

MINUTES--NEFCO GENERAL POLICY BOARD MEETING held Wednesday, August 16, 2023, at the City of Green Council Chambers

1a. Call to Order

The meeting was called to order by Chair Regula at 8:30 a.m. in the presence of a quorum.

1b. Approval of the Agenda

A motion was made by Mr. Kohlmeier, seconded by Ms. Christian-Bennett, to approve the agenda. The motion carried.

1c. Pledge of Allegiance

Mr. Regula led the Board in the Pledge of Allegiance.

1d. Audience Participation (members of the public)

Mr. Regula asked if there was anyone from the audience who had any comments.

2. Consideration of the draft minutes of the regular meeting of the NEFCO General Policy Board on July 19, 2023

A motion was made by Ms. Sumego, seconded by Mr. Vinay, to accept the July meeting minutes. The motion carried.

3. Financial Status Report - month of July

Mr. Hadley said that \$34,034.37 was received as income during July, receipts to date were \$34,034.37, disbursements to date were \$42,723.71, and cash on hand at the end of July was \$200,836.98.

A motion was made by Mr. Peetz, seconded by Mr. Bennett, to approve the financial status report subject to audit. The motion carried.

3a. July Bank Reconciliations

Mr. Hadley asked for acceptance of the July bank reconciliations. He said that staff is working with PNC bank to remove the listed 'vacant' bank account. He stated that those funds will be transferred into a savings account.

A motion was made by Mr. Tatum, seconded by Ms. Sumego, to accept the July bank reconciliations. The motion carried.

4. The City of Akron requests a resolution and support letter for a proposed Fourth Amendment to its combined sewer overflows Consent Decree

Mr. LaPlante said that the City of Akron requested a resolution and support letter for a proposed fourth amendment to its combined sewer overflow consent decree. He said that he provided some background information on the combined sewers, consent decree and the City of Akron's Long Term Control plan update. He stated that the fourth amendment was turned down by USEPA, but the amendment is supported by the Ohio EPA, Cuyahoga Valley National Park and Summit Metro Parks. He said that the requested modification for this fourth amendment is to remove, from the consent decree, the enhanced high-rate treatment facility (EHRT), located at the Ohio Canal Interceptor Tunnel which would treat any overflows from the tunnel. He said that the City of Akron went 499 days without an overflow, so this EHRT that would come with a \$209 million dollar price tag, would largely just sit idle and not be treating any overflows in a typical year. He stated that the cost of the EHRT would require a 20 percent increase in sewer rates, with little to no water quality benefit. As an alternative, the City of Akron proposes four alternative projects that would be a quarter of the cost of the EHRT: reduce in a typical year discharge to 62 million gallons by treating

wastewater at the existing Cuyahoga Street facility; sewer the Village of Peninsula in the heart of the Cuyahoga Valley National Park; conduct the necessary studies to begin the process of providing sanitary sewer service to the Sawyerwood neighborhood in Springfield Township; and address sanitary overflows to Springfield Lake from the Village of Lakemore. He said that it is important to understand that these four alternative projects are consistent with NEFCO's 208 Plan. He asked for approval of Resolution No. FY2024-002 and the City of Akron's support letter. He mentioned that Patrick Gsellman has been involved with all the amendments to the Consent Decree and is present to answer questions regarding the consent decree.

A motion was made by Ms. Christian-Bennett, seconded by Mr. Mazzola, to approve Resolution No. FY2024-002 and the City of Akron's support letter for a proposed Fourth Amendment to its combined sewer overflows Consent Decree.

Ms. Rutledge asked whether Summit County would be involved with the alternative projects outside of the City of Akron, such as the proposed Village of Peninsula sewer project? Mr. Vinay said, yes, to clarify, there are a number of projects that Summit County is currently undertaking as part of the City of Akron's long term capital improvement plan. He provided a brief description of the four alternative projects in the City of Akron. He said that this is a big opportunity for the county and city to leverage its resources to get these projects done. He said that the county and city think these projects are much more environmentally sustainable than what is in the consent decree. He stated that the county and city must move forward with leveraging these resources to make projects like these happen. Ms. Rutledge asked if any residents will be responsible for any assessment fees. Mr. Vinay said that currently the outline of the project is that there wouldn't be any assessments due from the residents. Mr. Gsellman stated that the City of Akron will be providing financial assistance through the normal funding program. The City of Akron will provide the funding to the County; who will be doing the projects. Mr. Vinay said that at the end of the day a \$209 million dollar project will be at a much more user-friendly rate. Mr. Malik said that these will be the last projects for the City of Akron that will affect the consent decree. He said that these four projects have tremendous value to make repairs at a fraction of the cost. He stated that this is the middle of the dispute process, the 45-day period with USEPA. He said that a resolution and letter of support would be helpful with this process. Mr. Emerman, Ohio EPA-NEDO District Chief, said that Ohio EPA is part of the federal consent decree which was signed several years ago. He said that a document has been filed recently with the City of Akron. Mr. Regula asked what is the problem with the USEPA? Mr. Gsellman said that these projects were signed off in the consent decree 15 years ago. He said that the projects have been constantly updated with newer technology. He stated that 24 of the 26 projects have been completed and the city has been able to input the results of those projects into its modeling. He mentioned that it has also been shown that the overflow has been reduced by more than half. The number of overflows has been reduced from 7 or 8, to only 2 or 3 overflows a year in the recreation season. He said that the Department of Justice is a big stumbling block now and USEPA has always insisted on proposing new projects that are equal to or better than what was in the original consent. The city wants something that's equal to or better than what was in the original consent decree. He thanked the NEFCO Board for supporting the amendments in the past. He said that the City of Akron amended the consent decree twice and was approved for the third one, which is now in court for the judge's approval. He stated that two prior amendments have been completed with extremely successful projects implementing green infrastructure. He said that the City of Akron amends these decrees for a reason and always for additional environmental benefits. He said that he has copies of the sample support letter if anyone would like to submit a support letter on the City of Akron's behalf. These support letters are due by August 31st. Mr. Vinay said that so far 300 letters from residents and a number of letters from agencies and organizations have been received. He said that he believes that this is the most restrictive consent decree in the United States concerning overflows. Mr. Gsellman said yes, Akron hasn't had any overflows in a typical year and generally

there are two to four overflows in the country. He said that Akron treats 100 percent of the wastewater that goes to the water reclamation facility in the valley and provides 100 percent biological treatment in that flow. He stated that he thinks Akron is the only one in the country that provides this kind of treatment. Akron is performing beyond what is required. He mentioned that the Cuyahoga Valley National Park and Summit Metroparks are both fully supportive of this amendment. Mr. Regula asked if this consent decree will go back to the federal court for an ultimate decision? Mr. Gsellman said yes, for the formal dispute resolution. The USEPA and Department of Justice have 45 days to file and respond to Akron. If USEPA says no, then Akron has 14 days to file in court a motion for the court to decide on the dispute resolution. Mr. Regula asked if there was any further discussion, hearing none; the motion carried.

5. NEFCO FY2024 Work Program – status

a. Economic Development

Mr. Lautzenheiser said that there are two funding opportunities available. He said that the Recompete Pilot Program is a \$200 million two-phase program to reduce the prime age employment gap for unemployed or underemployed adults in the workforce between 25 and 54. In phase one, which is due October 5th, applicants could apply for a strategy development grant, for planning and strategizing to get more of the workforce employed. Or, the applicants could apply for a recompete plan. Essentially saying if the resources and capacity are available then a recompete plan should be approved. There's no funding available for the recompete phase; but it is required in order to participate in phase two of the program. The third option would be for an applicant to apply for both the Recovery Plan and Strategy Development Grant which are two separate applications. He said that there is \$6 to \$12 million available for the Phase I strategy grants.

Mr. Lautzenheiser said that the EDA Public Works and Economic Adjustment Assistance program supports construction, non construction, technical assistance, planning, and revolving loan funds. He stated that there is a 50 percent local match required from this program.

Mr. Lautzenheiser said that staff has been active in Vibrant NEO, which started in 2010. The Vibrant NEO 2040 initiative was all about creating regional visioning and providing a framework for decision making for the 12-county northeast Ohio region, which includes the NEFCO region. He said that the Vibrant NEO 2040 plan was published in 2014. He said that the group is now reassessing the strategies that are included in that plan. He stated that the Brownfields Revolving Loan Fund has been launched, with the first Steering Committee meeting held on July 28th. He said that in discussion was the implementation of the \$1.2 million revolving loan fund. He stated that the steering committee will review the applications for loans and subgrants and provide recommendations to the boards of Vibrant NEO and NOACA for projects. He said that, since July 28th, there weren't any applications for loans or subgrants received. He mentioned that Karla Auker, USEPA, attended the meeting to explain the program and indicated that if a significant amount of the original \$1 million dollar loan or grant was expended or encumbered by February of next year, that the group would be eligible for additional supplemental funding for the revolving fund. He stated that these funds can be used for clean ups and mediation, not for assessments.

Mr. Lautzenheiser said that the Broadband Ohio BEAD is available for public comment. He said that the state has announced that six regional hubs will be deployed to help promote higher broadband and 5G sector workforce strategy. The Northeast Team NEO region includes centers at Youngstown State, Cuyahoga Community College, Cuyahoga County Workforce Development Board and the Community Action Akron Summit.

Mr. Lautzenheiser said that he has provided information on three upcoming conferences: 2023 OKI conference on Freight, September 5-7; Ohio Rural Water Association Grant Writing Workshop on

September 19th in Zanesville; and the National Association of Development Organization Annual Training Conference, November 7-10th in Cleveland.

Mr. Lautzenheiser discussed four upcoming funding opportunities, with fast approaching deadlines.

b. Environmental Planning

Mr. LaPlante said that staff is making progress on the draft FY2024 201/208 FPA update. He said that staff has incorporated the shape files and layers, from the four wastewater management agencies that are requesting mapping changes, into a copy of NEFCO's current online map. This map will be transmitted with the ERTAC mailout information. He said that the online draft map will have a feature that allows anyone from the public or management agencies to directly post comments onto the draft map. He said that once staff responds to the comments, the map will be presented at the November ERTAC meeting for a recommendation for Board approval. After Board approval, the update will be submitted to the Ohio EPA.

Mr. LaPlante said that he has provided information on the types of 208 technical assistance provided to members.

Mr. LaPlante said that the USEPA has finalized the proposed national primary drinking water standard to limit six per- and polyfluoroalkyl substances (PFAS) by the end of 2023.

Mr. LaPlante stated that Dan Bogoevski, Ohio EPA-NEDO, Division of Surface Water provided an update on the stormwater regulations and noted that some of the MS-4 municipal separate storm water system operators are not meeting new 2021 requirements, and some are reporting the old requirements. He said that MS-4 operators are required to actively and routinely monitor the stormwater outfalls for sources of sanitary sewer contaminants. Mr. Bogoevski said to please contact him for additional information or for a copy of the PowerPoint that was presented at the ERTAC meeting.

Mr. LaPlante said that Ohio EPA will be hosting a lead service line and brownfield funding open house at the Kent Library on September 7th, 2:00 to 4:00 p.m. This open house is free and open to the public. Mr. Emerman stressed that Ohio EPA has double the amount of money for the lead service line program. He said that the Chief of the Division of Financial Assistance (DEFA) will be present to answer any questions. He stated that he hopes this is an annual event. Mr. LaPlante mentioned that the Chief of DEFA also stated that planning projects are included with the lead service line projects. Mr. Emerman said that at this stage it has to do with the identification and inventory of lead service lines. He stated that there will be a lot of information and resources available at the open house. Ms. Sumego asked what kind of funding will be available, grants or loans? Mr. Emerman said that there is more funding available for principal forgiveness. He said that the criteria were adjusted for the principal forgiveness.

Mr. LaPlante said that the deadline for Ohio EPA Water Pollution Control Loan Fund program year 2024 project nominations is August 31, 2023. Mr. Emerman said that it really depends on project readiness. He said six points are given for project readiness and to have a PTI in hand. If for some reason a member's PTI gets held up, he urged members to please call Ohio EPA to find out why it is being delayed.

Mr. LaPlante provided information on the following: Ohio EPA grants \$2 million for recycling and litter prevention in northeast Ohio; recipients include nonprofit organizations from Portage, Stark, and Summit Counties; and the Ohio EPA webinar: *Navigating Ohio EPA's E-Business Center*, August 22nd, 10:00 a.m. to 11:00 a.m.

6. Federal and State legislation or information of importance to local governments

Mr. Hadley said that Congress is running out of time to complete its FY2023 appropriations. He said that based on the number of legislative days once Congress reconvenes, and given the vast differences between the Senate Appropriations decisions and the House, which has some significant cuts that are mentioned in this summary, it is likely that the House and Senate will not be able to get together in a conference committee and resolve those differences before September 30th. Therefore, it's probable that there will be either minibuses, where the groupings of appropriations that are put together and extended, or possibly an omnibus bill passed, to basically keep the federal government's doors open.

Mr. Hadley said that he provided some various appropriations for the next fiscal year, primarily in the Senate, where there has been some agreement on both sides of the aisle on funding.

Mr. Hadley said that the National Flood Insurance Program Reauthorization Act is progressing. Please contact staff if you would like more details on anything in this status report.

Mr. Hadley stated that he has included some information on the Rail Safety Act which was a bipartisan piece of legislation stemming from the East Palestine derailment. The legislation is cosponsored by Sherrod Brown and JD Vance from Ohio. He said this was on a fast track for a while and has slowed down. He said that he reached out to Senator Brown's aide and unfortunately the transportation specialist is out of the office because the Senate is currently on break. He said that the Senator is still trying to get this across the finish line. He said that there are some concerns among certain Senate members on the impacts this bill may have on the railroads. Mr. Hadley stated that listed is a National League of Cities request for a rail safety support letter from cities that have a population of 40,000 or less. He said that support letters were being requested in April for an expected (at that time) May decision on the bill. He said that things are delayed.

Mr. Hadley said that last week the Federal Rail Administration issued a Norfolk Southern Safety Assessment. This report includes an assessment of safety, culture and evaluating all sorts of aspects of Norfolk Southern's operation. The document is 143 pages long and available via the link staff has provided.

He stated that he also provided information on ransomware related, cybersecurity, and artificial intelligence.

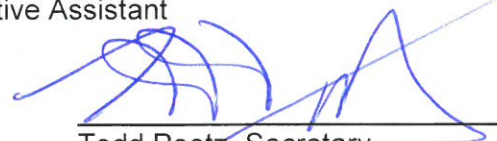
7. For the Good of the Order: an opportunity for members to share news about their community/county/agency/company, or to list a prominent issue affecting them

No one had anything to comment about for their community/county/agency.

8. Other Business

THERE BEING NO OTHER BUSINESS, the meeting was adjourned at 9:30 a.m.

Submitted by Rebecca L. Morgan, Administrative Assistant



Todd Peetz, Secretary
NEFCO General Policy Board
September 20, 2023

NEFCO GENERAL POLICY BOARD 2023 ATTENDANCE SHEET

Member (alternate)	1/18	2/15	3/15	4/19	5/17	6/21	7/19	8/16	9/20	10/18	11/15	12/20
PORTAGE COUNTY												
Sabrina Christian-Bennett (Mike Tinlin)			X	A	X	X	A	X				
Daniel Blakely (Tia Rutledge)	A	A	A	A		A	A	A				
Joseph Diorio	A	X		X	X	X	X	X				
Todd Peetz (Gail Gifford)	X	X	X	X	X	X	X	X				
Susan Riehm (2-9-23)			X	X	X	X		X				
Amos Sarfo (Eric Long)		X	X	X	X	X	X	X				
CITY OF KENT												
Kathleen Petsko (Bridget Susel)	X	X	X	X	X	X	X	X				
STARK COUNTY												
Keith Bennett	X	X				X		X				
Alfredo Carranza	X	X										
Kirt Conrad			X	X	X			X				
David Maley	X	X	X		X		X					
Joe Mazzola		X		X		X	X	X				
Dan Moeglin				X	X							
Mike Naso (5-3-23)					X	X	X	X				
Bob Nau (Curtis Bungard)	X	X		X	X	X		X				
Richard Regula (Bill Smith)		X	X	X	X	X	X	X				
Jim Troike (Scott Ellsworth and Tom Davis)	A	A		X	X		X					
Vacant (Rachel Hosler)												
Vacant												
CITY OF CANTON												
Jim Benekos (John Highman Jr. and Chris Barnes)	X	X	X	A		X	X					
COUNTY OF SUMMIT												
Jim Balogh	X	X	X	X	X	X	X					
Alan Brubaker (Joe Paradise and Larry Fulton)	A											
David Kohlmeier (Zak Kaczor)	X	X	X	X	X	X		X				
David Lukas	A	X	X	X	X							
Sam Scaffide	X	X		X		X	X					
Ilene Shapiro (Craig Stanley & Joe Eckenrode)		A	A	A	A	A	A	A				
Dianne Sumego	X			X	X	X	X	X				
Michael Vinay (Matt Calcei)	X	X			X	X	A	X				
Elizabeth Walters (Mark Potter)		A	A	A	A		A	A				
CITY OF AKRON												
Ginger Baylor												
Daniel Horrigan (Sam DeShazor)												
Chris Ludle (Michelle DiFiore)	A	A	A	A	A	A	A	A				
Shammas Malik	X	X	X	X	X	X	X	X				
Linda F. R. Omobien												
Thomas A. Tatum (Jim Ashley)	X	X	X	X	X			X				
Helen Tomic (Kurt Mulhauser)					X	A	A	A				
WAYNE COUNTY												
Jonathan Hofstetter (Sue Smail)	X	X	X	X	X		X					
Jenn Kiper (Rob Kastner)	X	X	X	X	X	X	X					
Steven Wheeler (Kevin Givins)	A	A	A	A	A	A	A	A				
CITY OF WOOSTER												
Bob Breneman (Jonathan Millea, and Vince Marion)	A	A	A		A	A	A					
OHIO EPA-NEDO^a												
David Emerman (Patricia Vanah)	A		A					X				
CITIZENS COUNCIL												
Vacant (2)												

X = member present A = alternate present

^aex officio

See reverse side for a list of guests who attended last month's Board meeting

Guests in Attendance at the August 16, 2023 meeting

Meghan Adair, Summit/Medina Workforce Development Area

Chuck Hauber, Summit County Engineer's Office

Patrick Gsellman, Environmental Design Group (Akron)
