

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3737-1-07

Rule Type: Amendment

Rule Title/Tagline: Establishing fund eligibility for corrective action costs.

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?** 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 to replace the language "suspected release or release, whichever is first" with the new term "release incident." It is also being updated to include the "confirmed release" reporting requirement of the fire marshal's rule 1301:7-9-13.

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 obtaining eligibility to file claims under the Fund. In addition, after a responsible person is determined to be eligible, the rule

requires the responsible person to maintain eligibility by maintaining compliance with UST regulations. If the responsible person fails to maintain compliance with the UST regulations, eligibility to file claims under the Fund may be revoked.

The proposed amendments to paragraphs (A)(1), (A)(2), (A)(5)(a), and (A)(10) will replace the language "suspected release or release, whichever is first" with the new term "release incident." Paragraph (A)(9) is being updated to include the "confirmed release" reporting requirement of the fire marshal's rule 1301:7-9-13.

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

Any responsible person wishing to seek reimbursement from the Fund, must comply with the rule. The rule requires information to be provided to the Board in order to comply with the rule. The Application for Financial Assurance Fund Eligibility required by the rule is a four-page application that can be completed by the responsible person or at the responsible person's option, an environmental consultant. In addition, a report describing the petroleum release (closure report, site assessment report, immediate corrective actions report, etc.) must be submitted with the application. Because these reports are required by the fire marshal's closure assessment or corrective action rules, the only additional expenditures to the applicant are duplicating and mailing costs.