

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3737-1-22
Rule Type: No Change
Rule Title/Tagline: Subrogation.
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 and 07/31/2024
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?**

This rule is being filed in accordance with the five-year rule review requirements 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 Board has the right to subrogate against any party, including the party's insurer, who contributes to or causes an accidental release of petroleum from a UST. The rule sets forth the requirements for notification to the Board when another party causes or contributes to the release.

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**

The rule requires the report of information as a condition of compliance. Responsible persons are required to notify the Board of any other parties against whom they have or may have a right of recovery, and also to provide notification to the party allegedly causing or contributing to the release that the Board is entitled by subrogation to recover corrective action costs or the cost of compensation paid to third parties for bodily injury or property damage. The rule restricts the responsible person from entering into any settlement without prior notice and authorization by the Board. Lastly, this rule requires the responsible person to notify the Board if the responsible person initiates contact with the other party regarding the conduct or actions that resulted in the release of petroleum.