

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

Agency Name

Division Of State Fire Marshal

Division

Kevin Schmidt

Contact

77 S. High 23rd Floor Columbus OH 43215-0000

Agency Mailing Address (Plus Zip)

614-995-5728

Phone

Fax

1301:7-9-10

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

PERMITS FOR UST SYSTEMS.**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: **3737.88**

5. Statute(s) the rule, as filed, amplifies or implements: **3737.88**

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:

This rule summarizes permit requirements for the installation, major repair, abandonment or removal of UST systems. Routine maintenance items that do not require a permit are specified. Permit application processes and fees are established.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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

(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 should not significantly change revenues or expenditures for the agency.

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:

Permit fees are \$35. The permit fees and activities requiring a permit remain the same as current rule requirements.

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 (please check each that applies)?
- | | | | | | | | |
|----------------------|---|--------------|---|---------------|---|----------------------------|---|
| (a) School Districts | X | (b) Counties | X | (c) Townships | X | (c) Municipal Corporations | X |
| _____ | | _____ | | _____ | | _____ | |

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.

The cost of compliance with the proposed revision for school districts, counties, townships, or municipal corporations is the same as the cost of compliance incurred by private entities.

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?

_____ Yes X
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.

N/A

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the costs 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.

Permit fees for the installation, major repair, abandonment and removal of underground storage tank systems are established as \$35 per permit.

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.

These costs are ordinary costs of conducting business of the local government entity which will come from the normal operating budgets of the entities.

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

This rule should not have any significant impact on economic development should occur.

Rule # 1301:7-9-10

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.

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

 Yes No

If YES, please list each contact.

See Attachment A

If NO, please explain why affected organizations were not contacted.

(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 No

Rule # 1301:7-9-10

If 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).

- 40 C.F.R. 280.30 Spill and overfill control.**
- 40 C.F.R. 280.31 Operation and maintenance of corrosion protection.**
- 40 C.F.R. 280.32 Compatibility.**
- 40 C.F.R. 280.33 Repairs allowed.**

- American National Standards Institute B31.1-02**
- American Petroleum Institute Publication 1604-96**
- American Petroleum Institute Publication 1615-01**
- American Petroleum Institute Publication 1621-93**
- American Petroleum Institute Publication 1626-00**
- American Petroleum Institute Publication 1627-00**
- American Petroleum Institute Publication 1631-01**
- American Petroleum Institute Publication 1632-96**
- American Petroleum Institute Publication 2015-94**
- National Fire Protection Association Standard 30.03**
- National Leak Prevention Association Standard 631-98**

If NO, please indicate the reasons for not providing the information.

(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?

 X
 Yes No

If YES, is the proposed rule or rule amendment more stringent than its federal counterpart?

 X
 Yes No

If YES, what is the rationale for not incorporating the federal counterpart?

N/A

(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?

 X
Yes No

If YES, please explain why?

| First Name | Last Name | Company | Address | City | State |
|------------|-------------|--|--|----------------------|-------|
| John | Smith | Adjutant General | 2825 W. Granville Road | Columbus Cuyahoga | OH |
| Michael | Darr | BP Oil | 4850 E 49th St. MBC1-L | Hts | OH |
| Harry | Barles | County Commissioners Assoc. Dept of Rehabilitation & Corrections | 37 W. Broad St., Suite 650 | Columbus | OH |
| Reginald | Wilkinson | Englefield Oil Co. | 1050 Freeway Drive North | Columbus | OH |
| John | Gordon | | 447 James Parkway | Newark | OH |
| | | | 122 S. Front St., Lazarus Gov. Ctr. | | |
| Amy | Yersavich | Environmental Protection Agy. | | Columbus Yellow | OH |
| Bruce | Cornett | Green Environmental Coalition | P.O. Box 266 | Springs | OH |
| Kevin | Miller | Hartley Co., The | P.O. Box 160 | Cambridge | OH |
| Tom | Conti | Holland Oil Co. | E. Talmadge | Akron | OH |
| William | Thompson | Industrial Commission of Ohio | 30 W. Spring Street | Columbus | OH |
| Thomas P. | Charles | Inspector General, Office of | 30 East Broad St., 18th Floor | Columbus | OH |
| Laura | Lyden | Lyden Co. (Tru North LLC) | 3711 LeHarps Road | Youngstown | OH |
| Ron | Lykins | Lykins Oil Co. | 5300 DuPont Circle Suite C | Milford | OH |
| Angela | Brown | Marathon/Ashland, LLC | 539 S. Main Street | Findlay | OH |
| Samuel | Speck | Ohio Dept of Natural Resources | Fountain Square | Columbus | OH |
| David L. | Scheffler | Ohio Chamber of Commerce | 230 E Towne Street, Box 15159 | Columbus | OH |
| J. Nick | Baird | Ohio Department of Health | 246 N.High St. P.O. Box 118 | Columbus | OH |
| Michael | Hogan | Ohio Department of Mental Health | 30 East Broad St., 8th Floor | Columbus | OH |
| Kenneth L. | Morckel | Ohio Dept of Public Safety | 77 S. High Street, 30th Floor | Columbus | OH |
| | Natalucci- | | | | |
| Geno | Persichetti | Ohio Dept of Youth Services | 51 N. High Street | Columbus | OH |
| Kenneth W. | Richey | Ohio Dept. of MR/DD | 30 East Broad St., 12th Floor | Columbus | OH |
| Vicki | Deisner | Ohio Environmental Council | 1207 Grandview Ave Suite 201 | Columbus | OH |
| Stan | Crosley | Ohio Fire Chiefs | 131 Dillmont Drive | Columbus | OH |
| Robert | Weitzel | Ohio Fire Chiefs Code Committee | 131 Dillmont Drive | Columbus | OH |
| Susan J. | Cave | Ohio Municipal League | 175 S. Third Street Suite 510 | Columbus | OH |
| Daryl | Grau | Ohio Petroleum Contractors Assn. | 112 North Street | Wilder | KY |
| Terry | Fleming | Ohio Petroleum Council | 88 East Broad St. Suite 1460 | Columbus | OH |

| | | | | | |
|----------|--------------|--|---------------------------------|------------|----|
| Jennifer | Rhoades | Ohio Petroleum Marketers Association, Inc. | 4242 Tuller Road, PO Box 490 | Dublin | OH |
| Maurice | Helou | Ohio Petroleum Retailers & Repair Assn. | 5615 Mayfield Road | Lyndhurst | OH |
| Jeff | Skelding | Ohio Sierra Club | 145 N.High St. Suite 409 | Columbus | OH |
| Roger | Sanson | Ohio State Firefighters | 42 E Gay St. Suite 1212 | Columbus | OH |
| Michael | Cochran | Ohio Township Association | 5969 E. Livingston Ave Suite110 | Columbus | OH |
| Richard | Morgan | Petroleum Equip.Inst. | 3124 W. 142nd Street | Cleveland | OH |
| James J. | Leo | PUSTRCB | P.O.Box 163188 | Columbus | OH |
| Ed | Henke | Shell Oil Products US | Wylmoor Drive | Norcross | GA |
| | | Speedway/SuperAmerica LLC | 500 Speedway Drive, PO Box 1500 | Enon | OH |
| Scott | Heiser | Speedway/SuperAmerica LLC | 500 Speedway Drive, PO Box 1500 | Enon | OH |
| Michael | Byrne | Sun Company | ` | Columbus | OH |
| Don | Smith | Swiftly Oil | P.O. Box 1002 | Seymour | IN |
| Denis | Fitch | United Dairy Farmers | 3955 Montgomery | Cincinnati | OH |
| Robert | Hopkins, Sr. | Unocal | 2531 Tiller Lane | Columbus | OH |
| Dolores | Sieja | US EPA Region 5 | 77 W.Jackson Blvd DRU 7J | Chicago | IL |
| Andy | Tschampa | US EPA Region 5 | 77 W.Jackson Blvd DRU 7J | Chicago | IL |