

**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

**1301:7-9-13**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Petroleum UST Corrective Action.****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: **3737.88, 3737.882**

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

Summary:

Rule 1301:7-9-13 describes requirements for the investigation of suspected releases

of petroleum from UST systems, and corrective action for releases of petroleum from UST systems. The rule requires identification of the complete vertical and horizontal extent of contamination and the review and implementation of corrective actions sufficient to protect human health and the environment. Levels of chemicals of concern that are protective of human health and the environment are developed using a risk based approach that incorporates known health risks of specific chemicals as well as information about their rate of transport through the environment that can change depending on site specific conditions.

Proposed Amendments:

The rule was amended in large part to clarify its requirements and, where it was scientifically responsible to do so, to reduce the burden on the regulated community, while continuing to comply with all federal requirements. In addition, the following changes have been made:

- The definition of "surrounding area" was changed from the area within 2000 feet of an existing or previously removed UST system to an area within 1500 feet from an existing or previously removed UST system.
- A new definition for "confirmed release" was added.
- Section (F)(2)(a) and (F)(2)(b) are amended to permit tightness testing to target only the component(s) suspected to be leaking. Additionally, an owner or operator may immediately repair a component known to be leaking rather than perform a tightness test first.
- Section (F)(3)(a) is amended to clarify the site check procedure and to allow an exception from a site check when a release is completely contained within a UST system's secondary containment system.
- Sections (G)(3)(c) and (H)(3)(c) require additional details on site maps, including an accurate scale, locations of current and historic UST systems, street names, property boundaries, above and underground structures, and on-site potable wells.
- Section (G)(3)(g) is a new provision that permits the owner or operator to discontinue free product recovery performed when the free product has been removed to the maximum extent practicable. The owner or operator must first obtain the permission of the state fire marshal before discontinuing free product recovery.
- Section (G)(3)(h) is a new provision that reduces the frequency for submitting free product recovery reports from monthly to quarterly, with the approval of the state fire marshal. The free product recovery activity itself must still continue on a monthly basis.
- Section (H)(1)(d)(ii)(d)(vi) is a new provision that requires all monitoring wells to

be physically labeled. All reports submitted to the state fire marshal must refer to the monitoring well by the identification on the label.

- Section (H)(1)(d)(ii)(e) is amended to require ground water samples to be analyzed by an accredited laboratory.

- Section (H)(1)(d)(ii)(f) is amended to require the results from soil samples to be reported on a dry weight basis.

- Sections (H)(3)(c)(iii)(b), (I)(3)(b)(ii)(d)(iii), and (L)(7)(b)(ii)(d) are amended to require drilling logs and monitoring well construction diagrams to be located and reported in decimal degrees accurate to within five feet of the actual location.

- Section (I)(2)(d)(vii) is a new condition in which the state fire marshal will permit ground water under a UST site to be considered non-drinking water. Specifically, this condition permits groundwater to be considered non-drinking water when the site is greater than five acres, no potable wells are within 300 feet of the UST system and the properties within 300 feet of the UST system are either on municipal water or an ordinance exists that prohibits the installation of potable wells or requires all properties within the surrounding area to be on municipal water.

- Sections (I)(3)(b)(ii)(d)(vii)(C) and (K)(4)(h) are new provisions that require analytical laboratory results to be reported on a form prescribed by the state fire marshal.

- Sections (I)(3)(b)(ii)(d)(viii) and (L)(7)(b)(ii)(j) are amended to require maps that display laboratory sampling results to include historical results for the release under investigation.

- Tables found in section (J)(3) have typographical errors corrected.

- Section (L)(1)(d) amends the existing requirements for owners and operators to obtain permission to enter off-site areas to conduct investigations required by the rule. The owner/operator will be required to make at least three attempts to contact the off-site property owner, and if those efforts are not successful, notify the state fire marshal in writing.

- Paragraph (R) is amended to allow an owner or operator to request alternative methodologies for conducting corrective actions. Additionally, section (R)(3) is a new provision added to comport with new statutory language that allows for certain BUSTR sites to be addressed under Ohio Environmental Protection Agency's Voluntary Action Program, the requirements for BUSTR corrective actions were eliminated for those sites that have obtained a covenant not to sue.

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:

Referenced standards are generally available to all affected parties. The reference standards can easily be purchased from the standard making organization. The affected parties typically will be professional engineers or otherwise professionals in the field of underground storage tank installation, removal, and repair. These parties would be expected to already own these standards in order to conduct their business.

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: **12/23/2011**

(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

Changes to the rule will not increase or decrease revenues or expenditures.

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 costs of compliance associated with the proposed changes to the rule are as follows:

- Sections (G)(3)(c) and (H)(3)(c) contain a new provision for site maps to require additional details on site maps, including an accurate scale, locations of current and historic UST systems, street names, property boundaries, above and underground structures, and on-site potable wells. BUSTR estimates that about 90% of site maps submitted are already compliant with the newly-required details. For those that are not, the additional cost is estimated to be approximately \$100, the value of one hour of an environmental consultant's time.

- Section (H)(1)(d)(ii)(d)(vi) is a new provision that requires all monitoring wells to be physically labeled. All reports submitted to the state fire marshal must refer to the monitoring well by the identification on the label. The average cost of labeling a monitoring well is anticipated to be \$1 per well.

- In numerous locations in the rule, requirements to submit a laboratory analysis summary form, use an accredited laboratory, and report soil sample analysis results on a dry weight basis were added to improve the quality and consistency of the data. For the laboratory form, the only cost would be for the laboratory to download and utilize BUSTR's form, which will be available on-line. BUSTR estimates that about 90% of laboratories are already certified; the cost difference between an accredited and a non-accredited laboratory is negligible. Accredited labs offer a higher degree of confidence in the quality of the analyses performed, and will likely reduce the cost associated with the recollection and re-analysis of samples.

Accredited laboratories already routinely report most results on a dry weight basis; for those that do not, the estimated cost is approximately \$10-\$20 per sample.

- Sections (H)(3)(c)(iii)(b), (I)(3)(b)(ii)(d)(iii), and (L)(7)(b)(ii)(d) are amended to require drilling logs and monitoring well construction diagrams to be located and reported in decimal degrees accurate to within five feet of the actual location. BUSTR estimates that approximately 95% of environmental professionals already have the necessary technology, such as cell phones and hand-held GPS devices. Free on-line resources are readily available for those that do not.

- Section (L)(1)(d) amends the existing requirements for owners and operators to obtain permission to enter off-site areas to conduct investigations required by the rule. The owner and/or operator will be required to make at least three attempts to contact the off-site property owner, and if those efforts are not successful, notify the state fire marshal in writing. The only costs associated with this amendment will be for copying, mailing, and other administrative costs, which should be negligible.

These cost estimates were derived from a combination of sources, including the Petroleum Underground Storage Tank Release Compensation Board, quotes from environmental consultants, staff experience, and corrective action cost estimates encountered during BUSTR's ARRA Project.

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.

The costs of compliance associated with the proposed changes to the rule are as follows:

- Sections (G)(3)(c) and (H)(3)(c) contain a new provision for site maps to require additional details on site maps, including an accurate scale, locations of current and historic UST systems, street names, property boundaries, above and underground structures, and on-site potable wells. BUSTR estimates that about 90% of site maps submitted are already compliant with the newly-required details. For those that are not, the additional cost is estimated to be approximately \$100, the value of one hour of an environmental consultant's time.

- Section (H)(1)(d)(ii)(d)(vi) is a new provision that requires all monitoring wells to be physically labeled. All reports submitted to the state fire marshal must refer to the monitoring well by the identification on the label. The average cost of labeling a monitoring well is anticipated to be \$1 per well.

- In numerous locations in the rule, requirements to submit a laboratory analysis summary form, use an accredited laboratory, and report soil sample analysis results on a dry weight basis were added to improve the quality and consistency of the data. For the laboratory form, the only cost would be for the laboratory to download and utilize BUSTR's form, which will be available on-line. BUSTR estimates that about 90% of laboratories are already certified; the cost difference between an accredited and a non-accredited laboratory is negligible. Accredited labs offer a higher degree of confidence in the quality of the analyses performed, and will likely reduce the cost associated with the recollection and re-analysis of samples. Accredited laboratories already routinely report most results on a dry weight basis; for those that do not, the estimated cost is approximately \$10-\$20 per sample.

- Sections (H)(3)(c)(iii)(b), (I)(3)(b)(ii)(d)(iii), and (L)(7)(b)(ii)(d) are amended to require drilling logs and monitoring well construction diagrams to be located and

reported in decimal degrees accurate to within five feet of the actual location. BUSTR estimates that approximately 95% of environmental professionals already have the necessary technology, such as cell phones and hand-held GPS devices. Free on-line resources are readily available for those that do not.

- Section (L)(1)(d) amends the existing requirements for owners and operators to obtain permission to enter off-site areas to conduct investigations required by the rule. The owner and/or operator will be required to make at least three attempts to contact the off-site property owner, and if those efforts are not successful, notify the state fire marshal in writing. The only costs associated with this amendment will be for copying, mailing, and other administrative costs, which should be negligible.

These cost estimates were derived from a combination of sources, including the Petroleum Underground Storage Tank Release Compensation Board, quotes from environmental consultants, staff experience, and corrective action cost estimates encountered during BUSTR's ARRA Project.

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.

A summary of costs is described in Attachment 1, paragraph D.

(a) Personnel Costs

A summary of costs is described in Attachment 1, paragraph D.

(b) New Equipment or Other Capital Costs



A summary of costs is described in Attachment 1, paragraph D.

(c) Operating Costs

A summary of costs is described in Attachment 1, paragraph D.

(d) Any Indirect Central Service Costs

A summary of costs is described in Attachment 1, paragraph D.

(e) Other Costs

A summary of costs is described in Attachment 1, paragraph D.

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 the business of the local government entity which will come from the normal operating budgets of the entities. The costs are reimbursable by the Petroleum Underground Release Compensation Board.

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

The proposed amendments should have a positive impact on economic development. This will allow properties to return to compliance, achieve "no further action" status, facilitate the sale or transfer of the property, and allow the site to be re-used in an economically-beneficial manner.

**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**

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 the investigation of suspected releases and cleanup of releases of petroleum from underground storage tank systems are described in the Code of Federal Regulations (40 C.F.R 280, Subpart F). This rule is being implemented to allow the state to receive federal funds to administer the program.

(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**

## Attachment A – Organizations Consulted

Since January 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 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.

**June 29, 2009, Web Based Petition Period Opens.**

[https://www.comapps.ohio.gov/sfm/fire\\_apps/fire/petition/](https://www.comapps.ohio.gov/sfm/fire_apps/fire/petition/)  
Copy of web page attached.

**August 19, 2010, Web Based Comment Period Opens.**

[https://www.comapps.ohio.gov/sfm/fire\\_apps/fire/petition/](https://www.comapps.ohio.gov/sfm/fire_apps/fire/petition/)  
Copy of web page attached.

**June 3, 2011, Meeting at the Ohio Fire Academy.**

8895 East Main Street, Reynoldsburg, Ohio 43068  
List of attendees attached.

**June 21, 2011, Meeting at the Ohio Fire Academy.**

8895 East Main Street, Reynoldsburg, Ohio 43068  
List of attendees attached.

**July 7, 2011, Meeting at the Ohio Fire Academy.**

8895 East Main Street, Reynoldsburg, Ohio 43068  
List of attendees attached.

**July 21, 2011, Meeting at the Ohio Fire Academy.**

8895 East Main Street, Reynoldsburg, Ohio 43068  
List of attendees attached.

**August 4, 2011, Meeting at the Ohio Division of Industrial Compliance.**

6606 Tussing Road, Reynoldsburg, Ohio 43068  
List of attendees attached.

**August 18, 2011, Meeting at the Ohio Fire Academy.**

8895 East Main Street, Reynoldsburg, Ohio 43068  
List of attendees attached.

**September 8, 2011, Meeting at the Ohio Fire Academy.**

8895 East Main Street, Reynoldsburg, Ohio 43068  
List of attendees attached.

**September 22, 2011, Meeting at the Ohio Fire Academy.**

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

**October 6, 2011, Meeting at the Ohio Fire Academy.**

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

**October 20, 2011, Meeting at the Ohio Fire Academy.**

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.



# 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](mailto: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](mailto: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.

BUSTR Underground Storage Tank Rule Meeting, June 3, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Steven Krichbaum	BUSTR	614-752-7921	Steven.Krichbaum@com.state.oh.us
2	David BIEMEL	OPMCA	614-947-8646	dbiemel@opmca.org
3	TIM THICKSTON	ADV FUEL SYS	614-252-8422	TIM@ADVUEL.COM
4	Mark Schmitt	Hull Associates	440-232-9945	mschmidt@hullinc.com
5	Barry Harrison	OPMCA / Peter Ferrara	330 264 1885	Bzeez@FuelNet.Com
6	Dave Israel	BUSTR	614-752-7225	disrael@com.state.oh.us
7	David Sauer	BUSTR	614-752-7096	david.sauer@com.state.oh.us
8	Scott Sigler	BUSTR	614-752-7928	Scott.Sigler@com.state.oh.us
9	Rick Kreyer	BUSTR	614-728-5120	RKRUEBER@Com.STATE.OH.US
10	Sharr Richmond	BUSTR	614-752-8963	srichmond@petroboard.org
11	Vinocco	BUSTR/OPMCA	(230) 562-9391	Vinocco@SAG-RISK.com
12	Verne Orl	BUSTR	(614) 752-7095	Verne.Orl@com.state.oh.us
13	Kelly Gill	BUSTR	(614) 252-2994	KJGill@com.state.oh.us
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6/2/11

<u>Name</u>	<u>Company</u>	<u>Phone #</u>
Sue Sigler	BuSTR	614-752-7928
Steve Thickett	MAST	614-252-0535
Mark Schmidt	Hull Assoc	440-232-9945
Starr Richmond	PUSTRCB	614-752-8963
Jim Rocco	Pstreb/OPNCA	(330) 562-9391
David Biemel	OPNCA	614-947-8646
Barry Henderson	Poets/OPNCA	330 264 1885
Eric Swaisgood	Speedway LLC	937-608-6126 * Not Part of stakeholder work Group
TERRY WILFONG	KEMRON	304-755-0989 * Not Part of stakeholder work Group
Dan Adams	ATC Assoc.	513-505-8481
Kick Krueger	BuSTR	614-728-5120
Lori Stevens	BuSTR	614-387-7390
Dave Israel	BuSTR	614-752-7225
David Sauer	BuSTR	(614) 752-7096
John Gordon	Englefield o/c	740-928-8215
Kelly G. H	BuSTR	(614) 752-7941
Verne Orea	BuSTR	(614) 752-7095

BUSTR Underground Storage Tank Rule Meeting  
July 7, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	RICK KRUEGER	BUSTR	614-728-5120	RKRUEGER@COM.STATE.OH.US
2	Kelly Gill	BUSTR	(614) 768-7541	KGill@com.state.oh.us
3	Mark Schmidt	Ault + Associates	440-232-9945	mschmidt@hulphuc.com
4	LIVE ISRAEL	BUSTR	614-752-7225	liveisrael@com.state.oh.us
5	John Gordon	Englefield oil	740-928-8215	JGordon@Englefieldoil.com
6	BARRY HANCOCKSON	PARTS PETROLEUM	330 264 1885	Breezy@FuelMart.com
7	Scott Sigler	BUSTR	614-752-7928	SCOTT.SIGLER@COM.STATE.OH.US
8	DAN ADAMS	ATC Assoc.	513-505-8481	Dan.Adams@atcassoc.com
9	JIM ROCCO	POSTREB/OPMCA	(330) 562-9391	JRocco@SAGElist.com
10	Lori Stevens	BUSTR	614-387-7390	Lori.Stevens@com.state.oh.us
11	William Vedra	BUSTR	614-995-4246	William.Vedra@com.state.oh.us
12	David Suor	BUSTR	(614) 752-7096	David.suor@com.state.oh.us
13	TIM THICKSTUN	ADVANCED FUEL SYSTEMS	(614) 252-8422	TIM@ADVIFUEL.COM
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BUSTR Rule Meeting  
July 21, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	EMAIL
1	Scott Sigler	SFM - BUSTR	614-752-7928	SCOTT.SIGLER@COM.STATE.OH.US
2	William Veda	SFM/BUSTR	614-75995-4244	William.Veda@com.state.oh.us
3	Verne Ord	SFM/BUSTR	614-752-7095	Verne.Ord@com.state.oh.us
4	Stur Richmond	BUSTR	614-752-8963	srichmond@petroboard.org
5	Jim Rocco	BUSTR/OPRCA	(330) 562-9391	JRocco@SACEASK.com
6	Barry Howson	Ports/OPRCA	3302641885	Barry@ForM.net.com
7	Mark Schmidt	Hull/BP	440-232-9945	mschmidt@hullinc.com
8	Vare Troel	BUSTR	614-752-7225	ditroel@com.state.oh.us
9	Eri Swaisgood	Speedway	937-608-6126	emswaisgood@speedway.com
10	DAN ADAMS	AFC-ASSOC	513-505-8481	dan.adams@professor.vtas
11	RICK KRUEGER	BUSTR	614-728-5120	RKRUEGER@COM.STATE.OH.US
12	Lori Stevens	BUSTR	614-752-7938	LStevens@com.state.oh.us
13	David Sauer	BUSTR	(614) 752-7096	david.sauer@com.state.oh.us
14	Kelly Bill	BUSTR	(614) 752-7941	KBill@com.state.oh.us
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BUSTR Underground Storage Tank Rule Meeting  
 August 4, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Mark Schmitt	Hull / BP	440-232-9945	mschmitt@hullinc.com
2	David Sauer	BUSTR	(614) 752-9096	david.sauer@com.state.oh.us
3	Jim Rocco	OPMCA / PUSTRCB	(330) 562-9391	JRocco@SAGEFIRST.COM
4	Barry Henderson	Ports Petroleum	330 264 1885	Barry@FuelMart.com
5	John Gordon	Englefield Oil	740-928-8215	JGordon@EnglefieldOil.com
6	Dave Isner	BUSTR	614-752-7725	dvisne@com.state.oh.us
7	Eric Swaisgood	Speedway	937-608-6126	emswaisgood@Speedway.com
8	Dan Adams	AFC Aside.	513-505-8481	dan.adams@afcaside.com
9	Rick Krueger	BUSTR	614-728-5120	RKRUEGER@Com.State.Oh.US
10	Scott Sigler	BUSTR	614-752-7928	scott.sigler@com.state.oh.us
11	Verne Orde	BUSTR	614-752-7095	verne.orde@com.state.oh.us
12	David Biemel	OPMCA	614 947 8646	dbiemel@opmca.org
13	Steven Kirschbaum	BUSTR	614-752-7921	skirschbaum@com.state.oh.us
14	William Veira	BUSTR	614-995-4246	William.Veira@Com.State.Oh.US
15	Kelly Gill	BUSTR	614-752-7941	KGill@com.state.oh.us
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BUSTR RULE MEETING - AUGUST 18, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	EMAIL
1	William Veda	SFH / BUSTR	614-995-4446	William.Veda@com.state.oh.us
2	Rick Krueger	BUSTR	614-728-5120	RKRUEGER@com.state.oh.us
3	Dave Israel	BUSTR	614-752-7225	disrael@com.state.oh.us
4	Eric Swaisford	Speedway	937-863-6515	emswaisford@speedway.com
5	Dan Adams	ATC Assoc.	513-505-8481	dan.adams@ata.associates.com
6	Scott Sigler	BUSTR	614-752-7928	Scott.Sigler@com.state.oh.us
7	Kelly Gill	BUSTR	614-750-7941	KTGill@com.state.oh.us
8	Verne Ord	BUSTR	(614) 752-7095	verne.ord@com.state.oh.us
9	Stur Richmond	PustrCB	614-752-8963	srichmond@petroboard.org
10	Jim Rocco	PustrCB/OPMCA	(330) 562-9391	JRocco@SAGERISK.COM
11	Mark Schmidt	Hull/BP	440-232-9945	mschmidt@hulling.com
12	Bruce Henderson	Petrus Petroleum	330 264 1885	Bruce@Fuel-Mart.com
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BUSTR Underground Storage Tank Rule Meeting  
September 8, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Kelly Gill	BUSTR	(614) 752-7941	kcgill@com.state.oh.us
2	Dave Symel	BUSTR	614-752-7225	dmsymel@com.state.oh.us
3	Verne Ord	SFM/BUSTR	(614) 752-7095	verne.ord@com.state.oh.us
4	Lori Stevens	SFM/BUSTR	614-387-7390	loristevens@com.state.oh.us
5	Starr Richmond	PUSTRUB	614-752-8962	srichmond@petroboard.org
6	BARRY HENDERSON	POETS PETROLEUM	330 264 1885	Barry@Fuelmart.com
7	Wm Vedra	SFM/BUSTR	614 995-4246	William.Vedra@com.state.oh.us
8	RICK KAVEGER	BUSTR	614 728 5120	RKAVEGER@com.state.oh.us
9	Mark Schmidt	Hull BP	440-232-9945	mschmidt@hullinc.com
10	TIM ROCCO	PUSTRUB/OPMCA	(330) 562-9391	JRocco@SAGERISK.COM
11	Eric Swaisgood	Speedway LLC	937 608 6126	ericswaisgood@speedway.com
12	Keith Martin	Speedway LLC	937 863 4995	KeithMartin@speedway.com
13	DAVE ANNS	ATC Assoc	513-505-8481	chmads@atcassociates.com
14	Scott Sigler	BUSTR	614 752-7928	scott.sigler@com.state.oh.us
15	David Sauer	BUSTR	(614) 752-7096	david.sauer@com.state.oh.us
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BUSTR 10/10/11  
1pm - 5pm

BUSTR RULE MEETING - SEPTEMBER 22, 2011

Rule 10  
Steps to Send out Agenda

	NAME	ORGANIZATION	TELEPHONE NUMBER	EMAIL
1	Rick Krueger	BUSTR	614-728-5120	RKRUEGER@Com.STATE.OH.US
2	Starr Richmond	Board	614-752-8963	starrichmond@petroboard.org
3	William Vedra	BUSTR	614-995-4246	William.Vedra@com.state.oh.us
4	Jim Rocco	OP/CA/BUSTR	(630) 562-9391	JRocco@SPACERISK.CO
5	Verne Ordy	SFM/BUSTR	(614) 752-7095	verne.ord@com.state.oh.us
6	Kelly G. H	SFM/BUSTR	(614) 252-7941	KHGill@com.state.oh.us
7	Mark Schmidt	BP/Hull	440-232-9945	mschmidt@hullinc.com
8	Dan Adams	ATC Assoc	513-505-8481	dan-adams@atcassoc.com
9	Scott Sigler	BUSTR	(614) 752-7928	Scott.Sigler@com.state.oh.us
10	Barry Henderson	Peters Petroleum	330 264 1885	Barney@FuelMeet.com
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BUSTR Underground Storage Tank Rule Meeting, October 6, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Steven Brichbaum	BUSTR	(614) 752-7971	Steven.Brichbaum@com.state.oh.us
2	W. Vedra	BUSTR	614 995 4246	William.Vedra@com.state.oh.us
3	Verne Crad	BUSTR	614 752 7095	VERNE.CRAD@com.state.oh.us
4	EMILY MILNER	BUSTR	614 728 1897	EMILY.MILNER@com.state.oh.us
5	LORI STEVENS	BUSTR	614 887-7390	Lori.Stevens@com.state.oh.us
6	David Sauer	BUSTR	(614) 752-7096	David.Sauer@com.state.oh.us
7	SUE KIST	SFM TESTING & REG	(614) 995.0301	SUE.KIST@COM.STATE.OH.US
8	BAERY HENDERSON	PORTS PROGRAM	330 264 1885	BAERY@FUZZNET.COM
9	DAVID BIEMEL	OPMCA	614 947 8648	dbiemel@opmca.org
10	Jim Kocog	BUSTR/OPMCA	(330) 562-9391	JKocog@SAGELSK.COM
11	Starr Richmond	BUSTR/OPMCA	614 752-8963	srichmond@petroboard.org
12	Mark Schmidt	Huall/BP	440-232-9945	mschmidt@hullvic.com
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BUSTR Underground Storage Tank Rule Meeting, October 20, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Steven Krichbaum	BUSTR	(614) 752-7921	Steven.Krichbaum@com.state.oh.us
2	David Sauer	BUSTR	(614) 752-7096	David.Sauer@com.state.oh.us
3	Steve Thickstun	MAST/AFS	(614) 252-8422	Steve@advfuel.com
4	Sheryl Knapp	SFM / TVR	614-387-0570	Sheryl.Knapp@com.state.oh.us
5	Scott Sigler	SFM / BUSTR	614-752-7928	Scott.Sigler@com.state.oh.us
6	Eileen Miron	SFM / BUSTR	614-723-1219	EMIRON@COM.STATE.OH.US
7	William Veda	SFM / BUSTR	614 995-4246	William.Veda@COM.STATE.OH.US
8	Verne Crol	SFM / BUSTR	614-752-7095	verne.crol@com.state.oh.us
9	Starr Richmond	PUSTRUB	614-752-8963	starrichmond@petroboard.org
10	Mark Schmidt	Hull/BP	440-232-9945	mschmidt@hullinc.com
11	Lori Stevens	BUSTR	614-387-7390	Lori.Stevens@Com.state.oh.us
12	David Bieme	OPMCA	614-947-8646	dbieme1@opmca.org
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**Attachment 1****Rule Summary and Fiscal Analysis (RSFA) for  
Rules 1301:7-9-12 and 1301:7-9-13 of the Administrative Code**

These cost estimates were derived from a combination of sources, including the Petroleum Underground Storage Tank Release Compensation Board, quotes from environmental consultants, staff experience, and corrective action cost estimates encountered during BUSTR's ARRA Project.

The costs noted in specific provisions of the RSFA for rule 1301:7-9-12 and rule 1301:7-9-13 are as follows:

**Rule 1301:7-9-12**

A. "The costs of obtaining a permit and conducting a tightness test for the piping only are approximately \$535, and are offset by the savings of approximately \$1000 to \$15,000 for closure sampling, depending on the UST system's piping configuration."

<u>Permit and piping tightness test</u>	
Permit	\$ 35
Precision (tightness) test, for piping only	<u>\$500</u>
	\$535 Total

B. "The costs of obtaining a permit include a permit fee of \$35 and any associated copying and mailing costs. These costs are offset by an average savings of \$10,000 to \$15,000 for performing a closure assessment for a typical UST site."

Permit fee only	\$ 35 Total
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C. The total costs resulting from the amendments to this rule include \$35 for acquiring any necessary permits, \$500 for tightness testing on piping, and administrative costs such as copying and mailing. These are considered to be indirect central service costs.

**Rule 1301:7-9-13**

D. The total costs resulting from the amendments to this rule include approximately \$100 for a complete site map, \$10-\$20 per sample for a dry weight analysis, \$1 per monitoring well for labeling, and administrative costs such as copying and mailing. These are considered to be indirect central service costs.