5YR | 06/12/2012 | 2012-13/111 | |
| <u>debt-management</u> | | | | | | |
| Commerce, Consumer Protection | 35972 | R152-42 | 5YR | 03/22/2012 | 2012-8/73 | |
| <u>deception detection examiners</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35736 | R156-64 | 5YR | 01/31/2012 | 2012-4/64 | |
| <u>deception detection interns</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35736 | R156-64 | 5YR | 01/31/2012 | 2012-4/64 | |
| <u>declaratory orders</u> | | | | | | |
| Auditor, Administration | 36509 | R123-4 | 5YR | 07/18/2012 | 2012-16/183 | |

RULES INDEX

| | | | | | |
|--|-------|--------------|-----|------------|-------------|
| Health, Administration | 36096 | R380-1 | 5YR | 04/26/2012 | 2012-10/88 |
| | 36097 | R380-5 | 5YR | 04/26/2012 | 2012-10/89 |
| <u>decommissioning</u> | | | | | |
| Environmental Quality, Radiation Control | 35417 | R313-22-75 | AMD | 01/16/2012 | 2011-23/51 |
| <u>definitions</u> | | | | | |
| Environmental Quality, Air Quality | 35615 | R307-101-3 | AMD | 04/05/2012 | 2012-3/40 |
| | 35857 | R307-840 | AMD | 05/03/2012 | 2012-5/33 |
| | 36161 | R307-840-1 | NSC | 05/30/2012 | Not Printed |
| Human Resource Management, Administration | 35821 | R477-1 | 5YR | 02/02/2012 | 2012-5/107 |
| | 36118 | R477-1 | AMD | 07/02/2012 | 2012-10/47 |
| Natural Resources, Forestry, Fire and State Lands | 36005 | R652-1 | 5YR | 04/02/2012 | 2012-8/82 |
| School and Institutional Trust Lands, Administration | 36274 | R850-1 | 5YR | 05/23/2012 | 2012-12/90 |
| <u>degreasing</u> | | | | | |
| Environmental Quality, Air Quality | 35784 | R307-335 | 5YR | 02/01/2012 | 2012-4/87 |
| <u>demonstration</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36309 | R414-310 | 5YR | 06/04/2012 | 2012-13/107 |
| <u>dental hygienists</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 36181 | R156-69-302d | AMD | 07/09/2012 | 2012-11/14 |
| <u>dentists</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 36181 | R156-69-302d | AMD | 07/09/2012 | 2012-11/14 |
| <u>depredeation</u> | | | | | |
| Natural Resources, Wildlife Resources | 36392 | R657-44 | 5YR | 06/19/2012 | 2012-14/72 |
| <u>design</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 35710 | R392-200 | 5YR | 01/20/2012 | 2012-4/91 |
| <u>designation</u> | | | | | |
| Commerce, Securities | 36462 | R164-6 | 5YR | 07/11/2012 | 2012-15/76 |
| <u>developmental disabilities</u> | | | | | |
| Tax Commission, Administration | 35595 | R861-1A | 5YR | 01/03/2012 | 2012-2/122 |
| | 35862 | R861-1A-9 | AMD | 04/12/2012 | 2012-5/93 |
| | 36061 | R861-1A-16 | AMD | 06/14/2012 | 2012-9/65 |
| | 36172 | R861-1A-20 | AMD | 07/26/2012 | 2012-11/111 |
| | 36361 | R861-1A-26 | AMD | 08/27/2012 | 2012-13/78 |
| <u>disabilities</u> | | | | | |
| Commerce, Administration | 35897 | R151-3 | 5YR | 02/28/2012 | 2012-6/35 |
| Pardons (Board Of), Administration | 35731 | R671-102 | 5YR | 01/26/2012 | 2012-4/109 |
| Workforce Services, Administration | 36354 | R982-101 | 5YR | 06/12/2012 | 2012-13/115 |
| <u>disabled persons</u> | | | | | |
| Education, Administration | 36067 | R277-104 | R&R | 06/07/2012 | 2012-9/31 |
| Education, Rehabilitation | 36068 | R280-201 | REP | 06/07/2012 | 2012-9/56 |
| Health, Administration | 36099 | R380-100 | 5YR | 04/26/2012 | 2012-10/90 |
| Human Services, Administration | 35717 | R495-878 | 5YR | 01/23/2012 | 2012-4/99 |
| Natural Resources, Wildlife Resources | 36747 | R657-12 | 5YR | 09/10/2012 | Not Printed |
| <u>disasters</u> | | | | | |
| Education, Administration | 36587 | R277-400 | 5YR | 08/01/2012 | 2012-16/190 |
| <u>discharge permits</u> | | | | | |
| Environmental Quality, Water Quality | 35238 | R317-8 | AMD | 01/25/2012 | 2011-19/31 |
| <u>disciplinary actions</u> | | | | | |
| Education, Administration | 36646 | R277-514 | 5YR | 08/14/2012 | 2012-17/104 |

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| <u>disciplinary problems</u> | | | | | |
| Education, Administration | 35454 | R277-608 | AMD | 01/10/2012 | 2011-23/41 |
| | 36647 | R277-608 | 5YR | 08/14/2012 | 2012-17/105 |
| <u>discipline of employees</u> | | | | | |
| Human Resource Management, Administration | 35831 | R477-11 | 5YR | 02/03/2012 | 2012-5/114 |
| | 36126 | R477-11 | AMD | 07/02/2012 | 2012-10/79 |
| <u>disclosure requirements</u> | | | | | |
| Tax Commission, Administration | 35595 | R861-1A | 5YR | 01/03/2012 | 2012-2/122 |
| | 35862 | R861-1A-9 | AMD | 04/12/2012 | 2012-5/93 |
| | 36061 | R861-1A-16 | AMD | 06/14/2012 | 2012-9/65 |
| | 36172 | R861-1A-20 | AMD | 07/26/2012 | 2012-11/111 |
| | 36361 | R861-1A-26 | AMD | 08/27/2012 | 2012-13/78 |
| <u>disease control</u> | | | | | |
| Agriculture and Food, Animal Industry | 35691 | R58-1 | 5YR | 01/18/2012 | 2012-4/59 |
| | 35692 | R58-6 | 5YR | 01/18/2012 | 2012-4/59 |
| | 36164 | R58-21 | AMD | 07/10/2012 | 2012-11/4 |
| <u>dishonest or unethical practices</u> | | | | | |
| Commerce, Securities | 36462 | R164-6 | 5YR | 07/11/2012 | 2012-15/76 |
| <u>dismissal of employees</u> | | | | | |
| Human Resource Management, Administration | 35831 | R477-11 | 5YR | 02/03/2012 | 2012-5/114 |
| | 36126 | R477-11 | AMD | 07/02/2012 | 2012-10/79 |
| <u>dissemination of information</u> | | | | | |
| Education, Administration | 35681 | R277-714 | AMD | 03/12/2012 | 2012-3/36 |
| <u>distribution</u> | | | | | |
| Natural Resources, Water Rights | 36382 | R655-15 | 5YR | 06/15/2012 | 2012-13/113 |
| <u>distribution of revenues</u> | | | | | |
| Science Technology and Research Governing Auth., Administration | 36084 | R856-2 | EXD | 04/05/2012 | 2012-9/101 |
| | 36155 | R856-2 | NEW | 07/31/2012 | 2012-11/110 |
| | 36491 | R856-2 | NSC | 07/31/2012 | Not Printed |
| <u>distribution system</u> | | | | | |
| Natural Resources, Water Rights | 36382 | R655-15 | 5YR | 06/15/2012 | 2012-13/113 |
| <u>diversion programs</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 35624 | R156-1 | 5YR | 01/05/2012 | 2012-3/112 |
| | 36077 | R156-1 | AMD | 06/07/2012 | 2012-9/8 |
| Human Services, Juvenile Justice Services | 36136 | R547-1 | 5YR | 05/01/2012 | 2012-10/92 |
| <u>do not resuscitate</u> | | | | | |
| Health, Family Health and Preparedness, Licensing | 35976 | R432-31 | 5YR | 03/28/2012 | 2012-8/76 |
| <u>domestic violence</u> | | | | | |
| Human Services, Aging and Adult Services | 36475 | R510-302 | 5YR | 07/11/2012 | 2012-15/85 |
| Human Services, Child and Family Services | 35895 | R512-1 | 5YR | 02/23/2012 | 2012-6/38 |
| <u>driver education</u> | | | | | |
| Education, Administration | 35940 | R277-507 | 5YR | 03/15/2012 | 2012-7/64 |
| Public Safety, Driver License | 35702 | R708-2 | 5YR | 01/20/2012 | 2012-4/118 |
| | 35703 | R708-21 | 5YR | 01/20/2012 | 2012-4/119 |
| | 35705 | R708-27 | 5YR | 01/20/2012 | 2012-4/120 |
| <u>drug stamps</u> | | | | | |
| Tax Commission, Collections | 36168 | R867-2B-2 | AMD | 07/26/2012 | 2012-11/119 |
| | 36169 | R867-2B-4 | AMD | 07/26/2012 | 2012-11/120 |
| <u>drugs</u> | | | | | |
| Public Safety, Highway Patrol | 36436 | R714-550 | 5YR | 07/02/2012 | 2012-14/77 |

RULES INDEX

dual employment

| | | | | | |
|---|-------|--------|-----|------------|------------|
| Human Resource Management, Administration | 35828 | R477-8 | 5YR | 02/02/2012 | 2012-5/112 |
| | 36124 | R477-8 | AMD | 07/02/2012 | 2012-10/71 |

dual language immersion

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 36369 | R277-488 | 5YR | 06/15/2012 | 2012-13/100 |
| | 36370 | R277-488 | AMD | 08/08/2012 | 2012-13/58 |

due process

| | | | | | |
|---|-------|---------|-----|------------|-----------|
| Human Services, Child and Family Services | 35911 | R512-31 | 5YR | 03/05/2012 | 2012-7/68 |
|---|-------|---------|-----|------------|-----------|

DUI programs

| | | | | | |
|---|-------|---------|-----|------------|------------|
| Human Services, Substance Abuse and Mental Health | 36383 | R523-22 | 5YR | 06/18/2012 | 2012-14/67 |
|---|-------|---------|-----|------------|------------|

dumping of wastes

| | | | | | |
|--------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Water Quality | 36389 | R317-550 | 5YR | 06/18/2012 | 2012-14/65 |
|--------------------------------------|-------|----------|-----|------------|------------|

early intervention

| | | | | | |
|---------------------------|-------|----------|-----|------------|------------|
| Education, Administration | 36373 | R277-489 | AMD | 08/08/2012 | 2012-13/61 |
|---------------------------|-------|----------|-----|------------|------------|

economic development

| | | | | | |
|------------------------------------|-------|----------|-----|------------|-------------|
| Workforce Services, Administration | 36357 | R982-601 | 5YR | 06/12/2012 | 2012-13/116 |
|------------------------------------|-------|----------|-----|------------|-------------|

economic opportunity

| | | | | | |
|--------------------------------|-------|--------|-----|------------|-----------|
| Governor, Economic Development | 36066 | R357-1 | 5YR | 04/13/2012 | 2012-9/92 |
|--------------------------------|-------|--------|-----|------------|-----------|

education

| | | | | | |
|-------------------------------|-------|------------|-----|------------|-------------|
| Commerce, Consumer Protection | 36360 | R152-34 | 5YR | 06/14/2012 | 2012-13/98 |
| Education, Administration | 36640 | R277-407 | 5YR | 08/14/2012 | 2012-17/101 |
| | 36199 | R277-407-3 | AMD | 07/09/2012 | 2012-11/16 |
| | 35451 | R277-470 | AMD | 01/10/2012 | 2011-23/28 |
| | 36367 | R277-470 | AMD | 08/08/2012 | 2012-13/52 |
| | 35876 | R277-521 | REP | 04/10/2012 | 2012-5/26 |
| | 35682 | R277-718 | REP | 03/12/2012 | 2012-3/37 |
| | 35538 | R277-730 | REP | 02/07/2012 | 2012-1/16 |

education finance

| | | | | | |
|---------------------------|-------|------------|-----|------------|-------------|
| Education, Administration | 36763 | R277-419 | 5YR | 09/14/2012 | Not Printed |
| | 35905 | R277-419-5 | AMD | 05/08/2012 | 2012-7/28 |
| | 36069 | R277-419-7 | AMD | 06/07/2012 | 2012-9/34 |
| | 36070 | R277-420 | AMD | 06/07/2012 | 2012-9/35 |
| | 36764 | R277-420 | 5YR | 09/14/2012 | Not Printed |
| | 36765 | R277-423 | 5YR | 09/14/2012 | Not Printed |
| | 36766 | R277-424 | 5YR | 09/14/2012 | Not Printed |
| | 35535 | R277-425 | AMD | 02/07/2012 | 2012-1/11 |
| | 35536 | R277-426 | AMD | 02/07/2012 | 2012-1/13 |
| | 36767 | R277-426 | 5YR | 09/14/2012 | Not Printed |
| | 35933 | R277-454 | AMD | 05/08/2012 | 2012-7/30 |
| | 36768 | R277-454 | 5YR | 09/14/2012 | Not Printed |

education policy

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 36639 | R277-401 | 5YR | 08/14/2012 | 2012-17/101 |
|---------------------------|-------|----------|-----|------------|-------------|

educational administration

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 36586 | R277-116 | 5YR | 08/01/2012 | 2012-16/190 |
| | 36206 | R277-800 | AMD | 07/09/2012 | 2012-11/34 |

educational facilities

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 36642 | R277-445 | 5YR | 08/14/2012 | 2012-17/102 |
| | 35933 | R277-454 | AMD | 05/08/2012 | 2012-7/30 |
| | 36768 | R277-454 | 5YR | 09/14/2012 | Not Printed |

educational media

| | | | | | |
|---------------------------|-------|----------|-----|------------|------------|
| Education, Administration | 36365 | R277-467 | 5YR | 06/15/2012 | 2012-13/99 |
| | 36366 | R277-467 | AMD | 08/08/2012 | 2012-13/51 |

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| <u>educational policy</u> | | | | | |
| Education, Administration | 36584 | R277-112 | 5YR | 08/01/2012 | 2012-16/189 |
| <u>educational program evaluations</u> | | | | | |
| Education, Administration | 36204 | R277-501 | REP | 07/09/2012 | 2012-11/28 |
| | 36645 | R277-506 | 5YR | 08/14/2012 | 2012-17/104 |
| <u>educational tuition</u> | | | | | |
| Human Resource Management, Administration | 35830 | R477-10 | 5YR | 02/03/2012 | 2012-5/113 |
| <u>educator license renewal</u> | | | | | |
| Education, Administration | 36203 | R277-500 | AMD | 07/09/2012 | 2012-11/23 |
| | 36204 | R277-501 | REP | 07/09/2012 | 2012-11/28 |
| <u>educator licensing</u> | | | | | |
| Education, Administration | 36643 | R277-502 | 5YR | 08/14/2012 | 2012-17/103 |
| | 36645 | R277-506 | 5YR | 08/14/2012 | 2012-17/104 |
| <u>educator licensure</u> | | | | | |
| Education, Administration | 35940 | R277-507 | 5YR | 03/15/2012 | 2012-7/64 |
| | 36646 | R277-514 | 5YR | 08/14/2012 | 2012-17/104 |
| <u>educators</u> | | | | | |
| Education, Administration | 36583 | R277-110 | 5YR | 08/01/2012 | 2012-16/188 |
| | 35680 | R277-520 | AMD | 03/12/2012 | 2012-3/32 |
| | 36074 | R277-520-6 | AMD | 06/07/2012 | 2012-9/43 |
| <u>efficiency</u> | | | | | |
| Governor, Energy Development (Office of) | 36702 | R362-3 | 5YR | 08/30/2012 | 2012-18/78 |
| Natural Resources, Geological Survey | 36597 | R638-3 | NSC | 08/13/2012 | Not Printed |
| <u>eldercare</u> | | | | | |
| Human Services, Aging and Adult Services | 36472 | R510-110 | 5YR | 07/11/2012 | 2012-15/83 |
| <u>elderly</u> | | | | | |
| Human Services, Aging and Adult Services | 36478 | R510-100 | 5YR | 07/11/2012 | 2012-15/79 |
| | 36479 | R510-101 | 5YR | 07/11/2012 | 2012-15/80 |
| | 36466 | R510-102 | 5YR | 07/11/2012 | 2012-15/80 |
| | 36467 | R510-103 | 5YR | 07/11/2012 | 2012-15/81 |
| | 36468 | R510-106 | 5YR | 07/11/2012 | 2012-15/81 |
| | 36469 | R510-107 | 5YR | 07/11/2012 | 2012-15/82 |
| | 36470 | R510-108 | 5YR | 07/11/2012 | 2012-15/82 |
| | 36471 | R510-109 | 5YR | 07/11/2012 | 2012-15/83 |
| | 36474 | R510-200 | 5YR | 07/11/2012 | 2012-15/84 |
| | 36476 | R510-400 | 5YR | 07/11/2012 | 2012-15/85 |
| <u>electric generating units</u> | | | | | |
| Environmental Quality, Air Quality | 35531 | R307-220-3 | AMD | 03/07/2012 | 2012-1/21 |
| | 36033 | R307-424 | 5YR | 04/05/2012 | 2012-9/79 |
| <u>electric utility industries</u> | | | | | |
| Public Service Commission, Administration | 35505 | R746-310-1 | AMD | 02/07/2012 | 2012-1/38 |
| | 35925 | R746-310-2 | NSC | 03/22/2012 | Not Printed |
| <u>electrologists</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 35853 | R156-11a | 5YR | 02/06/2012 | 2012-5/101 |
| <u>electronic meetings</u> | | | | | |
| Administrative Services, Child Welfare Parental Defense (Office of) | 35206 | R19-1-7 | AMD | 01/12/2012 | 2011-18/7 |
| Administrative Services, Finance | 35975 | R25-20 | NEW | 05/22/2012 | 2012-8/5 |
| Examiners (Board of), Administration | 35497 | R320-101 | NEW | 02/10/2012 | 2011-24/10 |
| <u>electronic participation</u> | | | | | |
| Administrative Services, Archives | 35304 | R17-9 | NEW | 01/30/2012 | 2011-20/6 |

RULES INDEX

| | | | | | | |
|--|-------|--------------|-----|------------|-------------|--|
| <u>elevators</u> | | | | | | |
| Labor Commission, Boiler and Elevator Safety | 35962 | R616-3-3 | AMD | 05/22/2012 | 2012-8/16 | |
| <u>eligibility</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36085 | R414-307 | 5YR | 04/17/2012 | 2012-10/91 | |
| | 35441 | R414-308 | AMD | 02/06/2012 | 2011-23/70 | |
| | 35790 | R414-308 | AMD | 04/01/2012 | 2012-4/14 | |
| Human Services, Child and Family Services | 35895 | R512-1 | 5YR | 02/23/2012 | 2012-6/38 | |
| | 35910 | R512-2 | 5YR | 03/05/2012 | 2012-7/68 | |
| <u>eligibility and priority</u> | | | | | | |
| Human Services, Public Guardian (Office of) | 35759 | R549-1 | 5YR | 02/01/2012 | 2012-4/100 | |
| <u>emergency contact database</u> | | | | | | |
| Public Safety, Driver License | 36283 | R708-47 | EMR | 07/01/2012 | 2012-12/79 | |
| | 36332 | R708-47 | NEW | 08/09/2012 | 2012-13/77 | |
| <u>emergency medical services</u> | | | | | | |
| Health, Family Health and Preparedness, Emergency Medical Services | 36100 | R426-5 | 5YR | 04/26/2012 | 2012-10/92 | |
| | 36182 | R426-16 | AMD | 07/19/2012 | 2012-11/66 | |
| <u>emergency powers</u> | | | | | | |
| Environmental Quality, Air Quality | 36333 | R307-105 | 5YR | 06/06/2012 | 2012-13/101 | |
| <u>emergency preparedness</u> | | | | | | |
| Education, Administration | 36587 | R277-400 | 5YR | 08/01/2012 | 2012-16/190 | |
| <u>emergency vehicle operations range</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 35568 | R728-408 | REP | 05/14/2012 | 2012-2/102 | |
| <u>emission controls</u> | | | | | | |
| Environmental Quality, Air Quality | 35780 | R307-325 | 5YR | 02/01/2012 | 2012-4/84 | |
| | 35785 | R307-340 | 5YR | 02/01/2012 | 2012-4/87 | |
| | 35786 | R307-341 | 5YR | 02/01/2012 | 2012-4/88 | |
| <u>emission fees</u> | | | | | | |
| Environmental Quality, Air Quality | 36339 | R307-415 | 5YR | 06/06/2012 | 2012-13/104 | |
| | 35529 | R307-415-2 | AMD | 03/07/2012 | 2012-1/25 | |
| <u>employee benefit plans</u> | | | | | | |
| Human Resource Management, Administration | 35826 | R477-6 | 5YR | 02/02/2012 | 2012-5/110 | |
| | 36211 | R477-6 | AMD | 07/10/2012 | 2012-11/68 | |
| | 35880 | R477-6-5 | AMD | 07/10/2012 | 2012-6/23 | |
| <u>employee performance evaluations</u> | | | | | | |
| Human Resource Management, Administration | 35830 | R477-10 | 5YR | 02/03/2012 | 2012-5/113 | |
| <u>employee productivity</u> | | | | | | |
| Human Resource Management, Administration | 35830 | R477-10 | 5YR | 02/03/2012 | 2012-5/113 | |
| <u>employee recruitment</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 36095 | R994-402 | 5YR | 04/25/2012 | 2012-10/98 | |
| <u>employee termination</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 36224 | R994-405 | AMD | 07/09/2012 | 2012-11/164 | |
| | 36134 | R994-405-104 | AMD | 07/01/2012 | 2012-10/84 | |
| <u>employee's rights</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 36224 | R994-405 | AMD | 07/09/2012 | 2012-11/164 | |
| | 36134 | R994-405-104 | AMD | 07/01/2012 | 2012-10/84 | |
| <u>employees' rights</u> | | | | | | |
| Human Resource Management, Administration | 35832 | R477-12 | 5YR | 02/03/2012 | 2012-5/114 | |

employment

| | | | | | |
|--|-------|--------------|-----|------------|-------------|
| Human Resource Management, Administration | 35824 | R477-4 | 5YR | 02/02/2012 | 2012-5/109 |
| | 36121 | R477-4 | AMD | 07/02/2012 | 2012-10/55 |
| | 35825 | R477-5 | 5YR | 02/02/2012 | 2012-5/109 |
| Human Services, Aging and Adult Services | 36469 | R510-107 | 5YR | 07/11/2012 | 2012-15/82 |
| Workforce Services, Unemployment Insurance | 36224 | R994-405 | AMD | 07/09/2012 | 2012-11/164 |
| | 36134 | R994-405-104 | AMD | 07/01/2012 | 2012-10/84 |

employment support procedures

| | | | | | |
|--|-------|---------------|-----|------------|------------|
| Workforce Services, Employment Development | 36304 | R986-100-114a | AMD | 07/25/2012 | 2012-12/73 |
|--|-------|---------------|-----|------------|------------|

energy

| | | | | | |
|--|-------|--------|-----|------------|-------------|
| Governor, Energy Development (Office of) | 36701 | R362-2 | 5YR | 08/30/2012 | 2012-18/77 |
| | 36702 | R362-3 | 5YR | 08/30/2012 | 2012-18/78 |
| Natural Resources, Geological Survey | 36593 | R638-2 | NSC | 08/13/2012 | Not Printed |
| | 36597 | R638-3 | NSC | 08/13/2012 | Not Printed |

energy assistance

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| Community and Culture, Home Energy Assistance Target (HEAT) | 36293 | R195-2 | EXT | 05/31/2012 | 2012-12/95 |
| | 36314 | R195-2 | REP | 09/11/2012 | 2012-13/17 |
| | 36294 | R195-3 | EXT | 05/31/2012 | 2012-12/95 |
| | 36315 | R195-3 | REP | 09/11/2012 | 2012-13/20 |
| | 35405 | R195-3-3 | AMD | 03/26/2012 | 2011-23/16 |
| | 36295 | R195-4 | EXT | 05/31/2012 | 2012-12/95 |
| | 36316 | R195-4 | REP | 09/11/2012 | 2012-13/22 |
| | 35406 | R195-5 | AMD | 03/26/2012 | 2011-23/17 |
| | 36296 | R195-5 | EXT | 05/31/2012 | 2012-12/96 |
| | 36317 | R195-5 | REP | 09/11/2012 | 2012-13/23 |
| | 35407 | R195-6 | AMD | 03/26/2012 | 2011-23/18 |
| | 36297 | R195-6 | EXT | 05/31/2012 | 2012-12/96 |
| | 36318 | R195-6 | REP | 09/11/2012 | 2012-13/24 |
| | 35408 | R195-7 | AMD | 03/26/2012 | 2011-23/19 |
| | 36298 | R195-7 | EXT | 05/31/2012 | 2012-12/96 |
| | 36319 | R195-7 | REP | 09/11/2012 | 2012-13/25 |
| | 35409 | R195-8 | AMD | 03/26/2012 | 2011-23/20 |
| | 36302 | R195-8 | EXT | 05/31/2012 | 2012-12/96 |
| | 36320 | R195-8 | REP | 09/11/2012 | 2012-13/26 |
| Workforce Services, Administration | 36194 | R982-402 | NEW | 07/09/2012 | 2012-11/127 |
| | 36513 | R982-402 | NSC | 07/31/2012 | Not Printed |
| | 36196 | R982-403 | NEW | 07/09/2012 | 2012-11/130 |
| | 36514 | R982-403 | NSC | 07/31/2012 | Not Printed |
| | 36197 | R982-404 | NEW | 07/09/2012 | 2012-11/132 |
| | 36515 | R982-404 | NSC | 07/31/2012 | Not Printed |
| | 36207 | R982-405 | NEW | 07/09/2012 | 2012-11/133 |
| | 36516 | R982-405 | NSC | 07/31/2012 | Not Printed |
| | 36209 | R982-406 | NEW | 07/09/2012 | 2012-11/134 |
| | 36517 | R982-406 | NSC | 07/31/2012 | Not Printed |
| | 36210 | R982-407 | NEW | 07/09/2012 | 2012-11/135 |
| | 36518 | R982-407 | NSC | 07/31/2012 | Not Printed |
| | 36212 | R982-408 | NEW | 07/09/2012 | 2012-11/136 |
| | 36519 | R982-408 | NSC | 07/31/2012 | Not Printed |

energy efficiency

| | | | | | |
|--------------------------------------|-------|--------|-----|------------|-----------|
| Natural Resources, Geological Survey | 35685 | R638-3 | EMR | 02/01/2012 | 2012-3/97 |
|--------------------------------------|-------|--------|-----|------------|-----------|

energy industries

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| Community and Culture, Home Energy Assistance Target (HEAT) | 35409 | R195-8 | AMD | 03/26/2012 | 2011-23/20 |
| | 36302 | R195-8 | EXT | 05/31/2012 | 2012-12/96 |
| | 36320 | R195-8 | REP | 09/11/2012 | 2012-13/26 |
| Workforce Services, Administration | 36212 | R982-408 | NEW | 07/09/2012 | 2012-11/136 |
| | 36519 | R982-408 | NSC | 07/31/2012 | Not Printed |

energy utility

| | | | | | |
|---|-------|----------|-----|------------|-----------|
| Public Service Commission, Administration | 35924 | R746-440 | 5YR | 03/08/2012 | 2012-7/73 |
|---|-------|----------|-----|------------|-----------|

RULES INDEX

enforcement

| | | | | | |
|--|-------|----------|-----|------------|-----------|
| Commerce, Real Estate | 36079 | R162-2c | AMD | 06/07/2012 | 2012-9/12 |
| Natural Resources, Oil, Gas and Mining; Coal | 36001 | R645-403 | NEW | 05/23/2012 | 2012-8/58 |

enrollment

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 35936 | R277-485 | AMD | 05/08/2012 | 2012-7/33 |
| | 36153 | R277-612 | 5YR | 05/07/2012 | 2012-11/179 |

enrollment options

| | | | | | |
|---------------------------|-------|------------|-----|------------|------------|
| Education, Administration | 36200 | R277-437-3 | AMD | 07/09/2012 | 2012-11/17 |
|---------------------------|-------|------------|-----|------------|------------|

enterprise zones

| | | | | | |
|--------------------------|-------|------------|-----|------------|-------------|
| Tax Commission, Auditing | 35600 | R865-9I | 5YR | 01/03/2012 | 2012-2/127 |
| | 36173 | R865-9I-49 | AMD | 07/26/2012 | 2012-11/116 |

environment

| | | | | | |
|--------------------------|-------|----------|-----|------------|------------|
| Tax Commission, Auditing | 35603 | R865-13G | 5YR | 01/03/2012 | 2012-2/131 |
|--------------------------|-------|----------|-----|------------|------------|

environmental analysis

| | | | | | |
|--|-------|---------|-----|------------|------------|
| Environmental Quality, Radiation Control | 36277 | R313-24 | 5YR | 05/24/2012 | 2012-12/84 |
|--|-------|---------|-----|------------|------------|

environmental assessment

| | | | | | |
|---|-------|---------|-----|------------|-----------|
| Natural Resources, Forestry, Fire and State Lands | 36015 | R652-90 | 5YR | 04/02/2012 | 2012-8/88 |
|---|-------|---------|-----|------------|-----------|

environmental health scientist

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Commerce, Occupational and Professional Licensing | 35430 | R156-20a | AMD | 01/10/2012 | 2011-23/10 |
| | 36484 | R156-20a | AMD | 09/11/2012 | 2012-15/8 |

environmental health scientist-in-training

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Commerce, Occupational and Professional Licensing | 35430 | R156-20a | AMD | 01/10/2012 | 2011-23/10 |
| | 36484 | R156-20a | AMD | 09/11/2012 | 2012-15/8 |

Equine Viral Arteritis (EVA)

| | | | | | |
|---------------------------------------|-------|--------|-----|------------|-----------|
| Agriculture and Food, Animal Industry | 35693 | R58-23 | 5YR | 01/18/2012 | 2012-4/61 |
|---------------------------------------|-------|--------|-----|------------|-----------|

equipment

| | | | | | |
|--------------------------------------|-------|----------|-----|------------|-----------|
| Environmental Quality, Air Quality | 35775 | R307-120 | 5YR | 02/01/2012 | 2012-4/81 |
| Environmental Quality, Water Quality | 35726 | R317-12 | 5YR | 01/25/2012 | 2012-4/89 |

essential facilities

| | | | | | |
|---|-------|----------|-----|------------|-----------|
| Public Service Commission, Administration | 35916 | R746-349 | 5YR | 03/06/2012 | 2012-7/71 |
|---|-------|----------|-----|------------|-----------|

essential health benefit insurance

| | | | | | |
|---------------------------|-------|----------|-----|------------|------------|
| Insurance, Administration | 36703 | R590-266 | EMR | 08/30/2012 | 2012-18/73 |
|---------------------------|-------|----------|-----|------------|------------|

estheticians

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Commerce, Occupational and Professional Licensing | 35853 | R156-11a | 5YR | 02/06/2012 | 2012-5/101 |
|---|-------|----------|-----|------------|------------|

evaluation cycles

| | | | | | |
|--|-------|--------|-----|------------|-----------|
| Judicial Performance Evaluation Commission, Administration | 35930 | R597-3 | EMR | 03/15/2012 | 2012-7/57 |
| | 35934 | R597-3 | AMD | 06/01/2012 | 2012-7/50 |

ex-convicts

| | | | | | |
|---|-------|---------|-----|------------|------------|
| Human Services, Juvenile Justice Services | 36227 | R547-10 | 5YR | 05/16/2012 | 2012-12/86 |
|---|-------|---------|-----|------------|------------|

exceptional children

| | | | | | |
|---------------------------|-------|----------|-----|------------|-----------|
| Education, Administration | 35539 | R277-751 | AMD | 02/07/2012 | 2012-1/18 |
|---------------------------|-------|----------|-----|------------|-----------|

excess emissions

| | | | | | |
|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 35865 | R307-107 | R&R | 07/31/2012 | 2012-5/31 |
| | 35865 | R307-107 | CPR | 07/31/2012 | 2012-13/89 |

executions

| | | | | | |
|-----------------------------|-------|----------|-----|------------|------------|
| Corrections, Administration | 35761 | R251-107 | EXD | 01/18/2012 | 2012-4/123 |
| | 35768 | R251-107 | EMR | 02/01/2012 | 2012-4/47 |
| | 35806 | R251-107 | NEW | 04/09/2012 | 2012-5/13 |

| | | | | | |
|---|-------|--------------|-----|------------|-------------|
| <u>expansion</u> | | | | | |
| Education, Administration | 35453 | R277-482 | NEW | 01/10/2012 | 2011-23/38 |
| | 36368 | R277-482 | AMD | 08/08/2012 | 2012-13/54 |
| <u>expelled</u> | | | | | |
| Education, Administration | 36071 | R277-483-4 | AMD | 06/07/2012 | 2012-9/36 |
| <u>expert witnesses</u> | | | | | |
| Attorney General, Administration | 35904 | R105-1 | NEW | 04/24/2012 | 2012-6/6 |
| <u>extended benefits</u> | | | | | |
| Workforce Services, Unemployment Insurance | 36095 | R994-402 | 5YR | 04/25/2012 | 2012-10/98 |
| <u>extended school year</u> | | | | | |
| Education, Administration | 35539 | R277-751 | AMD | 02/07/2012 | 2012-1/18 |
| <u>extended-day</u> | | | | | |
| Education, Administration | 36372 | R277-489 | 5YR | 06/15/2012 | 2012-13/100 |
| <u>extinguishers</u> | | | | | |
| Public Safety, Fire Marshal | 36198 | R710-1 | 5YR | 05/15/2012 | 2012-11/183 |
| <u>facilities</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 35596 | R525-8 | AMD | 02/21/2012 | 2012-2/100 |
| <u>facilities use</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 36146 | R23-19 | 5YR | 05/03/2012 | 2012-11/177 |
| Capitol Preservation Board (State), Administration | 35899 | R131-3 | EXT | 02/29/2012 | 2012-6/43 |
| | 36359 | R131-3 | 5YR | 06/13/2012 | 2012-13/97 |
| <u>facility</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36106 | R414-9-5 | AMD | 07/01/2012 | 2012-10/37 |
| <u>factory built housing</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 35735 | R156-56 | 5YR | 01/31/2012 | 2012-4/62 |
| <u>faculty</u> | | | | | |
| Education, Administration | 36639 | R277-401 | 5YR | 08/14/2012 | 2012-17/101 |
| <u>fair employment practices</u> | | | | | |
| Human Resource Management, Administration | 35822 | R477-2 | 5YR | 02/02/2012 | 2012-5/108 |
| | 36119 | R477-2 | AMD | 07/02/2012 | 2012-10/51 |
| | 35824 | R477-4 | 5YR | 02/02/2012 | 2012-5/109 |
| | 36121 | R477-4 | AMD | 07/02/2012 | 2012-10/55 |
| <u>falconry</u> | | | | | |
| Natural Resources, Wildlife Resources | 35734 | R657-20 | AMD | 04/02/2012 | 2012-4/25 |
| <u>family employment program</u> | | | | | |
| Workforce Services, Employment Development | 35919 | R986-200-214 | AMD | 05/22/2012 | 2012-7/54 |
| | 36133 | R986-200-221 | AMD | 08/01/2012 | 2012-10/83 |
| | 35501 | R986-200-247 | AMD | 02/01/2012 | 2011-24/78 |
| <u>federal law</u> | | | | | |
| Financial Institutions, Credit Unions | 35700 | R337-10 | 5YR | 01/20/2012 | 2012-4/90 |
| <u>fees</u> | | | | | |
| Administrative Services, Finance | 35663 | R25-14 | 5YR | 01/12/2012 | 2012-3/105 |
| Corrections, Administration | 36312 | R251-401 | 5YR | 06/05/2012 | 2012-13/99 |
| Environmental Quality, Air Quality | 36338 | R307-414 | 5YR | 06/06/2012 | 2012-13/104 |
| Environmental Quality, Environmental Response and Remediation | 36047 | R311-203 | 5YR | 04/10/2012 | 2012-9/84 |
| Human Services, Child and Family Services | 36044 | R512-51 | 5YR | 04/09/2012 | 2012-9/93 |

RULES INDEX

| | | | | | |
|---|-------|---------------|-----|------------|-------------|
| Natural Resources, Parks and Recreation | 36235 | R651-227 | AMD | 07/23/2012 | 2012-12/53 |
| Public Safety, Highway Patrol | 36436 | R714-550 | 5YR | 07/02/2012 | 2012-14/77 |
| <u>filing</u> | | | | | |
| Public Service Commission, Administration | 35506 | R746-800 | REP | 02/07/2012 | 2012-1/43 |
| <u>filing deadlines</u> | | | | | |
| Labor Commission, Adjudication | 36399 | R602-1 | 5YR | 06/19/2012 | 2012-14/70 |
| Labor Commission, Industrial Accidents | 36402 | R612-1 | 5YR | 06/19/2012 | 2012-14/71 |
| | 36454 | R612-1-10 | NSC | 07/25/2012 | Not Printed |
| Workforce Services, Unemployment Insurance | 36223 | R994-403 | AMD | 07/09/2012 | 2012-11/159 |
| | 35448 | R994-403-112c | AMD | 01/17/2012 | 2011-23/98 |
| <u>filing fees</u> | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 36007 | R652-4 | 5YR | 04/02/2012 | 2012-8/83 |
| School and Institutional Trust Lands, Administration | 36408 | R850-4 | 5YR | 06/27/2012 | 2012-14/77 |
| <u>filing requirements</u> | | | | | |
| Public Service Commission, Administration | 36166 | R746-420 | 5YR | 05/10/2012 | 2012-11/183 |
| | 35924 | R746-440 | 5YR | 03/08/2012 | 2012-7/73 |
| <u>financial aid</u> | | | | | |
| Regents (Board Of), Administration | 36272 | R765-607 | REP | 08/28/2012 | 2012-12/69 |
| <u>financial disclosures</u> | | | | | |
| Community and Culture, Home Energy Assistance Target (HEAT) | 36295 | R195-4 | EXT | 05/31/2012 | 2012-12/95 |
| | 36316 | R195-4 | REP | 09/11/2012 | 2012-13/22 |
| Workforce Services, Administration | 36197 | R982-404 | NEW | 07/09/2012 | 2012-11/132 |
| | 36515 | R982-404 | NSC | 07/31/2012 | Not Printed |
| <u>financial institutions</u> | | | | | |
| Financial Institutions, Administration | 36527 | R331-5 | 5YR | 07/20/2012 | 2012-16/193 |
| | 35684 | R331-7 | AMD | 03/09/2012 | 2012-3/46 |
| | 36532 | R331-7 | 5YR | 07/20/2012 | 2012-16/193 |
| | 36528 | R331-9 | 5YR | 07/20/2012 | 2012-16/194 |
| | 36529 | R331-10 | 5YR | 07/20/2012 | 2012-16/194 |
| | 36530 | R331-12 | 5YR | 07/20/2012 | 2012-16/195 |
| | 36531 | R331-14 | 5YR | 07/20/2012 | 2012-16/195 |
| | 36021 | R331-22 | EXT | 04/02/2012 | 2012-8/91 |
| | 36533 | R331-22 | 5YR | 07/20/2012 | 2012-16/196 |
| Financial Institutions, Credit Unions | 35700 | R337-10 | 5YR | 01/20/2012 | 2012-4/90 |
| Financial Institutions, Nondepository Lenders | 35628 | R343-1 | 5YR | 01/06/2012 | 2012-3/114 |
| <u>financial requirements</u> | | | | | |
| Commerce, Securities | 36461 | R164-5 | 5YR | 07/11/2012 | 2012-15/76 |
| <u>financial responsibility</u> | | | | | |
| Environmental Quality, Environmental Response and Remediation | 36051 | R311-207 | 5YR | 04/10/2012 | 2012-9/87 |
| <u>financial statements</u> | | | | | |
| Commerce, Securities | 36538 | R164-10 | 5YR | 07/25/2012 | 2012-16/185 |
| <u>financing of programs</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 36310 | R523-20 | 5YR | 06/05/2012 | 2012-13/107 |
| <u>fire authority</u> | | | | | |
| Environmental Quality, Air Quality | 35923 | R307-202 | R&R | 07/31/2012 | 2012-7/38 |
| | 35923 | R307-202 | CPR | 07/31/2012 | 2012-13/91 |
| <u>fire prevention</u> | | | | | |
| Public Safety, Fire Marshal | 36198 | R710-1 | 5YR | 05/15/2012 | 2012-11/183 |
| | 36278 | R710-4 | 5YR | 05/24/2012 | 2012-12/89 |
| | 36022 | R710-4-3 | AMD | 05/22/2012 | 2012-8/60 |
| | 36188 | R710-7-2 | AMD | 07/10/2012 | 2012-11/92 |

| | | | | | |
|--|-------|-----------|-----|------------|-------------|
| | 35929 | R710-8 | 5YR | 03/13/2012 | 2012-7/71 |
| <u>fire prevention law</u> | | | | | |
| Public Safety, Fire Marshal | 36343 | R710-9 | 5YR | 06/07/2012 | 2012-13/114 |
| <u>fire prevention systems</u> | | | | | |
| Public Safety, Fire Marshal | 36250 | R710-7 | 5YR | 05/21/2012 | 2012-12/89 |
| <u>fire training</u> | | | | | |
| Public Safety, Fire Marshal | 36023 | R710-10-5 | AMD | 05/22/2012 | 2012-8/62 |
| <u>firearms</u> | | | | | |
| Human Services, Juvenile Justice Services | 36043 | R547-14 | 5YR | 04/09/2012 | 2012-9/93 |
| Natural Resources, Parks and Recreation | 36229 | R651-612 | REP | 07/23/2012 | 2012-12/57 |
| Public Safety, Peace Officer Standards and Training | 35568 | R728-408 | REP | 05/14/2012 | 2012-2/102 |
| <u>fireworks</u> | | | | | |
| Public Safety, Fire Marshal | 35690 | R710-2 | AMD | 03/09/2012 | 2012-3/73 |
| | 36251 | R710-2 | 5YR | 05/21/2012 | 2012-12/87 |
| <u>fiscal</u> | | | | | |
| Natural Resources, Parks and Recreation | 36225 | R651-301 | 5YR | 05/16/2012 | 2012-12/86 |
| <u>fish</u> | | | | | |
| Natural Resources, Wildlife Resources | 35440 | R657-13 | AMD | 01/10/2012 | 2011-23/75 |
| | 36394 | R657-16 | AMD | 08/21/2012 | 2012-14/36 |
| | 36689 | R657-16 | NSC | 09/14/2012 | Not Printed |
| | 35439 | R657-58 | AMD | 01/10/2012 | 2011-23/79 |
| | 35438 | R657-59 | AMD | 01/10/2012 | 2011-23/80 |
| | 36396 | R657-59 | AMD | 08/21/2012 | 2012-14/45 |
| <u>fishing</u> | | | | | |
| Natural Resources, Wildlife Resources | 35440 | R657-13 | AMD | 01/10/2012 | 2011-23/75 |
| | 36152 | R657-30 | 5YR | 05/04/2012 | 2012-11/182 |
| | 35439 | R657-58 | AMD | 01/10/2012 | 2011-23/79 |
| <u>fleet expansion</u> | | | | | |
| Administrative Services, Fleet Operations | 35622 | R27-4 | 5YR | 01/05/2012 | 2012-3/105 |
| <u>food establishment registration</u> | | | | | |
| Agriculture and Food, Regulatory Services | 35662 | R70-560 | 5YR | 01/12/2012 | 2012-3/111 |
| <u>food inspection</u> | | | | | |
| Agriculture and Food, Animal Industry | 36249 | R58-10 | REP | 07/26/2012 | 2012-12/9 |
| | 36248 | R58-16 | REP | 07/26/2012 | 2012-12/10 |
| <u>food inspections</u> | | | | | |
| Agriculture and Food, Animal Industry | 35866 | R58-11 | AMD | 05/15/2012 | 2012-5/5 |
| | 36144 | R58-11 | NSC | 05/30/2012 | Not Printed |
| Agriculture and Food, Regulatory Services | 35661 | R70-320 | 5YR | 01/12/2012 | 2012-3/109 |
| | 35658 | R70-350 | 5YR | 01/12/2012 | 2012-3/109 |
| | 35657 | R70-360 | 5YR | 01/12/2012 | 2012-3/110 |
| <u>food safety</u> | | | | | |
| Agriculture and Food, Regulatory Services | 36147 | R70-520 | NEW | 07/10/2012 | 2012-11/6 |
| | 35920 | R70-530 | 5YR | 03/07/2012 | 2012-7/63 |
| | 35662 | R70-560 | 5YR | 01/12/2012 | 2012-3/111 |
| <u>food sales tax refunds</u> | | | | | |
| Community and Culture, Housing and Community Development, Community Services | 36325 | R202-100 | REP | 09/11/2012 | 2012-13/39 |
| Workforce Services, Housing and Community Development | 36221 | R990-100 | NEW | 07/09/2012 | 2012-11/151 |
| | 36525 | R990-100 | NSC | 07/31/2012 | Not Printed |
| <u>food services</u> | | | | | |
| Health, Disease Control and Prevention, | 35715 | R392-100 | 5YR | 01/20/2012 | 2012-4/91 |

RULES INDEX

| | | | | | |
|---|-------|--------------|-----|------------|-------------|
| Environmental Services | | | | | |
| | 35445 | R392-100 | AMD | 01/26/2012 | 2011-23/62 |
| | 36404 | R392-100 | AMD | 09/10/2012 | 2012-14/16 |
| <u>food stamps</u> | | | | | |
| Workforce Services, Employment Development | 35993 | R986-900-902 | AMD | 07/01/2012 | 2012-8/67 |
| | 36300 | R986-900-902 | AMD | 07/25/2012 | 2012-12/75 |
| <u>foreign exchange students</u> | | | | | |
| Education, Administration | 36153 | R277-612 | 5YR | 05/07/2012 | 2012-11/179 |
| <u>forensic</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 35596 | R525-8 | AMD | 02/21/2012 | 2012-2/100 |
| <u>forest practices</u> | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 35698 | R652-140 | 5YR | 01/19/2012 | 2012-4/108 |
| <u>foster care</u> | | | | | |
| Human Services, Administration | 36284 | R495-884 | NEW | 08/15/2012 | 2012-12/39 |
| Human Services, Child and Family Services | 35910 | R512-2 | 5YR | 03/05/2012 | 2012-7/68 |
| | 35911 | R512-31 | 5YR | 03/05/2012 | 2012-7/68 |
| | 35912 | R512-32 | 5YR | 03/05/2012 | 2012-7/69 |
| | 36044 | R512-51 | 5YR | 04/09/2012 | 2012-9/93 |
| <u>franchises</u> | | | | | |
| Commerce, Administration | 36329 | R151-35 | 5YR | 06/05/2012 | 2012-13/97 |
| Commerce, Consumer Protection | 35965 | R152-15 | 5YR | 03/22/2012 | 2012-8/71 |
| Tax Commission, Auditing | 35599 | R865-6F | 5YR | 01/03/2012 | 2012-2/126 |
| | 36170 | R865-6F-6 | AMD | 07/26/2012 | 2012-11/113 |
| <u>fraud</u> | | | | | |
| Commerce, Securities | 36459 | R164-1 | 5YR | 07/11/2012 | 2012-15/75 |
| Human Services, Recovery Services | 36677 | R527-928 | 5YR | 08/21/2012 | 2012-18/82 |
| <u>free speech</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 36148 | R23-20 | 5YR | 05/03/2012 | 2012-11/178 |
| <u>free speech activities</u> | | | | | |
| Capitol Preservation Board (State), Administration | 35688 | R131-11 | 5YR | 01/17/2012 | 2012-3/112 |
| <u>freedom of information</u> | | | | | |
| Administrative Services, Administration | 36285 | R13-2-4 | AMD | 08/07/2012 | 2012-12/8 |
| Natural Resources, Parks and Recreation | 36060 | R651-102 | 5YR | 04/11/2012 | 2012-9/98 |
| Natural Resources, Wildlife Resources | 36131 | R657-29 | 5YR | 05/01/2012 | 2012-10/95 |
| <u>fuel</u> | | | | | |
| Tax Commission, Auditing | 35598 | R865-4D | 5YR | 01/03/2012 | 2012-2/125 |
| <u>fuel dispensing</u> | | | | | |
| Administrative Services, Fleet Operations | 35620 | R27-6 | 5YR | 01/05/2012 | 2012-3/106 |
| <u>functional classification</u> | | | | | |
| Transportation, Program Development | 35959 | R926-4 | 5YR | 03/20/2012 | 2012-8/90 |
| | 35960 | R926-4 | NSC | 04/11/2012 | Not Printed |
| <u>funding formula</u> | | | | | |
| Human Services, Aging and Adult Services | 36478 | R510-100 | 5YR | 07/11/2012 | 2012-15/79 |
| <u>funeral directors</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 36117 | R156-9 | AMD | 06/21/2012 | 2012-10/17 |
| <u>funeral industries</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 36117 | R156-9 | AMD | 06/21/2012 | 2012-10/17 |

| | | | | | | |
|---|-------|-------------|-----|------------|-------------|--|
| <u>game birds</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36150 | R657-22 | 5YR | 05/04/2012 | 2012-11/182 | |
| <u>game laws</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36280 | R657-4 | 5YR | 05/29/2012 | 2012-12/87 | |
| | 35520 | R657-5 | AMD | 02/07/2012 | 2012-1/29 | |
| | 36158 | R657-5 | AMD | 07/09/2012 | 2012-11/85 | |
| | 36448 | R657-14 | 5YR | 07/09/2012 | 2012-15/88 | |
| | 35209 | R657-17 | AMD | 01/10/2012 | 2011-18/63 | |
| | 35733 | R657-33 | AMD | 04/02/2012 | 2012-4/32 | |
| | 36363 | R657-64 | NEW | 08/07/2012 | 2012-13/72 | |
| | 36545 | R657-64 | NSC | 08/08/2012 | Not Printed | |
| <u>gasoline</u> | | | | | | |
| Environmental Quality, Air Quality | 35778 | R307-301 | 5YR | 02/01/2012 | 2012-4/83 | |
| | 35781 | R307-326 | 5YR | 02/01/2012 | 2012-4/85 | |
| | 35782 | R307-327 | 5YR | 02/01/2012 | 2012-4/86 | |
| Tax Commission, Auditing | 35603 | R865-13G | 5YR | 01/03/2012 | 2012-2/131 | |
| <u>gasoline transport</u> | | | | | | |
| Environmental Quality, Air Quality | 35783 | R307-328 | 5YR | 02/01/2012 | 2012-4/86 | |
| <u>genetic counselors</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 36183 | R156-75 | AMD | 07/09/2012 | 2012-11/15 | |
| | 36450 | R156-75-102 | NSC | 07/25/2012 | Not Printed | |
| <u>geology</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35894 | R156-76 | 5YR | 02/21/2012 | 2012-6/37 | |
| <u>geothermal resources</u> | | | | | | |
| Natural Resources, Water Rights | 36376 | R655-1 | 5YR | 06/15/2012 | 2012-13/112 | |
| <u>government documents</u> | | | | | | |
| Community and Culture, Home Energy Assistance Target (HEAT) | 35408 | R195-7 | AMD | 03/26/2012 | 2011-23/19 | |
| | 36298 | R195-7 | EXT | 05/31/2012 | 2012-12/96 | |
| | 36319 | R195-7 | REP | 09/11/2012 | 2012-13/25 | |
| Environmental Quality, Administration | 35928 | R305-1 | 5YR | 03/13/2012 | 2012-7/65 | |
| Health, Administration | 36025 | R380-20 | 5YR | 04/03/2012 | 2012-9/92 | |
| Human Services, Administration | 35689 | R495-810 | 5YR | 01/17/2012 | 2012-3/115 | |
| Natural Resources, Forestry, Fire and State Lands | 36018 | R652-6 | 5YR | 04/02/2012 | 2012-8/84 | |
| Natural Resources, Parks and Recreation | 36060 | R651-102 | 5YR | 04/11/2012 | 2012-9/98 | |
| Natural Resources, Wildlife Resources | 36131 | R657-29 | 5YR | 05/01/2012 | 2012-10/95 | |
| School and Institutional Trust Lands, Administration | 36410 | R850-6 | 5YR | 06/27/2012 | 2012-14/78 | |
| Transportation, Administration | 35672 | R907-69 | NEW | 03/12/2012 | 2012-3/81 | |
| Workforce Services, Administration | 36210 | R982-407 | NEW | 07/09/2012 | 2012-11/135 | |
| | 36518 | R982-407 | NSC | 07/31/2012 | Not Printed | |
| <u>government ethics</u> | | | | | | |
| Human Resource Management, Administration | 35829 | R477-9 | 5YR | 02/02/2012 | 2012-5/112 | |
| | 36125 | R477-9 | AMD | 07/02/2012 | 2012-10/76 | |
| <u>government hearings</u> | | | | | | |
| Agriculture and Food, Administration | 35614 | R51-2 | 5YR | 01/04/2012 | 2012-3/107 | |
| Commerce, Administration | 36104 | R151-4-306 | AMD | 06/21/2012 | 2012-10/16 | |
| | 36416 | R151-4-306 | AMD | 08/21/2012 | 2012-14/4 | |
| Commerce, Consumer Protection | 35974 | R152-6 | 5YR | 03/26/2012 | 2012-8/71 | |
| Financial Institutions, Administration | 36528 | R331-9 | 5YR | 07/20/2012 | 2012-16/194 | |
| Human Resource Management, Administration | 35831 | R477-11 | 5YR | 02/03/2012 | 2012-5/114 | |
| | 36126 | R477-11 | AMD | 07/02/2012 | 2012-10/79 | |
| Pardons (Board Of), Administration | 35739 | R671-205 | 5YR | 01/31/2012 | 2012-4/111 | |
| | 35744 | R671-304 | 5YR | 01/31/2012 | 2012-4/113 | |
| | 35745 | R671-305 | 5YR | 01/31/2012 | 2012-4/114 | |
| | 35551 | R671-305 | AMD | 03/26/2012 | 2012-2/101 | |
| | 36549 | R671-403 | 5YR | 07/27/2012 | 2012-16/198 | |
| Public Service Commission, Administration | 35508 | R746-100 | AMD | 02/07/2012 | 2012-1/30 | |
| | 35900 | R746-100 | AMD | 05/07/2012 | 2012-6/24 | |

RULES INDEX

| | | | | | |
|--|-------|------------|-----|------------|-------------|
| | 36195 | R746-100 | AMD | 07/09/2012 | 2012-11/94 |
| <u>government paperwork</u> | | | | | |
| Transportation, Administration | 35670 | R907-60 | REP | 03/12/2012 | 2012-3/80 |
| <u>government purchasing</u> | | | | | |
| Administrative Services, Purchasing and General Services | 35664 | R33-1 | AMD | 03/30/2012 | 2012-3/4 |
| | 36423 | R33-1 | 5YR | 07/02/2012 | 2012-14/61 |
| | 36424 | R33-2 | 5YR | 07/02/2012 | 2012-14/61 |
| | 35613 | R33-3 | AMD | 03/30/2012 | 2012-2/6 |
| | 36425 | R33-3 | 5YR | 07/02/2012 | 2012-14/62 |
| | 35667 | R33-3-7 | AMD | 03/30/2012 | 2012-3/6 |
| | 35665 | R33-4 | AMD | 03/30/2012 | 2012-3/10 |
| | 36426 | R33-4 | 5YR | 07/02/2012 | 2012-14/62 |
| | 36428 | R33-5 | 5YR | 07/02/2012 | 2012-14/63 |
| | 35666 | R33-6-101 | AMD | 03/30/2012 | 2012-3/12 |
| | 36430 | R33-8 | 5YR | 07/02/2012 | 2012-14/63 |
| School and Institutional Trust Lands, Administration | 36088 | R850-11 | 5YR | 04/24/2012 | 2012-10/95 |
| <u>governmental immunity act caps</u> | | | | | |
| Administrative Services, Risk Management | 36289 | R37-4 | 5YR | 05/30/2012 | 2012-12/83 |
| | 35844 | R37-4 | AMD | 05/31/2012 | 2012-5/4 |
| <u>governor</u> | | | | | |
| Environmental Quality, Air Quality | 36333 | R307-105 | 5YR | 06/06/2012 | 2012-13/101 |
| <u>grading system</u> | | | | | |
| Education, Administration | 35875 | R277-497 | NEW | 04/10/2012 | 2012-5/24 |
| | 36202 | R277-497-3 | AMD | 07/09/2012 | 2012-11/22 |
| <u>graduation requirements</u> | | | | | |
| Education, Administration | 35537 | R277-703 | AMD | 02/07/2012 | 2012-1/14 |
| | 36648 | R277-703 | 5YR | 08/14/2012 | 2012-17/105 |
| <u>GRAMA</u> | | | | | |
| Environmental Quality, Administration | 35928 | R305-1 | 5YR | 03/13/2012 | 2012-7/65 |
| Health, Administration | 36025 | R380-20 | 5YR | 04/03/2012 | 2012-9/92 |
| Natural Resources, Forestry, Fire and State Lands | 36018 | R652-6 | 5YR | 04/02/2012 | 2012-8/84 |
| Regents (Board Of), College of Eastern Utah | 36391 | R767-1 | EXT | 06/18/2012 | 2012-14/83 |
| School and Institutional Trust Lands, Administration | 36410 | R850-6 | 5YR | 06/27/2012 | 2012-14/78 |
| Transportation, Administration | 35672 | R907-69 | NEW | 03/12/2012 | 2012-3/81 |
| <u>GRAMA compliance</u> | | | | | |
| Human Services, Recovery Services | 35631 | R527-5 | 5YR | 01/06/2012 | 2012-3/116 |
| <u>grants</u> | | | | | |
| Community and Culture, Housing and Community Development | 36321 | R199-8 | REP | 09/11/2012 | 2012-13/28 |
| | 36322 | R199-9 | REP | 09/11/2012 | 2012-13/32 |
| | 36324 | R199-11 | REP | 09/11/2012 | 2012-13/36 |
| Community and Culture, Housing and Community Development, Community Services | 36325 | R202-100 | REP | 09/11/2012 | 2012-13/39 |
| Education, Administration | 36364 | R277-408 | NEW | 08/08/2012 | 2012-13/49 |
| | 35671 | R277-511 | 5YR | 01/17/2012 | 2012-3/113 |
| | 35678 | R277-511 | REP | 03/12/2012 | 2012-3/28 |
| | 36374 | R277-618 | NEW | 08/08/2012 | 2012-13/63 |
| Environmental Quality, Water Quality | 36456 | R317-100 | 5YR | 07/11/2012 | 2012-15/78 |
| Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation | 35800 | R643-886 | 5YR | 02/01/2012 | 2012-4/105 |
| Workforce Services, Housing and Community Development | 36216 | R990-8 | NEW | 07/09/2012 | 2012-11/140 |
| | 36521 | R990-8 | NSC | 07/31/2012 | Not Printed |
| | 36217 | R990-9 | NEW | 07/09/2012 | 2012-11/144 |
| | 36522 | R990-9 | NSC | 07/31/2012 | Not Printed |
| | 36219 | R990-11 | NEW | 07/09/2012 | 2012-11/148 |
| | 36524 | R990-11 | NSC | 07/31/2012 | Not Printed |

| | | | | | |
|---|-------|-------------|-----|------------|-------------|
| | 36221 | R990-100 | NEW | 07/09/2012 | 2012-11/151 |
| | 36525 | R990-100 | NSC | 07/31/2012 | Not Printed |
| <u>greenhouse gases</u> | | | | | |
| Environmental Quality, Air Quality | 36334 | R307-401 | 5YR | 06/06/2012 | 2012-13/101 |
| | 36154 | R307-401-11 | NSC | 05/30/2012 | Not Printed |
| | 35413 | R307-405 | AMD | 02/02/2012 | 2011-23/42 |
| | 35872 | R307-405-3 | NSC | 02/29/2012 | Not Printed |
| | 36339 | R307-415 | 5YR | 06/06/2012 | 2012-13/104 |
| | 35529 | R307-415-2 | AMD | 03/07/2012 | 2012-1/25 |
| <u>grievance procedures</u> | | | | | |
| Career Service Review Office, Administration | 35559 | R137-1-21 | AMD | 02/21/2012 | 2012-2/26 |
| Health, Administration | 36099 | R380-100 | 5YR | 04/26/2012 | 2012-10/90 |
| Human Services, Administration | 35717 | R495-878 | 5YR | 01/23/2012 | 2012-4/99 |
| Tax Commission, Administration | 35595 | R861-1A | 5YR | 01/03/2012 | 2012-2/122 |
| | 35862 | R861-1A-9 | AMD | 04/12/2012 | 2012-5/93 |
| | 36061 | R861-1A-16 | AMD | 06/14/2012 | 2012-9/65 |
| | 36172 | R861-1A-20 | AMD | 07/26/2012 | 2012-11/111 |
| | 36361 | R861-1A-26 | AMD | 08/27/2012 | 2012-13/78 |
| <u>grievances</u> | | | | | |
| Commerce, Administration | 35897 | R151-3 | 5YR | 02/28/2012 | 2012-6/35 |
| Human Resource Management, Administration | 35823 | R477-3 | 5YR | 02/02/2012 | 2012-5/108 |
| | 36120 | R477-3 | AMD | 07/02/2012 | 2012-10/54 |
| | 35831 | R477-11 | 5YR | 02/03/2012 | 2012-5/114 |
| | 36126 | R477-11 | AMD | 07/02/2012 | 2012-10/79 |
| | 35832 | R477-12 | 5YR | 02/03/2012 | 2012-5/114 |
| <u>ground water</u> | | | | | |
| Environmental Quality, Water Quality | 36544 | R317-6 | 5YR | 07/26/2012 | 2012-16/192 |
| <u>guardianship</u> | | | | | |
| Human Services, Public Guardian (Office of) | 35759 | R549-1 | 5YR | 02/01/2012 | 2012-4/100 |
| <u>halfway houses</u> | | | | | |
| Corrections, Administration | 35755 | R251-306 | EXT | 01/31/2012 | 2012-4/121 |
| | 36040 | R251-306 | 5YR | 04/06/2012 | 2012-9/77 |
| <u>Hatch Act</u> | | | | | |
| Human Resource Management, Administration | 35829 | R477-9 | 5YR | 02/02/2012 | 2012-5/112 |
| | 36125 | R477-9 | AMD | 07/02/2012 | 2012-10/76 |
| <u>hazardous air pollutant</u> | | | | | |
| Environmental Quality, Air Quality | 35922 | R307-214 | AMD | 06/07/2012 | 2012-7/42 |
| | 36337 | R307-410 | 5YR | 06/06/2012 | 2012-13/103 |
| <u>hazardous materials transportation</u> | | | | | |
| Transportation, Motor Carrier | 35426 | R909-75 | AMD | 01/10/2012 | 2011-23/96 |
| <u>hazardous pollutant</u> | | | | | |
| Environmental Quality, Air Quality | 35777 | R307-135 | 5YR | 02/01/2012 | 2012-4/82 |
| <u>hazardous substance priority list</u> | | | | | |
| Environmental Quality, Environmental Response and Remediation | 36030 | R311-401 | 5YR | 04/04/2012 | 2012-9/91 |
| <u>hazardous substances</u> | | | | | |
| Environmental Quality, Environmental Response and Remediation | 35447 | R311-201 | AMD | 01/13/2012 | 2011-23/45 |
| | 36045 | R311-201 | 5YR | 04/10/2012 | 2012-9/82 |
| | 36496 | R311-201-12 | AMD | 09/14/2012 | 2012-15/20 |
| | 36046 | R311-202 | 5YR | 04/10/2012 | 2012-9/84 |
| | 36047 | R311-203 | 5YR | 04/10/2012 | 2012-9/84 |
| | 36048 | R311-204 | 5YR | 04/10/2012 | 2012-9/85 |
| | 36050 | R311-206 | 5YR | 04/10/2012 | 2012-9/86 |
| | 36497 | R311-206 | AMD | 09/14/2012 | 2012-15/24 |

RULES INDEX

| | | | | | |
|---|-------|-------------|-----|------------|-------------|
| | 36056 | R311-212 | 5YR | 04/10/2012 | 2012-9/90 |
| | 36030 | R311-401 | 5YR | 04/04/2012 | 2012-9/91 |
| | 36028 | R311-401-2 | AMD | 07/20/2012 | 2012-9/58 |
| Transportation, Motor Carrier | 35426 | R909-75 | AMD | 01/10/2012 | 2011-23/96 |
| <u>hazardous substances priority list</u> | | | | | |
| Environmental Quality, Environmental Response and Remediation | 36028 | R311-401-2 | AMD | 07/20/2012 | 2012-9/58 |
| <u>hazardous waste</u> | | | | | |
| Environmental Quality, Solid and Hazardous Waste | 35349 | R315-1 | AMD | 01/13/2012 | 2011-21/27 |
| | 35350 | R315-2 | AMD | 01/13/2012 | 2011-21/30 |
| | 35351 | R315-3 | AMD | 01/13/2012 | 2011-21/38 |
| | 35352 | R315-5 | AMD | 01/13/2012 | 2011-21/53 |
| | 35353 | R315-6 | AMD | 01/13/2012 | 2011-21/57 |
| | 35354 | R315-7 | AMD | 01/13/2012 | 2011-21/60 |
| | 35355 | R315-8 | AMD | 01/13/2012 | 2011-21/67 |
| | 35356 | R315-13 | AMD | 01/13/2012 | 2011-21/75 |
| | 35357 | R315-14-8 | AMD | 01/13/2012 | 2011-21/76 |
| | 35867 | R315-16 | AMD | 04/17/2012 | 2012-5/62 |
| | 35358 | R315-50-9 | AMD | 01/13/2012 | 2011-21/77 |
| Transportation, Motor Carrier | 35426 | R909-75 | AMD | 01/10/2012 | 2011-23/96 |
| <u>headgear</u> | | | | | |
| Public Safety, Highway Patrol | 36434 | R714-220 | 5YR | 07/02/2012 | 2012-14/75 |
| <u>health</u> | | | | | |
| Governor, Planning and Budget, Inspector General of Medicaid Services (Office of) | 35879 | R367-1 | NEW | 04/23/2012 | 2012-5/74 |
| | 35973 | R367-1-7 | NSC | 04/23/2012 | Not Printed |
| | 35958 | R367-1-15 | AMD | 05/23/2012 | 2012-8/6 |
| Health, Center for Health Data, Health Care Statistics | 35868 | R428-2 | AMD | 04/26/2012 | 2012-5/80 |
| | 35869 | R428-5 | AMD | 06/28/2012 | 2012-5/83 |
| | 36027 | R428-5 | NSC | 06/28/2012 | Not Printed |
| | 35870 | R428-10 | AMD | 05/31/2012 | 2012-5/85 |
| | 36111 | R428-13 | AMD | 07/02/2012 | 2012-10/44 |
| | 35492 | R428-20 | REP | 01/24/2012 | 2011-24/20 |
| <u>health administration</u> | | | | | |
| Health, Administration | 36098 | R380-10 | 5YR | 04/26/2012 | 2012-10/89 |
| <u>health benefit plan insurance</u> | | | | | |
| Insurance, Administration | 35918 | R590-261-11 | NSC | 03/22/2012 | Not Printed |
| <u>health care facilities</u> | | | | | |
| Health, Family Health and Preparedness, Licensing | 35459 | R432-4 | AMD | 02/21/2012 | 2011-24/21 |
| | 35649 | R432-4-8 | NSC | 02/21/2012 | Not Printed |
| | 35460 | R432-5 | AMD | 02/21/2012 | 2011-24/28 |
| | 35461 | R432-6 | AMD | 02/21/2012 | 2011-24/33 |
| | 35462 | R432-7 | AMD | 02/21/2012 | 2011-24/38 |
| | 35463 | R432-8 | AMD | 02/21/2012 | 2011-24/40 |
| | 35464 | R432-9 | AMD | 02/21/2012 | 2011-24/43 |
| | 35465 | R432-10 | AMD | 02/21/2012 | 2011-24/46 |
| | 35466 | R432-11 | AMD | 02/21/2012 | 2011-24/50 |
| | 35467 | R432-12 | AMD | 02/21/2012 | 2011-24/53 |
| | 35468 | R432-13 | AMD | 02/21/2012 | 2011-24/57 |
| | 35469 | R432-14 | AMD | 02/21/2012 | 2011-24/59 |
| | 35470 | R432-16 | AMD | 02/21/2012 | 2011-24/61 |
| | 35977 | R432-40 | 5YR | 03/28/2012 | 2012-8/77 |
| | 35500 | R432-100 | AMD | 02/08/2012 | 2011-24/67 |
| | 35471 | R432-100 | AMD | 02/21/2012 | 2011-24/65 |
| | 35978 | R432-150 | 5YR | 03/28/2012 | 2012-8/77 |
| | 35979 | R432-151 | 5YR | 03/28/2012 | 2012-8/78 |
| | 35980 | R432-152 | 5YR | 03/28/2012 | 2012-8/78 |
| | 35981 | R432-200 | 5YR | 03/28/2012 | 2012-8/79 |
| | 35982 | R432-201 | 5YR | 03/28/2012 | 2012-8/79 |
| | 35499 | R432-270-6 | AMD | 02/08/2012 | 2011-24/73 |

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| | 35983 | R432-300 | 5YR | 03/28/2012 | 2012-8/80 |
| | 35472 | R432-650 | AMD | 02/21/2012 | 2011-24/74 |
| | 35652 | R432-650 | AMD | 03/28/2012 | 2012-3/63 |
| | 35984 | R432-650 | 5YR | 03/28/2012 | 2012-8/80 |
| | 35985 | R432-700 | 5YR | 03/28/2012 | 2012-8/81 |
| | 35986 | R432-750 | 5YR | 03/28/2012 | 2012-8/81 |
| | 35987 | R432-950 | 5YR | 03/28/2012 | 2012-8/82 |
| <u>health care professionals</u> | | | | | |
| Public Safety, Driver License | 35632 | R708-7 | 5YR | 01/09/2012 | 2012-3/122 |
| <u>health care quality</u> | | | | | |
| Health, Center for Health Data, Health Care Statistics | 36110 | R428-12 | AMD | 07/02/2012 | 2012-10/43 |
| | 35616 | R428-15 | AMD | 03/16/2012 | 2012-3/51 |
| <u>health claims insurance reporting</u> | | | | | |
| Health, Center for Health Data, Health Care Statistics | 35616 | R428-15 | AMD | 03/16/2012 | 2012-3/51 |
| <u>health insurance</u> | | | | | |
| Capitol Preservation Board (State), Administration | 35611 | R131-13 | EMR | 01/03/2012 | 2012-2/105 |
| | 35610 | R131-13 | AMD | 02/21/2012 | 2012-2/24 |
| Human Services, Recovery Services | 35619 | R527-201 | AMD | 03/27/2012 | 2012-3/70 |
| <u>health insurance arbitration</u> | | | | | |
| Insurance, Administration | 36576 | R590-215 | NSC | 08/13/2012 | Not Printed |
| <u>health insurance claims reporting</u> | | | | | |
| Insurance, Administration | 35201 | R590-262 | NEW | 03/07/2012 | 2011-18/41 |
| | 35201 | R590-262 | CPR | 03/07/2012 | 2011-24/84 |
| <u>health insurance exemptions</u> | | | | | |
| Insurance, Administration | 36031 | R590-239 | 5YR | 04/04/2012 | 2012-9/97 |
| | 36344 | R590-240 | 5YR | 06/07/2012 | 2012-13/111 |
| <u>health maintenance organization</u> | | | | | |
| Health, Center for Health Data, Health Care Statistics | 36110 | R428-12 | AMD | 07/02/2012 | 2012-10/43 |
| <u>health planning</u> | | | | | |
| Health, Center for Health Data, Health Care Statistics | 35868 | R428-2 | AMD | 04/26/2012 | 2012-5/80 |
| | 35869 | R428-5 | AMD | 06/28/2012 | 2012-5/83 |
| | 36027 | R428-5 | NSC | 06/28/2012 | Not Printed |
| | 35870 | R428-10 | AMD | 05/31/2012 | 2012-5/85 |
| | 36111 | R428-13 | AMD | 07/02/2012 | 2012-10/44 |
| | 35492 | R428-20 | REP | 01/24/2012 | 2011-24/20 |
| <u>health policy</u> | | | | | |
| Health, Center for Health Data, Health Care Statistics | 35868 | R428-2 | AMD | 04/26/2012 | 2012-5/80 |
| | 35869 | R428-5 | AMD | 06/28/2012 | 2012-5/83 |
| | 36027 | R428-5 | NSC | 06/28/2012 | Not Printed |
| | 36111 | R428-13 | AMD | 07/02/2012 | 2012-10/44 |
| | 35492 | R428-20 | REP | 01/24/2012 | 2011-24/20 |
| <u>health spas</u> | | | | | |
| Commerce, Consumer Protection | 35971 | R152-23 | 5YR | 03/22/2012 | 2012-8/73 |
| <u>hearings</u> | | | | | |
| Community and Culture, Home Energy Assistance Target (HEAT) | 35403 | R195-1 | AMD | 03/26/2012 | 2011-23/12 |
| | 36313 | R195-1 | REP | 09/11/2012 | 2012-13/15 |
| Environmental Quality, Environmental Response and Remediation | 36054 | R311-210 | 5YR | 04/10/2012 | 2012-9/89 |
| Environmental Quality, Radiation Control | 35416 | R313-17 | AMD | 03/19/2012 | 2011-23/50 |
| Labor Commission, Adjudication | 36400 | R602-2 | 5YR | 06/19/2012 | 2012-14/71 |
| Workforce Services, Administration | 36193 | R982-401 | NEW | 07/09/2012 | 2012-11/125 |
| | 36512 | R982-401 | NSC | 07/31/2012 | Not Printed |

RULES INDEX

HEAT

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| Community and Culture, Home Energy Assistance Target (HEAT) | 36293 | R195-2 | EXT | 05/31/2012 | 2012-12/95 |
| | 36314 | R195-2 | REP | 09/11/2012 | 2012-13/17 |
| Workforce Services, Administration | 36194 | R982-402 | NEW | 07/09/2012 | 2012-11/127 |
| | 36513 | R982-402 | NSC | 07/31/2012 | Not Printed |

higher education

| | | | | | |
|--|-------|----------|-----|------------|-------------|
| Education, Administration | 36649 | R277-713 | 5YR | 08/14/2012 | 2012-17/106 |
| Money Management Council, Administration | 36453 | R628-2 | 5YR | 07/10/2012 | 2012-15/87 |
| Regents (Board Of), Administration | 36165 | R765-604 | AMD | 07/09/2012 | 2012-11/104 |
| | 36272 | R765-607 | REP | 08/28/2012 | 2012-12/69 |

highly qualified

| | | | | | |
|---------------------------|-------|----------|-----|------------|------------|
| Education, Administration | 35671 | R277-511 | 5YR | 01/17/2012 | 2012-3/113 |
| | 35678 | R277-511 | REP | 03/12/2012 | 2012-3/28 |

highways

| | | | | | |
|---------------------------------|-------|--------|-----|------------|-----------|
| Transportation, Preconstruction | 35516 | R930-3 | AMD | 02/07/2012 | 2012-1/57 |
|---------------------------------|-------|--------|-----|------------|-----------|

hiring practices

| | | | | | |
|---|-------|--------|-----|------------|------------|
| Human Resource Management, Administration | 35824 | R477-4 | 5YR | 02/02/2012 | 2012-5/109 |
| | 36121 | R477-4 | AMD | 07/02/2012 | 2012-10/55 |

historic preservation

| | | | | | |
|--------------------------|-------|------------|-----|------------|-------------|
| Tax Commission, Auditing | 35599 | R865-6F | 5YR | 01/03/2012 | 2012-2/126 |
| | 36170 | R865-6F-6 | AMD | 07/26/2012 | 2012-11/113 |
| | 35600 | R865-9I | 5YR | 01/03/2012 | 2012-2/127 |
| | 36173 | R865-9I-49 | AMD | 07/26/2012 | 2012-11/116 |

holidays

| | | | | | |
|---|-------|--------|-----|------------|------------|
| Human Resource Management, Administration | 35827 | R477-7 | 5YR | 02/02/2012 | 2012-5/111 |
| | 36123 | R477-7 | AMD | 07/02/2012 | 2012-10/63 |

home care services

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Human Services, Aging and Adult Services | 36476 | R510-400 | 5YR | 07/11/2012 | 2012-15/85 |
|--|-------|----------|-----|------------|------------|

honey

| | | | | | |
|---|-------|---------|-----|------------|-----------|
| Agriculture and Food, Plant Industry | 35566 | R68-21 | REP | 03/07/2012 | 2012-2/16 |
| Agriculture and Food, Regulatory Services | 36147 | R70-520 | NEW | 07/10/2012 | 2012-11/6 |

hospital policy

| | | | | | |
|--|-------|---------|-----|------------|-----------|
| Health, Center for Health Data, Health Care Statistics | 35870 | R428-10 | AMD | 05/31/2012 | 2012-5/85 |
|--|-------|---------|-----|------------|-----------|

hospitals

| | | | | | |
|------------------------------------|-------|------------|-----|------------|-------------|
| Environmental Quality, Air Quality | 35530 | R307-222 | AMD | 03/07/2012 | 2012-1/22 |
| | 36026 | R307-222-1 | NSC | 04/25/2012 | Not Printed |

hostile work environment

| | | | | | |
|---|-------|---------|-----|------------|------------|
| Human Resource Management, Administration | 35835 | R477-15 | 5YR | 02/03/2012 | 2012-5/115 |
|---|-------|---------|-----|------------|------------|

hotels

| | | | | | |
|--|-------|----------|-----|------------|-----------|
| Health, Disease Control and Prevention, Environmental Services | 36017 | R392-502 | 5YR | 04/02/2012 | 2012-8/75 |
|--|-------|----------|-----|------------|-----------|

hours of business

| | | | | | |
|----------------------------------|-------|----------|-----|------------|-------------|
| Labor Commission, Administration | 36401 | R600-2 | 5YR | 06/19/2012 | 2012-14/70 |
| | 35446 | R600-3-1 | NSC | 02/01/2012 | Not Printed |

housing development

| | | | | | |
|--|-------|----------|-----|------------|-------------|
| Community and Culture, Olene Walker Housing Trust Fund | 36327 | R235-1 | REP | 08/31/2012 | 2012-13/46 |
| Workforce Services, Administration | 36213 | R982-501 | NEW | 07/09/2012 | 2012-11/138 |
| | 36520 | R982-501 | NSC | 07/31/2012 | Not Printed |

hunting

| | | | | | |
|---------------------------------------|-------|---------|-----|------------|------------|
| Natural Resources, Wildlife Resources | 35211 | R657-38 | AMD | 01/10/2012 | 2011-18/65 |
|---------------------------------------|-------|---------|-----|------------|------------|

| | | | | | | |
|--|-------|------------|-----|------------|-------------|--|
| <u>hunting and fishing licenses</u> | | | | | | |
| Natural Resources, Wildlife Resources | 35209 | R657-17 | AMD | 01/10/2012 | 2011-18/63 | |
| <u>Ignition Interlock System Program</u> | | | | | | |
| Public Safety, Driver License | 36419 | R708-48 | EMR | 07/01/2012 | 2012-14/53 | |
| <u>impacted area programs</u> | | | | | | |
| Community and Culture, Housing and Community Development | 36323 | R199-10 | REP | 09/11/2012 | 2012-13/33 | |
| Workforce Services, Housing and Community Development | 36218 | R990-10 | NEW | 07/09/2012 | 2012-11/145 | |
| | 36523 | R990-10 | NSC | 07/31/2012 | Not Printed | |
| <u>implements of husbandry</u> | | | | | | |
| Transportation, Motor Carrier | 35425 | R909-1 | AMD | 01/10/2012 | 2011-23/90 | |
| | 35873 | R909-1 | AMD | 04/11/2012 | 2012-5/99 | |
| <u>import requirements</u> | | | | | | |
| Agriculture and Food, Animal Industry | 35691 | R58-1 | 5YR | 01/18/2012 | 2012-4/59 | |
| <u>import restrictions</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36494 | R657-3 | AMD | 09/10/2012 | 2012-15/38 | |
| <u>imputation</u> | | | | | | |
| Public Service Commission, Administration | 35916 | R746-349 | 5YR | 03/06/2012 | 2012-7/71 | |
| <u>incapacitated</u> | | | | | | |
| Human Services, Public Guardian (Office of) | 35759 | R549-1 | 5YR | 02/01/2012 | 2012-4/100 | |
| <u>incidents</u> | | | | | | |
| Administrative Services, Fleet Operations | 36024 | R27-7 | AMD | 06/28/2012 | 2012-9/4 | |
| <u>incinerators</u> | | | | | | |
| Environmental Quality, Air Quality | 35531 | R307-220-3 | AMD | 03/07/2012 | 2012-1/21 | |
| <u>income</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 35789 | R414-303 | AMD | 04/01/2012 | 2012-4/12 | |
| Human Services, Recovery Services | 36673 | R527-300 | 5YR | 08/21/2012 | 2012-18/79 | |
| <u>income eligibility</u> | | | | | | |
| Community and Culture, Home Energy Assistance Target (HEAT) | 36294 | R195-3 | EXT | 05/31/2012 | 2012-12/95 | |
| | 36315 | R195-3 | REP | 09/11/2012 | 2012-13/20 | |
| | 35405 | R195-3-3 | AMD | 03/26/2012 | 2011-23/16 | |
| Workforce Services, Administration | 36196 | R982-403 | NEW | 07/09/2012 | 2012-11/130 | |
| | 36514 | R982-403 | NSC | 07/31/2012 | Not Printed | |
| <u>income tax</u> | | | | | | |
| Tax Commission, Auditing | 35600 | R865-9I | 5YR | 01/03/2012 | 2012-2/127 | |
| | 36173 | R865-9I-49 | AMD | 07/26/2012 | 2012-11/116 | |
| <u>independent foster care adolescent</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 35789 | R414-303 | AMD | 04/01/2012 | 2012-4/12 | |
| <u>Indigent Defense Funds board</u> | | | | | | |
| Administrative Services, Finance | 35975 | R25-20 | NEW | 05/22/2012 | 2012-8/5 | |
| <u>indoor air pollution</u> | | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 36019 | R392-510 | 5YR | 04/02/2012 | 2012-8/75 | |
| <u>industry</u> | | | | | | |
| Environmental Quality, Radiation Control | 35906 | R313-35 | 5YR | 03/02/2012 | 2012-7/65 | |
| | 35418 | R313-36 | AMD | 01/16/2012 | 2011-23/54 | |

RULES INDEX

| | | | | | | |
|---|-------|------------|-----|------------|-------------|--|
| <u>infants</u> | | | | | | |
| Health, Family Health and Preparedness, WIC Services | 35812 | R406-100 | 5YR | 02/02/2012 | 2012-5/104 | |
| | 35813 | R406-200 | 5YR | 02/02/2012 | 2012-5/105 | |
| | 35814 | R406-201 | 5YR | 02/02/2012 | 2012-5/105 | |
| | 35815 | R406-202 | 5YR | 02/02/2012 | 2012-5/106 | |
| | 35816 | R406-301 | 5YR | 02/02/2012 | 2012-5/106 | |
| <u>infectious waste</u> | | | | | | |
| Environmental Quality, Air Quality | 35530 | R307-222 | AMD | 03/07/2012 | 2012-1/22 | |
| | 36026 | R307-222-1 | NSC | 04/25/2012 | Not Printed | |
| <u>informal procedures</u> | | | | | | |
| Community and Culture, Library | 36328 | R223-1 | 5YR | 06/05/2012 | 2012-13/98 | |
| <u>inmate visiting</u> | | | | | | |
| Corrections, Administration | 35766 | R251-706 | EXD | 01/18/2012 | 2012-4/124 | |
| | 35773 | R251-706 | EMR | 02/01/2012 | 2012-4/56 | |
| | 35811 | R251-706 | NEW | 04/09/2012 | 2012-5/22 | |
| <u>inmates</u> | | | | | | |
| Corrections, Administration | 35766 | R251-706 | EXD | 01/18/2012 | 2012-4/124 | |
| | 35773 | R251-706 | EMR | 02/01/2012 | 2012-4/56 | |
| | 35811 | R251-706 | NEW | 04/09/2012 | 2012-5/22 | |
| Pardons (Board Of), Administration | 35732 | R671-201 | 5YR | 01/26/2012 | 2012-4/109 | |
| | 35737 | R671-202 | 5YR | 01/31/2012 | 2012-4/110 | |
| | 35741 | R671-301 | 5YR | 01/31/2012 | 2012-4/112 | |
| | 35743 | R671-303 | 5YR | 01/31/2012 | 2012-4/113 | |
| | 35746 | R671-308 | 5YR | 01/31/2012 | 2012-4/114 | |
| | 35747 | R671-309 | 5YR | 01/31/2012 | 2012-4/115 | |
| | 35748 | R671-310 | 5YR | 01/31/2012 | 2012-4/115 | |
| | 35749 | R671-311 | 5YR | 01/31/2012 | 2012-4/116 | |
| | 35751 | R671-316 | 5YR | 01/31/2012 | 2012-4/117 | |
| <u>inmates' rights</u> | | | | | | |
| Pardons (Board Of), Administration | 35743 | R671-303 | 5YR | 01/31/2012 | 2012-4/113 | |
| <u>inspections</u> | | | | | | |
| Agriculture and Food, Animal Industry | 35695 | R58-18 | 5YR | 01/18/2012 | 2012-4/60 | |
| | 35694 | R58-22 | 5YR | 01/18/2012 | 2012-4/61 | |
| | 35693 | R58-23 | 5YR | 01/18/2012 | 2012-4/61 | |
| Agriculture and Food, Regulatory Services | 35920 | R70-530 | 5YR | 03/07/2012 | 2012-7/63 | |
| | 35662 | R70-560 | 5YR | 01/12/2012 | 2012-3/111 | |
| Public Safety, Highway Patrol | 36442 | R714-158 | 5YR | 07/02/2012 | 2012-14/73 | |
| Transportation, Motor Carrier | 35428 | R909-17 | REP | 01/10/2012 | 2011-23/94 | |
| <u>Inspector General</u> | | | | | | |
| Governor, Planning and Budget, Inspector General of Medicaid Services (Office of) | 35879 | R367-1 | NEW | 04/23/2012 | 2012-5/74 | |
| | 35973 | R367-1-7 | NSC | 04/23/2012 | Not Printed | |
| | 35958 | R367-1-15 | AMD | 05/23/2012 | 2012-8/6 | |
| <u>insurance</u> | | | | | | |
| Human Resource Management, Administration | 35826 | R477-6 | 5YR | 02/02/2012 | 2012-5/110 | |
| | 36211 | R477-6 | AMD | 07/10/2012 | 2012-11/68 | |
| | 35880 | R477-6-5 | AMD | 07/10/2012 | 2012-6/23 | |
| Insurance, Administration | 35644 | R590-114 | 5YR | 01/10/2012 | 2012-3/117 | |
| | 36036 | R590-146 | 5YR | 04/05/2012 | 2012-9/96 | |
| | 35647 | R590-147 | 5YR | 01/10/2012 | 2012-3/119 | |
| | 36501 | R590-148 | 5YR | 07/16/2012 | 2012-15/86 | |
| | 36386 | R590-149 | 5YR | 06/18/2012 | 2012-14/69 | |
| | 36485 | R590-151 | 5YR | 07/12/2012 | 2012-15/86 | |
| | 36492 | R590-170 | NSC | 07/25/2012 | Not Printed | |
| | 36417 | R590-173 | 5YR | 06/27/2012 | 2012-14/69 | |
| | 36035 | R590-203 | 5YR | 04/05/2012 | 2012-9/96 | |
| | 36688 | R590-216 | 5YR | 08/23/2012 | 2012-18/83 | |

| | | | | | |
|---|-------|-------------|-----|------------|-------------|
| | 35699 | R590-230 | AMD | 03/26/2012 | 2012-4/21 |
| <u>insurance companies</u> | | | | | |
| Insurance, Administration | 36032 | R590-108 | 5YR | 04/04/2012 | 2012-9/95 |
| | 35850 | R590-116 | 5YR | 02/06/2012 | 2012-5/116 |
| | 35851 | R590-117 | 5YR | 02/06/2012 | 2012-5/116 |
| | 35645 | R590-150 | 5YR | 01/10/2012 | 2012-3/120 |
| <u>insurance continuing education</u> | | | | | |
| Insurance, Administration | 35642 | R590-142 | 5YR | 01/10/2012 | 2012-3/118 |
| | 35543 | R590-142 | AMD | 02/08/2012 | 2012-1/26 |
| <u>insurance fees</u> | | | | | |
| Insurance, Administration | 35725 | R590-102-1 | NSC | 02/09/2012 | Not Printed |
| <u>insurance health benefit plans</u> | | | | | |
| Insurance, Administration | 35483 | R590-263-3 | AMD | 01/25/2012 | 2011-24/76 |
| <u>insurance law</u> | | | | | |
| Insurance, Administration | 36037 | R590-68 | 5YR | 04/05/2012 | 2012-9/94 |
| | 35643 | R590-70 | 5YR | 01/10/2012 | 2012-3/116 |
| | 36034 | R590-85 | 5YR | 04/05/2012 | 2012-9/94 |
| | 35641 | R590-95 | 5YR | 01/10/2012 | 2012-3/117 |
| | 36684 | R590-96 | 5YR | 08/22/2012 | 2012-18/82 |
| | 36385 | R590-122 | 5YR | 06/18/2012 | 2012-14/68 |
| | 36493 | R590-130 | AMD | 09/11/2012 | 2012-15/33 |
| | 35646 | R590-143 | 5YR | 01/10/2012 | 2012-3/118 |
| | 36535 | R590-197-1 | NSC | 08/08/2012 | Not Printed |
| Insurance, Title and Escrow Commission | 35648 | R592-14 | 5YR | 01/10/2012 | 2012-3/120 |
| <u>insurance law privacy</u> | | | | | |
| Insurance, Administration | 36534 | R590-210 | NSC | 08/08/2012 | Not Printed |
| <u>insurance rule</u> | | | | | |
| Insurance, Administration | 36059 | R590-120 | 5YR | 04/11/2012 | 2012-9/95 |
| <u>interchanges</u> | | | | | |
| Transportation, Operations, Maintenance | 36345 | R918-6 | NEW | 08/20/2012 | 2012-13/81 |
| <u>interconnection</u> | | | | | |
| Public Service Commission, Administration | 35651 | R746-348 | 5YR | 01/11/2012 | 2012-3/126 |
| | 35927 | R746-365 | NSC | 03/22/2012 | Not Printed |
| <u>intern program</u> | | | | | |
| Education, Administration | 35819 | R277-915 | 5YR | 02/02/2012 | 2012-5/104 |
| | 35683 | R277-915 | AMD | 03/12/2012 | 2012-3/39 |
| <u>internet facilitators</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 35585 | R156-83-502 | AMD | 02/21/2012 | 2012-2/28 |
| <u>intersections</u> | | | | | |
| Transportation, Operations, Maintenance | 36345 | R918-6 | NEW | 08/20/2012 | 2012-13/81 |
| <u>interstate compacts</u> | | | | | |
| Workforce Services, Unemployment Insurance | 36092 | R994-106 | 5YR | 04/25/2012 | 2012-10/96 |
| <u>interstate highways</u> | | | | | |
| Transportation, Preconstruction, Right-of-Way Acquisition | 36756 | R933-5 | 5YR | 09/12/2012 | Not Printed |
| <u>interstate shellfish safety</u> | | | | | |
| Agriculture and Food, Regulatory Services | 35659 | R70-550 | 5YR | 01/12/2012 | 2012-3/110 |
| <u>intrastate driver license waivers</u> | | | | | |
| Public Safety, Driver License | 35634 | R708-34 | 5YR | 01/09/2012 | 2012-3/124 |
| | 35635 | R708-34 | NSC | 01/31/2012 | Not Printed |

RULES INDEX

| | | | | | | |
|---|-------|-----------|-----|------------|-------------|--|
| <u>investigations</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 36290 | R728-409 | AMD | 08/06/2012 | 2012-12/68 | |
| <u>investment advisers</u> | | | | | | |
| Commerce, Securities | 36460 | R164-4 | 5YR | 07/11/2012 | 2012-15/75 | |
| <u>investments</u> | | | | | | |
| Financial Institutions, Banks | 36714 | R333-7 | 5YR | 09/05/2012 | Not Printed | |
| <u>jail contracting</u> | | | | | | |
| Corrections, Administration | 36292 | R251-115 | NEW | 08/01/2012 | 2012-12/21 | |
| <u>jail programming</u> | | | | | | |
| Corrections, Administration | 36292 | R251-115 | NEW | 08/01/2012 | 2012-12/21 | |
| <u>jail reimbursement</u> | | | | | | |
| Governor, Criminal and Juvenile Justice (State Commission on) | 36141 | R356-1 | AMD | 07/01/2012 | 2012-10/27 | |
| <u>job creation</u> | | | | | | |
| Governor, Economic Development | 36066 | R357-1 | 5YR | 04/13/2012 | 2012-9/92 | |
| <u>job descriptions</u> | | | | | | |
| Human Resource Management, Administration | 35823 | R477-3 | 5YR | 02/02/2012 | 2012-5/108 | |
| | 36120 | R477-3 | AMD | 07/02/2012 | 2012-10/54 | |
| <u>judges</u> | | | | | | |
| Judicial Performance Evaluation Commission, Administration | 35930 | R597-3 | EMR | 03/15/2012 | 2012-7/57 | |
| | 35934 | R597-3 | AMD | 06/01/2012 | 2012-7/50 | |
| <u>judicial performance evaluations</u> | | | | | | |
| Judicial Performance Evaluation Commission, Administration | 35930 | R597-3 | EMR | 03/15/2012 | 2012-7/57 | |
| | 35934 | R597-3 | AMD | 06/01/2012 | 2012-7/50 | |
| <u>juvenile corrections</u> | | | | | | |
| Human Services, Juvenile Justice Services | 36136 | R547-1 | 5YR | 05/01/2012 | 2012-10/92 | |
| | 36137 | R547-3 | 5YR | 05/01/2012 | 2012-10/93 | |
| | 36226 | R547-6 | 5YR | 05/16/2012 | 2012-12/85 | |
| | 36140 | R547-7 | 5YR | 05/01/2012 | 2012-10/93 | |
| | 36227 | R547-10 | 5YR | 05/16/2012 | 2012-12/86 | |
| | 36138 | R547-12 | 5YR | 05/01/2012 | 2012-10/94 | |
| | 36139 | R547-13 | 5YR | 05/01/2012 | 2012-10/94 | |
| <u>juvenile detention</u> | | | | | | |
| Human Services, Juvenile Justice Services | 36139 | R547-13 | 5YR | 05/01/2012 | 2012-10/94 | |
| <u>juvenile offenders</u> | | | | | | |
| Education, Administration | 35681 | R277-714 | AMD | 03/12/2012 | 2012-3/36 | |
| <u>K-9 training</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 36245 | R728-505 | 5YR | 05/17/2012 | 2012-12/90 | |
| <u>kindergarten</u> | | | | | | |
| Education, Administration | 36372 | R277-489 | 5YR | 06/15/2012 | 2012-13/100 | |
| <u>kinship locate</u> | | | | | | |
| Human Services, Administration | 36284 | R495-884 | NEW | 08/15/2012 | 2012-12/39 | |
| <u>labor</u> | | | | | | |
| Labor Commission, Antidiscrimination and Labor, Labor | 35833 | R610-3-21 | AMD | 04/16/2012 | 2012-5/88 | |
| <u>labor commission</u> | | | | | | |
| Labor Commission, Administration | 36401 | R600-2 | 5YR | 06/19/2012 | 2012-14/70 | |
| | 35446 | R600-3-1 | NSC | 02/01/2012 | Not Printed | |

| | | | | | | |
|--|-------|-------------|-----|------------|-------------|--|
| <u>land exchanges</u> | | | | | | |
| School and Institutional Trust Lands, Administration | 35655 | R850-90 | 5YR | 01/12/2012 | 2012-3/126 | |
| <u>land use</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 36015 | R652-90 | 5YR | 04/02/2012 | 2012-8/88 | |
| Natural Resources, Wildlife Resources | 36637 | R657-28 | 5YR | 08/13/2012 | 2012-17/109 | |
| School and Institutional Trust Lands, Administration | 36655 | R850-100 | 5YR | 08/15/2012 | 2012-17/109 | |
| | 35656 | R850-120 | 5YR | 01/12/2012 | 2012-3/127 | |
| <u>landfills</u> | | | | | | |
| Environmental Quality, Air Quality | 35531 | R307-220-3 | AMD | 03/07/2012 | 2012-1/21 | |
| <u>landowner permits</u> | | | | | | |
| Natural Resources, Wildlife Resources | 35210 | R657-43 | AMD | 01/10/2012 | 2011-18/71 | |
| | 35909 | R657-43 | 5YR | 03/05/2012 | 2012-7/70 | |
| <u>law</u> | | | | | | |
| Human Services, Aging and Adult Services | 36477 | R510-1 | 5YR | 07/11/2012 | 2012-15/79 | |
| <u>law enforcement officers</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 36291 | R728-401 | R&R | 08/06/2012 | 2012-12/64 | |
| | 35568 | R728-408 | REP | 05/14/2012 | 2012-2/102 | |
| | 36290 | R728-409 | AMD | 08/06/2012 | 2012-12/68 | |
| <u>lead-based paint</u> | | | | | | |
| Environmental Quality, Air Quality | 35857 | R307-840 | AMD | 05/03/2012 | 2012-5/33 | |
| | 36161 | R307-840-1 | NSC | 05/30/2012 | Not Printed | |
| | 35858 | R307-841 | AMD | 05/03/2012 | 2012-5/39 | |
| | 36162 | R307-841 | NSC | 05/30/2012 | Not Printed | |
| | 35859 | R307-842 | AMD | 05/03/2012 | 2012-5/47 | |
| | 36163 | R307-842 | NSC | 05/30/2012 | Not Printed | |
| <u>lead-based paint abatement</u> | | | | | | |
| Environmental Quality, Air Quality | 35859 | R307-842 | AMD | 05/03/2012 | 2012-5/47 | |
| | 36163 | R307-842 | NSC | 05/30/2012 | Not Printed | |
| <u>lead-based paint renovation</u> | | | | | | |
| Environmental Quality, Air Quality | 35858 | R307-841 | AMD | 05/03/2012 | 2012-5/39 | |
| | 36162 | R307-841 | NSC | 05/30/2012 | Not Printed | |
| <u>leafletting</u> | | | | | | |
| Capitol Preservation Board (State), Administration | 35687 | R131-10 | 5YR | 01/17/2012 | 2012-3/111 | |
| | 35688 | R131-11 | 5YR | 01/17/2012 | 2012-3/112 | |
| <u>lease provisions</u> | | | | | | |
| School and Institutional Trust Lands, Administration | 36279 | R850-21-300 | AMD | 07/23/2012 | 2012-12/71 | |
| <u>leases</u> | | | | | | |
| Financial Institutions, Administration | 35684 | R331-7 | AMD | 03/09/2012 | 2012-3/46 | |
| | 36532 | R331-7 | 5YR | 07/20/2012 | 2012-16/193 | |
| Natural Resources, Forestry, Fire and State Lands | 36010 | R652-30 | 5YR | 04/02/2012 | 2012-8/85 | |
| Natural Resources, Wildlife Resources | 36637 | R657-28 | 5YR | 08/13/2012 | 2012-17/109 | |
| School and Institutional Trust Lands, Administration | 36411 | R850-30 | 5YR | 06/27/2012 | 2012-14/79 | |
| <u>leave benefits</u> | | | | | | |
| Human Resource Management, Administration | 35827 | R477-7 | 5YR | 02/02/2012 | 2012-5/111 | |
| | 36123 | R477-7 | AMD | 07/02/2012 | 2012-10/63 | |
| <u>legal aid</u> | | | | | | |
| Corrections, Administration | 35756 | R251-707 | EXT | 01/31/2012 | 2012-4/121 | |
| | 36041 | R251-707 | 5YR | 04/06/2012 | 2012-9/78 | |
| <u>legislative procedures</u> | | | | | | |
| Public Safety, Driver License | 35633 | R708-8 | 5YR | 01/09/2012 | 2012-3/123 | |

RULES INDEX

| | | | | | | |
|---|-------|--------------|-----|------------|-------------|--|
| <u>libraries</u> | | | | | | |
| Education, Administration | 36365 | R277-467 | 5YR | 06/15/2012 | 2012-13/99 | |
| | 36366 | R277-467 | AMD | 08/08/2012 | 2012-13/51 | |
| <u>library</u> | | | | | | |
| Community and Culture, Library | 36328 | R223-1 | 5YR | 06/05/2012 | 2012-13/98 | |
| <u>license</u> | | | | | | |
| Education, Administration | 35876 | R277-521 | REP | 04/10/2012 | 2012-5/26 | |
| <u>license plates</u> | | | | | | |
| Tax Commission, Motor Vehicle | 35608 | R873-22M | 5YR | 01/03/2012 | 2012-2/138 | |
| <u>licenses</u> | | | | | | |
| Education, Administration | 35680 | R277-520 | AMD | 03/12/2012 | 2012-3/32 | |
| | 36074 | R277-520-6 | AMD | 06/07/2012 | 2012-9/43 | |
| <u>licensing</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35624 | R156-1 | 5YR | 01/05/2012 | 2012-3/112 | |
| | 36077 | R156-1 | AMD | 06/07/2012 | 2012-9/8 | |
| | 36282 | R156-3a | AMD | 07/30/2012 | 2012-12/12 | |
| | 36117 | R156-9 | AMD | 06/21/2012 | 2012-10/17 | |
| | 35893 | R156-16a | 5YR | 02/21/2012 | 2012-6/35 | |
| | 35430 | R156-20a | AMD | 01/10/2012 | 2011-23/10 | |
| | 36484 | R156-20a | AMD | 09/11/2012 | 2012-15/8 | |
| | 35892 | R156-37 | 5YR | 02/21/2012 | 2012-6/36 | |
| | 36089 | R156-40a | AMD | 06/28/2012 | 2012-10/22 | |
| | 36132 | R156-47b | 5YR | 05/01/2012 | 2012-10/87 | |
| | 35498 | R156-47b-102 | AMD | 01/26/2012 | 2011-24/6 | |
| | 36157 | R156-55a-602 | AMD | 07/09/2012 | 2012-11/8 | |
| | 35860 | R156-55d | 5YR | 02/07/2012 | 2012-5/102 | |
| | 36191 | R156-55d | NSC | 05/30/2012 | Not Printed | |
| | 35735 | R156-56 | 5YR | 01/31/2012 | 2012-4/62 | |
| | 36189 | R156-60a | AMD | 07/09/2012 | 2012-11/10 | |
| | 36228 | R156-60d | AMD | 07/30/2012 | 2012-12/17 | |
| | 36550 | R156-60d | NSC | 08/08/2012 | Not Printed | |
| | 36192 | R156-63b-102 | NSC | 05/30/2012 | Not Printed | |
| | 35736 | R156-64 | 5YR | 01/31/2012 | 2012-4/64 | |
| | 35389 | R156-67-503 | AMD | 03/09/2012 | 2011-22/14 | |
| | 35389 | R156-67-503 | CPR | 03/09/2012 | 2012-3/86 | |
| | 35388 | R156-68-503 | AMD | 03/09/2012 | 2011-22/19 | |
| | 35388 | R156-68-503 | CPR | 03/09/2012 | 2012-3/90 | |
| | 36181 | R156-69-302d | AMD | 07/09/2012 | 2012-11/14 | |
| | 36183 | R156-75 | AMD | 07/09/2012 | 2012-11/15 | |
| | 36450 | R156-75-102 | NSC | 07/25/2012 | Not Printed | |
| | 35894 | R156-76 | 5YR | 02/21/2012 | 2012-6/37 | |
| | 35585 | R156-83-502 | AMD | 02/21/2012 | 2012-2/28 | |
| Commerce, Real Estate | 36079 | R162-2c | AMD | 06/07/2012 | 2012-9/12 | |
| Environmental Quality, Radiation Control | 35418 | R313-36 | AMD | 01/16/2012 | 2011-23/54 | |
| Governor, Economic Development, Pete Suazo Utah Athletic Commission | 36002 | R359-1 | 5YR | 03/30/2012 | 2012-8/74 | |
| | 36130 | R359-1-506 | AMD | 06/30/2012 | 2012-10/29 | |
| Human Services, Juvenile Justice Services | 36136 | R547-1 | 5YR | 05/01/2012 | 2012-10/92 | |
| | 36140 | R547-7 | 5YR | 05/01/2012 | 2012-10/93 | |
| Natural Resources, Wildlife Resources | 36003 | R657-27 | 5YR | 04/02/2012 | 2012-8/89 | |
| | 36152 | R657-30 | 5YR | 05/04/2012 | 2012-11/182 | |
| Public Safety, Driver License | 35629 | R708-10 | EMR | 01/07/2012 | 2012-3/101 | |
| | 36330 | R708-10 | EMR | 06/06/2012 | 2012-13/95 | |
| | 36331 | R708-10 | AMD | 08/09/2012 | 2012-13/75 | |
| | 35704 | R708-25 | 5YR | 01/20/2012 | 2012-4/119 | |
| Technology Services, Administration | 35989 | R895-3 | EXT | 03/29/2012 | 2012-8/91 | |
| | 36709 | R895-3 | 5YR | 08/31/2012 | 2012-18/83 | |
| <u>licensure</u> | | | | | | |
| Education, Administration | 35673 | R277-512 | 5YR | 01/17/2012 | 2012-3/114 | |

| | | | | | | |
|---|-------|------------|-----|------------|-------------|--|
| <u>life insurance mortality tables</u> | | | | | | |
| Insurance, Administration | 36500 | R590-241 | 5YR | 07/16/2012 | 2012-15/87 | |
| <u>life jackets</u> | | | | | | |
| Natural Resources, Parks and Recreation | 36241 | R651-219-3 | AMD | 07/23/2012 | 2012-12/51 | |
| <u>Life with Dignity Order</u> | | | | | | |
| Health, Family Health and Preparedness, Licensing | 35976 | R432-31 | 5YR | 03/28/2012 | 2012-8/76 | |
| <u>lights</u> | | | | | | |
| Public Safety, Highway Patrol | 36433 | R714-200 | 5YR | 07/02/2012 | 2012-14/74 | |
| <u>limitation on judgments</u> | | | | | | |
| Administrative Services, Risk Management | 36289 | R37-4 | 5YR | 05/30/2012 | 2012-12/83 | |
| | 35844 | R37-4 | AMD | 05/31/2012 | 2012-5/4 | |
| <u>litigation support</u> | | | | | | |
| Attorney General, Administration | 35904 | R105-1 | NEW | 04/24/2012 | 2012-6/6 | |
| <u>litter</u> | | | | | | |
| Transportation, Operations, Maintenance | 35669 | R918-4 | AMD | 03/12/2012 | 2012-3/82 | |
| <u>livestock</u> | | | | | | |
| Agriculture and Food, Animal Industry | 35866 | R58-11 | AMD | 05/15/2012 | 2012-5/5 | |
| | 36144 | R58-11 | NSC | 05/30/2012 | Not Printed | |
| <u>loan guarantees</u> | | | | | | |
| Workforce Services, Housing and Community Development | 36486 | R990-12 | EMR | 07/12/2012 | 2012-15/69 | |
| | 36487 | R990-12 | NEW | 09/12/2012 | 2012-15/62 | |
| <u>loan origination</u> | | | | | | |
| Commerce, Real Estate | 36079 | R162-2c | AMD | 06/07/2012 | 2012-9/12 | |
| <u>loans</u> | | | | | | |
| Financial Institutions, Credit Unions | 36712 | R337-5 | 5YR | 09/05/2012 | Not Printed | |
| Governor, Energy Development (Office of) | 36702 | R362-3 | 5YR | 08/30/2012 | 2012-18/78 | |
| Natural Resources, Geological Survey | 35685 | R638-3 | EMR | 02/01/2012 | 2012-3/97 | |
| | 36597 | R638-3 | NSC | 08/13/2012 | Not Printed | |
| <u>long-term care alternatives</u> | | | | | | |
| Human Services, Aging and Adult Services | 36476 | R510-400 | 5YR | 07/11/2012 | 2012-15/85 | |
| <u>long-term care ombudsman</u> | | | | | | |
| Human Services, Aging and Adult Services | 36478 | R510-100 | 5YR | 07/11/2012 | 2012-15/79 | |
| <u>LTCO</u> | | | | | | |
| Human Services, Aging and Adult Services | 36474 | R510-200 | 5YR | 07/11/2012 | 2012-15/84 | |
| <u>MACT</u> | | | | | | |
| Environmental Quality, Air Quality | 35922 | R307-214 | AMD | 06/07/2012 | 2012-7/42 | |
| <u>maintenance</u> | | | | | | |
| Transportation, Operations, Maintenance | 36345 | R918-6 | NEW | 08/20/2012 | 2012-13/81 | |
| <u>mammography</u> | | | | | | |
| Health, Family Health and Preparedness, Licensing | 35987 | R432-950 | 5YR | 03/28/2012 | 2012-8/82 | |
| <u>management</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 36011 | R652-40 | 5YR | 04/02/2012 | 2012-8/86 | |
| | 36015 | R652-90 | 5YR | 04/02/2012 | 2012-8/88 | |
| School and Institutional Trust Lands, Administration | 36412 | R850-40 | 5YR | 06/27/2012 | 2012-14/79 | |
| | 35542 | R850-41 | NEW | 02/07/2012 | 2012-1/44 | |
| | 36655 | R850-100 | 5YR | 08/15/2012 | 2012-17/109 | |
| <u>Marda Dillree Corridor Preservation Fund</u> | | | | | | |
| Transportation, Program Development | 36179 | R926-6 | NSC | 05/30/2012 | Not Printed | |

RULES INDEX

| | | | | | | |
|--|-------|--------------|-----|------------|-------------|--|
| <u>marketing</u> | | | | | | |
| Commerce, Consumer Protection | 35965 | R152-15 | 5YR | 03/22/2012 | 2012-8/71 | |
| <u>massage apprentice</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 36132 | R156-47b | 5YR | 05/01/2012 | 2012-10/87 | |
| | 35498 | R156-47b-102 | AMD | 01/26/2012 | 2011-24/6 | |
| <u>massage therapist</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 36132 | R156-47b | 5YR | 05/01/2012 | 2012-10/87 | |
| | 35498 | R156-47b-102 | AMD | 01/26/2012 | 2011-24/6 | |
| <u>massage therapy</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 36132 | R156-47b | 5YR | 05/01/2012 | 2012-10/87 | |
| | 35498 | R156-47b-102 | AMD | 01/26/2012 | 2011-24/6 | |
| <u>materials</u> | | | | | | |
| Education, Administration | 36585 | R277-115 | 5YR | 08/01/2012 | 2012-16/189 | |
| <u>materials handling</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 36016 | R652-100 | 5YR | 04/02/2012 | 2012-8/88 | |
| <u>media</u> | | | | | | |
| Corrections, Administration | 35760 | R251-106 | EXD | 01/18/2012 | 2012-4/123 | |
| | 35767 | R251-106 | EMR | 02/01/2012 | 2012-4/45 | |
| | 35805 | R251-106 | NEW | 04/09/2012 | 2012-5/11 | |
| <u>Medicaid</u> | | | | | | |
| Health, Health Care Financing | 35901 | R410-14 | AMD | 04/27/2012 | 2012-6/16 | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 35907 | R414-1 | 5YR | 03/02/2012 | 2012-7/66 | |
| | 36375 | R414-1 | AMD | 08/10/2012 | 2012-13/65 | |
| | 35902 | R414-1-2 | AMD | 04/27/2012 | 2012-6/21 | |
| | 35584 | R414-1-5 | AMD | 02/21/2012 | 2012-2/33 | |
| | 35994 | R414-1-5 | AMD | 05/24/2012 | 2012-8/9 | |
| | 36102 | R414-1-29 | AMD | 07/01/2012 | 2012-10/33 | |
| | 36128 | R414-1A | 5YR | 04/30/2012 | 2012-10/90 | |
| | 35390 | R414-2A | AMD | 01/11/2012 | 2011-22/30 | |
| | 36107 | R414-2A | AMD | 07/01/2012 | 2012-10/35 | |
| | 35719 | R414-7C | 5YR | 01/24/2012 | 2012-4/96 | |
| | 36431 | R414-8 | NEW | 09/01/2012 | 2012-14/19 | |
| | 36106 | R414-9-5 | AMD | 07/01/2012 | 2012-10/37 | |
| | 35720 | R414-10 | 5YR | 01/24/2012 | 2012-4/97 | |
| | 35722 | R414-10A | 5YR | 01/24/2012 | 2012-4/97 | |
| | 35503 | R414-14A | AMD | 02/01/2012 | 2011-24/11 | |
| | 36672 | R414-15 | 5YR | 08/20/2012 | 2012-18/79 | |
| | 35908 | R414-21 | 5YR | 03/02/2012 | 2012-7/66 | |
| | 35921 | R414-38 | 5YR | 03/07/2012 | 2012-7/67 | |
| | 35721 | R414-45 | 5YR | 01/24/2012 | 2012-4/98 | |
| | 36377 | R414-49 | AMD | 08/10/2012 | 2012-13/68 | |
| | 36105 | R414-49-3 | AMD | 07/01/2012 | 2012-10/38 | |
| | 36103 | R414-50 | AMD | 07/01/2012 | 2012-10/39 | |
| | 36378 | R414-50 | AMD | 08/10/2012 | 2012-13/69 | |
| | 36129 | R414-60 | 5YR | 04/30/2012 | 2012-10/91 | |
| | 36406 | R414-60A | 5YR | 06/25/2012 | 2012-14/66 | |
| | 36559 | R414-60B | 5YR | 07/30/2012 | 2012-16/196 | |
| | 35504 | R414-61-2 | AMD | 01/24/2012 | 2011-24/18 | |
| | 36184 | R414-100 | 5YR | 05/14/2012 | 2012-11/180 | |
| | 36185 | R414-200 | 5YR | 05/14/2012 | 2012-11/180 | |
| | 35437 | R414-305 | AMD | 02/06/2012 | 2011-23/65 | |
| | 35441 | R414-308 | AMD | 02/06/2012 | 2011-23/70 | |
| | 35790 | R414-308 | AMD | 04/01/2012 | 2012-4/14 | |
| | 36309 | R414-310 | 5YR | 06/04/2012 | 2012-13/107 | |
| | 36108 | R414-401-3 | AMD | 07/01/2012 | 2012-10/40 | |
| | 35583 | R414-401-5 | AMD | 02/21/2012 | 2012-2/36 | |
| | 36186 | R414-501-2 | AMD | 07/18/2012 | 2012-11/59 | |
| | 36187 | R414-503 | R&R | 07/18/2012 | 2012-11/61 | |

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| | 36101 | R414-506 | AMD | 07/01/2012 | 2012-10/41 |
| | 35639 | R414-510 | 5YR | 01/09/2012 | 2012-3/115 |
| Human Services, Recovery Services | 35619 | R527-201 | AMD | 03/27/2012 | 2012-3/70 |
| <u>Medicaid fraud waste abuse</u> | | | | | |
| Governor, Planning and Budget, Inspector General of Medicaid Services (Office of) | 35879 | R367-1 | NEW | 04/23/2012 | 2012-5/74 |
| | 35973 | R367-1-7 | NSC | 04/23/2012 | Not Printed |
| | 35958 | R367-1-15 | AMD | 05/23/2012 | 2012-8/6 |
| <u>medical incinerators</u> | | | | | |
| Environmental Quality, Air Quality | 35530 | R307-222 | AMD | 03/07/2012 | 2012-1/22 |
| | 36026 | R307-222-1 | NSC | 04/25/2012 | Not Printed |
| <u>medical laboratories</u> | | | | | |
| Health, Disease Control and Prevention, Laboratory Improvement | 35701 | R444-11 | 5YR | 01/20/2012 | 2012-4/99 |
| <u>medical malpractice</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 35820 | R156-78B | 5YR | 02/02/2012 | 2012-5/102 |
| <u>medication treatment</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 35590 | R525-3 | AMD | 02/21/2012 | 2012-2/96 |
| <u>mental health</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 35596 | R525-8 | AMD | 02/21/2012 | 2012-2/100 |
| <u>mercury</u> | | | | | |
| Environmental Quality, Air Quality | 36033 | R307-424 | 5YR | 04/05/2012 | 2012-9/79 |
| <u>migrant labor</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 35713 | R392-501 | 5YR | 01/20/2012 | 2012-4/96 |
| <u>mineral resources</u> | | | | | |
| Tax Commission, Auditing | 35604 | R865-14W | 5YR | 01/03/2012 | 2012-2/132 |
| <u>mines</u> | | | | | |
| Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation | 35792 | R643-870 | 5YR | 02/01/2012 | 2012-4/101 |
| | 35793 | R643-872 | 5YR | 02/01/2012 | 2012-4/101 |
| | 35794 | R643-874 | 5YR | 02/01/2012 | 2012-4/102 |
| | 35795 | R643-875 | 5YR | 02/01/2012 | 2012-4/102 |
| | 35796 | R643-877 | 5YR | 02/01/2012 | 2012-4/103 |
| | 35797 | R643-879 | 5YR | 02/01/2012 | 2012-4/104 |
| | 35798 | R643-882 | 5YR | 02/01/2012 | 2012-4/104 |
| | 35799 | R643-884 | 5YR | 02/01/2012 | 2012-4/105 |
| | 35800 | R643-886 | 5YR | 02/01/2012 | 2012-4/105 |
| <u>mining law</u> | | | | | |
| Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation | 35796 | R643-877 | 5YR | 02/01/2012 | 2012-4/103 |
| | 35797 | R643-879 | 5YR | 02/01/2012 | 2012-4/104 |
| <u>minors</u> | | | | | |
| Labor Commission, Antidiscrimination and Labor, Labor | 35833 | R610-3-21 | AMD | 04/16/2012 | 2012-5/88 |
| <u>mobile homes</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 35712 | R392-402 | 5YR | 01/20/2012 | 2012-4/95 |
| <u>modeling</u> | | | | | |
| Environmental Quality, Air Quality | 36337 | R307-410 | 5YR | 06/06/2012 | 2012-13/103 |

RULES INDEX

monitoring

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Education, Administration | 35452 | R277-481 | NEW | 01/10/2012 | 2011-23/34 |
| Environmental Quality, Radiation Control | 36277 | R313-24 | 5YR | 05/24/2012 | 2012-12/84 |

motels

| | | | | | |
|---|-------|----------|-----|------------|-----------|
| Health, Disease Control and Prevention, Environmental Services | 36017 | R392-502 | 5YR | 04/02/2012 | 2012-8/75 |
|---|-------|----------|-----|------------|-----------|

motor fuel

| | | | | | |
|--------------------------|-------|----------|-----|------------|------------|
| Tax Commission, Auditing | 35603 | R865-13G | 5YR | 01/03/2012 | 2012-2/131 |
|--------------------------|-------|----------|-----|------------|------------|

motor vehicle safety

| | | | | | |
|-------------------------------|-------|----------|-----|------------|------------|
| Public Safety, Highway Patrol | 36442 | R714-158 | 5YR | 07/02/2012 | 2012-14/73 |
| | 36433 | R714-200 | 5YR | 07/02/2012 | 2012-14/74 |
| | 36441 | R714-210 | 5YR | 07/02/2012 | 2012-14/74 |
| | 36435 | R714-230 | 5YR | 07/02/2012 | 2012-14/75 |
| | 36437 | R714-240 | 5YR | 07/02/2012 | 2012-14/76 |
| | 36438 | R714-300 | 5YR | 07/02/2012 | 2012-14/76 |

motor vehicles

| | | | | | |
|---|-------|-------------|-----|------------|-------------|
| Commerce, Consumer Protection | 35967 | R152-20 | 5YR | 03/22/2012 | 2012-8/72 |
| Environmental Quality, Air Quality | 35716 | R307-121 | 5YR | 01/23/2012 | 2012-4/81 |
| | 35718 | R307-121-7 | NSC | 02/09/2012 | Not Printed |
| | 35778 | R307-301 | 5YR | 02/01/2012 | 2012-4/83 |
| | 35779 | R307-320 | 5YR | 02/01/2012 | 2012-4/84 |
| Public Safety, Highway Patrol | 36439 | R714-159 | 5YR | 07/02/2012 | 2012-14/73 |
| Tax Commission, Motor Vehicle | 35608 | R873-22M | 5YR | 01/03/2012 | 2012-2/138 |
| Tax Commission, Motor Vehicle Enforcement | 35609 | R877-23V | 5YR | 01/03/2012 | 2012-2/140 |
| | 36062 | R877-23V-7 | AMD | 06/14/2012 | 2012-9/67 |
| | 35512 | R877-23V-20 | AMD | 02/09/2012 | 2012-1/49 |
| | 35513 | R877-23V-21 | AMD | 02/09/2012 | 2012-1/50 |
| | 36063 | R877-23V-22 | AMD | 06/14/2012 | 2012-9/70 |

motorcycles

| | | | | | |
|-------------------------------|-------|----------|-----|------------|------------|
| Commerce, Administration | 36329 | R151-35 | 5YR | 06/05/2012 | 2012-13/97 |
| Public Safety, Highway Patrol | 36434 | R714-220 | 5YR | 07/02/2012 | 2012-14/75 |

mutual funds

| | | | | | |
|----------------------|-------|---------|-----|------------|-------------|
| Commerce, Securities | 36542 | R164-15 | 5YR | 07/25/2012 | 2012-16/187 |
|----------------------|-------|---------|-----|------------|-------------|

nail technicians

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Commerce, Occupational and Professional Licensing | 35853 | R156-11a | 5YR | 02/06/2012 | 2012-5/101 |
|---|-------|----------|-----|------------|------------|

National Senior Service Corps

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Human Services, Aging and Adult Services | 36473 | R510-111 | 5YR | 07/11/2012 | 2012-15/84 |
|--|-------|----------|-----|------------|------------|

Native Americans

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Human Services, Aging and Adult Services | 36471 | R510-109 | 5YR | 07/11/2012 | 2012-15/83 |
|--|-------|----------|-----|------------|------------|

natural resource assessment

| | | | | | |
|--|-------|----------|-----|------------|-------------|
| School and Institutional Trust Lands, Administration | 36655 | R850-100 | 5YR | 08/15/2012 | 2012-17/109 |
|--|-------|----------|-----|------------|-------------|

natural resources

| | | | | | |
|--|-------|---------|-----|------------|------------|
| Natural Resources, Forestry, Fire and State Lands | 36011 | R652-40 | 5YR | 04/02/2012 | 2012-8/86 |
| School and Institutional Trust Lands, Administration | 36412 | R850-40 | 5YR | 06/27/2012 | 2012-14/79 |
| | 35542 | R850-41 | NEW | 02/07/2012 | 2012-1/44 |

NCLB

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|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 36205 | R277-524 | AMD | 07/09/2012 | 2012-11/33 |
| | 36452 | R277-524 | NSC | 07/25/2012 | Not Printed |

network interconnection

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Public Service Commission, Administration | 35651 | R746-348 | 5YR | 01/11/2012 | 2012-3/126 |
|---|-------|----------|-----|------------|------------|

new source review

| | | | | | |
|------------------------------------|-------|------------|-----|------------|-----------|
| Environmental Quality, Air Quality | 35496 | R307-210-1 | AMD | 03/07/2012 | 2011-24/7 |
|------------------------------------|-------|------------|-----|------------|-----------|

| | | | | | | |
|--|-------|--------------|-----|------------|-------------|--|
| <u>news agencies</u> | | | | | | |
| Pardons (Board Of), Administration | 35742 | R671-302 | 5YR | 01/31/2012 | 2012-4/113 | |
| <u>non-profit organizations</u> | | | | | | |
| Auditor, Administration | 36510 | R123-5 | 5YR | 07/18/2012 | 2012-16/184 | |
| <u>non-traditional</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36185 | R414-200 | 5YR | 05/14/2012 | 2012-11/180 | |
| <u>nonattainment</u> | | | | | | |
| Environmental Quality, Air Quality | 36335 | R307-403 | 5YR | 06/06/2012 | 2012-13/102 | |
| <u>nonpublic schools</u> | | | | | | |
| Education, Administration | 36588 | R277-410 | 5YR | 08/01/2012 | 2012-16/191 | |
| <u>notification</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 35698 | R652-140 | 5YR | 01/19/2012 | 2012-4/108 | |
| <u>notification requirements</u> | | | | | | |
| Commerce, Real Estate | 36390 | R162-2f | AMD | 08/21/2012 | 2012-14/5 | |
| <u>nursing facility</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36108 | R414-401-3 | AMD | 07/01/2012 | 2012-10/40 | |
| | 35583 | R414-401-5 | AMD | 02/21/2012 | 2012-2/36 | |
| <u>nursing homes</u> | | | | | | |
| Human Services, Aging and Adult Services | 36467 | R510-103 | 5YR | 07/11/2012 | 2012-15/81 | |
| <u>nutrition</u> | | | | | | |
| Education, Administration | 35937 | R277-720 | AMD | 05/08/2012 | 2012-7/34 | |
| | 36650 | R277-720 | 5YR | 08/14/2012 | 2012-17/106 | |
| Health, Family Health and Preparedness, WIC Services | 35812 | R406-100 | 5YR | 02/02/2012 | 2012-5/104 | |
| | 35813 | R406-200 | 5YR | 02/02/2012 | 2012-5/105 | |
| | 35814 | R406-201 | 5YR | 02/02/2012 | 2012-5/105 | |
| | 35815 | R406-202 | 5YR | 02/02/2012 | 2012-5/106 | |
| | 35816 | R406-301 | 5YR | 02/02/2012 | 2012-5/106 | |
| <u>occupational licensing</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35624 | R156-1 | 5YR | 01/05/2012 | 2012-3/112 | |
| | 36077 | R156-1 | AMD | 06/07/2012 | 2012-9/8 | |
| | 36089 | R156-40a | AMD | 06/28/2012 | 2012-10/22 | |
| | 36157 | R156-55a-602 | AMD | 07/09/2012 | 2012-11/8 | |
| | 36183 | R156-75 | AMD | 07/09/2012 | 2012-11/15 | |
| | 36450 | R156-75-102 | NSC | 07/25/2012 | Not Printed | |
| Environmental Quality, Water Quality | 36135 | R317-11 | AMD | 06/27/2012 | 2012-10/23 | |
| <u>off road vehicles</u> | | | | | | |
| Commerce, Administration | 36329 | R151-35 | 5YR | 06/05/2012 | 2012-13/97 | |
| <u>off-highway vehicles</u> | | | | | | |
| Natural Resources, Parks and Recreation | 36233 | R651-401-1 | AMD | 07/23/2012 | 2012-12/54 | |
| | 36232 | R651-406-1 | AMD | 07/23/2012 | 2012-12/55 | |
| | 36230 | R651-407-1 | AMD | 07/23/2012 | 2012-12/56 | |
| <u>off-premises</u> | | | | | | |
| Human Services, Substance Abuse and Mental Health | 35625 | R523-24 | AMD | 03/09/2012 | 2012-3/67 | |
| <u>offenders</u> | | | | | | |
| Corrections, Administration | 36312 | R251-401 | 5YR | 06/05/2012 | 2012-13/99 | |
| <u>office hours</u> | | | | | | |
| Public Service Commission, Administration | 35506 | R746-800 | REP | 02/07/2012 | 2012-1/43 | |

RULES INDEX

offset

| | | | | | |
|------------------------------------|-------|----------|-----|------------|-------------|
| Environmental Quality, Air Quality | 36335 | R307-403 | 5YR | 06/06/2012 | 2012-13/102 |
| | 36341 | R307-420 | 5YR | 06/06/2012 | 2012-13/106 |
| | 36342 | R307-421 | 5YR | 06/06/2012 | 2012-13/106 |

oil and gas conservation

| | | | | | |
|---|-------|--------|-----|------------|------------|
| Natural Resources, Oil, Gas and Mining; Oil and Gas | 35848 | R649-8 | 5YR | 02/03/2012 | 2012-5/123 |
|---|-------|--------|-----|------------|------------|

oil and gas law

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| Natural Resources, Oil, Gas and Mining; Oil and Gas | 35843 | R649-1 | 5YR | 02/03/2012 | 2012-5/121 |
| | 35871 | R649-1 | NSC | 02/29/2012 | Not Printed |
| | 35845 | R649-2 | 5YR | 02/03/2012 | 2012-5/121 |
| | 35846 | R649-3 | 5YR | 02/03/2012 | 2012-5/122 |
| | 36177 | R649-3-1 | NSC | 05/30/2012 | Not Printed |
| | 36670 | R649-3-6 | NSC | 09/14/2012 | Not Printed |
| | 35847 | R649-5 | 5YR | 02/03/2012 | 2012-5/122 |
| | 35849 | R649-9 | 5YR | 02/03/2012 | 2012-5/123 |

oil gas and hydrocarbons

| | | | | | |
|--|-------|-------------|-----|------------|------------|
| School and Institutional Trust Lands, Administration | 36279 | R850-21-300 | AMD | 07/23/2012 | 2012-12/71 |
|--|-------|-------------|-----|------------|------------|

Older Americans Act

| | | | | | |
|--|-------|--------|-----|------------|------------|
| Human Services, Aging and Adult Services | 36477 | R510-1 | 5YR | 07/11/2012 | 2012-15/79 |
|--|-------|--------|-----|------------|------------|

Olene Walker Housing Loan Fund

| | | | | | |
|--|-------|----------|-----|------------|-------------|
| Community and Culture, Olene Walker Housing Trust Fund | 36327 | R235-1 | REP | 08/31/2012 | 2012-13/46 |
| Workforce Services, Administration | 36213 | R982-501 | NEW | 07/09/2012 | 2012-11/138 |
| | 36520 | R982-501 | NSC | 07/31/2012 | Not Printed |

ombudsman

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Human Services, Aging and Adult Services | 36474 | R510-200 | 5YR | 07/11/2012 | 2012-15/84 |
|--|-------|----------|-----|------------|------------|

on-premise

| | | | | | |
|---|-------|-----------|-----|------------|------------|
| Human Services, Substance Abuse and Mental Health | 36384 | R523-23 | 5YR | 06/18/2012 | 2012-14/67 |
| | 35626 | R523-23-4 | AMD | 03/09/2012 | 2012-3/66 |

online

| | | | | | |
|---------------------------|-------|----------|-----|------------|------------|
| Education, Administration | 35673 | R277-512 | 5YR | 01/17/2012 | 2012-3/114 |
|---------------------------|-------|----------|-----|------------|------------|

online prescribing

| | | | | | |
|---|-------|-------------|-----|------------|-----------|
| Commerce, Occupational and Professional Licensing | 35585 | R156-83-502 | AMD | 02/21/2012 | 2012-2/28 |
|---|-------|-------------|-----|------------|-----------|

online testing

| | | | | | |
|---------------------------|-------|----------|-----|------------|------------|
| Education, Administration | 36364 | R277-408 | NEW | 08/08/2012 | 2012-13/49 |
|---------------------------|-------|----------|-----|------------|------------|

onsite professional

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|--------------------------------------|-------|---------|-----|------------|------------|
| Environmental Quality, Water Quality | 36135 | R317-11 | AMD | 06/27/2012 | 2012-10/23 |
|--------------------------------------|-------|---------|-----|------------|------------|

open burning

| | | | | | |
|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 35923 | R307-202 | R&R | 07/31/2012 | 2012-7/38 |
| | 35923 | R307-202 | CPR | 07/31/2012 | 2012-13/91 |

open government

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 36581 | R277-101 | 5YR | 08/01/2012 | 2012-16/188 |
|---------------------------|-------|----------|-----|------------|-------------|

open meetings

| | | | | | |
|--------------------------------------|-------|----------|-----|------------|------------|
| Examiners (Board of), Administration | 35497 | R320-101 | NEW | 02/10/2012 | 2011-24/10 |
|--------------------------------------|-------|----------|-----|------------|------------|

opening and closing dates

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| Community and Culture, Home Energy Assistance Target (HEAT) | 36293 | R195-2 | EXT | 05/31/2012 | 2012-12/95 |
| | 36314 | R195-2 | REP | 09/11/2012 | 2012-13/17 |
| Workforce Services, Administration | 36194 | R982-402 | NEW | 07/09/2012 | 2012-11/127 |
| | 36513 | R982-402 | NSC | 07/31/2012 | Not Printed |

| | | | | | | |
|---|-------|-------------|-----|------------|-------------|--|
| <u>operating permit</u> | | | | | | |
| Environmental Quality, Air Quality | 36340 | R307-417 | 5YR | 06/06/2012 | 2012-13/105 | |
| <u>operating permits</u> | | | | | | |
| Environmental Quality, Air Quality | 36339 | R307-415 | 5YR | 06/06/2012 | 2012-13/104 | |
| | 35529 | R307-415-2 | AMD | 03/07/2012 | 2012-1/25 | |
| <u>operational requirements</u> | | | | | | |
| Commerce, Real Estate | 36390 | R162-2f | AMD | 08/21/2012 | 2012-14/5 | |
| <u>operations</u> | | | | | | |
| School and Institutional Trust Lands, Administration | 36279 | R850-21-300 | AMD | 07/23/2012 | 2012-12/71 | |
| <u>operator certification</u> | | | | | | |
| Environmental Quality, Water Quality | 36457 | R317-10 | 5YR | 07/11/2012 | 2012-15/78 | |
| <u>optometrists</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35893 | R156-16a | 5YR | 02/21/2012 | 2012-6/35 | |
| <u>order to proceed</u> | | | | | | |
| Public Service Commission, Administration | 36166 | R746-420 | 5YR | 05/10/2012 | 2012-11/183 | |
| | 36167 | R746-430 | 5YR | 05/10/2012 | 2012-11/184 | |
| <u>osteopathic physician</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35388 | R156-68-503 | AMD | 03/09/2012 | 2011-22/19 | |
| | 35388 | R156-68-503 | CPR | 03/09/2012 | 2012-3/90 | |
| <u>osteopaths</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35388 | R156-68-503 | AMD | 03/09/2012 | 2011-22/19 | |
| | 35388 | R156-68-503 | CPR | 03/09/2012 | 2012-3/90 | |
| <u>outdoor advertising</u> | | | | | | |
| Transportation, Preconstruction, Right-of-Way Acquisition | 36756 | R933-5 | 5YR | 09/12/2012 | Not Printed | |
| <u>outside counsel</u> | | | | | | |
| Attorney General, Administration | 35904 | R105-1 | NEW | 04/24/2012 | 2012-6/6 | |
| <u>overpayments</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 36257 | R994-406 | 5YR | 05/22/2012 | 2012-12/92 | |
| <u>oversight</u> | | | | | | |
| Education, Administration | 35452 | R277-481 | NEW | 01/10/2012 | 2011-23/34 | |
| <u>overtime</u> | | | | | | |
| Human Resource Management, Administration | 35828 | R477-8 | 5YR | 02/02/2012 | 2012-5/112 | |
| | 36124 | R477-8 | AMD | 07/02/2012 | 2012-10/71 | |
| <u>ozone</u> | | | | | | |
| Environmental Quality, Air Quality | 35774 | R307-110 | 5YR | 02/01/2012 | 2012-4/65 | |
| | 35780 | R307-325 | 5YR | 02/01/2012 | 2012-4/84 | |
| | 35781 | R307-326 | 5YR | 02/01/2012 | 2012-4/85 | |
| | 35782 | R307-327 | 5YR | 02/01/2012 | 2012-4/86 | |
| | 35783 | R307-328 | 5YR | 02/01/2012 | 2012-4/86 | |
| | 35784 | R307-335 | 5YR | 02/01/2012 | 2012-4/87 | |
| | 35785 | R307-340 | 5YR | 02/01/2012 | 2012-4/87 | |
| | 35787 | R307-343 | 5YR | 02/01/2012 | 2012-4/89 | |
| | 36341 | R307-420 | 5YR | 06/06/2012 | 2012-13/106 | |
| <u>paint</u> | | | | | | |
| Environmental Quality, Air Quality | 35857 | R307-840 | AMD | 05/03/2012 | 2012-5/33 | |
| | 36161 | R307-840-1 | NSC | 05/30/2012 | Not Printed | |
| | 35858 | R307-841 | AMD | 05/03/2012 | 2012-5/39 | |
| | 36162 | R307-841 | NSC | 05/30/2012 | Not Printed | |
| | 35859 | R307-842 | AMD | 05/03/2012 | 2012-5/47 | |
| | 36163 | R307-842 | NSC | 05/30/2012 | Not Printed | |

RULES INDEX

| | | | | | | |
|---|-------|-------------|-----|------------|-------------|--|
| <u>parades</u> | | | | | | |
| Transportation, Operations, Traffic and Safety | 36612 | R920-4 | 5YR | 08/01/2012 | 2012-16/200 | |
| <u>paraprofessional qualifications</u> | | | | | | |
| Education, Administration | 36452 | R277-524 | NSC | 07/25/2012 | Not Printed | |
| <u>pardons</u> | | | | | | |
| Pardons (Board Of), Administration | 35730 | R671-101 | 5YR | 01/26/2012 | 2012-4/108 | |
| | 35750 | R671-315 | 5YR | 01/31/2012 | 2012-4/116 | |
| <u>parental defense</u> | | | | | | |
| Administrative Services, Child Welfare Parental Defense (Office of) | 35205 | R19-1-6 | AMD | 01/12/2012 | 2011-18/6 | |
| | 35206 | R19-1-7 | AMD | 01/12/2012 | 2011-18/7 | |
| <u>parking facilities</u> | | | | | | |
| Regents (Board Of), University of Utah, Commuter Services | 35888 | R810-2 | 5YR | 02/17/2012 | 2012-6/38 | |
| | 35889 | R810-5 | 5YR | 02/17/2012 | 2012-6/39 | |
| | 35882 | R810-6 | 5YR | 02/16/2012 | 2012-6/39 | |
| | 35883 | R810-9 | 5YR | 02/17/2012 | 2012-6/40 | |
| | 35884 | R810-10 | 5YR | 02/17/2012 | 2012-6/40 | |
| | 35890 | R810-11 | 5YR | 02/17/2012 | 2012-6/41 | |
| <u>parks</u> | | | | | | |
| Natural Resources, Parks and Recreation | 36237 | R651-201-7 | AMD | 07/23/2012 | 2012-12/42 | |
| | 36242 | R651-205-2 | AMD | 07/23/2012 | 2012-12/43 | |
| | 36234 | R651-205-15 | AMD | 07/23/2012 | 2012-12/44 | |
| | 36238 | R651-206-1 | AMD | 07/23/2012 | 2012-12/45 | |
| | 36243 | R651-206-3 | AMD | 07/23/2012 | 2012-12/46 | |
| | 36239 | R651-206-4 | AMD | 07/23/2012 | 2012-12/50 | |
| | 36241 | R651-219-3 | AMD | 07/23/2012 | 2012-12/51 | |
| | 36229 | R651-612 | REP | 07/23/2012 | 2012-12/57 | |
| <u>parole</u> | | | | | | |
| Human Services, Juvenile Justice Services | 36226 | R547-6 | 5YR | 05/16/2012 | 2012-12/85 | |
| Pardons (Board Of), Administration | 35732 | R671-201 | 5YR | 01/26/2012 | 2012-4/109 | |
| | 35737 | R671-202 | 5YR | 01/31/2012 | 2012-4/110 | |
| | 35739 | R671-205 | 5YR | 01/31/2012 | 2012-4/111 | |
| | 35741 | R671-301 | 5YR | 01/31/2012 | 2012-4/112 | |
| | 35743 | R671-303 | 5YR | 01/31/2012 | 2012-4/113 | |
| | 35746 | R671-308 | 5YR | 01/31/2012 | 2012-4/114 | |
| | 35747 | R671-309 | 5YR | 01/31/2012 | 2012-4/115 | |
| | 35748 | R671-310 | 5YR | 01/31/2012 | 2012-4/115 | |
| | 35749 | R671-311 | 5YR | 01/31/2012 | 2012-4/116 | |
| | 35751 | R671-316 | 5YR | 01/31/2012 | 2012-4/117 | |
| | 35752 | R671-402 | 5YR | 01/31/2012 | 2012-4/117 | |
| | 36549 | R671-403 | 5YR | 07/27/2012 | 2012-16/198 | |
| | 35753 | R671-405 | 5YR | 01/31/2012 | 2012-4/118 | |
| <u>patient rights</u> | | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 35589 | R525-2 | AMD | 02/21/2012 | 2012-2/95 | |
| <u>paying standards</u> | | | | | | |
| Public Service Commission, Administration | 35509 | R746-342 | REP | 02/07/2012 | 2012-1/40 | |
| <u>payment determination</u> | | | | | | |
| Community and Culture, Home Energy Assistance Target (HEAT) | 36294 | R195-3 | EXT | 05/31/2012 | 2012-12/95 | |
| | 36315 | R195-3 | REP | 09/11/2012 | 2012-13/20 | |
| | 35405 | R195-3-3 | AMD | 03/26/2012 | 2011-23/16 | |
| Workforce Services, Administration | 36196 | R982-403 | NEW | 07/09/2012 | 2012-11/130 | |
| | 36514 | R982-403 | NSC | 07/31/2012 | Not Printed | |
| <u>peace officer basic course</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 36291 | R728-401 | R&R | 08/06/2012 | 2012-12/64 | |

| | | | | | | |
|---|-------|-------------|-----|------------|-------------|--|
| <u>peace officer certification</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 36291 | R728-401 | R&R | 08/06/2012 | 2012-12/64 | |
| <u>pedestrians</u> | | | | | | |
| Transportation, Operations, Traffic and Safety | 36614 | R920-5 | EXT | 08/01/2012 | 2012-16/203 | |
| <u>peer assistance</u> | | | | | | |
| Education, Administration | 36374 | R277-618 | NEW | 08/08/2012 | 2012-13/63 | |
| <u>penalties</u> | | | | | | |
| Environmental Quality, Air Quality | 35776 | R307-130 | 5YR | 02/01/2012 | 2012-4/82 | |
| Environmental Quality, Environmental Response and Remediation | 36052 | R311-208 | 5YR | 04/10/2012 | 2012-9/88 | |
| <u>per diem allowances</u> | | | | | | |
| Administrative Services, Finance | 36112 | R25-7 | AMD | 07/01/2012 | 2012-10/4 | |
| | 36636 | R25-7-6 | NSC | 08/30/2012 | Not Printed | |
| <u>performance measurement</u> | | | | | | |
| Health, Center for Health Data, Health Care Statistics | 36110 | R428-12 | AMD | 07/02/2012 | 2012-10/43 | |
| <u>performing arts</u> | | | | | | |
| Community and Culture, Arts and Museums | 35723 | R207-1 | 5YR | 01/24/2012 | 2012-4/64 | |
| <u>permits</u> | | | | | | |
| Environmental Quality, Air Quality | 36334 | R307-401 | 5YR | 06/06/2012 | 2012-13/101 | |
| | 36154 | R307-401-11 | NSC | 05/30/2012 | Not Printed | |
| | 36336 | R307-406 | 5YR | 06/06/2012 | 2012-13/102 | |
| Natural Resources, Forestry, Fire and State Lands | 36014 | R652-70 | 5YR | 04/02/2012 | 2012-8/87 | |
| | 36016 | R652-100 | 5YR | 04/02/2012 | 2012-8/88 | |
| Natural Resources, Wildlife Resources | 35435 | R657-42 | AMD | 01/10/2012 | 2011-23/76 | |
| | 36004 | R657-50 | 5YR | 04/02/2012 | 2012-8/89 | |
| | 36397 | R657-57 | AMD | 08/21/2012 | 2012-14/40 | |
| | 35436 | R657-62 | AMD | 01/10/2012 | 2011-23/85 | |
| | 36159 | R657-62 | AMD | 07/09/2012 | 2012-11/86 | |
| <u>permitting authority</u> | | | | | | |
| Environmental Quality, Air Quality | 36340 | R307-417 | 5YR | 06/06/2012 | 2012-13/105 | |
| <u>persistently dangerous schools</u> | | | | | | |
| Education, Administration | 36071 | R277-483-4 | AMD | 06/07/2012 | 2012-9/36 | |
| <u>personal property</u> | | | | | | |
| Tax Commission, Property Tax | 35592 | R884-24P | 5YR | 01/03/2012 | 2012-2/141 | |
| | 35514 | R884-24P-62 | AMD | 02/09/2012 | 2012-1/51 | |
| | 35864 | R884-24P-66 | AMD | 04/12/2012 | 2012-5/96 | |
| | 36174 | R884-24P-66 | AMD | 07/26/2012 | 2012-11/121 | |
| | 36064 | R884-24P-68 | AMD | 06/14/2012 | 2012-9/71 | |
| <u>personnel management</u> | | | | | | |
| Human Resource Management, Administration | 35821 | R477-1 | 5YR | 02/02/2012 | 2012-5/107 | |
| | 36118 | R477-1 | AMD | 07/02/2012 | 2012-10/47 | |
| | 35825 | R477-5 | 5YR | 02/02/2012 | 2012-5/109 | |
| | 35826 | R477-6 | 5YR | 02/02/2012 | 2012-5/110 | |
| | 36211 | R477-6 | AMD | 07/10/2012 | 2012-11/68 | |
| | 35880 | R477-6-5 | AMD | 07/10/2012 | 2012-6/23 | |
| | 35829 | R477-9 | 5YR | 02/02/2012 | 2012-5/112 | |
| | 36125 | R477-9 | AMD | 07/02/2012 | 2012-10/76 | |
| | 35834 | R477-13 | 5YR | 02/03/2012 | 2012-5/115 | |
| | 36127 | R477-13 | AMD | 07/02/2012 | 2012-10/81 | |
| <u>pesticides</u> | | | | | | |
| Environmental Quality, Water Quality | 35238 | R317-8 | AMD | 01/25/2012 | 2011-19/31 | |
| <u>petroleum</u> | | | | | | |
| Environmental Quality, Air Quality | 35778 | R307-301 | 5YR | 02/01/2012 | 2012-4/83 | |

RULES INDEX

| | | | | | |
|---|-------|-------------|-----|------------|-------------|
| | 35782 | R307-327 | 5YR | 02/01/2012 | 2012-4/86 |
| Environmental Quality, Environmental Response and Remediation | 35668 | R311-200 | AMD | 03/09/2012 | 2012-3/42 |
| | 36057 | R311-200 | 5YR | 04/10/2012 | 2012-9/82 |
| | 36046 | R311-202 | 5YR | 04/10/2012 | 2012-9/84 |
| | 36047 | R311-203 | 5YR | 04/10/2012 | 2012-9/84 |
| | 36048 | R311-204 | 5YR | 04/10/2012 | 2012-9/85 |
| | 36049 | R311-205 | 5YR | 04/10/2012 | 2012-9/86 |
| | 36050 | R311-206 | 5YR | 04/10/2012 | 2012-9/86 |
| | 36497 | R311-206 | AMD | 09/14/2012 | 2012-15/24 |
| | 36051 | R311-207 | 5YR | 04/10/2012 | 2012-9/87 |
| | 36052 | R311-208 | 5YR | 04/10/2012 | 2012-9/88 |
| | 36053 | R311-209 | 5YR | 04/10/2012 | 2012-9/89 |
| | 36055 | R311-211 | 5YR | 04/10/2012 | 2012-9/90 |
| | 36056 | R311-212 | 5YR | 04/10/2012 | 2012-9/90 |
| Tax Commission, Auditing | 35605 | R865-150 | 5YR | 01/03/2012 | 2012-2/133 |
| <u>petroleum hydrocarbons</u> | | | | | |
| Environmental Quality, Water Quality | 36544 | R317-6 | 5YR | 07/26/2012 | 2012-16/192 |
| <u>petroleum industries</u> | | | | | |
| Tax Commission, Auditing | 35605 | R865-150 | 5YR | 01/03/2012 | 2012-2/133 |
| <u>physical and mental fitness testing</u> | | | | | |
| Public Safety, Driver License | 35854 | R708-39 | 5YR | 02/06/2012 | 2012-5/124 |
| <u>physical examinations</u> | | | | | |
| Public Safety, Driver License | 35704 | R708-25 | 5YR | 01/20/2012 | 2012-4/119 |
| <u>physically handicapped</u> | | | | | |
| Public Service Commission, Administration | 36029 | R746-343-4 | AMD | 06/20/2012 | 2012-9/64 |
| <u>physicians</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 35389 | R156-67-503 | AMD | 03/09/2012 | 2011-22/14 |
| | 35389 | R156-67-503 | CPR | 03/09/2012 | 2012-3/86 |
| Public Safety, Driver License | 35632 | R708-7 | 5YR | 01/09/2012 | 2012-3/122 |
| <u>plots</u> | | | | | |
| Community and Culture, History | 36301 | R212-12 | 5YR | 05/31/2012 | 2012-12/84 |
| | 36305 | R212-12 | NSC | 06/29/2012 | Not Printed |
| <u>PM10</u> | | | | | |
| Environmental Quality, Air Quality | 35774 | R307-110 | 5YR | 02/01/2012 | 2012-4/65 |
| | 36342 | R307-421 | 5YR | 06/06/2012 | 2012-13/106 |
| <u>PM2.5</u> | | | | | |
| Environmental Quality, Air Quality | 35774 | R307-110 | 5YR | 02/01/2012 | 2012-4/65 |
| | 36342 | R307-421 | 5YR | 06/06/2012 | 2012-13/106 |
| <u>point-system</u> | | | | | |
| Public Safety, Driver License | 35636 | R708-3 | 5YR | 01/09/2012 | 2012-3/121 |
| <u>police dog training rules</u> | | | | | |
| Public Safety, Peace Officer Standards and Training | 36245 | R728-505 | 5YR | 05/17/2012 | 2012-12/90 |
| <u>police training</u> | | | | | |
| Public Safety, Peace Officer Standards and Training | 35627 | R728-411 | 5YR | 01/06/2012 | 2012-3/125 |
| <u>policy</u> | | | | | |
| Capitol Preservation Board (State), Administration | 35686 | R131-9 | R&R | 03/09/2012 | 2012-3/13 |
| <u>political subdivisions</u> | | | | | |
| Natural Resources, Geological Survey | 35685 | R638-3 | EMR | 02/01/2012 | 2012-3/97 |
| <u>POLST</u> | | | | | |
| Health, Family Health and Preparedness, Licensing | 35976 | R432-31 | 5YR | 03/28/2012 | 2012-8/76 |

| | | | | | | |
|---|-------------------------|----------------------------------|-------------------|--|--------------------------------------|--|
| <u>pools</u> | | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 35707 | R392-302 | 5YR | 01/20/2012 | 2012-4/93 | |
| <u>population</u> | | | | | | |
| Human Services, Aging and Adult Services | 36471 | R510-109 | 5YR | 07/11/2012 | 2012-15/83 | |
| <u>position classifications</u> | | | | | | |
| Human Resource Management, Administration | 35823 36120 | R477-3 R477-3 | 5YR AMD | 02/02/2012 07/02/2012 | 2012-5/108 2012-10/54 | |
| <u>post-conviction</u> | | | | | | |
| Administrative Services, Finance | 35663 | R25-14 | 5YR | 01/12/2012 | 2012-3/105 | |
| <u>posting notices</u> | | | | | | |
| Capitol Preservation Board (State), Administration | 35687 | R131-10 | 5YR | 01/17/2012 | 2012-3/111 | |
| <u>postsecondary proprietary schools</u> | | | | | | |
| Commerce, Consumer Protection | 36360 | R152-34 | 5YR | 06/14/2012 | 2012-13/98 | |
| <u>poultry</u> | | | | | | |
| Agriculture and Food, Animal Industry | 35866 36144 | R58-11 R58-11 | AMD NSC | 05/15/2012 05/30/2012 | 2012-5/5 Not Printed | |
| <u>powersport vehicles</u> | | | | | | |
| Commerce, Administration | 36329 | R151-35 | 5YR | 06/05/2012 | 2012-13/97 | |
| <u>predators</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36363 36545 | R657-64 R657-64 | NEW NSC | 08/07/2012 08/08/2012 | 2012-13/72 Not Printed | |
| <u>preferred provider organization</u> | | | | | | |
| Health, Center for Health Data, Health Care Statistics | 36110 | R428-12 | AMD | 07/02/2012 | 2012-10/43 | |
| <u>prelitigation</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 35820 | R156-78B | 5YR | 02/02/2012 | 2012-5/102 | |
| <u>preneed funeral arrangements</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 36117 | R156-9 | AMD | 06/21/2012 | 2012-10/17 | |
| <u>Preservation Pro</u> | | | | | | |
| Community and Culture, Administration | 36353 | R182-2 | NEW | 08/31/2012 | 2012-13/14 | |
| <u>press</u> | | | | | | |
| Corrections, Administration | 35760 35767 35805 | R251-106 R251-106 R251-106 | EXD EMR NEW | 01/18/2012 02/01/2012 04/09/2012 | 2012-4/123 2012-4/45 2012-5/11 | |
| <u>pricing flexibility</u> | | | | | | |
| Public Service Commission, Administration | 35917 | R746-351 | 5YR | 03/06/2012 | 2012-7/72 | |
| <u>primary care</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36309 | R414-310 | 5YR | 06/04/2012 | 2012-13/107 | |
| <u>primary care network</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36184 | R414-100 | 5YR | 05/14/2012 | 2012-11/180 | |
| <u>primary term</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 36009 | R652-20 | 5YR | 04/02/2012 | 2012-8/85 | |
| <u>printing</u> | | | | | | |
| Transportation, Administration | 35670 | R907-60 | REP | 03/12/2012 | 2012-3/80 | |
| <u>prison release</u> | | | | | | |
| Pardons (Board Of), Administration | 35739 | R671-205 | 5YR | 01/31/2012 | 2012-4/111 | |

RULES INDEX

prisons

| | | | | | |
|-----------------------------|-------|----------|-----|------------|------------|
| Corrections, Administration | 35760 | R251-106 | EXD | 01/18/2012 | 2012-4/123 |
| | 35767 | R251-106 | EMR | 02/01/2012 | 2012-4/45 |
| | 35805 | R251-106 | NEW | 04/09/2012 | 2012-5/11 |
| | 35761 | R251-107 | EXD | 01/18/2012 | 2012-4/123 |
| | 35768 | R251-107 | EMR | 02/01/2012 | 2012-4/47 |
| | 35806 | R251-107 | NEW | 04/09/2012 | 2012-5/13 |
| | 35763 | R251-703 | EXD | 01/18/2012 | 2012-4/124 |
| | 35770 | R251-703 | EMR | 02/01/2012 | 2012-4/51 |
| | 35808 | R251-703 | NEW | 04/09/2012 | 2012-5/17 |
| | 35765 | R251-705 | EXD | 01/18/2012 | 2012-4/124 |
| | 35772 | R251-705 | EMR | 02/01/2012 | 2012-4/53 |
| | 35810 | R251-705 | NEW | 04/09/2012 | 2012-5/19 |
| | 35766 | R251-706 | EXD | 01/18/2012 | 2012-4/124 |
| | 35773 | R251-706 | EMR | 02/01/2012 | 2012-4/56 |
| | 35811 | R251-706 | NEW | 04/09/2012 | 2012-5/22 |
| | 35756 | R251-707 | EXT | 01/31/2012 | 2012-4/121 |
| | 36041 | R251-707 | 5YR | 04/06/2012 | 2012-9/78 |
| | 35757 | R251-710 | EXT | 01/31/2012 | 2012-4/121 |
| | 36042 | R251-710 | 5YR | 04/06/2012 | 2012-9/78 |

private schools

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 35536 | R277-426 | AMD | 02/07/2012 | 2012-1/13 |
| | 36767 | R277-426 | 5YR | 09/14/2012 | Not Printed |

procurement

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| Administrative Services, Facilities Construction and Management | 36145 | R23-1 | 5YR | 05/03/2012 | 2012-11/177 |
| | 36020 | R23-1-40 | AMD | 08/07/2012 | 2012-8/4 |
| | 36020 | R23-1-40 | CPR | 08/07/2012 | 2012-13/88 |
| | 36632 | R23-1-40 | NSC | 08/23/2012 | Not Printed |
| Administrative Services, Purchasing and General Services | 36428 | R33-5 | 5YR | 07/02/2012 | 2012-14/63 |

professional competency

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|---|-------|----------|-----|------------|-------------|
| Education, Administration | 36643 | R277-502 | 5YR | 08/14/2012 | 2012-17/103 |
| | 36644 | R277-505 | 5YR | 08/14/2012 | 2012-17/103 |
| | 36645 | R277-506 | 5YR | 08/14/2012 | 2012-17/104 |
| | 35679 | R277-513 | REP | 03/12/2012 | 2012-3/30 |
| | 36646 | R277-514 | 5YR | 08/14/2012 | 2012-17/104 |
| | 35941 | R277-519 | 5YR | 03/15/2012 | 2012-7/64 |
| Public Safety, Peace Officer Standards and Training | 35627 | R728-411 | 5YR | 01/06/2012 | 2012-3/125 |

professional conduct

| | | | | | |
|-----------------------|-------|----------|-----|------------|------------|
| Commerce, Real Estate | 36078 | R162-57a | AMD | 08/21/2012 | 2012-9/27 |
| | 36078 | R162-57a | CPR | 08/21/2012 | 2012-14/48 |

professional education

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|---------------------------|-------|----------|-----|------------|-----------|
| Education, Administration | 35940 | R277-507 | 5YR | 03/15/2012 | 2012-7/64 |
|---------------------------|-------|----------|-----|------------|-----------|

professional engineers

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|---|-------|---------|-----|------------|------------|
| Commerce, Occupational and Professional Licensing | 36090 | R156-22 | AMD | 06/21/2012 | 2012-10/19 |
| | 36405 | R156-22 | 5YR | 06/25/2012 | 2012-14/64 |

professional geologists

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|---|-------|---------|-----|------------|-----------|
| Commerce, Occupational and Professional Licensing | 35894 | R156-76 | 5YR | 02/21/2012 | 2012-6/37 |
|---|-------|---------|-----|------------|-----------|

professional land surveyors

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|---|-------|---------|-----|------------|------------|
| Commerce, Occupational and Professional Licensing | 36090 | R156-22 | AMD | 06/21/2012 | 2012-10/19 |
| | 36405 | R156-22 | 5YR | 06/25/2012 | 2012-14/64 |

professional learning

| | | | | | |
|---------------------------|-------|----------|-----|------------|------------|
| Education, Administration | 36203 | R277-500 | AMD | 07/09/2012 | 2012-11/23 |
|---------------------------|-------|----------|-----|------------|------------|

professional qualifications

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|---------------------------|-------|----------|-----|------------|------------|
| Education, Administration | 36205 | R277-524 | AMD | 07/09/2012 | 2012-11/33 |
|---------------------------|-------|----------|-----|------------|------------|

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|---|-------|--------------|-----|------------|-------------|--|
| <u>professional staff</u> | | | | | | |
| Education, Administration | 36072 | R277-486 | AMD | 06/07/2012 | 2012-9/37 | |
| <u>professional structural engineers</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 36090 | R156-22 | AMD | 06/21/2012 | 2012-10/19 | |
| | 36405 | R156-22 | 5YR | 06/25/2012 | 2012-14/64 | |
| <u>program</u> | | | | | | |
| Capitol Preservation Board (State), Administration | 35686 | R131-9 | R&R | 03/09/2012 | 2012-3/13 | |
| <u>prohibited devices</u> | | | | | | |
| Human Services, Juvenile Justice Services | 36043 | R547-14 | 5YR | 04/09/2012 | 2012-9/93 | |
| <u>prohibited items</u> | | | | | | |
| Human Services, Juvenile Justice Services | 36043 | R547-14 | 5YR | 04/09/2012 | 2012-9/93 | |
| <u>prohibited items and devices</u> | | | | | | |
| Human Services, Juvenile Justice Services | 36136 | R547-1 | 5YR | 05/01/2012 | 2012-10/92 | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 35593 | R525-6 | AMD | 02/21/2012 | 2012-2/98 | |
| <u>promotions</u> | | | | | | |
| Agriculture and Food, Marketing and Development | 36489 | R65-2 | 5YR | 07/12/2012 | 2012-15/73 | |
| | 36488 | R65-5 | 5YR | 07/12/2012 | 2012-15/73 | |
| | 36490 | R65-11 | 5YR | 07/12/2012 | 2012-15/74 | |
| <u>property casualty insurance</u> | | | | | | |
| Insurance, Administration | 36222 | R590-264 | NEW | 07/13/2012 | 2012-11/83 | |
| <u>property casualty insurance filing</u> | | | | | | |
| Insurance, Administration | 36458 | R590-225-7 | AMD | 09/10/2012 | 2012-15/35 | |
| <u>property claims</u> | | | | | | |
| Treasurer, Unclaimed Property | 36504 | R966-1 | 5YR | 07/18/2012 | 2012-16/201 | |
| <u>property tax</u> | | | | | | |
| Tax Commission, Property Tax | 35592 | R884-24P | 5YR | 01/03/2012 | 2012-2/141 | |
| | 35514 | R884-24P-62 | AMD | 02/09/2012 | 2012-1/51 | |
| | 35864 | R884-24P-66 | AMD | 04/12/2012 | 2012-5/96 | |
| | 36174 | R884-24P-66 | AMD | 07/26/2012 | 2012-11/121 | |
| | 36064 | R884-24P-68 | AMD | 06/14/2012 | 2012-9/71 | |
| <u>PSD</u> | | | | | | |
| Environmental Quality, Air Quality | 35413 | R307-405 | AMD | 02/02/2012 | 2011-23/42 | |
| | 35872 | R307-405-3 | NSC | 02/29/2012 | Not Printed | |
| <u>public assistance</u> | | | | | | |
| Public Service Commission, Administration | 36029 | R746-343-4 | AMD | 06/20/2012 | 2012-9/64 | |
| Workforce Services, Employment Development | 35993 | R986-900-902 | AMD | 07/01/2012 | 2012-8/67 | |
| | 36300 | R986-900-902 | AMD | 07/25/2012 | 2012-12/75 | |
| <u>public assistance programs</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 35441 | R414-308 | AMD | 02/06/2012 | 2011-23/70 | |
| | 35790 | R414-308 | AMD | 04/01/2012 | 2012-4/14 | |
| Human Services, Recovery Services | 36351 | R527-330 | 5YR | 06/12/2012 | 2012-13/111 | |
| | 36677 | R527-928 | 5YR | 08/21/2012 | 2012-18/82 | |
| <u>public buildings</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 36145 | R23-1 | 5YR | 05/03/2012 | 2012-11/177 | |
| | 36020 | R23-1-40 | AMD | 08/07/2012 | 2012-8/4 | |
| | 36020 | R23-1-40 | CPR | 08/07/2012 | 2012-13/88 | |
| | 36632 | R23-1-40 | NSC | 08/23/2012 | Not Printed | |
| | 36146 | R23-19 | 5YR | 05/03/2012 | 2012-11/177 | |
| Capitol Preservation Board (State), Administration | 35899 | R131-3 | EXT | 02/29/2012 | 2012-6/43 | |

RULES INDEX

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| Public Safety, Fire Marshal | 36359 | R131-3 | 5YR | 06/13/2012 | 2012-13/97 |
| | 36278 | R710-4 | 5YR | 05/24/2012 | 2012-12/89 |
| | 36022 | R710-4-3 | AMD | 05/22/2012 | 2012-8/60 |
| <u>public education</u> | | | | | |
| Education, Administration | 36200 | R277-437-3 | AMD | 07/09/2012 | 2012-11/17 |
| Money Management Council, Administration | 35681 | R277-714 | AMD | 03/12/2012 | 2012-3/36 |
| | 36453 | R628-2 | 5YR | 07/10/2012 | 2012-15/87 |
| <u>public fueling</u> | | | | | |
| Administrative Services, Fleet Operations | 35727 | R27-9 | NEW | 03/26/2012 | 2012-4/6 |
| <u>public health</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 35715 | R392-100 | 5YR | 01/20/2012 | 2012-4/91 |
| | 35445 | R392-100 | AMD | 01/26/2012 | 2011-23/62 |
| | 36404 | R392-100 | AMD | 09/10/2012 | 2012-14/16 |
| | 35710 | R392-200 | 5YR | 01/20/2012 | 2012-4/91 |
| | 35709 | R392-300 | 5YR | 01/20/2012 | 2012-4/92 |
| | 35708 | R392-301 | 5YR | 01/20/2012 | 2012-4/93 |
| | 35711 | R392-400 | 5YR | 01/20/2012 | 2012-4/94 |
| | 35714 | R392-401 | 5YR | 01/20/2012 | 2012-4/94 |
| | 35712 | R392-402 | 5YR | 01/20/2012 | 2012-4/95 |
| | 35713 | R392-501 | 5YR | 01/20/2012 | 2012-4/96 |
| | 36017 | R392-502 | 5YR | 04/02/2012 | 2012-8/75 |
| | 36019 | R392-510 | 5YR | 04/02/2012 | 2012-8/75 |
| <u>public health emergency</u> | | | | | |
| Health, Administration | 35571 | R380-60 | NEW | 03/07/2012 | 2012-2/31 |
| <u>public information</u> | | | | | |
| Administrative Services, Administration | 36285 | R13-2-4 | AMD | 08/07/2012 | 2012-12/8 |
| Human Resource Management, Administration | 35822 | R477-2 | 5YR | 02/02/2012 | 2012-5/108 |
| | 36119 | R477-2 | AMD | 07/02/2012 | 2012-10/51 |
| <u>public investments</u> | | | | | |
| Money Management Council, Administration | 36453 | R628-2 | 5YR | 07/10/2012 | 2012-15/87 |
| | 35640 | R628-17 | 5YR | 01/09/2012 | 2012-3/121 |
| <u>public meetings</u> | | | | | |
| Examiners (Board of), Administration | 35497 | R320-101 | NEW | 02/10/2012 | 2011-24/10 |
| Natural Resources, Forestry, Fire and State Lands | 36015 | R652-90 | 5YR | 04/02/2012 | 2012-8/88 |
| <u>public petitions</u> | | | | | |
| School and Institutional Trust Lands, Administration | 36446 | R850-8 | NSC | 07/25/2012 | Not Printed |
| <u>public records</u> | | | | | |
| Environmental Quality, Administration | 35928 | R305-1 | 5YR | 03/13/2012 | 2012-7/65 |
| Health, Administration | 36025 | R380-20 | 5YR | 04/03/2012 | 2012-9/92 |
| Natural Resources, Forestry, Fire and State Lands | 36018 | R652-6 | 5YR | 04/02/2012 | 2012-8/84 |
| Natural Resources, Oil, Gas and Mining; Administration | 35791 | R642-100 | 5YR | 02/01/2012 | 2012-4/100 |
| Natural Resources, Parks and Recreation | 36060 | R651-102 | 5YR | 04/11/2012 | 2012-9/98 |
| Natural Resources, Wildlife Resources | 36131 | R657-29 | 5YR | 05/01/2012 | 2012-10/95 |
| Regents (Board Of), College of Eastern Utah | 36391 | R767-1 | EXT | 06/18/2012 | 2012-14/83 |
| School and Institutional Trust Lands, Administration | 36410 | R850-6 | 5YR | 06/27/2012 | 2012-14/78 |
| Transportation, Administration | 35672 | R907-69 | NEW | 03/12/2012 | 2012-3/81 |
| <u>public schools</u> | | | | | |
| Education, Administration | 36582 | R277-103 | 5YR | 08/01/2012 | 2012-16/188 |
| | 36588 | R277-410 | 5YR | 08/01/2012 | 2012-16/191 |
| | 35819 | R277-915 | 5YR | 02/02/2012 | 2012-5/104 |
| | 35683 | R277-915 | AMD | 03/12/2012 | 2012-3/39 |
| | 35938 | R277-916 | AMD | 05/08/2012 | 2012-7/35 |
| <u>public utilities</u> | | | | | |
| Public Service Commission, Administration | 35508 | R746-100 | AMD | 02/07/2012 | 2012-1/30 |

| | | | | | |
|--|-------|------------|-----|------------|-------------|
| | 35900 | R746-100 | AMD | 05/07/2012 | 2012-6/24 |
| | 36195 | R746-100 | AMD | 07/09/2012 | 2012-11/94 |
| | 35505 | R746-310-1 | AMD | 02/07/2012 | 2012-1/38 |
| | 35925 | R746-310-2 | NSC | 03/22/2012 | Not Printed |
| | 35926 | R746-320 | NSC | 03/22/2012 | Not Printed |
| | 35509 | R746-342 | REP | 02/07/2012 | 2012-1/40 |
| | 35916 | R746-349 | 5YR | 03/06/2012 | 2012-7/71 |
| | 35917 | R746-351 | 5YR | 03/06/2012 | 2012-7/72 |
| | 35927 | R746-365 | NSC | 03/22/2012 | Not Printed |
| | 36358 | R746-400 | 5YR | 06/13/2012 | 2012-13/114 |
| | 35507 | R746-405-2 | AMD | 02/07/2012 | 2012-1/41 |
| | 35896 | R746-405-2 | AMD | 05/07/2012 | 2012-6/31 |
| | 36208 | R746-405-2 | AMD | 07/09/2012 | 2012-11/102 |
| <u>QEFAF</u> | | | | | |
| Community and Culture, Housing and Community Development, Community Services | 36326 | R202-101 | REP | 09/11/2012 | 2012-13/44 |
| Workforce Services, Housing and Community Development | 36220 | R990-101 | NEW | 07/09/2012 | 2012-11/156 |
| | 36526 | R990-101 | NSC | 07/31/2012 | Not Printed |
| <u>Qualified Emergency Food Agencies Fund</u> | | | | | |
| Community and Culture, Housing and Community Development, Community Services | 36326 | R202-101 | REP | 09/11/2012 | 2012-13/44 |
| Workforce Services, Housing and Community Development | 36220 | R990-101 | NEW | 07/09/2012 | 2012-11/156 |
| | 36526 | R990-101 | NSC | 07/31/2012 | Not Printed |
| <u>quarantine</u> | | | | | |
| Health, Disease Control and Prevention, Epidemiology | 36247 | R386-702 | AMD | 08/08/2012 | 2012-12/29 |
| <u>quarantines</u> | | | | | |
| Agriculture and Food, Plant Industry | 36697 | R68-15 | 5YR | 08/28/2012 | 2012-18/77 |
| <u>rabies</u> | | | | | |
| Health, Disease Control and Prevention, Epidemiology | 36247 | R386-702 | AMD | 08/08/2012 | 2012-12/29 |
| <u>races</u> | | | | | |
| Transportation, Operations, Traffic and Safety | 36612 | R920-4 | 5YR | 08/01/2012 | 2012-16/200 |
| <u>RACT</u> | | | | | |
| Environmental Quality, Air Quality | 35780 | R307-325 | 5YR | 02/01/2012 | 2012-4/84 |
| <u>radioactive materials</u> | | | | | |
| Environmental Quality, Radiation Control | 35417 | R313-22-75 | AMD | 01/16/2012 | 2011-23/51 |
| | 35418 | R313-36 | AMD | 01/16/2012 | 2011-23/54 |
| <u>railroads</u> | | | | | |
| Transportation, Operations, Traffic and Safety | 36618 | R920-51 | 5YR | 08/01/2012 | 2012-16/201 |
| <u>rally</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 36148 | R23-20 | 5YR | 05/03/2012 | 2012-11/178 |
| <u>range management</u> | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 36012 | R652-50 | 5YR | 04/02/2012 | 2012-8/86 |
| School and Institutional Trust Lands, Administration | 36413 | R850-50 | 5YR | 06/27/2012 | 2012-14/80 |
| <u>rates</u> | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 36007 | R652-4 | 5YR | 04/02/2012 | 2012-8/83 |
| Public Service Commission, Administration | 36029 | R746-343-4 | AMD | 06/20/2012 | 2012-9/64 |
| School and Institutional Trust Lands, Administration | 36408 | R850-4 | 5YR | 06/27/2012 | 2012-14/77 |
| Workforce Services, Unemployment Insurance | 36093 | R994-303 | 5YR | 04/25/2012 | 2012-10/97 |

RULES INDEX

| | | | | | | |
|--|-------|--------------|-----|------------|-------------|--|
| <u>raw milk</u> | | | | | | |
| Agriculture and Food, Regulatory Services | 36465 | R70-330 | EMR | 07/11/2012 | 2012-15/65 | |
| <u>reading</u> | | | | | | |
| Education, Administration | 35675 | R277-476 | REP | 03/12/2012 | 2012-3/22 | |
| <u>real estate business</u> | | | | | | |
| Commerce, Real Estate | 36390 | R162-2f | AMD | 08/21/2012 | 2012-14/5 | |
| <u>reception center licenses</u> | | | | | | |
| Alcoholic Beverage Control, Administration | 36113 | R81-4F-7 | AMD | 07/01/2012 | 2012-10/9 | |
| | 36115 | R81-4F-13 | AMD | 07/01/2012 | 2012-10/10 | |
| <u>reclamation</u> | | | | | | |
| Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation | 35792 | R643-870 | 5YR | 02/01/2012 | 2012-4/101 | |
| | 35793 | R643-872 | 5YR | 02/01/2012 | 2012-4/101 | |
| | 35794 | R643-874 | 5YR | 02/01/2012 | 2012-4/102 | |
| | 35795 | R643-875 | 5YR | 02/01/2012 | 2012-4/102 | |
| | 35796 | R643-877 | 5YR | 02/01/2012 | 2012-4/103 | |
| | 35797 | R643-879 | 5YR | 02/01/2012 | 2012-4/104 | |
| | 35798 | R643-882 | 5YR | 02/01/2012 | 2012-4/104 | |
| | 35799 | R643-884 | 5YR | 02/01/2012 | 2012-4/105 | |
| | 35800 | R643-886 | 5YR | 02/01/2012 | 2012-4/105 | |
| Natural Resources, Oil, Gas and Mining; Coal | 35801 | R645-100 | 5YR | 02/01/2012 | 2012-4/106 | |
| | 35995 | R645-100-200 | AMD | 05/23/2012 | 2012-8/18 | |
| | 35802 | R645-103 | 5YR | 02/01/2012 | 2012-4/106 | |
| | 35803 | R645-200 | 5YR | 02/01/2012 | 2012-4/107 | |
| | 35804 | R645-201 | 5YR | 02/01/2012 | 2012-4/107 | |
| | 35836 | R645-202 | 5YR | 02/03/2012 | 2012-5/117 | |
| | 35837 | R645-203 | 5YR | 02/03/2012 | 2012-5/117 | |
| | 35838 | R645-300 | 5YR | 02/03/2012 | 2012-5/118 | |
| | 35996 | R645-300-100 | AMD | 05/23/2012 | 2012-8/31 | |
| | 35839 | R645-301 | 5YR | 02/03/2012 | 2012-5/118 | |
| | 35997 | R645-301-100 | AMD | 05/23/2012 | 2012-8/39 | |
| | 36151 | R645-301-500 | NSC | 05/30/2012 | Not Printed | |
| | 35840 | R645-302 | 5YR | 02/03/2012 | 2012-5/119 | |
| | 35998 | R645-302-200 | AMD | 05/23/2012 | 2012-8/43 | |
| | 35841 | R645-303 | 5YR | 02/03/2012 | 2012-5/120 | |
| | 35999 | R645-303-300 | AMD | 05/23/2012 | 2012-8/52 | |
| | 36000 | R645-400-300 | AMD | 05/23/2012 | 2012-8/54 | |
| | 35842 | R645-402 | 5YR | 02/03/2012 | 2012-5/120 | |
| | 36001 | R645-403 | NEW | 05/23/2012 | 2012-8/58 | |
| <u>reconsiderations</u> | | | | | | |
| Career Service Review Office, Administration | 35559 | R137-1-21 | AMD | 02/21/2012 | 2012-2/26 | |
| <u>record requests</u> | | | | | | |
| Human Services, Recovery Services | 35631 | R527-5 | 5YR | 01/06/2012 | 2012-3/116 | |
| <u>recordkeeping</u> | | | | | | |
| Commerce, Securities | 36461 | R164-5 | 5YR | 07/11/2012 | 2012-15/76 | |
| <u>records</u> | | | | | | |
| Pardons (Board Of), Administration | 35743 | R671-303 | 5YR | 01/31/2012 | 2012-4/113 | |
| Workforce Services, Administration | 36355 | R982-201 | 5YR | 06/12/2012 | 2012-13/115 | |
| <u>records access</u> | | | | | | |
| Regents (Board Of), College of Eastern Utah | 36391 | R767-1 | EXT | 06/18/2012 | 2012-14/83 | |
| Transportation, Administration | 35672 | R907-69 | NEW | 03/12/2012 | 2012-3/81 | |
| <u>records fees</u> | | | | | | |
| Human Services, Recovery Services | 35631 | R527-5 | 5YR | 01/06/2012 | 2012-3/116 | |
| <u>recreation</u> | | | | | | |
| Natural Resources, Parks and Recreation | 36225 | R651-301 | 5YR | 05/16/2012 | 2012-12/86 | |
| Natural Resources, Wildlife Resources | 35211 | R657-38 | AMD | 01/10/2012 | 2011-18/65 | |

| | | | | | | |
|---|-------|---------------|-----|------------|-------------|--|
| <u>recreation areas</u> | | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 35709 | R392-300 | 5YR | 01/20/2012 | 2012-4/92 | |
| | 35708 | R392-301 | 5YR | 01/20/2012 | 2012-4/93 | |
| | 35714 | R392-401 | 5YR | 01/20/2012 | 2012-4/94 | |
| <u>refinery</u> | | | | | | |
| Environmental Quality, Air Quality | 35781 | R307-326 | 5YR | 02/01/2012 | 2012-4/85 | |
| <u>registration</u> | | | | | | |
| Commerce, Real Estate | 35915 | R162-2e-402 | AMD | 05/23/2012 | 2012-7/25 | |
| | 36078 | R162-57a | AMD | 08/21/2012 | 2012-9/27 | |
| | 36078 | R162-57a | CPR | 08/21/2012 | 2012-14/48 | |
| Natural Resources, Forestry, Fire and State Lands | 35698 | R652-140 | 5YR | 01/19/2012 | 2012-4/108 | |
| Workforce Services, Unemployment Insurance | 36223 | R994-403 | AMD | 07/09/2012 | 2012-11/159 | |
| | 35448 | R994-403-112c | AMD | 01/17/2012 | 2011-23/98 | |
| <u>registration requirements</u> | | | | | | |
| Commerce, Consumer Protection | 36360 | R152-34 | 5YR | 06/14/2012 | 2012-13/98 | |
| <u>reimbursement</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36106 | R414-9-5 | AMD | 07/01/2012 | 2012-10/37 | |
| <u>religious activities</u> | | | | | | |
| Tax Commission, Auditing | 35606 | R865-19S | 5YR | 01/03/2012 | 2012-2/133 | |
| | 35511 | R865-19S-32 | AMD | 02/09/2012 | 2012-1/48 | |
| | 36175 | R865-19S-123 | AMD | 07/26/2012 | 2012-11/118 | |
| <u>renewable</u> | | | | | | |
| Governor, Energy Development (Office of) | 36701 | R362-2 | 5YR | 08/30/2012 | 2012-18/77 | |
| Natural Resources, Geological Survey | 36593 | R638-2 | NSC | 08/13/2012 | Not Printed | |
| <u>renewals</u> | | | | | | |
| Environmental Quality, Solid and Hazardous Waste | 36246 | R315-15 | 5YR | 05/17/2012 | 2012-12/85 | |
| Environmental Quality, Water Quality | 36457 | R317-10 | 5YR | 07/11/2012 | 2012-15/78 | |
| <u>repairs</u> | | | | | | |
| Administrative Services, Fleet Operations | 35621 | R27-8 | 5YR | 01/05/2012 | 2012-3/107 | |
| <u>reporting</u> | | | | | | |
| Health, Family Health and Preparedness, Emergency Medical Services | 36100 | R426-5 | 5YR | 04/26/2012 | 2012-10/92 | |
| Natural Resources, Oil, Gas and Mining; Oil and Gas | 35848 | R649-8 | 5YR | 02/03/2012 | 2012-5/123 | |
| <u>reports</u> | | | | | | |
| Education, Administration | 35676 | R277-484-3 | AMD | 03/12/2012 | 2012-3/23 | |
| Public Service Commission, Administration | 36358 | R746-400 | 5YR | 06/13/2012 | 2012-13/114 | |
| <u>request for proposals</u> | | | | | | |
| School and Institutional Trust Lands, Administration | 36411 | R850-30 | 5YR | 06/27/2012 | 2012-14/79 | |
| <u>research data requests</u> | | | | | | |
| Education, Administration | 35676 | R277-484-3 | AMD | 03/12/2012 | 2012-3/23 | |
| <u>research funding</u> | | | | | | |
| Science Technology and Research Governing Auth., Administration | 36083 | R856-1 | EXD | 04/05/2012 | 2012-9/101 | |
| | 36156 | R856-1 | NEW | 07/31/2012 | 2012-11/108 | |
| <u>residency requirements</u> | | | | | | |
| Community and Culture, Home Energy Assistance Target (HEAT) | 36293 | R195-2 | EXT | 05/31/2012 | 2012-12/95 | |
| | 36314 | R195-2 | REP | 09/11/2012 | 2012-13/17 | |
| Natural Resources, Forestry, Fire and State Lands | 36006 | R652-3 | 5YR | 04/02/2012 | 2012-8/83 | |
| School and Institutional Trust Lands, Administration | 36276 | R850-3 | 5YR | 05/23/2012 | 2012-12/91 | |

RULES INDEX

| | | | | | |
|--|---|---|---------------------------------|--|--|
| Workforce Services, Administration | 36194 36513 | R982-402 R982-402 | NEW NSC | 07/09/2012 07/31/2012 | 2012-11/127 Not Printed |
| <u>residential mortgage</u> Commerce, Real Estate | 36079 | R162-2c | AMD | 06/07/2012 | 2012-9/12 |
| <u>resorts</u> Health, Disease Control and Prevention, Environmental Services | 36017 | R392-502 | 5YR | 04/02/2012 | 2012-8/75 |
| <u>resource decision</u> Public Service Commission, Administration | 35924 | R746-440 | 5YR | 03/08/2012 | 2012-7/73 |
| <u>resources</u> Health, Health Care Financing, Coverage and Reimbursement Policy | 35437 | R414-305 | AMD | 02/06/2012 | 2011-23/65 |
| <u>restaurants</u> Tax Commission, Auditing | 35602 36171 | R865-12L R865-12L-14 | 5YR AMD | 01/03/2012 07/26/2012 | 2012-2/130 2012-11/117 |
| <u>restitution</u> Pardons (Board Of), Administration | 36549 | R671-403 | 5YR | 07/27/2012 | 2012-16/198 |
| <u>retirement</u> Human Resource Management, Administration | 35832 | R477-12 | 5YR | 02/03/2012 | 2012-5/114 |
| <u>revocation procedures</u> Environmental Quality, Environmental Response and Remediation | 35447 36045 36496 | R311-201 R311-201 R311-201-12 | AMD 5YR AMD | 01/13/2012 04/10/2012 09/14/2012 | 2011-23/45 2012-9/82 2012-15/20 |
| <u>revolving account</u> Education, Administration | 35582 35817 | R277-480-1 R277-480-1 | NSC NSC | 01/31/2012 02/29/2012 | Not Printed Not Printed |
| <u>right of petition</u> School and Institutional Trust Lands, Administration | 36446 | R850-8 | NSC | 07/25/2012 | Not Printed |
| <u>right of way</u> Transportation, Program Development | 36179 | R926-6 | NSC | 05/30/2012 | Not Printed |
| <u>right of way acquisition</u> Transportation, Preconstruction, Right-of-Way Acquisition | 35429 | R933-1 | AMD | 01/10/2012 | 2011-23/97 |
| <u>right-of-way</u> Natural Resources, Wildlife Resources | 36637 | R657-28 | 5YR | 08/13/2012 | 2012-17/109 |
| <u>risk management</u> Administrative Services, Risk Management | 36286 36287 36288 36289 35844 | R37-1 R37-2 R37-3 R37-4 R37-4 | 5YR 5YR 5YR 5YR AMD | 05/30/2012 05/30/2012 05/30/2012 05/30/2012 05/31/2012 | 2012-12/81 2012-12/81 2012-12/82 2012-12/83 2012-5/4 |
| <u>roads</u> Transportation, Administration Transportation, Program Development | 36178 35959 35960 | R907-68 R926-4 R926-4 | AMD 5YR NSC | 07/09/2012 03/20/2012 04/11/2012 | 2012-11/123 2012-8/90 Not Printed |
| <u>ropeways</u> Transportation, Operations, Traffic and Safety | 36081 36082 | R920-50 R920-50 | 5YR AMD | 04/16/2012 06/07/2012 | 2012-9/98 2012-9/72 |

| | | | | | | |
|---|-------|------------|-----|------------|-------------|--|
| <u>royalties</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 36009 | R652-20 | 5YR | 04/02/2012 | 2012-8/85 | |
| <u>rules and procedures</u> | | | | | | |
| Education, Administration | 35449 | R277-100 | AMD | 01/10/2012 | 2011-23/21 | |
| | 35534 | R277-102 | R&R | 02/07/2012 | 2012-1/8 | |
| | 35856 | R277-102 | NSC | 02/29/2012 | Not Printed | |
| Health, Administration | 36096 | R380-1 | 5YR | 04/26/2012 | 2012-10/88 | |
| | 36097 | R380-5 | 5YR | 04/26/2012 | 2012-10/89 | |
| Health, Disease Control and Prevention, Epidemiology | 36247 | R386-702 | AMD | 08/08/2012 | 2012-12/29 | |
| Human Resource Management, Administration | 35821 | R477-1 | 5YR | 02/02/2012 | 2012-5/107 | |
| | 36118 | R477-1 | AMD | 07/02/2012 | 2012-10/47 | |
| | 35834 | R477-13 | 5YR | 02/03/2012 | 2012-5/115 | |
| | 36127 | R477-13 | AMD | 07/02/2012 | 2012-10/81 | |
| Natural Resources, Wildlife Resources | 36003 | R657-27 | 5YR | 04/02/2012 | 2012-8/89 | |
| | 36152 | R657-30 | 5YR | 05/04/2012 | 2012-11/182 | |
| Public Safety, Driver License | 35702 | R708-2 | 5YR | 01/20/2012 | 2012-4/118 | |
| Public Safety, Peace Officer Standards and Training | 36290 | R728-409 | AMD | 08/06/2012 | 2012-12/68 | |
| Public Service Commission, Administration | 35508 | R746-100 | AMD | 02/07/2012 | 2012-1/30 | |
| | 35900 | R746-100 | AMD | 05/07/2012 | 2012-6/24 | |
| | 36195 | R746-100 | AMD | 07/09/2012 | 2012-11/94 | |
| | 35926 | R746-320 | NSC | 03/22/2012 | Not Printed | |
| | 35509 | R746-342 | REP | 02/07/2012 | 2012-1/40 | |
| | 36358 | R746-400 | 5YR | 06/13/2012 | 2012-13/114 | |
| | 35507 | R746-405-2 | AMD | 02/07/2012 | 2012-1/41 | |
| | 35896 | R746-405-2 | AMD | 05/07/2012 | 2012-6/31 | |
| | 36208 | R746-405-2 | AMD | 07/09/2012 | 2012-11/102 | |
| School and Institutional Trust Lands, Administration | 36275 | R850-2 | 5YR | 05/23/2012 | 2012-12/91 | |
| <u>rules procedures</u> | | | | | | |
| Insurance, Administration | 35850 | R590-116 | 5YR | 02/06/2012 | 2012-5/116 | |
| | 35851 | R590-117 | 5YR | 02/06/2012 | 2012-5/116 | |
| <u>rural economic development</u> | | | | | | |
| Governor, Economic Development | 36066 | R357-1 | 5YR | 04/13/2012 | 2012-9/92 | |
| <u>Rural Fast Track Program</u> | | | | | | |
| Governor, Economic Development | 36066 | R357-1 | 5YR | 04/13/2012 | 2012-9/92 | |
| <u>rural policy</u> | | | | | | |
| Human Services, Aging and Adult Services | 36470 | R510-108 | 5YR | 07/11/2012 | 2012-15/82 | |
| <u>safety</u> | | | | | | |
| Education, Administration | 36587 | R277-400 | 5YR | 08/01/2012 | 2012-16/190 | |
| Labor Commission, Boiler and Elevator Safety | 35963 | R616-2-3 | AMD | 05/22/2012 | 2012-8/12 | |
| | 35961 | R616-2-15 | AMD | 05/22/2012 | 2012-8/14 | |
| | 35962 | R616-3-3 | AMD | 05/22/2012 | 2012-8/16 | |
| Labor Commission, Occupational Safety and Health | 36306 | R614-1-4 | AMD | 07/23/2012 | 2012-12/41 | |
| | 36398 | R614-1-8 | NSC | 07/12/2012 | Not Printed | |
| Natural Resources, Parks and Recreation | 36235 | R651-227 | AMD | 07/23/2012 | 2012-12/53 | |
| <u>safety education</u> | | | | | | |
| Education, Administration | 36587 | R277-400 | 5YR | 08/01/2012 | 2012-16/190 | |
| <u>safety inspections</u> | | | | | | |
| Public Safety, Highway Patrol | 36439 | R714-159 | 5YR | 07/02/2012 | 2012-14/73 | |
| <u>safety regulations</u> | | | | | | |
| Transportation, Motor Carrier | 35256 | R909-19 | AMD | 02/07/2012 | 2011-20/41 | |
| | 35256 | R909-19 | CPR | 02/07/2012 | 2012-1/64 | |
| | 35426 | R909-75 | AMD | 01/10/2012 | 2011-23/96 | |
| Transportation, Operations, Traffic and Safety | 36618 | R920-51 | 5YR | 08/01/2012 | 2012-16/201 | |
| <u>safety standing</u> | | | | | | |
| Transportation, Motor Carrier | 35427 | R909-16 | REP | 01/10/2012 | 2011-23/92 | |

RULES INDEX

salaries

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Human Resource Management, Administration | 35826 | R477-6 | 5YR | 02/02/2012 | 2012-5/110 |
| | 36211 | R477-6 | AMD | 07/10/2012 | 2012-11/68 |
| | 35880 | R477-6-5 | AMD | 07/10/2012 | 2012-6/23 |

salary adjustments

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 36583 | R277-110 | 5YR | 08/01/2012 | 2012-16/188 |
|---------------------------|-------|----------|-----|------------|-------------|

sales

| | | | | | |
|--|-------|---------|-----|------------|------------|
| School and Institutional Trust Lands, Administration | 36415 | R850-80 | 5YR | 06/27/2012 | 2012-14/81 |
|--|-------|---------|-----|------------|------------|

sales tax

| | | | | | |
|--------------------------|-------|--------------|-----|------------|-------------|
| Tax Commission, Auditing | 35602 | R865-12L | 5YR | 01/03/2012 | 2012-2/130 |
| | 36171 | R865-12L-14 | AMD | 07/26/2012 | 2012-11/117 |
| | 35606 | R865-19S | 5YR | 01/03/2012 | 2012-2/133 |
| | 35511 | R865-19S-32 | AMD | 02/09/2012 | 2012-1/48 |
| | 36175 | R865-19S-123 | AMD | 07/26/2012 | 2012-11/118 |

salt

| | | | | | |
|---|-------|---------|-----|------------|-----------|
| Natural Resources, Forestry, Fire and State Lands | 36009 | R652-20 | 5YR | 04/02/2012 | 2012-8/85 |
|---|-------|---------|-----|------------|-----------|

sanitarian

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Commerce, Occupational and Professional Licensing | 35430 | R156-20a | AMD | 01/10/2012 | 2011-23/10 |
| | 36484 | R156-20a | AMD | 09/11/2012 | 2012-15/8 |

sanitation

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Health, Disease Control and Prevention, Environmental Services | 35715 | R392-100 | 5YR | 01/20/2012 | 2012-4/91 |
| | 35445 | R392-100 | AMD | 01/26/2012 | 2011-23/62 |
| | 36404 | R392-100 | AMD | 09/10/2012 | 2012-14/16 |

satellite

| | | | | | |
|---------------------------|-------|----------|-----|------------|------------|
| Education, Administration | 35453 | R277-482 | NEW | 01/10/2012 | 2011-23/38 |
| | 36368 | R277-482 | AMD | 08/08/2012 | 2012-13/54 |

scholarships

| | | | | | |
|------------------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 35675 | R277-476 | REP | 03/12/2012 | 2012-3/22 |
| Regents (Board Of), Administration | 36165 | R765-604 | AMD | 07/09/2012 | 2012-11/104 |

school boards

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 36581 | R277-101 | 5YR | 08/01/2012 | 2012-16/188 |
|---------------------------|-------|----------|-----|------------|-------------|

school buses

| | | | | | |
|---------------------------|-------|------------|-----|------------|-----------|
| Education, Administration | 35877 | R277-600-7 | AMD | 04/10/2012 | 2012-5/28 |
|---------------------------|-------|------------|-----|------------|-----------|

school choice

| | | | | | |
|---------------------------|-------|------------|-----|------------|-----------|
| Education, Administration | 36071 | R277-483-4 | AMD | 06/07/2012 | 2012-9/36 |
|---------------------------|-------|------------|-----|------------|-----------|

school community councils

| | | | | | |
|---------------------------|-------|------------|-----|------------|-------------|
| Education, Administration | 36201 | R277-491 | AMD | 07/09/2012 | 2012-11/19 |
| | 36451 | R277-491-4 | NSC | 07/25/2012 | Not Printed |

school enrollment

| | | | | | |
|---------------------------|-------|------------|-----|------------|-------------|
| Education, Administration | 36763 | R277-419 | 5YR | 09/14/2012 | Not Printed |
| | 35905 | R277-419-5 | AMD | 05/08/2012 | 2012-7/28 |
| | 36069 | R277-419-7 | AMD | 06/07/2012 | 2012-9/34 |
| | 36642 | R277-445 | 5YR | 08/14/2012 | 2012-17/102 |

school fees

| | | | | | |
|---------------------------|-------|------------|-----|------------|-------------|
| Education, Administration | 36640 | R277-407 | 5YR | 08/14/2012 | 2012-17/101 |
| | 36199 | R277-407-3 | AMD | 07/09/2012 | 2012-11/16 |

school lunch program

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 36650 | R277-720 | 5YR | 08/14/2012 | 2012-17/106 |
|---------------------------|-------|----------|-----|------------|-------------|

school lunch programs

| | | | | | |
|---------------------------|-------|----------|-----|------------|-----------|
| Education, Administration | 35937 | R277-720 | AMD | 05/08/2012 | 2012-7/34 |
|---------------------------|-------|----------|-----|------------|-----------|

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| <u>school personnel</u> | | | | | |
| Education, Administration | 35674 | R277-107 | AMD | 03/12/2012 | 2012-3/19 |
| | 35932 | R277-107-6 | AMD | 05/08/2012 | 2012-7/27 |
| | 35679 | R277-513 | REP | 03/12/2012 | 2012-3/30 |
| <u>school reports</u> | | | | | |
| Education, Administration | 35875 | R277-497 | NEW | 04/10/2012 | 2012-5/24 |
| | 36202 | R277-497-3 | AMD | 07/09/2012 | 2012-11/22 |
| <u>school transportation</u> | | | | | |
| Education, Administration | 35877 | R277-600-7 | AMD | 04/10/2012 | 2012-5/28 |
| <u>schools</u> | | | | | |
| Education, Administration | 36308 | R277-617 | NEW | 07/23/2012 | 2012-12/24 |
| | 36536 | R277-617-1 | NSC | 08/08/2012 | Not Printed |
| Environmental Quality, Air Quality | 35777 | R307-135 | 5YR | 02/01/2012 | 2012-4/82 |
| Governor, Energy Development (Office of) | 36702 | R362-3 | 5YR | 08/30/2012 | 2012-18/78 |
| Health, Disease Control and Prevention, | 35710 | R392-200 | 5YR | 01/20/2012 | 2012-4/91 |
| Environmental Services | | | | | |
| Natural Resources, Geological Survey | 35685 | R638-3 | EMR | 02/01/2012 | 2012-3/97 |
| | 36597 | R638-3 | NSC | 08/13/2012 | Not Printed |
| Public Safety, Driver License | 35702 | R708-2 | 5YR | 01/20/2012 | 2012-4/118 |
| <u>search and seizure</u> | | | | | |
| Corrections, Administration | 35757 | R251-710 | EXT | 01/31/2012 | 2012-4/121 |
| | 36042 | R251-710 | 5YR | 04/06/2012 | 2012-9/78 |
| <u>searches</u> | | | | | |
| Education, Administration | 35878 | R277-615 | NEW | 04/10/2012 | 2012-5/29 |
| <u>seat belts</u> | | | | | |
| Public Safety, Highway Patrol | 36435 | R714-230 | 5YR | 07/02/2012 | 2012-14/75 |
| | 36437 | R714-240 | 5YR | 07/02/2012 | 2012-14/76 |
| <u>secondary education</u> | | | | | |
| Regents (Board Of), Administration | 36165 | R765-604 | AMD | 07/09/2012 | 2012-11/104 |
| <u>secure areas</u> | | | | | |
| Human Services, Substance Abuse and Mental | 35593 | R525-6 | AMD | 02/21/2012 | 2012-2/98 |
| Health, State Hospital | | | | | |
| <u>secure facilities</u> | | | | | |
| Public Safety, Peace Officer Standards and Training | 35568 | R728-408 | REP | 05/14/2012 | 2012-2/102 |
| <u>securities</u> | | | | | |
| Commerce, Securities | 36459 | R164-1 | 5YR | 07/11/2012 | 2012-15/75 |
| | 36460 | R164-4 | 5YR | 07/11/2012 | 2012-15/75 |
| | 36461 | R164-5 | 5YR | 07/11/2012 | 2012-15/76 |
| | 36537 | R164-9 | 5YR | 07/25/2012 | 2012-16/184 |
| | 36538 | R164-10 | 5YR | 07/25/2012 | 2012-16/185 |
| | 36541 | R164-14 | 5YR | 07/25/2012 | 2012-16/186 |
| | 36542 | R164-15 | 5YR | 07/25/2012 | 2012-16/187 |
| | 35558 | R164-101 | NEW | 02/21/2012 | 2012-2/29 |
| Financial Institutions, Administration | 36527 | R331-5 | 5YR | 07/20/2012 | 2012-16/193 |
| Money Management Council, Administration | 35640 | R628-17 | 5YR | 01/09/2012 | 2012-3/121 |
| <u>securities fraud reporting program</u> | | | | | |
| Commerce, Securities | 35558 | R164-101 | NEW | 02/21/2012 | 2012-2/29 |
| <u>securities licensing requirements</u> | | | | | |
| Commerce, Securities | 36460 | R164-4 | 5YR | 07/11/2012 | 2012-15/75 |
| <u>securities regulations</u> | | | | | |
| Commerce, Securities | 36459 | R164-1 | 5YR | 07/11/2012 | 2012-15/75 |
| | 36460 | R164-4 | 5YR | 07/11/2012 | 2012-15/75 |
| | 36461 | R164-5 | 5YR | 07/11/2012 | 2012-15/76 |

RULES INDEX

| | | | | | |
|---|-------|--------------|-----|------------|-------------|
| | 36462 | R164-6 | 5YR | 07/11/2012 | 2012-15/76 |
| | 36537 | R164-9 | 5YR | 07/25/2012 | 2012-16/184 |
| | 36538 | R164-10 | 5YR | 07/25/2012 | 2012-16/185 |
| | 36539 | R164-11 | 5YR | 07/25/2012 | 2012-16/185 |
| | 36540 | R164-12 | 5YR | 07/25/2012 | 2012-16/186 |
| | 36541 | R164-14 | 5YR | 07/25/2012 | 2012-16/186 |
| | 36542 | R164-15 | 5YR | 07/25/2012 | 2012-16/187 |
| | 36463 | R164-18 | 5YR | 07/11/2012 | 2012-15/77 |
| | 36464 | R164-25 | 5YR | 07/11/2012 | 2012-15/77 |
| | 36543 | R164-26 | 5YR | 07/25/2012 | 2012-16/187 |
| | 35558 | R164-101 | NEW | 02/21/2012 | 2012-2/29 |
| Money Management Council, Administration | 35640 | R628-17 | 5YR | 01/09/2012 | 2012-3/121 |
| <u>security guards</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 36192 | R156-63b-102 | NSC | 05/30/2012 | Not Printed |
| <u>security measures</u> | | | | | |
| Corrections, Administration | 35764 | R251-704 | EXD | 01/18/2012 | 2012-4/124 |
| | 35771 | R251-704 | EMR | 02/01/2012 | 2012-4/52 |
| | 35809 | R251-704 | NEW | 04/09/2012 | 2012-5/18 |
| | 35757 | R251-710 | EXT | 01/31/2012 | 2012-4/121 |
| | 36042 | R251-710 | 5YR | 04/06/2012 | 2012-9/78 |
| <u>seizure of property</u> | | | | | |
| Tax Commission, Collections | 36168 | R867-2B-2 | AMD | 07/26/2012 | 2012-11/119 |
| | 36169 | R867-2B-4 | AMD | 07/26/2012 | 2012-11/120 |
| <u>self-employment income</u> | | | | | |
| Community and Culture, Home Energy Assistance Target (HEAT) | 36294 | R195-3 | EXT | 05/31/2012 | 2012-12/95 |
| | 36315 | R195-3 | REP | 09/11/2012 | 2012-13/20 |
| | 35405 | R195-3-3 | AMD | 03/26/2012 | 2011-23/16 |
| Workforce Services, Administration | 36196 | R982-403 | NEW | 07/09/2012 | 2012-11/130 |
| | 36514 | R982-403 | NSC | 07/31/2012 | Not Printed |
| <u>self-insured employer</u> | | | | | |
| Tax Commission, Auditing | 35601 | R865-11Q | 5YR | 01/03/2012 | 2012-2/130 |
| <u>seminars</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 35625 | R523-24 | AMD | 03/09/2012 | 2012-3/67 |
| <u>senior centers</u> | | | | | |
| Human Services, Aging and Adult Services | 36467 | R510-103 | 5YR | 07/11/2012 | 2012-15/81 |
| <u>sentencing</u> | | | | | |
| Pardons (Board Of), Administration | 35753 | R671-405 | 5YR | 01/31/2012 | 2012-4/118 |
| <u>server training</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 36384 | R523-23 | 5YR | 06/18/2012 | 2012-14/67 |
| | 35626 | R523-23-4 | AMD | 03/09/2012 | 2012-3/66 |
| <u>service continuum</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 36310 | R523-20 | 5YR | 06/05/2012 | 2012-13/107 |
| <u>service coordination</u> | | | | | |
| Human Services, Aging and Adult Services | 36466 | R510-102 | 5YR | 07/11/2012 | 2012-15/80 |
| <u>settlements</u> | | | | | |
| Labor Commission, Adjudication | 36400 | R602-2 | 5YR | 06/19/2012 | 2012-14/71 |
| <u>sewer collection systems</u> | | | | | |
| Environmental Quality, Water Quality | 35903 | R317-801 | NEW | 06/21/2012 | 2012-6/12 |

| | | | | | | |
|--|-------|------------|-----|------------|-------------|--|
| <u>sewerage</u> | | | | | | |
| Environmental Quality, Water Quality | 36388 | R317-5 | 5YR | 06/18/2012 | 2012-14/65 | |
| | 36387 | R317-560 | 5YR | 06/18/2012 | 2012-14/66 | |
| <u>shelter care facilities</u> | | | | | | |
| Human Services, Aging and Adult Services | 36475 | R510-302 | 5YR | 07/11/2012 | 2012-15/85 | |
| <u>short-term services</u> | | | | | | |
| Human Services, Aging and Adult Services | 36475 | R510-302 | 5YR | 07/11/2012 | 2012-15/85 | |
| <u>significant energy resources</u> | | | | | | |
| Public Service Commission, Administration | 36166 | R746-420 | 5YR | 05/10/2012 | 2012-11/183 | |
| | 36167 | R746-430 | 5YR | 05/10/2012 | 2012-11/184 | |
| <u>signs</u> | | | | | | |
| Transportation, Preconstruction, Right-of-Way Acquisition | 36180 | R933-2 | EMR | 05/14/2012 | 2012-11/168 | |
| <u>single event permits</u> | | | | | | |
| Alcoholic Beverage Control, Administration | 36114 | R81-7 | AMD | 07/01/2012 | 2012-10/11 | |
| <u>slaughter</u> | | | | | | |
| Agriculture and Food, Animal Industry | 35866 | R58-11 | AMD | 05/15/2012 | 2012-5/5 | |
| | 36144 | R58-11 | NSC | 05/30/2012 | Not Printed | |
| <u>small business loans</u> | | | | | | |
| Workforce Services, Housing and Community Development | 36486 | R990-12 | EMR | 07/12/2012 | 2012-15/69 | |
| | 36487 | R990-12 | NEW | 09/12/2012 | 2012-15/62 | |
| <u>smoking</u> | | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 36019 | R392-510 | 5YR | 04/02/2012 | 2012-8/75 | |
| <u>snow</u> | | | | | | |
| Transportation, Operations, Traffic and Safety | 36617 | R920-6 | 5YR | 08/01/2012 | 2012-16/200 | |
| <u>snow removal</u> | | | | | | |
| Transportation, Operations, Maintenance | 35515 | R918-3 | AMD | 02/07/2012 | 2012-1/55 | |
| | 36609 | R918-3 | 5YR | 08/01/2012 | 2012-16/198 | |
| <u>sobriety tests</u> | | | | | | |
| Health, Disease Control and Prevention, Laboratory Services | 35706 | R438-12 | 5YR | 01/20/2012 | 2012-4/98 | |
| <u>social security</u> | | | | | | |
| Human Services, Recovery Services | 36674 | R527-378 | 5YR | 08/21/2012 | 2012-18/80 | |
| <u>social services</u> | | | | | | |
| Human Services, Child and Family Services | 35895 | R512-1 | 5YR | 02/23/2012 | 2012-6/38 | |
| <u>social workers</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 36189 | R156-60a | AMD | 07/09/2012 | 2012-11/10 | |
| <u>solar</u> | | | | | | |
| Governor, Energy Development (Office of) | 36701 | R362-2 | 5YR | 08/30/2012 | 2012-18/77 | |
| Natural Resources, Geological Survey | 36593 | R638-2 | NSC | 08/13/2012 | Not Printed | |
| <u>solicitation process</u> | | | | | | |
| Public Service Commission, Administration | 36166 | R746-420 | 5YR | 05/10/2012 | 2012-11/183 | |
| <u>solicitations</u> | | | | | | |
| Commerce, Consumer Protection | 35970 | R152-22 | 5YR | 03/22/2012 | 2012-8/72 | |
| <u>solid waste management</u> | | | | | | |
| Environmental Quality, Solid and Hazardous Waste | 35988 | R315-304 | 5YR | 03/29/2012 | 2012-8/74 | |
| | 35432 | R315-312-1 | AMD | 01/13/2012 | 2011-23/59 | |

RULES INDEX

| | | | | | |
|--|-------|------------|-----|------------|-------------|
| | 35433 | R315-315-5 | AMD | 01/13/2012 | 2011-23/60 |
| | 35434 | R315-320-2 | AMD | 01/13/2012 | 2011-23/61 |
| <u>solvent</u> | | | | | |
| Environmental Quality, Air Quality | 35786 | R307-341 | 5YR | 02/01/2012 | 2012-4/88 |
| <u>solvent cleaning</u> | | | | | |
| Environmental Quality, Air Quality | 35784 | R307-335 | 5YR | 02/01/2012 | 2012-4/87 |
| <u>sovereign lands</u> | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 36014 | R652-70 | 5YR | 04/02/2012 | 2012-8/87 |
| <u>space heaters</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 36146 | R23-19 | 5YR | 05/03/2012 | 2012-11/177 |
| <u>spas</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 35707 | R392-302 | 5YR | 01/20/2012 | 2012-4/93 |
| <u>special education</u> | | | | | |
| Education, Administration | 36651 | R277-750 | 5YR | 08/14/2012 | 2012-17/107 |
| <u>special events</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 35711 | R392-400 | 5YR | 01/20/2012 | 2012-4/94 |
| <u>special fuel</u> | | | | | |
| Tax Commission, Auditing | 35598 | R865-4D | 5YR | 01/03/2012 | 2012-2/125 |
| <u>special income group</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36085 | R414-307 | 5YR | 04/17/2012 | 2012-10/91 |
| <u>specific licenses</u> | | | | | |
| Environmental Quality, Radiation Control | 35417 | R313-22-75 | AMD | 01/16/2012 | 2011-23/51 |
| <u>sponsor-a-highway</u> | | | | | |
| Transportation, Operations, Maintenance | 35669 | R918-4 | AMD | 03/12/2012 | 2012-3/82 |
| <u>sponsors</u> | | | | | |
| Corrections, Administration | 35755 | R251-306 | EXT | 01/31/2012 | 2012-4/121 |
| | 36040 | R251-306 | 5YR | 04/06/2012 | 2012-9/77 |
| <u>sportsmen</u> | | | | | |
| Natural Resources, Wildlife Resources | 36393 | R657-41 | AMD | 08/21/2012 | 2012-14/37 |
| <u>stack height</u> | | | | | |
| Environmental Quality, Air Quality | 36337 | R307-410 | 5YR | 06/06/2012 | 2012-13/103 |
| <u>standards</u> | | | | | |
| Transportation, Administration | 35670 | R907-60 | REP | 03/12/2012 | 2012-3/80 |
| <u>STAR</u> | | | | | |
| Science Technology and Research Governing Auth., Administration | 36083 | R856-1 | EXD | 04/05/2012 | 2012-9/101 |
| | 36084 | R856-2 | EXD | 04/05/2012 | 2012-9/101 |
| <u>state assisted loans</u> | | | | | |
| Environmental Quality, Water Quality | 36456 | R317-100 | 5YR | 07/11/2012 | 2012-15/78 |
| <u>state buildings</u> | | | | | |
| Capitol Preservation Board (State), Administration | 35899 | R131-3 | EXT | 02/29/2012 | 2012-6/43 |
| | 36359 | R131-3 | 5YR | 06/13/2012 | 2012-13/97 |
| <u>state employees</u> | | | | | |
| Administrative Services, Finance | 36112 | R25-7 | AMD | 07/01/2012 | 2012-10/4 |

| | | | | | |
|---|----------------|-------------------|------------|--------------------------|---------------------------|
| Human Resource Management, Administration | 36636 35825 | R25-7-6 R477-5 | NSC 5YR | 08/30/2012 02/02/2012 | Not Printed 2012-5/109 |
| <u>state fleet information system</u> | | | | | |
| Administrative Services, Fleet Operations | 35617 35623 | R27-5 R27-5 | 5YR NSC | 01/05/2012 01/31/2012 | 2012-3/106 Not Printed |
| <u>state HEAT office records</u> | | | | | |
| Community and Culture, Home Energy Assistance Target (HEAT) | 35408 | R195-7 | AMD | 03/26/2012 | 2011-23/19 |
| Workforce Services, Administration | 36298 | R195-7 | EXT | 05/31/2012 | 2012-12/96 |
| | 36319 | R195-7 | REP | 09/11/2012 | 2012-13/25 |
| | 36210 | R982-407 | NEW | 07/09/2012 | 2012-11/135 |
| | 36518 | R982-407 | NSC | 07/31/2012 | Not Printed |
| <u>state hospital</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 35593 | R525-6 | AMD | 02/21/2012 | 2012-2/98 |
| <u>state parole inmates</u> | | | | | |
| Governor, Criminal and Juvenile Justice (State Commission on) | 36141 | R356-1 | AMD | 07/01/2012 | 2012-10/27 |
| <u>state probationary inmates</u> | | | | | |
| Governor, Criminal and Juvenile Justice (State Commission on) | 36141 | R356-1 | AMD | 07/01/2012 | 2012-10/27 |
| <u>stationary sources</u> | | | | | |
| Environmental Quality, Air Quality | 35496 | R307-210-1 | AMD | 03/07/2012 | 2011-24/7 |
| <u>stocks</u> | | | | | |
| Treasurer, Unclaimed Property | 36504 | R966-1 | 5YR | 07/18/2012 | 2012-16/201 |
| <u>structures</u> | | | | | |
| Transportation, Operations, Maintenance | 36345 | R918-6 | NEW | 08/20/2012 | 2012-13/81 |
| <u>student eligibility</u> | | | | | |
| Workforce Services, Unemployment Insurance | 36223 | R994-403 | AMD | 07/09/2012 | 2012-11/159 |
| | 35448 | R994-403-112c | AMD | 01/17/2012 | 2011-23/98 |
| <u>student financial aid</u> | | | | | |
| Education, Administration | 35682 | R277-718 | REP | 03/12/2012 | 2012-3/37 |
| <u>student records</u> | | | | | |
| Education, Administration | 36582 | R277-103 | 5YR | 08/01/2012 | 2012-16/188 |
| <u>students</u> | | | | | |
| Education, Administration | 36639 | R277-401 | 5YR | 08/14/2012 | 2012-17/101 |
| | 35936 | R277-485 | AMD | 05/08/2012 | 2012-7/33 |
| | 35878 | R277-615 | NEW | 04/10/2012 | 2012-5/29 |
| | 36649 | R277-713 | 5YR | 08/14/2012 | 2012-17/106 |
| <u>students with disabilities</u> | | | | | |
| Education, Administration | 35935 | R277-479 | NEW | 05/08/2012 | 2012-7/31 |
| | 36160 | R277-479-1 | NSC | 05/30/2012 | Not Printed |
| <u>students' rights</u> | | | | | |
| Education, Administration | 35454 | R277-608 | AMD | 01/10/2012 | 2011-23/41 |
| | 36647 | R277-608 | 5YR | 08/14/2012 | 2012-17/105 |
| <u>substance abuse</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 36310 | R523-20 | 5YR | 06/05/2012 | 2012-13/107 |
| | 36384 | R523-23 | 5YR | 06/18/2012 | 2012-14/67 |
| | 35626 | R523-23-4 | AMD | 03/09/2012 | 2012-3/66 |

RULES INDEX

substance use disorder counselors

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| Commerce, Occupational and Professional Licensing | 36228 | R156-60d | AMD | 07/30/2012 | 2012-12/17 |
| | 36550 | R156-60d | NSC | 08/08/2012 | Not Printed |

suggestions

| | | | | | |
|---|-------|--------|-----|------------|-------------|
| Human Services, Substance Abuse and Mental Health, State Hospital | 35594 | R525-7 | AMD | 02/21/2012 | 2012-2/99 |
| | 35855 | R525-7 | NSC | 02/29/2012 | Not Printed |

supervision

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Commerce, Occupational and Professional Licensing | 35624 | R156-1 | 5YR | 01/05/2012 | 2012-3/112 |
| | 36077 | R156-1 | AMD | 06/07/2012 | 2012-9/8 |
| Corrections, Administration | 36312 | R251-401 | 5YR | 06/05/2012 | 2012-13/99 |

surface coating

| | | | | | |
|------------------------------------|-------|----------|-----|------------|-----------|
| Environmental Quality, Air Quality | 35785 | R307-340 | 5YR | 02/01/2012 | 2012-4/87 |
|------------------------------------|-------|----------|-----|------------|-----------|

surveys

| | | | | | |
|--|-------|---------|-----|------------|------------|
| Environmental Quality, Radiation Control | 35906 | R313-35 | 5YR | 03/02/2012 | 2012-7/65 |
| | 35418 | R313-36 | AMD | 01/16/2012 | 2011-23/54 |
| Judicial Performance Evaluation Commission, Administration | 35930 | R597-3 | EMR | 03/15/2012 | 2012-7/57 |
| | 35934 | R597-3 | AMD | 06/01/2012 | 2012-7/50 |
| Natural Resources, Forestry, Fire and State Lands | 36011 | R652-40 | 5YR | 04/02/2012 | 2012-8/86 |
| School and Institutional Trust Lands, Administration | 36412 | R850-40 | 5YR | 06/27/2012 | 2012-14/79 |

systems

| | | | | | |
|-----------------------------|-------|----------|-----|------------|------------|
| Public Safety, Fire Marshal | 36188 | R710-7-2 | AMD | 07/10/2012 | 2012-11/92 |
|-----------------------------|-------|----------|-----|------------|------------|

tailings

| | | | | | |
|--|-------|---------|-----|------------|------------|
| Environmental Quality, Radiation Control | 36277 | R313-24 | 5YR | 05/24/2012 | 2012-12/84 |
|--|-------|---------|-----|------------|------------|

tariffs

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| Public Service Commission, Administration | 35507 | R746-405-2 | AMD | 02/07/2012 | 2012-1/41 |
| | 35896 | R746-405-2 | AMD | 05/07/2012 | 2012-6/31 |
| | 36208 | R746-405-2 | AMD | 07/09/2012 | 2012-11/102 |

tax credits

| | | | | | |
|--|-------|------------|-----|------------|-------------|
| Environmental Quality, Air Quality | 35716 | R307-121 | 5YR | 01/23/2012 | 2012-4/81 |
| | 35718 | R307-121-7 | NSC | 02/09/2012 | Not Printed |
| Governor, Energy Development (Office of) | 36701 | R362-2 | 5YR | 08/30/2012 | 2012-18/77 |
| Natural Resources, Geological Survey | 36593 | R638-2 | NSC | 08/13/2012 | Not Printed |

tax exemptions

| | | | | | |
|--------------------------------------|-------|--------------|-----|------------|-------------|
| Environmental Quality, Air Quality | 35775 | R307-120 | 5YR | 02/01/2012 | 2012-4/81 |
| Environmental Quality, Water Quality | 35726 | R317-12 | 5YR | 01/25/2012 | 2012-4/89 |
| Tax Commission, Auditing | 35606 | R865-19S | 5YR | 01/03/2012 | 2012-2/133 |
| | 35511 | R865-19S-32 | AMD | 02/09/2012 | 2012-1/48 |
| | 36175 | R865-19S-123 | AMD | 07/26/2012 | 2012-11/118 |

tax returns

| | | | | | |
|--------------------------|-------|------------|-----|------------|-------------|
| Tax Commission, Auditing | 35600 | R865-9I | 5YR | 01/03/2012 | 2012-2/127 |
| | 36173 | R865-9I-49 | AMD | 07/26/2012 | 2012-11/116 |

taxation

| | | | | | |
|--------------------------------|-------|------------|-----|------------|-------------|
| Tax Commission, Administration | 35595 | R861-1A | 5YR | 01/03/2012 | 2012-2/122 |
| | 35862 | R861-1A-9 | AMD | 04/12/2012 | 2012-5/93 |
| | 36061 | R861-1A-16 | AMD | 06/14/2012 | 2012-9/65 |
| | 36172 | R861-1A-20 | AMD | 07/26/2012 | 2012-11/111 |
| | 36361 | R861-1A-26 | AMD | 08/27/2012 | 2012-13/78 |
| Tax Commission, Auditing | 35597 | R865-3C | 5YR | 01/03/2012 | 2012-2/125 |
| | 35863 | R865-3C-1 | AMD | 04/12/2012 | 2012-5/95 |
| | 35598 | R865-4D | 5YR | 01/03/2012 | 2012-2/125 |
| | 35599 | R865-6F | 5YR | 01/03/2012 | 2012-2/126 |
| | 36170 | R865-6F-6 | AMD | 07/26/2012 | 2012-11/113 |
| | 35601 | R865-11Q | 5YR | 01/03/2012 | 2012-2/130 |
| | 35602 | R865-12L | 5YR | 01/03/2012 | 2012-2/130 |

| | | | | | |
|---|-------|-------------|-----|------------|-------------|
| | 36171 | R865-12L-14 | AMD | 07/26/2012 | 2012-11/117 |
| | 35603 | R865-13G | 5YR | 01/03/2012 | 2012-2/131 |
| | 35604 | R865-14W | 5YR | 01/03/2012 | 2012-2/132 |
| | 35605 | R865-15O | 5YR | 01/03/2012 | 2012-2/133 |
| | 35607 | R865-20T | 5YR | 01/03/2012 | 2012-2/137 |
| | 36362 | R865-21U-6 | AMD | 08/27/2012 | 2012-13/80 |
| Tax Commission, Collections | 36168 | R867-2B-2 | AMD | 07/26/2012 | 2012-11/119 |
| | 36169 | R867-2B-4 | AMD | 07/26/2012 | 2012-11/120 |
| Tax Commission, Motor Vehicle | 35608 | R873-22M | 5YR | 01/03/2012 | 2012-2/138 |
| Tax Commission, Motor Vehicle Enforcement | 35609 | R877-23V | 5YR | 01/03/2012 | 2012-2/140 |
| | 36062 | R877-23V-7 | AMD | 06/14/2012 | 2012-9/67 |
| | 35512 | R877-23V-20 | AMD | 02/09/2012 | 2012-1/49 |
| | 35513 | R877-23V-21 | AMD | 02/09/2012 | 2012-1/50 |
| | 36063 | R877-23V-22 | AMD | 06/14/2012 | 2012-9/70 |
| Tax Commission, Property Tax | 35592 | R884-24P | 5YR | 01/03/2012 | 2012-2/141 |
| | 35514 | R884-24P-62 | AMD | 02/09/2012 | 2012-1/51 |
| | 35864 | R884-24P-66 | AMD | 04/12/2012 | 2012-5/96 |
| | 36174 | R884-24P-66 | AMD | 07/26/2012 | 2012-11/121 |
| | 36064 | R884-24P-68 | AMD | 06/14/2012 | 2012-9/71 |
| <u>teacher certification</u> | | | | | |
| Education, Administration | 36644 | R277-505 | 5YR | 08/14/2012 | 2012-17/103 |
| | 35679 | R277-513 | REP | 03/12/2012 | 2012-3/30 |
| | 35941 | R277-519 | 5YR | 03/15/2012 | 2012-7/64 |
| Public Safety, Driver License | 35705 | R708-27 | 5YR | 01/20/2012 | 2012-4/120 |
| <u>teachers</u> | | | | | |
| Education, Administration | 35675 | R277-476 | REP | 03/12/2012 | 2012-3/22 |
| | 35677 | R277-503 | AMD | 03/12/2012 | 2012-3/24 |
| | 35939 | R277-503 | 5YR | 03/15/2012 | 2012-7/63 |
| | 36073 | R277-503 | AMD | 06/07/2012 | 2012-9/39 |
| | 35671 | R277-511 | 5YR | 01/17/2012 | 2012-3/113 |
| | 35678 | R277-511 | REP | 03/12/2012 | 2012-3/28 |
| | 35454 | R277-608 | AMD | 01/10/2012 | 2011-23/41 |
| | 36647 | R277-608 | 5YR | 08/14/2012 | 2012-17/105 |
| <u>technology</u> | | | | | |
| Education, Administration | 36308 | R277-617 | NEW | 07/23/2012 | 2012-12/24 |
| | 36536 | R277-617-1 | NSC | 08/08/2012 | Not Printed |
| <u>technology funding</u> | | | | | |
| Science Technology and Research Governing Auth., Administration | 36083 | R856-1 | EXD | 04/05/2012 | 2012-9/101 |
| | 36156 | R856-1 | NEW | 07/31/2012 | 2012-11/108 |
| <u>telecommunications</u> | | | | | |
| Public Service Commission, Administration | 35509 | R746-342 | REP | 02/07/2012 | 2012-1/40 |
| | 36029 | R746-343-4 | AMD | 06/20/2012 | 2012-9/64 |
| | 35651 | R746-348 | 5YR | 01/11/2012 | 2012-3/126 |
| | 35916 | R746-349 | 5YR | 03/06/2012 | 2012-7/71 |
| | 35917 | R746-351 | 5YR | 03/06/2012 | 2012-7/72 |
| | 35927 | R746-365 | NSC | 03/22/2012 | Not Printed |
| <u>telecommuting</u> | | | | | |
| Human Resource Management, Administration | 35828 | R477-8 | 5YR | 02/02/2012 | 2012-5/112 |
| | 36124 | R477-8 | AMD | 07/02/2012 | 2012-10/71 |
| <u>telephone utility regulations</u> | | | | | |
| Public Service Commission, Administration | 35651 | R746-348 | 5YR | 01/11/2012 | 2012-3/126 |
| <u>telephonic participation</u> | | | | | |
| Administrative Services, Archives | 35304 | R17-9 | NEW | 01/30/2012 | 2011-20/6 |
| <u>temporary beer event permits</u> | | | | | |
| Alcoholic Beverage Control, Administration | 36116 | R81-10B | AMD | 07/01/2012 | 2012-10/14 |

RULES INDEX

| | | | | | |
|---|-------|-----------|-----|------------|-------------|
| <u>temporary mass gatherings</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 35711 | R392-400 | 5YR | 01/20/2012 | 2012-4/94 |
| <u>terminally ill</u> | | | | | |
| Natural Resources, Wildlife Resources | 36152 | R657-30 | 5YR | 05/04/2012 | 2012-11/182 |
| <u>textbooks</u> | | | | | |
| Education, Administration | 36641 | R277-433 | 5YR | 08/14/2012 | 2012-17/102 |
| <u>tickets</u> | | | | | |
| Administrative Services, Fleet Operations | 36024 | R27-7 | AMD | 06/28/2012 | 2012-9/4 |
| <u>time</u> | | | | | |
| Labor Commission, Adjudication | 36399 | R602-1 | 5YR | 06/19/2012 | 2012-14/70 |
| Labor Commission, Antidiscrimination and Labor, Labor | 35833 | R610-3-21 | AMD | 04/16/2012 | 2012-5/88 |
| Labor Commission, Industrial Accidents | 36402 | R612-1 | 5YR | 06/19/2012 | 2012-14/71 |
| | 36454 | R612-1-10 | NSC | 07/25/2012 | Not Printed |
| <u>timelines</u> | | | | | |
| Education, Administration | 35453 | R277-482 | NEW | 01/10/2012 | 2011-23/38 |
| | 36368 | R277-482 | AMD | 08/08/2012 | 2012-13/54 |
| <u>timeshare</u> | | | | | |
| Commerce, Real Estate | 36078 | R162-57a | AMD | 08/21/2012 | 2012-9/27 |
| | 36078 | R162-57a | CPR | 08/21/2012 | 2012-14/48 |
| <u>tires</u> | | | | | |
| Transportation, Operations, Traffic and Safety | 36617 | R920-6 | 5YR | 08/01/2012 | 2012-16/200 |
| <u>tobacco products</u> | | | | | |
| Tax Commission, Auditing | 35607 | R865-20T | 5YR | 01/03/2012 | 2012-2/137 |
| <u>toilets</u> | | | | | |
| Environmental Quality, Water Quality | 36387 | R317-560 | 5YR | 06/18/2012 | 2012-14/66 |
| <u>towing</u> | | | | | |
| Transportation, Motor Carrier | 35256 | R909-19 | AMD | 02/07/2012 | 2011-20/41 |
| | 35256 | R909-19 | CPR | 02/07/2012 | 2012-1/64 |
| <u>traffic control</u> | | | | | |
| Transportation, Operations, Traffic and Safety | 36616 | R920-1 | 5YR | 08/01/2012 | 2012-16/199 |
| | 36614 | R920-5 | EXT | 08/01/2012 | 2012-16/203 |
| <u>traffic noise abatement</u> | | | | | |
| Transportation, Preconstruction | 35516 | R930-3 | AMD | 02/07/2012 | 2012-1/57 |
| <u>traffic regulations</u> | | | | | |
| Public Safety, Highway Patrol | 36440 | R714-110 | 5YR | 07/02/2012 | 2012-14/72 |
| <u>traffic safety</u> | | | | | |
| Transportation, Operations, Traffic and Safety | 36614 | R920-5 | EXT | 08/01/2012 | 2012-16/203 |
| <u>traffic signs</u> | | | | | |
| Transportation, Operations, Traffic and Safety | 36614 | R920-5 | EXT | 08/01/2012 | 2012-16/203 |
| <u>traffic violations</u> | | | | | |
| Public Safety, Driver License | 35636 | R708-3 | 5YR | 01/09/2012 | 2012-3/121 |
| <u>training</u> | | | | | |
| Education, Administration | 35453 | R277-482 | NEW | 01/10/2012 | 2011-23/38 |
| | 36368 | R277-482 | AMD | 08/08/2012 | 2012-13/54 |
| Human Services, Substance Abuse and Mental Health | 35625 | R523-24 | AMD | 03/09/2012 | 2012-3/67 |

| | | | | | | |
|--|-------|-----------|-----|------------|-------------|--|
| <u>training academy approval</u> | | | | | | |
| Public Safety, Peace Officer Standards and Training | 36291 | R728-401 | R&R | 08/06/2012 | 2012-12/64 | |
| <u>training programs</u> | | | | | | |
| Human Resource Management, Administration | 35830 | R477-10 | 5YR | 02/03/2012 | 2012-5/113 | |
| Public Safety, Driver License | 35703 | R708-21 | 5YR | 01/20/2012 | 2012-4/119 | |
| | 36231 | R708-21 | R&R | 07/23/2012 | 2012-12/58 | |
| Workforce Services, Administration | 36357 | R982-601 | 5YR | 06/12/2012 | 2012-13/116 | |
| <u>tramway permits</u> | | | | | | |
| Transportation, Operations, Traffic and Safety | 36081 | R920-50 | 5YR | 04/16/2012 | 2012-9/98 | |
| | 36082 | R920-50 | AMD | 06/07/2012 | 2012-9/72 | |
| <u>tramways</u> | | | | | | |
| Transportation, Operations, Traffic and Safety | 36081 | R920-50 | 5YR | 04/16/2012 | 2012-9/98 | |
| | 36082 | R920-50 | AMD | 06/07/2012 | 2012-9/72 | |
| <u>transfer</u> | | | | | | |
| Technology Services, Administration | 35989 | R895-3 | EXT | 03/29/2012 | 2012-8/91 | |
| | 36709 | R895-3 | 5YR | 08/31/2012 | 2012-18/83 | |
| <u>transparency</u> | | | | | | |
| Health, Center for Health Data, Health Care Statistics | 35616 | R428-15 | AMD | 03/16/2012 | 2012-3/51 | |
| <u>transportation</u> | | | | | | |
| Administrative Services, Finance | 36112 | R25-7 | AMD | 07/01/2012 | 2012-10/4 | |
| | 36636 | R25-7-6 | NSC | 08/30/2012 | Not Printed | |
| Transportation, Administration | 36178 | R907-68 | AMD | 07/09/2012 | 2012-11/123 | |
| Transportation, Preconstruction | 35516 | R930-3 | AMD | 02/07/2012 | 2012-1/57 | |
| Transportation, Program Development | 35959 | R926-4 | 5YR | 03/20/2012 | 2012-8/90 | |
| | 35960 | R926-4 | NSC | 04/11/2012 | Not Printed | |
| <u>transportation commission</u> | | | | | | |
| Transportation, Administration | 36178 | R907-68 | AMD | 07/09/2012 | 2012-11/123 | |
| <u>transportation planning</u> | | | | | | |
| Transportation, Program Development | 36179 | R926-6 | NSC | 05/30/2012 | Not Printed | |
| <u>transportation research</u> | | | | | | |
| Transportation, Administration | 35670 | R907-60 | REP | 03/12/2012 | 2012-3/80 | |
| <u>transportation safety</u> | | | | | | |
| Transportation, Motor Carrier | 35425 | R909-1 | AMD | 01/10/2012 | 2011-23/90 | |
| | 35873 | R909-1 | AMD | 04/11/2012 | 2012-5/99 | |
| Transportation, Operations, Traffic and Safety | 36081 | R920-50 | 5YR | 04/16/2012 | 2012-9/98 | |
| | 36082 | R920-50 | AMD | 06/07/2012 | 2012-9/72 | |
| <u>trauma</u> | | | | | | |
| Health, Family Health and Preparedness, Emergency Medical Services | 36100 | R426-5 | 5YR | 04/26/2012 | 2012-10/92 | |
| <u>trauma center designation</u> | | | | | | |
| Health, Family Health and Preparedness, Emergency Medical Services | 36100 | R426-5 | 5YR | 04/26/2012 | 2012-10/92 | |
| <u>travel funds</u> | | | | | | |
| Human Services, Aging and Adult Services | 36473 | R510-111 | 5YR | 07/11/2012 | 2012-15/84 | |
| <u>trichomoniasis</u> | | | | | | |
| Agriculture and Food, Animal Industry | 36164 | R58-21 | AMD | 07/10/2012 | 2012-11/4 | |
| <u>trip reduction</u> | | | | | | |
| Environmental Quality, Air Quality | 35779 | R307-320 | 5YR | 02/01/2012 | 2012-4/84 | |
| <u>trucking industries</u> | | | | | | |
| Tax Commission, Auditing | 35599 | R865-6F | 5YR | 01/03/2012 | 2012-2/126 | |
| | 36170 | R865-6F-6 | AMD | 07/26/2012 | 2012-11/113 | |

RULES INDEX

| | | | | | | |
|---|-------|---------------|-----|------------|-------------|--|
| <u>trucks</u> | | | | | | |
| Transportation, Motor Carrier | 35425 | R909-1 | AMD | 01/10/2012 | 2011-23/90 | |
| | 35873 | R909-1 | AMD | 04/11/2012 | 2012-5/99 | |
| | 35427 | R909-16 | REP | 01/10/2012 | 2011-23/92 | |
| | 35256 | R909-19 | AMD | 02/07/2012 | 2011-20/41 | |
| | 35256 | R909-19 | CPR | 02/07/2012 | 2012-1/64 | |
| <u>trust account records</u> | | | | | | |
| Commerce, Real Estate | 36390 | R162-2f | AMD | 08/21/2012 | 2012-14/5 | |
| <u>trust land management</u> | | | | | | |
| School and Institutional Trust Lands, Administration | 36411 | R850-30 | 5YR | 06/27/2012 | 2012-14/79 | |
| <u>unarmed combat</u> | | | | | | |
| Governor, Economic Development, Pete Suazo Utah Athletic Commission | 36002 | R359-1 | 5YR | 03/30/2012 | 2012-8/74 | |
| | 36130 | R359-1-506 | AMD | 06/30/2012 | 2012-10/29 | |
| <u>unavoidable breakdown</u> | | | | | | |
| Environmental Quality, Air Quality | 35865 | R307-107 | R&R | 07/31/2012 | 2012-5/31 | |
| <u>underground storage tanks</u> | | | | | | |
| Environmental Quality, Environmental Response and Remediation | 35668 | R311-200 | AMD | 03/09/2012 | 2012-3/42 | |
| | 36057 | R311-200 | 5YR | 04/10/2012 | 2012-9/82 | |
| | 35447 | R311-201 | AMD | 01/13/2012 | 2011-23/45 | |
| | 36045 | R311-201 | 5YR | 04/10/2012 | 2012-9/82 | |
| | 36496 | R311-201-12 | AMD | 09/14/2012 | 2012-15/20 | |
| | 36046 | R311-202 | 5YR | 04/10/2012 | 2012-9/84 | |
| | 36047 | R311-203 | 5YR | 04/10/2012 | 2012-9/84 | |
| | 36048 | R311-204 | 5YR | 04/10/2012 | 2012-9/85 | |
| | 36049 | R311-205 | 5YR | 04/10/2012 | 2012-9/86 | |
| | 36050 | R311-206 | 5YR | 04/10/2012 | 2012-9/86 | |
| | 36497 | R311-206 | AMD | 09/14/2012 | 2012-15/24 | |
| | 36051 | R311-207 | 5YR | 04/10/2012 | 2012-9/87 | |
| | 36052 | R311-208 | 5YR | 04/10/2012 | 2012-9/88 | |
| | 36053 | R311-209 | 5YR | 04/10/2012 | 2012-9/89 | |
| | 36054 | R311-210 | 5YR | 04/10/2012 | 2012-9/89 | |
| | 36055 | R311-211 | 5YR | 04/10/2012 | 2012-9/90 | |
| | 36056 | R311-212 | 5YR | 04/10/2012 | 2012-9/90 | |
| <u>unemployed workers</u> | | | | | | |
| Workforce Services, Administration | 36357 | R982-601 | 5YR | 06/12/2012 | 2012-13/116 | |
| Workforce Services, Unemployment Insurance | 35992 | R994-207-102 | NSC | 04/11/2012 | Not Printed | |
| <u>unemployment compensation</u> | | | | | | |
| Human Services, Recovery Services | 36675 | R527-412 | 5YR | 08/21/2012 | 2012-18/80 | |
| Workforce Services, Unemployment Insurance | 36091 | R994-102 | 5YR | 04/25/2012 | 2012-10/96 | |
| | 36092 | R994-106 | 5YR | 04/25/2012 | 2012-10/96 | |
| | 35992 | R994-207-102 | NSC | 04/11/2012 | Not Printed | |
| | 36093 | R994-303 | 5YR | 04/25/2012 | 2012-10/97 | |
| | 36094 | R994-401 | 5YR | 04/25/2012 | 2012-10/97 | |
| | 36095 | R994-402 | 5YR | 04/25/2012 | 2012-10/98 | |
| | 36223 | R994-403 | AMD | 07/09/2012 | 2012-11/159 | |
| | 35448 | R994-403-112c | AMD | 01/17/2012 | 2011-23/98 | |
| | 36256 | R994-404 | 5YR | 05/22/2012 | 2012-12/92 | |
| | 36224 | R994-405 | AMD | 07/09/2012 | 2012-11/164 | |
| | 36134 | R994-405-104 | AMD | 07/01/2012 | 2012-10/84 | |
| | 36257 | R994-406 | 5YR | 05/22/2012 | 2012-12/92 | |
| | 35455 | R994-508 | AMD | 02/01/2012 | 2011-23/101 | |
| <u>uranium mills</u> | | | | | | |
| Environmental Quality, Radiation Control | 36277 | R313-24 | 5YR | 05/24/2012 | 2012-12/84 | |
| <u>used oil</u> | | | | | | |
| Environmental Quality, Solid and Hazardous Waste | 36246 | R315-15 | 5YR | 05/17/2012 | 2012-12/85 | |

| | | | | | | |
|---|-------|------------|-----|------------|-------------|--|
| <u>user fee</u> | | | | | | |
| Community and Culture, Administration | 36353 | R182-2 | NEW | 08/31/2012 | 2012-13/14 | |
| <u>user tax</u> | | | | | | |
| Tax Commission, Auditing | 36362 | R865-21U-6 | AMD | 08/27/2012 | 2012-13/80 | |
| <u>USHRAB board meetings</u> | | | | | | |
| Administrative Services, Archives | 35304 | R17-9 | NEW | 01/30/2012 | 2011-20/6 | |
| <u>USTAR</u> | | | | | | |
| Science Technology and Research Governing Auth., Administration | 36156 | R856-1 | NEW | 07/31/2012 | 2012-11/108 | |
| | 36155 | R856-2 | NEW | 07/31/2012 | 2012-11/110 | |
| | 36491 | R856-2 | NSC | 07/31/2012 | Not Printed | |
| <u>Utah Sewer Management Program</u> | | | | | | |
| Environmental Quality, Water Quality | 35903 | R317-801 | NEW | 06/21/2012 | 2012-6/12 | |
| <u>utilities</u> | | | | | | |
| Public Service Commission, Administration | 36167 | R746-430 | 5YR | 05/10/2012 | 2012-11/184 | |
| | 35506 | R746-800 | REP | 02/07/2012 | 2012-1/43 | |
| <u>utility regulations</u> | | | | | | |
| Public Service Commission, Administration | 35505 | R746-310-1 | AMD | 02/07/2012 | 2012-1/38 | |
| | 35925 | R746-310-2 | NSC | 03/22/2012 | Not Printed | |
| | 35507 | R746-405-2 | AMD | 02/07/2012 | 2012-1/41 | |
| | 35896 | R746-405-2 | AMD | 05/07/2012 | 2012-6/31 | |
| | 36208 | R746-405-2 | AMD | 07/09/2012 | 2012-11/102 | |
| <u>utility service shutoff</u> | | | | | | |
| Public Service Commission, Administration | 35926 | R746-320 | NSC | 03/22/2012 | Not Printed | |
| <u>vacations</u> | | | | | | |
| Human Resource Management, Administration | 35827 | R477-7 | 5YR | 02/02/2012 | 2012-5/111 | |
| | 36123 | R477-7 | AMD | 07/02/2012 | 2012-10/63 | |
| <u>vaccinations</u> | | | | | | |
| Agriculture and Food, Animal Industry | 36143 | R58-3 | EMR | 05/08/2012 | 2012-11/167 | |
| Health, Family Health and Preparedness, Licensing | 35977 | R432-40 | 5YR | 03/28/2012 | 2012-8/77 | |
| <u>vehicle maintenance</u> | | | | | | |
| Administrative Services, Fleet Operations | 35621 | R27-8 | 5YR | 01/05/2012 | 2012-3/107 | |
| <u>vehicle replacement</u> | | | | | | |
| Administrative Services, Fleet Operations | 35622 | R27-4 | 5YR | 01/05/2012 | 2012-3/105 | |
| <u>vendor approvals</u> | | | | | | |
| Administrative Services, Fleet Operations | 35621 | R27-8 | 5YR | 01/05/2012 | 2012-3/107 | |
| <u>ventilation</u> | | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 36019 | R392-510 | 5YR | 04/02/2012 | 2012-8/75 | |
| <u>veterinarians</u> | | | | | | |
| Environmental Quality, Radiation Control | 35906 | R313-35 | 5YR | 03/02/2012 | 2012-7/65 | |
| <u>victims of crimes</u> | | | | | | |
| Pardons (Board Of), Administration | 35738 | R671-203 | 5YR | 01/31/2012 | 2012-4/110 | |
| <u>visibility</u> | | | | | | |
| Environmental Quality, Air Quality | 36336 | R307-406 | 5YR | 06/06/2012 | 2012-13/102 | |
| <u>visitation</u> | | | | | | |
| Corrections, Administration | 35754 | R251-305 | EXT | 01/31/2012 | 2012-4/121 | |
| | 36039 | R251-305 | 5YR | 04/06/2012 | 2012-9/77 | |

RULES INDEX

volunteers

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Human Resource Management, Administration | 35834 | R477-13 | 5YR | 02/03/2012 | 2012-5/115 |
| | 36127 | R477-13 | AMD | 07/02/2012 | 2012-10/81 |
| Human Services, Aging and Adult Services | 36473 | R510-111 | 5YR | 07/11/2012 | 2012-15/84 |
| Transportation, Operations, Maintenance | 35669 | R918-4 | AMD | 03/12/2012 | 2012-3/82 |

vulnerable adults

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Human Services, Aging and Adult Services | 36475 | R510-302 | 5YR | 07/11/2012 | 2012-15/85 |
|--|-------|----------|-----|------------|------------|

wages

| | | | | | |
|---|-------|-----------|-----|------------|------------|
| Human Services, Recovery Services | 36673 | R527-300 | 5YR | 08/21/2012 | 2012-18/79 |
| Labor Commission, Antidiscrimination and Labor, Labor | 35833 | R610-3-21 | AMD | 04/16/2012 | 2012-5/88 |

waivers

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Health, Health Care Financing, Coverage and Reimbursement Policy | 36085 | R414-307 | 5YR | 04/17/2012 | 2012-10/91 |
|--|-------|----------|-----|------------|------------|

waste disposal

| | | | | | |
|--|-------|------------|-----|------------|------------|
| Environmental Quality, Solid and Hazardous Waste | 35988 | R315-304 | 5YR | 03/29/2012 | 2012-8/74 |
| | 35432 | R315-312-1 | AMD | 01/13/2012 | 2011-23/59 |
| | 35433 | R315-315-5 | AMD | 01/13/2012 | 2011-23/60 |
| | 35434 | R315-320-2 | AMD | 01/13/2012 | 2011-23/61 |
| Environmental Quality, Water Quality | 36387 | R317-560 | 5YR | 06/18/2012 | 2012-14/66 |

waste water

| | | | | | |
|--------------------------------------|-------|---------|-----|------------|------------|
| Environmental Quality, Water Quality | 36135 | R317-11 | AMD | 06/27/2012 | 2012-10/23 |
|--------------------------------------|-------|---------|-----|------------|------------|

wastewater

| | | | | | |
|--------------------------------------|-------|----------|-----|------------|-------------|
| Environmental Quality, Water Quality | 36190 | R317-3 | 5YR | 05/15/2012 | 2012-11/179 |
| | 36456 | R317-100 | 5YR | 07/11/2012 | 2012-15/78 |
| | 36387 | R317-560 | 5YR | 06/18/2012 | 2012-14/66 |

wastewater treatment

| | | | | | |
|--------------------------------------|-------|---------|-----|------------|------------|
| Environmental Quality, Water Quality | 36457 | R317-10 | 5YR | 07/11/2012 | 2012-15/78 |
|--------------------------------------|-------|---------|-----|------------|------------|

water

| | | | | | |
|---------------------------------|-------|---------|-----|------------|-------------|
| Natural Resources, Water Rights | 36382 | R655-15 | 5YR | 06/15/2012 | 2012-13/113 |
|---------------------------------|-------|---------|-----|------------|-------------|

water commissioner

| | | | | | |
|---------------------------------|-------|---------|-----|------------|-------------|
| Natural Resources, Water Rights | 36382 | R655-15 | 5YR | 06/15/2012 | 2012-13/113 |
|---------------------------------|-------|---------|-----|------------|-------------|

water development

| | | | | | |
|------------------------------------|-------|--------|-----|------------|-----------|
| Natural Resources, Water Resources | 36038 | R653-8 | REP | 08/22/2012 | 2012-9/63 |
|------------------------------------|-------|--------|-----|------------|-----------|

water funding

| | | | | | |
|------------------------------------|-------|----------|-----|------------|------------|
| Natural Resources, Water Resources | 36087 | R653-2-4 | AMD | 08/22/2012 | 2012-10/82 |
|------------------------------------|-------|----------|-----|------------|------------|

water policy

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation | 35797 | R643-879 | 5YR | 02/01/2012 | 2012-4/104 |
| Natural Resources, Water Resources | 36038 | R653-8 | REP | 08/22/2012 | 2012-9/63 |

water pollution

| | | | | | |
|--------------------------------------|-------|---------|-----|------------|-------------|
| Environmental Quality, Water Quality | 35359 | R317-2 | AMD | 04/01/2012 | 2011-21/78 |
| | 35359 | R317-2 | CPR | 04/01/2012 | 2012-4/40 |
| | 36190 | R317-3 | 5YR | 05/15/2012 | 2012-11/179 |
| | 36388 | R317-5 | 5YR | 06/18/2012 | 2012-14/65 |
| | 35238 | R317-8 | AMD | 01/25/2012 | 2011-19/31 |
| | 36457 | R317-10 | 5YR | 07/11/2012 | 2012-15/78 |
| | 35726 | R317-12 | 5YR | 01/25/2012 | 2012-4/89 |

water quality

| | | | | | |
|--------------------------------------|-------|--------|-----|------------|-------------|
| Environmental Quality, Water Quality | 36190 | R317-3 | 5YR | 05/15/2012 | 2012-11/179 |
| | 36544 | R317-6 | 5YR | 07/26/2012 | 2012-16/192 |

| | | | | | | |
|--|-------|------------|-----|------------|-------------|--|
| <u>water quality standards</u> | | | | | | |
| Environmental Quality, Water Quality | 35359 | R317-2 | AMD | 04/01/2012 | 2011-21/78 | |
| | 35359 | R317-2 | CPR | 04/01/2012 | 2012-4/40 | |
| <u>water rights</u> | | | | | | |
| Natural Resources, Water Rights | 36381 | R655-6 | 5YR | 06/15/2012 | 2012-13/113 | |
| <u>water rights procedures</u> | | | | | | |
| Natural Resources, Water Rights | 36380 | R655-2 | 5YR | 06/15/2012 | 2012-13/112 | |
| <u>water slides</u> | | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 35707 | R392-302 | 5YR | 01/20/2012 | 2012-4/93 | |
| <u>weapons</u> | | | | | | |
| Human Services, Juvenile Justice Services | 36043 | R547-14 | 5YR | 04/09/2012 | 2012-9/93 | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 35593 | R525-6 | AMD | 02/21/2012 | 2012-2/98 | |
| <u>welfare</u> | | | | | | |
| Human Services, Recovery Services | 36346 | R527-3 | 5YR | 06/12/2012 | 2012-13/108 | |
| <u>white collar contests</u> | | | | | | |
| Governor, Economic Development, Pete Suazo Utah Athletic Commission | 36002 | R359-1 | 5YR | 03/30/2012 | 2012-8/74 | |
| <u>white-collar contests</u> | | | | | | |
| Governor, Economic Development, Pete Suazo Utah Athletic Commission | 36130 | R359-1-506 | AMD | 06/30/2012 | 2012-10/29 | |
| <u>wildlife</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36149 | R657-2 | 5YR | 05/04/2012 | 2012-11/181 | |
| | 36494 | R657-3 | AMD | 09/10/2012 | 2012-15/38 | |
| | 36280 | R657-4 | 5YR | 05/29/2012 | 2012-12/87 | |
| | 35520 | R657-5 | AMD | 02/07/2012 | 2012-1/29 | |
| | 36158 | R657-5 | AMD | 07/09/2012 | 2012-11/85 | |
| | 36747 | R657-12 | 5YR | 09/10/2012 | Not Printed | |
| | 35440 | R657-13 | AMD | 01/10/2012 | 2011-23/75 | |
| | 36394 | R657-16 | AMD | 08/21/2012 | 2012-14/36 | |
| | 36689 | R657-16 | NSC | 09/14/2012 | Not Printed | |
| | 35209 | R657-17 | AMD | 01/10/2012 | 2011-18/63 | |
| | 35734 | R657-20 | AMD | 04/02/2012 | 2012-4/25 | |
| | 36150 | R657-22 | 5YR | 05/04/2012 | 2012-11/182 | |
| | 36003 | R657-27 | 5YR | 04/02/2012 | 2012-8/89 | |
| | 36637 | R657-28 | 5YR | 08/13/2012 | 2012-17/109 | |
| | 35733 | R657-33 | AMD | 04/02/2012 | 2012-4/32 | |
| | 35211 | R657-38 | AMD | 01/10/2012 | 2011-18/65 | |
| | 36393 | R657-41 | AMD | 08/21/2012 | 2012-14/37 | |
| | 35435 | R657-42 | AMD | 01/10/2012 | 2011-23/76 | |
| | 35210 | R657-43 | AMD | 01/10/2012 | 2011-18/71 | |
| | 35909 | R657-43 | 5YR | 03/05/2012 | 2012-7/70 | |
| | 36392 | R657-44 | 5YR | 06/19/2012 | 2012-14/72 | |
| | 36004 | R657-50 | 5YR | 04/02/2012 | 2012-8/89 | |
| | 36397 | R657-57 | AMD | 08/21/2012 | 2012-14/40 | |
| | 35439 | R657-58 | AMD | 01/10/2012 | 2011-23/79 | |
| | 35438 | R657-59 | AMD | 01/10/2012 | 2011-23/80 | |
| | 36396 | R657-59 | AMD | 08/21/2012 | 2012-14/45 | |
| | 35436 | R657-62 | AMD | 01/10/2012 | 2011-23/85 | |
| | 36159 | R657-62 | AMD | 07/09/2012 | 2012-11/86 | |
| | 36363 | R657-64 | NEW | 08/07/2012 | 2012-13/72 | |
| | 36545 | R657-64 | NSC | 08/08/2012 | Not Printed | |
| <u>wildlife conservation</u> | | | | | | |
| Natural Resources, Wildlife Resources | 35211 | R657-38 | AMD | 01/10/2012 | 2011-18/65 | |
| <u>wildlife law</u> | | | | | | |
| Natural Resources, Wildlife Resources | 36747 | R657-12 | 5YR | 09/10/2012 | Not Printed | |

RULES INDEX

| | | | | | |
|--|-------|-----------|-----|------------|-------------|
| | 35440 | R657-13 | AMD | 01/10/2012 | 2011-23/75 |
| | 36150 | R657-22 | 5YR | 05/04/2012 | 2012-11/182 |
| | 36003 | R657-27 | 5YR | 04/02/2012 | 2012-8/89 |
| | 35439 | R657-58 | AMD | 01/10/2012 | 2011-23/79 |
| | 36363 | R657-64 | NEW | 08/07/2012 | 2012-13/72 |
| | 36545 | R657-64 | NSC | 08/08/2012 | Not Printed |
| <u>wildlife permits</u> | | | | | |
| Natural Resources, Wildlife Resources | 36393 | R657-41 | AMD | 08/21/2012 | 2012-14/37 |
| <u>withholding tax</u> | | | | | |
| Tax Commission, Auditing | 35604 | R865-14W | 5YR | 01/03/2012 | 2012-2/132 |
| <u>witness fees</u> | | | | | |
| Labor Commission, Adjudication | 36399 | R602-1 | 5YR | 06/19/2012 | 2012-14/70 |
| <u>women</u> | | | | | |
| Health, Family Health and Preparedness, WIC Services | 35812 | R406-100 | 5YR | 02/02/2012 | 2012-5/104 |
| | 35813 | R406-200 | 5YR | 02/02/2012 | 2012-5/105 |
| | 35814 | R406-201 | 5YR | 02/02/2012 | 2012-5/105 |
| | 35815 | R406-202 | 5YR | 02/02/2012 | 2012-5/106 |
| | 35816 | R406-301 | 5YR | 02/02/2012 | 2012-5/106 |
| <u>wood furniture</u> | | | | | |
| Environmental Quality, Air Quality | 35787 | R307-343 | 5YR | 02/01/2012 | 2012-4/89 |
| <u>work zone traffic control</u> | | | | | |
| Transportation, Operations, Traffic and Safety | 36610 | R920-3 | EXT | 08/01/2012 | 2012-16/203 |
| <u>work-based learning programs</u> | | | | | |
| Education, Administration | 35938 | R277-916 | AMD | 05/08/2012 | 2012-7/35 |
| <u>workers' compensation</u> | | | | | |
| Administrative Services, Risk Management | 36287 | R37-2 | 5YR | 05/30/2012 | 2012-12/81 |
| Labor Commission, Adjudication | 36400 | R602-2 | 5YR | 06/19/2012 | 2012-14/71 |
| Labor Commission, Industrial Accidents | 36402 | R612-1 | 5YR | 06/19/2012 | 2012-14/71 |
| | 36454 | R612-1-10 | NSC | 07/25/2012 | Not Printed |
| Workforce Services, Unemployment Insurance | 36256 | R994-404 | 5YR | 05/22/2012 | 2012-12/92 |
| <u>x-rays</u> | | | | | |
| Environmental Quality, Radiation Control | 35906 | R313-35 | 5YR | 03/02/2012 | 2012-7/65 |
| <u>zoological animals</u> | | | | | |
| Natural Resources, Wildlife Resources | 36494 | R657-3 | AMD | 09/10/2012 | 2012-15/38 |