



Early Stakeholder Outreach – Disadvantaged Community Loans

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 the disadvantaged community loan rules in Chapter 3745-88 of the Ohio Administrative Code (OAC) to satisfy the five-year rule review requirements of section 106.03 of the Ohio Revised Code. The rules describe the criteria for an entity to be designated a disadvantaged community and provide requirements to receive a loan for their public water system.

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

In response to Executive Order 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?

Proposed minor revisions to OAC Rules 3745- 88-01 and 3745-88-02 include the following:

- Revising the definition of “Disadvantaged assistance” in OAC Rule 3745-88-01 to clarify that maximum term is consistent with what is allowed in the Safe Drinking Water Act.
- Changing “Pre-application” to “Nomination” in OAC chapter 3745-88.
- Removing the requirement to submit a complete application separate from the WSRLA loan application for designation as a disadvantaged community in OAC Rule 3745-88-02.
- Clarifying that the poverty rate in the area served by the applicant is determined by the most recent data of the US Census Bureau in OAC Rule 3745-88-02.
- Clarifying the percentage of capitalization grant that may be available to provide subsidies to disadvantaged communities in OAC Rule 3745-88-02. This revision is proposed to make the rule consistent with the federal requirement.

Who will be regulated by these rules?

OAC rules 3745-88-01 and 3745-88-02 enable Ohio EPA to administer low interest loans to public water systems determined to be disadvantaged and needing to improve their infrastructure to meet Safe Drinking Water Act requirements.

What is the rulemaking schedule?

DDAGW will evaluate feedback from the early stakeholder outreach process and then prepare a draft version of rules for interested party review. After incorporating interested party comments, Ohio EPA will start the rule filing

How can I provide input?

The Agency is seeking stakeholder input on proposed changes to rules in OAC Chapter 3745-88. 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 **September 16, 2019**. Please submit input to:

DDAGW_RULECOMMENTS@epa.ohio.gov.

Please include, “Disadvantaged Community Loans” 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

DDAGW_RULECOMMENTS@epa.ohio.gov or

by phone at (614) 644-2752. You can find the

currently effective rules on DDAGW’s

rulemaking web page at

www.epa.ohio.gov/ddagw/rules.aspx.

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process required by the Joint Committee on Agency Rule Review (JCARR). Visit JCARR's website for meeting dates and agenda items at <https://www.jcarr.state.oh.us>.

What input is the Agency seeking?

DDAGW wants to hear from interested stakeholders who may be impacted by these rules. 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 an identified concept?
- Are there considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

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

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory 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 Emma Brown at DDAGW_RULECOMMENTS@epa.ohio.gov or (614) 644 – 2752.