

**Clean Water (208) Plan Public Comment Period
September 16, 2011 through October, 31, 2011
Responsiveness Summary**

Comment: For the Randolph Facilities Planning Area (FPA), changes have been requested to the “pink” wastewater treatment prescription color in Randolph Township. These areas would change to “yellow” or “orange” prescription colors. Adding the Portage County prescriptions for “yellow” and “orange” areas to the Randolph FPA text in Appendix 3-9 was also requested.

Response: NEFCO will revise the map and text accordingly.

Comment: In the Mantua FPA, the commenter requested that the FPA map show the recent extension of sanitary sewers with a force main to a small subdivision in the northwest area of the township.

Response: NEFCO will show these new areas with sewer on the map.

Comment: In the Hudson – Streetsboro FPA, a request was made to change the wastewater treatment prescriptions for several areas within the City of Streetsboro.

Response: NEFCO will make the requested changes to the map.

Comment: In the Doylestown FPA, a request was made to change four “white” areas indicating no wastewater treatment prescription to “yellow” or areas served by sanitary sewers. The commenter said these areas are currently being served with sanitary sewers. A request was made to modify the western portion of the FPA boundary line to match the Doylestown village boundary.

Response: NEFCO will make these map changes.

Comment: In the Twinsburg FPA, the comment requested adding additional park areas and “orange” wastewater treatment prescription areas within the City of Twinsburg.

Response: NEFCO will add this information to the map.

Comment: In the Marshallville FPA, the comment requested changing three “white” areas to “yellow” because these areas are currently being served with sanitary sewers. The comment also requested matching the FPA boundary line with Marshallville’s village boundary.

Response: NEFCO will make these map changes.

Comment: Show all the Akron Joint Economic Development District (JEDD) contract areas as a light green hatch line in all pertinent FPA maps.

Response: NEFCO will make this change to all Akron JEDD contract areas.

Comment: Add the City of Barberton’s wastewater treatment plant to the Franklin – Green FPA map.

Response: NEFCO will add the plant to the map.

Comment: In the Springfield 91 FPA, the comment requested that the FPA map show areas currently served with sewers along Greensburg Road, Arlington Road, and State Route 619.

Response: NEFCO will make changes to the FPA map to show these areas as sewer areas.

Comment: In the western side of the Village of Dalton, three properties have sanitary sewers but are not shown as being served with sewers on the FPA map.

Response: NEFCO will make the changes to the FPA map once it is confirmed with the lead management agency that these parcels are connected to sanitary sewers.

Comment: The “orange” wastewater treatment prescription to the northwest on the Dalton FPA map now goes into the modified Orrville FPA.

Response: NEFCO will limit the “orange” wastewater treatment prescription area for the Dalton FPA to areas within the Dalton FPA boundary line.

Comment: The Stoney Creek Development within the City of Green is being served with sanitary sewers.

Response: The Stoney Creek development is in both the Springfield 91 and Franklin-Green FPAs. NEFCO will show on the Franklin-Green and Springfield 91 FPA maps the areas of Stoney Creek Development that have sanitary sewers. However, the portion of the development in the Franklin-Green FPA is an area that was previously a “cream” prescription indicating on-site wastewater treatment systems only. Also, the flow from this development is pumped to the Springfield 91 wastewater treatment plant. The portion of the development in the Franklin-Green FPA is not consistent with the wastewater treatment prescriptions or the facilities planning area boundary. Summit County Department of Environmental Services is working on an amendment request to NEFCO to modify both the wastewater treatment prescriptions and FPA boundary to make the development consistent with the Clean Water Plan. This amendment will be done in the near future.

Comment: The southern FPA boundary does not line up with the service agreement the County has with the City of Kent.

Response: Clean Water Plan (208) FPA boundaries are not the same as service area boundaries and often do not coincide.

Comment: The Portage County Water Resources Department mailing address has changed.

Response: The mailing address will be updated in the Clean Water Plan.

Comment: The FPA contact person for the City of Akron has changed.

Response: The contact person listed for the City of Akron in all pertinent FPAs will be updated.

Comment: Changes recommended to the Chapter 4 text: The comments include technical and grammatical changes to the chapter that add clarity and more accurate information in dealing with home sewage treatment systems, semi-public disposal systems, and small flow on-site sewage treatment systems.

Response: NEFCO staff will add all of the proposed changes to the Clean Water (208) Plan except changing the term “semi-public disposal systems” to “semi-public treatment systems” and changing “inspection fee” to “license fee” on page 4-5. The Ohio EPA still uses the terminology “semi-public disposal systems” for its House Bill 110 Program. The staff is concerned changing the definition in the CWP may cause confusion. The reference to inspection fee on page 4-5 was indeed confirmed to be an inspection fee and not a license fee.

Comment: The following text was submitted to replace the new text in Chapter 3, Policy 3-6 dealing with effect annexations on wastewater treatment prescriptions and facilities planning area boundaries:

“When annexations occur, the existing prescription color remains in the annexed area. The prescription represented by that color may or may not change depending on sanitary sewer service agreements between designated management agencies, and what local health department jurisdiction(s) is in effect in the annexed area. Should the designated management agency with jurisdiction over the newly annexed area determine that its prescription for the existing color designation in the annexed area is not sufficient for its wastewater treatment planning needs, it must initiate the Clean Water Plan amendment process in order to change the prescription and its attendant color for the annexed area.”

Response: This text will replace the current text in Policy 3-6 which addresses annexation.

Comment: The updates approved by the Wayne County Planning Commission through the IGR process should be included in the NEFCO update, maps and prescriptions. The applicable reviews all occurred prior to April 1, 2011.

Response: The Wayne County Intergovernmental Review (IGR) processed updates received by NEFCO prior to April 1, 2011 are included in this update. Any variations between the information in the draft CWP and what was submitted by the Wayne County IGR are the result of conflicts with two IGR submitted updates (Wooster and Smithville) or map changes resulting from updated GIS layers (addressed below).

Comment: Changes were made by NEFCO to numerous 201 Maps in Wayne County as the result of digital corrections to the original hand-drawn maps made using more accurate and updated GIS data. These changes include prescription (color) changes, corporation limit changes and Facilities Planning Area (FPA) boundary changes. Wayne County notes that these changes did not go through the County's Intergovernmental Review (IGR) Process or receive approval from the Wayne County Planning Commission. Therefore, the 201 maps that were modified by NEFCO will vary from what was approved by the Planning Commission.

Response: No FPA boundaries were altered from the GIS data changes. Modifications to FPA boundaries in early draft maps were restored to their original (currently approved) locations for the maps that were released for public review. The changes made by NEFCO as a result of updating GIS map layers did not go through Wayne County's IGR. However, NEFCO staff met with the Wayne County Planning Department, Wayne SWCD, the Wayne County Office of Environmental Services, and the Wayne County Health Department to review and discuss the maps prior to releasing them for public review. Wayne County's IGR process is not part of NEFCO's USEPA approved facilities planning area update process, as contained in Clean Water Plan Chapter 3. Staff welcomes comments from the county but its IGR process is not currently a conditional step for proceeding with a CWP amendment to the NEFCO Board. Lastly, the Wayne County Planning Commission, as with all entities, will have access to the approved 201 maps from NEFCO. As stated in Chapter 3 of the Clean Water Plan, NEFCO FPA maps are the definitive source for FPA information in the NEFCO region. NEFCO maps should always be used when making a 201/208 decision.

Comment: It is the (Wayne) County's understanding that white areas on the 201 maps signify areas with no prescription and if there is development pressure in a white area, the Ohio EPA will contact the County and the community to determine jurisdiction and the presence of existing sanitary sewer in the area. Changes to a white prescription should go through the County IGR Process and receive approval from the Wayne County Planning Commission.

Response: The proposed definition of a white area in the current plan update is:

"These areas currently lack wastewater treatment prescriptions. Future wastewater treatment options will be determined by documented impacts to water resources and "best science" which is defined as the regulatory standards as set by current State and Federal regulations."

The only requirement that Ohio EPA would have to follow when determining wastewater treatment options for white areas is that it cannot conflict with the 208 Clean Water Plan. The Ohio EPA should check with NEFCO staff if it needs clarification of any wastewater prescription on an FPA map. If the statement above (in quotation marks) is approved by the NEFCO Board and Ohio EPA, then the Ohio EPA's permit actions would only have to "not conflict" with that statement.

Comment: Following discussions with the City of Canal Fulton, Wayne County submitted a formal request to NEFCO (March 16, 2011) to have the Canal Fulton FPA boundary moved to the Wayne County/Stark County Line. This request was also discussed at the September 7, 2011 ERTAC meeting, at which time Stark County asked that a letter be sent to their office. A request letter was sent to the Stark County Sanitary Engineering Office on September 9, 2011.

Response: Here is what Wayne County submitted to NEFCO regarding Canal Fulton:

“The purpose of this letter is to indicate that if Canal Fulton proposes to move the FPA (Red Line) area, Wayne County would support this modification of the Canal Fulton FPA Boundary.”

Wayne County never submitted a formal request to have the Canal Fulton boundary moved to the Wayne/Stark County boundary. Rather they were in support of such a change IF it was proposed by Canal Fulton or another designated management agency (DMA). Neither Canal Fulton nor the Stark County Metropolitan Sewer District submitted this modification, thus NEFCO will retain Wayne County’s letter for future reference should a change (amendment) be requested by these Stark County entities.

Comment: The updated Dalton FPA map shows an area to be “yellow” that was illegally sewerred. Background information on the location and the lack of accountability for the illegal actions was also included.

Response: FPA maps show areas that are served by sanitary sewer systems with accompanying text that provides information on the sewer system. The Ohio EPA issues permits-to-install sewer lines and NEFCO was not contacted by the Ohio EPA prior to the installation of the sewers for determination of the wastewater treatment prescription for the area referred to in the comment.

Comment: The FPA boundary lines do impact businesses. A dairy farm applying for an agriculture easements program was dropped to the bottom of the list because an FPA line ran through the property.

Response: NEFCO does not set the criteria for any county’s agricultural easement program. The comment will be forwarded to the Wayne County Planning Department who is the local contact for this program. It is noted that the FPA boundary is a planning boundary and not a sewer service area boundary. There are areas within the Dalton FPA that are not prescribed to be served with sanitary sewer systems.

Comment: Who was notified that the public could comment on the updated Clean Water Plan?

Response: A public notice was published in the September 16 edition of the Akron Beacon Journal. Additionally, all mayors and township clerks in the NEFCO region received a letter from NEFCO in September notifying them of the public review of the Clean Water Plan. The entire updated Plan was posted on NEFCO’s website (www.nefcoplanning.org) for public review. Lastly, the Wayne County Health Department, Wayne County Planning Department, Wayne County Office of Environmental Services, and Wayne County Soil and Water Conservation District were made aware of the Clean Water Plan public review.

Comment: It seems private property owners are made to follow these rules but that government entities are exempt?

Response: An Ohio EPA permitting decision cannot conflict with the approved Clean Water (208) Plan.

Comment: Miscellaneous opinions and comments regarding the Dalton FPA.

Response: The comments are noted by NEFCO and will be kept on record, but they fall outside the scope of the Clean Water (208) Plan update.

Comment: By law both new cities are secondary DMAs with the primary DMA not retaining any jurisdiction by law for unplanned areas not having resolution of necessity previous to city creation in Franklin Green FP.

Response: Local communities are free to form their own sewer districts per Ohio Revised Code (ORC) Chapter 6119 and act as a management agency. However, this is not a requirement in the Ohio Revised Code. Neither the City of Green nor the City of New Franklin have taken the steps to become their own management agency in the Franklin – Green FPA.

Comment: Reference in multiple locations: this update violates ORC as to definition of “available” and the rights granted in the ORC.

Response: NEFCO is not aware of any violation of the Ohio Revised Code for any portion of this Clean Water Plan update. There is not a definition of “available” in ORC Chapter 6119 that deals with Regional Water and Sewer Districts.

Comment: There is no basis for requirement to hookup to “existing POTW” or that land irrigation is prohibited as a wastewater treatment option.

Response: Wastewater treatment prescriptions are determined by the responsible management agency for an area. A list of the management agencies for each city and village in the NEFCO region can be found in Table 3-2. The management agency determines the wastewater treatment options for a particular area.

Comment: There has been no review open to public scrutiny since original Facility Plans.

Response: There have been multiple public meetings and comment periods for various updates to the Clean Water (208) Plan since the original Facilities Plans were developed in the 1970s. The most recent was the public meeting held September 28, 2011, at the City of Green Administration Building. In addition, Ohio EPA holds public hearings for all updates submitted to the statewide 208 Plan which includes NEFCO's Clean Water Plan Updates.

Comment: The cost to pump is greater than the cost to treat and impedes the feasible availability of sewers.

Response: It is not clear to staff what this comment is referring to. However, determination of costs to benefits of providing sanitary sewers to specific areas is determined by the appropriate management agency, not NEFCO.

Comment: No public input has been allowed in Akron's FP except through Federal Court proceedings, and even in that content with concrete historical data, comments are given no credibility by agency.

Response: NEFCO accepts all public comments and considers each in preparing plan updates. NEFCO is not involved with the federal lawsuit between the City of Akron and the Justice Department regarding the City's combined sewer overflows. Public input from that court proceeding is beyond the scope of this Clean Water (208) Plan update. No historical data was submitted regarding the Akron FPA during this public comment period.

Comment: It is strange that The Planning agency is against areas being sewerred that have petitioned for collection and that OHEPA objects to areas with average septic tanks over 40 years old as not in need, the agency believes it is above the needs of the people.

Response: Determination of areas to receive sanitary sewers is made by either the appropriate management agency or the Ohio EPA in cases of public health. NEFCO's role is to ensure that the actions by the management agency and/or Ohio EPA do not conflict with the Clean Water (208) Plan.

Comment: Without public oversight, all FP should obligate back to 70/80s last review.

Response: There have been multiple public meetings and comment periods for various updates to the Clean Water (208) Plan since the original Facility Plans were developed in the 1970s. The most recent was the public meeting held September 28, 2011, at the City of Green Administration Building. Over the last two years progress on the Clean Water Plan update has frequently been a topic on the monthly agenda of the NEFCO General Policy Board. These meetings are open to the public. In addition, the State of Ohio has certified and U.S. EPA has approved numerous Clean Water (208) Plan updates since the 1970s and 1980s.