



## Early Stakeholder Outreach — Capability Assurance Plan Rules, No Changes 2017

*Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.*

### What does the proposed rules package cover?

DDAGW has reviewed Chapter 3745-87 of the Ohio Administrative Code (OAC) to satisfy the five-year rule review requirements of section 106.03 and 106.031 of the Ohio Revised Code. OAC Chapter 3745-87 sets forth requirements for new community and noncommunity nontransient public water systems, and existing public water systems applying for financial assistance from the federal Water Supply Revolving Loan Account (WSRLA) to provide Ohio EPA with information specific to the system in a capability assurance plan (CAP). CAPs include a general plan identifying the scope of water service to be provided; a management plan specifying the financial and personnel commitments needed to provide for effective management and operation of the system; and a financial plan describing the system's revenues and cash flow for meeting costs of construction and costs of operation and maintenance for at least five years from the anticipated date of initiating operation.

### Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

### What changes are being considered?

DDAGW is considering all of the following rules to be filed with no changes:

- [3745-87-01, Definitions](#)
- [3745-87-02, Capability assurance plans](#)

(Click on a rule number to view the currently effective rule or visit the web page at [www.epa.ohio.gov/ddagw/rules.aspx](http://www.epa.ohio.gov/ddagw/rules.aspx) and click on the "effective rules" tab.)

### Who will be regulated by these rules?

New community and noncommunity nontransient public water systems, and existing public water systems applying for financial assistance from the federal WSRLA are regulated by these rules.

### How can I provide input?

The Agency is seeking stakeholder input on the CAP rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business **Nov. 7, 2016**. Please submit input to:

[DDAGW\\_RULECOMMENTS@epa.ohio.gov](mailto:DDAGW_RULECOMMENTS@epa.ohio.gov).

Please include, "CAP NC 2017" in the subject line of the email.

### What if I have questions?

Questions on this rules package and the process for submitting comments may be forwarded by email to Susan Kramer or by phone at (614) 644-2752. You can find the most current draft and proposed rules, as well as currently effective rules on DDAGW's rulemaking web page at

[www.epa.ohio.gov/ddagw/rules.aspx](http://www.epa.ohio.gov/ddagw/rules.aspx).

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## What is the rulemaking schedule?

These rules are proposed to be filed with the Joint Committee on Agency Rule Review (JCARR) no later than March 22, 2017. Prior to filing with JCARR, notice of intent to file these rules with no changes will be sent out for interested party comment.

## What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

- Is the general regulatory framework proposed the most appropriate? Should the Agency consider any alternative framework?
- What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules?
- Is there any information or data the Agency should be aware of when developing new or amended rule language?

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by this program.

- Does this program have a positive impact on your business? Please explain how.
- Does this program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

## Contact

There is not an official written response to input received during the early stakeholder outreach phase of rule development. However, your input is very important to Ohio EPA and it will be considered when rules are being drafted. There will be additional opportunities to comment on specific rule language later in the process.

For more information, contact Susan Kramer at [Susan.Kramer@epa.ohio.gov](mailto:Susan.Kramer@epa.ohio.gov) or (614) 644-2752.