Chapter 3 TMACOG Water Quality Policies

Section 1 – Overview of Water Quality Management Planning

Water Quality Management (WQM) Planning in Ohio integrates community development planning, natural resource conservation, and public facility planning. Successful WQM planning enables Ohio communities to grow and prosper while maintaining high quality water resources for recreation and life. As an "Areawide Agency" designated Section 208 of the Clean Water Act, the Toledo Metropolitan Area Council of Governments (TMACOG) has responsibilities for WQM planning within a specific area – Lucas, Wood, Ottawa, and Sandusky Counties in Ohio and Erie, Whiteford, and Bedford Townships and the City of Luna Pier in Monroe County, Michigan. TMACOG's Areawide Water Quality Management Plan (AWQMP or "208 Plan") reflects the priorities of management agencies and local governments in TMACOG's planning region. This Chapter describes the rules and responsibilities for WQM planning established by the Federal and State governments and lists regional policies developed by a consensus of Designated Management Agencies (DMAs) and TMACOG members to set rules for regional wastewater treatment.

In 2022, all AWQMP decision-making policies and strategies driving the planning process were consolidated into one chapter – *Chapter 3: TMACOG Water Quality Policies*. This Chapter is intended to provide clear direction to landowners, developers, and local governments as they plan for construction and future land development. The creation of this chapter in 2022 includes the policies contained within the TMACOG AWQMP approved by the TMACOG Board of Trustees in 2021. As TMACOG members and DMAs work to update the AWQMP, policies will be added, revised, or removed through TMACOG's consensus-based process.

Section 2 – Purpose and Use of AWQMP Policies

2.1 – Decision-making Policies

The AWQMP policies listed in Section 4 of this chapter reflect the decisions by DMAs and TMACOG members for how water pollution is to be prevented, reduced, mitigated, treated, or managed in the TMACOG region. These policies, used in concert with map data define what options will be available to treat sanitary waste, where sanitary sewers may be extended in the future, what publicly owned treatment plant will treat wastewater, and under what conditions on-site sanitary systems are allowed. Below is a summary of the intended use of the policies listed in Section 4. Section 6 describes the process for AWQMP dispute resolution.

2.1.1 Authority of the TMACOG AWQMP Plan

i. TMACOG staff and DMAs review requests to Ohio EPA for permits to install new sewerage infrastructure through the NPDES permitting system to ensure that plans are consistent with the TMACOG AWQMP. The TMACOG AWQMP and associated map data are the authoritative source of information guiding this decision-making. The authority of the AWQMP is established in the Clean Water Act and the Ohio Revised Code –

a. The CWA requires that "no NPDES permit may be issued which is in conflict with an approved Water Quality Management (WQM) plan." (40 CFR 130.12(a))
b. Ohio law provides that permit decisions must be made in accordance with adopted WQM plans. The Ohio Revised Code Section 6111.03(J)(2) specifies that – "An application for a permit or renewal thereof shall be denied if …(b) The director determines that the proposed discharge or source would conflict with an areawide waste treatment management plan adopted in accordance with section 208 of the Federal Water Pollution Control Act;..."

ii. Allocation of funds – CWA also establishes the purpose of the AWQMP in awarding certain grants for wastewater infrastructure - "… section 201 construction grant funds may be awarded only to those agencies for construction of treatment works in conformity with the approved WQM plan" (40 CFR 130.12(b). TMACOG does not conduct consistency reviews for 201 grant applications.

iii. Dispute resolution – The TMACOG AWQMP and its associated map data are the authoritative source of information in resolving disputes between management agencies. Cases that cannot be resolved through the AWQMP, decisions are made through the TMACOG Board of Trustees as described in Section 6 of this chapter.

iv. Litigation – For disputes that are resolved through litigation, the TMACOG AWQMP and its associated map data are the authoritative source of information in communicating regional priorities.

2.2 – Policies Related to the AWQMP Planning Process

The policies listed in Section 5 of this chapter define the processes for AWQMP development, plan amendments, identification of critical areas. These policies influence the administration of the AWQMP, but do not play a role in processes for permit issuance or development decisions. This section includes planning-related policies from all chapters of the AWQMP. Where needed for clarity, additional information has been added.

Section 3 – Authority and Responsibilities under the Clean Water Act

The Clean Water Act sets Water Quality Management Plan (WQMP) requirements for both states and Areawide Agencies. Section 208 of the Act describes the requirements for Areawide plans, and Section 303(e) describes the state requirements. The state's WQMP incorporates all the Areawide plans. After amendments to the 208 Plan have been adopted by the TMACOG Board of Trustees, the plan is then sent to the Ohio EPA, Michigan EGLE, and USEPA for certification and inclusion in the State WQMPs. The TMACOG AWQMP is updated annually or as needed. TMACOG's original AWQMP was certified by Michigan's Governor on January 9, 1980, and by Ohio's Governor on May 4, 1981. The TMACOG AWQMP was most recently certified by Ohio Governor Mike DeWine in 2020.

WQMPs consist of initial plans and certified updates with ongoing planning based on WQMPs and water quality problems identified in the latest 305(b) reports. State-level water quality

planning should focus annually on priority issues and geographic areas and on the development of water quality controls leading to implementation measures.

WQMPs are used to direct implementation. WQMPs draw upon the water quality assessments to identify priority point and nonpoint water quality problems, consider alternative solutions and recommend control measures, including the financial and institutional measures necessary for implementing recommended solutions. State annual work programs should be based upon the priority issues identified in the State's WQMP.

Indian Tribes are eligible to carry out functions of water quality management planning for areas under their legal jurisdiction.

State and/or Areawide agency WQM plans must be updated as needed to reflect changing water quality conditions, the results of implementation actions, new requirements or to remove conditions in prior conditional or partial plan approvals.

3.1 - State and Areawide Planning Roles and Responsibilities

There are planning programs for publicly-owned wastewater treatment services at the State level and at the Areawide level. State programs are carried by Ohio EPA and Michigan EGLE, while TMACOG is the designated Areawide agency to coordinate local wastewater planning through the TMACOG AWQMP.

State Level Planning: The States were given several planning responsibilities under the CWA.

1. The identification of relationship, linkages and strategies for programs authorized by the CWA, the Resource Conservation and Recovery Act and the Safe Drinking Water Act;
2. Construction Grant and Revolving Loan Fund management;
3. Administration of the permits programs;
4. Water quality management planning and certification;
5. Water quality standards development, review and revision;
6. Enforcement, including compliance assurance activities.

Areawide Water Quality Planning: Areawide agencies like TMACOG were given regional planning responsibilities under the CWA.

1. Develop a comprehensive program(s) for the collection and treatment of water and for controlling water pollution from all point and nonpoint sources.
2. Establish and maintain an areawide policy decision-making forum to oversee implementation of the 208 Areawide plan and resolve conflict that may arise among participants in the 208 Areawide plan.

3. Implement changes in the *Areawide Water Quality Management Plan* following the amendment process defined in this chapter.

Table 3-1 is a summary of the required elements for WQMPs as described in the 40 Code of Federal Regulations (CFR) 130.6. Some elements are developed and updated as part of Areawide Plans while others are covered by the State Plan.

Table3- 1 - Responsibility for Water Quality Management Planning

WQMP Elements	**Planning Responsibility**
Total maximum daily loads	State WQMP
Effluent limitations	State WQMP
Municipal and industrial waste treatment. Identification of anticipated municipal and industrial waste treatment works, including combined sewer overflows	Areawide WQMP
Nonpoint source (NPS) management and control • Best Management Practices (BMPs) which the agency has selected as the means to control NPS pollution where necessary to protect or achieve approved water uses	Areawide WQMP
• NPS Regulatory Programs must be identified where they are determined to be necessary by the State to attain or maintain an approved water use or where non-regulatory approaches are inappropriate in accomplishing that objective.	State WQMP
Management agencies that carry out the plan must be identified. Management agencies must demonstrate the legal, institutional, managerial and financial capability and specific activities necessary to carry out their responsibilities. The TMACOG AWQMP refers to these agencies as designated management agencies (DMAs)	Areawide WQMP
Implementation measures necessary to carry out the plan must be identified	Areawide WQMP
Dredge or fill program. Identification and development of programs for the control of dredge	State WQMP

or fill material	
Basin plans. Identification of any relationship to applicable basin plans developed under section 209 of the Act	State WQMP
Ground water. Identification and development of programs for control of groundwater pollution	State WQMP

3.1.1 – Designated Management Agencies (DMAs) Responsibilities

The Clean Water Act calls for local jurisdictions and agencies to carry out specific roles in protecting water quality. Agencies with specific responsibilities in implementing the Clean Water Act are called Designated management Agencies (DMAs). DMAs are the entities responsible for managing wastewater infrastructure and planning for individual wastewater service areas called Facility Planning Areas (FPAs). These may cover a municipality and surrounding developed areas, or areas where public wastewater treatment may be provided more economically or more effectively at a regional level than for each individual political jurisdiction. FPAs provide individual jurisdictions with a means of planning and cooperation to provide TMACOG Areawide Water Quality Management "208" Plan service to residents. In *Chapter 5: Public Wastewater Treatment* each FPA in the Planning Region has an individual overview description including sewer service areas, future needs, and infrastructure improvement projects, which DMAs review for updates. The DMAs recognized by this Plan were established starting in the late 1970s, with DMA resolutions adopted by the elected officials, and cooperation agreements signed with TMACOG. DMAs accept responsibility to implement their part of the Clean Water Act, and thereby protect the region's water quality.

Depending on its assigned role, a local DMA recognized by this plan must have the capability to:

- Have legal authority to provide service to its designated area
- Carry out its assigned portion of the AWQMP
- Accept and utilize grants or other funds from any source for waste treatment management or nonpoint source control purposes
- Raise revenues or other necessary funding, to implement its assigned portion of the Plan. Needed revenues may include staff funding, or for DMAs that own or operate sewage systems, assessments of waste treatment charges
- Incur short and long-term indebtedness
- Cooperate with and assist the TMACOG Water Quality Council in the performance of its Plan responsibilities and the Plan Amendment and updating process.

Several other DMA roles are specific to those that own and/or operate sewage facilities:

- Refuse to receive any wastes from a municipality, or subdivision thereof, which does not comply with any provision of the AWQMP

- Accept treatment for industrial wastes, subject to the provisions of a pretreatment program approved by Ohio EPA or Michigan EGLE
- Effectively manage waste treatment works and related point and nonpoint source facilities and practices in conformance with the Plan
- Directly or by contract, design and construct new treatment works, and operate and maintain new and existing collection and treatment facilities
- Assure, in the implementation of its portion of the AWQMP, that each participating community pays its proportionate share of related costs
- Prepare Facility Plans or sewage studies to meet Ohio EPA or Michigan EGLE requirements and the 208 Plan's water quality goals.
- Serve as lead applicant to arrange financing for the construction of needed sewerage improvements.
- Join into service agreements with other political jurisdictions within the FPA to operate and maintain sewers, administer billings, and other activities for system operation.

The TMACOG AWQMP recognizes four types of DMAs, which each have specific responsibilities. The DMAs in the TMACOG region are listed in Table 3-2.

- Counties, Municipalities, and Regional Water and Sewer Districts that collect and/or treat municipal wastewater –
    - responsibilities include protecting water quality and public health by meeting the requirements of their National Pollutant Discharge Elimination System (NPDES) permits
- County and municipal health departments –
    - responsibilities include protecting water quality and public health by regulating the installation and maintenance of sewage treatment systems for one, two, and three household residences.
- Counties, municipalities, and townships that are responsible for stormwater NPDES permits –
    - responsibilities include protecting water quality by managing stormwater runoff in compliance with applicable NPDES Stormwater permit(s).
- County Soil and Water Conservation Districts –
    - responsibilities include providing education and technical assistance to farmers to prevent water pollution from agricultural sediment, nutrients, and pesticides and to encourage fish and wildlife habitat consistent with productive agriculture.

Table 3-2: TMACOG Region Designated Management Agencies

County	DMA	Agriculture	Stormwater	Sanitary Sewage or On-Site
Lucas	Lucas County		•	•
Lucas	Village of Berkey			•
Lucas	Village of Holland		•	•
Lucas	Village of Harbor View		•	•
Lucas	Township of Jerusalem		•	
Lucas	City of Maumee		•	•
Lucas	Township of Monclova		•	
Lucas, Ottawa	City of Oregon		•	•
Lucas	Village of Ottawa Hills		•	•
Lucas	Township of Spencer		•	
Lucas	Township of Springfield		•	
Lucas	Township of Swanton		•	
Lucas, Fulton	Village of Swanton		•	•
Lucas, Monroe	City of Sylvania		•	•
Lucas	Township of Sylvania		•	
Lucas, Monroe, Wood	City of Toledo		•	•
Lucas	Township of Washington		•	
Lucas	Township of Waterville		•	
Lucas	City of Waterville		•	•
Lucas	Village of Whitehouse		•	•
Lucas	Toledo/Lucas County Health Department			•
Lucas	Lucas Soil and Water Conservation District	•		
Monroe	Monroe County		•	•
Monroe	Township of Bedford		•	•
Monroe	Township of Erie		•	
Monroe	City of Luna Pier			•

County	DMA	Agriculture	Stormwater	Sanitary Sewage or On-Site
Monroe	Monroe County Health Department			•
Monroe	Monroe Soil Conservation District	•		
Monroe	Township of Whiteford		•	
Ottawa	Ottawa County		•	•
Ottawa	Township of Allen		•	
Ottawa	Township of Clay		•	
Ottawa	Village of Clay Center			•
Ottawa, Sandusky	Village of Elmore			•
Ottawa, Sandusky	Village of Genoa			•
Ottawa	Village of Marblehead			•
Ottawa	Village of Oak Harbor			•
Ottawa	City of Port Clinton			•
Ottawa	Village of Put-in-Bay			•
Ottawa	Carroll Township Regional Water and Sewer District			•
Ottawa	Ottawa County Health Department			•
Ottawa	Ottawa Soil and Water Conservation District	•		
Sandusky	Sandusky County			•
Sandusky, Erie, Huron, Seneca	City of Bellevue			•
Sandusky	Village of Burgoon			•
Sandusky	City of Clyde			•
Sandusky	City of Fremont		•	•
Sandusky	Sandusky Township Sewer District			•
Sandusky	Village of Gibsonburg			•
Sandusky, Seneca	Village of Green Springs			•
Sandusky	Village of Helena			•
Sandusky	Village of Lindsey			•

County	DMA	Agriculture	Stormwater	Sanitary Sewage or On-Site
Sandusky	Village of Woodville			•
Sandusky	Sandusky County Health Department			•
Sandusky	Sandusky Soil and Water Conservation District	•		
Wood	Wood County		•	•
Wood, Sandusky	Northwestern Water and Sewer District			•
Wood	City of Bowling Green		•	•
Wood	Village of Bradner			•
Wood, Seneca, Hancock	City of Fostoria		•	•
Wood	Village of Grand Rapids			•
Wood	Village of Haskins			•
Wood	Township of Lake		•	
Wood	Village of Luckey			•
Wood	Township of Middleton		•	
Wood	Village of North Baltimore			•
Wood	City of Northwood		•	•
Wood	Village of Pemberville			•
Wood	City of Perrysburg		•	•
Wood	Township of Perrysburg		•	
Wood	Village of Portage			•
Wood	Township of Troy		•	
Wood	Village of Walbridge		•	•
Wood	Village of Wayne			•
Wood	Wood County Health Department			•
Wood	Wood Soil and Water Conservation District	•		

3.1.2 – Areawide Agency Responsibilities

TMACOG is the designated Areawide Water Quality Management Planning Agency for Lucas, Wood, Ottawa, and Sandusky, in Ohio; and Erie, Bedford, and Whiteford Townships and the City of Luna Pier in Monroe County, Michigan. TMACOG's role as the designated Areawide agency is to maintain and

coordinate the implementation of the Plan through the TMACOG Water Quality Council and its subcommittees.

TMACOG's role includes:

i. Continue planning and updating the AWQMP
ii. Provide a forum for Areawide policy decision-making on water quality concerns
iii. Coordinate activities among DMAs to solve point and nonpoint source water quality problems
iv. Serve as a regional advocate on water quality issues at the State and Federal levels
v. Resolve conflicts among DMAs and with the AWQMP
vi. Identification and prioritization of areas (including watersheds) for habitat protection and restoration, and where agricultural nonpoint pollutant load reductions are needed.
vii. Identification and prioritization of critical urbanizing watersheds where water quality impairments are caused by expanding urbanized areas
viii. Submit the AWQMP to the States of Ohio and Michigan for certification
ix. Coordinate AWQMP with other State, Federal, and Regional plans, including:
    a. The State Implementation Plan (SIP) for Air Quality
    b. Coastal Zone Management Plan
    c. Watershed plans covering all or part of the major drainage basins: the Maumee, Portage, Sandusky
    d. Sewerage funding programs through Housing and Urban Development (HUD), USDA, and the state revolving loan programs
    e. TMACOG Transportation Plan
    f. Nonpoint Source Implementation Strategies (NPS-IS or "9-Element Plans")
    g. Total Maximum Daily Load (TMDL) Reports

TMACOG staff will support implementation and funding of public wastewater collection and treatment needs identified in Chapters 5 and 6 of the TMACOG 208 Plan as follows:

i. Assist DMAs in planning, implementing, and financing sanitary sewage infrastructure.
ii. Coordinate DMAs to provide technical assistance to plan efficient and cost-effective sanitary sewage facilities.
iii. Coordinate DMAs and provide technical assistance to assist in meeting NPDES permit requirements.
iv. Review application to Ohio EPA for Permits to Install in coordination with DMAs to determine consistency with the TMACOG AWQMP
v. Coordinate DMAs to identify Critical Sewer Areas
vi. Coordinate DMAs to update the individual Facility Planning Area descriptions
vii. Maintain the AWQMP

3.1.2.1 The Role of the TMACOG Water Quality Council

The Water Quality Council is the principal forum for reviewing and making the Areawide Water Quality Management Plan. The Water Quality Council uses a representative structure for broad participation,

both in terms of geography and expertise. The Water Quality Council Operating Procedures are included as part of this plan by reference. Plan Amendments recommended by the Water Quality Council go to the Board of Trustees for final action.

Although not every DMA has a seat on the Water Quality Council, DMAs may bring issues before the Water Quality Council and request Plan Amendments. Membership in TMACOG is open to all DMAs but is not a prerequisite for participation on the Water Quality Council.

TMACOG's authority to assume responsibility for the Areawide monitoring, planning, coordination, and conflict resolution are established through the following codes:

i. §208 of the Federal Water Pollution Control Act Amendments (P.L. 92-500) as amended by the Clean Water Acts of 1977, 1982, and 1987 (P.L. 95-271, 97-440, and 100-4)
ii. Federal Register §35.1521 et seq. Vol. 44 No. 101, Wednesday May 23, 1979, Rules and regulations
iii. Ohio Revised Code Section 167.01 - 167.08, "Regional Councils of Governments."
iv. Ohio Revised Code Section 6111.03, "Powers of Director of Environmental Protection."
v. Urban Cooperation Act of 1967, Michigan Public Act No. 7, §124.501 - 124.512 (Ex. Sess.)
vi. Syllabus: Ohio Attorney General's Opinion 79-018 (May 24, 1979)
vii. Bylaws of the Toledo Metropolitan Area Council of Governments
viii. Implementing Documents and Resolutions

3.1.3 – Role of Federal and State Agencies

Several federal and state agencies have regulatory oversight in water quality management. Local DMAs recognized by this plan are responsible for fulfilling legal requirements set by the federal and state agencies. The federal agencies are U.S. Environmental Protection Agency (U.S. EPA) and U.S. Department of Agriculture (USDA). The state agencies are Ohio EPA (Ohio EPA), Ohio Department of Natural Resources (ODNR), Ohio Department of Agriculture (ODA), Michigan Department of Environment, Great Lakes, and Energy (Michigan EGLE), and Michigan DNR (Michigan DNR).

Section 4 - AWQMP Decision-making Policies

4.1 – FPA Boundary-based decisions

4.1.1 Determining Boundaries

i. The guiding principles used in delineating FPAs under this plan are:
    a. FPAs must be in compliance with the CWA requirements, notably
        i. "Waste treatment management shall be on an Areawide basis." [Clean Water Act §201(C)]
        ii. "Identification of those areas which, as a result of urban-industrial concentrations or other factors have substantial water quality control problems." [Clean Water Act §208(A)(2)]
    b. FPAs should use sound planning practices to identify future needs for wastewater collection and treatment facilities. An FPA boundary is a planning area for a single

specific present or future wastewater plant as well as a service area for the designated wastewater treatment plant. An FPA may include service areas for multiple treatment plants when those plants are interconnected to treat varying flow rates.

c. FPAs should be compact and contiguous concentrations of urban land uses without islands of one FPA surrounding another.
d. Remote service areas may be included in an FPA when connected by force main and separated by areas that should remain un-urbanized.
e. FPAs should be designed to serve residents in the most cost-effective manner without duplication of service.
f. FPA boundaries should be consistent with adopted local land use plans.
g. FPA boundaries should be developed through cooperative dialogue among affected local jurisdictions. TMACOG encourages neighboring governments to resolve sewage service conflicts through a collaborative process. If affected local jurisdictions are unable to resolve conflicts regarding an amendment to TMACOG's plan through a collaborative process, then these issues will be resolved by TMACOG's Board of Trustees' vote on the Plan Amendment which is TMACOG's final decision in the matter. (See Section 6 Dispute Resolution)

4.1.2 Determining Service

i. Sewer Service shall be determined based on the following
   a. Where a road is an FPA boundary, properties immediately adjacent to either side of that road may be served, as noted below under "Land Use Planning."
   b. If a DMA proposes serving an area outside its currently established Facility Planning Area, it may request a Plan Amendment as described in Section 5.1.2.
   c. Once an area has sanitary sewage service as part of an FPA, it shall continue to be served by that wastewater facility, except:
      i. When the wastewater facility is no longer able to meet its NPDES permit requirements due to extraneous water, unanticipated growth, or treatment quality problems.
      ii. By mutual agreement of the affected DMAs.
   d. A residence or business within an FPA that generates sewage or produces an effluent from treated sewage, sewage sludge, or septage shall connect to that FPA's sewage system if the sewer is available and accessible

ii. If a municipality sells or gives its sanitary sewage system to another public agency (such as an Ohio Revised Code (ORC) §6119 District) or political subdivision of the state, the AWQMP will delist the original DMA, and transfer the DMA designation to the new owner of the infrastructure.

4.1.3 Extension of sewer lines

i. Public sanitary sewers should not be extended to areas outside FPAs. Areas outside FPAs should be reserved open space, farmland, or low density residential. "Low density residential" is here considered development that is sparse enough to provide on-site sewage treatment according to the policies laid out in Section 4.2 of this Chapter.

ii. The 208 Plan's policy is a sewer extension be approved under the following conditions:

a. When a developed area is outside an FPA but contiguous to it, and
b. Sewers in the FPA are close enough to be considered "available" under the applicable Ohio State law or local ordinance in Michigan.

iii. When sewers are extended outside an FPA, the FPA boundary should be amended to include the served area.

iv. Ohio EPA and Michigan EGLE may approve sanitary sewer extensions proposed within FPAs if they are consistent with this Plan.

4.1.4 Septage Pretreatment Facilities

i. The policy question is whether a privately-owned septage pre-treatment facility duplicates a public investment in a POTW. In most cases, it does not. In areas outside FPAs, and in FPAs that do not include restrictions, privately-owned septage pretreatment facilities may be permitted. In cases where POTWs provide septage receiving facilities and have adequate capacity, restrictions on private septage pre-treatment facilities may be stipulated in the FPA description. If no restriction is mentioned in the FPA description, they may be permitted.

4.2 – Onsite sewage treatment

4.2.1 Agency Roles

4.2.1.1 TMACOG

The TMACOG Water Quality Council shall maintain the On-site Sewage Treatment Chapter with a list of Best Management Practices (BMPs) and recommended policies. Each management agency shall be responsible for its own list of practices to be included in 208 Plan updates. The TMACOG Water Quality Council shall:

i. Work to implement the creation of on-site waste management districts responsible for planning, design, installation, operation, and maintenance, and monitoring of on-site systems within sub-county or given problem areas.

ii. Support the periodic updating of soil surveys.

iii. Seek new improved legislation from the Ohio Legislature as detailed in the Recommended Implementation Activities section at the end of this chapter.

iv. Support long-term research on effective and practical STSs for the soil conditions of our region.

4.2.1.2 – County Boards of Health

Ohio Boards of Health shall administer local on-site sewage treatment regulations pursuant to the OAC 3701-29. The Monroe County Health Department shall administer the Monroe County Sanitary Code.

i. The Boards local boards of health should coordinate its regulations and policies with the other agencies, including land use planning, capital improvements programming, and public wastewater treatment to prevent the installation of home sewage systems in unsuitable areas.

ii. The Water Quality Council and the management agencies [Boards of Health] shall work together to improve the programs for home sewage treatment in accordance with the recommendations of Chapter 6.

4.2.2 TMACOG Onsite Sewage Treatment Policies

i. On-site sewage treatments systems serving individual residences and businesses shall not be permitted within an FPA where a public sewer is available and accessible. Where sewers are not available and accessible within an FPA, on-site systems shall be permitted, subject to policies set in this section.

4.2.2.1 Available and Accessible Sewers

i. The Ohio Administrative Code (OAC) Section 3701-29-06(I) states, "Whenever a sanitary sewage treatment system becomes accessible to a dwelling or structure served by a STS, the dwelling and/or structures shall be connected to the sanitary sewage system and the STS abandoned in accordance with rule 3701-29-21 of the Administrative Code."

ii. The designation of an accessible sewer is determined by consultation with the Designated Management Agency (DMA) responsible for sewage collection. It depends on the distance between the sanitary sewer and the house or business that would be served, and whether there are any physical barriers that render connecting it to the sewer impracticable. See Table 3-3 for local criteria.

iii. The availability of a sanitary sewer system is determined by the DMA and Ohio EPA/Michigan Department of Environment, Great Lakes, and Energy (EGLE). It depends on:

   a. Whether the receiving sanitary sewer system has the capacity to transport and treat the additional sewage, and
   b. Whether the sanitary sewer is a gravity sewer, an interceptor sewer, or a force main, and
   c. Whether interceptors or force mains are available for tapping is a policy the DMA sets.

i. It is required in Ohio that boards of health review proposed subdivisions for any restrictions on the use of onsite sewage systems, and consult with appropriate DMAs to determine accessibility of sanitary sewers, and the TMACOG 208 Plan.

ii. Sewers under the County Commissioners are accessible if within 200 feet of the foundation wall of the structure (Ohio Revised Code [ORC] 6117.51). Ohio Boards of Health may establish more stringent "accessibility" distance rules.

iii. While Ohio law on availability is the same for gravity sewers and force mains, there are practical aspects that distinguish them. Whether interceptors or force mains are available for tapping is a policy the DMA sets. This 208 Plan recommends criteria for connection to pressure sewer or force main in Chapter 6.

Table 3-3: Locally Established Criteria for "Accessible" Public Sewers

County	Criteria
Lucas County, Ohio	Uses policy of jurisdiction responsible for sewers.
Monroe County, Michigan	State Law authorizes local governments to require connection to a public sewer.
Ottawa County, Ohio	Existing residences must tie into an available gravity or pressure sewers.
Sandusky County, Ohio	Must tap into an available public sanitary sewer that the Board of Health has determined to be accessible. The Board of Health will make a determination on a lot-by-lot basis, depending on DMA's accessibility assessment, 208 Facility Planning Area, whether the site is in a Critical Sewage Area, density of housing units, and environmentally sensitive areas.
Wood County, Ohio	In its 2015 Supplemental Rule Package, the Wood County Board of Health re-established a more stringent standard of 400 feet for the DMA to determine whether a sanitary sewer is available and accessible.

4.2.2.2 Package Plants

i. Under this Plan, a package plant is inherently a temporary sewage treatment facility, to be used only until such a time as public sewage service becomes available. As a temporary facility, a package plant does not require an FPA. In some cases, a small prefabricated extended aeration wastewater treatment plant is owned and operated by a DMA as a permanent facility. In such a case, the plant is considered a POTW, requiring an FPA, for which it is the principal wastewater treatment facility.

ii. In Ohio, Ohio EPA makes a determination whether or not to require connection to a sanitary sewer when the PTI is approved. The following 208 policies shall determine the issuance of NPDES permits for package plants.

   a. Package plants within FPAs shall not be permitted where a public sewer is "available" under applicable state or local regulations.
   b. Availability of public sewers is determined by the DMAs responsible for providing sanitary sewage service at the location in question.
   c. New or existing package plants shall be permitted inside FPAs only where public sewers are not available.
   d. NPDES permits shall be required for all package plants regardless of their size.
   e. All PTIs and NPDES permits for new or existing package plants shall be required to tap when public sewers become available.
   f. No PTI or NPDES permit shall be granted or renewed for either a new or existing package plant where a public sanitary sewer is available.
   g. No PTI or NPDES permit shall be issued for a new, expanded, or upgraded package plant where making a public sewer available would cost the same or less than the cost of the new, expanded, or upgraded package plant.
   h. Package plants may be permitted in areas of FPAs where public sewage service is not available.

iii. Package plants shall be required to tap into public sewers when sewers become available and accessible, regardless of the age, condition, or design capacity of the package plant. New package plants shall be permitted only on this condition.

iv. Most unincorporated areas are covered by ORC §6117 which defines "available" as 200 feet from the foundation of the building to the edge of the sewer right of way. Wood County regulations use 400 feet, subject to confirmation of availability by the DMA. In areas covered by Regional Water and Sewer Districts, "…require such connection so as to prevent or abate pollution or protect the health and property of persons…". In Michigan, State Law authorizes local governments to require connection to a public sewer.

v. Package plants should be available as a sewage treatment option for subdivisions where public sewers are not available, except where disallowed by the policy of the FPA (see Chapter 5). In such cases, a properly operated and maintained package plant may be better environmentally than individual septic systems. Such a package plant should include two provisos:

   a. The package plant is owned and operated by the County Sanitary Engineer (Ohio), Drain Commissioner (Michigan), a municipality with qualified staff, or Regional Water and Sewer District. (Ohio).
   b. The plant has an NPDES permit and meets its effluent requirements.

vi. Centralized sewage systems shall be given first consideration for sewage treatment in residential subdivisions.

vii. Connection to an existing treatment plant is preferred, with construction of a package treatment plant the secondary alternative.

viii. If a sewage collection system is not available and accessible, and a package treatment plant is not feasible in the judgment of Ohio EPA, the local Board of Health may allow an on-site treatment system, except as prohibited by individual FPAs. As indicated below, there are variations among the county subdivision regulations pertaining to sewage treatment requirements. According to each county's subdivision regulations, package treatment plants must be constructed by the developer of a subdivision, and then deeded to the respective county.

ix. STS (including HSTS and SFOSTS) and package plants shall be abandoned and tapped when public sewers become available and accessible.

x. Some Facilities Planning Areas require new residential subdivisions to be served by that FPA's public wastewater treatment plant, not package plants, or on-site systems. See the following FPAs for more information:

   a. Bellevue
   b. Clyde
   c. Fremont

4.2.2.3 Home Sewage Treatment Systems

i. Under a Regional Water and Sewer District the rule is to "Require the owner of any premises located within the district to connect his premises to a water resource project determined to be accessible to such premises and found to require such connection so as to prevent or abate pollution or protect the health and property of persons in the district. Such connection shall be made in accordance with procedures established by the board of trustees of such district and

pursuant to such orders as the board may find necessary to ensure and enforce compliance with such procedures" (ORC 6119.06).

ii. In Michigan, state law authorizes local governments to require connection to a public sewer.

iii. It is the policy of this Areawide Water Quality Management Plan (AWQMP) that

   a. No private sewage treatment system shall be installed, maintained, or operated on any property accessible to a public sanitary sewage system.

   b. For the purposes of this Plan, "accessible to a public sanitary sewage system" means

      i. The DMA responsible for public sanitary sewers in the FPA will grant permission to connect to their system, and

         1. A connecting point to the public sewer from the foundation wall of any structure with plumbing drains along the shortest direct line distance is within a specified distance. That specified distance is 200 feet unless a different figure is given in Table 3-3 of individual criteria for each county, or

         2. Ohio EPA or Michigan EGLE has determined that a public sanitary sewer is available, considering the distance to the sewer, physical barriers, ability of the sewage system to transport and treat the wastewater, cost effectiveness, overflows from the sewer system, or other environmental or public health issues, or

         3. The FPA has a policy that new subdivisions shall be required to connect to the public sanitary sewage system, and may not be served by septic systems or package plants. This policy applies only to individual FPAs where the DMAs have requested it. Please see the individual FPA Descriptions in Chapter 5 of this Plan.

   c. On-site systems should not be permitted on new lots or new subdivisions where soil-based treatments are not feasible. Effluent discharges to surface waters may be permitted only for replacement systems where soil-based treatment is not feasible, and in compliance with NPDES requirements. New home sites require replacement sewage treatment system areas to be identified for on-site disposal.

4.2.2.4 Subdivisions and New Lots

i. In areas where a sanitary sewage system is accessible, the policy of this Plan is that new on-site systems shall not be permitted. For proposed subdivisions of more than 25 lots, on-site sewage systems may be approved only with written documentation from Ohio EPA that a sanitary sewer is not accessible. A board of health may establish a policy to require this rule to smaller subdivisions. OAC 3701-29-08(B) states:

> *Any person proposing a subdivision or new lot(s) for review by the board of health shall submit an application and sufficient information to determine compliance with the requirements of [OAC 3701-29.*
>
> *When a proposed subdivision includes the creation of at least twenty-five lots, or for any fewer numbers of lots as required by the board of health, the request shall include written consultation from Ohio EPA concerning the subdivision's accessibility to existing sanitary sewerage systems as described in paragraph (I) of rule 3701-29-06 of the Administrative Code, and risks to surface and ground water resources.*

ii. Household sewage systems with off-lot discharges (i.e., requiring NPDES permits) are prohibited on new lots or lots in subdivisions

Section 5 – Planning Policies

5.1 AWQMP Planning Process

5.1.1 Plan Development and Update

i. This Plan is subject to regular updates as conditions change. Any changes are reviewed and enacted through the TMACOG Water Quality Council, which has been charged with responsibility for maintaining the §208 Plan. The Water Quality Council, through its operating procedures, provides representation throughout the region, including a seat reserved for each County and the City of Toledo. DMAs recognized by this Plan may request a Plan Amendment as described in Section 5.1.2.

ii. Maintaining the AWQMP is necessary to keep it relevant for local and regional needs, including:
   a. Wastewater treatment facility needs (**Chapter 5**) change as communities replace or upgrade their systems and provide service to new areas.
   b. Critical Sewage Areas (**Chapter 6**) change, as designated by local Health Districts, when stream or septic system testing indicates new areas, or when a sewer extension eliminates the problems.

iii. TMACOG staff will work with DMAs and Water Quality Council to conduct regular updates of the TMACOG AWQMP. These updates will be conducted as follows:

   a. Annual FPA updates
      i. Capital improvement schedules
      ii. New or planned sewer infrastructure

iii. Changes to capacity
iv. Service areas
v. Critical sewage areas
vi. DMA contact information

b. Chapter updates as determined necessary by staff and Water Quality Council
c. Biennial update of Ohio and Michigan Integrated report Data
d. Biennial Service area map data

5.1.2 Plan Amendments

iii. The TMACOG Water Quality Council is the forum for review of AWQMP amendments. Amendment requests may be made by members of the Water Quality Council or Designated Management Agencies (DMAs). The Water Quality Council makes recommendations on Plan amendments to the TMACOG Board of Trustees, which adopts the Plan. When all or part of the Plan is amended by the TMACOG Board of Trustees, the new version supersedes all previous versions of that part of the Plan. After adoption by the Board of Trustees, the Plan is submitted to the Governors of Ohio and Michigan for Certification.

iv. The Areawide Water Quality Management Plan is maintained by the Water Quality Council and may be amended between regular updates to meet changing conditions. The amendment process is as follows:

a. A DMA may raise an issue in which it has a material interest regarding the AWQMP, which, in their opinion, requires a Plan amendment, to the attention of the Chair of the Water Quality Council, or the TMACOG Director of Water Quality Planning.
b. TMACOG will convene meeting(s) of the affected parties to discuss the issues and attempt to reach a solution by mutual agreement.
c. Following meeting(s) of the affected parties, the proposed Plan amendment will be placed on the Water Quality Council agenda at the request of any DMA that is affected. All parties to the issue will be given an opportunity to present their issues to the Water Quality Council.
d. The Water Quality Council shall make recommendations on the proposed Plan amendments according to its Operating Procedures. Its recommendation, regardless of outcome will be forwarded to the Board of Trustees.
e. The TMACOG Board of Trustees shall review the recommendations of the Water Quality Council and vote whether or not to adopt the requested Plan amendment.
f. If the TMACOG Board of Trustees action results in changes to the Areawide Water Quality Management Plan, TMACOG will submit the revised Plan to the Governors of Ohio and Michigan for Certification.

5.2 Critical Areas

The TMACOG AWQMP identifies critical areas that contribute to water quality problems. Section 5.2 describes the criteria used to delineate these areas and how the identification of these areas is used to set regional priorities

5.2.1 Critical Sewage Areas (CSAs)

i. County/Local boards of health identify CSAs. CSAs are areas with concentrations of failed or failing onsite sewage systems, based on sampling results, complaints received by the health department; or areas with suspected failures based on health department observations and best professional judgment. System failures result in known or suspected cases of:
    a. Surface water contamination, and/or
    b. Ground water contamination, and/or
    c. Public health nuisances

ii. County/local health departments identify CSAs as places where existing system upgrades/replacements often will not solve the problem or are not an optimal solution because:
    a. There is a significant concentration of onsite systems that are known or suspected to have failed.
    b. Most of the systems are on small lots that do not have room for replacement leaching fields.
    c. Soil conditions for leaching fields are poor due to shallow bedrock, tight silt/clay soils, and/or seasonally high groundwater.

iii. Critical Sewage Areas shall be considered TMACOG's priority areas for:
    a. Ohio EPA, Michigan EGLE, and health departments to conduct sanitary surveys.
    b. inspection and increased maintenance of onsite systems until a central public sanitary sewerage system is in place.
    c. public sanitary sewers or innovative community STSs to replace concentrations of individual systems. For CSAs where a public sanitary sewerage system is the best alternative, the priority order for construction may be affected by the availability of financial assistance.
    d. financial assistance to homeowners for installing public sanitary sewers.

iv. TMACOG's Critical Sewage Areas are listed and mapped in Chapter 6

5.2.2 Critical Urbanizing Watersheds

i. To address the water quality impairments caused by expanding urbanized areas, this Plan recommends priority areas, identified as Critical Urbanizing Watersheds. This designation is intended to prioritize watersheds that are undergoing urbanization and meant only to be used by this Plan. Watershed designations are based on three criteria:
    a. Ohio Environmental Protection Agency (Ohio EPA) or Michigan Department Environment, Great Lakes, and Energy (Michigan EGLE) classify streams as non-point source "impaired." Urban runoff and other urban sources such as construction sites are identified as being known or suspected sources for the nonpoint source impact/impairment.
    b. The watershed is undergoing rapid urban development and/or is under pressure for development.
    c. Sensitive or unique habitat or natural resources in the watershed are threatened because of urban development, such as the Oak Openings Region (Refer to TMACOG

Areawide Water Quality Management Plan, Chapter 3 "Environmental Policies" — Section on "Policy and Goal Statements" for more information).

ii. TMACOG's Critical Urbanizing Watersheds are mapped in Chapter 8

5.2.3 Priority Agricultural Watersheds

i. This plan identifies priority watersheds (hydrologic unit code [HUC] 12 digit) based on the number of causes for water quality impairments that may be related to agricultural practices. This means the cause of an impairment is the result of a source linked to agricultural practices.

ii. TMACOG's Priority Agricultural Watersheds are mapped in Chapter 7

5.1 Land Use Planning and Sewage Facility Planning

i. The CWA calls for an areawide approach to water quality management, originally used to foster areawide cooperation in wastewater treatment: "...shall identify each area within the State which, as a result of urban-industrial concentrations or other factors, has substantial water quality control problems..." This very broad language takes on a new meaning with the elimination of most point source pollution problems, and the recognition that water quality control is now dependent on nonpoint source pollution and aquatic habitat.

ii. Land use planning is inseparable from planning sanitary sewers service areas. The availability of public sewers is necessary for urban development, especially in a region where soil conditions are very often unsuitable for on-site sewage disposal. With urban development comes pollution from urban runoff, drainage of wetlands, and loss of farmland. A link between established land use plans and sewer planning allows local governments to anticipate infrastructure needed for growth, rather than reacting to water pollution problems.

iii. Land use plans, zoning, and the AWQMP are closely related and are coordinated through the TMACOG Transportation and Water Quality Councils. The FPAs are based on county and local land use, comprehensive, or master plans. Areas designated for urban development by these plans have been included within FPA boundaries. Where a sewer is built along a boundary road, it makes sense to serve both sides of the road. Land use and development policies should be applied to FPAs with this level of detail in mind.

iv. Zoning is the local government's tool for implementing its land use plan. Since zoning controls what is built, and where, it is important for zoning and this Plan to support each other. FPAs and the information they contain are an integral part of land use planning. In deciding an area's future land use, it is essential to ask whether sewage facilities will be adequate to provide service:

   a. Is the collection system adequate to handle the planned growth?
   b. Does the wastewater treatment facility responsible for providing service to the area have capacity for the planned growth?
   c. How much growth is projected for that wastewater treatment facility in the land use plans and zoning of other jurisdictions in its service area?
   d. Does the FPA's sewage system have problems with sewer overflows, or extraneous stormwater entering the sewers? Will it be necessary to remove stormwater flows from the system in order to handle sanitary sewage due to planned growth?

e. What will the ultimate development density be? If an area is developed as low-density and sewers are sized accordingly, the sewers may become overloaded if the density is increased in the future.

Section 6 – Dispute Resolution

6.1 - Dispute resolution process

i. Where a conflict arises among the jurisdictions of an FPA, any political jurisdiction may request a plan amendment. TMACOG encourages neighboring governments to resolve sewage service conflicts through a collaborative process. If the affected jurisdictions are unable to resolve conflicts regarding an amendment to TMACOG's plan through a collaborative process, then these issues will be resolved by TMACOG's Board of Trustees' vote on the plan amendment, which is TMACOG's final decision on the matter.