



Early Stakeholder Outreach — Contingency Plans

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 rule package (OAC 3745-85-01) cover?

DDAGW has reviewed rule 3745-85-01 of the Ohio Administrative Code (OAC) to satisfy the five-year rule review requirements of section 106.03 of the Ohio Revised Code. The rule describes the requirements of Contingency Plans for community water systems.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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 the following amendments to file Rule 3745-85-01:

- Review and add to required circumstances that PWSs must include (Cyberattacks, Supply chain disruptions, severe disease outbreak)
- Clarify filing and recording requirements for both electronically stored files and hard copies
- Ensure consistency with American's Water Infrastructure Act
- Additions to process for updating emergency contact list and 24-hour call list
- Review of critical user designation and consultation process for hazardous spill exercises
- Correct minor grammatical errors

Who will be regulated by these rules?

All Community water systems 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 the 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 <http://www.jcarr.state.oh.us>.

How can I provide input?

The Agency is seeking stakeholder input on the Contingency Plan Rule 3745-85-01. 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 July 1, 2021. Please submit input to:

DDAGW_RULECOMMENTS@epa.ohio.gov

Please include "Contingency Plans ESO" in the subject line of the email.

What if I have questions?

Questions on this rule package and the process for submitting comments may be forwarded to:

DDAGW_RULECOMMENTS@epa.ohio.gov or by phone at (614)-644-2752.

Early Stakeholder Outreach — Rules

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 an identified concept? What options are available for improving the existing rules?
- Are there considerations the Agency should take into account when updating the existing rules? 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?

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

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

- 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

For more information, contact Zach Winoker at Zachary.Winoker@epa.ohio.gov or (740)-380-5267.