

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

MEMORANDUM

TO: NOACA Governing Board

FROM: Andy Vidra, Senior Environmental Planner

DATE: March 2, 2011

RE: **Resolution No. 2011-013 – FPA Boundary Changes – Elyria/LORCO**

NOACA's *Clean Water 2000* provides for modifications to wastewater treatment facility planning area (FPA) boundaries subject to the consent of affected parties, review by NOACA staff and the NOACA Water Quality Subcommittee, and authorization by the NOACA Governing Board.

NOACA has received a request to remove a portion of Elyria's FPA in Carlisle and Eaton Townships and add it to the Avon Lake/LORCO Phase I FPA.

A settlement agreement has ended the legal proceedings involving a water quality permit challenge by the City of Elyria against Ohio EPA, the City of Avon Lake, Avon Lake Municipal Utilities (ALMU), LORCO, and NOACA. Part of that agreement, Paragraph 5, states: "*Elyria, the ALMU, and LORCO agree that the ALMU may seek a modification of the October 20, 2009 PTIs (Permits to Install) for the LORCO Phase I Project to include all frontage properties located along Ohio State Route 82 or Robson Road along which a LORCO Phase I Project sanitary sewer will be installed, as reflected in Exhibit D attached hereto, and they shall consent to the amendment of the LORCO FPA to reflect such amendment and inclusion of such properties. Elyria, Avon Lake, the ALMU, and LORCO shall take all necessary actions to expedite and facilitate the transfer of such properties to the Avon Lake-LORCO FPA.*"

LORCO submitted a request to NOACA dated January 12, 2011, to execute the agreed upon boundary adjustment. NOACA has prepared a map that identifies the properties to be moved into the Avon Lake/LORCO Phase I FPA. A copy of this map has been attached as Exhibit A. The map also identifies those properties that will soon be connected to the Phase I system. Copies of this map have been provided to the City of Elyria, to ALMU, and to LORCO.

The NOACA Water Quality Subcommittee reviewed this request at its meeting of February 16, 2011. The Water Quality Subcommittee recommended the request for approval by the NOACA Board. **Board Resolution 2011-013** has the effect of amending NOACA's *Clean Water 2000 Plan* to incorporate the requested changes.

**RESOLUTION NO. 2011-013
(FPA BOUNDARY CHANGES – ELYRIA/LORCO)**

**RESOLUTION OF THE GOVERNING BOARD
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY**

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is an organization of local public officials of the five Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina established to perform certain regional planning functions under local direction and in accordance with federal and state mandates; and

WHEREAS, NOACA is the areawide planning agency designated by the Governor of Ohio pursuant to Section 208 of the Federal Water Pollution Control Act, as amended, to engage in water quality management planning in the Northeast Ohio Lake Erie Basin, including the Cuyahoga, Chagrin, Grand, Rocky and Black River basins, on behalf of the counties of and municipalities and township within Cuyahoga, Geauga, Lake, Lorain and Medina; and

WHEREAS, *Clean Water 2000*, the current update to the NOACA 208 Plan was adopted by the NOACA Governing Board, certified by the Governor of Ohio and approved by United States Environmental Protection Agency; and

WHEREAS, *Clean Water 2000* provides for modifications to wastewater treatment facility planning area boundaries subject to the consent of affected parties and review by NOACA staff and the NOACA Water Quality Subcommittee; and

WHEREAS, NOACA has received a request to move a portion of Carlisle and Eaton Townships in Lorain County into the Avon Lake/LORCO Phase I Wastewater Facility Planning Area from the City of Elyria's Facility Planning Area; and

WHEREAS, the request has been communicated to the City of Elyria, which was a signatory to the settlement agreement giving rise to the request, and has been reviewed by the NOACA staff; and

WHEREAS, the NOACA's EAC Water Quality Subcommittee has reviewed the request to include a portion of the Carlisle and Eaton Townships into the Avon Lake/LORCO Phase I Facility Planning Area as shown in Exhibit A and is recommending Board approval.

**RESOLUTION NO. 2011-013
(FPA BOUNDARY CHANGES – ELYRIA/LORCO)**

-2-

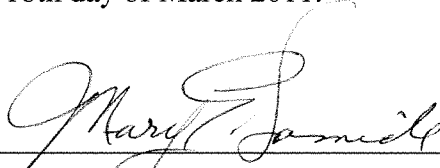
NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Northeast Ohio Areawide Coordinating Agency, consisting of forty-four principal elected and other officials of general purpose local government throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina, that:

Section 1: The *Clean Water 2000 Plan* is hereby amended to move a portion of Carlisle and Eaton Townships from the Elyria Facility Planning Area into the Avon Lake/LORCO Phase I Facility Planning Area as detailed in Exhibit A.

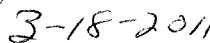
Section 2: The Executive Director be and he is hereby authorized and directed to forward certified copies of this to affected jurisdictions, to the Ohio EPA Director and to other appropriate officials in the executive branch.

Certified to be a true copy of a Resolution of the Governing Board of the Northeast Ohio Areawide Coordinating Agency adopted this 18th day of March 2011.

Secretary: _____



Date Signed: _____



Date received: January 12, 2011

Project Applicant: Avon Lake and LORCO

Project Title: Avon Lake/LORCO Phase I Facility Planning Area Boundary Addition

- Applicant is the Designated Management Agency for all of the affected area.
- ✓ Applicant is not the Designated Management Agency for all or part of the affected area, but **has** secured the approval of the entity or entities that are.
- Applicant is not the Designated Management Agency for all or part of the affected area, but **has not** secured the approval of the entity or entities that are.

- The applicant **does not** propose the extension of any sewer service.
 - The proposed project is limited to sewer system rehabilitation work.
 - The proposed project is limited to a plant expansion or modification to better handle wet weather flow volumes.
- ✓ The applicant **does** propose the extension of sewer service to an area lying entirely within the established facility planning area of the project sponsor.
 - ✓ The proposed extension **is** consistent with the current Community Plans for Wastewater Treatment for the affected area.
 - The proposed extension **is not** consistent with the current Community Plans for Wastewater Treatment for the affected area.

- The application involves a plant capacity expansion that **is** consistent with extant population projections included in the Clean Water 2000 Plan as most recently updated.
- The application involves a plant capacity expansion that **is not** consistent with extant population projections included in the Clean Water 2000 Plan as most recently updated.
 - The applicant **has** provided information that **has** sufficiently resolved any population project discrepancy.
 - The applicant **has not** provided information that sufficiently resolved the population projection discrepancy.

Staff Comments: This Facility Planning Area Boundary Change shown in the attachment reflects the addition of properties lying along Robson Road and Royalton Road in Carlisle and Eaton Townships that are to be added to the Avon Lake/LORCO Phase I Facility Planning Area in accordance with a settlement agreement entered into by Avon Lake, LORCO, and the City of Elyria. The City of Elyria has yet to respond to this request.

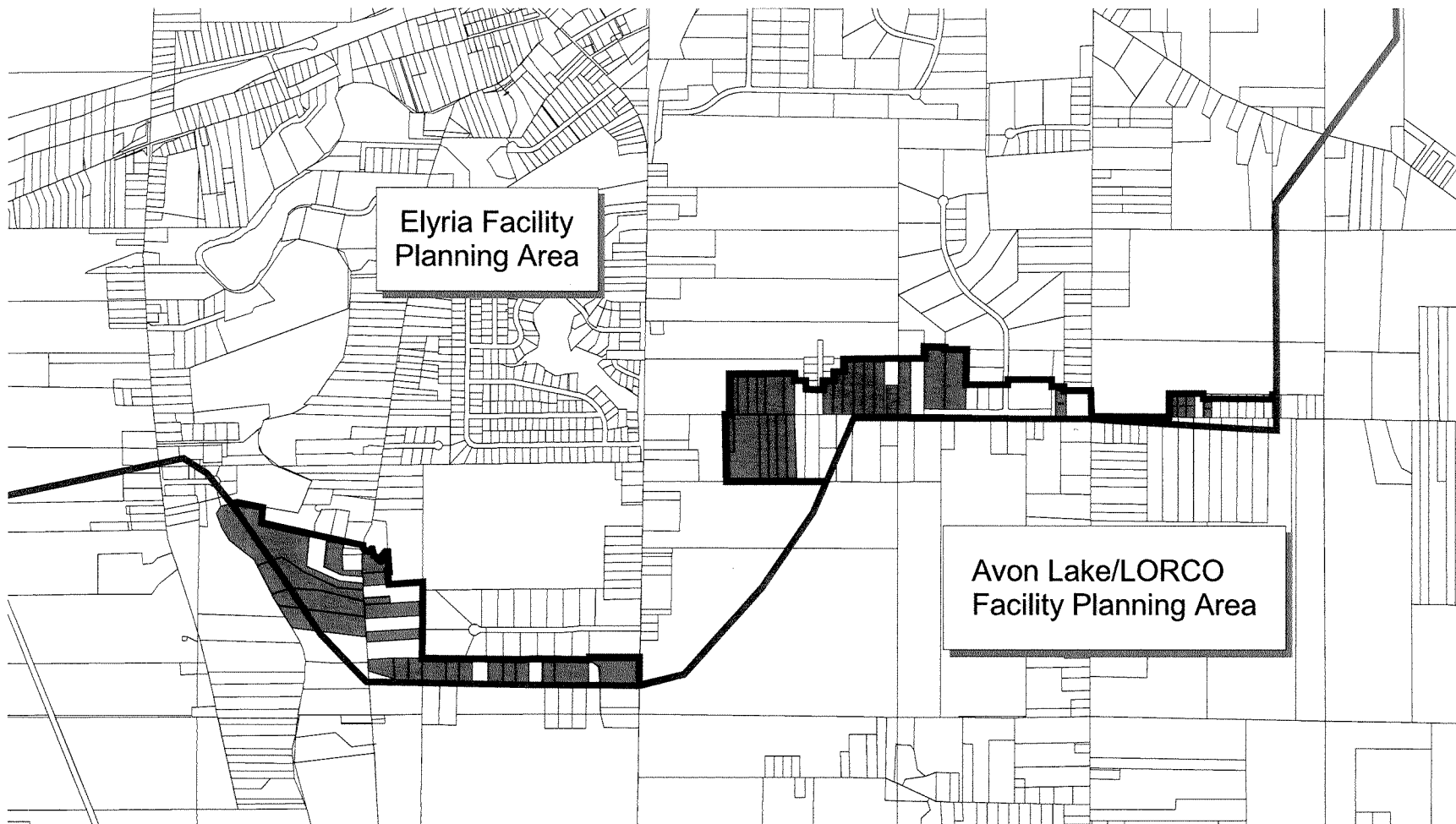
Staff Disposition: Staff recommends that the Water Quality Subcommittee forward this request to the NOACA Board with a notation of support for the boundary change.

Committee Disposition: The Water Quality Subcommittee recommended forwarding this boundary change request to the NOACA Board for action with a vote of support for the change at its meeting on February 16, 2011.

Board Disposition:

Proposed Avon Lake/LORCO Phase I Facility Planning Area Boundary

6-4-1



Blue Line: Existing Boundary
Red Line: Proposed Boundary
Shaded Area: Proposed Service Properties

Map Prepared by
NOACA, February 2011