

**State of Utah**  
**Administrative Rule Analysis**  
 Revised May 2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New <input checked="" type="checkbox"/> ; Amendment <input type="checkbox"/> ; Repeal <input type="checkbox"/> ; Repeal and Reenact <input type="checkbox"/>		
		<b>Title No. - Rule No. - Section No.</b>
Utah Admin. Code Ref (R no.):	R307-240	<b>Filing No. (Office Use Only)</b>
Changed to Admin. Code Ref. (R no.):	R	

**Agency Information**

<b>1. Department:</b>	Environmental Quality	
<b>Agency:</b>	Air Quality	
<b>Room no.:</b>	Fourth Floor	
<b>Building:</b>	Multi Agency State Office Building	
<b>Street address:</b>	195 N 1950 W	
<b>City, state:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 144820	
<b>City, state, zip:</b>	Salt Lake City, UT 84116-4820	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
Prescribed Burning.
<b>3. Purpose of the new rule or reason for the change</b> (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
The new rule comes in response to House Bill 92 being passed and enacted during the 2020 General Session. R307-240 incorporates 19-2a-105 into the air quality rules.
<b>4. Summary of the new rule or change:</b>
The new rule incorporates by reference Section 19-2a-105 and reiterates the need for Director approval of an application before allowing prescribed burning or pile burning when the clearing index is below 500.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is anticipated to be very minimal or no cost to the state budget as a result of this new rule. The minimal costs would be in setting up and creating the application along with staff time directed at receiving and considering the applications. The duties will be assigned to existing staff and will be placed into current duties, resulting in no additional hires.
<b>B) Local governments:</b>
There will be no costs or savings to local governments as this rule amendment is not applicable to them.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
Small businesses are not expected to incur any costs from this new rule as the application is not anticipated to be strenuous or time consuming and should not require any additional hires to complete. Additionally, the rule is incorporating by reference existing state statute, so no new provisions are being imposed.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
Non-small businesses are not expected to incur any costs from this new rule as the application is not anticipated to be strenuous or time consuming and should not require any additional hires to complete. Additionally, the rule is incorporating by reference existing state statute, so no new provisions are being imposed.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Anticipated costs to persons other than small businesses, non-small businesses, state, or local government entities is expected to be negligible as the only possibility comes from filling out an application, which will not be strenuous.

**F) Compliance costs for affected persons:**

There are no anticipated compliance costs for affected persons as the rule amendment simply incorporates state statute and reiterates the need to fill out an application and receive approval from the Director before conducting a prescribed burn or pile fire burn when the clearing index is below 500.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The head of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

**6. A) Comments by the department head on the fiscal impact this rule may have on businesses:**

New rule R307-240 incorporates state statute as amended by House Bill 92 in the 2020 General Session and reiterates the need for approval from the Director to be granted an exemption to conduct a prescribed burn or pile fire burn when the clearing index is below 500. This new rule is not anticipated to have any fiscal impact on businesses.

**B) Name and title of department head commenting on the fiscal impacts:**

L. Scott Baird, Executive Director of the Department of Environmental Quality

**Citation Information**

**7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):**

19-2-101	19-2-104	19-2a-105

**Incorporations by Reference Information**

(If this rule incorporates more than two items by reference, please include additional tables.)

**8. A) This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	<b>First Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	19-2a-105. Prescribed fires, pile burns, and nonfull suppression events.
<b>Publisher</b>	Utah State Code
<b>Date Issued</b>	

<b>Issue, or version</b>	07/01/2020
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<b>B) This rule adds, updates, or removes the following title of materials incorporated by references</b> (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; <i>if none, leave blank</i> ):	
	<b>Second Incorporation</b>
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
<b>A) Comments will be accepted until</b> (mm/dd/yyyy):	10/01/2020	
<b>B) A public hearing (optional) will be held:</b>		
<b>On</b> (mm/dd/yyyy):	<b>At</b> (hh:mm AM/PM):	<b>At</b> (place):

<b>10. This rule change MAY become effective on</b> (mm/dd/yyyy):	11/05/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

**Agency Authorization Information**

<b>To the agency:</b> Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
<b>Agency head or designee, and title:</b>	Bryce Bird	<b>Date</b> (mm/dd/yyyy):	07/15/2020

**R307. Environmental Quality, Air Quality.**

**R307-240. Prescribed Burning.**

**R307-240-1. Purpose.**

The purpose of Rule R307-240 is to permit prescribed burning and pile burning under the conditions outlined in the May 12, 2020 version of Subsections 19-2a-105(3) through 19-2a-105(5), which is hereby incorporated by reference.

**R307-240-2. Applicability.**

Rule R307-240 applies to land managers who conduct prescribed burns and pile burns in wildland and non-wildland areas.

**R307-240-3. Definitions.**

The definitions in the May 12, 2020 version of Utah Code 19-2a-105 apply to Rule R307-240.

**R307-240-4. Special Condition Burn Permit.**

(1) Land managers who request a burn permit when the clearing index is below 500 shall submit to the Director an application that demonstrates that the conditions in Subsections 19-2a-105(3) through 19-2a-105(5) are met.

(2) Land managers shall not conduct prescribed burning or pile burning when the clearing index is below 500 until the Director approves the application required in Subsection R307-240-3(1).

**KEY: , air quality, prescribed burning**

**Date of Enactment or Last Substantive Amendment:**

**Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2a-105**