



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

Department of
Environmental Quality

William J. Sinclair
Acting Executive Director

DIVISION OF AIR QUALITY
Cheryl Heying
Director

DAQ-022-09

MEMORANDUM

TO: Air Quality Board

THROUGH: Cheryl Heying, Executive Secretary

FROM: Kimberly Kreykes, Environmental Planning Consultant

DATE: April 13, 2009

SUBJECT: FINAL ADOPTION: Amend R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards; and FIVE-YEAR REVIEW: R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards.

On December 3, 2008, the Air Quality Board proposed for comment amendments to R307-840, Lead-Based Paint Accreditation, Certification and Work Practice Standards. A public comment period was held March 1-31, 2009. No comments were received.

Staff Recommendation: DAQ staff recommends that R307-840 be adopted as proposed.

In addition, DAQ has completed a five-year review for R307-840, and as a separate action, staff recommends that the Board continue this rule by approving the attached forms to be filed with the Division of Administrative Rules.

1 **R307. Environmental Quality, Air Quality.**
2 **R307-840. Lead-Based Paint Accreditation, Certification and Work**
3 **Practice Standards.**

4 **R307-840-1. Purpose and Applicability.**

5 (1) Rule R307-840 establishes procedures and requirements
6 for the accreditation of lead-based paint activities training
7 programs, procedures and requirements for the certification of
8 individuals and firms engaged in lead-based paint activities, and
9 work practice standards for performing such activities. This rule
10 also requires that, except as outlined in (2), all lead-based
11 paint activities, as defined in this rule, must be performed by
12 certified individuals and firms.

13 (2) R307-840 applies to all individuals and firms who are
14 engaged in lead-based paint activities as defined in R307-840-2,
15 except persons who perform these activities within residential
16 dwellings that they own, unless the residential dwelling is
17 occupied by a person or persons other than the owner or the
18 owner's immediate family while these activities are being
19 performed, or a child residing in the building has been identified
20 as having an elevated blood lead level.

21 (3) Each department, agency, and instrumentality of the
22 executive, legislative and judicial branches of the Federal
23 Government having jurisdiction over any property or facility, or
24 engaged in any activity resulting, or which may result, in a lead-
25 based paint hazard, and each officer, agent, or employee thereof
26 shall be subject to, and comply with, all Federal, State,
27 interstate, and local requirements, both substantive and
28 procedural, including the requirements of R307-840 regarding lead-
29 based paint, lead-based paint activities, and lead-based paint
30 hazards.

31 (4) While Rule R307-840 establishes specific requirements
32 for performing lead-based paint activities should they be
33 undertaken, nothing in R307-840 requires that the owner or
34 occupant undertake any particular lead-based paint activity.

35

36 **R307-840-2. Definitions.**

37 (1) Definitions found in 40 CFR 745.63, 40 CFR 745.83, and
38 40 CFR 745.223, effective as of July 1, 2007, are hereby adopted
39 and incorporated by reference, with the substitutions found in (2)
40 below and the modifications found in (3) below.

41 (2) Substitutions.

42 (a) Substitute "the Executive Secretary" for all references
43 to "EPA" except in the definition of "Pamphlet" found in 40 CFR
44 745.83 and in the definition of "Recognized laboratory" found in
45 40 CFR 745.223.

46 (b) Substitute "the Executive Secretary" for all references
47 to "Administrator".

48 (3) Modifications.

49 (a) Delete the definition of "Administrator" found in 40 CFR
50 745.83.

51 (b) Modify the definition of "Pamphlet" found in Sec. 745.83
52 by deleting ", or any State or Tribal pamphlet approved by EPA

1 pursuant to 40 CFR 745.326 that is developed for the same
2 purpose".

3 (c) Delete the definition of "Lead-based paint hazard" found
4 in 40 CFR 745.223.

5 (d) Modify the definition of "Business day" found in Sec.
6 745.223 by including "and State of Utah" before "holidays".

7
8 **R307-840-3. Accreditation, Certification and Work Standards:**
9 **Target Housing and Child-Occupied Facilities.**

10 (1) The following requirements, effective as of July 1,
11 2007, are hereby adopted and incorporated by reference, with the
12 substitutions found in (2) below and the modifications found in
13 (3) below:

14 (a) 40 CFR 745.61, 745.65, 745.80, 745.81, 745.82, 745.85,
15 745.86, 745.88, 745.225(a) through (g) and (i), 745.226 (a)
16 through (h), 745.227, and 745.233.

17 (2) Substitutions.

18 (a) Substitute "the Executive Secretary" for all references
19 to "EPA" with the following exceptions:

20 (i) Sec. 745.65(d).

21 (ii) Sec. 745.86(b)(1).

22 (iii) Sec. 745.225(b)(1)(iii), Sec. 745.225(b)(1)(iv), Sec.
23 745.225(c)(2)(ii), Sec. 745.225(c)(10), Sec. 745.225(e)(5)(iii),
24 and Sec. 745.225(e)(5)(iv).

25 (iv) The last reference to EPA in Sec. 745.226(a)(1)(ii) and
26 the second reference to EPA in Sec. 745.226(d)(1).

27 (v) The first three references to EPA in Sec. 745.227(a)(3),
28 and the reference to EPA in Sec. 745.227(a)(4), Sec.
29 745.227(e)(4)(vi)(D), Sec. 745.227(e)(4)(vi)(I), and Sec.
30 745.227(f)(2).

31 (b) Substitute "the Executive Secretary or the Executive
32 Secretary's authorized representative" for references to "EPA" in
33 Sec. 745.225(c)(12), Sec. 745.225(f)(4), and Sec. 745.225(i)(1).

34 (c) Substitute "the Executive Secretary" for all references
35 to "Administrator".

36 (d) Substitute "R307-840" for "either Federal regulations at
37 Sec. 745.226 or a State or Tribal certification program authorized
38 pursuant to Sec. 745.324" in Sec. 745.82(b)(3).

39 (e) Substitute "R307-840" for "either Federal regulations at
40 Sec. 745.226 or an EPA-authorized State or Tribal certification
41 program" in Sec. 745.86(b)(1).

42 (f) Substitute "Sec. 745.82(b)(3)" for "Sec. 745.82(b)(iv)"
43 in 40 CFR 745.86(b)(1).

44 (g) Substitute sample certification language found in Sec.
45 745.88(b)(2)(ii) with that found in Sec. 745.88(b)(2)(i).

46 (h) Substitute sample certification language found in Sec.
47 745.88(b)(2)(i) with that found in Sec. 745.88(b)(2)(ii).

48 (i) Substitute "the current Department of Environmental
49 Quality Fee Schedule" for references to "Sec. 745.238" in Sec.
50 745.225(b)(4), Sec. 745.225(f)(3)(v), Sec. 745.226(a)(6), Sec.
51 745.226(e)(3), Sec. 745.226(f)(6), and Sec. 745.226(f)(7).

52 (j) Substitute "Utah Division of Air Quality electronic

1 notification system" for "Agency's central data exchange (CDX)" in
2 Sec. 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii), and Sec.
3 745.227(e)(4)(vii).
4 (k) Substitute "Notification Form" for "Schedule" in Sec.
5 745.225(c)(13)(vi).
6 (l) Substitute "Utah Division of Air Quality Lead-Based
7 Paint Program web site" for "NLIC at 1-800-424-LEAD(5323), or on
8 the Internet at <http://www.epa.gov/lead>" in Sec.
9 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii), and Sec.
10 745.227(e)(4)(vii).
11 (m) Substitute "Verification Form" for "Course Follow-up" in
12 Sec. 745.225(c)(14)(iii).
13 (n) Substitute "Utah lead-based paint firm" for "EPA" in
14 Sec. 745.227(e)(4)(vi)(D).
15 (o) Substitute "Utah lead-based paint individual" for "EPA"
16 in Sec. 745.227(e)(4)(vi)(I).
17 (p) Substitute "Lead-Based Paint Abatement Project
18 Notification" for "Notification of Lead-Based Paint Abatement
19 Activities" in Sec. 745.227(e)(4)(vii).
20 (q) Substitute "Sec 745.65(b)" for "Sec 745.227(b)" in 40
21 CFR 745.227(h)(2)(i).
22 (3) Modifications.
23 (a) Change the date in Sec. 745.81 to October 1, 2005.
24 (b) Change the date in Sec. 745.226(a)(5), Sec.
25 745.226(d)(2), Sec. 745.226(f)(1), and Sec. 745.227(a)(1) to
26 August 30, 1999.
27 (c) Modify Sec. 745.225(b)(1)(iii) by deleting "or training
28 materials approved by a State or Indian Tribe that has been
29 authorized by EPA under subpart Q of this part,".
30 (d) Modify Sec. 745.225(b)(1)(iv) by deleting "or training
31 materials approved by an authorized State or Indian Tribe".
32 (e) Modify Sec. 745.225(c)(2)(ii) by including "Executive
33 Secretary-accredited," before "EPA-accredited".
34 (f) Modify Sec. 745.225(c)(13)(v)(B) and Sec.
35 745.225(c)(14)(ii)(A) by deleting "EPA accreditation number,".
36 (g) Modify Sec. 745.225(c)(14)(ii)(F) to include "Utah
37 Division of Air Quality Lead-Based Paint Program training
38 verification statement".
39 (h) Modify Sec. 745.225(e)(5)(iii) by deleting "or training
40 materials approved by a State or Indian Tribe that has been
41 authorized by EPA under Sec. 745.324 to develop its refresher
42 training course materials,".
43 (i) Modify Sec. 745.225(e)(5)(iv) by deleting "or training
44 materials approved by an authorized State or Indian Tribe".
45 (j) Modify Sec. 745.226(a)(1)(ii) by including "EPA or"
46 after the word "from".
47 (k) Modify Sec. 745.226(f)(7) by deleting "every 3 years".
48 (l) Modify Sec. 745.227(a)(3) by deleting "Regulations,
49 guidance, methods, or protocols issued by States and Indian Tribes
50 that have been authorized by EPA;".

51

52 **KEY: air pollution, paint, lead-based paint**

1 **Date of Enactment or Last Substantive Amendment:** 2009
2 **Notice of Continuation:** February 8, 2008
3 **Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)(i)
4
5

(MPO)" and "Transportation improvement program (TIP)"; and b. Revised the first sentence of the definition for "Transportation control measure (TCM)." Section 72.2 was amended as follows: a. Revised the definition of "Capacity factor;" b. In the definition of "Diluent cap", removed the words "CO₂ mass emission rate, or heat input rate" after the words "NO_x emission rate"; c. In the definition of "EPA protocol gas", added a new sentence to the end of the definition; d. Revised the definition of "Excepted monitoring system"; e. Added the new definitions in alphabetical order for "Air Emission Testing Body (AETB)", "EPA Protocol Gas Verification Program", "Long-term cold storage", "NIST traceable elemental Hg standards", "NIST traceable source of oxidized Hg", "Qualified Individual", and "Specialty gas producer"; and f. Removed the definition for "Research gas material (RGM)". 02/13/2008 (Vol. 73, No. 30): Correction: Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NO_x Budget Trading Program, Clean Air Interstate Rule, and the Clean Air Mercury Rule. Part 75 Appendix F Eq. (F-8) was corrected.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR, July 1, 2008, edition

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ LOCAL GOVERNMENTS: Because this revision does not create new requirements, no change in costs is expected for local governments.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Small Businesses: Because this revision does not create new requirements, no change in costs is expected for small businesses. Other Persons: Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Bill Sinclair, Acting Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at kkreykes@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/06/2009

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-101. General Requirements.
R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout R307 is dated July 1, 200[7]8.

KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: ~~February 8, 2008~~ 2009

Notice of Continuation: February 8, 2008

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

Environmental Quality, Air Quality
R307-840
Lead-Based Paint Accreditation,
Certification and Work Practice
Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 32350
FILED: 02/03/2009, 16:24

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R307-101-3 contains the incorporation date for many of Utah's Division of Air Quality (UDAQ) rules. Rule R307-840 references Section R307-101-3 for its incorporation date of 40 CFR (Code of Federal Regulations). Due to issues with the 07/01/2008, version of 40 CFR, the effective date of the document incorporated by reference needs to remain 07/01/2007. (DAR NOTE: the proposed amendment to Section R307-101-3 is under DAR No. 32351 in this issue, March 1, 2008, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This action removes the references to Section R307-101-3 for Rule R307-840's incorporation date of 40 CFR, and replaces them with 07/01/2007.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR, July 1, 2007, edition

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because this revision does not create new requirements, no change in costs is expected for local governments.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Small Businesses: Because this revision does not create new requirements, no change in costs is expected for small businesses. Other Persons: Because this revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Bill Sinclair, Acting Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO: Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at kkreykes@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/06/2009

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

**R307. Environmental Quality, Air Quality.
R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards.**

R307-840-2. Definitions.

(1) Definitions found in 40 CFR 745.63, 40 CFR 745.83, and 40 CFR 745.223, effective as of July 1, 2007 [the date referenced in R307-101-3], are hereby adopted and incorporated by reference, with the substitutions found in (2) below and the modifications found in (3) below.

(2) Substitutions.

(a) Substitute "the Executive Secretary" for all references to "EPA" except in the definition of "Pamphlet" found in 40 CFR 745.83 and in the definition of "Recognized laboratory" found in 40 CFR 745.223.

(b) Substitute "the Executive Secretary" for all references to "Administrator".

(3) Modifications.

(a) Delete the definition of "Administrator" found in 40 CFR 745.83.

(b) Modify the definition of "Pamphlet" found in Sec. 745.83 by deleting ", or any State or Tribal pamphlet approved by EPA pursuant to 40 CFR 745.326 that is developed for the same purpose".

(c) Delete the definition of "Lead-based paint hazard" found in 40 CFR 745.223.

(d) Modify the definition of "Business day" found in Sec. 745.223 by including "and State of Utah" before "holidays".

R307-840-3. Accreditation, Certification and Work Standards: Target Housing and Child-Occupied Facilities.

(1) The following requirements, effective as of July 1, 2007 [date referenced in R307-101-3], are hereby adopted and incorporated by reference, with the substitutions found in (2) below and the modifications found in (3) below:

(a) 40 CFR 745.61, 745.65, 745.80, 745.81, 745.82, 745.85, 745.86, 745.88, 745.225(a) through (g) and (i), 745.226 (a) through (h), 745.227, and 745.233.

(2) Substitutions.

(a) Substitute "the Executive Secretary" for all references to "EPA" with the following exceptions:

(i) Sec. 745.65(d).

(ii) Sec. 745.86(b)(1).

(iii) Sec. 745.225(b)(1)(iii), Sec. 745.225(b)(1)(iv), Sec. 745.225(c)(2)(ii), Sec. 745.225(c)(10), Sec. 745.225(e)(5)(iii), and Sec. 745.225(e)(5)(iv).

(iv) The last reference to EPA in Sec. 745.226(a)(1)(ii) and the second reference to EPA in Sec. 745.226(d)(1).

(v) The first three references to EPA in Sec. 745.227(a)(3), and the reference to EPA in Sec. 745.227(a)(4), Sec. 745.227(e)(4)(vi)(D), Sec. 745.227(e)(4)(vi)(I), and Sec. 745.227(f)(2).

(b) Substitute "the Executive Secretary or the Executive Secretary's authorized representative" for references to "EPA" in Sec. 745.225(c)(12), Sec. 745.225(f)(4), and Sec. 745.225(i)(1).

(c) Substitute "the Executive Secretary" for all references to "Administrator".

(d) Substitute "R307-840" for "either Federal regulations at Sec. 745.226 or a State or Tribal certification program authorized pursuant to Sec. 745.324" in Sec. 745.82(b)(3).

(e) Substitute "R307-840" for "either Federal regulations at Sec. 745.226 or an EPA-authorized State or Tribal certification program" in Sec. 745.86(b)(1).

(f) Substitute "Sec. 745.82(b)(3)" for "Sec. 745.82(b)(iv)" in 40 CFR 745.86(b)(1).

(g) Substitute sample certification language found in Sec. 745.88(b)(2)(ii) with that found in Sec. 745.88(b)(2)(i).

(h) Substitute sample certification language found in Sec. 745.88(b)(2)(i) with that found in Sec. 745.88(b)(2)(ii).

(i) Substitute "the current Department of Environmental Quality Fee Schedule" for references to "Sec. 745.238" in Sec. 745.225(b)(4), Sec. 745.225(f)(3)(v), Sec. 745.226(a)(6), Sec. 745.226(e)(3), Sec. 745.226(f)(6), and Sec. 745.226(f)(7).

(j) Substitute "Utah Division of Air Quality electronic notification system" for "Agency's central data exchange (CDX)" in Sec. 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii), and Sec. 745.227(e)(4)(vii).

(k) Substitute "Notification Form" for "Schedule" in Sec. 745.225(c)(13)(vi).

(l) Substitute "Utah Division of Air Quality Lead-Based Paint Program web site" for "NLIC at 1-800-424-LEAD(5323), or on the Internet at <http://www.epa.gov/lead>" in Sec. 745.225(c)(13)(vi), Sec. 745.225(c)(14)(iii), and Sec. 745.227(e)(4)(vii).

(m) Substitute "Verification Form" for "Course Follow-up" in Sec. 745.225(c)(14)(iii).

(n) Substitute "Utah lead-based paint firm" for "EPA" in Sec. 745.227(e)(4)(vi)(D).

(o) Substitute "Utah lead-based paint individual" for "EPA" in Sec. 745.227(e)(4)(vi)(I).

(p) Substitute "Lead-Based Paint Abatement Project Notification" for "Notification of Lead-Based Paint Abatement Activities" in Sec. 745.227(e)(4)(vii).

(q) Substitute "Sec 745.65(b)" for "Sec 745.227(b)" in 40 CFR 745.227(h)(2)(i).

(3) Modifications.

(a) Change the date in Sec. 745.81 to October 1, 2005.

(b) Change the date in Sec. 745.226(a)(5), Sec. 745.226(d)(2), Sec. 745.226(f)(1), and Sec. 745.227(a)(1) to August 30, 1999.

(c) Modify Sec. 745.225(b)(1)(iii) by deleting "or training materials approved by a State or Indian Tribe that has been authorized by EPA under subpart Q of this part."

(d) Modify Sec. 745.225(b)(1)(iv) by deleting "or training materials approved by an authorized State or Indian Tribe".

(e) Modify Sec. 745.225(c)(2)(ii) by including "Executive Secretary-accredited," before "EPA-accredited".

(f) Modify Sec. 745.225(c)(13)(v)(B) and Sec. 745.225(c)(14)(ii)(A) by deleting "EPA accreditation number."

(g) Modify Sec. 745.225(c)(14)(ii)(F) to include "Utah Division of Air Quality Lead-Based Paint Program training verification statement".

(h) Modify Sec. 745.225(e)(5)(iii) by deleting "or training materials approved by a State or Indian Tribe that has been authorized by EPA under Sec. 745.324 to develop its refresher training course materials."

(i) Modify Sec. 745.225 (e)(5)(iv) by deleting "or training materials approved by an authorized State or Indian Tribe".

(j) Modify Sec. 745.226 (a)(1)(ii) by including "EPA or" after the word "from".

(k) Modify Sec. 745.226(f)(7) by deleting "every 3 years".

(l) Modify Sec. 745.227 (a)(3) by deleting "Regulations, guidance, methods, or protocols issued by States and Indian Tribes that have been authorized by EPA;"

KEY: air pollution, paint, lead-based paint

Date of Enactment or Last Substantive Amendment: [February 8, 2008]2009

Notice of Continuation: February 8, 2008

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

Environmental Quality, Water Quality R317-1 Definitions and General Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32380

FILED: 02/17/2009, 13:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments implement the new operating permit program authorized by H.B. 222 (2008 General Session), amending the powers and duties of the Water Quality Board to include the authority to issue operating permits for wastewater treatment works. (DAR NOTE: H.B. 222 (2008) is found at Chapter 336, Laws of Utah 2008, and was effective 05/05/2008.)

SUMMARY OF THE RULE OR CHANGE: The proposed revisions to Rule R317-1 copy the existing requirement for a body politic from Rule R317-3 into Rule R317-1 to stress this requirement, reorganize Section R317-1-2 to make it more user-friendly and to stress the requirement for a permit prior to construction of any wastewater facilities, and modify the exception for facilities connecting to an existing sewer system to remove the loophole that previously appeared to allow a private sewer system to connect to a public sewer system without a construction permit or sponsorship by a body politic. It is not envisioned that the proposed revisions to Rule R317-1 will result in any change in the way the Division conducts its business, but are purely for the purposes of clarification and to remove an apparent loophole. Also included in the proposed rule revision to Rule R317-1 are a number of revisions to the definitions including renumbering the definitions in alphabetical order, deleting definitions that are solely appurtenant to other parts of the rules, and adding these definitions related to operating permits: 1) defining chemical oxygen demand (COD) as a parameter; 2) defining the scope of the operating permit program; 3) eliminating the definition of Polished Secondary Treatment; and 4) defining total suspended solids (TSS) as a parameter.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-5-104 and 19-5-105

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:	Date filed:
Utah Admin. Code ref. (R no.): R307-840	Time filed:

1. Agency: Environmental Quality/Air Quality
 Room no.:
 Building:
 Street address 1: 150 N 1950 W
 Street address 2:
 City,state,zip: SALT LAKE CITY, UT 84116-3085
 Mailing address 1: PO BOX 144820
 Mailing address 2:
 City,state,zip: SALT LAKE CITY, UT 84114-4820
Contact person(s):
Name: Phone: Fax: E-mail: Remove:
 Kimberly Kreykes 801-536-4042 801-536-4099 kkreykes@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. Title of rule or section (catchline): | Lead-Based Paint Accreditation, Certification and Work Practice Standards |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule: | Rule R307-840 implements Subsection 19-2-104(1)(i) which authorizes the Air Quality Board to make rules to "implement the lead-based paint requirements for training, certification, and performance of 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter IV--Lead Exposure Reduction, Sections 402 and 404." |
| 4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: | Rule R307-840 was amended one time since the last five-year review, DAR 32350. No comments where received on the amendment. No comments where received since the last five-year review. |
| 5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any: | Without Rule R307-840, Utah would not have authority to implement the federal requirements; implementation would be carried out by the Environmental Protection Agency. Therefore, this rule should be continued. |
| 6. Indexing information - keywords (maximum of four, in lower case): | air pollution, paint, lead-based paint |
| 7. Attach an RTF document containing the text of this rule change (filename): | No document is associated with this filing. |

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the

effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:	Date (mm/dd/yyyy):
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