



Early Stakeholder Outreach — Escrow Requirements

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 3745-92 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 3745-92 sets forth requirements for a small community water system applying to construct, install or make a substantial modification to their system, to deposit a percent cost of the system in an escrow account.

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The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created.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?

Amendments DDAGW is considering making to OAC Chapter 3745-92 include the following:

- Clarify the types of public water systems (PWSs) this chapter applies to, and that plan approval for these PWSs is contingent on meeting requirements of this chapter.
- Clarify how and where money is deposited.
- Clarify how and when money is released back to owners.
- Direction for PWSs on how to access and use money, and when money should be put in the escrow account.

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

- [3745-92-01, Definitions.](#)
- [3745-92-02, Escrow deposit required.](#)
- [3745-92-03, Amount of deposit.](#)
- [3745-92-04, Release of escrow.](#)
- [3745-92-05, Orders of the director, notice to owner.](#)
- [3745-92-06, Fees for escrow deposit.](#)

Who will be regulated by these rules?

A small subset of community PWSs serving fewer than 500 service connections will be regulated by these rules. PWSs owned and operated by a public entity, supplying water only to premises owned by the water supplier (i.e., a homeowner's association) or ones that are regulated by the public utilities commission are not regulated by these rules.

How can I provide input?

The Agency is seeking stakeholder input on the escrow requirements. 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 25, 2015. Please submit input to:

DDAGW_RULECOMMENTS@epa.ohio.gov.

Please include, "escrow requirements" 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.

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What is the rulemaking schedule?

This rule will be filed with the Joint Committee on Agency Rule Review (JCARR) no later than March 2016. Prior to filing with JCARR, drafts of new and amended rules, or a 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 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 by this 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

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 or (614) 644-2752.