

R392. Health, Disease Control and Prevention, Environmental Services.

R392-400. Temporary Mass Gatherings Sanitation.

R392-400-1. Authority.

This rule is authorized under Utah Code Sections 26-15-2, 26-1-5 and 26-1-30.

R392-400-2. Purpose.

It is the purpose of this rule:

- (1) to protect, preserve and promote the health and safety of the public;
- (2) to prevent and control the incidence of communicable diseases;
- (3) to reduce hazards to health and environment;
- (4) to maintain adequate sanitation and public health; and
- (5) to promote the general welfare of the public.

R392-400-3. Definitions.

- (1) "Department" means the Utah Department of Health (UDOH).
- (2) "Director" means the executive director of the Utah Department of Health or the executive director's designee.
- (3) "Drinking Water Station" means a location where a person may obtain safe drinking water free of charge.
- (4) "Emergency Medical Provider" means the same as Emergency Medical Services Provider as defined in 26-8a-102.
- (5) "First Aid Station" means a temporary or permanent enclosed space or structure where a person can receive first aid and emergency medical care.
- (6) "Health Officer" means the director of the local health department having jurisdiction or the health officer's designee.
- (7) "Operator" means a person who represents a group, corporation, partnership, governing body, association, or other public or private organization legally responsible for obtaining the necessary permits for the overall operation of a temporary mass gathering.
- (8) "Owner" means any person who alone, jointly, or severally with others:
 - (a) has legal title to any premises, with or without accompanying actual possession thereof or;
 - (b) has charge, care, or control of any premises, as legal or equitable owner, agent of the owner, or lessee.
- (9) "Permit" means a written form of authorization written in accordance with this rule.
- (10) "Person" means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institution, bureau, agency, county, city, political subdivision,

or any legal entity recognized by law.

(11) "Safe Drinking Water" means potable water meeting State safe drinking water rules or bottled water as regulated by the Utah Department of Agriculture and Food.

(12) "Solid Waste" means garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi liquid waste, other spent, useless, worthless, or discarded materials or materials stored or accumulated for the purpose of discarding, materials that have served their original intended purpose.

(13) "Staff" means any person who:

(a) works for or provides services for or on behalf of the operator or a vendor, or

(b) is a vendor at a gathering.

(14) "Temporary Mass Gathering" or "Gathering" means an actual or reasonably anticipated assembly of 1000 or more people, which continues or can reasonably be expected to continue for two or more hours per day, at a site or sites for a purpose different from the designed use and usual type of occupancy. A temporary mass gathering does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the designed occupancy levels are exceeded.

(15) "Vendor" means any person who sells or offers food for public consumption.

(16) "Wastewater" means used water or water carried wastes.

R392-400-4. Permit To Operate Required.

(1) A person may not operate a temporary mass gathering without a valid written permit issued by the health officer.

(2) The health officer may exempt a parade from the permit requirement if the operator submits an application as required in Section R392-400-6 and the health officer determines that the availability of existing public sanitary facilities, drinking water and trash containers is sufficient to protect public health.

(3) A temporary mass gathering may not exceed 16 consecutive days unless otherwise approved by the health officer.

(4) The health officer may attach conditions or grant waivers to a permit, in accordance with this rule, in order to meet specific public health and safety concerns.

R392-400-5. Gathering Operator Required On Site.

(1) The operator shall establish a headquarters at the gathering site.

(2) The operator or the operator's designee shall be present at the gathering at all times during operating hours.

R392-400-6. Permit Application Required.

(1) The health officer shall prescribe the application

process, and shall require the applicant to submit an application at least 15 days prior to the first advertisement of the gathering and at least 30 days prior to the first day of the gathering. The health officer may grant an exception to this requirement on a case by case basis because of the nature of the event, scarcity of problems associated with the event in the past or other public health related criteria.

(2) An application for a permit shall be submitted to the health officer and include the following information:

- (a) name, address, telephone number, email and fax number (if applicable) of the operator;
- (b) number of people expected to attend the gathering;
- (c) a description of the type of gathering to be held with the date(s) and times the gathering will be held;
- (d) estimated length of stay of attendees;
- (e) name, address, telephone number, email and fax number (if applicable) of property owner;
- (f) location of the gathering and a site plan delineating the area where the gathering is to be held including the following:
 - (i) the parking area available for patrons;
 - (ii) location of entrance, exit, and interior roadways and walks;
 - (iii) location, type, and provider of restroom facilities;
 - (iv) location and description of water stations;
 - (v) location and number of food stands, and the types of food to be served if known;
 - (vi) location, number, type, and provider of solid waste containers;
 - (vii) location of operator's headquarters at the gathering;
 - (viii) a plan to provide lighting adequate to ensure the safety of attendees and staff;
 - (ix) location of all parking areas designated for the gathering and under the operator's control.
- (x) location of all first aid stations and emergency medical resources.
- (g) the name of the solid and liquid waste haulers with whom the operator has contracted, unless exempted by this rule;
- (h) a site clean up plan after the gathering;
- (i) total number, and qualifications of first aid station personnel;
- (j) plan for directional and exit signs;
- (k) a plan developed by the operator to address nuisances or health hazards associated with animals present at the gathering;
- (l) plans to address hazardous conditions as required in Section R392-400-12;
- (m) information and plans on any artificially constructed

structure or modified natural structure intended for recreational or therapeutic purposes where the public may be exposed to water via contact, ingestion, or aerosolization.

(n) emergency medical services operational plan and the contact information of the emergency medical provider;

(o) any other information specifically requested by the health officer as necessary to protect public health.

R392-400-7. Inspections.

(1) The health officer may conduct inspections before, during, and after a gathering to ensure compliance with R392-400 and approved plans.

(2) The operator shall provide the health officer with access to all areas of the gathering that the health officer deem necessary and the number of access credentials they request.

(3) The operator shall effectively communicate the health officer's access privileges to staff.

R392-400-8. Notice Of Violation Or Closing.

(1) The health officer may issue a notice of violation to the owner, operator or the operator's designee if the gathering fails to meet the requirements of this rule or the conditions of the permit.

(2) The health officer shall, in accordance with R392-100 Food Service Sanitation, direct the disposition of any food items, including ice and water, that have been adulterated or are otherwise unfit for human consumption.

(3) The health officer may issue a notice of closure of the gathering or part thereof to the owner, operator or the operator's designee if the health officer determines that conditions at the gathering constitute a serious or imminent health hazard.

(4) No gathering site or part thereof that has been closed may be used for a gathering until the health officer determines that the conditions causing the closure have been abated and written approval is received from the health officer. The health officer shall remove the posted notice whenever the violation(s) upon which closing, and posting were based has been remedied.

(5) No unauthorized person may deface or remove a posted notice from any gathering site that has been closed by the health officer.

(6) The operator may appeal a notice or closure in accordance with the procedures established by the local Board of Health or the Utah Administrative Procedures Act, whichever is applicable.

R392-400-9. Solid Waste Management.

(1) The operator shall contract with a solid waste hauler

approved by the health officer.

(2) The operator shall provide and strategically locate a sufficient number of covered waste containers approved by the health officer to effectively accommodate the solid waste generated at the gathering.

(a) The operator shall provide waste containers next to the hand wash stations.

(3) The operator shall ensure that the waste containers are emptied as often as necessary to prevent overflowing, littering, or insect or rodent infestation.

(4) The operator shall ensure that solid waste is cleaned from the property periodically during the gathering and that, within 24 hours following the gathering, the property is free of solid waste and is clean. The health officer may allow for more than 24 hours to clean up the site because of the time of year, nature of the event or other extenuating circumstances if the health officer is satisfied that the extension will not adversely affect public health

(5) The operator shall ensure that solid waste is prevented from being blown from the gathering site onto adjacent properties.

(6) The operator shall ensure that all solid waste is collected and disposed of at a solid waste disposal or recycling facility meeting State and local solid waste disposal facility requirements.

(7) The operator, staff, participants, and spectators shall comply with all applicable State and local requirements for solid waste management.

R392-400-10. Site Maintenance.

(1) All buildings, structures and overnight parking provided for the gathering shall be maintained safe, clean, in good repair, and shall comply with all applicable laws.

(3) The operator shall eliminate any infestation of vermin within any part of a structure intended for occupancy, food storage, or restroom facilities prior to, during, and immediately following a gathering.

(4) The operator is responsible for the maintenance and sanitation of the gathering site and facilities. The operator shall take steps to prevent and abate any nuisance or insanitary condition which may develop.

(5) A gathering site shall be constructed to provide surface drainage adequate to prevent flooding of the gathering site and to prevent water related nuisances on adjacent properties.

(6) Sufficient signs shall identify and show the location of first aid, restroom and drinking water facilities so spectators and participants can readily find them from any place on the gathering site.

(7) The operator shall provide lighting adequate to ensure the safety of attendees.

(8) All parking areas used for the gathering and under the control of the gathering operator must meet the requirements of this rule.

R392-400-11. Emergency Medical Care Requirements.

(1) The operator shall ensure that the gathering has at least one first aid station. Emergency medical care and necessary supplies and equipment shall be provided as determined by the emergency medical provider and the emergency medical operations plan. The health officer or emergency medical provider may require more than one first aid station.

(2) First aid stations shall afford privacy to a person receiving care or treatment.

(3) First aid stations shall be of sufficient size to accommodate the number of care givers required, and the predicted number of sick or injured persons.

(4) First aid stations shall be strategically located to provide expedient medical care for those attending or participating in the gathering.

(5) First aid stations shall be easily accessible by emergency vehicles. The operator shall provide the emergency medical provider a map of the gathering site which includes location of first aid stations, emergency vehicle ingress and egress routes, landing zones (if applicable) and rendezvous locations.

(6) A first aid station shall be clearly marked and identifiable as a first aid station.

(7) The health officer or emergency medical provider may require additional emergency medical services personnel as deemed necessary.

(8) The operator shall ensure that all medical staff have access to telephones or radios to contact outside emergency medical services.

(9) The local health officer or emergency medical provider may require the operator to provide dedicated stand-by ambulances and personnel at the gathering.

(10) The operator shall ensure that the staff person in charge of the first aid station keeps accurate records of patients and treatment, and that the health officer is notified of all cases involving a serious injury or communicable disease in accordance with R386-702 Communicable Disease Rule and R386-703 Injury Reporting Rule.

R392-400-12. Hazardous Conditions.

The operator shall develop contingency plans for dangerous

conditions which may occur during the gathering. The plans may include evacuation, cancellation or delay of the gathering and provision for support facilities.

R392-400-13. Food Protection.

(1) The operator and vendors shall comply with R392-100 Food Service Sanitation.

(2) The operator shall assure that food vendors obtain required food service operating permits from the health officer.

R392-400-14. Safe Drinking Water Supply Requirements.

(1) The operator shall ensure that all drinking water is from a state-approved drinking water system or commercially bottled water meeting 21 CFR 129 (April 1, 2015) and 21 CFR 165.110 (April 1, 2015) from a company registered with the U.S. Food and Drug Administration and the Utah Department of Agriculture and Food.

(2) Drinking water hauled to the gathering shall be hauled and dispensed in a manner that protects public health as determined by the health officer.

(3) The operator shall provide water free of charge and strategically locate drinking water stations to effectively meet the drinking water needs of attendees and staff.

(4) At least four drinking water stations are required. An additional drinking water station is required for each additional 500 attendees above 1000 persons. The health officer may reduce the number of additional drinking water stations or require more than one drinking water station for each additional 500 attendees above 1000 persons because of the time of year, heat index, nature of the event or other public health related criteria. If containers are needed to drink the water at the required drinking water stations, the operator must provide single use containers.

R392-400-15. Wastewater Disposal Requirements.

(1) All wastewater shall be disposed of in accordance with state and local wastewater rules.

(3) The operator may use portable restroom facilities and wastewater holding tanks as determined by the health officer.

(4) The number of toilets shall be provided in accordance with Table 1.

TABLE 1

Minimum Numbers of Toilets Required

Average Time at Gathering (hours)

Peak Crowd	1	2	3	4	5
1000	4	6	8	8	9
2000	5	6	9	12	14
3000	6	9	12	16	20
4000	8	13	16	22	25
5000	12	15	20	25	31
6000	12	15	23	30	38
7000	12	18	26	35	44
8000	12	20	30	40	50
10000	15	25	38	50	63
12500	18	31	47	63	78
15000	20	38	56	75	94
17500	22	44	66	88	109
20000	25	50	75	100	125
25000	38	69	99	130	160
30000	46	82	119	156	192
35000	53	96	139	181	224
40000	61	109	158	207	256
45000	68	123	178	233	288
50000	76	137	198	259	320
55000	83	150	217	285	352
60000	91	164	237	311	384
65000	98	177	257	336	416

each

additional

10,000	15	25	38	50	63
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(table continued for 6-10 hours)

	6	7	8	9	10
1000	9	11	12	13	13
2000	16	18	20	23	25
3000	24	26	30	34	38
4000	30	35	40	45	50
5000	38	44	50	56	63
6000	45	53	60	68	75
7000	53	61	70	79	88
8000	60	70	80	90	100
10000	75	88	100	113	125
12500	94	109	125	141	156
15000	113	131	150	169	188
17500	131	153	175	197	219
20000	150	175	200	225	250
25000	191	221	252	282	313

30000	229	266	302	339	376
35000	267	310	352	395	438
40000	305	354	403	452	501
45000	343	398	453	508	563
50000	381	442	503	564	626
55000	419	486	554	621	688
60000	457	531	604	677	751
65000	495	575	654	734	813
each					
additional					
10,000	75	88	100	113	125

(a) If alcoholic beverages are consumed at the gathering, the operator shall increase the number of required toilets by 40%.

(b) Five percent, with a minimum of one, of the required number of toilets shall be handicap accessible and shall be identified by the International Symbol of Accessibility in compliance with 36 CFR 1191 (July 1, 2011), Appendices B and D, of the Americans with Disabilities Act.

(c) For an event lasting longer than ten hours, the number of required toilets is calculated by adding the number of toilets for ten hours to the number of toilets for those hours over ten or a portion thereof, as determined in Table 1.

(d) The operator shall locate portable toilets a minimum of 100 feet from any food service operation and not more than 300 feet from grand stand or spectator or from other areas of activity which pertain to the gathering, as outlined in the permit application. Where site conditions limit the placement of portable toilets, the health officer may allow exemptions to these distances.

(e) The operator shall provide working hand wash stations at a minimum rate of one per ten portable toilets or portion thereof. The operator shall provide soap, water and single use towels at each hand wash station. Where conditions make the use of soap and water impractical, the health officer may allow sanitizing gel in place of soap and water. Sanitizing gel may not be used in place of soap and water at hand wash stations used by food service workers.

(f) The operator shall provide a minimum of one covered trash container for every ten portable toilets or portion thereof.

(g) The operator shall ensure that all portable toilets are of sound construction (such as non-absorbent polyethylene), easily cleanable, and durable.

(h) Each portable toilet must be secured against vandalism and adverse weather conditions by tie downs, anchors or similar effective means.

(i) The operator shall contract with a liquid waste hauler

that is permitted by the local health department in accordance with R317-550, Rules for Liquid Waste Operations.

(l) The operator shall ensure that all wastewater is removed from each portable toilet at least once every 24 hours or more frequently as necessary. On a case by case basis, the health officer may change this frequency because of the time of year, weather conditions, nature of the event or other public health related criteria. All wastewater removed shall be disposed of at a wastewater treatment facility in accordance with State and local wastewater disposal laws.

(m) The operator shall ensure that each portable toilet is serviced and sanitized as necessary to maintain sanitary conditions.

(n) At the conclusion of the gathering, each portable restroom unit must be serviced then removed within 48 hours. The health officer may extend or shorten this time because of the time of year, weather conditions, the nature of the event or to meet other public health related criteria.

R392-400-16. Penalty.

(1) Any person who violates any provision of this rule may be assessed a penalty as provided in Subsection 26-23-6.

(2) Each day such violation is committed or permitted to continue shall constitute a separate violation.

(3) In addition to other penalties imposed, any person who violates any requirement of this rule shall be liable for all expenses incurred by the department and local health department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

R392-400-17. Severability.

If a provision, clause, sentence, or paragraph of this rule or the application thereof to any person or circumstances shall be ruled invalid, such ruling shall not affect the other provisions or applications of this rule, and to this end the provisions of this rule are severable.

KEY: public health, temporary mass gatherings, special events
Date of Enactment or Last Substantive Amendment: November 1, 2016
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