

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1301:7-9-01
Rule Type: Amendment
Rule Title/Tagline: Applicability.
Agency Name: Department of Commerce
Division: Division of State Fire Marshal
Address: 8895 East Main Street Reynoldsburg OH 43068
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I. Rule Summary

1. **Is this a five year rule review? Yes**
 - A. **What is the rule's five year review date? 6/7/2022**
2. **Is this rule the result of recent legislation? No**
3. **What statute is this rule being promulgated under? 119.03**
4. **What statute(s) grant rule writing authority? 3737.88**
5. **What statute(s) does the rule implement or amplify? 3737.88**
6. **What are the reasons for proposing the rule?**

Five-year rule review required pursuant to ORC 106.03.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Defined UST systems not subject to BUSTR regulations are summarized in the applicability rule for the purpose of regulatory clarity. The types of UST systems BUSTR regulates remains unchanged.

The only revisions to the rule being proposed at this time are clarifications that where a federal statute or regulation is cited within the rule, language is revised to clearly indicate that the version of the federal statute or regulation is that which is in effect at the time this administrative rule is adopted. This language occurs at subparagraphs (D)(2), (E)(1), and (E)(3).

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The incorporated material consists solely of federal statutes and/or regulations, which are readily available online.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

Not Applicable

Not Applicable

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

This rule addresses which systems BUSTR regulates and its interaction with the state fire code, and on its own does not impose costs.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office?** Yes

17. **Does this rule have an adverse impact on business?** No

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** No

This rule addresses which systems BUSTR regulates and its interaction with the state fire code, and on its own does not create an adverse impact.

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms?** No

This rule addresses which systems BUSTR regulates and its interaction with the state fire code, and on its own does not create an adverse impact.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** No

This rule addresses which systems BUSTR regulates and its interaction with the state fire code, and on its own does not create an adverse impact.

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

This rule addresses which systems BUSTR regulates and its interaction with the state fire code, and on its own does not create an adverse impact.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** No

- A. **How many new regulatory restrictions do you propose adding?**

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable

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Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes

Please list each contact.

API-Ohio
County Commissioners' Association of Ohio
County Engineers Association of Ohio
Ohio Chamber of Commerce
Ohio Contractors Association
Ohio Council of Retail Merchants
Ohio Department of Development
Ohio Department of Transportation
Ohio Environmental Council
Ohio Fire Chiefs' Association
Ohio Hospital Association
Ohio Manufacturers' Association
Ohio Municipal League
Ohio Petroleum Contractors Association
Ohio Petroleum Marketers and Convenience Store Association, nka Ohio Energy and Convenience Association

Ohio Petroleum UST Release Compensation Board
Ohio School Boards Association
Ohio Township Association

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

The applicability provisions are described in the Code of Federal Regulations (40 CFR 280, Subpart A). The federal government requires those petroleum and hazardous substance UST systems specified in 40 CFR 280, Subpart A, to be regulated.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes**

Is the proposed rule or rule amendment more stringent than its federal counterpart?
No Not Applicable

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No**