

Ohio EPA Responsiveness Summary for Public Comments Received  
Regarding the  
Proposed State Water Quality Management Plan,  
including updates to the State and Areawide Agency 208 Plans

September 2006

prepared by  
Division of Surface Water  
Ohio Environmental Protection Agency



## **Introduction**

Ohio EPA's Division of Surface Water has prepared this Responsiveness Summary to provide background and context for the 2006 State Water Quality Management Plan (WQM Plan) and to address testimony and written comments received on the draft State WQM Plan, the State's 208 Plan and 208 Plan updates completed by Areawide Planning Agencies.

## **Background**

Ohio EPA oversees the State WQM Plan. The State WQM Plan is a requirement of Section 303 of the Clean Water Act (CWA) and must include the 9 discrete elements mentioned in the next paragraph. In layperson terms, the State WQM Plan is an encyclopedia of information used to plot and direct actions that abate pollution and preserve clean water. A wide variety of issues are addressed and are framed within the context of applicable laws and regulations. Many of the topics or issues overlap with planning requirements of CWA Section 208. The State WQM Plan includes, through references to separate documents, all 208 plans in the State.

The following planning elements are addressed at a statewide level in the final 2006 State WQM Plan: total maximum daily loads (TMDLs); effluent limits; nonpoint source management and control; dredge and fill program; basin plans; and, ground water. Three additional planning elements are covered through more localized analysis: municipal and industrial waste treatment, management agencies for wastewater treatment, and implementation measures. Five of the 6 areawide planning agencies completed updates to their 208 Plans that are included in this update of the State WQM Plan. The State of Ohio also updated 208 plan content in 42 of the 64 Ohio counties that are not designated to an areawide planning agency. The State's 208 plan addresses at a more local level the water quality needs and the entities responsible for wastewater planning and sewage collection and treatment. The State solicited and received local community input on these plan elements in 2005.

## **Central Scioto Basin Plan**

In 2002 the State completed a partial 208 Plan update that covered a small portion of the Scioto River basin known as the Central Scioto Plan Update (CSPU). A number of submissions to change the 208 Plan were made pursuant to the plan modification procedures in Section 5.03 of the CSPU. Submissions determined to be incomplete were returned to the petitioner with an indication of the deficiency, and such materials are not addressed in this document or the State WQM Plan. The opt out and lock-in requests submitted to Ohio EPA and considered in the 208 Plan drafting process are summarized

below. Plan content from the CSPU was modified as appropriate and appears in Appendix 8-2 and the Franklin County section of Appendix 9-1.

One opt out petition and associated permit to install application was determined to be complete: Delaware County's opt out petition for Tartan Fields, Phase 20, part B (PTI #01-11654). In 2005 the Agency sought public input and comment on this matter. The Director acted to approve the opt out request on December 6, 2005. The reader is advised that, pursuant to section 5.03.01 of the CSPU, "changes that are based upon the options described in this section will be effective on Ohio EPA approval and will be reflected in the next plan update." The Agency's GIS mapping records that delineate the boundary of the Metro Columbus Regional Facility Planning Area (RFPA) have been adjusted to indicate that the subject land parcel is outside of the Metro Columbus RFPA.

The Agency received, and has given consideration to, three (3) requests to lock-in service area pursuant to Section 5.03 of the CSPU. The status of each submission is given below.

Fairfield County lock-in request - Materials submitted in 2003 and 2004 were reviewed and assessed as technically complete; on hold pending submission of written documentation of support from townships, county and municipal governments. See Appendix 9-1, page 43 (comment 25-C8) and page 50.

Jefferson Water and Sewer District (JWSD) lock-in request - Materials submitted in 2003 and 2004 were reviewed along with comments made by other management agencies. Ohio EPA is proposing to deny the JWSD request through an action taken in a separate Director's letter on this matter. Additional information and an explanation of the appeal process is found in the letter.

Southwest Licking Community Water and Sewer District lock-in request - Materials submitted in 2004 and 2005 were reviewed along with comments made by other management agencies. Letters from the Licking County Commissioners received in July and August 2005 indicate support for the lock-in request. Ohio EPA has deferred action on the lock-in request pending the outcome of discussions between the City of Columbus and the SWL District regarding sewer service options (see Appendix 9-1, page 51).

**Public Comments and Responses**

All documents were available for public review from February 6 through April 21, 2006. Comments are grouped by topic, as follows:

- ▶ General Comments
- ▶ NEFCO’s 208 Plan
- ▶ Delaware County Section of State of Ohio 208 Plan
- ▶ Big Darby Creek prescriptions in State of Ohio 208 Plan
- ▶ Franklin County Section of State of Ohio 208 Plan
  - ▶ Southeast Franklin County
  - ▶ Lock-in requests
- ▶ Fairfield County Section of State of Ohio 208 Plan

Comments are identified by organization submitting the comment and a comment record number. The body of this document contains the Agency’s summary of each comment letter, an indication of what changes, if any, were made to the State WQM Plan, and a short rationale. The comment letters are reproduced in their entirety in Appendix A of this document. Page numbers cited in comments are based on the draft Plan documents and may not be the same in the final version of the Plan. With one exception, all parties who gave testimony at the public hearing provided written comments. Copies of the public hearing transcripts are provided in Appendix B of this document.

Comments were received from the parties listed in the following table.

<b>Date</b>	<b>Author</b>	<b>Organization</b>	<b>Comment Category / Record #</b>
Testimony at public hearing			
03/08/2006	Mike O’Brien	Village of Sunbury	Delaware Co. / T1
03/08/2006	Paul Brock	Poggemeyer Design Group (on behalf of Village of Galena)	Delaware Co. / T1
03/08/2006	Jack Smelker	Delaware County Sanitary Engineer	Delaware Co. / T1
03/08/2006	Joel Helms	citizen	NEFCO / T2
03/08/2006	Cyane Gresham	Sierra Club	General / T2
Comment letters			
4/21/2006	Sarah Phillips	Johnstown (Village)	General / #5
4/04/2006	Steve Stolte	Union County Engineer	General / #6
4/21/2006	Alice Godsey	Clark County Utilities	General / #7
4/17/2006	Dan Binder	Ohio Environmental Council	General / #8

<b>Date</b>	<b>Author</b>	<b>Organization</b>	<b>Comment Category / Record #</b>
4/20/2006	Commissioners	Licking County Commissioners	General / #9
4/21/2006	Susan Ashbrook	Columbus (City)	General / #10
4/18/2006	Ted Boggs	Oak Hills & Pleasant Acres MHPs	General / #43
4/28/2006	Randy Sanders	Ohio DNR	General / #49
4/06/2006	Joel Helms	citizen	NEFCO / #11
4/20/2006	Chad Antle	Delaware County	Delaware Co. / #20
4/14/2006	David Cannon	Delaware County Administrator	Delaware Co. / #21
3/24/2006	Trustees	Berkshire Township	Delaware Co. / #22
3/27/2006	Trustees	Berlin Township	Delaware Co. / #23
4/19/2006	Trustees	Trenton Township	Delaware Co. / #24
3/24/2006	Trustees	Harlem Township	Delaware Co. / #25
3/24/2006	Trustees	Troy Township	Delaware Co. / #26
4/21/2006	Orla Collier	Village of Sunbury	Delaware Co. / #27
3/7/2006	Mike O'Brien	Village of Sunbury	Delaware Co. / #28
3/27/2006	Orla Collier	Village of Sunbury	Delaware Co. / #29
2/10/2006	Mike Crites	Village of Galena	Delaware Co. / #30
4/3/2006	Paul Brock	Poggemeyer Design Group	Delaware Co. / #31
2/13/2006	Mike Crites	Village of Galena	Delaware Co. / #32
3/20/2006	Mike Crites	Village of Galena	Delaware Co. / #33
2/7/2006	Paul Brock	Village of Galena	Delaware Co. / #34
4/21/2006	R. Thomas Homan	City of Delaware	Delaware Co. / #35
4/13/2006	R. Thomas Homan	City of Delaware	Delaware Co. / #36
4/6/2006	Paul Brock	Village of Galena	Delaware Co. / #37
5/03/2006	Thomas Hopper	Village of Galena	Delaware Co. / #48
3/8/2006	Anthony Sasson	The Nature Conservancy	Big Darby Creek / #38
2/8/2006	David Brand	Madison County Engineer	Big Darby Creek / #39
4/20/2006	Anthony Sasson	The Nature Conservancy	Big Darby Creek / #40
4/21/2006	Anthony Sasson	The Nature Conservancy	Big Darby Creek / #41
4/20/2006	Jack Van Kley	36 landowners	Big Darby Creek / #42
4/21/2006	Robert Schmidt	MTB Corp. & Weber Family LP	Big Darby Creek / #44
4/21/2006	Scott Doran	Homewood Corp et al.	Big Darby Creek / #45

Date	Author	Organization	Comment Category / Record #
4/21/2006	Scott Doran	Ohio Home Builders Association	Big Darby Creek / #46
4/21/2006	Jim Hilz	Central Ohio BIA	Big Darby Creek / #47
4/21/2006	Don Rector	Fairfield County Sanitary Engineer	SE Franklin Co. / #15
4/21/2006	Matt Peoples	Canal Winchester (Village)	SE Franklin Co. / #16
4/21/2006	Eric Sandine	Lithopolis (Village)	SE Franklin Co. / #17
4/3/2006	Jennifer Frommer	Pickerington (City)	SE Franklin Co. / #18
4/21/2006	Jon Crusey	Groveport (Village)	SE Franklin Co. / #19
3/30/2006	Mary Lou Fairall	Southwest Licking Community SD	Lock-in requests / #12
4/20/2006	Robert McPherson	Reynoldsburg (City)	Lock-in requests / #13
4/19/2006	Ted Boggs	Jefferson Water & Sewer District	Lock-in requests / #14

**General Comments**

Comment

4/21/2006	Sarah Phillips	Johnstown (Village)	General / #5
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Summary

The Village of Johnstown intends to provide service in an area of Monroe Township within the Metro Columbus Regional Facility Planning Area (RFPA).

Response and Rationale

No changes made in final 208 Plan.

Prescription #25-P3 establishes a protocol whereby the Metro Columbus RFPA boundary can be modified without a formal and lengthy process to update the State’s 208 Plan.

*Adjustments to the boundaries of the Metro Columbus RFPA (map #25-1) may be requested at any time. Petitions for RFPA boundary adjustments must include written endorsements of support from each affected management agency, each affected satellite suburban community, and any other political jurisdiction or private entity that has authority to provide wastewater collection and treatment for the area in question. Furthermore, all applicable facility planning work must be completed for the area added to, or deleted from, the Metro Columbus RFPA (see Chapter 9 for guidance on preparing facility plans). Boundary adjustments, if granted, will be part of the State of Ohio 208 plan upon review and approval by Ohio EPA. The Director shall make a determination relative to each valid petition for RFPA boundary*

*adjustments. RFPA boundary adjustments, with or without a petition, may also be proposed by the State when the 208 plan is updated.*

While The Agency believes this protocol may be used frequently and successfully, other situations will arise involving future sewer service infrastructure capacities and service areas that will not have universal local support. These situations will require case by case evaluation and the formal process of releasing a draft State 208 Plan change, a public comment period and certification of the final 208 Plan update. The final sentence of prescription 25-P3 states a process and authority that the State has as author of the 208 Plan.

Ohio EPA has made note of Johnstown’s general intent to provide sewer service in areas of Monroe Township. The Village needs to pursue facility planning work using the guidelines found in Chapter 9 of the State WQM Plan to establish a basis to evaluate and establish an appropriate FPA boundary. The Village may submit an opt out request pursuant to prescription 25-P2.

Comment

4/04/2006	Steve Stolte	Union County Engineer	General / #6
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Summary

The County Engineer submitted several corrections regarding factual details of County wastewater facilities, some of which occurred in February 2006.

Response and Rationale

Changes were made to the Union County section of Appendix 9-1 to address all 3 comments made. In addition, the table of permitted facilities presented in Appendix 8-1 was revised. See Chapter 1.04 for additional explanation regarding the tabular data provided on wastewater facilities.

In the draft Plan, Crottinger Estates was listed in a footnote of Union County Table, Appendix 9-1. Additional facts presented by the Union County Engineer reflect more recent developments that occurred after the draft Plan was published.

Comment

4/21/2006	Alice Godsey	Clark County Utilities	General / #7
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Summary

The County Director of Utilities submitted comments regarding the distances that should be applied when requiring that homes and businesses hook into central sewers. The Clark County letter makes reference to comments made at the public meeting. The transcript of

the public hearing has only one comment on this topic: Jack Smelker stating that the minimum distance to require connection to sewers should be increased from 200 feet to 400 feet. Additional discussion on this topic mentioned in the Clark County letter must have occurred during the question and answer session. The merits of older planning documents were also noted in the letter.

**Response and Rationale**

Inclusion of a specific distance (200 feet from building foundation) within which connection to sewers would be mandatory was removed from the final Plan. Ohio EPA agrees with the general principle that new housing subdivisions and commercial developments involving a substantial number of units or population equivalents should have central sewers when feasible. The Agency believes that language in the final Plan provides appropriate operational guidelines for staff to apply when making determinations on a case by case basis regarding when public sewers are available (see page 4 of Appendix 9-1).

Ohio EPA acknowledges the concern about “sweeping away” old facility planning information and boundaries found in the State’s 208 Plan documents dating from 1979 to 1993. On balance we feel it is the appropriate step.

**Comment**

4/17/2006	Dan Binder	Ohio Environmental Council	General / #8
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**Summary**

Comments from the OEC’s Director of Watershed Programs were generally positive and supportive of the State WQM Plan. A number of suggestions for future program direction and improvements were offered. Support for strong measures to protect the Big Darby Creek watershed was expressed.

**Response and Rationale**

No changes made in the Plan.

*Comments on 2.03, narrative free froms* - Ohio EPA has made note of the comments pertaining to algal blooms, harmful by-products and potential impacts on lakes. While no change was made in this State 208 Plan update, the Agency is actively considering these issues in the course of 2 related program initiatives. First, an assessment methodology for gaging impairment of the public drinking water use designation has been developed and is being tested and refined. (See Ohio EPA 2006 Integrated Water Quality Monitoring and Assessment Report for more information). Secondly, an effort is underway to revive a sampling program for Ohio’s lakes and reservoirs and this will involve developing new water quality criteria for nutrients, chlorophyll a, algal blooms, bacteria and other factors.

*Comments on 2.07, TMDL program* - Ohio EPA has made note of these comments. No change in the final 208 Plan is needed.

*Comments on 4.02, NPS program* - Ohio EPA has made note of these comments and has shared them with our colleagues at Ohio Department of Natural Resources. No change in the final 208 Plan is needed.

*Comments on 4.04, Watershed program* - Ohio EPA has made note of these comments. No change in the final 208 Plan is needed.

*Comments on 7 & 7.01 Ground water program* - Ohio EPA has made note of these comments. No change in the final 208 Plan is needed at this time.

*Comments on Appendix 8-2, Scioto River* - Ohio EPA has made note of these comments. No change in the State 208 Plan is needed. The subject of the WQS use designations for the Scioto River in the vicinity of Columbus is a subject that the Agency needs to address in future years under the Water Quality Standards program.

*Comments on Appendix 9-3, Big Darby Creek watershed* - Ohio EPA has made note of these comments. No change in the final 208 Plan is needed.

Comment

4/20/2006	Commissioners	Licking County Commissioners	General / #9
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Summary

The County Commissioners requested clarification about one of the generic prescriptions and submitted a comment very similar to the Village of Johnstown regarding how changes are made to the Metro Columbus RFP boundary (see page 5 of this responsiveness summary for response to the latter comment).

Response and Rationale

No changes made in final 208 Plan.

The following clarification is offered regarding the generic prescription. Generic Prescription #7 states:

*The County Commissioners under ORC 6117 have authority for central sewers and sewage treatment in all unincorporated areas; when unsanitary conditions exist Ohio EPA may require that the County Commissioners fix the problem.*

ORC § 6117.01(B) provides authority for a board of county commissioners to establish a

sewer district within the county and outside municipal corporations, and to acquire, construct, operate and maintain facilities it determines to be necessary or appropriate for collection and treatment of sewage and other waste originating in or entering the sewer district. Other provisions in ORC Chapter 6117 specify the extent of authority of a sewer district established by a board of county commissioners and how a board of county commissioners can accomplish the purposes of the sewer district.

In addition, pursuant to ORC § 6117.34, if the director of Ohio EPA receives a complaint from the legislative authority or board of health of a municipal corporation, a general health district or board of township trustees and, upon investigation, determines that it is necessary for the public health and welfare that sanitary or drainage facilities be acquired, constructed, operated and maintained to serve territory in any county outside municipal corporations, he is to order the board of county commissioners to take corrective action. The board of county commissioners must then establish a sewer district and provide the necessary funds to acquire, construct, operate and maintain the required sanitary facilities.

If the director of Ohio EPA determines that a trunk or main sewer is necessary in a county for sanitary purposes, pursuant to ORC § 6117.46, the board of county commissioners of the county may prepare plans for such sewer and, upon approval of the plans by the director, may construct and maintain the sewer, within or outside the limits of a municipal corporation, and regulate the tapping of the main or trunk sewer by lateral sewers. ORC § 6117.51 also gives the board of county commissioners authority to require connection of premises to sewers under certain circumstances.

A second request is: “[P]lease clarify who will be responsible for addressing mobile home parks and similar semi-public facilities that are not in compliance with NPDES requirements and subdivisions with failing septic systems in unincorporated areas.”

Semipublic disposal system is defined in ORC § 3709.085(B)(1)(a):

*"Semipublic disposal system" means a disposal system that treats the sanitary sewage discharged from publicly or privately owned buildings or places of assemblage, entertainment, recreation, education, correction, hospitalization, housing, or employment, but does not include a disposal system that treats sewage in amounts of more than twenty-five thousand gallons per day; a disposal system for the treatment of sewage that is exempt from the requirements of section 6111.04 of the Revised Code pursuant to division (F)(7) of that section; or a disposal system for the treatment of industrial waste.*

ORC § 3709.085(B)(2) provides that:

*The board of health of a city or general health district may enter into a contract with the environmental protection agency to conduct on behalf of the*

*agency inspection or enforcement services, for the purposes of Chapter 6111. of the Revised Code and rules adopted thereunder, for the disposal or treatment of sewage from semipublic disposal systems. . . .*

Thus, Ohio EPA generally has overall responsibility for enforcement against mobile home parks and similar semipublic systems which are not in compliance with NPDES permit requirements, but it may contract with a board of health to provide inspection or enforcement services. In addition, ORC § 6111.44 requires approval of plans by the director of Ohio EPA prior to installation or modification of semipublic systems. Pursuant to ORC § 6117.51, the board of county commissioners may order the owner of a premises to connect the premises to a sewer which is available and accessible, and to cease discharging to a semipublic system, even if the semipublic system holds an NPDES permit.

Enforcement against individual homeowners in subdivisions with failing septic systems in unincorporated areas would fall to the local health department. However, the board of county commissioners may form a sewer district in accordance with ORC § 6117.01(B) and require the construction of sewers and treatment facilities in such areas. If Ohio EPA receives an ORC § 6117.34 complaint, and after investigation finds that unsanitary conditions exist, the director may order the board of county commissioners to take corrective action. See discussion above. Pursuant to ORC § 6117.51, the board of county commissioners may order homeowners to connect to an available and accessible sewer.

Comment

4/21/2006	Susan Ashbrook	Columbus (City)	General / #10
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Summary

The City offered a number of comments regarding the generic prescriptions, the specific prescriptions for Franklin County (Appendix 9-1), and Appendix 9-3 (special prescriptions for Big Darby Creek watershed). Maps showing three areas served by the Columbus sewer system were submitted.

Response and Rationale

A number of revisions were made in the final 208 Plan.

*Generic Prescriptions* - Ohio EPA considered comments from Columbus and others and made a change regarding generic prescription #2. Columbus and other municipal governments (see Delaware County Comment Section) objected to the statement in the draft Plan that would require a service agreement should a city wish to serve an area outside it's corporate boundaries. The following change was made to the last sentence of generic prescription 2:

*When the proposed extension is beyond the corporate boundaries and within a sewer district established under ORC 6119 or 6117, and the land is not annexed, the extension of sewer service ~~would require a service agreement with the other~~*

~~sewer district~~ *will be evaluated on a case by case basis.*

Also, a minor change was made to the language in prescription #6 to cover the full range of responsible health departments.

*Specific Franklin County prescriptions* - Comments and revised language were offered on the topic of opt out and lock-in of sewer service areas. The final plan includes a substantially modified presentation of the prescriptions intended to clarify the Agency's intent. The lock-in provision should put municipal and non-municipal sewer service providers on a level playing field relative to Ohio EPA's technical evaluation of each entity's investment in infrastructure planning and how it meets water quality needs. While the Agency acknowledges the home rule powers of municipal governments and the rights of annexation, there may be circumstances where the evidence put forth in a lock-in request indicates that the public need and protection of water quality is best met when service is provided by the lock-in applicant. To illustrate the Agency's position, the following language was added:

*"Columbus or its satellite communities may not extend sewer collection systems into the Community-level Facility Planning Areas depicted for Franklin County, Union County or Ohio American Water unless the land is annexed or there is a written agreement between the municipality and the party obtaining service through the sewer extension. If a non-municipal management agency was granted a lock-in request pursuant to Section 5.03 of the Central Scioto Plan Update (Ohio EPA 2002), then the extension of service into the lock-in area by another management agency shall be agreed upon in writing by both management agencies." (Similar language applies to other management agencies that might lock-in territory.)*

The comment letter questioned the level of additional facility planning documentation necessary to accomplish regional facility planning area boundary adjustments. Additional language was added in prescription 25-P3 to amplify the Agency's expectations.

The City of Columbus objected to the portions of prescription 25-P12 that requires their lead participation in discussions with the Southwest Licking Community Water and Sewer District regarding regional cost effective sewer service within the District's Community-level FPA within the Metro Columbus RFPA. This task is entirely consistent with the role and responsibilities of a large regional management agency. The requirement was retained in the final Plan. A change was made to acknowledge the provisions of a contract between Reynoldsburg and Columbus.

Language was added to recognize the possibility that wastewater treatment needs within some areas of western Franklin County will be addressed through alternative community-based sewer systems. This was mentioned in the comment letter and in the final Big Darby Accord Master Watershed Plan. In short, the 208 Plan can accommodate this approach

to meeting development needs through the opt out process, at least on an initial basis. If Franklin County becomes the management agency for these systems we would envision the eventual preparation of a unified or combined management plan for all existing and future alternative community-based sewer systems.

*Map Issues* - The City of Columbus provided detailed maps and other information regarding sewer service already provided, or planned, for three (3) areas located just outside of the Metro Columbus RFPA. The boundary was adjusted to include these areas. The Metro Columbus RFPA boundary was also modified to reflect Ohio EPA's approval of an opt out request from Delaware County. A description of each area added or removed from the Metro Columbus RFPA is provided in the following table. All of these changes are reflected in the final map of the Metro Columbus RFPA (map 25-3).

General Location	Change	Reason	Acres
Northern Pickaway County, near Rickenbacker	Added	JEDD agreements with local governments (joint economic development)	
Delaware County, near Polaris	Added	Olentangy Meadows subdivision	48
Delaware County, near zoo	Added	Expansion of Columbus Zoo	
Delaware County, near Shawnee Hills	Removed	Opt out approval, service within Tartan Fields subdivision by Delaware County	10

The City of Columbus provided a map delineating an area south of I-70 and requested this area be added to the Columbus sub-regional FPA and Reynoldsburg satellite collection system area. No further documentation of specific facility planning work for this area was provided or cited. The change was not incorporated into the final 208 Plan. New language was added to address the process of changing service area boundaries within the Metro Columbus RFPA (see prescription 25-3a).

*Appendix 9-3* - Columbus suggested five (5) changes or corrections of fact: 1) don't allow land development to re-shape drainage patterns thereby removing water from the Big Darby watershed; 2) improve definition of roadside ditch; 3) correct error in formula; 4) correct error in text of permitted use 2c1d; and, 5) incomplete listing of EAG consensus recommendations omitted from the State's 208 Plan. The final Plan was modified to reflect this input.

Comment

4/18/2006	Ted Boggs	Oak Hills & Pleasant Acres MHPs	General / #43
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Summary

This comment letter focuses on language in Appendix 9-1 of the draft plan that discusses determining when a public sewer is available. Clarification is sought on the purpose or intent behind this language. The comments caution the Agency against using the State’s 208 Plan to impose general and uniform requirements that are effectively “rules” defined under ORC 119.01(C). A recommendation was made to remove this language from the 208 Plan.

Response and Rationale

The language has been retained in the final State 208 Plan. References to specific distances were removed (see discussion under the General Comment section, # 7).

Generic prescriptions 3 and 4 are considered standard operating procedures to be followed by the local sewer authority, the local health department, and Ohio EPA when evaluating proposals to install new or replacement sewage treatment and disposal systems in a community that has “a public sewer available”. In addition, generic prescriptions 3, 4, 5 and 6 include the phrase “where sewers are not available”, and then proceed to describe the course of action to be followed by State and local authorities. The Agency believes it is appropriate for the State’s 208 Plan to include further interpretation and guidance on this important matter of determining when or where a public sewer is available. This determination is made on a case by case basis using all applicable laws, and regulations and the guidelines presented in the State 208 Plan.

Comment

4/28/2006	Randy Sanders	Ohio DNR	General / #49
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Summary

The Ohio Department of Natural Resources (Ohio DNR) provided comments generated by an inter-disciplinary review within the Department. These comments were prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. No comments regarding rare and endangered species or fish and wildlife resources were offered. The Division of Soil and Water Conservation offered a number of typographical corrections, provided updated information regarding approved watershed action plans, and requested clarification on the content of Appendix 9-3, prescriptions for the Big Darby watershed.

**Response and Rationale**

Edits were made in the final Plan that reflect the input provided by Ohio DNR.

**Comment**

03/08/2006	Cyane Gresham	Sierra Club	General / Testimony at hearing
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**Summary**

Testimony provided was generally supportive of the draft Plan and Ohio’s overall effort in this matter. Observations about the Columbus sewage collection systems were made. The Sierra Club urges the Agency to be vigilant to ensure that wet weather overflow problems are getting the attention they need. Concerns about development and sewage disposal in the Hellbranch Run watershed were expressed. The Sierra Club questions if enough is being done to protect this stream and the Big Darby Creek watershed.

**Response and Rationale**

The Agency took note of these concerns in finalizing the Darby storm water (SW) permit and the 208 Plan.

**NEFCO’s 208 Plan**

**Comment**

4/06/2006	Joel Helms	citizen	NEFCO / #11 Testimony at hearing
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**Summary**

These comments and testimony relate to the 208 Plan adopted by the NEFCO Board in 2005 and subsequently submitted to Ohio EPA for review and certification by the Governor. The testimony and materials submitted re-iterated comments previously submitted to NEFCO in 2005. Mr Helms also collected and submitted signatures of local residents on a petition that asked the Governor to “appoint a new lead agency” for wastewater planning and to “disallow all boundary and service changes” until such time that they are properly reviewed.

**Response and Rationale**

No changes made in final 208 Plan. Ohio EPA has not found any valid reasons to reject the NEFCO 208 Plan submission. Conversations with and information provided by NEFCO officials indicated that the comments from Mr. Helms were not considered prior to the adoption of the Plan because they were submitted too long after the series of public meetings on the Plan. NEFCO officials have indicated that these comments will be assessed in the next round of 208 Plan review and update.

On the matter of the petition, no action is being taken. While it is procedurally and legally possible for the Governor remove existing agencies from their roles in wastewater planning and management and appoint new ones, there is no reason to do so in this situation. Both NEFCO and Summit County have demonstrated adequate capacity and authorities to carry out their responsibilities. The NEFCO 208 Plan includes a specific protocol for considering the merits of establishing a new Management Agency and Facility Planning Area. All comments on the topic of wastewater treatment providers in Summit County are best reviewed and considered by NEFCO through their established technical review committees and governing board structure.

**Delaware County Section of State of Ohio 208 Plan**

Comment

4/20/2006	Chad Antle Jack Smelker	Delaware County	Delaware Co. / #20 Testimony at hearing
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Summary

Officials with the Delaware County Division of Environmental Services noted errors in the facts regarding wastewater treatment facilities listed in the Plan Appendices. In addition, the County Sanitary Engineer offered testimony at the public hearing in support of the draft Plan.

Response and Rationale

Changes were made to the Delaware County section of Appendix 9-1 and the table of permitted facilities presented in Appendix 8-1. See Chapter 1.04 of the final Plan for additional explanation regarding the tabular data provided on wastewater facilities. See also the next two groups of comments and responses.

Comments

4/14/2006	David Cannon	Delaware County Administrator	Delaware Co. / #21
3/24/2006	Trustees	Berkshire Township	Delaware Co. / #22
3/27/2006	Trustees	Berlin Township	Delaware Co. / #23
4/19/2006	Trustees	Trenton Township	Delaware Co. / #24
3/24/2006	Trustees	Harlem Township	Delaware Co. / #25
3/24/2006	Trustees	Troy Township	Delaware Co. / #26

Summary

These six (6) comments are combined as they each provide a general resolution of support for the draft State WQM Plan and specifically the prescriptions for wastewater service in the unincorporated areas of Delaware County.

Response and Rationale  
 See next set of comments.

Comments

4/21/2006	Orla Collier	Village of Sunbury	Delaware Co. / #27
3/7/2006	Mike O'Brien	Village of Sunbury	Delaware Co. / #28 Testimony at hearing
3/27/2006	Orla Collier	Village of Sunbury	Delaware Co. / #29
2/10/2006	Mike Crites	Village of Galena	Delaware Co. / #30
4/3/2006	Paul Brock	Poggemeyer Design Group	Delaware Co. / #31
2/13/2006	Mike Crites	Village of Galena	Delaware Co. / #32
3/20/2006	Mike Crites	Village of Galena	Delaware Co. / #33
2/7/2006	Paul Brock	Village of Galena	Delaware Co. / #34 Testimony at hearing
4/21/2006	R. Thomas Homan	City of Delaware	Delaware Co. / #35
4/13/2006	R. Thomas Homan	City of Delaware	Delaware Co. / #36
4/6/2006	Paul Brock	Village of Galena	Delaware Co. / #37
5/03/2006	Thomas Hopper	Village of Galena	Delaware Co. / #48

Summary

These twelve (12) comments are combined as they each strongly oppose the prescriptions for wastewater service listed for Delaware County in the draft Plan. Each municipality raised the point that they performed some level of facility planning work and that they are positioned to serve areas currently beyond their corporate boundaries. Citing Ohio Constitutional powers granted to home rule communities, these municipal governments objected to the statement in the draft Plan that would require a service agreement with Delaware County should a city wish to serve an area outside it's corporate boundaries.

Response and Rationale

Changes were made in the final Plan. See the generic prescription number 2 and the Delaware County section of Appendix 9-1. Further consideration of the facts and comments provided by all parties caused the Agency to revise the municipal prescription for Delaware County (generic prescription number 2) and to prepare additional specific findings under the Delaware County section of Appendix 9-1.

The lack of cooperation between municipal and county officials in Delaware County is a root problem that must be addressed. County, township and municipal officials in Delaware County are strongly encouraged to self-facilitate meaningful discussions on facility planning and sewer service areas during the next 12 months. Ohio EPA will be

available to address specific policy and technical questions, but will not be the facilitator or mediator of these negotiations. Ohio EPA will technically evaluate all the facility planning work and the records of previously approved Permits-to-Install (PTI). The next 208 Plan update will consider the outcome of any locally negotiated sewer service agreements, possible delineation of facility planning area boundaries and, dependent upon the threats to water quality, possible restrictions on sewer line extensions.

**Big Darby Creek prescriptions in State of Ohio 208 Plan  
Western Franklin County and portions of 5 other Counties**

Comment

2/8/2006	David Brand	Madison County Engineer	Big Darby Creek / #39
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Summary

The Madison County Engineer expressed concern that wording in the draft Plan raised questions about the status of the planning work produced by the Madison County Commissioners in 2005. Clarification is sought on this issue.

Response and Rationale

A change was made in the final Plan to better articulate those entities with planning authority in the County. See the Madison County section of Appendix 9-1. Madison County, under the authority in ORC 6117, has established sewer districts and is therefore recognized as the appropriate management agency for sewer and wastewater facility planning and operation throughout the unincorporated portions of the County. The status of Madison County as a management agency and the specific facility planning areas for the two (2) sewer districts have been added to the final State 208 Plan. The status of the six (6) municipal entities as management agencies and their respective FPAs will be added to the State's 208 Plan when these entities provide a resolution of support for the county-wide plan submitted by the Commissions in 2005. The Agency and the Commissioners jointly signed and sent a letter requesting this support documentation to each community.

Comments

3/8/2006	Anthony Sasson	The Nature Conservancy	Big Darby Creek / #38
4/20/2006	Anthony Sasson	The Nature Conservancy	Big Darby Creek / #40
4/21/2006	Anthony Sasson	The Nature Conservancy	Big Darby Creek / #41

Summary

The Nature Conservancy (TNC) submitted a number of comment documents all pointing out the unique features of the Big Darby aquatic system and the importance of strong steps to control and lessen the impacts of development on the Darby's water quality and aquatic

life. TNC voiced general support for the Franklin County section of the State’s 208 Plan while urging further consideration of the details behind a number of specific measures found in the Agency’s draft storm water (SW) permit for the Big Darby watershed. Document #40 included three comment letters written by TNC regarding the Big Darby Creek SW permit and the Darby Accord planning project (City of Columbus and 9 other jurisdictions).

**Response and Rationale**

A number of changes were made to the Darby SW permit that reflect the Agency’s careful consideration of technical comments, including TNC’s. The details of these comments and changes are available in the Ohio EPA response to comments on the Darby SW permit. Changes in Appendix 9-3 of the State’s 208 Plan were made to reflect the content of the final Darby SW permit.

The State’s 208 Planning document should be linked to, and consistent with, various water quality protection implementation mechanisms, such as the Darby SW permit, as they evolve from concepts, to draft or proposed documents, and finally to fully implemented permits and other measures. The changes made to Appendix 9-3 reflect the need to maintain consistency of recommendations and implementing mechanisms.

**Comments**

4/20/2006	Jack Van Kley	36 landowners	Big Darby Creek / #42
4/21/2006	Robert Schmidt	MTB Corp. & Weber Family LP	Big Darby Creek / #44
4/21/2006	Scott Doran	Homewood Corp et al	Big Darby Creek / #45
4/21/2006	Scott Doran	Ohio Home Builders Association	Big Darby Creek / #46
4/21/2006	Jim Hilz	Central Ohio BIA	Big Darby Creek / #47

**Summary**

These five (5) sets of comments are similar and express the concerns and questions of a number of organizations, companies and individuals associated with farming, land development and home building in central Ohio. Each comment letter is summarized below.

*Comment #42* - The concerns expressed in this comment letter focus on future restrictions on land use imposed through the 208 Plan and the Agency’s Darby SW permit. Questions of legal authority are raised. Criteria number 8 in Appendix 9-3 of the draft Plan is cited as impairing the landowner’s ability to farm the land.

*Comment #44* - To a large degree this letter questions the legal authority for what is characterized as land use planning under the State’s 208 Plan. It is alleged that Ohio EPA

is imposing a *de facto* connection ban in violation of Ohio law. It is further alleged that the State failed to consider the economic costs of the requirements and that no attempt was made to balance those costs with the need to protect water quality. The letter advises that land use controls, restrictions on sewer availability, and regulations regarding home sewage treatment systems could quite easily reach a point where a property owners only recourse is a regulatory takings claim. This comment letter maintains the draft State 208 Plan is an impediment to environmental friendly development rather than promoting good land use planning.

The comment letter cites as a serious problem an inherit lack of equity in the representation of landowners and development interests on the External Advisory Group charged with making recommendations to Ohio EPA and the City of Columbus. Comment #44 goes on to request that all EAG recommendations be put aside until an independent assessment of their scientific basis is completed. An observation is made that the existence of scientific uncertainty about the water quality benefits of stream buffers and their appropriate sizing is effectively a complete deterrent to an applicant's ability to demonstrate a project design is "as protective as" the recommended set back distances. The scientific basis for imposing a 100 foot minimum set back distance and inclusion of the 100 year flood plain in set back requirements is specifically questioned. Open space requirements and ground water recharge requirements (found in the Darby SW permit) are alleged to be unsupported scientifically and ill conceived within existing regulatory authority. Comment #44 concludes with the assertion that the adoption of rules is the appropriate legal mechanism to implemented stream set back distances and ground water infiltration requirements.

*Comments #45, 46 and 47* - All 3 comments include a transmittal letter, copies of comment letters submitted on their behalf regarding the Darby SW permit, and a 22 page document that critiques specific sections of Appendix 9-3 of the draft State's 208 Plan. Similar to the two prior comments, these comments assert that much of the State's 208 Plan for the Darby Creek Watershed (Appendix 9-3) is ill-advised and illegal. It also maintains the recent land use planning work initiated by the City of Columbus in tandem with 9 other governmental jurisdictions could be jeopardized and rendered ineffective because of requirements in the State's 208 Plan. The specific points critiqued in the 22 page attachment along with Ohio EPA's responses are presented below.

#### Response and Rationale

General - A number of changes were made to the Darby SW permit that reflect the Agency's careful consideration of technical comments, including those of the land owner and building industry . The final Darby SW permit was revised so as to be less onerous on the matter of stream set back restrictions necessary to protect water quality and aquatic life. See the Darby SW permit Responsiveness Summary for additional details.

Revisions to Appendix 9-3 were made to make it clearer which of the protection criteria are requirements and which are recommendations. Other changes in Appendix 9-3 of the

State's 208 Plan were made to reflect the content of the final Darby SW permit. Further responses to specific comments are presented below.

*Comment #42* - Criteria number 8 in Appendix 9-3 is a recommendation that land owners are encouraged to pursue and does not impose restrictions on farming practices.

*Comment #44* - The legal issues raised regarding the Darby SW permit and the State's 208 Plan were noted. The Agency believes the final documents are appropriate and legally defensible. Ohio EPA responses to a number of the technical comments about stream set backs, ground water requirements and open space preservation appear in the Responsiveness Summary on the Darby SW permit, or are discussed below in the context of similar comments.

*Comments #45, 46, and 47* (the 22 page attachment)

*Criteria 1a, Implementation Mechanisms - Is Ohio demanding that local jurisdictions implement these programs* (for example, zoning, resolutions or ordinances) *in order to allow for any development?* No. The Agency strongly recommends that local jurisdictions implement these mechanisms as a means to enforce stream set backs, open space and other recommended water quality protection requirements, but recognizes that situations may arise where this does not happen. Development can occur within these jurisdictions pursuant to the protocol established under criteria #6.

*Has Ohio EPA evaluated the costs of the design and implementation of these requirements?* No.

*Criteria 1c, Purpose Statement* - The recommended language is provided as a guideline example for what is expected. Local jurisdictions are free to consider modifications along the lines suggested in this comment. Ohio EPA would expect the purpose statement to cover the 3 essential elements listed.

*Review of Central Sewer Line Projects, Statutory Authority to Review Local Zoning* - Ohio EPA intends to review locally adopted zoning and development restrictions but is not attempting to exercise any formal approval process. The purpose of the review step is to confirm that local governments have adequately considered and implemented the recommendations made by the EAG and Ohio EPA in Appendix 9-3 of the State WQM Plan. If this is confirmed, then development projects on central sewer systems may proceed under a sewer project PTI and the Darby SW general permit. If no local zoning is adopted, or if the adopted zoning falls substantially short of our recommendations to protect water quality, then the sewer line PTI review process will proceed using the process described in criteria 6 ("as protective as" measures implemented via an individual NPDES SW permit). The language in Appendix 9-3 was revised to clarify this point.

*Criteria 2a & 2b, Applicable Streams and Set Backs* - A revised map of streams in western Franklin County that Ohio EPA believes should be subject to the set back requirements has

been produced. It is available in hard copy and as GIS shape files. A minimum 100 foot set back distance was retained in the 208 Plan and Darby SW permit. Criteria 2b, stream set back distances, was modified to be consistent with the Darby SW permit. Limited allowances were made in the final Darby SW permit for development within the 100 year flood plain provided stream restoration is undertaken.

*Criteria 2c 4, Roads as Permitted Use* - No change was made. Non-arterial roads and property access roads are appropriately considered, and approved where appropriate, through conditional use provisions.

*Criteria 2d 1, Conditional Uses, stream channel work* - The language was amended to cover more extensive stream restoration projects. The Darby SW permit includes options intended to promote channel restoration projects in deeply incised drainage ditches. This activity will benefit the aquatic system and should be facilitated where possible.

*Criteria 2d 2, Conditional Uses, trails* - No changes were made in response to comments regarding the specifics of trail design and replacement. We believe these EAG consensus recommendations should remain in place as the recommendations given to local governments with the understanding that they, by and large, reflect the standard protocols followed by Franklin County Metroparks. Furthermore, any necessary and appropriate changes to the specific trail design and trail replacement specifications should be debated and adopted by local jurisdictions.

*Criteria 2d 4, Conditional Uses, non-arterial road crossings* - The EAG recommendation and the draft Plan allow a stream road crossing for a driveway or non-arterial road only in circumstances when no other access to the property is available, or it is considered a matter of public safety. A modification was made to reflect the comment that added flexibility is appropriate so that crossings may be installed when the applicant can demonstrate important ecological protection and ecological benefits are realized (such as saving a mature wood lot).

*Criteria 2e 1, Prohibited Uses, construction in the riparian buffer zone - Will this allow for additions to existing buildings and residences?*

With regard the Agency's implementation under the Darby SW permit this same question was posed and answered as follows:

"The riparian setback requirements are only triggered when the need for coverage under the permit is triggered, which is the one acre of disturbed land threshold. Even if permit coverage is triggered, the setback requirements would not prevent a landowner from building within the setback, although mitigation requirements could be triggered requiring mitigation for the activity. ..."

Local governments would probably choose to implement a zoning overlay with associated provisions to grant variances.

*Criteria 2e 4, Prohibited Uses, removal of natural vegetation* - The draft Plan requires planting the riparian zone with natural vegetation when the site at the time of its development lacks vegetation. Authority regarding vegetative planting should be put in place through local zoning. Language in the final Plan has been revised to indicate natural vegetation should be used where practical. The Agency does not see this as an impediment to promoting stream restoration.

*Criteria 2e 5, Prohibited Uses, impervious surfaces* - A modification to the language was made to allow for paved trails approved under the conditional use.

*Criteria 2g, replacement of damaged trails* - Further explanation was added to this section in response to comments. In short, allowances need to be made to replace damaged trails in some situations, particularly those trails approved as a conditional use. Ohio EPA believes the intent of criteria 2g should be to move trail segments damaged by water erosion to a more suitable location. As with trails as a conditional use, any necessary and appropriate changes to the specific trail design and trail replacement specifications should be debated and adopted by local jurisdictions.

*Criteria 2h, inspection of riparian buffer* - *If local jurisdictions do not implement the requirements or perform these inspections as recommended, who will?* Stream set backs implemented through the provisions of the Darby SW permit or individual permit are subject to Ohio EPA inspections. If the location is within a community that has an NPDES MS4 phase I or phase II permit, then inspections might be done by these entities.

*Criteria 3a 3 & 4, primary conservation areas* - A definition of primary and secondary conservation areas was added in an effort to address concerns regarding the listing of wetlands and habitats for threatened and endangered species as areas to conserve as open space. It is obvious that these areas will have a relatively high ecological value, require careful evaluation before land is developed, and deserve priority in land preservation plans at both the regional planning scale and the individual site design work. If primary conservation areas like wetlands cannot be left as open space, then conservation of the resource may proceed through the mitigation requirements imposed under the Section 404 and 401 permitting or other means.

*Criteria 3a 5, healthy forests* - Intact forests provide better infiltration of ground water compared to many other land use types and in that way provide a potentially important connection to the maintenance of base stream flow and the protection of water quality and aquatic life in the Big Darby watershed. Ohio EPA endorses the concept that priorities for open space preservation in western Franklin County should include all woodlots greater than 1 acre. That said, the Agency believes that the specific criteria for assessing forest health and value should be debated and adopted by local jurisdictions after consulting appropriately qualified professionals.

*Criteria 3b, secondary conservation areas* - See response under criteria 3a above.

*Criteria 3b 2 & 3, view sheds and prime agricultural land* - No change was made; these factors are appropriate for local jurisdictions to consider within their existing authority as features to include in open space preservation. They are commonly cited in the literature and used in other parts of the country.

*Criteria 3f 6, prohibited uses, land application of wastewater* - The Agency believes that two recent developments have a bearing on how local communities might approach the land application of wastewater. First, Ohio EPA has released a draft rule that would regulate such systems. When this rule becomes effective the requirements on design and operation of spray irrigation or other land application systems will be effectively regulated and protective of water quality. Second, the Darby Accord Plan has been completed and it relies heavily upon the concept that wastewater treatment for a significant portion of the Darby watershed in Franklin County be designed as small community based or cluster systems. Introductory paragraphs were added under criteria 3 to clarify that the list of permitted, conditional and prohibited uses for primary and secondary conservation areas are strongly recommended, but that local communities have flexibility to allow land application of wastewater under criteria 5a.

*Criteria 3g, ownership of easement* - No change was made. The three (3) forms of easement ownership are legal. Ohio EPA has not expressed a preference because each may be appropriate given the specific individual circumstances.

*Criteria 3i, continuity of open space* - No change was made. This criteria has been applied in the Darby Accord planning process and has proven useful in looking at an overall regional proposed land use. Local jurisdictions may look at the specific situation within their boundaries in concert with the Darby Accord Plan and determine that some adjustment up or down in the percent of contiguous open space is appropriate and as protective.

*Criteria 3k, management of open space* - The Agency agrees with the comment that management of open space under easement will likely be low and simple to plan and carry out involving the routine care of trails, signage and fencing. Additional comments were offered to the effect that there is presently no legal authority for the State or local governments to take over and charge for maintenance and upkeep of the open space should the private entity fail in this responsibility. The language was revised to reflect a more measured response on the part of government agencies.

*Criteria 4, storm water* - Comments and responses to comments regarding this topic are found in the Darby Creek SW permit responsiveness summary.

*Criteria 5b, alternative performance criteria for individual projects* - The setback portion of this section was modified to be consistent with the final Darby SW permit. Priority is placed

on protection of the active flood plain, and allowances are provided for the applicant to pursue stream restoration projects on entrenched ditches. The assessment of pre and post ground water infiltration will be done using the approaches outlined in the final Darby SW permit, or the applicant may request approval based on another scientifically valid assessment. Ohio EPA believes the pollutant loading targets used as the alternative performance criteria are appropriate as they are derived from the Agency’s TMDL work. The pollutant loading portion of this section was amended to include a provision that would allow the targets to be set at values developed by Ohio EPA based on future TMDL calculations for the Hellbranch watershed or other sub-watersheds within the Big Darby Creek system. The monitoring of sites subject to these alternative performance criteria should continue for at least one permit cycle, but would not necessarily be required beyond that time frame unless the results were inconclusive.

*Criteria 6b, environmental site management plan* - A 45 day time frame for review and action on an applicant’s environmental site management plan has been added. Denial of these plans would be an action of the Director appealable to the Environmental Review Appeals Commission.

**Franklin County Section of State of Ohio 208 Plan  
(Southeast Franklin County, Northwest Fairfield County)**

Comments

4/21/2006	Don Rector	Fairfield County Sanitary Engineer	Fairfield County / #15
4/21/2006	Matt Peoples	Canal Winchester (Village)	SE Franklin Co. / #16
4/21/2006	Eric Sandine	Lithopolis (Village)	SE Franklin Co. / #17
4/3/2006	Jennifer Frommer	Pickerington (City)	SE Franklin Co. / #18
4/21/2006	Jon Crusey	Groveport (Village)	SE Franklin Co. / #19
3/30/2006	Mary Lou Fairall	Southwest Licking Community SD	Lock-in requests / #12
4/20/2006	Robert McPherson	Reynoldsburg (City)	Lock-in requests / #13
4/19/2006	Ted Boggs	Jefferson Water & Sewer District	Lock-in requests / #14

Summary

All of the above comments deal with sewer service within communities in Southeast Franklin County and Northwest Fairfield County (the portion included within the Metro Columbus RFP). Most letters expressed concerns regarding overlapping sewer service areas and stated that overlapping areas potentially waste money through inefficiencies. Some of the communities appear close to resolving differences and committing to written agreements on sewer service areas (notably Fairfield County, Pickerington and Canal Winchester). Lithopolis and Groveport appear to delineate compatible sewer service

boundaries (no written agreement submitted) but are at odds with Canal Winchester. Lithopolis, Groveport, and Canal Winchester submitted maps delineating their desired service areas. However, no additional planning documentation that would satisfy the planning guidelines in Chapter 9 was provided.

#### Response and Rationale

Early in 2005 the Agency invited management agencies to submit additional facility planning documentation by June 30, 2005. Draft guidelines on what would be necessary for the Agency's use in the State 208 Plan were made available. These guidelines appear in Chapter 9 of the final State 208 Plan. Submissions made before or shortly after the June 30<sup>th</sup> deadline by the Jefferson Water and Sewer District (JWSD), Southwest Licking Community Water and Sewer District (SWL) and Fairfield County were done pursuant to the lock-in provisions of the CSPU. These submissions were reasonably complete with regard to the content guidelines. Other entities (including Columbus, Gahanna, and Reynoldsburg) submitted letters and information commenting on these lock-in requests (comments in addition to those submitted on the draft 208 Plan).

The Agency is proposing to deny the JWSD request and a separate Director's letter is being issued on this matter. Additional information and an explanation of the appeal process is presented in that letter. Ohio EPA tentatively approves of the Fairfield County request pending written endorsements by other entities. The SWL request has been deferred pending the outcome of discussions of sewer service options between the City of Columbus and the SWL Sewer District (see Appendix 9-1, page 51).

The Villages of Lithopolis, Canal Winchester and Groveport all submitted comments letters on the draft State 208 Plan that included requests to adjust their respective facility planning area boundaries. However, there was no documentation of facility planning work done to support the service areas, and more importantly there is clearly no agreement among local governmental jurisdictions (planning guideline number 10 in Chapter 9 of State WQM Plan).

Given the available information Ohio EPA is not in a position to delineate local sewer service territories. The final State 208 Plan for Franklin County was reorganized to put emphasis on the unresolved issues in the southeast quadrant of the Metro Columbus RFPA. The key points of this part of the final Plan include:

- ▶ The sewer service boundaries were left as they were first published in the CSPU;
- ▶ Language was added to give local communities two options relative to changes these sewer service boundaries: 1) all local governments with role in wastewater services agree in writing (see prescription 3a); or 2) pursue the change with a formal opt out request;
- ▶ Language was revised regarding establishing Lithopolis as a management agency

for wastewater collection and extended the Metro Columbus RFPA to include approximately 700 acres in Fairfield County as potentially served by the Village of Lithopolis or Fairfield County; and

- ▶ A statement was added to indicate that these communities may enter into written contracts for wastewater services with other management agencies to treat all or part of the wastewater generated within their community-level FPA.

**Fairfield County Section of State of Ohio 208 Plan**

Comment

4/21/2006	Don Rector	Fairfield County Sanitary Engineer	Fairfield County / #15
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Summary

A general observation made by the County is that the overall State 208 Plan is large and complex and efforts should be made to simplify it. Some specific corrections were offered regarding the listing of facilities (Appendix 8-1) and maps. One map (23-4) was cited as containing unspecified errors. (See also comments under Franklin County section).

Response and Rationale

The final version of Appendix 8-1 was prepared using more complete and up to date information on wastewater facilities obtained from the Ohio EPA SWIMs data base. See Chapter 1.04 of the final Plan for additional details. To date Ohio EPA has not determined the specific errors on Map 23-4. The situation has been so noted in the Fairfield County section of Appendix 9-1. The Agency will contact the County, City of Lancaster and the Greenfield Water and Sewer District to obtain the necessary information to publish an errata sheet.