

# Chapter 11

## Process for Local Approval and State Certification of the Plan

**This chapter discusses the process for local approval and state certification of the areawide 208 Plan. It also addresses the coordination of the Areawide Plan with the State's continuing planning process.**

### **I. Plan Development and Certification Procedures**

Updating the areawide CWP is a collaborative process involving local jurisdictions, the areawide agency, the Ohio EPA and the USEPA. Once the plan has been approved locally, it is submitted to the Ohio EPA and to the Governor for certification and to the USEPA for approval. Procedures for doing this are spelled out in the Ohio EPA's Continuing Planning Process document.<sup>1</sup> This document outlines two phases of 208 Plan development: (a) a plan development phase and (b) a plan certification phase. It sets forth criteria to be met in plan development and an annual timetable for plan certification. The Ohio EPA's role is to assess whether plan development criteria have been met and to administer the annual plan certification process.

#### **A. PLAN DEVELOPMENT**

Ohio EPA has established three general requirements for 208 Plan development: technical adequacy; local government involvement; and public involvement. The plan will be determined technically adequate if it reflects current management needs, reflects current technical information, conforms to legal requirements and documents implementation steps. The test for local government involvement includes (1) local government involvement in plan development, (2) open meetings, (3) formal requirements for transmitting the plan to affected local jurisdictions, and (4) sufficient time for local government review.

To meet the requirements of public involvement, the planning agencies are encouraged to engage the public at three stages of the plan development process: (1) at the outset of plan development, (2) prior to the selection of plan alternatives, and (3) once the plan has been drafted but not finally approved by the areawide agency's General Policy Board (GPB).

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<sup>1</sup>Ohio EPA, Continuing Planning Process: Appendix 5 Process for State Certification of Water Quality Management Plans/Draft (June 30, 1998)

## B. PLAN CERTIFICATION

The timetable for plan certification is as follows:

- a) the draft plan is submitted for concurrent review by the Ohio EPA, affected local jurisdictions and the general public.
- b) the areawide agency considers revisions to the draft plan in light of comments received during the review period;
- c) the NEFCO General Policy Board approves the final plan;
- d) the final plan is submitted to the Ohio EPA, which conducts a public hearing; and
- e) the plan is submitted to the Governor for certification.

After the plan has been certified by the Governor, it is submitted to USEPA for approval.

## II. Coordination with the Ohio EPA Continuing Planning Process

Overall coordination of programs under the Clean Water Act is the responsibility of Ohio EPA. An overview of Ohio EPA's Clean Water Act Programs is provided in its Continuing Planning Process document.<sup>2</sup> These programs include water quality standards setting, water quality assessments, the issues of NPDES permits to control discharges, assistance in financing wastewater management facilities, enforcement and water quality monitoring activities. Total maximum daily loads (TMDL) is one important tool required by the Clean Water Act and employed by Ohio EPA to quantitatively assess a stream's water quality and allocate allowable pollutant loads among sources along the stream. TMDLs must be developed for water bodies impaired by point sources and/or nonpoint sources. The Ohio EPA issues NPDES permits to control discharges to streams, rivers and lakes based on these analyses. Ohio EPA is required to periodically publish a TMDL development schedule for Ohio's water quality limited streams.<sup>3</sup> The Ohio EPA is also responsible for administering nonpoint source control assessment and management programs and 208 water quality management plans in areas of the State not designated to areawide planning agencies.

Each year the Ohio EPA updates the State's Water Quality Management Plan which incorporates plan updates for both designated and undesignated areas of the State. Further details on these water quality programs are provided in the Continuing Planning Process document.

Ohio EPA produces a number of reports that document its implementation of Clean Water Act programs. These include the biennial 305(b) report, technical support studies which document biological and water quality assessments of Ohio's streams on a five-year cycle and a statewide assessment of nonpoint source pollution (see Chapter 2 above for a discussion of this information).

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<sup>2</sup>Ohio EPA, "Continuing Planning Process (Draft)", 1998.

<sup>3</sup>Ohio EPA's current TMDL development schedule can be accessed online at <http://www.chagrin.epa.state.oh.us/>

In 1999, the Ohio EPA committed to an accelerated program of TMDL studies, which will address both point source and nonpoint contributing sources.

The schedule for implementing this program in Northeast Ohio is available at the Ohio EPA website listed below.