MEMORANDUM

TO: NEFCO General Policy Board
FROM: Joseph Hadley Jr., Executive Director
DATE: November 16, 2016
SUBJECT: Consideration of an amendment to the Clean Water Plan to modify the facilities planning area boundary and wastewater prescriptions for the Apple Creek Facilities Planning Area (FPA)

What’s being requested: (adapted from information provided by the Village of Apple Creek)
The Village of Apple Creek is requesting an amendment to the Clean Water (208) Plan for the Apple Creek Facilities Planning Area (FPA) in Wayne County. The requested changes apply to wastewater treatment prescription areas surrounding the Village of Apple Creek in East Union Township. The Village of Apple Creek is a primary DMA for the Apple Creek FPA. For proposed amendments to areas in East Union Township, the Village is submitting this request on behalf of Wayne County. The Village of Apple Creek is an Associate Member of NEFCO, and has paid both NEFCO’s membership fee and the 208 amendment fee for this 208 Plan amendment request.

Background:
Waynedale schools approached the Village of Apple Creek to provide sanitary sewer service to their campus located southeast of the Village of Apple Creek to allow elimination of their onsite and failing wastewater treatment plant. The campus is located in an Apple Creek prescription area with the prescription “to be served by a publicly-owned treatment plant or by home sewage and semi-public sewage disposal systems”. However, to be served by Apple Creek’s publicly-owned treatment plant required annexation and treatment plant capacity to accept the wastewater flows. The Apple Creek treatment plant was recently upgraded and now has adequate capacity and a Joint Economic Development District (JEDD) was formed between Waynedale schools, East Union Township and the Village of Apple Creek to facilitate sanitary sewer service to the Waynedale school campus. Since it was determined that a JEDD does not constitute or replace the annexation requirement, it became necessary to request an amendment to the 208 plan to allow service to Wayndale schools. Since an amendment was required, it was decided to also amend other prescription areas to reflect the changing land use and ownership issue.

Facilities Planning Area (FPA) boundary:
The facilities planning area boundary is currently common with the Village of Apple Creek corporation limits and does not encompass the Apple Creek prescription areas surrounding the Village as shown on Figure 1 attached. The proposed boundary is being revised to reflect inclusion of the Apple Creek prescription areas within the facilities planning area boundary as shown on Figure 2 attached.
Wastewater prescription changes:
There are four general areas for prescription mapping changes. Figure 1 attached shows the current Apple Creek FPA wastewater prescription areas and Figure 2 shows the proposed changes to the areas.

**Area 1** - The former Apple Creek Development Center site located north of the Village along County Road 44 would be changed from “yellow” (currently sewered) and “green” (to be served by publicly-owned treatment works or by home sewage and semi-public sewage disposal systems) to “orange” (to be served by sewers within the next 20 years). This property is currently privately owned and the existing sewers serving the property have been permanently abandoned per the request of the State of Ohio.

**Area 2** - Areas between the Village of Apple Creek and the former Apple Creek Development Center and lying east and west of County Road 44 but not abutting said road would change from “orange” (to be served by sewers within the next 20 years) to “cream” (to be served by home sewage and semi-public sewage disposal systems). These agricultural areas are now owned by the Ohio State University and as such are not likely to ever be developed or need sanitary service.

**Area 3** - Area directly east of the southern portion of the Village of Apple Creek would change from “orange” (to be served by sewers within the next 20 years) to “cream” (to be served by home sewage and semi-public sewage disposal systems) for the northern portion and to “green” (to be served by publicly-owned treatment works or by home sewage and semi-public sewage disposal systems) for the southern portion. Due to terrain, the northern portion cannot reasonably be served by Apple Creek sanitary sewers and the southern portion could be served but Village of Apple Creek officials have no desire to force annexation in this area to obtain service. This is due in part to the portion of the area being in the recently implemented JEDD area.

**Area 4** - Areas surrounding the existing “green” areas southeast of the Village of Apple Creek would change from “cream” (to be served by home sewage and semi-public sewage disposal systems) to “green” (to be served by publicly-owned treatment works or by home sewage and semi-public sewage disposal systems). This area is being expanded to encompass the newly created JEDD area and to include currently developed areas and areas on opposite sides of roads from current “green” areas.

In addition to the above mapping changes the prescription for “Areas that will be served by a publicly-owned treatment works (POTW) or by home sewage treatment systems (HSTSS) and semi-public sewage disposal systems (SPSDDs) (green)” is proposed to be changed by eliminating the requirement for annexation and treatment plant capacity when service is made available by the Village of Apple Creek sanitary sewers. The revisions to the prescriptions are presented in Exhibit 1 attached.
Local governments and agencies affected:
Governments affected are the Village of Apple Creek, East Union Township and Wayne County. The Wayne County Planning Department’s Intergovernmental Review Committee approved the proposed amendments on October 12th, 2016. East Union Township was notified of the changes through the Wayne County Intergovernmental Review Process and was previously aware of the changes since they were party to the JEDD established between the Waynedale schools, Village of Apple Creek and the township to allow sharing of revenues and responsibilities between the parties as a result of sewer line extensions to the Wayndale school campus.

Public notification efforts:
A public notice and request for comments was published in the Wooster Daily Record on September 29th and October 6th, 2016. The comment period closed on October 14th, 2016 with no comments being received. A copy of the legal notice is attached as Exhibit 2.

Further, the proposed amendment went through the Wayne County Planning Commission Intergovernmental Review process. The process was initiated on September 15th, 2016 with mailings to East Union Township Trustees, Wayne County Health Department, Wayne County Health Commissioner, Wayne Soil and Water Conservation District, Wayne County Sewer Department, Wayne County Planning Department Director, Wayne County Building Code Department, Wayne County Farm Bureau, and Community Action Wayne Medina (Exhibit 3). Only one reviewing agency, Wayne County Farm Bureau, did not believe the proposed amendment was consistent with local plans. After open discussion during the Wayne County Planning Commission meeting on October 12, 2016, in which information was provided that satisfied the Farm Bureau’s objection, the Farm Bureau subsequently rescinded their objection. The Wayne County Planning Department provided NEFCO with the results of Intergovernmental Review process.

Staff recommendation:
Staff recommended approval of this amendment.

It is noted that Wayne County’s Intergovernmental Review requirement and process which is used for NEFCO 208 Plan amendments is a county requirement, and is not part of NEFCO’s procedures. For this amendment, the results from Wayne County’s process will be considered by NEFCO staff and Environmental Resources Technical Advisory Committee (ERTAC) members in forming a recommendation on the amendment to the NEFCO General Policy Board.

Environmental Resources Technical Advisory Committee (ERTAC) Action:
The ERTAC recommended approval of this amendment for consideration by the NEFCO General Policy Board.

NEFCO General Policy Board Action:
Approval of Resolution No. FY2017-004.
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 MODIFY THE FACILITIES PLANNING AREA (FPA) BOUNDARY AND WASTEWATER PRESCRIPTIONS FOR THE APPLE CREEK FACILITIES PLANNING AREA (FPA)

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 Village of Apple Creek to consider an amendment to the Clean Water Plan to modify the facilities planning area (FPA) boundary and wastewater prescriptions for the Apple Creek Facilities Planning Area (FPA); and

WHEREAS, the Village has paid dues to NEFCO to become an Associate Member, and has paid the Clean Water Plan amendment fee for this proposed amendment, and

WHEREAS, this amendment will result in the FPA boundary being adjusted to include selected land parcels in East Union Township; and

WHEREAS, this amendment would make the following changes to the current wastewater prescriptions for the FPA, as summarized below and shown on the amendment map in colors as indicated below:

Area 1 - The former Apple Creek Development Center site located north of the Village along County Road 44 would be changed from “yellow” (currently sewered) and “green” (to be served by publicly-owned treatment works or by home sewage and semi-public sewage disposal systems) to “orange” (to be served by sewers within the next 20 years);

Area 2 - Areas between the Village of Apple Creek and the former Apple Creek Development Center and lying east and west of County Road 44 but not abutting said road would change from “orange” (to be served by sewers within the next 20 years) to “cream” (to be served by home sewage and semi-public sewage disposal systems);

Area 3 - Area directly east of the southern portion of the Village of Apple Creek would change from “orange” (to be served by sewers within the next 20 years) to “cream” (to be served by home sewage and semi-public sewage disposal systems) for the northern portion and to “green” (to be served by publicly-owned treatment works or by home sewage and semi-public sewage disposal systems) for the southern portion;

Area 4 - Areas surrounding the existing “green” areas southeast of the Village of Apple Creek would change from “cream” (to be served by home sewage and semi-public sewage disposal systems) to “green” (to be served by publicly-owned treatment works or by home sewage and semi-public sewage disposal systems); and
WHEREAS, the amendment would change the wastewater prescription for “Areas that will be served by a publicly-owned treatment works (POTW) or by home sewage treatment systems (HSTSSs) and semi-public sewage disposal systems (SPSDSSs) (green)” by eliminating the requirement for annexation and treatment plant capacity when service is made available by the Village of Apple Creek sanitary sewers; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the NEFCO General Policy Board approves this amendment to modify the facilities planning area (FPA) boundary and wastewater prescriptions for the Apple Creek FPA. Furthermore, the Board directs staff to incorporate this amendment into NEFCO’s Clean Water Plan and to transmit pertinent amendment materials to the Village of Apple Creek, East Union Township Trustees, Wayne County Health Department, Wayne County Commissioners, the Wayne County Planning Department, the Wayne County Sewer Department, the Wayne Soil and Water Conservation District, and the Ohio EPA.

Certified as action taken by the NEFCO General Policy Board at its regular meeting held on November 16, 2016.

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 Home Sewage and Semi-Public Sewage Disposal Systems
Areas that will be Served by a POTW or by Home Sewage and Semi-Public Sewage Disposal Systems
Areas without a Wastewater Treatment Planning Prescription
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.
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 Home Sewage and Semi-Public Sewage Disposal Systems
Areas that will be Served by a POTW or by Home Sewage and Semi-Public Sewage Disposal Systems
Areas without a Wastewater Treatment Planning Prescription
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FPA Boundary
Stream
Community Boundary
Road
Railroad
Publicly Owned Wastewater Treatment Works (POTW)

Note: Corporate boundary shown received from Wayne County GIS Dept., November, 2016
EXHIBIT 1

Apple Creek Facilities Planning Area

I. Existing Situation
   A. County/Basin:
      Wayne / Ohio River Basin
   B. Facilities Planning Area:
      Apple Creek
   C. Designated Management Agency:
      a) Village of Apple Creek
   D. Publicly-Owned Treatment Works:
      Apple Creek WWTP, 0.1340 MGD. The Village recently bought the Apple Creek Development Center WWTP, which it is upgrading to 0.3000 MGD.
   E. Facilities Plan:
      There is no known facilities plan. However, a General Plan of proposed wastewater treatment facilities improvements was prepared by Engineering Associates, Lmt. and was submitted to Ohio EPA-NEDO on April 8, 1987. The plan was reviewed and approved, thereafter.
      A second General Plan of proposed wastewater treatment facilities improvements was prepared by Engineering Associates, Inc., and was submitted to the Ohio EPA-NEDO on May 27, 1998. An addendum to the General Plan was submitted to the Ohio EPA-NEDO on May 18, 2000. The plan was reviewed and approved thereafter.
      The General Plan evaluated the existing wastewater treatment plant and sewer systems for the Village of Apple Creek. The plan determined optimum improvements necessary to attain compliance with all the final effluent limitations in its NPDES permit.
   F. Area Served:
      Wayne County - Village of Apple Creek
   G. Receiving Stream:
      Apple Creek, tributary to Killbuck Creek

Note: updates submitted by the Village’s consultant are shown in grey shading and strikeouts.

3-36-3

Approved by the NEFCO General Policy Board
12/21/2011
H. **Contact Person/Address/Phone/Fax:**
   a. Andy Catanzarite  *Kevin Dean*
      WWTP Superintendent
      Village of Apple Creek
      P.O. Box 208
      Apple Creek, Ohio 44606
      Phone: (330) 698-1322
      Fax: (330) 698-1322

   b. Mr. Robert Kastner, P.E., Water Management Engineer
      Wayne Soil & Water Conservation District
      428 W. Liberty St.
      Wooster, OH 44691
      Phone: (330) 262-2836
      Fax: (330) 262-7422

I. **Population Served:**
   A detailed population project for the sanitary sewer service area was completed as part of the May 27, 1998 General Plan and was updated in the May 18, 2000 addendum. These figures are presented below:

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<td>1596</td>
<td>1727</td>
<td>1839</td>
<td>1950</td>
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Approved NEFCO 208 Clean Water Plan population projections are not available.

II. **Wastewater Treatment Planning Prescription and Wastewater Planning Options**
   Original source of information was provided by the Village of Apple Creek, April 6, 2001.

   *Village of Apple Creek and Wayne County Office of Environmental Services Jurisdiction*

   **Areas currently sewered with sanitary sewers (yellow):**
   These areas are currently served with sanitary sewers that have been constructed and are currently in operation. However, there may be undeveloped tracts of land and vacant lots subject to improvement. All new development and construction in the yellow areas of this facility planning area will be required to connect to and/or provide sanitary service to ensure that the wastewater will be treated at the Village’s publicly-owned treatment works (POTW). Existing home sewage treatment systems (HSTS) or semi-public sewage disposal systems (SPSDS), which cease to operate properly, shall be abandoned and connection made to the existing sanitary sewer system. Failing HSTSs serving single-family homes shall be abandoned in accordance with Ohio Administrative Code 3701-29-

**Note:** updates submitted by the Village’s consultant are shown in grey shading and strikeouts.

3-36-4

Approved by the NEFCO General Policy Board
12/21/2011
02 (OAC 3701-29-02). Also, anyone who buys and sells property with an existing HSTS or SPSDS shall abandon their system and connect to the sanitary sewer system.

**Areas expected to be served with sanitary sewers within the next 20 years (orange):** Sanitary sewer service to this area is not available; however, sewer extensions to said area may be available in the future. Sanitary sewer extensions shall be at the Village’s discretion. All new commercial, industrial, institutional and residential subdivision developments within the sanitary sewer service area shall connect to an existing sanitary sewer system for the removal of sanitary wastewater from each new facility within the new development. The developer shall extend new sanitary sewers as necessary from the proposed development to the existing sanitary sewer system that is served by an existing POTW. Any new residential, commercial or industrial development which meets the requirements of the Village’s subdivision regulations, will be required to install a dry system that will meet all Village and Ohio EPA requirements for connection to the Village sanitary sewer system when it becomes available. Failing systems in need of repair/replacement will be required to connect to the existing sanitary sewer facilities if sanitary sewer service becomes available. However, until such time as sanitary sewers are extended, appropriate HSTSs or SPSDSs as required by Wayne County or Ohio EPA NEDO may be approved.

**Areas that will be served by a publicly-owned treatment works (POTW) or by home sewage treatment systems (HSTSs) and semi-public sewage disposal systems (SPSDSs) (green):** This area is currently unincorporated. The Village is served by its own sanitary sewer system that has the capacity to serve only limited areas outside of the Village and with the condition of annexation and availability of plant capacity first. For new locations where sanitary sewer service may be made available, all new subdivision development, whether residential or non-residential, and all other new non-residential and new multi-family residential development, will be required to meet subdivision regulations and to connect and/or provide sanitary service to ensure an existing POTW plant has capacity to treat the wastewater. Where sanitary sewer service is not available, new single-family subdivisions and non-residential single-building development may utilize HSTSs provided the local health department finds that the soils are suitable to assure there will be no off-lot discharge of effluent. Properties with existing but failing private treatment systems shall follow “Best Science” criteria for wastewater treatment options appropriate and approved by the Ohio EPA. Single lots and metes-and-bounds parcels for new and existing (failing HSTS) single-family residential home construction may utilize an HSTS, provided local health department approval is obtained. Exceptions may be granted based on sewer availability, soil conditions, extent of failure, plant capacity and the cost of repair.

**Note:** updates submitted by the Village’s consultant are shown in grey shading and strikeouts.

3-36-5

Approved by the NEFCO General Policy Board
12/21/2011
Areas that will be served by HSTSs and SPSDSs (cream):
These are areas in which new development is expected to be “large-lot” low density, with non-discharging household and semi-public systems as the primary method for treatment of wastewater. These areas are controlled by Wayne County, and Wayne County will be the Lead DMA.

Areas without wastewater treatment prescriptions (white):
These areas currently lack wastewater treatment prescriptions. Future wastewater treatment options will be determined by documented impacts to water resources and “best science” which is defined as the regulatory standards as set by current State and Federal regulations.

Note: updates submitted by the Village’s consultant are shown in grey shading and strikeouts.
3-36-6

Approved by the NEFCO General Policy Board
12/21/2011
The Village of Apple Creek desires to update its 201 Facilities Planning Area and sanitary service prescriptions in order to extend sanitary sewers to serve the Waynedale School campus and to better reflect anticipated service areas due to changing land use patterns. The existing Apple Creek facilities planning area mapping and prescriptions as well as the proposed planning area mapping and prescriptions are available for review by interested parties Monday thru Friday between the hours of 8 AM and 4 PM at the Apple Creek Village Hall located 63 East Main Street, PO Box 208, Apple Creek, Ohio. The proposed changes generally consist of changing the former Apple Creek Development Center site from currently serviced by Apple Creek sanitary sewers to anticipated sanitary service within the next 10 years; elimination of a portion of the farm ground along Apple Creek Road from Apple Creek to the former Apple Creek Development Center site from anticipated sanitary service within the next 10 years; conversion of a portion of the area east of Apple Creek from anticipated sanitary service within the next 10 years to service by Apple Creek sanitary sewers if sewers are available or by home treatment systems if not available and not requiring annexation; and expansion of the existing area bounded by Emerson Road, Dover Road and the former east boundary of the Waynedale School campus to include the south west side of Dover Road, the full Waynedale School campus, Overly Road development area and an area north of Emerson Road and East of Carr Road and changing the prescriptions to service by Apple Creek sanitary sewers if sewers are available or by home treatment systems if not available and not requiring annexation. The proposal will not change any affected streams or wetlands. Anyone having questions relative to said proposed changes to Apple Creek's
INTERGOVERNMENTAL REVIEW (IGR)
Apple Creek Village 201 Facilities Planning Area Update

TO: East Union Township Trustees
Wayne County Health Dept. – Vaughn Anderson, via email
Wayne County Health Commissioner – Nicholas Cascarelli, via email
Wayne Soil & Water Conservation District – Rob Kastner, via email
Wayne County Sewer Department – Steve Wolfe, via email
Wayne County Planning Dept. Director – Betsy Sparr, via email
Wayne County Building Code Department – Russ Arters, via email
Wayne County Farm Bureau – John Fitzpatrick, via email
Community Action Wayne Medina – Melissa Pearce, via email

FR: Wayne County Planning Department
c/o Lisa K. Johnson

DATE: September 15, 2016

Pursuant to Resolution No. 2003-102, the Board of Wayne County Commissioners designated the Wayne County Planning Commission to review all 201 Facilities Plan Updates through the Intergovernmental Review (IGR) process. As part of the IGR process, the Wayne County Planning Commission is providing an opportunity for you to comment on the enclosed 201 Facilities Planning Area (FPA) Update.

The Wayne County Planning Commission meets Wednesday, October 12, 2016 at 3:00 p.m. in the Meeting Room on the 2nd floor of the Wayne County Administration Building, 428 West Liberty Street, Wooster, Ohio 44691. Please submit your comments by Friday, October 7, 2016 on the enclosed form so they can be included in the review process. Or as an IGR reviewer you may attend the meeting and comment directly to the Planning Commission.

If you have any questions or need additional information, please call the Wayne County Planning Department at (330) 287-5420. Thank you in advance for your valuable participation in this process.

pc: Apple Creek Mayor – Betty Keener, via email
Apple Creek Council President - Rodney Mackey, via email
Wayne Economic Development Council - Rod Crider, via email
October 12, 2016 PC/IGR Meeting File
Apple Creek 201 File