

Facility Planning Area Amendment Process, and Process for Local Approval and State Certification

Adopted July 14, 2004

Management Agency (MA) - Defined:

Typically, for each Facilities Planning Area (FPA), a single government entity is designated as the Primary Management Agency (MA), and as such, possesses the right to plan for wastewater conveyance and treatment within their designated facility planning area boundaries. Most commonly, the Primary MA is the county or municipality that owns and operates the central wastewater treatment plant. Secondary MA's are those entities that have forged sewer agreements with another MA to use the services of their treatment facility or where there exists a 6119/9188 township. Often times there is more than one Secondary MA within a single FPA.

According to Section 208 of the Clean Water Act, an MA must have the capacity to:

- Carry out appropriate portions of the Areawide Water Quality Management Plan;
- Manage effectively waste treatment works and related facilities serving such an area in conformance with the Plan and effectively manage Publically Owned Treatment Works (POTW) and related point and nonpoint source facilities and practices in conformance with the Plan;
- Directly, or by contract, design and construct new works and operate and maintain new and existing works as required by the Plan;
- Accept and utilize grants, or other funds from any source, for waste treatment management purposes;
- Raise revenue, including the assessment of waste treatment charges;
- Incur short and long term indebtedness;
- Assure in the implementation of an Areawide Water Quality Management Plan that each participating community pays its proportionate share of treatment costs;
- Refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provision of the Plan; and
- Accept industrial wastes for treatment.

Both Primary and Secondary MA's are authorized to propose modifications to the 208 Plan within the boundaries covered by their perspective Sewer District. The Primary and Secondary MA's for each facility planning area are identified in the table titled "*Wastewater Management Agencies in Mahoning and Trumbull Counties.*" Mahoning and Trumbull Counties are the wastewater planning agencies for unincorporated areas within their respective county regardless of location inside or outside an FPA.

Permitted 201 Modifications

Modifications adhering to the amendment process include changes to an existing FPA boundary, changes to wastewater treatment planning prescriptions, or the establishment of a new FPA under the authority of an existing MA.

Application Packet

The MA proposing a 201 modification will submit the following items with the proposed 201 modification application to the Eastgate Regional Council of Governments (Eastgate):

- A brief statement of why the 201 needs to be updated;
- A description of the existing 201 FPA boundary including a map;
- A description of existing wastewater prescriptions;
- A map of proposed 201 changes -include 25 color copies for distribution at Eastgate's Technical Advisory Committee (TAC) meeting;
- Any updated wastewater treatment planning prescriptions (contact Eastgate for the language and corresponding map);and
- Any associated correspondence including comment letters or letters of concurrence.

Process for Review

The MA requesting a 201 modification must submit the proposed 201 modification by certified mail to the MA having primacy over the area in question (if other than the requesting MA), Eastgate, and to all local governments affected by the proposed 201 modification. The MA (other than the requesting MA) and affected local governments will have a **maximum of 45 days** upon receipt of the certified mail to review and respond to the MA requesting the modification.

The MA requesting the modification shall request comment letters from the primary MA and any local governments within the proposed 201 FPA affected by the modification. In order to allow Eastgate to conduct a 201/208 consistency review, the MA will submit the proposed 201 modification application packet with any letters to Eastgate for review **at least two weeks prior to** Eastgate's next scheduled TAC and Citizens Advisory Board (CAB) meetings(contact Eastgate for meeting dates).

Eastgate Staff 201/208 Consistency Review

Eastgate staff will conduct a 201/208 Consistency Review of the proposed 201 modification and prepare a recommendation for TAC and CAB on the proposed modification based on the following criteria:

- Is the proposed 201 FPA boundary consistent with the current boundaries?
- Is the selected treatment alternative(s) consistent with Eastgate's approved wastewater treatment planning prescriptions?

Eastgate TAC, CAB, and General Policy Board (GPB) Review.

Eastgate staff will present the proposed 201 modification, along with Eastgate's consistency review, to Eastgate's TAC and CAB (it is recommended that the MA requesting the 201 update be present at the TAC and CAB meetings to answer any questions that the TAC or CAB may have). The TAC and CAB will conduct a review of the proposal and forward their recommendation to the GPB, via Eastgate staff. Eastgate will present the consistency review results and the TAC and CAB recommendations to the GPB. The GPB will then make a decision on the proposed modification. Eastgate staff will notify the applicant of the GPB's recommendation.

Upon GPB approval, the 201 amendment will be incorporated into Eastgate's 208 Water Quality Management Plan. Additionally, the 201 amendment will be forwarded to the Ohio EPA - Northeast District Office and Central Office for inclusion in the 208 Areawide Water Quality Management Plan for Mahoning and Trumbull Counties. After receiving the documentation, the Ohio EPA will immediately use the amended plan into their review of all new Permit-to-Install and National Pollution Discharge Elimination System (NPDES) applications.