

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3737-1-12

Rule Type: Amendment

Rule Title/Tagline: Application for reimbursement.

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 the deadlines for filing Claim Reimbursement Applications for corrective action work performed under rule 1301:7-9-13 in effect on or after September 1, 2017. Other amendments to the rule are editorial in nature with the intent of clarifying the meaning of the rule and making it easier to read and understand.

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

This rule provides the requirements for filing a Claim Reimbursement Application and sets the deadlines for the responsible person to submit the application.

The Board proposes to update paragraph (D) to indicate that the one-year filing period applies to corrective actions performed under rule 1301:7-9-13 that was in effect between March 1, 2005, and August 31, 2017. The missing word "program" is being added to paragraph (D)(10). The proposed new paragraph (E) is identical to paragraph (D) except that it indicates the one-year filing period applies to corrective actions performed under rule 1301:7-9-13 in effect on or after September 1, 2017, and the new term "release incident" is being used in paragraph (E)(1). Paragraphs (F)(2) and (K)(1) are being amended to properly cite the applicable paragraphs of the rule as proposed. The amendment to paragraph (K)(2) is editorial in nature with the intent of clarifying the meaning of the paragraph and making it easier to read and understand.

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.

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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? 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 order to receive reimbursement for corrective action costs from the Fund, the rule requires the responsible person to file a Claim Reimbursement Application and to document in both technical and financial terms the costs for which reimbursement is being sought. It requires administrative time and costs for copying and printing in order to provide the information required to be submitted with the Claim Reimbursement Application. A responsible person that chooses to hire a consultant to complete and submit the application on its behalf will incur an expenditure for the consultant's services.