

January 4, 2023
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
Dom Disalvo	City of Ravenna
Kevin Givins	City of Orrville
Eric Gorczynski	City of Kent
Genny Hanna	City of Akron
Patrick Jeffers	City of Twinsburg
Dan Joseph	City of Akron
Rob Kastner	Wayne SWCD
Jennifer Kiper	Wayne County Planning Department
Roger Kobilarcsik	City of Wooster
Ross Nicholson	Summit County Department of Sanitary Sewer Services
Ali Rogalski	Summit County Public Health
Steve Wolfe	Wayne County Environmental Services
James Brandenburg	Stark County Metropolitan Sewer District
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 December meeting summary was accepted as transmitted.

Consideration by the ERTAC of a Recommendation to the NEFCO Board

Consideration of an Amendment to the Clean Water Plan for the Canton-Nimishillen Basin Facilities Planning Area (FPA) and Massillon FPA to modify the FPA boundary to provide for the construction of Jackson Township's Schuring Park via a sanitary sewer connection on Belden Greens Circle NW, which is tributary to the Canton Water Reclamation Facility **ACTION REQUESTED** (transmitted with agenda mailout)

Mr. LaPlante went through the specifics of this amendment request from the Stark County Metropolitan Sewer District (SCMSD). He showed a slide of Amendment Figure 1, which is the amendment location map, and explained that the requested amendment is being driven by a pending PTI to connect proposed restroom facilities for Jackson Township's proposed Schuring Park soccer and lacrosse complex to sanitary sewer that is tributary to the Canton Water Reclamation Facility (WRF). He noted that this facility has the capacity to accept and treat the additional flow and loading of wastewater from this project. He showed a slide of amendment Figure 2 (map of existing FPA boundary and prescriptions) and Figure 3 (map of proposed FPA boundary and prescriptions) side-by-side and explained that with the proposed amendment, the FPA boundary would shift westward to put Schuring Park and its proposed restroom facilities entirely within the Canton-Nimishillen Basin FPA. He added that there are no proposed wastewater treatment prescription changes, noting that the current prescription is "Areas Currently Served with Sanitary Sewer". He went over the six local governments/government agencies that would be affected by the amendment and explained that SCMSD sent a request-for-comment letter to them on November 21, 2022, and all six indicated that they have "no

objection” to the amendment. He also noted that the legal notice was published in the Canton Repository on November 28, 2022, and no inquiries or comments were received by SCMSD during the required 15-day public comment period or to date.

Mr. LaPlante said that NEFCO staff recommends approval of this amendment. Chairwoman Smith asked the ERTAC if there was a motion to recommend approval of the amendment by the NEFCO Board. Mr. Kastner made that motion. Mr. Jeffers seconded it. There were no objections or abstentions from the ERTAC. The motion carried.

NEFCO FY2023 Work Program

Revised draft ‘Procedures for voluntary annual Clean Water (208) Plan updates’ (transmitted with agenda mailout); continued discussion during breakout session at the end of short business meeting

Mr. LaPlante went over the revised draft procedures for annual FPA updates. He noted that the draft procedures state:

- The purposes of having a voluntary annual Plan update;
- Advantages of having an annual update;
- A timeline for the update;
- The process and guidelines for NEFCO to initiate an annual update, and
- The process and guidelines for update-requesting MAs, in three steps.

He went over the purposes and advantages of having an annual update and discussed the timeline for the update. He reminded the ERTAC that there’s a need for guidelines so the update process can proceed efficiently, and he went over those guidelines. He showed a slide with examples of the mapping, and indicated that other suggested guidelines pertain to these four update scenarios:

- When the initiator of an FPA update is a wastewater management agency (MA) for a **municipal** FPA and the area being updated is unincorporated, the update should not proceed unless the **county** MA agrees in writing to the boundary and/or wastewater prescription modification.
- When the initiator of an FPA update is an MA for a **municipal** FPA and the area being updated is within an adjoining **municipal** FPA, the update should not proceed until there is a mutual agreement to the boundary and/or wastewater prescription modification.
- When the initiator of an FPA update is a **county** MA and the area being updated is an unincorporated area within a **municipal** FPA, the update can proceed without the municipality agreeing to it; and the municipality will be able to comment during the public comment period.
- When the initiator of an FPA update is a **county** MA and an unincorporated area within an adjoining **county** is being updated, the update should not proceed unless that affected county MA agrees in writing to the boundary and/or wastewater prescription modification.

Mr. LaPlante also went over a slide of the response form that the update-requesting MA should send to the affected MA with jurisdiction in the proposed update area. Mr. Kastner suggested that the guidelines for the update-requesting MA include seeking a response form from the affected MA with jurisdiction in the update area(s) indicating, an agreement with or no objection to the proposed update, **recommended comments regarding the proposed update**, or an objection to it, just as the response form shows. Chairwoman Smith agreed with Mr. Kastner and suggested that the guidelines for the four update scenarios also be reduced to a short summary of them in the guidelines document. After an in-depth discussion by the ERTAC of examples of the four update scenarios, Mr. LaPlante agreed to work on Mr. Kastner’s and Chairwoman’s suggested revisions and present them to the committee at its February meeting.

Discussion regarding a needed update or amendment to the 208 Plan's glossary to define "new construction" and "new development" when referenced in a wastewater prescription and it's not related to a new subdivision

Mr. LaPlante reported that NEFCO was recently asked by Ohio EPA-NEDO staff to provide the 208 Plan's wastewater treatment prescription for a school in Stark County that is being completely reconstructed. He noted that the 208 prescription is very strict for this property and doesn't allow the Stark County Sanitary Engineer or Stark County Health Department any flexibility to decide whether the existing off-site discharging semi-public sewage treatment system that served the previous structure is acceptable to serve the reconstructed school. He explained that the wastewater prescription states, "In no case shall a system producing an off-site discharge of effluent be permitted for new construction." He further explained that neither the 208 Plan's glossary, nor Ohio EPA's rules, nor the Ohio Department of Health's rules define "new construction" or "new development", which are mentioned in nearly all the 208 Plan's FPAs and their prescriptions, but at least one organization composed of developed and developing countries, including the U.S., defines a completely reconstructed structure as "new construction". Mr. Hadley explained that this is the first time that he can recall a 208 Plan wastewater prescription needing a definition for "new construction" or "new development". He further explained that he is concerned that without the terms being defined in the 208 Plan's glossary for future NEFCO staff's reference, this situation could repeat itself. Mr. LaPlante indicated that NEFCO discussed this situation in detail with Ohio EPA, the Stark County Sanitary Engineer, and Stark County Health Department, and all, including NEFCO, agree that this wastewater prescription should not apply to this school project since an off-site discharge of effluent was pre-existing and the project is a "tear-down/re-build" (in wastewater jargon), not "new construction". The ERTAC discussed in detail whether an update or amendment to the 208 Plan's glossary to define "new construction" and "new development" is needed. The committee advised that existing semi-public and household sewage treatment systems are permitted to be secured or "mothballed" for re-use when a structure is to be demolished, then a new structure can be served by that system (with upgrading as needed) at a later date. Therefore, the committee views "new construction" and "new development" to mean a newly constructed structure on a property that has never had a semi-public or household sewage treatment located on it. Accordingly, the ERTAC advised that the two terms should not need to be added to the 208 Plan's glossary.

NEFCO has distributed the map of priority unsewered areas, with disclaimer statement

Mr. LaPlante reported that on December 16, 2022, NEFCO distributed the map of priority unsewered areas with the agency's disclaimer statement to the contributing wastewater management agencies and local health districts.

Canal Diversion Dam Removal project; federal grant closeout status

Mr. LaPlante reported that NEFCO staff is in the process of writing the final report for NEFCO's federal grant for this project. He noted that the final report is a summary of the entire project. He further noted that that the final report is needed close out this grant and it is due on January 31, 2023.

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

There were no reports from ERTAC members.

Information items requested

There were no information items requested.

Ohio EPA and Ohio Department of Health Public Notices requested

Mr. Hadley mentioned that item G-1, "Ohio EPA is holding a Triennial Review of the state's Water Quality Standards", was reported on by the Chief of Ohio EPA's Division of Surface Water at the last quarterly OARC water quality subcommittee meeting. He noted that at that meeting, she asked the Areawides to submit as comments their top 5 priority water quality standards that they believe are most important for Ohio EPA to prioritize in the next three years. Mr. LaPlante showed a slide Ohio EPA's Table 1, which was included in the agenda mailout and from which commenters can choose their top 5 priorities. He noted that Ohio EPA's deadline to receive these and any other comments is January 31, 2023. Chairwoman Smith suggested that instead of the ERTAC choosing its top 5 priority water quality standards as a body, each wastewater management agency may want to submit their own top 5 from Table 1. Mr. Hadley agreed and said that the ERTAC doesn't speak on behalf of NEFCO; only the NEFCO General Policy Board speaks on behalf of NEFCO.

Ohio Environmental Legislation Recently Signed or Introduced

There was no Ohio Environmental legislation recently signed or introduced.

Other Business

There was no other business to discuss.

ERTAC Contact Hour Course List

Chairwoman Smith drew the ERTAC's attention to the list. Mr. LaPlante noted that after the agenda mailout, Ohio EPA approved the discussion item by Dr. John Peck at the December meeting.

Next Meeting

Chairwoman Smith said that the next meeting would be held at 9:00 a.m. on February 1, 2023, at The Natatorium (Erie Room) 2345 4th Street, Cuyahoga Falls, Ohio.