

January 6, 2021
ENVIRONMENTAL RESOURCES TECHNICAL ADVISORY COMMITTEE
Executive Committee
Virtual Microsoft Teams Meeting Summary

Attendance

Mary Helen Smith	Portage County Health District
Ynes Arocho	Ohio EPA
Nathan Coey	City of Wooster
Stephanie Deibel	Summit Soil and Water Conservation District
Tony Demasi	City of Cuyahoga Falls
Gail Gifford	Portage County Regional Planning Commission
Genny Hanna	City of Akron
Bob Hempel	Wayne County Health Department
Trevor Hunt	City of Barberton
Dan Joseph	City of Akron
Rob Kastner	Wayne Soil and Water Conservation District
Jenn Kiper	Wayne County Planning Department
Ali Rogalski	Summit County Public Health
Tia Rutledge	Portage County Water Resources
Pete Wearstler	Wayne County Planning Department
David White	Summit County Engineer's Office
Pat Gsellman	City of Akron
Greg Tracy	City of Barberton
Joseph Hadley, Jr.	NEFCO
Tom LaPlante	NEFCO
Nick Lautzenheiser	NEFCO

Chairwoman Smith called the meeting to order

Public Comments

None.

Meeting Summary

The December meeting summary was accepted as transmitted.

NEFCO FY2021 Work Program

208 Plan Chapter 3 update – status of completion activities

Chapter 3 update text and Appendices submitted to Ohio EPA

Mr. LaPlante reported that on December 30th, staff submitted the NEFCO Board-approved Chapter 3 update text and Appendices, which are the 55 individual PDFs of FPA maps and written prescriptions, to Ohio EPA, along with the signed Board resolution. He noted that during the Ohio Association of Regional Councils (OARC) subcommittee meeting on December 14th, the Ohio EPA gave the six Areawides a December 31st deadline to submit their 208 updates for statewide certification. He further noted that NEFCO staff received confirmation that the submittal has been received by Ohio EPA and staff will inform the ERTAC when the update receives state certification.

NEFCO's 208 online map made available to Ohio EPA for its online NEO 208 map

Mr. LaPlante explained that as part of NEFCO's submittal for statewide 208 certification, NEFCO staff and Ohio EPA staff coordinated to make NEFCO's 208 interactive online map available to Ohio EPA for its online NEO 208 map, which, with NEFCO's recent addition, now includes the 208 maps of all three northeast Ohio Areawides. He commented that the Ohio

EPA's online NEO 208 map has a somewhat different wastewater treatment prescription color scheme than NEFCO's map; however, like NEFCO's online map, viewers of Ohio EPA's NEO map can pan and zoom-in and click on any point on the map to link to written prescription information and to identify the MA for a specific location on the map.

Memo to management agencies and local health departments to notify them that the update has been approved: status

Mr. LaPlante informed the ERTAC that the memo to the MAs and local health departments notifying them the update has been approved and is immediately ready for use by the MAs, local health departments, jurisdictions, and the Ohio EPA has been sent.

Press release that the update has been approved; status

Mr. LaPlante explained that a press release has been sent to the major newspapers in the NEFCO region announcing that the update has been approved and, with the approval, can immediately be used by the Ohio EPA when it considers the issuance of PTIs and the granting of facility improvement loans. He noted that newspapers that received the press release include the Record Courier, the Canton Repository, the Akron Beacon Journal, and the Wooster Daily Record.

Mr. LaPlante oriented the ERTAC to the Ohio EPA's NEO 208 interactive online map by showing a few slides with screenshots of the 208 maps of the three northeast Ohio Areawides, NEFCO, NOACA, and Eastgate. He explained the difference in wastewater treatment prescription color schemes and provided the key words to search the internet for the Ohio EPA's NEO 208 map. Chairwoman Smith asked for clarification regarding how the Ohio EPA handles the white areas on NEFCO's 208 map, meaning without wastewater treatment planning prescriptions, which are shown as red areas on Ohio EPA's map, meaning other wastewater treatment options. She also asked for clarification regarding how local health department sanitarians handle properties within these areas when owners decide to build. Mr. LaPlante explained that whenever Ohio EPA reviews a draft PTI or facility improvement loan for these areas, it handles the wastewater treatment planning decisions based on best science or whatever its "Green Book" requires. He added that whatever wastewater treatment decision Ohio EPA makes for these areas will not be in conflict with the Clean Water Act. He further explained that the local health departments still handle the wastewater treatment decisions within their jurisdiction by enforcing OAC 3701-29 in these geographical areas.

208 Plan Chapter 3, Policy 6 3-6a and 3-6b

Timeline for review and revision adjusted

Mr. LaPlante reminded the ERTAC that the 208 Plan's Chapter 3, Policy 3-6a/3-6b covers how staff, the ERTAC, and the NEFCO Board should handle resolving conflicts between adjacent MAs when one MA desires to expand its sewer service into another MA's FPA without its consent. He remarked that as we recently learned, this Policy in its current version, offers no solutions in a real situation and, therefore, must be revised to make it useful. He noted that due to the complexity of the revisions that are needed for this Policy to be effective, the timeline for its revision has been adjusted, but it hasn't been firmed up. He announced that because of this the ERTAC Policy 3-6a/3-6b subcommittee meeting that was planned to take place after today's ERTAC meeting will be postponed until any proposed revision to this Policy can pass staff's test of a hypothetical conflict between adjacent MAs. He mentioned that the timeline that was presented to the ERTAC last month indicated that on June 2, staff would inform the ERTAC of a listing of all products to be released for public comment. He noted that since the changes to policy 6a/6b will not be made operational until they are accepted by Ohio EPA, after the board approves them, the adjusted timeline will be constructed to get the changes to the ERTAC by a

target date for its consideration to recommend Board approval; and that target date is still being discussed internally.

NEFCO staff reviewing similar 208 policies of other Areawides

Mr. LaPlante remarked that in reviewing similar 208 policies of other Areawides, NEFCO staff thus far has observed that criteria are needed to perhaps sharpen how FPAs can be changed in the NEFCO region. He indicated that as a next step, staff will develop those criteria and solicit input from municipal and county MAs. He explained that NEFCO staff will be working on this next step while it continues to review the similar 208 policies of the other Areawides. He reported that NEFCO staff will meet with the other Areawides to discuss their policies at an upcoming OARC Water Quality Subcommittee roundtable that is currently being scheduled for this purpose.

Second request for subcommittee members to assist staff in policy review and revisions

Mr. LaPlante reminded the ERTAC that at last month's meeting, only Mr. Kastner from Wayne Soil and Water Conservation District volunteered to serve on this subcommittee. He asked whether there were additional volunteers, knowing that a goal is to get some of the municipal and county MAs to weigh in on the criteria that is being developed. At Mr. LaPlante's request, Mr. Coey and Ms. Hanna volunteered (via the Teams chat board) to serve on this subcommittee along with Mr. Kastner, which means that the subcommittee currently consists of two municipal and one county MA. Mr. LaPlante added that any others interested in serving on the subcommittee could contact him anytime.

Draft Chapter 4 review

Timeline for review adjusted

Mr. LaPlante reminded the ERTAC that Chapter 4 addresses the management of household sewage treatment systems, semi-public sewage disposal systems, and small flow on-site sewage treatment systems. He explained that due to the complexity of the revisions that are needed for this draft chapter, the timeline for its review and revision has been adjusted, but it, like the Chapter 3, Policy 6 revisions timeline, hasn't been firmed up. He further explained that the timeline that was presented to the ERTAC last month indicated that on June 2, staff would inform the ERTAC of a listing of all products to be released for public comment. He added that the adjusted timeline will be constructed to get the edited draft to the ERTAC by a target date for its consideration to recommend Board approval; and that target date is still being discussed internally.

NEFCO staff reviewing the 2016 draft for errors, omissions, etc.

Mr. LaPlante reported that NEFCO staff is performing an internal review of the 2016 edited draft that was written by an ERTAC subcommittee of county health departments and that edited draft has written comments from Todd Paulus of Stark County Health Department and Mary Helen Smith of Portage County Health Department, which were written on May 12, 2016, but have not been addressed. He added that Todd Paulus reviewed the edited draft again this week and observed that there have been several important updates at the state level that have occurred since the 2016 draft Chapter 4 was written, the most important of these are a revised MOU for local health departments to conduct the HB 110 program and the revised General NPDES Permit for household sewage treatment systems. Mr. LaPlante explained that some of the older comments and these new comments will result in additional chapter sections being written or modified.

Subcommittee representatives to assist staff in chapter review and revisions

Mr. LaPlante reported that currently those who volunteered to serve on this subcommittee to assist NEFCO staff in the draft Chapter 4 review and revisions are Mary Helen Smith and her

Portage County Health Department staff; Ali Rogalski of Summit County Public Health; Todd Paulus of the Stark County Health Department; and tentatively, Vaughn Anderson of the Wayne County Health Department. He noted that with this group, we have the top sewage program managers from the four county health departments on the subcommittee and most were on the original subcommittee. He thanked everyone for volunteering again. He asked whether there are any additional volunteers that would like to serve on this subcommittee, perhaps some of the MAs.

Portage Lakes Management Study (PLMS) – Phase 5

PLMS partners meeting via Teams scheduled for January 21st at 9:00 a.m.

Mr. LaPlante reminded the ERTAC that with Phase 5 of the PLMS, NEFCO is transitioning from this being a NEFCO project with technical advisory committee assistance to a TAC-based Portage Lakes management partnership, with technical assistance **from** NEFCO. He reported that a discussion of this transition will take place at a PLMS partners meeting via Teams that is scheduled for January 21st at 9:00 a.m. He further reported that the next steps for the draft Portage Lakes Management Plan will also be discussed. He added that the PLMS partners consist of those who previously served on the TAC.

ERTAC topics/speakers for CY2021

Mr. LaPlante announced that at next month's meeting on February 3rd, the speaker will be Bill Zawiski of Ohio EPA NEDO's Division of Surface Water. Mr. LaPlante remarked that to help kick off the beginning of the 208 Plan's Chapter 2 update, Mr. Zawiski will discuss Ohio EPA's most recent pre-COVID-19 water quality assessments, attainment status reports, and TMDL modeling of the NEFCO region's subbasins; and any planned future post-COVID-19 water quality assessments, attainment status reports, and TMDL modeling of the NEFCO region's subbasins, when the state budget allows. Mr. LaPlante reminded the ERTAC that Chapter 2 discusses the current water quality conditions in the NEFCO region's subbasins and it is based on Ohio EPA's existing water quality assessment, attainment, TMDL data, and designated use status for those subbasins.

Mr. LaPlante announced that at the March 3rd or April 7th meeting, the speaker will be Jim Hoorman, a soil scientist fellow at the University of Akron Research Foundation and owner of Hoorman Soil Health Services in northwest Ohio. Mr. LaPlante commented that a few years ago, Mr. Hoorman gave the ERTAC a presentation on no-till and cover crop farming to prevent excessive runoff of nutrients, especially phosphorus, that can lead to the growth of harmful algal blooms. He remarked that Mr. Hoorman's presentation this year will center on his involvement in a University of Akron Research Foundation project that received nearly \$660,000 in funding from the U.S. EPA's Great Lakes Restoration Initiative (GLRI). Mr. LaPlante explained that under this project, the University of Akron Research Foundation developed or is developing a farmer-led outreach and education program in the Maumee River watershed of the western Lake Erie basin, resulting in drainage ditch improvements on 665 acres of farmland. He further explained that the project will combine the practices of no-till farming with cover crops with the planting and assessment of field-edge deep-rooted native prairie grass strips to intercept runoff along 9,000 linear feet of streams and ditches. Mr. LaPlante informed the ERTAC that a goal of the project is to demonstrate that widespread implementation of these best management practices could reduce harmful algal blooms in Lake Erie while at the same time improve soil structure and farm production. He indicated that either date is good with Mr. Hoorman and asked whether there was a preference for him to speak on March 3rd or April 7th. Hearing that the committee had no date preference, Mr. LaPlante noted that Mr. Hoorman's discussion would be at the March 3rd ERTAC meeting.

Mr. LaPlante explained that staff is seeking additional speakers for this calendar year and those will be announced as they are confirmed. He noted that he will be reaching out next to Attorney Louis McMahon from Cleveland, who discussed “Ohio Water Law 101” at the 2020 virtual Ohio Storm Water Conference. Mr. LaPlante said that if anyone has topics and/or speakers that they would like to hear this year, he would appreciate hearing their suggestions. Mr. Kastner suggested that a representative from NOACA and/or Eastgate speak at a future ERTAC meeting about the formation of their respective Areawide and some of the challenges they face with FPA modifications, so the committee does not feel as if it’s working in a vacuum. Mr. LaPlante responded that this is a reason that the OARC Water Quality Subcommittee roundtable is being scheduled, so NEFCO staff can learn about the other Areawides’ challenges regarding FPA modifications. Mr. LaPlante added that he would see whether NOACA’s senior environmental quality planner would be willing to speak at an upcoming meeting since NEFCO and NOACA coordinated on the 2003 208 updates for the Lake Erie Basin in their respective regions and, therefore, have similar 208 policies. Chairwoman Smith suggested that Eastgate’s environmental program manager speak about Eastgate’s fewer wastewater treatment prescription categories than NEFCO’s and NOACA’s categories and its experience with amendments. Mr. LaPlante indicated that he will reach out to Eastgate for a speaker as well.

Reports from ERTAC members (a chance for members to report on activities or problems affecting their communities)

None.

Information items requested

Mr. Hadley commented that with the transition to the new administration there will be a lot of information as the new administration tries to undo some of the things that have been rolled back under the previous administration, as well as new funding programs and increases in funding to existing programs, such as the Great Lakes legacy funding that received an increase in funding in the omnibus spending bill that was signed last month.

Ohio EPA, ODNR, and ODH Public Notices requested

Mr. Hadley described an additional public notice that NEFCO just received on the Ohio Water Supply Revolving Loan Account (WSRLA) for program year 2022. He informed the ERTAC that there will be an information webinar on January 21st from 10:00 a.m. to 11:00 a.m. Mr. Hadley directed the ERTAC to the Ohio EPA DEFA website, or NEFCO staff for additional information on the Ohio WSRLA. Mr. Hadley then drew attention to item No. 4, “Final PFAS testing results received from a survey of almost 1,500 public drinking water systems.” He suggested that another potential speaker for a future ERTAC meeting could be an Ohio EPA staffer discussing the results of the PFAS testing results and what possible new steps might be on the horizon for public water systems. Mr. Hadley reminded the committee that Ohio EPA had to suspend its data collection program due to state budget cuts in response to the costs of the COVID-19 pandemic, but now the PFAS public water systems survey has been completed. Chairwoman Smith then drew attention to item No. 2, “Ohio EPA finalizes its Water Pollution Control Loan Fund (WPCLF) 2021 Program,” and noted that it appears that Ohio EPA DEFA funded most health districts for the WPCLF for the repair/replace failing household sewage treatment systems. She directed the committee to Ohio EPA DEFA’s website to view the document.

Ohio Environmental Legislation Recently Signed or Introduced

None.

Other Business

None.

ERTAC Contact Hour Course List

Mr. LaPlante reported that in an attempt to meet the Ohio EPA's contact hour requirements for virtual meetings, he requested that the February ERTAC meeting speaker, Bill Zawiski from Ohio EPA, insert poll questions slides into his presentation for those wanting contact hours to answer in the Teams chat platform, and Mr. Zawiski agreed. Mr. LaPlante added that he will request future ERTAC speakers to do the same.

Next Meeting

Chairwoman Smith said that the next meeting would be held on February 3, 2021 as a virtual meeting via Microsoft Teams.