

BUSTR Rules: Second Draft

The Bureau of Underground Storage Tank Regulations (BUSTR), Division of State Fire Marshal, is announcing that a new set of draft rule revisions is now available for public review. This follows a review of comments received on our first draft revisions to the bureau's rules (Ohio Administrative Code 1301:7-9-01 through 1301:7-9-19) published in April 2016.

This second draft of the rules, along with a response to comments received and supporting documents, are posted to this webpage. Any text that has changed based upon comments received is highlighted in yellow.

At this time, BUSTR is soliciting input regarding issues that the public believes are still unresolved or unclear in the newly-revised draft rules. BUSTR asks that you e-mail the agency at webBUSTR@com.state.oh.us or David Sauer at david.sauer@com.state.oh.us with any issues or questions about the content of the draft rules. BUSTR will take all input received by **Friday, November 11, 2016**, and use it as a basis for a meeting agenda. If there is sufficient interest, we will then schedule a meeting with stakeholders to discuss those items. BUSTR will then finalize the rule revisions and begin work on the supporting fiscal analyses in preparation for filing the rules with JCARR.

BUSTR would like to mention a few additional notes about the rule revision:

- In our original notice of the rule revisions in April 2016, we anticipated filing the rules with JCARR no later than November 30, 2016. Due to the time required to review comments, write responses, and re-draft rule provisions, BUSTR now intends to request an extension of time in which to file the rule revisions. We expect to file sometime in **early 2017**.
- Rule 5, regarding financial responsibility, will likely be overhauled prior to filing. It consists primarily of the text of the various instruments that UST owners may use to demonstrate financial responsibility. That text (copied directly from the federal rules) is interspersed throughout our rule and results in a regulation that is very difficult to read. BUSTR intends to move the language of each instrument to its own appendix, thereby streamlining the rule and rendering it much more reader-friendly. This will require BUSTR to rescind the existing rule and replace it with the new version. This replacement version is not prepared yet, however, there will be no changes to the substance of the rule itself; this will only be a reorganization of the rule.