

Facility Planning Area (FPA), Designated Management Agency (DMA) and Prescription Modification Process

DMAs should contact NOACA staff at the onset of any potential 208 Plan modification for assistance and guidance. Requests to change FPA boundaries or Prescriptions require additional measures and time prior to the NOACA Board approval process (see Chapter 3).

Who Can Submit a Facility Planning Area (FPA) Modification Request?

A Primary or Secondary DMA recognized in Tables 4B-1 through 4B-5 of Appendix 4B can request an FPA modification. NOACA staff can also initiate FPA modifications, as needed, to maintain accurate and up-to-date FPA information and maps.

Facility Planning Area (FPA) Modification Request Packet and Guidelines

Guidelines for information required by NOACA from DMAs for FPA modification requests are in the FPA Modification Request Packet and Guidelines (see Appendix 4F). NOACA staff may request additional information after the initial submittal.

Facility Planning Area (FPA) Modification Process

Steps in a typical FPA Modification Request submitted to NOACA follow.

- a. A DMA notifies NOACA staff of its desire to modify an FPA.
- b. NOACA staff inform the DMA of its FPA modification process, required documentation, affected jurisdictions, and other pertinent information detailed in the FPA Modification Request Packet and Guidelines (Appendix 4F).
- c. The DMA initiates and completes the maximum 60 calendar-day comment period for affected jurisdictions (see below).
- d. The DMA submits an FPA Modification Request Packet and Guidelines to NOACA.
- e. NOACA staff conduct Consistency Review of the DMA's request (see below).
- f. If there is no agreement among the affected jurisdictions, NOACA will attempt to organize a meeting(s) with the jurisdictions to reach consensus.
- g. NOACA staff prepare an FPA modification summary and staff recommendation for the Water Quality Subcommittee, which begins the NOACA Board review process (see Chapter 3).





Affected Jurisdictions Comment Period

- a. The requesting DMA must notify and solicit support from the affected jurisdictions (Primary DMAs, Secondary DMAs, cities, villages, townships and counties) within the proposed modification area, as determined by NOACA staff.
- b. The requesting DMA must submit the proposed update and request for support to the affected jurisdictions in such a manner that NOACA can verify when the information was received by the affected jurisdictions. Copies of the notification documentation (letter, email, etc.) must be in the DMA's FPA Modification Request Packet and Guidelines to NOACA. A notification letter template is included in Appendix 4F.
- c. Affected jurisdictions have a maximum of 60 calendar days to comment on the requested FPA modification(s). Affected jurisdictions should send comment letters to the requesting DMA. The comment period begins the business day following the day of (verifiable) notification letter receipt.
- d. For the purposes of NOACA's Board approval process, a non-response from an affected jurisdiction during the 60 calendar-day comment period will be viewed as a "position of no objection" from the jurisdiction for the proposed FPA modification(s).
- e. A DMA's FPA modification request to NOACA must include either comment letters received from all jurisdictions or proof (certified mail receipt, email receipt, etc.) that non-responsive jurisdictions had 60 calendar days to provide comments.
- f. NOACA staff may request additional information from the applicant or any of the affected jurisdictions based on comments received.
- g. If there is disagreement among the affected jurisdictions, NOACA staff will attempt to organize an affected jurisdiction's meeting(s) to reach consensus.

- h. When there is no consensus after NOACA staff facilitation, the NOACA Water Quality Subcommittee will hear all viewpoints and render a recommendation to the Planning and Programming Committee.
- i. NOACA staff will notify all affected jurisdictions when the FPA modification request comes before NOACA's Water Quality Subcommittee for review and consideration.
- j. During the Water Quality Subcommittee meeting, representatives from the affected jurisdictions may choose to present their opinions of the proposed FPA modification request. All affected jurisdictions will have an equal opportunity to address the Water Quality Subcommittee regardless of NOACA membership status.

NOACA Staff Consistency Review of Facility Planning Area (FPA) Modification Requests

NOACA staff will conduct Consistency Review for submitted FPA modification requests based on the following criteria:

- a. The proposed FPA boundaries versus those in NOACA's current 208 Plan
- b. The population projections versus those in NOACA's current 208 Plan (Appendix 4E)
- c. The proposed Prescriptions versus those in NOACA's current 208 Plan
- d. Adherence to Policy 4-6 for contested FPA modification requests
- e. Completion of the affected jurisdictions' comment period to ensure adequate notification and opportunity to comment on the proposed FPA modification

Consistency Review will determine if the FPA modification request can proceed to the Water Quality Subcommittee or if additional information is necessary. Once a request is ready to proceed, staff will prepare a recommendation and present the FPA modification request to NOACA's Water Quality Subcommittee for consideration.



Facility Planning Area (FPA) Modification Timeline

The amount of time required for an applicant to receive approval by NOACA's Board can vary significantly, depending on the complexity of request, level of agreement among affected jurisdictions, and submittal date.

Timeline for Required FPA Modification Steps:

Affected Jurisdiction Comment Period – Maximum 60 days

NOACA Staff Consistency Review – Minimum 18 days

NOACA's Board Approval Process (Chapter 3) – Minimum of 100 days

Timeline for Additional Steps (if needed):

NOACA Staff Information Requests – Variable, but typically 30 days

Affected Jurisdictions Meeting(s) (for requests not supported by all affected jurisdictions) – Variable, but typically 60-90 days

Modification Submittal Deadlines

All 208 Plan modifications must go through the 208 Plan Modification Process discussed in Chapter 3. The first step in the approval process is a technical review and recommendation by NOACA's Water Quality Subcommittee. The DMA must submit the FPA Modification Request Packet and Guidelines (Appendix 4F) to NOACA no later than 18 days prior to the next meeting. For example, the 2020 208 Plan Modification submittal deadlines (based on the 2020 Water Quality Subcommittee meeting dates) are:

- Monday, March 2, 2020
- Monday, June 1, 2020
- Friday, August 31, 2020
- Monday, November 30, 2020

NOACA staff recommends DMAs submit FPA Modification Request Packets and Guidelines as early as possible in case additional time is necessary to address issues (additional information, affected jurisdictions meeting, etc.) prior to consideration by NOACA's Water Quality Subcommittee.

Regional Strategies, Agency Recommendations and NOACA Policies

Where appropriate, each chapter of this 208 Plan includes regional strategies and best management practices, specific agency recommendations, and NOACA policies to address water quality issues. The NOACA Board will adopt such strategies, practices, recommendations, and policies upon adoption of the 208 plan to guide NOACA's wastewater management and water quality planning work.

Agency Recommendations

Agency Recommendation 4-1: Local jurisdictions should coordinate the Prescriptions mapped in Figures 4B-1 through 4B-5 (Appendix 4B) with local and up-to-date Land use plans or similar planning documents.

Ideally, the planning choices reflected in wastewater management options presented in Figures 4B-1 through 4B-5 will be consistent with local land use plans or similar planning documents. This consistency will enhance the effectiveness of NOACA's 208 Plan.

Agency Recommendation 4-2: Local jurisdictions should consider the use of the [Joint Economic Development District \(JEDD\)](#), [Cooperative Economic Development Agreement \(CEDA\)](#), or similar approaches allowed under Ohio and federal law to address conflicting interests in the process of wastewater treatment infrastructure.¹⁵

¹⁵ORC Chapters 715.7, Municipal Corporations—General Powers, <http://codes.ohio.gov/orc/715>; and ORC Chapter 701.07, Municipal Corporations—Cooperative Economic Development Agreements, <http://codes.ohio.gov/orc/701.07v1> (both accessed January 29, 2020).

