

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3737-1-12.1

Rule Type: Amendment

Rule Title/Tagline: Mandatory and voluntary pre-approval of corrective action costs.

Agency Name: Petroleum Underground Storage Tank Release Compensation Board

Division:

Address: 4151 Executive Parkway Suite 350 Westerville OH 43081

Contact: Jonathan Maneval

Email: jmaneval@petroboard.org **Phone:** 614-752-8963

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 7/31/2019
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?** 3737.90
5. **What statute(s) does the rule implement or amplify?** 3737.92
6. **What are the reasons for proposing the rule?**

The proposed rule amendment is being filed in order to establish that the responsible person must annually submit an application for the pre-approval of the estimated costs for free product monitoring.

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

The rule sets forth the requirements for requesting pre-approval of pending corrective action costs. Any costs submitted for reimbursement that were not pre-approved as required are subject to a 50% reduction in the reimbursable amount.

The proposed new paragraph (A)(6) requires the annual submission of an estimated cost and completion schedule for the corrective action costs associated with free product monitoring activities required by the Bureau of Underground Storage Tank Regulations' 2017 Technical Guidance Manual. Paragraph (B) is being amended to cite the applicable paragraphs of the rule as proposed.

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.**

The rule is being refilled in order to address a textual error in Paragraph (A)(6) of rule 3737-1-12.1. The change is to replace the word "personal" with "person".

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

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? Yes

- 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? Yes**

In almost all instances, this rule will require the responsible person to pay a consultant to estimate and prepare an explanation of the costs for pending corrective action activities. These preparation costs, however, are reimbursable when claimed under the fund.