



NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

MEMORANDUM

TO: NOACA Board of Directors

FROM: Grace Gallucci, Executive Director

DATE: January 3, 2014

RE: **Resolution No. 2014-008: Amendment to 208 Areawide Water Quality Management Plan: 90-Day Review Period for FPA Boundary Changes**

ACTION REQUESTED

The Board of Directors is asked to adopt **Resolution No. 2014-008**, which amends Chapter 4 of the 208 Areawide Water Quality Management Plan, Clean Water 2000, to include a 90-day time limit for affected parties to respond to a proposed Facility Planning Area (FPA) boundary change.

BACKGROUND/JUSTIFICATION FOR CURRENT ACTION

As an areawide water quality management agency in charge of wastewater planning for its five counties, NOACA is charged with maintaining current and accurate FPA boundaries as part of the Clean Water Act Section 208 Water Quality Plan. When an agency requests a boundary change, the approval process can be delayed if the affected parties do not respond to the proposed boundary change in a timely manner. This delay can cause significant impacts to timelines for acquiring or spending capital improvement funds, and work schedules for completing projects that may benefit regional water quality and economic development. The proposed time limit is supported by Ohio EPA, and has been demonstrated to work effectively in other Ohio Areawide Water Quality Management Agencies. Both the Northeast Ohio Four County Regional Planning and Development Organization (NEFCO) in the Akron area and the Eastgate Regional Council of Government (Youngstown area) utilize a 45-day time limit. Also, this time limit allows for the review and approval of a boundary change to occur before the 180-day conditional approval period for Ohio EPA's Permit-To-Install program expires for a project's application.

The proposed 90-day limit provides all affected parties 90 calendar days to respond to a proposed FPA boundary change received by NOACA in writing. If a response is not received from all parties within 90 days, the unresponsive party will be notified that the topic will be added to the next Water Quality Subcommittee agenda for review and possible approval by the Subcommittee. The Subcommittee reserves the right to table the issue if they deem appropriate.

The Water Quality Subcommittee reviewed the following proposed language on October 16, 2013 and recommended the amendment for adoption by the Board of Directors.

To be added in Chapter 4, Section 4-2. This paragraph would be inserted immediately after the first paragraph on page 4-13.

“Upon receipt of a request for redefinition of FPA boundaries, NOACA staff will notify the affected jurisdictions that the request was received and the jurisdictions have a maximum of 90 calendar days to respond to the proposed boundary change(s). Within that period, an affected jurisdiction may choose to agree with the proposed boundary change(s), object to the boundary change(s) in total, or request NOACA to facilitate an all-parties meeting to review the change(s). If responses from all affected jurisdictions are not received within the 90-day period, those who have not responded will be contacted and notified that the boundary change request will be reviewed at the next Water Quality Subcommittee meeting. At that meeting, a representative from an affected jurisdiction may choose to attend to present their opinion on the change request; however, the Subcommittee may review and make a determination as to whether or not the boundary change can be recommended to the Planning & Programming Committee for review and recommendation to the NOACA Board of Directors for approval. The Water Quality Subcommittee reserves the right to table a boundary change request until the next Water Quality Subcommittee”.

FINANCIAL IMPACT

There is no financial impact to NOACA or its member communities.

CONCLUSION/NEXT STEPS

Following adoption, the 90-day review period will be in effect.

**RESOLUTION NO. 2014-08
(AMENDMENT TO 208 AREAWIDE WATER
QUALITY PLAN: 90-DAY REVIEW PERIOD FOR FPA BOUNDARY CHANGES)**

**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, and Medina, 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 and the NOACA Water Quality Subcommittee; and

WHEREAS, NOACA's Water Quality Staff and the NOACA Water Quality Subcommittee have drafted an amendment to Chapter 4 of *Clean Water 2000* to expedite the review of Facility Planning Area (FPA) boundary change proposals through a 90-day time limit for responses from affected parties; and

WHEREAS, the proposed time limit benefits member communities working to improve water quality and economic development, is supported by Ohio EPA, and has been demonstrated to work effectively in other Ohio Areawide Water Quality Management Agencies, specifically the Northeast Ohio Four County Regional Planning and Development Organization (NEFCO) and Eastgate Regional Council of Governments; and

WHEREAS, the NOACA Water Quality Subcommittee has reviewed the amendment and recommended that the Board of Directors approve the proposed language.

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, and Medina that:

Section 1. The *Clean Water 2000* Plan's Chapter 4 is amended to include the language for a time limit on proposed FPA boundary changes shown in Attachment A.

Section 2. 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 10th day of January 2014.

Secretary: 

Date Signed: 10 JAN 14

**RESOLUTION NO. 2014-08
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ATTACHMENT A

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