

Rule Summary and Fiscal Analysis (Part A)**Department of Commerce**

Agency Name

Division of State Fire Marshal

Division

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1301:7-7-22

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Motor fuel-dispensing facilities and repair garages.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3737.22, 3737.82, 3741.14**

5. Statute(s) the rule, as filed, amplifies or implements: **3737.22, 3737.82, 3741.14, 3737.84**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The State Fire Marshal proposes to adopt Chapter 22 of the 2009 International Fire Code as amended and to revise and update the administrative rules comprising the Ohio Fire Code. Also, this rule is being proposed to comply with five year rule review requirements.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This section of the Ohio Fire Code prescribes the requirements for automotive motor fuel-dispensing facilities, marine motor dispensing facilities, fleet vehicle motor fuel-dispensing facilities, service stations at bulk plants and repair garages. The rule includes both public accessible and private dispensing facilities. For further details on the changes to this rule, please see the attached exhibit "A".

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

Materials incorporated by reference in this rule are listed in O.A.C. 1301:7-7-47 and are generally available to affected persons (including members of the fire service, persons responsible for life safety in public occupancies, and design professionals) in the following manner:

1. All text or materials are published by either other governmental agencies, private organizations or industry associations. All of these publications may be obtained by the publishing companies that distribute this material nationally or by any person, without any restriction, from the organization that promulgated the material or text. Some of these reference materials are free and some may be purchased for a reasonable fee. O.A.C. 1301:7-7-47 lists the incorporated material and contact information for each of the organizations that publish the listed incorporated material.

2. Most of the incorporated material is also available at Ohio public libraries, the Division of State Fire Marshal, the Board of Building Standards, or at local government offices, including fire departments.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

This rule will have no fiscal impact.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The 2011 Ohio Fire Code will be available on the State Fire Marshal website with free access. Thus, purchase of a hard copy of the new code is optional and not required.

Consistent with the International Fire Code, section 2206.8 provides the requirements for the design, construction, and maintenance of motor vehicle

fuel-dispensing stations dispensing alcohol-blended fuels. Specifically, this new language requires facility fill pipes and dispensers be identified. The total cost of such identification varies based on facility and cannot be estimated. However, stencil kits for painting are approximately \$41.00 each per the American Petroleum Institute.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**Department of Commerce,
Division of State Fire Marshal**

**Ohio Fire Code
RSFA Supplement
Rule 1301:7-7-22**

EXHIBIT A

Rule 22 Language was added to update references, to clarifying requirements, and to be consistent with the International Fire Code and the Ohio Building Code. The following sections are noteworthy:

2205.21-2 These sections clarify requirements that generally already exist. There is no fiscal impact or additional cost of compliance.

2206.3 This change eliminates the reference to NFPA 30A for fencing requirements. NFPA 30A requires a separation distance of ten (10) feet between the tank and the security fence. This change would reduce that separation distance to three (3) feet, still meeting the intent of the code to secure the tanks. This separation distance of three (3) feet is consistent with other requirements in keeping a clear space around the tanks for inspection and maintenance purposes and is not a new requirement, rather, a lessening of the previous requirement.