



**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

January 16, 2018

Public Notice: Proposed Rulemaking Governing Asset Management

Notice is hereby given that the Ohio Environmental Protection Agency, Division of Drinking and Ground Waters (DDAGW) is proposing revisions to several rules of the Ohio Administrative Code (OAC) that are based in part on the new and amended language from Ohio Senate Bill 2.

DDAGW is proposing to revise the asset management program requirements in OAC Chapter 3745-87 in response to the new and amended requirements of section 6109.24 of the Ohio Revised Code (ORC). Specifically, the proposed revisions include the following:

- Adding definitions related to asset management.
- Removing the requirement for applicants for financial assistance from the water supply revolving loan account (WSRLA) and applicants for approval that are new community or nontransient noncommunity public water systems (PWSs) to submit a capability assurance plan.
- Adding a requirement for all PWSs to have an acceptable asset management program by October 1, 2018.
- Specifying the required content of an asset management program.
- Adding a requirement for non-community PWSs to prepare contingency plans.
- Specifying that the director can request a written description of the asset management plan and that the PWS is required to submit it within thirty days of the request.
- Specifying that the director may require the PWS to revise and resubmit the written description of the asset management program if it does not comply with the requirements.
- Adding a requirement for the asset management program to be available for inspection by representatives of the director.
- Adding requirement for PWSs to review and update their asset management program annually.
- Adding requirement for PWSs to establish and measure at least three levels of service goals. Level of service is a utility's stated commitment to deliver service at a specified level of quality and reliability.

- Adding a requirement for PWSs to report specified metrics annually. PWSs are also required to keep the metrics onsite and available for inspection. Metrics are measures that will be reported to determine the progress of the water system to become more sustainable. Many, but not all, will likely be numerical values. Some examples of the required metrics may include operating budget, cost per customer and system pressure.

DDAGW is also proposing to amend language in OAC rules 3745-81-02, 3745-92-02, 3745-92-03 and 3745-92-05 to correspond to changes in ORC sections 6109.02 and 6109.08. The change to OAC rule 3745-81-02 will give the director discretion in designating consecutive water systems. The changes to OAC rules 3745-92-02, 3745-92-03 and 3745-92-05 will increase the maximum amount of money for which a PWS can provide financial assurance.

As part of the rulemaking process, the Agency is required by Section 121.39 of the ORC to consult with organizations that represent political subdivisions, environmental interests, business interests, and others affected by these rules. Additionally, the Agency is working with the Common Sense Initiative (CSI) Office. The Agency is offering you and your organization the opportunity to comment on the draft rules and CSI Business Impact Analysis (BIA) Form, before the division formally proposes them.

To obtain a copy of the proposed rules, contact Colin White at Ohio EPA at (614) 644-2759 or email at ddagw_rulecomments@epa.ohio.gov. Please request the "Asset Management Rules" and be sure to include your name, telephone number, and complete mailing address. There is no charge for the copies. The draft rules will be available on the Agency web page until it is formally proposed with the Joint Committee on Agency Rule Review (JCARR). It can be found at <http://epa.ohio.gov/ddagw/rules.aspx> on the "Interested Party Review" tab.

Comments can be submitted in hard copy to the following address: "Ohio Environmental Protection Agency, Division of Drinking and Ground Waters, P.O. Box 1049, Lazarus Government Center, Columbus, Ohio 43216-1049, Attn: Colin White" or by email to ddagw_rulecomments@epa.ohio.gov. Comments should be received at the above address by close of business, February 16, 2018.