

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 1501:10-1-07

**Rule Type:** Amendment

**Rule Title/Tagline:** Incorporation by reference.

**Agency Name:** Department of Natural Resources

**Division:** Division of Mineral Resources Management-Mine Safety

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#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 1/31/2019
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 1513.02, 1561.03, 1561.05
5. **What statute(s) does the rule implement or amplify?** 1513.02, 1561.03, 1561.05, 1561.16, 1561.17, 1561.36, 1561.37, 1565.15, 1567.35, 1567.64, 121.71 to 121.76, 1567.681
6. **What are the reasons for proposing the rule?**

To comply with Ohio's five-year-review requirement pursuant to Ohio Revised Code section 106.03.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule lists the federal regulations that are incorporated by reference in Chapters 1501:10-1 and 1501:10-2 of the Administrative Code. The rule also states the date of publication of these regulations and explains where the public can find a copy of them.

The Division of Mineral Resources Management has fully reviewed this rule consistent with ORC section 106.03, and has determined that the following revision is needed:  
(A). Update of the edition of the Code of Federal Regulations that is incorporated by reference.

- 8. Does the rule incorporate material by reference? No**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

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

*Not Applicable*

## **II. Fiscal Analysis**

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0

Fiscal impact of rule in its entirety: This rule has no fiscal impact on the agency.

Fiscal impact of the proposed amendment(s) to the rule: The amendment proposed in this rule consists of a minor update and will have no fiscal impact on the agency.

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

Fiscal impact of rule in its entirety: This rule imposes no cost of compliance on persons directly affected by the rule.

Fiscal impact of the proposed amendment(s) to the rule: The amendment proposed in this rule consists of a minor update and will impose no cost of compliance upon any directly affected persons.

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

### **III. Common Sense Initiative (CSI) Questions**

- 15. **Was this rule filed with the Common Sense Initiative Office?** Yes
- 16. **Does this rule have an adverse impact on business?** No
  - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** No
  - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms?** No
  - C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** No

## Rule Summary and Fiscal Analysis

### Part C - Environmental Rule Questions

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

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

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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.**

Ohio Coal Association  
Ohio Aggregates and Industrial Minerals Association  
Ohio Environmental Council

**(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.)**

Ohio Revised Code sections 121.71 to 121.76, 1513.02, 1561.03, 1561.05, 1561.16, 1561.17, 1561.36, 1561.37, 1565.15, 1567.35, 1567.64, and 1567.681.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? No

Is the proposed rule or rule amendment more stringent than its federal counterpart?  
*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