

November 3, 2021
ENVIRONMENTAL RESOURCES TECHNICAL ADVISORY COMMITTEE
Executive Committee
Meeting Summary

Attendance

Mary Helen Smith	Portage County Health District
Wesley Carder	City of Canton
Tony Demasi	City of Cuyahoga Falls
Kevin Givins	City of Orrville
Patrick Jeffers	City of Ravenna
Rob Kastner	Wayne Soil and Water Conservation District
Jenn Kiper	Wayne County Planning Department
Ali Rogalski	Summit County Public Health
Patricia Vanah	Ohio EPA NEDO
Rodney Mackey	Village of Apple Creek
Joe Hadley	NEFCO
Tom LaPlante	NEFCO

Chairwoman Smith called the meeting to order

Public Comments

Mayor Mackey of the Village of Apple Creek commented that he enjoys attending ERTAC meetings and learns a lot from them.

Meeting Summary

The October meeting summary was accepted as transmitted.

Discussion Item

“Current Hot Environmental Topics”; ERTAC members were asked to engage in a discussion on any of the topics shown on the list that was provided (attached) and the following four topics were discussed:

Draft HSTS general NPDES permit OHK000004: What are the proposed changes? Does coverage under this general permit have a financial impact to the wastewater management agencies that funded and installed sewers within 400 feet of a property needing a replacement HSTS? How does a lack of coverage correlate to the state’s stormwater regulations?

Mr. LaPlante indicated that the deadline for comments on the draft HSTS general NPDES permit is November 8, 2021, and he summarized the three proposed changes:

1. Allows replacement of failing HSTSs on lots platted after January 1, 2007
2. Addresses laboratory accessibility concerns raised by local health districts—sampling for CBOD5 is no longer required
3. Eliminates NOI requirements for permit renewal; existing permits will be renewed automatically

Chairwoman Smith and Ms. Rogalski engaged the other members in a discussion on what the current HSTS general NPDES permit allows, and why the proposed changes were needed. Mr. LaPlante explained that one change that isn’t proposed is that a homeowner can still obtain coverage under this permit to have an off-lot discharging HSTS (point source) installed when existing sanitary sewer is within 400 feet of his or her property line if a financial barrier to connecting to sewer can be demonstrated. He further explained that Ohio EPA-Central Office, Division of Surface Water staff has indicated that if the cost of connecting to sewer exceeds the cost of the most expensive on-lot, non-discharging HSTS, then a financial barrier to connecting

exists and the homeowner may obtain coverage to discharge off-lot. He indicated that this 'exemption' was a surprise to at least one of the NEFCO region's sewer authorities earlier this year, and that management agency wondered if it should consider installing connection points on any future sewer to reduce the connection cost to the homeowners and to recover its costs of the project. Ms. Rogalski indicated that in Summit County, the cost of the most expensive on-lot system is \$23,500, meaning if sewer was within 400 feet of a property with an existing failing HSTS and the homeowner can demonstrate through contractor bids that the cost of connecting would exceed \$23,500, then that homeowner could obtain coverage under the HSTS general NPDES permit to install an off-lot discharging HSTS that would cost only about \$10,000. Mr. Demasi asked Chairwoman Smith and Ms. Rogalski for clarification regarding why the homeowner in this instance wouldn't be required to install the most expensive on-lot, non-discharging HSTS. They explained that homeowners are only eligible for coverage under the HSTS general permit when the site and soils are not suitable for an on-lot non-discharging HSTS and an off-lot discharging HSTS is the only option. Mr. LaPlante indicated that one thing that isn't clear in the draft HSTS NPDES permit is whether the thousands of discharging HSTSs (point sources) that are not eligible for coverage under the HSTS general NPDES permit since they were installed prior to 2007 will still be considered illicit discharges under the state's stormwater regulations. After some discussion from Chairwoman Smith, Ms. Rogalski, and other ERTAC members, it was suggested that the pre-2007 discharging HSTSs would still be considered illicit discharges under the draft general permit.

Stormwater: What are the burning issues here?

Chairwoman Smith, Ms. Rogalski, and Vice Chair Kastner commented on their respective agency's stormwater programs. Chairwoman Smith indicated that Portage County Health District is meeting its stormwater program's goals this year. Ms. Rogalski indicated that of the approximately 1,400 outfall sites that SCPH monitors only about 37 remain to be sampled and those will be sampled before the end of the year. Mr. Kastner indicated that Wayne County doesn't require sampling unless there are obvious signs of untreated sewage or nutrients at the outfalls, and its stormwater program's goals are being met.

Availability of qualified professionals in the water/wastewater field: Is there a shortage; why or why not?

Ms. Rogalski discussed a shortage of competent HSTS installers as more experienced ones are retiring. Chairwoman Smith commented that there are problems with staffing shortages and operators not staying in the business. Mr. Hadley asked Ms. Vanah whether she is seeing a trend of many smaller communities contracting with operators that are the operator of record for multiple systems. Ms. Vanah indicated that she is seeing that, and one of the problems is that smaller operators are being hired away by larger ones. She added that a problem with contract operators is that some of systems need an operator 24/7, but a contract operator can't be at multiple systems many miles apart 24/7. Mr. Givins concurred with Ms. Vanah regarding smaller operators being hired away by larger ones, saying that 79 people applied for a single operator position in the City of Orrville.

Land application of septage and other waste: What are the issues?

Chairwoman Smith mentioned that Portage County doesn't allow land application of septage and she voiced her concerns regarding Ohio EPA allowing land application of municipal and industrial waste without an inspection by the agency, especially afterward. Mr. Givens discussed the newer field sampling and spread reporting requirements for land application of public drinking water system sludge. Ms. Vanah went over the Ohio EPA's land application approval requirements.

NEFCO FY2022 Work Program

208 Plan Chapter 3 update; state certification; status

Mr. LaPlante reported that NEFCO and the other 5 Areawide Planning Agencies received documentation from Ohio EPA showing that the governor certified all submitted 208 Plan updates and amendments on September 21st and showing that the Ohio EPA submitted them to US EPA for approval on October 28th. He added that once approved by US EPA, the certified 208 updates and amendments will become part of the state's Water Quality Management Plan.

Annual Areawides' submission of 208 Plan amendments and updates for the next state certification; timeline

Mr. LaPlante reported that Ohio EPA recently provided a general timeline for the Areawides' annual submission of 208 Plan amendments and updates for certification into the state's Water Quality Management Plan during the next cycle. He added that last year, the Ohio EPA's deadline for the Areawide's submission of these was December 31st; and this year, Ohio EPA would like the Areawides to submit them to the agency by the end of November, then confirm the agency's receipt of them by December 15th.

208 Plan update by Ohio EPA for counties out of the 6 Areawides' regions; status

Mr. LaPlante explained that Ohio EPA is responsible for wastewater management planning for the counties that are not within an Areawide Planning Agency's region. He reported that the agency provided the status of its 208 Plan update a webinar it held on October 21st, saying that its last 208 update was in 2006, and that it plans to implement a phased approach to its update. He further reported that Ohio EPA will begin the first of several phases of its 208 update in January 2022, starting with public outreach in its southeast district office region and some of the central Ohio counties. He added that the agency anticipates that its 208 Plan update will be completed by the end of calendar year 2023.

Areawides/Ohio EPA collaborative project on sewer and unsewered areas data collection and mapping; status

Mr. LaPlante explained that NEFCO and the other 5 Areawide Planning Agencies are continuing to assist Ohio EPA with this collaborative data collection and mapping project by collecting data on unsewered areas. He further explained that Ohio EPA will use this information as it determines how to allocate funding to provide sewer connections and HSTS upgrades for identified unsewered areas with low-to-moderate income. He added that funds may also be available for extending sewer to mobile home parks (MHPs) with poorly maintained private WWTPs, and that Ohio EPA has provided the Areawides with the statewide list of latitude/longitude coordinates for each MHP with an NPDES permit. He further added that NEFCO is using these data to map the MHPs along with the priority unsewered areas with HSTSs. He noted that to date, the wastewater management agencies and health districts in Portage, Summit, and Wayne Counties have provided NEFCO staff with their priority areas, and Stark County is in the process of doing this.

Portage Lakes Management Study--Phase 6; status

Mr. LaPlante reported that the Portage Lakes Partners met on October 21st to discuss what's needed to release and seek acceptance of the draft PLMS Management Plan. He noted that Ohio EPA staff in attendance at that meeting suggested that the partners take one more month to look over the plan before releasing it. He announced that the next partners meeting is scheduled for December 2nd, from 9:00 to 11:00 a.m. He explained that this next meeting will be held to move forward with seeking acceptance of the draft Management Plan from the Portage Lakes communities and to move forward with conducting public outreach and seeking public comments before the plan is presented to the NEFCO Board for adoption.

Ohio Water and Sewer Infrastructure Grant program (as created by HB 168); status

Mr. LaPlante reported that Ohio EPA-DEFA has informed the OARC water quality subcommittee that in response to the \$250 million allocated through HB 168, the Ohio Department of Development (ODOD) received over 1,000 applications with a total request of over \$1 billion in funding. He added that, according to Ohio EPA, a bubble list will be created by ODOD and Ohio EPA for those that funding wasn't available. He noted that the projects receiving funding are roughly evenly divided between drinking water and wastewater with a small number of stormwater and CSO projects included, according to Ohio EPA.

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

Chairwoman Smith reported that the Draft 2022 Water Pollution Control Loan Fund (WPCLF) Program Management Plan (PMP) is available for review and that Ohio EPA has scheduled a public hearing for it on December 2nd. Ms. Vanah reported that the second round of funding through the Ohio BUILDS Water and Wastewater Infrastructure Grant Program (as created by HB 168) was just released, and it provides an additional \$43 million for 28 submitted priority projects in the state, some of which are in Ohio EPA-NEDO counties, but none are in the NEFCO region. She indicated that the first round of funding provides \$93 million for 54 submitted priority projects in the state. (Note: The first round of funding provides about \$12 million in funding for 4 submitted priority projects in the NEFCO region, with one project in each of the four counties receiving funding.)

Information items requested

No items were requested.

Ohio EPA Public Notices requested

No notices were requested.

Ohio Environmental Legislation Recently Signed or Introduced

None.

Other Business

None.

ERTAC Contact Hour Course List

Chairwoman Smith drew the ERTAC's attention to the list.

Next Meeting

Chairwoman Smith said that the next meeting would be held on December 1, 2021, at The Natatorium, Hopewell Room, 2345 4th Street, Cuyahoga Falls, Ohio

Current Hot Environmental Topics

- Draft HSTS general NPDES permit OHK000004 (comment deadline is November 8, 2021) -- What are the proposed changes? Does coverage under this general permit have a financial impact to the wastewater management agencies that funded and installed sewers within 400 feet of a property needing a replacement HSTS? How does a lack of coverage correlate to the state's stormwater regulations?
- Stormwater – What are the burning issues here?
- Availability of qualified professionals in the water/wastewater field: Is there a shortage; why or why not?
- Availability of federal and state funding for wastewater/water: Are there issues? How is the increase in funding affecting the region? Should NEFCO be doing something to assist its members?
- Proposed HB 385: Are the current Ohio EPA regulations adequate for addressing a municipality/county that falsifies its data submittals to OEPA?
- CAFOs in the region and their management: What are the issues?
- Land application of septage and other waste: What are the issues?
- PFAS – Should there be a USEPA drinking water standard? What are the issues and impacts of such a standard?
- Deep well injection: What are the issues?
- Recycling: Is this an issue in the region? Has it increased/decreased during the pandemic? Why or why not?
- Is there a need for legislation covering some other regional environmental matter?
- Other: Suggestions from ERTAC members