

June 2, 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
Tony Demasi	City of Cuyahoga Falls
Gail Gifford	Portage County Regional Planning Commission
Kevin Givens	City of Orrville
Genny Hanna	City of Akron
Trevor Hunt	City of Barberton
Patrick Jeffers	City of Ravenna
Dan Joseph	City of Akron
Roger Kobilarcsik	City of Wooster
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
Becky Foster	Wayne County Board of Commissioners
Sydney Weeks	City of Akron
Dan Bogoevski	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 May meeting summary was accepted as transmitted.

Discussion Item

“Ohio EPA Storm Water Program Overview and Municipal Separate Storm Sewer Systems (MS4) Permit Updates”; Dan Bogoevski, Ohio EPA-NEDO, Division of Surface Water
Mr. Bogoevski presented an overview of the National Pollutant Discharge Elimination System (NPDES) permit program for stormwater and updates to the Municipal Separate Storm Sewer Systems (MS4) permit. He described the three types of stormwater discharges that Ohio EPA regulates, which are industrial stormwater discharges, construction sites that disturb greater than one acre of soil and the resulting runoff, and municipal stormwater discharges. Topics covered include:

- NPDES stormwater program—Phase 1, initiated in 1992
- NPDES stormwater program—Phase 2, initiated in 2003
- Examples of industrial stormwater discharges
- Examples of construction site stormwater discharges
- Basic requirements of a stormwater permit
- Stormwater pollution prevention plans (SWP3 or SWPPP)
- Overview of Ohio EPA's municipal stormwater program and examples of MS4s
- Six minimum control measures of a small MS4 stormwater management program

- MS4 permit updates
- Small MS4 permit renewal deadline (communities must submit NOI by July 1, 2021)
- Allowable non-stormwater discharges
- Examples of illicit discharges that communities must detect and eliminate
- What's new in the newly issued small MS4 NPDES permit (OHQ000004)

When he explained what's new in the newly issued small MSF NPDES permit, Mr. Bogoevski emphasized that wastewater treatment system operators are now required to notify Ohio EPA within 24 hours of detecting an illicit discharge from:

- A broken or leaking sanitary sewer actively contributing sewage to an MS4
- An illicit cross-connection of sewage to an MS4 from commercial, industrial, and multi-family sources

This presentation concluded with a discussion between ERTAC members and Mr. Bogoevski. Mr. Demasi requested that NEFCO staff archive this presentation on NEFCO's website for current and future program administrators to view and review, maybe annually. Mr. LaPlante and Mr. Lautzenheiser mentioned that this could be done in August or September, after the reconstruction of NEFCO's website has been completed, and Mr. LaPlante offered to send the link to the recorded presentation to any ERTAC member or alternate who would like it sooner. Mr. Hadley thanked Mr. Demasi for the great suggestion of having Mr. Bogoevski's presentation as a resource that would be available in a couple of months, and he indicated that this is something that NEFCO could advertise to its members to draw their attention to the website. Mr. Hadley thanked Mr. Bogoevski for his presentation, and he asked whether Ohio EPA reviews stormwater programs in other states to develop changes to its stormwater programs, such as the ones presented. Mr. Bogoevski answered that Ohio EPA's Central Office participates in monthly calls with US EPA Region 5 to gain knowledge of developing stormwater issues within the states of US EPA Region 5 and these are used as benchmarks for when Ohio's stormwater rules are updated next. Vice Chair Kastner thanked Mr. Bogoevski and summarized the key takeaways from the presentation, including the quickly approaching July 1st deadline for communities to renew their small MS4 permits with Ohio EPA.

NEFCO FY2021 Work Program

208 Plan Chapter 3, Policy 3-6a and 3-6b; status of draft revised Policy

Results of staff's discussions with some of the larger management agencies

Mr. LaPlante explained that the goal of the Policy revisions is to make clearer how and when FPA boundaries can be modified when the affected MAs disagree with the proposed modification. He further explained that to help meet this goal, staff has been seeking input from the MAs on NEFCO's Policy revision approach. Since attempts at using emails and memos has had limited success and has only yielded responses from five MAs, all of which either agreed with or had no objection to NEFCO's approach, staff has spoken directly with some of the larger MAs in an effort to further build some consensus on NEFCO's approach. He noted that NEFCO staff has spoken with three of the four county MAs and two of the city MAs that had not previously responded to staff's emails and memos. He reported that NEFCO staff asked all five of these larger MAs six standardized questions about the Policy and staff's revision approach. All five commented that they are aware and agree that the 208 Plan's FPA boundaries are planning boundaries and not service area boundaries, and all commented that they are in favor of, or don't object to having the Policy's criteria stated more clearly by NEFCO staff. This would consist of adding short guidance sections that help remove ambiguity and clarify how and when FPA boundaries can be modified without agreement from the affected MA.

Potential timeline for completion of final draft revised Policy

Mr. LaPlante indicated that since NEFCO staff was able to build a general consensus on NEFCO's Policy revision approach, with additional input from some of the larger MA's, a

potential timeline for completion of the final draft revised Policy has been developed and was included with the agenda packet. He discussed a slide of the potential timeline, which projects that the draft revised Policy will be presented to the ERTAC for public noticing consideration on August 4th and presented to the NEFCO Board on September 15th for consideration of acceptance of the final draft Policy, pending the ERTAC's recommendation.

NEFCO Board approves Amendment to the Clean Water Plan for Ravenna FPA

Mr. LaPlante reminded the ERTAC that on May 5th the committee recommended conditional NEFCO Board approval of the Clean Water Plan amendment requested by Portage County Water Resources for three parcels along State Route 44 and areas in and near the State Route 44 road right-of-way in Rootstown Township within the Ravenna FPA. He reported that, at its meeting on May 19th, the NEFCO Board unanimously approved this Amendment to the Clean Water Plan for the Ravenna FPA since all conditions set by the ERTAC were met prior to the Board meeting.

Portage Lakes Management Study (PLMS) – Phase 5

Edited draft of the Portage Lakes Management Plan sent to the PLMS partners on May 10th for NEFCO staff/partners internal review and comments

Mr. LaPlante reported that on May 10th, NEFCO staff sent the edited draft of the Management Plan to the PLMS partners to give them time to review the document and provide comments.

NEFCO staff to incorporate comments received at the PLMS partners meeting on May 27th into the final edited draft of the Management Plan

Mr. LaPante informed the ERTAC that after staff incorporates the comments received from the PLMS partners during their May 27th meeting into the draft Management Plan, the final edited draft will be sent to the partners in mid-June or possibly mid-July.

*Final edited draft to be sent to partners in mid-June
(Summarized directly above.)*

Next PLMS partners meeting to be held in late-June prior to ERTAC review and release of the final draft Management Plan for public comment

Mr. LaPlante reported that the fourth and final PLMS partners meeting for FY2021 will be held in late June for the purpose of reviewing the edited draft Management Plan and discussing when the partners will give the draft Plan the go ahead prior to the ERTAC's review and release of the final draft plan for public comment.

FY2022 Water Quality Management Planning contracts with Ohio EPA

NEFCO is awaiting execution of the contracts by Ohio EPA's Division of Surface Water

Mr. LaPlante reported that NEFCO is awaiting approval from the Ohio EPA for the contract that amounts to \$75,000 that NEFCO would receive from the state through the biennium budget for its FY2022 208 Plan maintenance work. This includes finalizing the Clean Water Plan's Chapter 3 revised Policy 3-6a/3-6b, the update of Chapter 4, and continuing the review and update of Chapter 2 during this fiscal year. NEFCO is also awaiting approval from the Ohio EPA for a second contract that amounts to roughly \$52,000 the agency would receive from the state in federal 604b funds for its nutrient reduction planning work, including Phase 6 of the Portage Lakes Management Study. He noted that these 604b funds also support NEFCO's participation in the quarterly Ohio Association of Regional Councils water quality subcommittee meetings and will support an Areawides/Ohio EPA collaborative sewer and unsewered areas mapping project during the upcoming fiscal year. He added that NEFCO staff anticipates

execution of the two contracts by Ohio EPA's Division of Surface Water by July 1, 2021, which is the start of FY2022.

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 commented that he included HB 175, which proposes to deregulate certain ephemeral water features, because some of the members may be interested to know that Ohio EPA's director recently testified in opposition to the bill; and he added that he will provide the proponent and opponent written testimony for this bill to anyone who requests it. He then briefly discussed two companion bills in the House and Senate, HB 282, and SB 171, both of which propose to establish conditions and requirements for the sale of brine from oil or gas operations as a commodity and to exempt that commodity from requirements otherwise applicable to brine. He said that there is a lot of concern about the safety of using the product, which is used primarily as a road and pavement deicer. He briefly discussed the fourth and final recently introduced legislation on the agenda, SB 180, which proposes to expand eligibility for county sewer discounted rates or charges. He clarified that this would be in addition to ORC 6117, and proposes to add persons with low to moderate income and those experiencing temporary hardship to be eligible for the same county sewer discounted rates or charges that persons age sixty-five and older are currently eligible to receive under ORC 6117.

Other Business

None.

ERTAC Contact Hour Course List

Vice-Chair Kastner asked why the March and April presentations were not eligible to submit to Ohio EPA for contact hour approval consideration. Mr. LaPlante explained that while the public drinking water and wastewater system operators in attendance at both meetings all met Ohio EPA's interactivity requirement for virtual trainings by answering all the poll questions that were posted in the Teams chat, NEFCO staff could not confirm that any of those operators met Ohio EPA's 90 percent screen attentiveness requirement by having their cameras turned on for the duration of the presentation. He elaborated that for whatever reason, NEFCO staff couldn't see images of operators when the March and April meeting recordings were reviewed.

Next Meeting

Vice-Chair Kastner said that the next meeting would be held on July 7, 2021, as a virtual meeting via Microsoft Teams.