



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2012-03K

The Emergency Amendment of Rules 4101:1-1-01 and 4101:1-2-01 of the Ohio Administrative Code by the Board of Building Standards

WHEREAS, the Utica and Marcellus shale formations which exist beneath a significant part of the State have proven to be rich in oil and natural gas, and those natural gas and related products extracted from these formations require fractionation and other processing in specialized facilities specially constructed for such purposes; and

WHEREAS, businesses that extract oil, natural gas and related products from shale formations have expressed interest in locating and expanding their operations in Ohio, and are prepared to begin building shale product processing facilities in Ohio in the near future; and

WHEREAS, the Division of Industrial Compliance within the Department of Commerce (ODOC/DIC) has the resources to exercise enforcement duties for natural gas processing plant construction projects and provide safe, uniform, consistent, and standardized quality throughout the State; and

WHEREAS, Ohio law requires the Ohio Building Code to be formulated by the Board of Building Standards (BBS) within the Ohio Department of Commerce; and

WHEREAS, BBS desires to immediately amend the Ohio Building Code, specifically, Rules 4101:1-1-01 and 4101:1-2-01 of the Ohio Administrative Code, in order to (1) clarify that certification by the BBS of a municipal, township, or county building department does not confer jurisdiction to such certified building department to regulate the construction of buildings or structures directly related to the operation of all natural gas liquids fractionation or processing facilities, and (2) define the terms “natural gas liquids fractionation facilities,” and “natural gas processing facilities”; and

WHEREAS, Section 3781.10(A) of the Ohio Revised Code authorizes BBS to promulgate rules, in accordance with Chapter 119 of the Ohio Revised Code, which comprise the Ohio Building Code; and

WHEREAS, Section 119.03(F) of the Ohio Revised Code authorizes the Governor, on the request of a state agency, to suspend the normal rule-making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the amendments are valid for only ninety (90) days; and

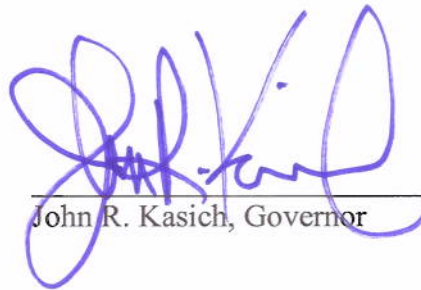
WHEREAS, BBS has requested a determination whether an emergency exists that requires the immediate amendment of Rules 4101:1-1-01 and 4101:1-2-01 of the Ohio Administrative Code in order for BBS, pursuant to Section 3781.10(A) of the Ohio Revised Code, to immediately amend those rules to grant the ODOC/DIC exclusive jurisdiction to regulate the construction of buildings or structures within the scope of the Ohio Building Code directly related to the operation of all natural gas liquids fractionation or processing facilities in the State.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of BBS, that an emergency exists requiring the immediate amendment of Rules 4101:1-1-01 and 4101:1-2-01 of the Ohio Administrative Code by BBS. Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the amendment of the specified rules be suspended and BBS be permitted to amend these rules immediately by electronically filing them with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that this Executive Order be filed in electronic form with BBS, the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on March 12, 2012, in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State