

**May 5, 2021**  
**ENVIRONMENTAL RESOURCES TECHNICAL ADVISORY COMMITTEE**  
**Executive Committee**  
**Virtual Microsoft Teams Meeting Summary**

**Attendance**

Rob Kastner	Wayne Soil and Water Conservation District
Nathan Coey	City of Wooster
Tony Demasi	City of Cuyahoga Falls
Kevin Givens	City of Orrville
Genny Hanna	City of Akron
Bob Hempel	Wayne County Health Department
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
Mary Helen Smith	Portage County Health District
Pete Wearstler	Wayne County Planning Department
David White	Summit County Engineer's Office
Becky Foster	Wayne County Board of Commissioners
Patrick Gsellman	City of Akron
Heather Ullinger	City of Akron
Joseph Hadley, Jr.	NEFCO
Tom LaPlante	NEFCO
Nick Lautzenheiser	NEFCO

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

**Public Comments**

None.

**Meeting Summary**

The April meeting summary was accepted as transmitted.

**Discussion Item**

*“ERTAC roundtable discussion on “Priority Water Quality Projects Around the Region.”*

ERTAC members were asked to give a brief report on their top water quality projects.

- Mr. White reported on a Summit County Engineer's priority project, which is the renewal of the Municipal Separate Storm Sewer Systems (MS4) Permit that allows all urban communities to discharge their stormwater to waters of the state. He indicated that the MS4 permits are 5-year permits and the current permit expired on September 10, 2019, but remained effective until Ohio EPA finalized the new permit, which occurred on April 1, 2021. He noted that all the urban communities in the region and the state are required to renew their permit by filing their Notice of Intent (NOI) with Ohio EPA by July 1, 2021. He added that in Summit County, the urban communities are covered under the county's MS4 permit (except for Akron) and he explained how this combined MS4 permit coverage has its advantages and disadvantages.
- Ms. Hanna reported on major water quality improvement projects that the City of Akron has completed and has underway, including the continued work that the city is performing on its CSO Long Term Control Plan, which has resulted in wastewater treatment plant upgrades,

the construction of the Ohio Canal Interceptor Tunnel (OCIT), storage basin(s), and installation of green infrastructure to reduce and separate stormwater from the city's sewers. She indicated that after completion of all work, it will result in a ninety-nine percent reduction in CSO events and a ninety-two percent reduction in CSO volumes in a typical year. She gave a brief summary of the two major remaining projects required by the consent decree, which are the Northside Project tunnel and the Enhanced High-Rate Treatment (EHRT) on the OCIT overflow, the latter of which may not be needed depending on the outcome of ongoing discussions between the City of Akron and US EPA. She finished her report by discussing the City of Akron's role in the proposed Gorge Dam removal project, which is the design and construction (removal) of the dam structure and river restoration, and the timeline for the project.

- Mr. Nicholson discussed several of Summit County DSSS' current and future priority projects, including finishing up a major renovation/plant upgrade and start-up of Plant 36, which is DSSS' Upper Tuscarawas River WWTP. He reported that DSSS also recently abandoned its Aurora Shores treatment plant, converting it to a pump station that pumps sewage to the Twinsburg WWTP. He further reported that DSSS is in the process of designing a collection system for the City of New Franklin, which is divided into thirteen project areas, five of which are currently in design, with a major part of the project being the design of a pump station that will take all the eventual flow from the City of New Franklin and pump it to the Barberton WWTP; and included with the thirteen project areas is the abandonment of the Zelray WWTP, which currently discharges into the Portage Lakes, and the re-routing of that flow to the new pump station to pump the sewage to the Barberton WWTP. Mr. Nicholson answered Mr. White's questions regarding the Plant 36 upgrades and inflow/infiltration abatement at other locations and whether the opposite of inflow/infiltration, which he termed as "outflow and exfiltration", had been studied by DSSS.
- Mr. Demasi reported on top water quality/quantity projects in the City of Cuyahoga Falls, including the city recently updating its stormwater management policy for new and existing developments in 2019 to address the weather changes that have occurred over the past twenty years. He indicated that the City of Cuyahoga Falls' updated stormwater management policy mirrors FEMA's policy. He also mentioned that he presented at his second FEMA webinar last year and his topic was the large stormwater mitigation rain garden that the city constructed on 6<sup>th</sup> Street, which was built in conjunction with approval from FEMA Region 5 since the project is located in one of FEMA's mitigation sites.
- Mr. Coey reported on the City of Wooster's new 5 million gallon finished biosolids storage tank that has recently been constructed to capture any nuisance odors related to the hauling process. He indicated that testing of the storage tank will be conducted in June and it is fully operational now.
- Mr. Givens reported that City of Orville is involved with some well rehabilitation for its public drinking water system, which is typical preventative maintenance for this time of the year. He indicated that a couple of the city's eleven production wells are chosen each year for updates to improve capacity.
- Ms. Smith provided an update on Portage County Health District's activities in its water quality programs, including an enforcement case involving approximately 300 homes in Ravenna Township. She indicated that the Health District worked with Portage County Water Resources and the Portage County Board of Commissioners on this case. She reported that the Health District declared the homes a public health nuisance and the project is under development for sanitary sewers. She reported on a second sewage nuisance enforcement case that involves approximately eleven homes in Ravenna Township, which required a transfer of the sewer district since the City of the Ravenna owns the sewer, but the homes are located in Ravenna Township. She noted that since this has been ongoing

for about ten years without the sewage nuisance being abated. The next step is to have the Portage County Board of Health declare the homes a public health nuisance.

The discussion wrapped up with Vice Chairman Kastner thanking everyone for participating and commenting that after 28 years of working in this industry, this is the first that he's heard the term "outflow and exfiltration" or even considered anything other than inflow and infiltration and it should at least be considered. He also commented that he logged in to Mr. Demasi's presentation at FEMA's webinar and thought that the City of Cuyahoga Falls' rain garden project was a great example of how to mitigate urban flooding.

### **Consideration by the ERTAC of a Recommendation to the NEFCO Board**

*Consideration of an Amendment to the Clean Water Plan for the Ravenna Facilities Planning Area (FPA) to change the wastewater treatment prescriptions at the parcel level in Rootstown Township, within the Portage County Water Resource Department's Jurisdiction*

Mr. LaPlante went through the specifics of this amendment request from the Portage County Water Resources Department (PCWR). He showed a slide of Amendment Figure 1, which is the amendment location map, and explained that the requested amendment would change the wastewater treatment prescription for three specific parcels and in and near the adjacent State Route 44 road right-of-way in Rootstown Township, within the Portage County Sanitary Sewer Jurisdiction of the Ravenna FPA. He added that the requested amendment only involves correcting the map to the existing conditions and not changing anything from what exists and there are no proposed changes to the FPA boundary. He showed a slide of Amendment Figures 1 and 2, which are maps of the current and proposed prescriptions, respectively. He explained that the current wastewater treatment prescription for parcels 32-022-00-00-020-000 and 32-022-00-00-021-000, is yellow meaning "Areas Currently Served with Sanitary Sewer" and for parcel 32-022-00-00-002-003 is green meaning "Areas that will be Served by a POTW or by Home Sewage and Semi-Public Sewage Disposal Systems" and the right-of-way does not match some of the adjacent parcels' wastewater treatment prescriptions. He noted that PCWR requests this modification since the parcels ending with 020-000 and 021-000 on the east side of State Route 44 are not connected to and do not have access to the public sanitary sewer system and the parcel ending with 002-003 on the west side of SR 44 is currently connected to the public sanitary sewer system and not annotated as such. He added that PCWR is also requesting a correction to the overlapping of yellow in the State Route 44 road right-of-way, which is also shown incorrectly overlapping the frontage of a few of the parcels on the west side of State Route 44. These would be changed to green meaning "Areas that will be Served by a POTW or by Home Sewage and Semi-Public Sewage Disposal Systems" to match the respective parcels' wastewater treatment options.

Mr. LaPlante explained that the wastewater prescription within the Portage County jurisdiction for the parcels ending with 020-000 and 021-000 would be changed from "Areas Currently Served with Sanitary Sewer" to "Areas that will be Served by a POTW or by Home Sewage and Semi-Public Sewage Disposal Systems"; the parcel ending with 002-003 would be changed from "Areas that will be Served by a POTW or by Home Sewage and Semi-Public Sewage Disposal Systems" to "Areas Currently Served with Sanitary Sewer" and the incorrect overlapping yellow areas in the State Route 44 road right-of-way and onto a few additional parcels on the west side of OH-44, would be changed to green "Areas that will be Served by a POTW or by Home Sewage and Semi-Public Sewage Disposal Systems". He added that the affected local governments and agencies are the City of Ravenna; Portage County Board of Commissioners; Rootstown Township; and Portage County Health District; and that on April 23<sup>rd</sup>, PCWR sent request-for-comment letters to each affected local government and agency along with amendment Figures 1 thru 3 and a response form. He noted that "No objection"

comments have been received by all except the Rootstown Township Board of Trustees, which has PCWR's request for comments on its May 11<sup>th</sup> meeting agenda. He reported that the legal ad was published in the Record Courier on April 25, 2021 and has not resulted in any comments, but the 15-day comment period for the legal ad doesn't end until May 10<sup>th</sup>.

Mr. LaPlante requested that the ERTAC consider a recommendation of conditional approval of the proposed Ravenna FPA amendment by the NEFCO Board contingent upon the following occurring before the NEFCO Board meeting on May 19, 2021:

1. all comments from the legal advertisement being addressed without needing to revise the proposed amendment;
2. a "no objection" or favorable response from the Rootstown Township Board of Trustees before the Board meeting on May 19, 2021, or;
3. not receiving a response from the Rootstown Trustees before the 45-day response period lapses on June 9<sup>th</sup>.

Mr. LaPlante added that the NEFCO staff recommends an ERTAC recommendation of this conditional approval. Ms. Smith commented that the Portage County Health District would ask the ERTAC to support conditional approval of the amendment, which is needed for the Health District to move forward with an emergency repair of a household sewage treatment system. She added that she reached out to the chairman of the Rootstown Township Board of Trustees and confirmed that PCWR's request for comments is on its May 11<sup>th</sup> meeting agenda. Mr. Hadley commented that Tia Rutledge from PCWR was double-booked and couldn't make it to today's ERTAC meeting and he wanted to make the point that normally the management agency does plan on being present when there is an amendment that involves them. He added that he appreciates Ms. Smith's comments, especially in Ms. Rutledge's absence. Upon hearing all comments, Vice Chairman Kastner asked whether there was a motion for an ERTAC recommendation of conditional approval of the proposed Ravenna FPA amendment by the NEFCO Board contingent upon the conditions outlined by NEFCO staff being met. Mr. Demasi made a motion to recommend the conditional NEFCO Board approval as stipulated by the NEFCO staff. Mr. White seconded the motion. None were opposed. The motion carried.

### **NEFCO FY2021 Work Program**

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

Mr. LaPlante reported that during an Ohio Association of Regional Councils Water Quality Subcommittee meeting on April 7<sup>th</sup>, NEFCO staff and others at the OARC meeting learned that Ohio EPA published NEFCO's 208 Plan Chapter 3 update for public notice on April 20<sup>th</sup> along with the 208 updates from the other Areawides. He added that on May 20<sup>th</sup>, a public hearing on the proposed 208 Plan updates will be held to consider public comments and that the comment period ends on May 27<sup>th</sup>. He noted that after Ohio EPA addresses public comments the agency will then 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. He elaborated 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, then approval of NEFCO's update will be dependent on the US EPA's schedule.

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

#### *Status of revisions*

Mr. LaPlante explained that the NEFCO staff has nearly completed a draft of the revised Policy, which includes the addition of short guidance sections to remove ambiguity in the Policy's criteria that currently allows either MA involved in an FPA boundary dispute to argue that the

Policy defends its position. He commented that the memo that NEFCO staff had sent to all the MAs on March 13<sup>th</sup>, resulted in only four or five MAs either commenting that they had “no objection” or were in agreement with NEFCO’s Policy revision approach. He further commented that the goal of the revised Policy is to make clear how and when FPA boundaries can be modified (with NEFCO Board approval) when the affected MAs disagree with the proposed change and more input from the MAs is needed to meet this goal.

#### *Next steps*

Mr. LaPlante reported that the initial revisions will be completed within the next week, at which time NEFCO staff will speak directly with the larger MAs in an attempt to build a consensus on NEFCO’s Policy revision approach and incorporate what’s gained from those discussions into the revisions. He indicated that NEFCO staff will then present the draft revised Policy 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.

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

*Next PLMS partners virtual meeting re-scheduled for ~~May 6<sup>th</sup>~~ May 27<sup>th</sup>*

Mr. LaPlante noted that the next PLMS partners virtual meeting has been re-scheduled for May 27<sup>th</sup>, not May 6<sup>th</sup> as indicated on the agenda that was mailed out the previous week. He indicated that on May 3<sup>rd</sup>, the PLMS partners were notified about the new meeting date by Stephanie Deibel of Summit Soil and Water Conservation District. He added that NEFCO staff plans to provide the draft Portage Lakes Management Plan to the PLMS partners soon for their review. He explained that the purpose of the May 27<sup>th</sup> meeting is to discuss the Plan and for the partners to provide comments to NEFCO.

#### *Next steps for the draft Portage Lakes Management Plan*

Mr. LaPlante informed the ERTAC that after incorporating the comments received from the PLMS partners during their May 27<sup>th</sup> meeting into the draft Management Plan, staff will send the final edited draft of the Plan to the partners in mid-June. He noted that the fourth and final PLMS partners meeting for FY2021 will be held in late June for the purpose of getting the partners to ‘clear’ the draft Management Plan. He added that among the next steps after the PLMS partners give the draft Management Plan the go-ahead, staff will solicit public input before asking the ERTAC for a recommendation for the NEFCO Board to endorse the Plan.

#### **Areawides/Ohio EPA collaborative project on sewer area data collection proposed for FY2022 water quality work plan**

Mr. LaPlante reported that for the SFY2022 work program, an Areawides/Ohio EPA collaborative project on data collection for the Areawides’ sewer and unsewered areas is being proposed. He noted that as Ohio EPA decides how to allocate millions of dollars in state H2Ohio funding to provide sewer connections and HSTS upgrades in unsewered areas, data and information are needed from Areawides to determine regional priorities for unsewered areas. He further noted that this will be accomplished through a multi-year collaborative sewer and unsewered area mapping project that will be implemented in several phases in close partnership with Ohio EPA. He indicated that for the first phase, which is proposed to start on July 1<sup>st</sup>, with the start of SFY2022, or after the Areawides water quality planning work contract has been executed by Ohio EPA, NEFCO staff will be contacting the management agencies and county health districts for data. He explained that the MAs will be asked to provide NEFCO with currently available sewer line data, which will be overlaid with the 208 Plan’s “Areas Currently Served with Sanitary Sewer”. He further explained that NEFCO staff will ask the health districts to identify any priority areas for needed sewer connections or HSTS upgrades based on the potential for public health nuisances, stormwater monitoring results, and

other factors, such as age of systems, parcel size and soil suitability for onsite systems. He added that Ohio EPA will likely prioritize sewer connections and HSTS upgrades in low-to-moderate income areas, especially in areas with smaller parcels with unsuitable soils for on-site replacement systems; and the agency has indicated that no distance from existing sanitary sewer is too far to extend sewers to priority areas. So, the health districts shouldn't use distance to sewer as a factor in determining priority areas for needed sewer connections. He commented that Ohio EPA has indicated that POTW capacity upgrades may also be funded if they are needed to extend and connect sewer to the highest priority HSTS areas.

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

Mr. Hempel reported that 2020 was an extremely busy year for Wayne County Health Department's sewage treatment system program and 2021 is looking to be the same or busier, with a lot of new home construction underway in Wayne County.

### **Information items requested**

Mr. Hadley drew attention to item No. 1, which is from US EPA's website and is pertaining to the Environmental Justice Small Grants Program and a request for applications. To help spread the word, he wanted to let the ERTAC community know about this environmental justice grant opportunity; and he encouraged members to pass this information on to any group or individual who may be interested.

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

None.

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

Mr. Hadley provided brief comments on HB 245, which pertains to County Sewer Discounted Rates; and SB 143, which pertains to EPA Director Adopt Maximum Contaminant Level. He indicated that HB 245 would broaden the conditions when county sewer rates can be discounted, which would build on other programs to discount rates that a county might have. He commented that SB 143 would direct the Ohio EPA Director to adopt a maximum contaminant level (MCL) for Aluminum in drinking water.

### **Other Business**

None.

### **ERTAC Contact Hour Course List**

Vice-Chair Kastner briefly commented on the list.

### **Next Meeting**

Vice-Chair Kastner said that the next meeting would be held on June 2, 2021 as a virtual meeting via Microsoft Teams.