

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3737-1-04.2
Rule Type: Rescission
Rule Title/Tagline: Baseline environmental site assessment.
Agency Name: Petroleum Underground Storage Tank Release Compensation Board
Division:
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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?** 11/29/2019
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?** 3737.90
5. **What statute(s) does the rule implement or amplify?** 3737.91
6. **What are the reasons for proposing the rule?**

This rule is being filed in accordance with the five-year rule review requirement of section 106.03 of the Revised Code.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule is being rescinded.

Rule 3737-1-04.2 describes how a baseline environmental site assessment (ESA) is to be completed as well as the information and supporting documentation that must

be included in the summary report. In addition, it permits the results of a Phase II Environmental Site Assessment that was completed within six months of the date of the transfer of an underground storage tank (UST) system to be used to complete the ESA summary report.

8. **Does the rule incorporate material by reference? Yes**
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.**

The ASTM International Phase II E1903-11 ("Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process") standard referenced in the rule is the generally accepted practice for conducting an environmental site assessment of a parcel of property with respect to the presence of hazardous substances, pollutants, contaminants, petroleum products, and controlled substances. The standard is generally available, and can be obtained from ASTM International on its website at www.astm.org.

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.

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Not Applicable.

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

Not Applicable.

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). No

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