

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1501:14-1-16

Rule Type: Amendment

Rule Title/Tagline: Incorporation by reference.

Agency Name: Department of Natural Resources

Division: Division of Mineral Resources Management-Industrial Mineral

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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? 11/30/2021
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? SB 221 - 132
- Uecker
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 1514.08, 1514.081, 1514.40
5. What statute(s) does the rule implement or amplify? 121.71 to 121.75, 1514.01, 1514.02, 1514.10, 1514.40
6. What are the reasons for proposing the rule?

To update the publication dates for the Code of Federal Regulations and to update the "history trail" for this rule.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule contains the dates of publication of the Code of Federal Regulations and the United States Code for those federal regulations and federal laws that are incorporated by reference in the IM rules, other than the IM mine safety rules of OAC Chapter 1501:14-2, and tells the public where these regulations and laws can be found.

The Division of Mineral Resources Management has fully reviewed this rule consistent with ORC section 106.03, and has determined that the following revisions are needed:

(A). Updated with the most recent edition of the Code of Federal Regulations that is available on the U.S. Government Publishing Office (GPO) website.

History Trail update: the list of statutes that the rule amplifies, included at the end of the rule, is proposed to be revised to remove ORC section 121.76 (so that the citation will instead read "121.71 to 121.75"). ORC section 121.76 was repealed by SB 221 of the 132nd General Assembly, effective 8/18/2019.

- 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. 121.75, 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. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

The amendments proposed in this rule consist of minor updates and will have no fiscal impact on the agency during the current biennium.

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

The amendments proposed in this rule filing consist of minor updates 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
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes
17. 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
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable

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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 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 121.75, 1514.01, 1514.02, 1514.08, 1514.081, 1514.10, and 1514.40.

- (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**