

**April 7, 2021**  
**ENVIRONMENTAL RESOURCES TECHNICAL ADVISORY COMMITTEE**  
**Executive Committee**  
**Virtual Microsoft Teams Meeting Summary**

**Attendance**

Rob Kastner	Wayne Soil and Water Conservation District
Ynes Arocho	Ohio EPA
Nathan Coey	City of Wooster
Tony Demasi	City of Cuyahoga Falls
Gail Gifford	Portage County Regional Planning Commission
Kevin Givens	City of Orrville
Patrick Jeffers	City of Ravenna
Dan Joseph	City of Akron
Jenn Kiper	Wayne County Planning Department
Ross Nicholson	Summit County Department of Sanitary Sewer Services
Ali Rogalski	Summit County Public Health
Tia Rutledge	Portage County Water Resources
Mike Vinay	Summit County Department of Sanitary Sewer Services
Pete Wearstler	Wayne County Planning Department
David White	Summit County Engineer's Office
Darryl Kleinhenz	AMATS
James Fisher	Ohio EPA
Joseph Hadley, Jr.	NEFCO
Tom LaPlante	NEFCO
Nick Lautzenheiser	NEFCO

**Vice-Chair Kastner called the meeting to order**

**Public Comments**

None.

**Meeting Summary**

The March meeting summary was accepted as transmitted.

**Discussion Item**

*"Ohio's Source Water Assessment Program: Where it Began, Where it is Today, and Where it will be Tomorrow;" James Fisher, Geologist-Environmental Specialist 2, Source Water Assessment and Protection (SWAP) Program Coordinator, Ohio EPA-NEDO Division of Drinking and Ground Waters*

James Fisher, Geologist-Environmental Specialist 2, gave a PowerPoint presentation on Ohio's Source Water Assessment and Protection (SWAP) Program. Mr. Fisher's discussion began with a brief history of Ohio's SWAP Program. He gave some early examples of Ohio EPA-endorsed source water protection plans in the NEFCO region, including the City of Wooster's protection plan that was endorsed in 2000, the City of Hudson's protection plan that was endorsed in 2001, and the City of Kent's protection plan that was endorsed in 2008. Mr. Fisher then talked about how Ohio EPA's reorganization of its Division of Drinking and Ground Waters in 2018 and its technology change over from ArcGIS 10.7 to ArcPro affected the SWAP Program. He discussed recent successes with the Program, including the City of North Canton's revised source water assessment that was endorsed by the Ohio EPA in 2020 and the City of Wooster's updated source water protection plan that was endorsed within the last few weeks. His presentation wrapped up with a discussion on the future of Ohio's SWAP Program. Topics covered by Mr. Fisher during this presentation included:

- Goal of the SWAP Program: To protect drinking water sources from contamination
- Safe Drinking Water Act amendment in 1986 created Wellhead Protection Program
- Safe Drinking Water Act amendment in 1996 created SWAP Program
- SWAP Program History
- Early SWAP Program successes
- Early SWAP Program difficulties
- Where is the SWAP program today?
- The SWAP process
  - Step 1: Source water assessments
  - Step 2: Protection planning
- Source water protection areas and other state agencies and programs
- Importance of education and outreach
- Contingency planning/emergency response to protect source water
- Source water monitoring
- Recent SWAP Program successes
- Recent SWAP Program difficulties
- The future of the SWAP Program
- Ohio EPA DDAGW geology work
- Ambient Ground Water Quality Monitoring Program

A discussion followed Mr. Fisher's presentation. He answered a question regarding whether source water protection areas are addressed by the Ohio Department of Natural Resources when it issues permits to drill horizontally fracked oil and gas wells. He answered another question regarding whether Ohio EPA would issue a permit to a new facility that may be a contamination source when the proposed location of that facility would be within a source water protection area. Also, whether that facility may be required to carry insurance to cover clean-up costs should it contaminate a community's source water. He also addressed a comment about past SWAP Program public outreach and education materials, especially some of the materials that were oriented to educate children on the importance of source water protection.

### **NEFCO FY2021 Work Program**

#### **208 Plan Chapter 3 update; status of state certification**

Mr. LaPlante reported that during the Ohio Association of Regional Councils water quality subcommittee meeting on March 15<sup>th</sup>, NEFCO staff learned that Ohio EPA expects to publish NEFCO's Clean Water Plan Chapter 3 update for initial public notice in early April 2021 along with the 208 updates from the other Areawides. He noted that typically, Ohio EPA's initial public notices allow comments to be received up to 30 days from the date that they are published. He added that after the public notice period, Ohio EPA will submit NEFCO's Chapter 3 update to the governor's office for certification into the state's water quality management plan, which took about 30 days during the last state certification of the Areawides' 208 updates. Mr. LaPlante explained that after certification by the governor, Ohio EPA will submit NEFCO's update and those from the other Areawide planning agencies to US EPA for approval, along with Ohio EPA's update for areas that are not within an Areawide's region; and after that, approval of NEFCO's update will be dependent on the US EPA's schedule. He indicated that NEFCO staff will keep the ERTAC updated on the status of the state certification of the Chapter 3 update.

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

*Staff writing short guidance sections to help remove ambiguity from existing criteria*

Mr. LaPlante discussed how the 208 Plan's Chapter 3, Policy 3-6a and 3-6b contains ambiguous criteria that allows either MA in an FPA conflict situation to defend their position. He noted that after NEFCO staff reviewed the similar 208 policies of the other Areawide planning agencies it was revealed that while all three northeast Ohio Areawides (NEFCO, NOACA and Eastgate) have some of the same ambiguous Policy criteria, NOACA has removed much of the ambiguity in its most recent 208 Plan update by eliminating outdated criteria and adding clear and concise transition paragraphs and brief guidance sections for ambiguous phrases in the criteria. He informed the committee that NEFCO staff is using the same Policy revision approach that NOACA used and has completed writing about half of the short guidance sections to help remove any ambiguity from the existing criteria.

*Memo sent to management agencies; comments received and staff's responses*

Mr. LaPlante reported that on March 13<sup>th</sup>, staff sent a memo to the MAs regarding NEFCO's approach to the Policy revisions. He informed the ERTAC that the memo explains the problem with the current policy and why there needs to be some clarification in the policy's use, and it recommends some solutions and asks for comments on NEFCO's Policy revision approach to be sent to staff by March 31<sup>st</sup>. He explained that on March 31<sup>st</sup>, after receiving comments from only two MAs, the City of Wooster and the Village of Doylestown in Wayne County, both of which are in favor of NEFCO's Policy revision approach, staff extended the comment deadline to April 6<sup>th</sup>. Mr. LaPlante noted that the extended comment deadline resulted in only one additional comment from a management agency, which was a "no objection" comment from the Village of Minerva in Stark County. He commented that staff contacted all three MAs and thanked them for their comments and involvement in NEFCO's 208 planning process.

*Next steps*

Mr. LaPlante indicated that since the MAs have had the opportunity to comment on NEFCO's Policy revision approach, staff will continue revising the Policy by using the same approach that NOACA used with its last 208 update. He explained that after the Policy revisions have been completed, which should be soon, NEFCO staff will perform an internal review of the draft Policy. Next, staff will present it to the Policy subcommittee for its endorsement, so that it can be brought before the ERTAC for discussion and recommendation of consideration or acceptance by the NEFCO Board.

### **208 Plan draft Chapter 4; status**

Mr. LaPlante reminded the committee that Chapter 4 of the 208 Plan addresses the management of household sewage treatment systems, semi-public sewage disposal systems, and small flow on-site sewage treatment systems. He explained that the work scope in NEFCO's FY2021 contract with Ohio EPA calls for staff to review the 2016 draft Chapter 4 to determine if any revisions are needed to the document. He further explained that, to date, NEFCO staff has met what's called for in the work scope. He noted that staff performed a review of the 2016 edited draft that was written by an ERTAC subcommittee, consisting primarily of county health departments, and determined that extensive revisions are needed to the document, as discussed at the February ERTAC meeting. Mr. LaPlante remarked that there are subcommittee comments from 2016 written in the margin of the draft document and comments received this year that are resulting in the need for additional chapter sections to be written or modified. He added that NEFCO staff has also determined that there is an entire category of wastewater treatment systems that should be added to the chapter: those being the private decentralized systems that treat over 25,000 gpd from facilities such as mobile home parks and campgrounds. He noted that semi-public sewage disposal systems, which are

decentralized systems that treat under 25,000 gpd are addressed in Chapter 4, but the larger private decentralized systems that treat over 25,000 gpd aren't addressed in Chapter 3 or Chapter 4. He mentioned that NEFCO staff is determining how extensive the revisions should be under the FY2021 work scope and what revisions should be done under the next work scope for FY2022.

### **Portage Lakes Management Study (PLMS) – Phase 5**

*Next PLMS partners virtual meeting scheduled for April 22<sup>nd</sup>*

Mr. LaPlante announced that this agenda item has been revised with respect to the agenda that was sent to the ERTAC the previous week. He indicated that the next PLMS partners virtual meeting scheduled for April 22<sup>nd</sup> is being rescheduled and the details of the meeting are being finalized. He noted that this meeting will be one of two PLMS partners meetings remaining for FY2021.

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

None.

### **Information items requested**

None.

### **Ohio EPA Public Notices requested**

None.

### **Ohio Environmental Legislation Recently Signed or Introduced**

Mr. Hadley went over the specifics of the four bills that were listed on the agenda along with hyperlinks that take viewers to the actual bills. He indicated that HB 340, which addresses Ohio's drainage laws became effective on March 24, 2021 and an analysis of the law can be viewed through the link. He elaborated that the analysis document is useful since it gives viewers the prior law for a particular section, then shows how that section has been changed with the new law. He indicated that the other three bills have been introduced and appear on the agenda are: HB 158: To prohibit the use of Class B firefighting foam containing added PFAS chemicals for testing and training purposes; HB 175: To deregulate certain ephemeral water features under various water pollution control laws; and SB 83: To require the Ohio EPA to conduct a study to determine where brownfield sites are located in this state and to make an appropriation. Regarding the latter bill, Mr. Hadley commented that a past lawsuit resulted in Ohio EPA no longer maintaining a list of brownfield sites since property owners viewed the list as a government takings, and he added that there are thousands of these sites in the state; so, it will be interesting to see how SB 83 develops.

Mr. LaPlante added that HB 442 was signed by Governor DeWine on January 8, 2021 and will be in effect on April 12, 2021. He explained that the bill changes the professional title of "sanitarian-in-training" and "registered sanitarian" to "environmental health specialist in training" (EHST) and "registered environmental health specialist" (REHS), respectively, and that there are other impacts from the bill that affects registered sanitarian.

Vice-Chair Kastner elaborated on HB 175 and its applicability to the region's Soil and Water Conservation Districts.

### **Other Business**

None.

**ERTAC Contact Hour Course List**

Mr. LaPlante explained that there will be no speaker for the May 5<sup>th</sup> ERTAC meeting. He noted that, instead, there will be a roundtable discussion on *“Priority Water Quality Projects Around the Region.”* He requested that ERTAC members and alternates come prepared to speak for about five minutes about their “front burner” water quality project(s).

**Next Meeting**

Vice-Chair Kastner said that the next meeting would be held on May 5, 2021 as a virtual meeting via Microsoft Teams.