



Early Stakeholder Outreach – Plan Approval

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 rules in Chapter 3745-91 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 Public Water System (PWS) plan approval.

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?

DDAGW is proposing to file rules 3745-91-04, 3745-91-05, and 3745-91-12 as no change.

Proposed revisions rules in Chapter 3745-91 of the Administrative Code include the following:

- Adding the definition of “General Plan” and updating “Substantial Change” definition in rule [3745-91-01](#).
- Adding language regarding General Plan content and submission requirements (including all community system improvement projects and those seeking Water Supply Revolving Loan Account (WSRLA) funding), total cost evaluations, plan approval for found systems, streamlined water line approvals and prohibition of like-kind replacements when wells or treatment items are located in pits in rule [3745-91-02](#).
- Updating language in rule [3745-91-03](#) to include electronic submission.
- Adding requirements for project summary sheets, affordability analysis, project justifications and variance procedures to rule [3745-91-06](#).
- Updating plan sign-off protocol in rule [3745-91-07](#).
- Updating references and adding clarifying language and the process to obtain a variance from the rules to rule [3745-91-08](#).

How can I provide input?

The Agency is seeking stakeholder input on proposed changes to rules in OAC Chapter 3745-91. 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 **June 26, 2020**. Please submit input to: DDAGW_RULECOMMENTS@epa.ohio.gov. Please include, “Plan Approval 2020 Rules” 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) 728 - 1219. You can find the currently effective rules on DDAGW’s rulemaking web page at

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- Adding clarifying language to include non-transient non-community water systems serving sensitive populations to rule [3745-91-09](#).
- Updating references and adding clarifying language that all public water systems must have a source protection plan to rule [3745-91-10](#).

Who will be regulated by these rules?

All PWSs in the State of Ohio will be regulated by these rules.

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 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) 728-1219.