

March 2, 2022
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
Scott Ellsworth	Stark County Metropolitan Sewer District
Ron Etling	Portage County Board of Commissioners' Appointee
Gail Gifford	Portage County Regional Planning Commission
Kevin Givins	City of Orrville
Eric Gorczynski	City of Kent
Genny Hanna	City of Akron
Bob Hempel	Wayne County Health Department
Patrick Jeffers	City of Twinsburg
Dan Joseph	City of Akron
Richard Regula	Stark County Board of Commissioners
Ali Rogalski	Summit County Public Health
Tia Rutledge	Portage County Water Resources
Pete Wearstler	Wayne County Planning Department
Frederick Werner	City of Massillon
Sara Cooper	City of Aurora
Doug Darrah	ECS Limited
Joe Hadley	NEFCO
Tom LaPlante	NEFCO

Chairwoman Smith called the meeting to order

Public Comments

There were no comments from the public

Meeting Summary

The February meeting summary was accepted as transmitted.

Discussion Item

“Roots of the Ohio & Erie Canal Towpath Trail system, Cuyahoga Valley National Park; a flood warning system; and securing funds for water and wastewater infrastructure”; Richard Regula, Stark County Commissioner, NEFCO General Policy Board Chair

Commissioner Regula began his presentation by discussing the beginnings of the Ohio & Erie Canal Towpath Trail system, the Cuyahoga Valley National Park, and a Stark County flood warning system, all of which were rooted in visions and efforts of his father, the late 18-term congressman, Ralph Regula, and all of which have had profound and lasting impacts on improving and protecting the water quality of the Tuscarawas River in the Ohio River Basin and Cuyahoga River in the Lake Erie Basin. He showed and discussed two short video clips from the 2017 PBS/Western Reserve documentary, *“Ralph Regula: The Gentleman from Ohio”*, in which Congressman Regula was interviewed and explained his vision and the acquisition of the land that formed the Ohio & Erie Towpath Trail system and his efforts in securing funding for the acquisition of land for the establishment of the Cuyahoga Valley National Recreation Area in 1974, which was redesignated as a national park in 2000 while Congressman Regula was still in office. Commissioner Regula also went into detail regarding Congressman Regula’s flood

abatement actions for Stark County's frequently flooded Zimber Ditch, which included the acquisition of land for a stormwater retention basin and flood plain restoration to help alleviate future flooding and demonstrated a need for flood a warning system in the Nimishillen Creek watershed where the Zimber Ditch is located. He concluded with a discussion on securing funds for water and wastewater infrastructure and securing infrastructure funds for the widening of U.S. 30, which he stressed is important for economic stability in the NEFCO region. Topics covered included:

- Roots of the Ohio & Erie Canal Towpath Trail system
 - A vision by Congressman Ralph Regula
- Roots of the Cuyahoga Valley National Park (CVNP)
 - Congressman Regula secured funding
 - The CVNP expanded the Ohio & Erie Canal Towpath trail northward
- Roots of a flood warning system
 - Zimber Ditch, flood abatement actions
 - Stark County drainage program/partnership with Stark SWCD
- USGS Nimishillen Creek watershed hydrologic study
 - Produced a flood warning system for the entire Nimishillen Creek watershed
 - Project period: 2015 to 2019
 - USGS presented the results at the NEFCO ERTAC meeting on 3/4/2020
 - Total project cost: \$1,033,100
 - Funders:
 - Muskingum Watershed Conservancy District: \$500,000
 - USGS: \$200,000
 - Stark County Commissioners/Engineer: \$166,550
 - Six Nimishillen Creek watershed communities: \$166,550
- Map of present locations of USGS streamgages, precipitation gages, and pressure transducers from 2015-2019 hydrologic study (still maintained today)
- Securing funds for water and wastewater infrastructure
 - Stark County is using ARPA funds for sewer projects identified through the 2016 NEFCO/Stark County Failing HSTS Prioritization Analysis
 - Stark County will spend an estimated \$30 million on upcoming projects within the parameters of the ARPA guidelines
 - Projection is based on each project being approved, contractor availability, etc.
 - Approximately 36 additional priority unsewered areas have been identified by Stark County Health Department/Regional Sanitary Sewer District for the ongoing Areawides/Ohio EPA collaborative mapping project
 - If funding and an extended timeline is available, well beyond the 2024 ARPA deadline, these 36 areas would become a priority for Stark County
- Map of Stark County priority unsewered areas
- Discussion and questions

Commissioner Regula's presentation concluded with him fielding many questions from the ERTAC.

Consideration by the ERTAC of a Recommendation to the NEFCO Board

Consideration of an Amendment to the Clean Water Plan for the Aurora Facilities Planning Area (FPA) to change the wastewater treatment prescriptions to the parcel level for lots in the 500 and 600 blocks of East Pioneer Trail, and to provide for a sanitary sewer extension and sewer service to five of those lots

Mr. Hadley provided the background of 208 Plan updates versus amendments, the latter of which have a sense of urgency due to a pending Permit-to-Install (PTI). He stressed that the amendment process, including the requesting wastewater management agency (MA) soliciting

comments from affected local governments/agencies and seeking public input through a published legal notice, is there to provide the MAs and NEFCO with legal due diligence in the event of a challenge by an affected entity or a property owner after an amendment has been approved by the NEFCO General Policy Board.

Mr. LaPlante presented the specifics of this amendment request from the City of Aurora. He showed a slide of Amendment Figure 1, which is the amendment location map, and explained that the requested amendment is for a pending Permit-to-Install (PTI) and it would change the wastewater treatment prescription for five specific parcels in the 500 and 600 block of East Pioneer Trail to “orange”, meaning “Areas Expected to be Served with Sanitary Sewers within the next 20 years”. He further explained that all remaining lots in the amendment area would change to “yellow”, meaning “Areas Currently Served with Sanitary Sewer”. He added that Amendment Table 1 lists the lot numbers, parcel numbers, current status, current prescription, and proposed prescription of the affected parcels. He showed slides of Amendment Table 1 next to Amendment Figure 2, which is a map of the current wastewater treatment prescriptions, and Amendment Figure 3, which is a map of proposed prescriptions, both of which showed the lot numbers that would be affected by the proposed amendment. He noted that the City of Aurora is the sole wastewater management agency for the Aurora FPA and that the city has indicated that its WWTP has capacity to accept the resulting flow. He further noted that the Portage County Health District (PCHD) is the sole affected local government agency and that PCHD has responded that it has “no objection” to the amendment. He also noted that the legal notice was published in the Record-Courier on February 11th, and no inquiries or comments were received by the City of Aurora during the required 15-day public comment period, which ended on February 26th.

Mr. LaPlante said that staff recommended approval of this amendment, and requested that the committee consider recommending approval of the amendment by the NEFCO Board. Chairwoman Smith asked the ERTAC if there was a motion to recommend approval of the amendment by the NEFCO Board. Mr. Hempel made that motion. Mr. Wearstler seconded it. There were no objections or abstentions from the ERTAC. The motion carried.

NEFCO FY2022 Work Program

USEPA Region 5 approves latest round of NEFCO 208 Plan map amendments and Chapter 3 update

Mr. LaPlante reported that on February 17th, USEPA Region 5 provided Ohio EPA with its approval of the latest round of NEFCO Board-approved 208 Plan amendments and Chapter 3 update, which were certified by Governor DeWine on September 21, 2021; and are now incorporated in the state’s Water Quality Management Plan. He noted that Ohio EPA Division of Surface Water (DSW) staff scheduled a follow-up meeting with USEPA staff for the following week to discuss ways to improve the time needed to get federal approval of state-certified 208 Plan amendments and updates. He further noted that Ohio EPA DSW staff is expected to report on the results of that meeting at the next Ohio Association of Regional Councils (OARC) water quality subcommittee quarterly meeting, which will be held virtually on March 21st.

NEFCO Board approved 208 Plan amendments, June 2020 through November 2021, submitted to Ohio EPA for state certification; status

Mr. LaPlante indicated that on February 22nd, Ohio EPA Division of Surface Water (DSW) staff notified the six Areawide Planning Agencies in the state, including NEFCO, that now that the agency has wrapped up last year’s 208 Plan update efforts, the DSW staff is moving on to doing the same for 2022. He noted that the DSW staff will begin preparing the 208 Plan amendments and updates that the agency received near the end of 2021. This list will be sent to the Director for her approval to begin the public notification for the next update. He indicated that this

includes the NEFCO Board-approved 208 Plan amendment for the Kent/Fish Creek FPAs from June 2020 and the amendment for the Ravenna FPA from May 2021, which NEFCO staff on November 30, 2021 submitted to Ohio EPA for state certification.

Areawides/Ohio EPA collaborative project on sewerred and unsewerred areas data collection and mapping; status

Mr. LaPlante reported that NEFCO staff has received data on priority unsewerred areas from all four county health districts in the region. He explained that to be included as a priority unsewerred area for this collaborative mapping project, the affected wastewater management agency (MA) with jurisdiction in an identified area needs to agree that the health district's priority area is its priority. He noted that the affected MAs in Portage, Stark, and Wayne Counties agree that the local health districts' identified priority areas are their priorities, provided the MAs have a voice in scheduling any sewer projects that may result from this mapping project and funding being available. He reported that on February 24th, NEFCO staff contacted the affected MAs in Summit County to gauge whether Summit County Public Health's identified priority areas are their priorities.

Portage Lakes Management Plan final draft; rollout status

Mr. LaPlante noted that the next PLMS partners meeting is scheduled to be held virtually via Microsoft Teams on March 3rd at 9:00 a.m. The purpose of the meeting is to review the PLMP final draft rollout documents before moving ahead with public notification and scheduling meetings with the communities to get their endorsement of the plan. Mr. Hadley indicated that he wanted the public to have the opportunity to provide input on the PLMP before presenting it to the NEFCO General Policy Board for its endorsement.

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

Mr. Demasi reported that the City of Cuyahoga Falls' Cuyahoga River cleanup series will begin on April 16th. He noted that the city usually holds two river cleanup events but this year there will be more. He also reported that the City of Cuyahoga Falls will be sponsoring its Sustainability Expo in May. He noted that more information on the Cuyahoga River cleanup or Sustainability Expo can be found at <https://www.cityofcf.com/news>.

Information items requested

No items were requested.

Ohio EPA Public Notices requested

No Ohio EPA public notices were requested.

Ohio Environmental Legislation Recently Signed or Introduced

Mr. Hadley gave a brief summary of HB 579, HB 175, HB 364, HB 365, and SB 19. He indicated that HB 579 was introduced last month to expressly prohibit the surface application of brine from oil and gas wells on roads. He noted that some counties use brine for ice and dust control on roads; and this bill would prohibit its use or storage. He indicated that HB 175, which was introduced in late winter of last year to deregulate certain ephemeral water features under various water pollution control laws, and of which Ohio EPA's director testified in opposition, passed in the House last fall and is still in the Senate Agriculture and Natural Resources Committee. A compromise amended/substitute bill that appeases Ohio EPA is expected soon. He indicated that HB 364 was introduced in July 2021 at the request of Aqua Ohio to make changes to the application process for the waterworks infrastructure improvement surcharge; and was subsequently referred to the House Public Utilities Committee in September 2021 where it remains. He indicated that HB 365 was introduced last July to require the Director of

the Environmental Protection Agency to adopt rules establishing maximum allowable contaminant levels in drinking water and water quality standards for emerging contaminants, including PFAS and PFOA. Mr. Hadley indicated that he is following HB 365 and will keep the ERTAC informed of the bill's progress. He finished his summary by indicating that SB 19, which was introduced to modify the law regarding property taxation and sales and use tax to create a property tax exemption for wetland mitigation projects, passed the Senate in February 2021; and the House passed an amended bill in June 2021. He indicated that in November 2021, the Senate refused to concur with the House amendments to SB 19, but the House insists on those amendments and asked for a committee conference, which is where this bill was last month.

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 April 6, 2022, at The Natatorium, Hopewell Room, 2345 4th Street, Cuyahoga Falls, Ohio.