MEMORANDUM

TO: NEFCO General Policy Board

FROM: Eric Akin, Water Quality Planner

DATE: December 12, 2012

SUBJECT: Consideration of an Amendment to the Clean Water Plan for the Canton-Nimishillen Basin and Massillon Facilities Planning Areas to update the FPA boundary

What’s being requested:
The Stark County Metropolitan Sewer District (MSD) is requesting an amendment to the Clean Water Plan (CWP) for the Canton-Nimishillen Basin Facilities Planning Area (FPA) and the Massillon FPA. The Stark County MSD is proposing an adjustment of the FPA boundary line in Jackson Township in the vicinity of Dressler Avenue and Hills and Dales Road (Figure 1). The amendment would result in approximately 120 acres being transferred from the Canton-Nimishillen Basin FPA to the Massillon FPA.

Background (adapted from information provided by the Stark County Metropolitan Sewer District):
There are existing mainline sanitary sewers in Hills and Dales Road, which is now a part of the boundary line between the Canton and Massillon Facilities Planning Areas. Sewage discharging to these sewers is treated at the Massillon Wastewater Treatment Plant. Currently there are seven (7) properties located on the north side of Hills and Dales Road connected to these sewers. Although sewage generated by these properties is treated at the Massillon Wastewater Treatment Plant, the properties themselves are located in the Canton FPA. The proposed amendment would correct this situation.

The immediate need for this amendment is to allow a private developer to extend a County sanitary sewer further along Hills and Dales Road and to connect his property, located on the north side of Hills and Dales Road, to that sewer. The Ohio EPA is withholding the issuance of a Permit-to-Install for this sewer construction until the CWP is amended.

Facilities Planning Area (FPA) boundary:
The intent of this amendment is to adjust a portion of the planning area boundary between the Canton-Nimishillen Basin FPA and the Massillon FPA, generally to the north and east in the vicinity of the intersection of Dressler Avenue and Hills and Dales Road. This adjustment, located in Section 25 of Jackson Township, would result in approximately 120 acres being transferred from the Canton FPA to the Massillon FPA. Figure 2 shows the current FPA boundary line for the amendment area and Figure 3 represents the FPA boundary line adjustment proposed by the Stark County MSD.
**Wastewater prescription change:**
No wastewater prescription changes are being requested.

**Local governments affected:**
The area proposed for the amendment is in Jackson Township, Stark County. The Cities of Canton and Massillon are Primary Designated Management Agencies (DMA) for their respective facilities planning areas. Stark County is the Secondary DMA with responsibility for the area of the proposed amendment.

**Public notification efforts:**
The Stark County MSD published a public notice in the October 5, 2011 edition of the Canton Repository. The public was able to comment on the proposed amendment to the Stark County MSD through October 25, 2012. No comments were received by the Stark County MSD or NEFCO. The Stark County MSD also notified the City of Canton, the City of Massillon, Jackson Township, and the Stark County Health Department about the proposed amendment. The City of Massillon, Jackson Township, and the Stark County Health Department all submitted letters of support for the proposed amendment. The City of Canton Engineer has approved the changes to the FPA boundary line.

**Staff recommendation:**
NEFCO’s staff recommends approval of the proposed amendment. The wastewater from seven parcels in the amendment area already flow to the Massillon Wastewater Treatment Plant. A new business in this area is waiting for the amendment approval in order for Ohio EPA to issue a Permit-to-Install to connect the property to the Stark County MSD sewer line along Hills and Dales Road.

**Environmental Resources Technical Advisory Committee (ERTAC) Action:**
The ERTAC preformed a technical review of the proposed amendment at their November 7, 2012, meeting and conditionally recommended approval by NEFCO’s Board. The conditions for approval are that the City of Canton does not object to the proposed amendment by November 20, 2012. The City of Canton’s non-objections to the proposal could be in the form of a letter of support or no comment by the end of the 45 day comment period.

**NEFCO General Policy Board Action:**
Approved the amendment.

Attached is resolution FY2013-006. 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 BOUNDARIES BETWEEN THE CANTON-NIMISHILLEN BASIN AND MASSILLON FACILITIES PLANNING AREAS IN STARK 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 Stark County Metropolitan Sewer District (MSD) to consider an amendment to the Clean Water Plan to modify the Facilities Planning Area (FPA) boundary line between the Canton-Nimishillen Basin and Massillon FPA; and

WHEREAS, the sewage from the existing mainline sewer in Hills and Dales Road in Jackson Township is treated at the Massillon Wastewater Treatment Plant; and

WHEREAS, currently seven properties located north of Hills and Dales Road are connected to this mainline sewer in Hills and Dales; and

WHEREAS, the properties north of Hills and Dales Road are in the Canton-Nimishillen Basin FPA and not the Massillon FPA; and

WHEREAS, the City of Massillon, Jackson Township, and the Stark County Health Department have issued letters of support for the proposed amendment; and

WHEREAS, the City of Canton Engineer approves of the proposed amendment; and

WHEREAS, the Stark County MSD has complied with NEFCO’s Clean Water Plan amendment provisions regarding notification of the public; 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 conditional approval providing that the City of Canton supports the amendment or does not respond to the Stark County MSD’s request for support by the end of the maximum 45 day comment period;

NOW, THEREFORE, BE IT RESOLVED that the NEFCO General Policy Board approves this amendment to change the facilities planning area boundaries for the Canton-Nimishillen Basin and Massillon FPAs. 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 Massillon, City of Canton, Stark County MSD, and the Ohio EPA.

Certified as action taken by the NEFCO General Policy Board at its regular meeting held on December 19, 2012.

Bob Breneman, Secretary
NEFCO General Policy Board
Canton-Nimishillen Facilities Planning Area
208 Clean Water Plan

Northeast Ohio Four County Regional Planning and Development Organization, December 21, 2011.
Figure 2
Canton-Nimishillen Facilities Planning Area
208 Clean Water Plan Amendment
Current FPA Boundary

* 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
Canton-Nimishillen Facilities Planning Area
208 Clean Water Plan Amendment
Proposed FPA Boundary

Northeast Ohio Four County Regional Planning and Development Organization, October 2012.

* 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.