

Response to Comments
Draft 2015 Water Pollution Control Loan Fund Program Management Plan
Ohio EPA Division of Environmental and Financial Assistance
December 18, 2014

1. Comments from NEORS

Comment: Appendix D - WPCLF Ineligible Costs - Item 5. This Item states that "PTI fees for a project may be WPCLF eligible ..." The District would appreciate clarification regarding the criteria as to when this PTI fee eligibility may apply.

Response: As long as the PTI fees are allocable to the project, they are WPCLF eligible.

Comment: Appendix F - Item 7. - Nutrient Reduction Discount (NRD). This Item states that a WPCLF project that does not qualify entirely for the NRD discount will receive a blended interest rate based on 0% interest for the NRD qualifying portion and a standard WPCLF interest rate for the non-NRD project portion. The District questions whether this blended interest rate is mandatory or an option for a WPCLF community. Specifically, if the WPCLF community wants to pay for the non-NRD qualifying project portion with their own funds, is this an allowable option? Please clarify.

Response: If a WPCLF applicant wants to finance the non-NRD project portion with other funding, that is acceptable.

Comment: Appendix G - WPCLF Planning and Design Loans - Item 3. - Loans for Fiscal Sustainability Plans (FSPs). The District is unclear as to what a FSP is and what function these Plans serve. Is there guidance available on what comprises a FSP and how to prepare one? Please clarify.

Response: As indicated in Appendix N, number 5, FSPs are a relatively new aspect to state revolving funds brought on by the Water Resources Reform and Development Act (WRRDA). Procedures for meeting this requirement, and guidance for the contents of an FSP, will be clarified during PY 2015 as more information is made available from U.S. EPA.

Comment: Appendix M - WRRSP - Schedules in the Two-Year WRRSP Funding Cycle. The last sentence of this Item states that Implementers of the identified fundable projects "must find a sponsor by the end of the nomination period of the first year." This is confusing. We believe the language should be revised to state, "Implementers of the projects on the fundable list must find a sponsor by the end of the public comment period on the Draft PMP for the second year funding year of the WRRSP two-year cycle."

Response: Thank you for the suggestion. The sentence has been modified to read: "Implementers of the projects on the fundable list must find a sponsor by the end of the public comment period on the Draft PMP for the second, funding year of the WRRSP two-year cycle."

Comment: Appendix M - WRRSP - Timelines for WRRSP Projects. Similarly, the second sentence in the second paragraph of this Item is confusing in stating, " ... until the end of the first year to identify sponsors ... "We believe it would be better to state, " ... until the end of the public comment period for the funding year Draft PMP."

Response: Thank you for the suggestion. The language has been modified to now read: "For 2015-2016 fundable projects, identified in Appendix B-2 above will have until the end of the public comment period for the second, funding year Draft PMP to identify sponsors..."

2. Comments from the Village of Clinton (Summit County)

Comment: The comments below were submitted by approximately 20 residents from the Village of Clinton. In addition, six residents attended the public hearing on November 24th, and provided verbal comments of a similar content:

I object to Construction Loan #CS390078-0081, for \$8,600,000 to Summit County for the construction of the Clinton Sanitary Sewer System with an estimated award date of May 2015, for the following reasons —

– **Summit County does not have the proper authority.** Summit County does not have authority over Clinton Sewer. According to Ohio Revised Code, only the Incorporated Village of Clinton has authority over sewer in Clinton.

– **Summit County's plan is bigger than it needs to be.** The Summit County Sewer Plan extends to portions of the Village of Clinton that have EPA compliant home septic systems (such as the homes on Shadow Lane) and thus do not require a public sewer system solution at this time. Areas to be served by a sanitary sewer system should be determined by Clinton, based on need and EPA compliance.

– **Summit County has chosen the wrong system.** The Summit County Plan is for a vacuum sewer system. The Village of Clinton is interested in a STEP (effluent) sewer system that is a better design for Clinton's topography and, unlike the vacuum system, is designed to expand to serve future needs in Clinton.

– **Summit County's plan is too expensive.** The proposed Summit County plan for a vacuum sewer system is too expensive. The entire plan will be billed to Village of Clinton residents. Summit County has been provided a proposal for a STEP (effluent) sewer system that costs half the price of the vacuum system.

For these reasons, please do not award this loan to Summit County.

Response: At this point in time, Ohio EPA is still in the early stages of evaluating the project proposal from Summit County. The proposed project is on the WPCLF project priority list on the basis of the WPCLF Nomination Form submitted by Summit County in 2013. This is not the same as an actual loan application. Between being listed on the WPCLF project priority list and receiving a loan award, there are a series of technical, environmental, and financial reviews that Ohio EPA conducts. We have received no detail plans or "Permit-to-Install" application for the proposed project.

We also understand that some members of the Village are desirous of pursuing a sanitary sewer project independent of Summit County. One of our staff attended a meeting with Village representatives on December 4th to offer suggestions from our experience assisting many small

communities plan for, construct, and operate new sewer systems and to introduce the WPCLF program.

We will continue to communicate with the County and the Village regarding the project proposal(s), with the hope of finding a mutually acceptable solution to the sanitary sewer situation. While we do not unilaterally remove a project from the list (unless requested to do so by the applicant) or deny otherwise eligible financial assistance for any project, we will ensure that whatever project proposal receives WPCLF financial assistance meets the program criteria of being a cost-effective, environmentally-sound, long-term solution to identified problems.

3. Comment from Cleveland Metroparks

Comment: Cleveland Metroparks would like to submit the following written comments to the Ohio Environmental Protection Agency in regards to the 2015-2016 WRRSP Restoration Projects list as outlined in the Draft 2015 Water Pollution Control Loan Fund Program Management Plan:

Cleveland Metroparks requests WRRSP funds for the *Acacia Reservation Restoration Project* to support restoration activities in the Park District's Acacia Reservation, which is located in the City of Lyndhurst in the Euclid Creek watershed and the Cuyahoga River Area of Concern (AOC). The 155-acre reservation existed as a golf course for 90 years and was donated to Cleveland Metroparks in December 2012. The reservation is now managed and maintained as part of Cleveland Metroparks system. The overall goal is to restore the property to a natural state through stream, floodplain, and wetland restoration, as well as through reforestation and the establishment of meadow areas. As a result of the golf course construction and maintenance activities, as well as the development of the surrounding suburban areas, the segments of Euclid Creek that flow through Acacia Reservation have been severely altered and water quality and natural habitat associated with the stream and floodplain areas have been degraded.

Cleveland Metroparks proposes to utilize WRRSP funds to: 1) restore a channelized section of Euclid Creek (± 1300 linear feet) through in-stream habitat restoration, bank stabilization, and natural channel design in order to bring this section of stream into attainment of its Warmwater Habitat (WWH) aquatic life use designation; 2) restore adjacent floodplain areas (± 3.5 acres) to increase infiltration capacity and decrease sediment and pollutant loads into Euclid Creek; and 3) capitalize on underlying hydrology and soil structure to create areas of interconnected wetland swales (± 14.3 acres) along existing drainage corridors to increase infiltration capacity and provide additional native habitat in the watershed. **These restoration activities are expected to improve stream habitat and water quality on site and benefit downstream segments of Euclid Creek and ultimately Lake Erie.**

The Euclid Creek watershed is highly urbanized and Cleveland Metroparks recognizes the importance of the restoration of urban watersheds on the overall health of our region and the Lake Erie watershed. The value of the Euclid Creek watershed to the region is evidenced through the support of community-led groups such as the Friends of Euclid Creek. This group, in conjunction with the Euclid Creek Watershed Council, fully supports the *Acacia Reservation Restoration Project* and will continue to contribute volunteer time and citizen-based advocacy towards the project.

As a premier park district in the State of Ohio, Cleveland Metroparks would like the *Acacia Reservation Restoration Project* to serve as a model restoration project located within a highly urbanized watershed and knows that activities that are implemented at Acacia Reservation will be applicable across the region. The Park District's mission is rooted in conservation and Cleveland Metroparks knows that conservation practices must extend into urban habitats, such as Acacia Reservation.

The *Acacia Reservation Restoration Project* will work in combination with and will amplify the effects of other restoration projects that have been recently completed in the Euclid Creek watershed including the Wildwood Wetland Restoration Project and the East Branch Dam Removal. Additionally, in 2016, two existing combined sewer overflows (CSOs) in the watershed under the jurisdiction of the Northeast Ohio Regional will be eliminated and one existing CSO will be retrofitted to reduce discharges from the CSO. These projects will all work in tandem to improve the overall health and vitality of the Euclid Creek watershed.

Cleveland Metroparks is a well-established park district that was created in 1917 to conserve the region's natural resources and provide compatible educational and recreational opportunities. The Park District has over 500 permanent staff and an annual operating and capital budget of nearly \$120 million dollars. Cleveland Metroparks employs professional full-time natural resource managers, aquatic biologists, ecologists, and other technical staff dedicated to preserving, restoring, monitoring, and maintaining the diverse ecosystems of the Park District. The Park District regularly develops, bids, and manages multi-million dollar construction projects using a professional staff of civil engineers, landscape architects, architects, surveyors, GIS specialists, and planners. The Park District also has its own site construction and building trades departments.

Cleveland Metroparks has a long history and solid reputation for administration of grants across the spectrum of federal, state, and private sources. The Park District has two WRRSP grants in progress:

- "East Branch of the Rocky River Ecosystem Protection Initiative" (\$1,071,400); and
- "Preservation of the Heron Rookery Wetland – Rocky River East Branch"(\$640,000).

In summary, the *Acacia Reservation Restoration Project* will address the three largest causes of impairment to Euclid Creek as identified in the TMDL: habitat alteration, siltation, and phosphorus loading. In totality, the restoration of Acacia Reservation, including stream, wetland, meadow, and forested area restoration, will lead to a more resilient watershed in the face of climate change and will contribute to the delisting of Beneficial Use Impairments (BUIs) in the Cuyahoga River AOC. **Cleveland Metroparks respectfully requests the *Acacia Reservation Restoration Project* to remain on the Intended Project List for the 2015-2016 WRRSP Restoration Projects.**

Response: Ohio EPA appreciates the dedication to restoring and protecting water resources shown by Cleveland Metroparks. The Acacia Reservation Restoration Project remains on the Intended Projects List for the 2015-2016 two-year cycle.

4. Comment from Mill Creek Watershed Council of Communities

Comment: The Mill Creek Watershed Council of Communities (Council) is the recipient of two Water Resources Restoration Sponsor Program (WRRSP) awards for large-scale stream

restoration in the Mill Creek Watershed in Greater Cincinnati. These WRRSP projects are critically important in watershed-wide attainment of the Ohio Environmental Protection Agency's (OEPA) Aquatic Life Use Standards. The Council has been fortunate in securing WRRSP sponsorship through the Metropolitan Sewer District of Greater Cincinnati (MSDGC).

MSDGC has consistently shown commitment to the water quality restoration and protection goals of the WRRSP program through its sponsorship of WRRSP projects in the Mill Creek Watershed and across the state. In recognition of this commitment, the Council recommends OEPA increase the interest rate reduction for WRRSP project sponsorship by MSDGC and other WPCLF borrowers from 0.1% to 0.25%. The water quality benefits of WRRSP projects merit a lower interest cost to MSDGC as a WRRSP project sponsor.

Thank you for your consideration of this recommendation. Please do not hesitate to contact us with any questions. The Council looks forward to its continued partnership with DEFA and MSDGC in successful implementation of WRRSP projects in the Mill Creek Watershed.

Response: Ohio EPA appreciates the hard work of the Mill Creek Watershed Council of Communities regarding large-scale stream restoration projects. Ohio EPA also appreciates the significant role of WRRSP sponsoring communities (such as Metropolitan Sewer District of Greater Cincinnati) in both implementing their own important infrastructure projects and agreeing to sponsor the WRRSP projects. We are continually looking for ways to improve the Water Pollution Control Loan Fund, and will consider your suggestion for the following program year.

Responses to Comments Regarding Individual Projects

We received and responded to project-specific comments from the following entities:

- City of Euclid
- Trumbull County (5 projects)
- Village of Burton
- City of Ashtabula

Responses to Programmatic Comments from U.S. EPA

During the public comment period for the Draft 2015 Water Pollution Control Loan Fund Program Management Plan, Ohio EPA also received programmatic comments from U.S. EPA, Region V. Ohio EPA has responded directly to U.S. EPA regarding these comments.