

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

1301:7-9-19

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Underground storage tank operator training.**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:

Incorporate new federal requirements into rule.

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:

The United States Environmental Protection Agency (U.S. EPA) mandated that states promulgate rules in accordance with the federal Energy Policy Act of 2005. Specifically, the Energy Policy Act required that operators of underground storage

tank systems undergo training. The type of training an operator is required to obtain depends on the operator's level of responsibility to the underground storage tank system. U.S. EPA divided operators into three classifications. Class A operators are typically owners of the site. Class B operators are typically store managers. Class C operators are typically store clerks. To comply with the Energy Act, BUSTR is proposing the adoption of OAC Rule 1301:7-9-19. This rule sets forth the requirements for identifying persons who shall undergo training and the criteria for the training.

Under the proposed rule, Class A and B operators will complete several hours of instructional training addressing BUSTR rules and the safe operation of underground storage tank systems. Class C operators will complete training addressing the actions to take in response to emergencies such as spills, overfills and alarms. Class C operator training can be part of normal employee orientation and can be conducted at the facility.

This proposed Rule does not require owners to hire additional personnel. Owners may designate existing employees to be a Class A, B, or C operator. The same person may serve in all three capacities at one site. Further, Class A and Class B operators do not have to be present at the site at all times and may be responsible for more than one site. Only one Class C operator (i.e., a store clerk) needs to be present at the site during normal business hours. For unattended sites such as tanks located at utility companies or ODOT service garages, no Class A, B, or C operators need to be present at the site at all times.

The state fire marshal may conduct training of Class A and B operators. Licensed third parties are permitted to conduct training for Class A and B operators. Class C operators shall be trained using materials approved by Class A or B operators. Certificates of completion shall be issued to all operators completing training. U.S. EPA has imposed a deadline that all Class A, B, and C operators shall be training by August 8, 2012.

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. Persons applying for a license to train Class A and B operators shall pay an initial application fee of \$200 followed by an annual renewal fee of \$150 to the agency. It is anticipated that the agency will issue approximately 30 renewal licenses each year. The agency intends to provide free training to Class A and B operators several times a year using the training facilities at the Ohio Fire Academy as well as using

existing personnel and resources.

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 proposed rule requires Class A, B and C operators of underground storage tanks to undergo one-time training. Periodic refresher training is not required (unless an operator violates specific UST regulations). Class A and B operators have several choices for training at different costs:

-Operators may obtain free training from the state fire marshal,

-Operators may use a third party trainer at an estimated cost of \$75 per person (based upon price lists for similar training for UST Installers per OAC 1301:7-9-11), or

-Tank owners may obtain a license to conduct training for \$200 and may train their own Class A and B operators.

The proposed rule allows owners to train their Class C operators using qualified in-house personnel and training materials. It is anticipated that most owners will train their own Class C operators during normal employee orientation training lasting less than an hour at little or no cost to the owner. If an owner hires additional personnel, the owner will be required to train the personnel using one of the previously mentioned methods.

Persons applying for a license to train Class A and B operators shall pay an initial application fee of \$200 followed by an annual renewal fee of \$150 to the agency. It is anticipated that the agency will issue approximately 30 renewal licenses each year.

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.

There will be no cost to local government entities to comply with this rule if they take advantage of the free training offered by the state fire marshal for Class A and B operators as described in the response to question 15 in Part A of the Rule Summary and Fiscal Analysis. Local government entities may use their own qualified personnel to train their Class C operators at little or no cost to local government 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? **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.

The proposed rule does not create any personnel costs, any new equipment or capital costs, or any indirect central service costs to local government entities. The rule does not create any operating costs beyond the time it takes for local

government entities to send their personnel to free training offered by the state fire marshal for Class A and B operators. Local government entities may use their own qualified personnel to train their Class C operators at little or no cost.

(a) Personnel Costs

See above.

(b) New Equipment or Other Capital Costs

See above.

(c) Operating Costs

See above.

(d) Any Indirect Central Service Costs

See above.

(e) Other Costs

See above.

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.

The agency intends to use existing resources and facilities to provide free training to local government entities. The existing resources include federal grant funding specifically designated for this purpose.

There will be no cost to local government entities to comply with this rule if they take advantage of the free training offered by the state fire marshal for Class A and B operators as described in the response to question 15 in Part A of the Rule Summary and Fiscal Analysis. Local government entities may use their own qualified personnel to train their Class C operators at little or no cost.

If there are any costs, then these costs are the ordinary costs of conducting the business of local government entities 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.

Page E-1

Rule Number: 1301:7-9-19

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.)

OAC 1301:7-9-11 Underground storage tank installer certification and training.

Federal Guidelines located at

http://www.epa.gov/swerust1/fedlaws/epact_05.htm#grant.

-Grant Guidelines to States for Implementing the Operator Training Provision of the Energy Policy Act of 2005.

- (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 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.

Attachment A (Continued) – Organizations Consulted

February 23, 2011, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

March 30, 2011, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

April 18, 2011, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

May 2, 2011, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

May 16, 2011, Meeting at the Ohio Fire Academy.

8895 East Main Street, Reynoldsburg, Ohio 43068

List of attendees attached.

UST Rule Advisory Board Meeting
January 30, 2007

Steven Krichbaum
Pete Chace
Loni Stevens
Jim LEO
Jennifer Rhoads
Tom STEPHENSON
Jenn Klein
John Gordon
KEN MYERS
Kent Scarrett
Milly Stipp
TIM THICKSTON
Sheryl Knapp
DAVID REEDER
Bill MORGAN
CLYDE H. KENCIE
Karen Reese
Brian Eggeboon
Dave Mitchell
Jim Rocco
James Hill

BUSTR
BUSTR
BUSTR
PUSTRICB
OPMCA
STEPHENSON OIL CO.
Ohio Chamber of Commerce
Englefield OIL
OML
Ohio Municipal League
DISTRICT Petroleum
PUBLIC
SFM - Testing & Reg.
PETRO BOARD
COLLINS EQUIPMENT CORP
OHIO FIRE CHIEF
FirstEnergy Corp
Speedway SuperAmerica
Reliable Construction OPCA
PUSTRCB
USTRAINING

BUSTR Underground Storage Tank Rule Meeting, October 24, 2007

NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1 Steven Krichbaum	BUSTR	614-752-7921	sd.krichb@com.state.oh.us
2 Paul C Van Horn	OHIO FIRE CHIEFS	614-879-8265	AC252BWH@NETSCAPE.NET
3 Dave Mitchell	OACM	937-461-2250	dmitchell@nelliacorp.com
4 Lori Stevens	BUSTR	614-283-7350	
5 Sue Kist	T & R	614-995-0301	ssalle@com.state.oh.us
6 David Miller	AEP	614- 716 716.1293	damiller@aep.com
7 Matt Powell	AEP	614.716,3142	mpowell@aep.com
8 Lee Beckman	BECK SUPPLY INC	413-426-3051	leebeckman@beckoil.com
9 Michelle McKee	Speedway Superstore	937 863 7034	mlmckee@ssalle.com
10 Keira Martin	" "	937-843-4995	ke.martin@essac.com
11 Mike Strup	District Petroleum	449-435-8373	mikes@kyuinc.com
12 John Gabor	Englefield oil	740.928.8215	JGabor@englefieldoil.com
13 Jennifer Rhoads	OPMCA	614-792-5212 X3	jrhoads@opmca.org
14 Karen Reese	FirstEnergy	330-384-5948	kreesek@firstenergycorp.com
15 Dave Miller	AEP	614-716-1293	
16 ERNIE DAVIS	COMMERCE	614-644-7050	edavis@com.state.oh.us
17 VERNE CRD			
18 Verne Crd	BUSTR	614-752-7095	Verne.Crd@com.state.oh.us
19 Barry Thompson	Peters Petroleum	330 264 1885	Barry@FuelMaster.com
20 Steve Thidstrom	HAST/Advanced Fuel	614-252-8922	steveth@advfuel.com

BUSTR Underground Storage Tank Rule Meeting, October 24, 2007

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
21	Starr Richmond	UST Board	752-8963	Please add to distribution list: srichmond@petroboard.com
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BUSTR Underground Storage Tank Rule Meeting, January 30, 2008

NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1 Steven Reichbaum	BUSTR	614-752-7921	Selkric h b e .com, state.ch.us
2 Dave Mitchell	OPEN Reliable Const.	937-461-8250	dmitchell@reliarow.com
3 Karen Reese	FirstEnergy	330-384-5948	reese@firstenergy.corp.com
4 Rusty Able	Petroleum Systems Inc	330-753-5304	PETSYS@LEK.NET
5 Steve Thickett	Advanced Fuel Systems	614-252-8422	steveth@advfuel.com
6 Ed Willman	Beck Suppliers	414-426-3051	ewillman@beck.oil.com
7 Barry Hanson	Peters Petroleum	330 264 1885	Barry@Fuelmat.com
8 Dave Reeder	Pu STRCB	614-752-8963	dredder@petroboard.com
9 Starr Richmond	Pu STRCB	614-752-8963	srichmond@petroboard.com
10 Tim Rocco	Pu STRCB	(916) 577-5700	TRocco@SACEERX.com
11 Verne Oehl	BUSTR	(614) 752-7095	Verne.Oehl@ecum.state.ch.us
12 Keith Morrison	SSA	937-863-6995	KLMorris@ssaacc.com
13 Michelle McKee	SSA	937-863-7034	mlmckee@ssaill.com
14 Paul C. Van Horn	OH FIRE CHIEFS ASSOC	740-837-0268	AC252BVT@NETSCAPE.NET
15 Tom STEPHENS	STEPHENSON OIL CO	513-863-7080	TG550C@MCKE@MIL.COM
16 SUE KIST	SAM/TIR		
17 Matt Powell	American Eastern Refr	614-716-3142	mpowell@oep.com
18 RAY WIRT	American Electric Refr	330-438-7763	ERWIRT@AER.com
19			
20			

BUSTR Underground Storage Tank Rule Meeting, February 25, 2009

NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1 Steven Hrichbaum	SFM / BUSTR	614-752-7921	sdhrichb@com.state.oh.us
2 Doug Darcab	AIC Associates	216-701-0252	Douglas.Darcab@ataassociates.com
3 Alan Richmond	BUSTR	614-752-8963	srichmond@petroboard.com
4 Scott Johnson	7-Element	847-608-1136	Scott.Johnson@7-11.com
5 Brian Emerson	SSA	937-863-6514	bkapprand@ssa.com
6 George Hrabat	SFM/BUSTR		George.Hrabat@ghermet.com
7 Jason Greco	BSAAM	330-854-5300	jgreco@bsaam.com
8 Jeff Myers	BTAAM	330-815-0940	jmyers@btaam.com
9 Tom Stephenson	Stephenson Oil	513-863-7080	tomstephenson@doc.com
10 Lee Beckman	Beck Suppliers	419-426-3051	leebeckman@beckoil.com
11 Tim Thickett	MPT	614-252-0565	steve@ADVfuel.com
12 Steve Thickett	MPT	"	"
13 John Gordon	Englefield Oil	740-928-8215	JohnGordon@englefieldoil.com
14 Jim Rocco	BUSTR	(330) 562-9871	JRocco@Sackitt.com
15 Verne Ood	BUSTR	(614) 752-7055	Verne.Ood@com.state.oh.us
16 Karen Reese	FirstEnergy	(330) 384-5948	karese@firstenergycorp.com
17 Davey Thompson	Thompson	330 244 1885	Davey@Frazmatt.com
18 Leonard Howell	Hull + Associates	614.743.8777	LHowell@hullinc.com
19 Bill Morgan	Collins Equip.	216 641 4300	bmorgan@collinsequip.com
20 Jenn. Fel Richards	OPACA	614 792 5212	Jrichards@opaca.org

BUSTR Underground Storage Tank Rule Meeting, February 25, 2009

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
21	Valentine Ejirofa	ACF-0470	2614-76-2280	Valentia@aep.com
22	RAY WIRT	NEP	330-438-7763	ERWIRT@AEP.COM
23	Sheryl Knapp	SFM		
24	James Hill	WST	330 862 9127	JDHILL@hodom
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Pre-Meet OPHCA

Pre-Meet OPMCA

6.7.09

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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	OFRA/SAFE	(330) 562-9391	Recco@skanska.com
Star Richmond	Petro Board/Fund	614.752.8963	srichmond@petroboard.com
Steve Thickstar	HAST	814-252-8422	stevethickstar@hast.com
MIKE MYSPEER	PRR MAR OIL	240-373-7406	mike.myspeer@maroil.com
Mike Darr	BP Products N.A.	216-271-8535	Michael.Darr@BP.com
RAY KENNEDY	HULL ASSOCIATES, INC	604-793-8777	r.kennedy@hullinc.com
Andy Shuck	Parsons	216-912-2904	andrew.shuck@parsons.com
AND BROCKHAUS	BARRETT TAVINC	513-271-3032	abrockhaus@barretttavinc.com
MIKE BYRNE	SUNOCO	614-275-4915	mbyrne@sunoco.com
EMILIE DAVIS	Com	614-644-7050	edavis@com.state.oh.us
YASIR STRATHMAN	COM-IT	614-644-7193	ystrathman@com.state.oh.us
Steven Hubbard	SFM/BUSTR	614-752-7224	shubbs@com.state.il.us
Loei Stevens	SFM/BUSTR	614-387-7390	lori.stevens@com.state.oh.us
Kelly Gill	SFM/BUSTR	614-752-7224	k.gill@com.state.oh.us
Margh Reese	FirstEnergy	330-384-5948	mreese@firstenergy.com
Ray Wirt	American Electric Power	330-438-7763	rwirt@ae.com
Scott McPherson	SINTECH	330-854-5300	smcpherson@sintech.com
Paul Gaultier	City of Denver	937-376-7262	pgaultier@cityofdenver.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

<u>Name</u>	<u>Affiliation</u>	<u>Phone #</u>	<u>E-mail</u>
Caroline Spreague	CTL Engineering	614-276-8123	cspreague@ctleng.com
Krista Ketting	SSALCC	937 843 6995	KRManning@SSALCC.co
Doug Darrach	ATC Associates	440 - 838 - 7177	doug@atcassoc.com
SARA UNSELL	ERS, Inc.	419-354-0515	sunsell@ersinc.net
Carol McPherson	KU Resources, Inc	330-848-0618	carol@kuresources.com
Carrie Rasik	Ohio EPA	614-644-2324	carrie.rasik@epa.state.oh.us
Bryan W. Witt	ARCADIS	614 799 4756	bryan.witt@arcadis-usa.co
Craig Davis	Marathon Petroleum	419-421-2659	craigmdavis@marathonpetr.com
Eric Shaver	ARCADIS	614-799-4727	eric.shaver@arcadis-usa.com
Matt Lynn	ARCADIS	614-799-4734	matt.lynn@arcadis-usa.com
Brian McPherson	BIAM ENV.	330-854-5340	brian@biamenv.com
Ed Woodlum	EMULUST INSP SERV.	614-370-1776	ed@emulustinsp.com
John Goodson	Englefield oil	740-928-8215	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 Hoveth	BUSTR	614 995-4246	george.hoveth@com.state.oh.us
Verne Ord	BUSTR	614 752 7095	verne.ord@com.state.oh.us
Jennifer Rhoads	OPMCA/PCA	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	<u>Petition Period Opens</u> BUSTR is accepting Petitions on the following: 1. All existing <u>BUSTR administrative rules</u> 2. <u>New administrative rules for owner/operator training</u> 3. <u>New administrative rules for secondary containment</u> 4. <u>New administrative rules for delivery prohibition</u>
07/30/09** 100pm – 400pm	Meeting of Stakeholders at Ohio Fire Academy (map) The voluntary meeting will be followed by a voluntary Stakeholder Intra-Industry Meeting***
09/18/09	<u>Petition Period Closes</u>
08/19/10	<u>BUSTR Publishes Limited ROP on BUSTR Web Site for BUSTR Rules 6, 7, 8 and 18****</u>
08/19/10	<u>Comment Period Opens for BUSTR Rules 6, 7, 8 and 18</u>
09/03/10	<u>Comment Period Closes for BUSTR Rules 6, 7, 8 and 18</u>
TBA	<u>BUSTR Publishes Limited ROC on the BUSTR Web site for BUSTR Rules 6, 7, 8 and 18</u>
TBA	<u>Ohio's Formal Rule Adoption Process</u> - Draft filed with Legislative Service Commission (LSC) - Draft published in the Register of Ohio - JCARR process
TBA	<u>Rules Accepted, Published and Printed</u>

* 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, February 23, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Verne Ord	SFM/BUSTR	(614) 752-7095	verneord@com.state.oh.us
2	Steven Hirschbaum	SFM/BUSTR	(614) 752-7921	SDRICHBA@com.state.oh.us
3	Lori Stevens	SFM/BUSTR	(614) 387-7356	Lori.Stevens@com.state.oh.us
4	Baery Henderson	Peers/OPMCA	330 264 1885	Baery@Furnmer.Sony
5	Bill Morgan	Consuka/OPCA	216 496 2574	bmorgan@collinsquip.com
6	David Bimel	OPMCA		dbimel@opmca.org
7	MATT CLOSE	Commerce	(614) 644-0161	matt.close@com.state.oh.us
8	Jennifer Knads	OPMCA	614 947 8646	jknads@opmca.org
9	Pam COOPER	SFM		
10	Karen Huey	DOC	614 644-7187	Karen.huey@com.state.oh.us
11	Mr Peters	DOC	614-728-1930	mpeters@com.state.oh.us
12	David Goodman	DOC	614-644-7047	david.goodman@com.state.oh.us
13	Tyr Rocco	PostRB/OPMCA	(330) 562-7391	JRocco@SAA&S, Co7
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BUSTR Underground Storage Tank Rule Meeting, March 30, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Steven Hochbaum	SFM	614-752-7921	SKRICHBAUM@OH.STATE.OH.US
2	David BENSEL	OPMCA	614-947-8646	dbensel@opmaca.org
3	Arthur Richmond	BUSTRLB	614-752-8963	arichmond@petroboard.org
4	Ty Rocco	SAGE RISK SOLUTIONS	830-562-9391	TRocco@SAGERISK.COM
5	John Gordon	Englefield oil	740-928-8215	JGordon@Englefieldoil.com
6	Verne Ord	SFM/BUSTR	614-752-7085	verne.ord@com.state.oh.us
7	Barry Henderson	Torco Petroleum	330 264 1885	Bahay@TorcoMKT.COM
8	Lori Stevens	BUSTR/SFM	614 752-7738	Lori.Stevens@Com.state.oh.us
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BUSTR Underground Storage Tank Rule Meeting, April 18, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Steven Hochbaum	SPM/BUSTR	614-752-7921	SHOCHBAUM@CCLSTATE.EDU
2	Barry Hanson	Peters Petroleum	330 264 1885	Barry @ FuelMet.Com
3	John Gordon	Englefield Oil	740.928.8215 ext 303	JGordon@Englefieldoil.com
4	Verne Ord	SPM/BUSTR	614-752-7095	verne.ord@com.state.oh.us
5	Lori Stevens	SPM/BUSTR	614-387-7380	Lori.Stevens@Com.state.oh.us
6	RON MILBURN	AFPD	614-436-8937	RON.MILBURN@MAIL.COM
7	EO WEGLARZ	AFPD	313-530-8822	eweglarz@voyager.net
8	David Biemel	OPMCA	614- 447 -86986	Dbiemel@opmca.org
9	TIM ROCCO	SAGE/OPMCA	(614) 562-9391	JRocco@SAGE.RISK.COM
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BUSTR Underground Storage Tank Rule Meeting, May 2, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Steven Krichbaum	SEM	614-752-7921	SKrichbaum@com.state.oh.us
2	John S. Gordon	Englefield oil	740-928-8015	JGordon@Englefieldoil.com
3	David A. Biemel	OPMCA	614-947-8646	dbiemel@opmca.org
4	Star Richmond	PUSTALB	614-644-0559	srichmond@petrobond.org
5	Jim Rocca	SAGEKISK Solutions	(330) 562-7371	JRocca@SAGEKISK.com
6	Bruce Henderson	Peters Petroleum	330 267 1885	Bruce@FUELMAR.com
7	Vernie O'Neil	BUSTR	(614) 752-7095	vernie.o@com.state.oh.us
8	RON MILBURN	AFPD	614-492-8937	RONMILBURN@G.MAYL.com
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BUSTR Underground Storage Tank Rule Meeting, May 16, 2011

	NAME	ORGANIZATION	TELEPHONE NUMBER	Email
1	Steven Kirchbaum	BUSTR	(614) 752-7921	SKirchbaum@com.state.oh.us
2	Steve Buckstul	HHS	(614) 252-0565	steve@advisel.com
3	Star Richmond	PUSTREB	614-752-8963	arichmond@petroboard.org
4	Tim Rocco	PUSTREB/OPMCA	216-562-7391	JRocco@SAGEAR.com
5	Maya Schmidt	HuddAssociates	440-232-9745	mschmidt@hullinc.com
6	David Israel	BUSTR	614-752-7225	disrael@com.state.oh.us
7	RON MILLER	AFPD	614-496-8937	ron.miller@cmail.com
8	David BIEMEL	OPMCA	614-947-8646	dbiemel@opmca.org
9	BARRY HENDERSON	POETS Petroleum	330 264 1885	Barry@Fuermaat.com
10	Scott Siler	BUSTR	(614) 752-7928	Scott.Siler@com.state.oh.us
11	Kelly Gill	BUSTR	614-752-7941	KGill@com.state.oh.us
12	Rick Kuecker	BUSTR	614-728 5120	RKRUECKER@com.state.oh.us
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