TO: NOACA Board of Directors

FROM: Grace Gallucci, Executive Director

DATE: September 7, 2018

RE: Resolution No 033: Facility Planning Area (FPA) Revision Request: Transfer of one (1) parcel from the Lorain County FPA to the Avon Lake/Lorain County Rural Wastewater District (LORCO) Phase I FPA in Columbia Township

ACTION REQUESTED
The Board of Directors is asked to approve the facility planning area (FPA) modification requested by the Lorain County Rural Wastewater District (LORCO). Specifically, the item will transfer one (1) parcel (7.26 acres) from the Lorain County FPA to the Avon Lake/LORCO Phase I (Phase I) FPA in Columbia Township.

The Water Quality Subcommittee and Planning and Programming Committee have recommended this action.

BACKGROUND/JUSTIFICATION FOR CURRENT ACTION
LORCO received a request from the property owners of permanent parcel number (PPN) 1200099000031 in Columbia Township to connect to the LORCO sewer line along Hawke Road (Attachment A). The parcel currently resides in the Lorain County FPA. In order to connect to LORCO’s sewer line, the parcel must be transferred to the Phase I FPA (Attachment B). Under the federal Clean Water Act, all sanitary sewer connections must be within the FPA of the publicly owned treatment works (POTW) that treats the wastewater.

Columbia Township is not a member of LORCO. In order to allow for Columbia Township parcels along Hawke Road to connect to LORCO’s sewers, an agreement was reached between Lorain County, LORCO, the City of Avon Lake and Columbia Township in 2016. Under the agreement, upon a written request from a landowner along Hawke Road to connect to LORCO’s sewer line, all parties agree to give their approval for the FPA change to transfer the requesting parcel(s) from the Lorain County FPA to the Phase I FPA. The agreement also reaffirms Lorain County’s sewer planning authority as the Designated Management Agency (DMA) for the Columbia Township parcels along Hawke Road.

This is the second FPA modification request submitted by LORCO to transfer this parcel into the Phase I FPA. The previous request was submitted in 2016 and did not advance out of NOACA’s Planning and Programming Committee. Lorain County objected to the FPA modification because the parcel was vacant and did not have development proposed for the site. The parcel sold in October 2017 and the new owners submitted a construction bid sheet (attached) along with their request to LORCO to modify the FPA boundary.
LORCO requested letters of support from the City of Avon Lake, Lorain County and Columbia Township on April 17, 2018. Despite the agreement between these entities, comment letters are still required to fulfill the notification requirements in Policy 4-6 of the 208 Plan. All affected jurisdictions submitted letters of support for the FPA modification (attached).

**FINANCIAL IMPACT**
NOACA’s approval of the boundary change will not result in any financial impact to NOACA.

**CONCLUSION/NEXT STEPS**
Pending Board approval, NOACA staff will submit the updated FPA boundary to Ohio EPA.

GG/ea/3029b
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the counties of Cuyahoga, Geauga, Lake, Lorain, Medina, the City of Cleveland and the areawide water quality management agency for the same region; and

WHEREAS, Clean Water 2000, the current update to the NOACA Section 208 Water Quality Management Plan, was adopted by the NOACA Board of Directors, certified by the Governor of Ohio, and approved by the United States Environmental Protection Agency; and

WHEREAS, Clean Water 2000 provides for modifications to wastewater treatment facility planning area (FPA) boundaries, subject to review by the NOACA staff, the NOACA Water Quality Subcommittee, and the NOACA Planning and Programming Committee; and

WHEREAS, Lorain County Rural Wastewater District (LORCO); with the support of Columbia Township, Lorain County and the City of Avon Lake; proposes a modification of the FPA boundary between the Lorain County FPA to the Avon Lake/LORCO Phase I (Phase I) FPA for the benefit of regional water quality and economic development; and

WHEREAS, the FPA boundary change will transfer all or portions of 1 parcel covering 7.26 acres from the Lorain County FPA to the Avon Lake/LORCO Phase I FPA; and

WHEREAS, the NOACA Water Quality Subcommittee and the Planning and Programming Committee reviewed the request and recommended that the Board of Directors approve the modification request.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of forty-five principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, Medina, and the City of Cleveland that:

Section 1. The Clean Water 2000 Plan’s FPA Boundary Map is amended to reflect the transfer of all or portions of 1 parcel (7.26 acres) from the Lorain County FPA to the Avon Lake/LORCO Phase I FPA as shown in attachment B.

Section 2. The Executive Director is authorized to submit the new boundaries and prescriptions to Ohio EPA for certification by the Governor.

Section 3. The Executive Director is authorized to transmit certified copies of this resolution to appropriate federal, state, and local agencies.

Certified to be a true copy of a Resolution of the Board of Directors of the Northeast Ohio Areawide Coordinating Agency adopted this 14th day of September 2018.

Secretary: __________________________
Date Signed: 9/14/18
ATTACHMENT A: CURRENT FACILITY PLANNING AREA (FPA) BOUNDARY FOR PARCEL 1200099000031 IN COLUMBIA TOWNSHIP, LORAIN COUNTY.
ATTACHMENT B: PROPOSED FACILITY PLANNING AREA (FPA) BOUNDARY FOR PARCEL 1200099000031 IN COLUMBIA TOWNSHIP, LORAIN COUNTY.

DATA SOURCES:
NOACA
LORCO

Lorain County FPA Boundaries

Jurisdiction Boundary
Proposed FPA Boundary
Gravity Sewer Line
Parcels
Parcel 1200099000031

NOACA makes no representations or warranties with respect to the accuracy and/or completeness of the map.
April 13, 2018

Gary and Lisa Deerhake
6485 E. Harbor Rd. Lot 1
Marblehead, Ohio 43440

Mr. Eugene Toy
Executive Director
Lorain County Rural Wastewater District (LORCO)
22898 West Road P.O. Box 158
Wellington, Ohio 44090

Dear Mr. Toy,

We are Gary and Lisa Deerhake, new owners of Parcel # 12-00-099-000-031 on Hawke Rd in Columbia Township. We are requesting to change the facility planning area from “Lorain County” to “LORCO/ALMU Phase 1”.

We are currently finalizing our building plans for a house and plan on starting construction soon.

Thank you,
Gary and Lisa Deerhake
419-967-0623
gary.41r@gmail.com

[Signatures]
Gary L. Deerhake
Lisa J. Deerhake
May 10, 2018

Ms. Grace Gallucci  
Executive Director  
NOACA  
1299 Superior Avenue  
Cleveland, OH 44114

Sent via email

Re:  LORCO FPA Boundary Change Request – Hawke Road

Dear Ms. Gallucci:

Avon Lake Regional Water submits to you this letter of support for LORCO’s FPA boundary change request regarding parcel 12-00-099-000-031, located in Lorain County’s FPA in Columbia Township on the east side of Hawke Road. This request aligns with the four-party agreement between LORCO, Lorain County, Columbia Township, and Avon Lake Regional Water.

If you have any questions regarding our position, please feel free to contact me. Thank you for your time.

Sincerely,

[Signature]

Todd A. Danielson, P.E., BCEE  
Chief Utilities Executive
May 31, 2018

Ms. Grace Gallucci
Executive Director
Northeast Ohio Areawide Coordinating Agency
1299 Superior Ave.
Cleveland, OH 44114-3204

Re: Parcel #12-00-099-000-031

Dear Ms. Gallucci:

With respect to parcel # 12-00-099-000-031 and changing Facility Planning Area boundaries. Please be advised we have no objections.

If you have any questions please feel free to call my office at 440-329-5760.

Sincerely,

[Signature]

James R. Cordes
Lorain County Administrator
June 5, 2018

Ms. Grace Gallucci  
Executive Director  
Northeast Ohio Areawide Coordinating Agency (NOACA)  
1299 Superior Avenue  
Cleveland, Ohio 44114

Re: LORCO FPA BOUNDARY CHANGE REQUEST – 11313 HAWKE ROAD PERMANENT PARCEL 1200099000031

Dear Ms. Gallucci:

The Columbia Township Board of Trustees support the request made by property owners Gary L. Deerhake and Linda J. Deerhake, Trustees to change the Facility Planning Area (FPA) for permanent parcel 1200099000031 from Lorain County’s FPA to LORCO’S FPA. The property is located on the east side of Hawke Road in Columbia Township. We support this modification based on the Memorandum of Understanding between Lorain County, LORCO and Columbia Township for Hawke Road.

Please feel free to contact Chairman Dick Heidecker at 440-552-3511 if you have any questions or need additional information.

Yours truly,

COLUMBIA TOWNSHIP  
BOARD OF TRUSTEES

Dick Heidecker  
Michael G. Musto  
Mark C. Cunningham
Facility Planning Area (FPA) Modification Request Form

Applicant:

Lorain County Rural Wastewater District (LORCO)

FPA Amendment Type:

The applicant requests a change in the FPA boundary between the Avon Lake/LORCO Phase I FPA and the Lorain County FPA.

Location of Transfer Area:

The transfer area is in Columbia Township, Lorain County

Transferring From:

Lorain County FPA

Transferring To:

Avon Lake/LORCO Phase I FPA

Total Acres:

7.26

Total Parcels:

One (1) parcel

Prescriptions Change Summary:

No prescription changes proposed

List of Affected Parties:

Designated Management Agencies (DMAs) – Lorain County and City of Avon Lake

Satellite DMAs – LORCO

Others – Columbia Township
208 Plan Consistency Review
Facility Planning Area Review - Applicant Needs to Solicit Support from Affected Parties

- Applicant is the Designated Management Agency for all of the affected area.
  - Applicant is not the Designated Management Agency for all or part of the affected area
    - Applicant has secured the approval of the entity or entities that are.
    - Applicant has not secured the approval of the entity or entities that are.

Service Extension/Community Plan Review – Amendment Should be Consistent with the Prescriptions for Wastewater Treatment

- Applicant does not propose the extension of any sewer service.
  - The proposed project is limited to sewer system rehabilitation work.
  - The proposed project is limited to a plant expansion or modification to better handle wet weather flow volumes

- Applicant does propose the extension of sewer service to an area lying entirely within the established facility planning area of the project sponsor.
  - The proposed extension is consistent with the current Prescriptions for Wastewater Treatment for the affected area.
  - The proposed extension is not consistent with the current Prescriptions for Wastewater Treatment for the affected area.
  - The applicant proposes new Prescriptions for Wastewater Treatment for the affected area.

- Another entity proposes the extension of sewer service to an area lying entirely within the established facility planning area(s).
  - The proposed extension is consistent with the current Prescriptions for Wastewater Treatment for the affected area.
  - The proposed extension is not consistent with the current Prescriptions for Wastewater Treatment for the affected area.
  - The applicant proposes new Prescriptions for Wastewater Treatment for the affected area.

Plant Expansion Review (if applicable)

- The application involves a plant capacity expansion that is consistent with extant population projections included in the Clean Water 2000 Plan as most recently updated.

- The application involves a plant capacity expansion that is not consistent with extant population projections included in the Clean Water 2000 Plan as most recently updated.
  - The applicant has provided information that has sufficiently resolved any population project discrepancy.
  - The applicant has not provided information that sufficiently resolved the population projection discrepancy.

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1 Prescriptions for Wastewater Treatment are referred to as Community Plans for Wastewater Treatment in the Clean Water 2000 plan.
Staff Comments:
Hawke Road is on the boundary between Eaton Township and Columbia Township in Lorain County. It is also on the divide between the Avon Lake/LORCO Phase I (Phase I) FPA and Lorain County FPA. Eaton Township is a member of LORCO and within the Phase I FPA. Columbia Township is not a member of LORCO and within the Lorain County FPA. LORCO has a sanitary sewer line that runs along Hawke Road. Due to the current FPA boundary, only the properties in Eaton Township along Hawke Road can connect to LORCO’s sewer. All sanitary sewer connections must be within the FPA of the publicly owned treatment works (POTW) that treats the wastewater.

In 2016, LORCO, Lorain County, City of Avon Lake and Columbia Township signed a sanitary sewer service agreement for the Columbia Township parcels along Hawke Road which would like to connect LORCO’s sewers. The agreement stipulates that if a property owner along Hawke Road requests in writing to be connected to LORCO’s sanitary sewers, the affected jurisdictions would all support the proposed FPA amendment to transfer that parcel(s) from the Lorain County FPA to the Phase I FPA. In the agreement, Lorain County would remain as the sewer planning Designated Management Agency (DMA) for all Columbia Township parcels along Hawke Road regardless of the FPA.

LORCO received a request from the property owners of permanent parcel number (PPN) 1200099000031 to connect their planned home to LORCO’s Hawke Road sewer. The landowners included a construction bid sheet for the proposed home as part of their request to LORCO (attached). This 7.26 acres parcel falls within the sanitary sewer service agreement area between LORCO and the affected jurisdictions (Attachment A). LORCO has requested an FPA modification to transfer this parcel from the Lorain FPA to the Phase I FPA (Attachment B). No prescription changes are requested.

This is the second LORCO FPA modification request to transfer this parcel into the Phase I FPA. Lorain County objected to LORCO’s first request because the homeowner did not have a proposed development for the currently vacant parcel. The first request did not advance past NOACA’s Planning and Programming Committee.

Notwithstanding the agreement between LORCO, City of Avon, Lorain County and Columbia Township the requires support of an FPA amendment request along Hawke Road, LORCO still must solicit support from the affected jurisdictions to satisfy the notification requirements in Policy 4-6 of the Clean Water 2000 Plan (208 Plan). All affected jurisdictions support the FPA modification request for PPN 1200099000031.

Staff Disposition:
The staff recommends approval of the proposed FPA boundary modification between the Phase I FPA and the Lorain County FPA. LORCO has an existing sanitary sewer along Hawke Road with the capacity to accept the flow from the proposed development. The request also satisfies the provisions in the sanitary sewer service agreement between the affected jurisdictions to provided sewers, upon request, to the Columbia Township property owners along Hawke Road. Lastly, the request is supported by all the affected jurisdictions and signees to the sewer service agreement.
**Water Quality Subcommittee Disposition:**
Recommended for approval at the June 15, 2018, meeting

**Planning and Programming Committee Disposition:**
Recommended for approval at the July 13, 2018, meeting

**Executive Committee Disposition:**
Included item on the September Board agenda at their August 24, 2018, meeting

**Board of Directors Disposition:**
Action item for the September 14, 2018, meeting