MEMORANDUM

TO: NEFCO General Policy Board
FROM: Joseph Hadley Jr., Executive Director
DATE: April 10, 2019

SUBJECT: Consideration of an amendment to the Clean Water Plan (CWP) for the Barberton-Wolf Creek Facilities Planning Area to permit a wastewater prescription change for certain parcels in the City of Norton due to a proposed private wastewater discharging system at 3744 Wadsworth Road.

What’s being requested:
The City of Barberton has requested a change to the wastewater prescription for three parcels in the City of Norton, within the Barberton Facilities Planning Area. Specifically, the amendment would change the prescription from “Areas Expected to Receive Sanitary Sewers within the Next 20 years” (orange), to “Areas that will be Served by a POTW or by On-site Non-discharging Systems” (green). As is described in the next section the text of the green prescription contains language of importance to the expansion of an existing business.

Background (adapted from information provided by the City of Barberton, and by Lewis Land Professionals representing Creekside Animal Clinic):
The Creekside Animal Clinic (Creekside), an existing veterinary business located at 3744 Wadsworth Road in Norton in Summit County (parcels 4603701, 4605124, 4608896) is planning to expand by adding a proposed kennel building behind the existing office, which will have 52 runs and have 4 employees on site during the weekdays and 5 employees during the weekend. The existing building has a drip irrigation septic system located near the right-of-way of Wadsworth Road. This existing system cannot be modified in order to handle the increased septic flow from the proposed site expansion. For this reason, a new NPDES permitted discharging system for the site is being proposed. The Barberton-Wolf Creek Plan Facilities Planning Area map (Figure 1) currently prescribes the site for future sewer expansion over the next twenty years (“orange” on the FPA map); however; there is no “orange” prescription text for the City of Norton within the Barberton-Wolf Creek facilities plan. Sewers are not expected in the subject area within the next twenty (20 years). Further, the area just to the west of the parcels are currently prescribed as “green”, which states that “all proposed new commercial, industrial, and institutional development, located where access to sanitary sewer is not currently available, may be considered for installation of a new semi-public or private sewage treatment system provided the local health department or Ohio EPA and the local Sanitary Engineer concur that a public wastewater collection system will remain unavailable for the foreseeable future. When sanitary sewers become available, all existing systems will be required to connect to sanitary sewers to ensure that wastewater will be treated at an existing POTW”.

Agenda Item No. 4
As previously stated, the City of Barberton has no plans to extend sanitary sewers to this area in the foreseeable future and the CWP does not contain an “orange” prescription for the City of Norton. The request is to consider a map amendment to the Clean Water Plan to change the prescription for the subject parcels from “orange” to “green”. A more comprehensive change to this area will occur with the upcoming 201/208 plan update. The Ohio EPA had the owner’s representative create an Antidegradation Report to explore the available options of treating the wastewater generated by the site. It was determined that the cost of extending the sanitary sewer to this site would be more than ten times the cost of a discharging system. A holding tank option was also considered, but it would require a very large tank that would have to be pumped roughly every two weeks. The on-going cost of pumping a holding tank would exceed the cost of maintenance for a discharging system. Soil tests have been conducted by two different soil scientists at the site and both the Ohio EPA and Summit County Public Health have determined that the soils are not suitable for a traditional on-site septic system. For these reasons and others outlined in the Antidegradation Report (available from NEFCO), an NPDES discharging system is being proposed for this site.

Facilities Planning Area (FPA) boundary:
Barberton-Wolf Creek Facilities Planning Area. No change to the boundary.

Wastewater prescription change: Areas that will be Served by a POTW or by On-site Non-discharging Systems (green):
The Barberton Wolf-Creek FPA map currently shows the parcels as “Areas Expected to be Served with Sanitary Sewers within the next Twenty Years” (orange) (Figures 2 & 3). However, there is no such prescription text for the City of Norton in the current CWP. The surrounding area is “Areas that will be Served by a POTW or by On-site Non-discharging Systems” (green). Additionally, this prescription permits that “all proposed new commercial, industrial, and institutional development, located where access to sanitary sewer is not currently available, may be considered for installation of a new semi-public or private sewage treatment system provided the local health department or Ohio EPA and the local Sanitary Engineer concur that a public wastewater collection system will remain unavailable for the foreseeable future. When sanitary sewers become available, all existing systems will be required to connect to sanitary sewers to ensure that wastewater will be treated at an existing POTW.” With approval of this amendment, the parcels will be in the green prescription as shown on Figure 4.

Local governments affected:
City of Norton, City of Barberton, and Summit County Public Health. (request for comment letter and responses received are attached)

Public notification efforts:
A Public Notice and Request for Comments was published in the March 16, 2019, Akron Beacon Journal. (attached)
Specific proposed changes to the current FPA Appendix in the Clean Water Plan:

- Barberton-Wolf Creek Facilities Planning Area City of Barberton Wastewater Jurisdiction - City of Norton

There are no changes to the current prescription text.

Staff recommendation:
Approval of the amendment; noting Summit County Public Health’s request for the ERTAC and NEFCO Board to discuss the use of discharging systems as an option in the Clean Water Plan’s wastewater prescriptions.

Environmental Resources Technical Advisory Committee (ERTAC) Recommendation to the NEFCO General Policy Board:
Noting that this is an expansion of an existing business the ERTAC recommended approval of the amendment.

NEFCO General Policy Board Action:
Approved Resolution No. FY2019-019
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 FOR THE BARBERTON-WOLF CREEK FACILITIES PLANNING AREA TO PERMIT A WASTEWATER PRESCRIPTION CHANGE FOR CERTAIN PARCELS IN THE CITY OF NORTON DUE TO A PROPOSED PRIVATE WASTEWATER DISCHARGING SYSTEM AT 3744 WADSWORTH ROAD (PARCELS 4603701, 4605124, and 4605125)

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 Barberton to consider an amendment to the Clean Water Plan for the Barberton-Wolf Creek Facilities Planning Area to permit a wastewater prescription change for certain parcels in the City of Norton due to a proposed private wastewater discharging system at 3744 Wadsworth Road; and

WHEREAS, this amendment seeks for parcel numbers 4603701, 4605124, and 4605125 in the City of Norton to change the wastewater prescription from "Areas Expected to be Served with Sanitary Sewers within the next 20 Years" (orange) to "Areas that will be Served by a POTW or by On-site Non-discharging Systems" (green); and

WHEREAS, approval of this amendment will allow for the expansion of an existing business in the City of Barberton; and

WHEREAS, all affected local governments and agencies have been contacted regarding the proposed amendment; and none have objected to it; and

WHEREAS, a legal advertisement that described the proposed amendment and sought comments on it, yielded no comments or questions; 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 for the Barberton-Wolf Creek Facilities Planning Area to permit a wastewater prescription change for certain parcels in the City of Norton due to
a proposed private wastewater discharging system at 3744 Wadsworth Road. 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 Barberton, City of Norton, Summit County Public Health and the Ohio EPA.

Certified as action taken by the NEFCO General Policy Board at its regular meeting held on April 17, 2019.

Todd Peetz, Secretary
NEFCO General Policy Board
Figure 2
3744 Wadsworth Rd., Norton, Ohio
Map Amendment
Figure 3.
3744 Wadsworth, Rd., Norton, Ohio 44203

Proposed CWP Prescription Change Map.

Scale: N.T.S.
Date: 2/8/19

Notes: 3744 Wadsworth Rd. – site of proposed private wastewater discharge system.

Orange Prescription
Green Prescription
Figure 4
Barberton-Wolf Creek Facilities Planning Area
208 Clean Water Plan Amendment
Proposed Wastewater Prescription

* 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.

Northeast Ohio Four County Regional Planning and Development Organization, April, 2019
Sources: Summit County GIS; Ohio EPA; National Hydrologic Database; NEFCO
March 12, 2019

Robert Hasenyager, M.S., R.S.  
Deputy Health Commissioner  
Summit County Public Health  
1867 W. Market St.  
Akron, OH 44313

Robert Fowler  
Administrative Officer  
City of Norton  
4060 Columbia Woods Drive  
Norton, OH 44203

RE: 201/208 Barberton-Wolf Creek Facilities Planning Area Amendment Request  
The Retreat at Creekside – 3744 Wadsworth Rd., Suite 100, Norton, Ohio

Gentlemen,

The City of Barberton is preparing a request for a consideration of an amendment to the Clean Water Plan (CWP) to amend the Barberton-Wolf Creek Facilities Planning Area (FPA) for certain parcels in the City of Norton due to a proposed private wastewater discharging system at 3744 Wadsworth Rd., Norton, Ohio (parcels 4603701, 4605124, 4608895) and to clarify a prescription inconsistency within the Barberton-Wolf Creek Facilities Planning Area (FPA). This amendment will allow for a private wastewater discharge system at 3744 Wadsworth Rd., Norton. The Retreat at Creekside, an animal clinic located at the property, is currently expanding their business by adding a kennel. I’ve enclosed the engineering consultant’s antidegradation report among additional enclosures for the project for your review.

The owner, through their engineering representative (Lewis Land Professionals), are proposing the installation of an Ohio EPA NPDES regulated discharging system for the site due to the estimated costs related to alternative wastewater treatment options such as a holding tank or extending sanitary sewer. The Barberton-Wolf Creek Plan FPA map currently prescribes the site for future sewer expansion over the next twenty years ("Orange" on the FPA map); however, there is currently no "Orange" prescription text for the City of Norton within Barberton-Wolf Creek FPA. Sewers are not expected in the subject area within the next twenty (20 years). Further, the area just to the west of the parcels are currently prescribed as "Green" which states that "all proposed new commercial, industrial, and institutional development, located where access to sanitary sewer is not currently available, may be considered for installation of a new semi-public or private sewage treatment system provided the local health department or OEP and the local Sanitary Engineer concur that a public wastewater collection system will remain unavailable for the foreseeable future. When sanitary sewers become available, all existing systems will be required to connect to sanitary sewers to ensure that wastewater will be treated at an existing POTW.

You may provide comments to this request via a letter, but none is required. You may also respond to the City of Barberton by using the attached comment response form. In accordance with NEFCO's guidelines, you have a maximum of 45 days upon receipt of the proposed amendment to respond with comments; however, in order to have this request placed on the next NEFCO meeting agenda, assuming all other required documentation is complete, a response is requested by March 20, 2019.

William B. Judge, Mayor
576 West Park Avenue • Barberton, Ohio 44203 • 330-848-6719

The City of Barberton is an Equal Opportunity Employer
If you have any questions, please feel free to contact me at 330-848-6719 or mvinay@cityofbarberton.com.

Sincerely,

Michael Vinay, MPA
Director of Public Service
City of Barberton

Encl.
Barberton-Wolf Creek Facilities Planning Area Map Amendment
The Retreat at Creekside – 3744 Wadsworth Rd., Norton, Ohio
Comment Response Form

Please review the report, maps and text provided regarding the amendment request to the Barberton - Wolf Creek 201/208 Facilities Planning Area map amendment for the property located at 3744 Wadsworth Rd., Norton, Ohio, by noting the following:

___ No objection to the proposed amendment

___ Recommend with comments written herein or attached

___ Recommend the approval be withheld until completion of further review

___ Object to the proposed amendment

Comments:

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Authorized Signature

Printed Name __________________________ Agency Name/Title __________________________ Date ____________________

William B. Judge, Mayor
576 West Park Avenue • Barberton, Ohio 44203 • 330-848-6719
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April 1, 2019

Michael Vinay, MPA
Director of Public Service
City of Barberton
576 West Park Ave
Barberton, OH 44203

Robert Fowler
Administrative Officer
City of Norton
4060 Columbia Woods Drive
Norton, OH 44203

Sent via email

RE: Additional Comments to 201/208 Amendment for 3744 Wadsworth Rd., Suite 100, Norton, Ohio

Gentleman,

Summit County Public Health is recommending approval of the 201/208 amendment for the above project. The amendment will re-designate the parcel from being included in the orange colored areas to a green colored area. The change will allow for the proposed project to install a discharging semi-public wastewater system with NPDES coverage. This will be in compliance with the current language used in most of the areas in Summit County and with the newly proposed language in this amendment.

Our comments are as follows:

• When the green prescriptions were drafted years ago the intend was that HSTSs and Semi-Public systems to be installed for new construction were to be non-discharging regardless of it being a single to three family dwelling or a commercial use. However, I acknowledge that the written prescription does not clearly state this. It is clear that it refers to new residential but makes it sound as though any type of semi-public system is acceptable for non-residential.

• Discharging small systems provide overall greater risk to public health whether the flow comes from residential or non-residential and should only be used to abate a nuisance for an existing residence or business.

• Ohio EPA has for most of my career generally disallowed new NPDES for new non-residential uses in situations similar to this project. While their regulation of residential standards has increased (now requiring NPDES) their standards and oversight of small semi-public systems appear to be relaxing.
SCP extensive1 would request that the NEFCO ERTAC and the NEFCO Board revisit the prescriptions and consider changing the green prescriptions in Summit County to reflect that of the residential requirement in the future. Specifically, listing non-discharging systems as the only acceptable sewage treatment for new non-residential construction.

Under the current prescription language, the proposed project and prescription change should be permitted. Our hope is that the NEFCO ERTAC committee and Board will consider changing the prescriptions to reflect the Health Districts desire that waste water treatment standards for commercial uses are set at an equivalent level of public health protection as residential wastewater requirements.

Thank you for you diligent work on this matter and request for comments.

Sincerely,

Robert S. Hasenyager, M.S., R.S.
Deputy Health Commissioner
Bhasenyager@schd.org
330-313-4950

Cc: Joe Hadley, NEFCO
Tonia Burford, SCPH
Barberton-Wolf Creek Facilities Planning Area Map Amendment
The Retreat at Creekside – 3744 Wadsworth Rd., Norton, Ohio
Comment Response Form

Please review the report, maps and text provided regarding the amendment request to the Barberton - Wolf Creek 201208 Facilities Planning Area map amendment for the property located at 3744 Wadsworth Rd., Norton, Ohio, by noting the following:

- No objection to the proposed amendment
- Recommend with comments written herein or attached
- Recommend the approval be withheld until completion of further review
- Object to the proposed amendment

Comments:

See Attached

Authorized Signature

[Signature]

Printed Name
Robert Hassenkager
Agency Name/Title
Summit Co. Public Health Dept. Health Commissioner
Date
4/1/19

William B. Judge, Mayor
576 West Park Avenue • Barberton, Ohio 44203 • 330-848-6710

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Barberton-Wolf Creek Facilities Planning Area Map Amendment
The Retreat at Creekside – 3744 Wadsworth Rd., Norton, Ohio
Comment Response Form

Please review the report, maps and text provided regarding the amendment request to the Barberton - Wolf Creek 201206 Facilities Planning Area map amendment for the property located at 3744 Wadsworth Rd., Norton, Ohio, by noting the following:

X No objection to the proposed amendment

____ Recommend with comments written herein or attached

____ Recommend the approval be withheld until completion of further review

____ Object to the proposed amendment

Comments:

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Authorized Signature

(Printed Name) ______________________ (Agency Name/Title) ______________________ (Date) ______________________

William B. Judge, Mayor
576 West Park Avenue • Barberton, Ohio 44203 • 330-848-6719
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PUBLIC NOTICE
AND REQUEST FOR
COMMENTS ON
AMENDMENT TO
THE 201/206
BARBERTON
WOLF-CREEK
PLANNING AREA
Facilities
The City of Barberton has received a request for a specific, one-time amendment to the Clean Water Plan (CWP) Barberton Wolf Creek 201/206 Facilities Planning Area (FFA) map to permit a private, Ohio EPA regulated discharging system to be installed and operated at 3744 Wadsworth Road, Norton, Ohio.
The Creekside Animal Clinic (Creekside), an existing veterinary business located at 3744 Wadsworth Road in Norton in Summit County (parcels 4603701, 4606124, 4608856) is planning to expand by adding a proposed kennel building behind the existing office, which will have 52 runs and have four employees on site during the weekdays and 3 employees during the weekend. The existing building has a drip irrigation septic system located near the right-of-way of Wadsworth Road. This existing system could not be modified in order to handle the increased septic flow from the proposed site expansion. For this reason, a new NPDES permitted discharging system for the site is being considered. The Barberton Wolf Creek Plan Facilities Planning Area map currently prescribes the site for future sewer expansion over the next twenty years (“Orange” on the FPA map); however, there is no “Orange” prescription text for the City of Norton within Barberton-Wolf Creek plan. Sewers are not expected in the subject area within the next twenty (20 years). Further, the area just to the west of the parcels are currently prescribed as “Green” which states that “all proposed new commercial, industrial and institutional development, located where access to sanitary sewer is not currently available, may be considered for installation of a new semi-public or private sewage treatment system provided the local health department or ODOT and the local Sanitary Engineer concur that a public wastewater collection system will remain unavailable for the foreseeable future.”
From previous column
When sanitary sewers become available, all existing systems will be required to connect to sanitary sewers to ensure that wastewater will be treated at an existing POTW. Comment period will end at the close of business on March 29, 2019. Anyone wishing to view the proposed amendment in addition to the additional information may be directed to Michael Vinay, City of Barberton, Department of Public Service, 516 W. Park Ave., Barberton, Ohio 44203, 330-848-6719, mvinay@cityofbarberton.com.

Michael Vinay
Director of Public Service

ABJ 3/16/19 Saturday