MEMORANDUM

TO: NEFCO General Policy Board
FROM: Eric Akin, Environmental Planner
DATE: February 13, 2013
SUBJECT: Consideration of an Amendment to the Clean Water Plan for the Akron and Barberton Facilities Planning Areas to update the FPA boundary and wastewater treatment prescription for selected areas

What’s being requested:
The City of Akron is requesting an amendment to the Clean Water Plan for the Akron Facilities Planning Area (FPA) and the Barberton – Wolf Creek FPA. Akron is proposing a change to the Facilities Planning Area boundary between the two FPAs and a prescription change for two properties located at 1252 and 1262 Robinson Avenue in Coventry Township. The property owner has requested that a Clean Water Plan amendment be prepared and submitted for approval in order to allow these properties to connect to the Barberton sanitary sewer (letter attached).

Background:
The property owner, JPD Properties LLC, has been ordered by the Ohio EPA to abandon the existing wastewater treatment plant that serves 1252 and 1262 Robinson Avenue and connect to sanitary sewers. The properties are currently located within the Akron FPA boundary and within the Coventry Township - City of Akron Joint Economic Development District (JEDD) Contract Area. The City of Akron does not have an existing sanitary sewer located in this area. The City of Barberton has an existing 8-inch sanitary sewer located within the Robinson Avenue right-of-way to which the properties can be connected. This sanitary sewer is tributary to the Barberton Wastewater Treatment Plant which discharges to the Tuscarawas River.

Facilities Planning Area (FPA) boundary:
The properties are currently located within the Akron FPA (Figure 1). Figure 2 shows the area enlarged with the current FPA boundary. Under the proposed amendment, the properties will be transferred to the Barberton – Wolf Creek FPA as shown in Figure 3.

Wastewater prescription change:
The prescription for these two parcels is currently the Akron FPA prescription for “Coventry Township - City of Akron Joint Economic Development District Contract Area” (green hatch). The prescription for these two parcels will be changed to the Summit County DOES prescription in Coventry Township for “Areas Currently Served with Sanitary Sewers” (yellow) as shown in Figure 3.

Local governments affected:
The designated management agencies (DMAs) affected by the amendment are the City of Akron, City of Barberton, and Summit County Department of Environmental Services. Coventry Township is the only local government affected by the proposed amendment.
Public notification efforts:
The City of Akron placed a Legal Notice in the Akron Beacon Journal on January 12th, 2013 (copy attached). The comment period ended at the close of business on January 30th, 2013. No written public comments were received. Akron received one verbal comment inquiring about the effect of the amendment on local zoning. The amendment will not change the zoning in Coventry Township.

Letters of support were requested from the City of Barberton, Coventry Township, Summit County Department of Environmental Services (DOES), and Summit County Public Health. A copy of the letter sent by certified mail on January 10th, 2013 is attached. Letters of support were received from the City of Barberton, County of Summit DOES, and Summit County Public Health (copies attached).

Staff recommendation:
NEFCO’s staff recommends approval of the proposed amendment. The amendment would allow for the abandonment of a failing private and illegally discharging wastewater treatment system, and allow for the properties to connect to the City of Barberton’s sanitary sewer along Robinson Avenue. The amendment is supported by the City of Barberton, the City of Akron, County of Summit DOES, and Summit County Public Health.

Environmental Resources Technical Advisory Committee (ERTAC) Action:
The ERTAC preformed a technical review of the proposed amendment at its February 6th, 2013 meeting and recommended approval by NEFCO’s Board.

NEFCO General Policy Board Action:
Approved the amendment.

Attached is resolution FY2013-014. Thank you for you consideration.
RESOLUTION OF THE GENERAL POLICY BOARD OF THE NORTHEAST OHIO FOUR COUNTY REGIONAL PLANNING AND DEVELOPMENT ORGANIZATION (NEFCO) APPROVING AN AMENDMENT TO THE CLEAN WATER PLAN TO CHANGE THE FACILITIES PLANNING AREA BOUNDARY AND WASTEWATER PRESCRIPTION FOR TWO PROPERTIES LOCATED AT 1252 ROBINSON AVENUE AND 1262 ROBINSON AVENUE IN COVENTRY TOWNSHIP, SUMMIT COUNTY

WHEREAS, NEFCO is the designated water quality management planning agency for Portage, Stark, Summit and Wayne Counties; and

WHEREAS, as part of that designation it is NEFCO’s responsibility to coordinate the use and update of its Clean Water Plan, also known as the 208 Plan; and

WHEREAS, NEFCO has been requested by the City of Akron to consider an amendment to the Clean Water Plan to modify the Facilities Planning Area (FPA) boundary line to move the properties located at 1252 and 1262 Robinson Avenue in Coventry Township from the Akron FPA in to the Barberton – Wolf Creek FPA; and

WHEREAS, NEFCO has also been requested by the City of Akron to consider an amendment to the Clean Water Plan to change the wastewater prescriptions for the properties located at 1252 and 1262 Robinson Avenue in Coventry Township; and

WHEREAS, the proposed prescription would be the County of Summit Department of Environmental Services (DOES) prescription in Coventry Township for “Areas Currently Served with Sanitary Sewers”; and

WHEREAS, the FPA Boundary modification would allow for the properties to connect to the City of Barberton’s sanitary sewer system along Robinson Avenue; and

WHEREAS, the City of Barberton, Summit County Public Health, and the County of Summit DOES have recommended approval of the proposed amendment; and

WHEREAS, the Ohio Environmental Protection Agency (Ohio EPA) has requested NEFCO’s approval of this amendment as a step in its permitting process; and

WHEREAS, the NEFCO Environmental Resources Technical Advisory Committee (ERTAC) performed a technical review of this request and recommended approval;

NOW, THEREFORE, BE IT RESOLVED that the NEFCO General Policy Board approves this amendment to change the facilities planning area boundary and wastewater prescription for the properties at 1252 and 1262 Robinson Avenue in Coventry Township. Furthermore, the Board directs staff to incorporate this amendment into NEFCO’s Clean Water Plan and to transmit pertinent amendment materials to the City of Akron, City of Barberton, County of Summit DOES, Coventry Township, Summit County Public Health, and the Ohio EPA.

Certified as action taken by the NEFCO General Policy Board at its regular meeting held on February 20, 2013.

Bob Breneman, Secretary
NEFCO General Policy Board
Areas Currently Served with Sanitary Sewers
Areas Expected to be Served with Sanitary Sewers within the Next 20 years
Areas that will be served by On-site Non-Discharging Systems
Areas that will be served by POTW or by On-site Nondischarging Systems
Akron Joint Economic Development District Contract Areas
Barberton-Norton Joint Economic Development District
Parks and Natural Areas
Lakes and Ponds

- FPA Boundary
- Basin Divide
- Stream
- Community Boundary
- Highway
- Road
- Publicly Owned Wastewater Treatment Works (POTW)

* Please see Clean Water Plan text for a complete explanation of the mapping categories.
* Please see the FPA Reference Map (figure 3-1a) for names of adjacent FPAs.
Areas Currently Served with Sanitary Sewers
Areas Expected to be Served with Sanitary Sewers within the Next 20 years
Areas that will be served by POTW or by On-site Nondischarging Systems
Akron Joint Economic Development District Contract Areas
Lakes and Ponds

* Please see Clean Water Plan text for a complete explanation of the mapping categories.
* Please see the FPA Reference Map (figure 3-1a) for names of adjacent FPAs.
Figure 3

Akron Facilities Planning Area
Akron - Coventry JEDD Amendment Area
208 Clean Water Plan Amendment
Proposed FPA Boundary

Northeast Ohio Four County Regional Planning and Development Organization, January 29, 2013.
PUBLIC NOTICE
AND REQUEST
FOR COMMENTS

PROPOSED AKRON
AND BARBERTON
FACILITIES PLANNING AREA BOUNDARY LINE AND WASTEWATER PRESCRIPTION CHANGE

The City of Akron is proposing a 201-208 Facilities Planning Area (FPA) amendment to change the Facilities Planning Area boundary and prescription for two parcels located at 1252 Robinson Avenue and 1170 Robinson Avenue in Coventry Township. This amendment is necessary in order to allow these properties to connect to the existing Barberton sanitary sewer located within the Robinson Avenue right-of-way. This sanitary sewer is tributary to the Barberton Wastewater Treatment Plant which discharges to the Tuscarawas River.

The properties are currently located within the Akron Facilities Planning Area and the wastewater prescription for these two parcels is currently the Akron FPA prescription for “Areas that will be served by a POTW or by On-Site Nondischarging Systems”. Under the proposed amendment, the properties will be transferred to the Barberton Facilities Planning Area and the wastewater prescription for these two parcels will be changed to the Barberton FPA prescription for “Areas Currently Served with Sanitary Sewers”.

Comment period will end at the close of business on January 30, 2013.

Comments and requests for additional information may be directed to Geovna Hancock, Akron Engineering Bureau, 146 S. High Street, Room 701, Akron, OH 44308, 330-375-2555, GHN@akronohio.gov,

Jan. 12
JPD Properties, LLC
303 14th Street NE
Canton, OH 44714
(330) 639-4107

January 11, 2013

Mr. Patrick D. Gsellman
Department of Public Service
Akron Engineering Bureau
166 South Street, Room 701
Akron, OH 44308

Re: Proposed 201/208 Facilities Planning Area Amendment
1252 and 1262 Robinson Avenue, Barberton, OH

Dear Mr. Gsellman:

This letter is to formally request that the City of Akron's Facilities Planning Area be amended to transfer the above mentioned properties to the Barberton Facilities Planning Area.

It is my understanding that you will present this letter and request at the next NEFCO meeting.

Please contact me if you need any additional information at (330) 284-2172 or joe@smittyapparel.com.

Respectfully,

Joe DeRosa
President
JPD Properties, LLC
January 8, 2013

Jim Stender  
Utilities Director  
City of Barberton  
576 W. Park Avenue, Room 105  
Barberton, OH 44203

Coventry Township Trustees  
Attn: Joni Murgatroyd  
68 Portage Lakes Drive  
Akron, OH 44319

Michael Weant, Director  
Department of Environmental Services  
County of Summit, Ohio  
2525 State Road  
Cuyahoga Falls, OH 44223

Robert Hasenyager, M.S., R.S.  
Environmental Health Director  
Summit County Public Health  
177 South Broadway  
Akron, OH 44308

Re: Akron 201/208 Facilities Planning Area Amendment  
1252 and 1262 Robinson Avenue

The City of Akron is preparing a request for a 201/208 Facilities Planning Area (FPA) amendment to change the boundary and prescription for two properties located at 1252 Robinson Avenue and 1262 Robinson Avenue in Coventry Township.

The property owner has been ordered by the Ohio EPA to abandon the existing wastewater treatment plant that serves the two referenced properties and connect to sanitary sewers. The properties are currently located within the Akron FPA boundary. The City of Akron does not have an existing sanitary sewer located in this area. The City of Barberton has an existing 8-inch sanitary sewer located within the Robinson Avenue right-of-way to which the properties can be connected. This sanitary sewer is tributary to the Barberton Wastewater Treatment Plant which discharges to the Tuscarawas River. The property owner has requested that a 201/208 Facilities Planning Amendment, which is required in order to allow these properties to connect to the Barberton sanitary sewer, be prepared and submitted for approval.
The proposed amendment will modify the Facilities Planning Boundary to transfer these two properties from the Akron Facilities Planning Area to the Barberton Facilities Planning Area (see attached maps). The prescription for these two parcels will also be changed from "Areas that will be served by a POTW or by On-site Nondischarging Systems" (green) to "Areas Currently Served with Sanitary Sewers" (yellow).

The City of Akron requests that you please review the attached amendment information and provide a letter of support for the proposed 201/208 Facilities Planning Area Amendment to my attention. This letter will be included in the documentation that is submitted to NEFCO. In order to allow this amendment to be placed on the next NEFCO meeting agenda, assuming all other required documentation is complete, we request that you please provide a response by January 18, 2013.

If you have any questions, please contact me at (330) 375-2355 or PGsellman@akronohio.gov.

Sincerely,

Patrick D. Gsellman, P.E.
Environmental Division Manager

PDG/mk

Attachments

c: J. Moore, J. Hewitt, B. Gresser, K. Richards, J. Hadley (NEFCO), E. Akin (NEFCO), D. Gallimore (DOES), Environmental Division File
January 15, 2013

Patrick D. Gsellman, P.E., Manager
Environmental Division
Akron Engineering Bureau
Department of Public Service
166 S. Main Street, Room 701
Akron, Ohio 44308

RE:  Sewage Service
1252 & 1262 Robinson Avenue
Coventry Township

Dear Mr. Gsellman:

As requested in your January 8, 2013 letter, the City of Barberton is pleased to support the two property connections to the Barberton sanitary sewer on Robinson Avenue pending Ohio EPA acceptance and a revised 208 FPA boundary adjustment through NEFCO, ERTAC.

As a new tie-in the owner will be required to pay System Development Charges for a lateral from each service, submit plans for approval and pull permits from the Building Department. A contract for services is also required at the Customer Service office.

Very Truly Yours,

James A. Stender
Utilities Director

cc: Joni Murgatroyd, Fiscal Officer, Coventry Township
    Michael A. Weant, Director, Summit County DOES
    Robert Hasenyager, M.S., R.S., Environmental Health Director
    William B. Judge, Mayor
    Elwood Palmer, Service Director
    Gary P. Byers, Manager, Distribution & Collection
    Mike Jackson, Foreman, Utilities Collection
    Jim Bauschlinger, Building Commissioner
    File

JAS:jlr
Word:Stender:2013:CoventryTwpProperties
February 6, 2013

Patrick D. Gsellman, P.E.,
Manager Environmental Division
Akron Engineering Bureau
Department of Public Safety
166 S. Main Street, Room 701
Akron, OH 44308

RE: Sewer Service for 1252 & 1262 Robinson Ave., Coventry Township

Dear Mr. Gsellman:

In reference to the above properties, the City of Akron is requesting a 201/208 Facilities Planning Area amendment to permit the extension of sanitary sewer service by the City of Barberton to enable the abandonment of the failing private wastewater plant that currently serves these properties.

Summit County Public Health is supportive of amendment change as it will result in improved public health protections.

If you have any further questions, I may be contacted at 330-812-3857 or at bhasenyager@gmail.com.

Sincerely,

Robert S. Hasenyager
Director of Environmental Health

cc: Joe Hadley, Executive Director, NEFCO
Jim Stender, Utilities Director, City of Barberton
Michael A. Weant, Director, Summit County DOES
January 30, 2013
DHG: 4677:01:13

Mr. Patrick D. Gsellman, Manager
Environmental Division
The Bureau of Engineering
166 S. High Street, Room 701
Akron, Ohio 44305

RE: AKRON 201/208 FACILITIES PLANNING AREA ADMENDMENT
1252 AND 1262 ROBINSON AVENUE, COVENTRY TOWNSHIP

Dear Mr. Gsellman:

Your letter dated January 8, 2013 requested approval to move the above addresses from the Akron FPA to the Barborton FPA.

The County of Summit recommends approval of placing these two properties into the Barborton Wolf Creek FPA.

If you have questions or require additional information regarding this matter, please contact me at (330) 926-2426.

Respectfully,

MICHAEL A. WEANT
DIRECTOR

DONALD H. GALLIMORE, P.E.
Deputy Director of Engineering

DHG/ce
Cc: Michael A. Weant