

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

Agency Name

Division of State Fire Marshal

Division

David Sauer

Contact

8895 East Main Street Reynoldsburg OH**43068-0000**

Agency Mailing Address (Plus Zip)

614-752-7096

Phone

Fax

1301:7-9-05

Rule Number

NO CHANGE

TYPE of rule filing

Rule Title/Tag Line

Financial responsibility for petroleum underground storage tank systems.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

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: **3737.882**

5. Statute(s) the rule, as filed, amplifies or implements: **3737.882**

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

Five year rule revision required under ORC 119.032

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:

Rule 1301:7-9-05 requires petroleum underground storage tank owners to obtain a certificate of coverage in the State Assurance Fund from the Petroleum

Underground Storage Tank Release Compensation Board. Owners must also demonstrate financial responsibility to comply with the deductible coverage requirement.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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: **11/24/2010** and **11/24/2015**

(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

No change.

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:

Based on information provided by financial institutions historically involved with offering letters of credit and other relevant financial instruments, the costs for the various mechanisms that are used to cover the deductible required by OAC 1301:7-9-05 range from \$0.00 (for qualifying political subdivisions) to \$8,000.00 depending on the number of underground storage tanks (UST) being covered by the deductible. Additionally, some UST owners are required to maintain \$11,000 to \$55,000 in a standby trust.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
Yes	Yes	Yes	Yes

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

Based on information provided by financial institutions historically involved with offering letters of credit and other relevant financial instruments, the costs for the various mechanisms that are used to cover the deductible required by OAC 1301:7-9-05 range from \$0.00 (for qualifying political subdivisions) to \$8,000.00 depending on the number of underground storage tanks (UST) being covered by the deductible. Additionally, some UST owners are required to maintain \$11,000 to \$55,000 in a standby trust.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

Based on information provided by financial institutions historically involved with offering letters of credit and other relevant financial instruments, the

costs for the various mechanisms that are used to cover the deductible required by OAC 1301:7-9-05 range from \$0.00 (for qualifying political subdivisions) to \$8,000.00 depending on the number of underground storage tanks (UST) being covered by the deductible. Additionally, some UST owners are required to maintain \$11,000 to \$55,000 in a standby trust. Financial institutions were surveyed to gather information on the cost of letters of credit, as well as standby trusts and trust funds. Depending upon an entity's credit rating, the financial institution may require that the standby trust be funded, usually with a Certificate of Deposit, in the amount of a pre-determined deductible. Insurance carriers were surveyed to gather information on the cost of relevant insurance, guarantees and trusts, and surety (performance) bonds and trusts. The agency also utilized information gathered in preparing this rule in October 2004.

(a) Personnel Costs

Not applicable

(b) New Equipment or Other Capital Costs

Not applicable

(c) Operating Costs

Not applicable

(d) Any Indirect Central Service Costs

Not applicable

(e) Other Costs

Not applicable

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

School districts, townships, counties and municipal corporations are required to comply with the requirements of having a mechanism to ensure the coverage of the deductible. These costs are ordinary costs of conducting the

business of the local government entity which will come from the normal operating budgets of the entities or may entail little costs under some bond rating tests and financial tests.

7. Please provide a statement on the proposed rule's impact on economic development.

By maintaining financial responsibility and access to the Ohio Financial Assurance Fund, the number of properties left abandoned and contaminated is reduced, resulting in economic development through the increased availability of marketable real estate.

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Rule Number: 1301:7-9-05

Environmental Rule Adoption/Amendment Form

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.
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(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.

See Attachment A

(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 requirements for maintaining financial responsibility are described in the Code of Federal Regulations (40 C.F.R. 280) subpart (H). The language in this rule is taken directly from the federal rule. The federal government requires states to implement financial responsibility regulations in order to maintain funding for underground storage tank regulatory programs.

(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 ? **No**

Is the proposed rule or rule amendment more stringent than its federal counterpart ? **No**

(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**

Not Applicable

Attachment A

Organizations Consulted

Since January of 2007, the Division of State Fire Marshal, Bureau of Underground Storage Tank Regulations (BUSTR) has held several meetings with stakeholders to discuss proposed changes to the BUSTR regulations. These meetings were open to the public and included representatives from a cross section of the regulated community. All participants were encouraged to participate in the open discussions and to submit written comments on any topic that concerned them. In July of 2009, BUSTR initiated a web based petition process to inform the public of the rule review process and to encourage the public to participate in amending the BUSTR regulations. BUSTR has received over 2,300 petitions requesting changes to the BUSTR regulations. Below is a list of dates when BUSTR held meetings with the public to discuss changes to the BUSTR regulations.

January 30, 2007, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

March 28, 2007, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees not attached.

April 25, 2007, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees not attached.

October 24, 2007, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

January 30, 2008, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

February 25, 2009, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

May 7, 2009, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

June 29, 2009, Web Based Petition Period Opens.

https://www.comapps.ohio.gov/sfm/fire_apps/fire/petition/

Copy of web page attached.

July 30, 2009, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

August 19, 2010, Web Based Comment Period Opens.

https://www.comapps.ohio.gov/sfm/fire_apps/fire/petition/

Copy of web page attached.

UST Rule Advisory Board Meeting
January 30, 2007

Steven Krichbaum	BUSTRA
Pete Chace	BUSTR
Lori Stevens	BUSTR
Jim LEU	P USTR C13
Jennifer Rhoads	OPMCA
TOM STEPHENSON	STEPHENSON OIL CO.
Jenn Klem	Ohio Chamber of Commerce
John Gordon	Englefield OIL
KEN MYERS	OML
Levt Scarrett	Ohio Municipal League
Milly Stipp	District Petroleum
TIM THICKSTUN	PUBLIC
Sheryl Knapp	SFM - Testing + Reg.
DAVID REEDER	PETRO BOARD
BILL MORGAN	COLINS EQUIPMENT CORP
OLYDE H. KENCIE	OHIO FIRE CHIEF
Karen Reese	FirstEnergy Corp
Brian Epperson	Speedway Spectronics
Dave Mitchell	Reliable Construction OPCA
JIM ROCCO	Postec B
James Hill	USTRAINING

BUSTR Underground Storage Tank Rule Meeting, October 24, 2007

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Steven Krichbaum	BUSTR	614-752-7921	skrichb@com.state.oh.us
2	Paul C Van Horn	Ohio Firms Chiefs	614-879-8265	AC252BWH@NETSCAPE.NET
3	Dave Mitchell	OPMCA	937-461-2250	dmitchel@orelco.com
4	Lori Stevens	BUSTR	614-282-9356	
5	SUE KIST	TIRE	614.995-0301	
6	David Miller	AEP	614. 552 716.1293	damilleraep.com
7	MATT POWELL	AEP	614.716,3142	mpowell@aep.com
8	LEE BECKMAN	BECK SUPPLIERS, INC	913-426-3051	leebeckman@checkroll.com
9	Michelle McKee	Speedway Supermarket	937 863 7034	mlmcke@ssalle.com
10	Karin Morrison	" "	437-943-4993-	KEMORRIS@cscc.com
11	Mike Strip	District Petroleum	449-935-8373	mikes@lynn.tn.com
12	John Gordon	Englefield oil	740.928.8215	Jgordon@englefieldoil.com
13	Jennifer Rhoads	OPMCA	614-792-5212 X3	jrhoads@opmca.org
14	Karen Reese	FirstEnergy	330-384-5948	kreesek@firstenergy.com
15	Dave Moore	AEP	614.716.1293	
16	ERUIE DAVIS	COMMERCE	614-644-7050	edavis@com.state.oh.us
17	 			
18	Verne Ord	BUSTR	614-752-7095	Verne.Ord@com.state.oh.us
19	BARRY HANCOCKSON	Pets Petroleum	330 264 1585	Baery@FuelMaer.com
20	Stevan Thibault	MAST/Advanced Fuel	614-252-8922	stevan@advfuel.com

BUSTR Underground Storage Tank Rule Meeting, October 24, 2007

	NAME	ORGANIZATION	TELEPHONE NUMBER	
21	Starr Richmond	NST Beard	752-8963	BUSTR rule no distribution Email Srichmond@nstrbeard.com
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BUSTR Underground Storage Tank Rule Meeting, January 30, 2008

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Steven Krichbaum	BUSTR	614-752-7921	Sckrichhb@com.state.oh.us
2	Dave Mithell	OPEN Reliable Busf.	937-461-2250	dmitshell@reliorou.com
3	Karen Reese	FirstEnergy	330-384-5948	kresek@firstenergy.com
4	Rusty Aole	Pemolum Systems inc	330-753-5304	PERSYS@LEK.NET
5	Steve Throckford	Advanced Fuel Systems	614-252-8422	stue@aadvul.com
6	Ed Williams	Beck Synthesizers	414-416-3051	ewilliam@beckoils.com
7	Brey Hanson	Pets Petroleum	330 264 1885	Brey@FUELMAAT.COM
8	Dave Reeder	Pu STRCB	614-752-8963	dreeder@petroboard.com
9	Starr Richmond	Pu STRCB	614-752-8963	srichmond@petroboard.com
10	Tim Aocca	Pu STRCB	(916) 577-5100	TRoc@SPACEISK.COM
11	Verne Oredl	BUSTR	(614) 752-7095	Verne.Oredl@com.state.oh.us
12	Keith Morris	SSA	937-863-6995	KIMorris@ssa.ohio.com
13	Micella McKee	SSA	937-863-7034	MLMcKee@ssa.ohio.com
14	PAUL C. VAN HOAN	OH FIRE CHIEFS ASSOC	740-837-0268	AC252BVD@NETSCAPE.NET
15	TOM STEPHENSON	STEPHENSON ON CA	513-863-7080	TSS50C@AEP.COM
16	SUE KRST	SOA/TIR		
17	Maxt Powell	American Electric Busse	614-716-3142	mpowell@AEP.com
18	RAY WIRT	AMERICAN ELECTRIC BUSSE	330-438-7763	ERWIRT@AEP.COM
19				
20				

BUSTR Underground Storage Tank Rule Meeting, February 25, 2009

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Steven Krichbaum	SEM / BUSTR	614-752-7921	skrichb@com.state.oh.us
2	Doug Darcral	AIC Associates	216-701-0252	douglas.darcral@atassociates.com
3	Mark Richmond	BUSTR	614-752-8963	srichmond@petroboard.com
4	Scott Johnson	7-Element	847-608-1136	Scott.Johnson@7-11.com
5	Brian Egrison	SSA	937-863-6514	bkegrison@ssa4c.com
6	George HERRITT	SEM / BUSTR		George.Herritt@gherritt.com
7	Jason Greco	BSAAM	330-854-5300	jgreco@bsaam.com
8	Jeff Myers	BSAAM	330-815-0940	jmyers@bsaam.com
9	Tom STEPHENSON	STEPHENSON OIL	513-863-7080	TSTEPHENSON@AOC.com
10	LEI BECKMAN	BECK SUPPLIERS	419-426-3051	leibeckman@BECKOIL.com
11	TIM THICKSTON	MYST	614-252-0565	STAVE@ADVUEL.com
12	Steve THICKSTON	MYST	"	"
13	Sohu Gonow	Englefeld oil	740-928-8215	Sgonow@EnglefeldsOil.com
14	Jim Rocco	PUSTRCB	(330) 562-9771	JRocco@SAEKRISK.com
15	Verne Omd	BUSTR	(614) 752-7095	VerneOmd@com.state.oh.us
16	Karen Reese	First Energy	(330) 384-5948	reesek@firstenergycorp.com
17	Bruce HERRINGTON	Reese's	330-244-1885	BHERRINGTON@FuzMort.com
18	Leonard Rowell	HULL ASSOCIATES	614-793-8777	LROWELL@hullinc.com
19	Bill MORGAN	Collins Equip	216-641-4300	bmorgan@collinsequip.com
20	JENNIFER RHOADS	OPACA	614-792-5212	Jrhoads@omea.org

BUSTR Underground Storage Tank Rule Meeting, February 25, 2009

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
21	Valentine Egirofa	AEP-0770	2619-76-2280	vegirofa@aep.com
22	RAY WIRE	AEP	330-438-7763	ERWIRT@AEP.COM
23	Sheryl Knapp	SAM		
24	James Hill	WST	330 862 9127	JDHILL@WST.com
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BUSTR/Intra-Industry Rules Process & Development Procedures

Meeting Attendance

July 30, 2009

Location: SFM Multi Purpose Room

Name

Affiliation

Phone #

E-mail

Jim Recco	OPYCA/SPACE	(330) 562-9399	Recco@space.com
Star Richmond	Petro Board / Fund	614.753.8963	srichmond@petroboard.com
Steve Thickett	HAST	614-252-8422	stave@advfund.com
MIKE McPEEK	PAR MAR OIL	240-573-7406	mikep@parmaroil.com
Mike Darr	BP Products N.A.	216-271-5535	Michael.Darr@BP.com
RAY KENNEDY	HULL ASSOCIATES, INC	614-793-8777	rkenney@hullinc.com
Audrey Shuck	Parsons	216-912-2904	audrey.shuck@parsons.com
Andy Beckhaus	BARRETT PAVING	513 271 3032	abruckhaus@burretpaving.com
MIKE BYRNE	SUNOCO	614-275-4915	mbyrne@sunoco.com
ERIN DAVIS	Com	614-644-7050	edavis@com.state.oh.us
YASIR STRAEBMAN	COM. IT	614-644-7193	ystrabman@com.state.oh.us
Steven Hershman	SFM/BUSTR	614-752-7221	shershman@com.state.oh.us
Loei Stevens	SFM/BUSTR	614-387-7390	loei.stevens@com.state.oh.us
Kelly Gill	SFM/BUSTR	614-958-7891	kgill@com.state.oh.us
KARLA REISS	FirstEnergy	330-384-5948	kreiss@firstenergy.com
Ray Wirt	Ames Electric Power	330-438-7763	rwirt@amep.com
Sgt McPherson	SUNOCO	330854 5800	smcpherson@sunoco.com
Paul Gutierrez	Cingular	983 876 7286	pgutierrez@cingular.com
Matt SIKINS	Allied Environmental	415-227-9004	msikins@allied-env.com

BUSTR/Intra-Industry Rules Process & Development Procedures

Meeting Attendance

July 30, 2009

Location: SFM Multi Purpose Room

Name	Affiliation	Phone #	E-mail
Carole Sprague	CTL Engineering	614-276-8123	csprague@ctleng.com
Krista Keating	SSALCC	937 843 6995	klm@ssalcc.org
Doug Darrach	ATC Associates	440-838-7177	dd@atcassoc.com
SARA UNSELL	ERS, Inc.	419-354-0515	sunsell@ersinc.net
Carol Richards	KV Resources, Inc	330-849-0618	carolrichards@kvresources.com
Larrie Rasik	Ohio EPA	614-644-2324	larrie.rasik@epa.gov
Bryan W Witt	ARCADIS	614 799 4756	bryan.witt@arcadis-usa.com
Craig Davis	Marathon Petroleum	419-421-2659	craigmdavis@marathonllc.com
Eric Shaverlee	ARCADIS	614-799-4727	ericshaverlee@arcadis-usa.com
Matt Lynda	ARCADIS	614-799-4734	matthew.lynda@arcadis-usa.com
Brian McPherson	BIAM ENV.	330-854-5340	brian@biamenv.com
Ed Woollum	EMU VST Insp Serv.	614-370-1776	ed@emuvstinsp.com
John Goodson	Englefield Oil	740-928-8015	jgoodson@englefieldoil.com
Robin Roth	Ohio EPA, CDO	614-728-2446	robin.roth@epa.state.oh.us
Kevin Hodgett	ODOT	614-466-7925	kevin.hodgett@dot.state.oh.us
George Horn	BUSTR	614 995 4244	george.horn@ustr.com
Verne Ord	BUSTR	614 752 7095	verne.ord@com.state.oh.us
Jennifer Rhoads	OPMCA/OTA	614/792-5212 x3	jrhoads@opmca.org



Commerce State Fire Marshal : Document Petition/Comment Form

PETITION/COMMENT INFORMATION

BUSTR

NOTE: You are outside of the BUSTR petition time period. Any petition submitted today will be considered during the next review cycle.

Resources

- BUSTR's Rule Revision/Development Process and Documents (PDF) .. **UPDATED WITH NEW DATES**
- Limited Report on Petitions - Detailed Report On All Submitted Petitions For BUSTR Rules 6, 7, 8, and 18 (PDF) **NEW**
- On-Line Applications**
- BUSTR Petition / Comment Form

CODE ENFORCEMENT

NOTE: The Comment Period for the Ohio Fire Code opened on 4/26/2010 and will close on 10/31/2010.

Resources

- Draft Proposed Ohio Fire Code - including all changes made in the ROP **NEW**
- Ohio Fire Code Rule Revision/Development Process and Documents (PDF) .. **UPDATED**



Department of Commerce

Division of State Fire Marshal

Ted Strickland, Governor
Kimberly A. Zurz, Director

BUSTR Rule Revision/Development Process

The Ohio Department of Commerce, Division of State Fire Marshal, Bureau of Underground Storage Tank Regulations (BUSTR) has begun its mandatory five year rule review for the existing BUSTR administrative rules and is simultaneously drafting new rules to conform to the requirements of the Energy Act of 2005 for three topic areas: (a) owner/operator training, (b) secondary containment, and (c) delivery prohibition. Thus, BUSTR is currently in the process of revising and/or writing four sets of administrative rules:

1. All existing BUSTR administrative rules
2. New administrative rules for owner/operator training
3. New administrative rules for secondary containment
4. New administrative rules for delivery prohibition

Update as of August 2010: To conform to the requirements of the Federal Energy Policy Act of 2005 for secondary containment and delivery prohibition, BUSTR Rules 6, 7, 8 and 18 are being considered separately from the remaining BUSTR rules. All other BUSTR rules, including owner/operator training, will be considered later in the year.

BUSTR values the input of all stakeholders in the regulatory process and encourages your participation in the rule revision/development process.

Generally, the revision/development process involves four steps:

1. **Petition Period** is the period of time when a stakeholder may submit one or more written petitions via the online Petition/Comment form to suggest a revision to an existing, or newly drafted, rule.
 - A compendium of all submitted petitions, along with BUSTR's response to each of them, will be published shortly after the petition period closes. This will be called the "report on petitions" or "ROP."
 - For those who cannot access the online form, the SFM/Code Enforcement Bureau is available to assist.
2. **Comment Period** is the period of time when a stakeholder may submit one or more written comments via the online Petition/Comment form regarding one or more previously submitted petitions.
 - A compendium of all submitted comments, along with BUSTR's response to each of them, will be published shortly after the comment period closes. This will be called the "report on comments" or "ROC."

3. **Ohio's Formal Rule Adoption Process** that involves filing the new draft of the rules with the legislature (referred to as the "final draft" at this point), publishing the final draft in the Register of Ohio, holding a mandatory public hearing, and going through the Joint Committee on Agency Rule Review (JCARR) process for final acceptance.
4. **Publishing and printing** (hard copy and online) of the new and amended BUSTR Rules.

The Principles of the Rule/Development Process

Early in the process, especially where no rule currently exists (e.g., the requirements under The Energy Act of 2005), BUSTR will organize one or more "stakeholder meetings" where the stakeholders, industry representatives, and subject matter experts meet to exchange ideas with the SFM. The purpose of these verbal exchanges is to (a) inform stakeholders about the rule development/revision process, (b) inform stakeholders of what to expect in the initial draft of a future rule, (c) solicit feedback from those present regarding the concepts the SFM presents, and (d) have stakeholders inform the SFM of ideas and concerns, even if they have nothing to do with anything previously presented. At a stakeholder meeting, although there will likely be notes taken, there is generally no exchange or submission of written documents because the focus is on the exchange and explanation of concepts and ideas.

When new (usually Federal) requirements force the development of one or more new rules—such as those required by The Energy Act of 2005—BUSTR produces and distributes an initial draft of each rule (e.g., new administrative rules for owner/operator training and secondary containment) once the bureau is well informed of the ideas, concerns and positions of stakeholders. This initial document then becomes the basis for the subsequent Petition Period, and suggestions for changes to it are submitted to BUSTR through the online Petition/Comment Form.

During the Petition Period, all interested stakeholders may file petitions for proposed BUSTR rule changes. Petitions on any topic may be submitted at any time during the year, but submission prior to the closing date of the Petition Period will provide the stakeholder with the best chance of having the submitted petition considered in the current rule revision cycle. Petitions received after the Petition Period closes will be considered in the next rule revision cycle. After the Petition Period closes, each petition is thoroughly researched, a response is developed (e.g., Report on Petitions or ROP), and a draft of the proposed BUSTR rule (along with the ROP) are recommended to the Department of Commerce for approval. After approval, the ROP is released on the SFM Website, the draft of the proposed BUSTR rule is released to stakeholders, and the Comment Period begins.

During the Comment Period, the Report on Petitions is available for review by any person via the SFM Website, and comments on the petitions may be submitted through the online Petition/Comment Form. After the Comment Period closes, each comment is thoroughly researched, a response is developed (e.g., Report on Comments or ROC), and a final draft of the proposed BUSTR rule (along with the ROC) are recommended to the Department of Commerce for approval. After approval, the ROC is released on the SFM Website and the final draft of the proposed BUSTR rule is submitted to Ohio's formal rules adoption process.

A list of dates relevant to this process can be found below under "Key Timeline/Dates."

About Completing the Online Petition/Comment Form

Where a rule currently exists (e.g., BUSTR administrative rules), petitions for changes to these existing rules may be submitted anytime using the online Petition/Comment Form.

A petition or comment must be submitted electronically, but anyone without access to the online forms may request assistance from BUSTR (see contact info below). The electronic Petition/Comment form has buttons that will assist the user in correctly formatting text in the petition. New (added) text must be underlined (e.g., new words used) and deleted text must be identified by strikeout (e.g., ~~words deleted~~). All petitions and comments must be submitted electronically no later than 5:00 pm on the day of the deadline identified below. The Petition/Comment Form can be accessed by clicking here.

Questions about the rule revision/development process can be directed to BUSTR at:

Division of State Fire Marshal
8895 E. Main Street.
Reynoldsburg, Ohio. 43068

800-686-2878 (Ohio Toll Free) or
614-752-7938
email: webbustr@com.state.oh.us

To receive email notification of updates placed on the BUSTR Website including changes to the Agenda and when submissions and postings have been made please sign up by sending an email to: webbustr@com.state.oh.us.

Instructions for Submitting the Petition/Comment Form:

1. **Please Use Only the Online Petition/Comment Form Provided:**
 - a. Petitions and/or comment submissions on any other form, or in any format, will not be accepted.
 - b. For those who cannot access the online form, SFM/BUSTR is available to assist.
2. **One Petition/Comment Form per Suggested Change/Comment:**
 - a. A single Petition/Comment form must be submitted for each requested change and/or comment. BUSTR can not track multiple comments or requests contained within a single Petition/Comment form.
 - b. The Petition/Comment form must be completed in its entirety in order to be considered in the rule development/revision process.
3. **Please Save a Copy of Your Submitted Petition/Comment**

Key Timeline Dates:

Please note that asterisk (*) denotes items of interest and are addressed below.

- 06/29/09** **Petition Period Opens**
 BUSTR is accepting Petitions on the following:
 1. All existing BUSTR administrative rules
 2. New administrative rules for owner/operator training
 3. New administrative rules for secondary containment
 4. New administrative rules for delivery prohibition
- 07/30/09**** **Meeting of Stakeholders at Ohio Fire Academy (map)**
100pm – 400pm The voluntary meeting will be followed by a voluntary Stakeholder Intra-Industry Meeting***
- 09/18/09** **Petition Period Closes**
- 08/19/10** **BUSTR Publishes Limited ROP on BUSTR Web Site for BUSTR Rules 6, 7, 8 and 18******
- 08/19/10** **Comment Period Opens for BUSTR Rules 6, 7, 8 and 18**
- 09/03/10** **Comment Period Closes for BUSTR Rules 6, 7, 8 and 18**
- TBA** **BUSTR Publishes Limited ROC on the BUSTR Web site for BUSTR Rules 6, 7, 8 and 18**
- TBA** **Ohio's Formal Rule Adoption Process**
 - Draft filed with Legislative Service Commission (LSC)
 - Draft published in the Register of Ohio
 - JCARR process
- TBA** **Rules Accepted, Published and Printed**

* NOTE: In the event that the ROP is published after the date listed, all subsequent timeline dates will be adjusted accordingly.

** In the interest of achieving an improved understanding of the new BUSTR rule revision/writing process and meeting customer needs, a few agenda items from the previously discussed agenda have been adjusted.

*** The intra-industry meeting is intended as an opportunity for stakeholders to discuss amongst themselves potential petitions and/or comments of the BUSTR rules. BUSTR personnel may attend, but will not facilitate the discussion, and will only participate by providing information about BUSTR.

**** To conform to the requirements of the Federal Energy Policy Act of 2005 for secondary containment and delivery prohibition, BUSTR Rules 6, 7, 8 and 18 are being considered separately from the remaining BUSTR rules. All other BUSTR rules, including owner/operator training, will be considered later in the year.