



State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, OH 43216-1049

June 4, 2007

Jo Lynn Traub
Director, Water Division (WS-15J)
U.S. EPA Region V
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Dear Ms. Traub:

Please find enclosed *Errata Sheet, Map 25-15. Lithopolis Community-level FPA (4/24/07)* that replaces Map 25-15 in Appendix 9-2 of the State Water Quality Management Plan submitted to U.S. EPA on September 1, 2006.

Errors in the depiction of service areas for Canal Winchester and Lithopolis on the 2006 version of Map 25-15 have come to the Agency's attention. The corrected map accurately reflects the original information published in the Central Scioto Plan Update (Ohio EPA 2002) along with updated municipal boundaries and an expansion area for Lithopolis approved in 2006. No change is needed in the associated text found in the Franklin County section of Appendix 9-1 of the State 208 Plan.

Additional information concerning interpretation of the State's 208 Plan for these communities can be found in the enclosed letter from me to the Mayor of Lithopolis.

If you have any questions, please do not hesitate to contact me at (614) 644-2876.

Sincerely,

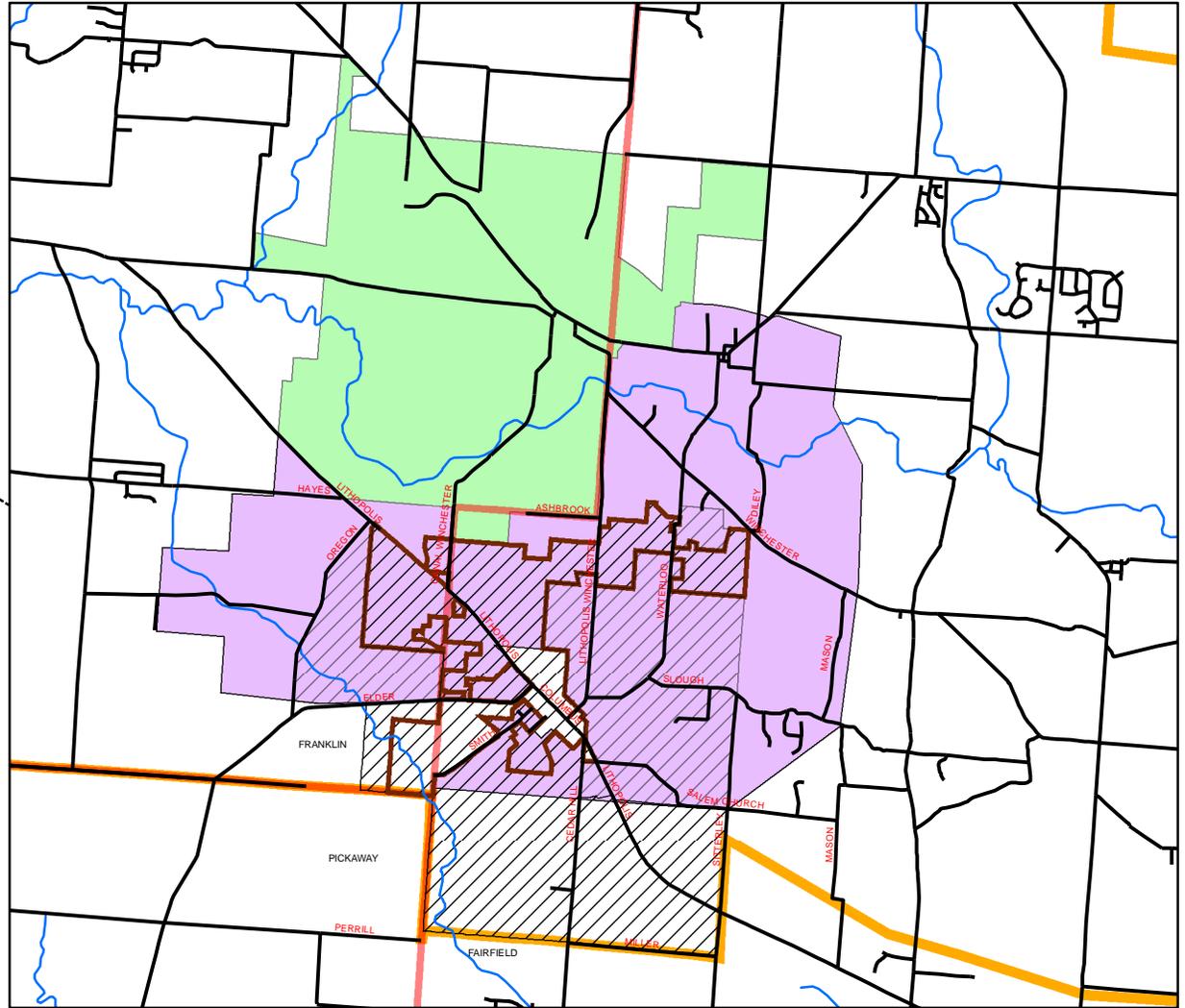
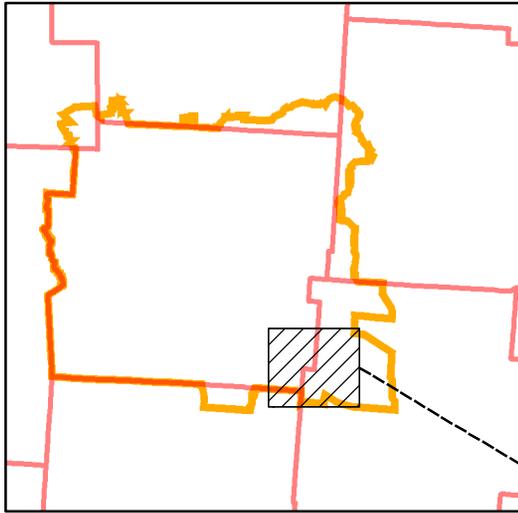
Dan Dudley, Manager
Standards & Technical Support Section
Division of Surface Water

Enclosures (2)

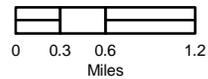
cc: William Tansey, U.S. EPA Region V

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Errata Sheet, Map 25-15. Lithopolis Community-level FPA (4/24/07)



- Roads
 - Major Streams
- Lithopolis Community-level FPA**
- ▭ Lithopolis Corporation Boundary
 - ▨ Lithopolis Corp area and expansion area
 - ▭ Metro Columbus RFPA Boundary
- Canal Winchester Community-level FPA**
- ▭ Canal Winchester
 - ▭ Overlap Canal Winchester and Lithopolis





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May 8, 2007

The Honorable Eric Sandine
Village of Lithopolis Mayor
P.O. Box 278
Lithopolis, Ohio 432136

Re: *The Village of Lithopolis v. Koncelik*, Case No. ERAC 235963

Dear Mayor Sandine:

In the above-referenced ERAC appeal, the Village of Lithopolis raised several questions concerning its future expansion area, its ability to sewer the expansion area, and its ability to contract with government entities other than Canal Winchester for wastewater treatment. As principal author of the 2006 Update of the State Water Quality Management Plan (208 Plan), I am responding to these questions. This letter sets forth my interpretation of what Lithopolis is authorized to do under the 2006 208 Plan and is provided, along with the enclosed modified Map 25-15 Lithopolis Community-level Facility Planning Area (FPA). Together, these two documents fully address the issues raised by Lithopolis.

The 208 Plan as it is currently written designates Lithopolis as a Management Agency "to acknowledge [its] responsibility to provide all necessary sewer system maintenance within [its] jurisdictional boundaries." (Prescription 25-P1b at page 48 of Appendix 9-1 of the 208 Plan.) Lithopolis is also designated a Community-level FPA. The 208 Plan provides that Lithopolis may extend its sewers within its Community-level FPA, and further may request changes to the boundaries of its Community-level FPA. Prescription 25-P1b provides on page 51-52 of Appendix 9-1 of the 208 Plan:

The Village of Lithopolis may extend sewer service (collection only) within their Community-level FPA provided the cumulative design build out of the Lithopolis collection system, as determined by Ohio EPA, does not exceed the volume of wastewater stipulated in the service agreement(s) for wastewater treatment in effect at the time the project is reviewed. . . .

Columbus or its satellite communities may not extend sewer collection systems into the Community-level FPAs depicted for City of Pickerington, Village of Canal Winchester, Village of Lithopolis, Franklin County, Fairfield County, Southwest Licking Community Water and Sewer District, and Ohio American Water unless the land is annexed or there is a written agreement between the municipality and the party obtaining service through the sewer extension. . . .

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

The Honorable Eric Sandine
May 8, 2007
Page Two

Adjustments to the Columbus City FPA or Community-level FPA boundaries shall be made pursuant to prescription 25-P3a or, alternatively, an applicant may submit an opt out request under prescription 25-P2.

(Emphasis added.) Prescription 25-P2, pages 52-53 of Appendix 9-1, sets out the opt-out and lock-in procedures. Prescription 25-P3a, pages 53-54 of Appendix 9-1, provides procedures for boundary changes, and states: "Adjustments to the boundaries of any of the Community-level FPAs may be requested at any time." These procedures should be followed in overlapping FPAs.

The 208 Plan also already provides that Lithopolis may contract with any of the treatment providers listed in Table 25-B for wastewater treatment. Prescription 25-P1b states at page 48: "Each satellite community negotiates a service contact [sic, contract] with the City of Columbus or one of the other treatment providers, the specifics of which are between the parties and not part of the 208 Plan." The specified treatment providers with which Lithopolis may contract include the Village of Canal Winchester, City of Columbus and Fairfield County.

There is currently nothing in the 208 Plan which prohibits Lithopolis from contracting with a jurisdiction other than Canal Winchester for wastewater treatment service for wastewater within Lithopolis' Community-level FPA. In response to questions about this in relation to specific language in the 208 Plan raised by Lithopolis, be advised of the following. The chart beginning on page 40 of Appendix 9-1 of the 208 Plan reflects the current situation, not potential future scenarios. Table 25-B on page 48 of Appendix 9-1 of the 208 Plan lists management agencies in the southeast quadrant of the Metro Columbus Regional Facility Planning Area (RFPA). Information is presented in three columns: Column 1 - "Management Agencies;" Column 2 - "Descriptive Name, Community-level FPA or Facility;" and Column 3 - "Map Number." The map that is referenced in the table delineates the geographic area in which the management agency operates. Column 2 provides a short descriptive name associated with the area that is shown on the referenced map. It is not a description of jurisdictions which are potential providers of wastewater treatment service to each management agency.

In summary, the Village of Lithopolis is authorized under the 208 Plan to extend sewers within its Community-level FPA provided that the additional volume of wastewater proposed to be generated and collected will not cause Lithopolis to exceed the total volume of wastewater contracted under any agreement(s) for wastewater treatment in effect at the time the permit to install application for a sewer extension is reviewed. Further, under the 208 Plan Lithopolis is free to contract with any of the wastewater treatment providers in the southeast quadrant of the Metro Columbus RFPA, as long as the provider has sufficient capacity to treat the volume of wastewater from Lithopolis.

The Honorable Eric Sandine
May 8, 2007
Page Three

If you have any questions concerning the above, please do not hesitate to contact me at (614) 644-2876.

Sincerely,

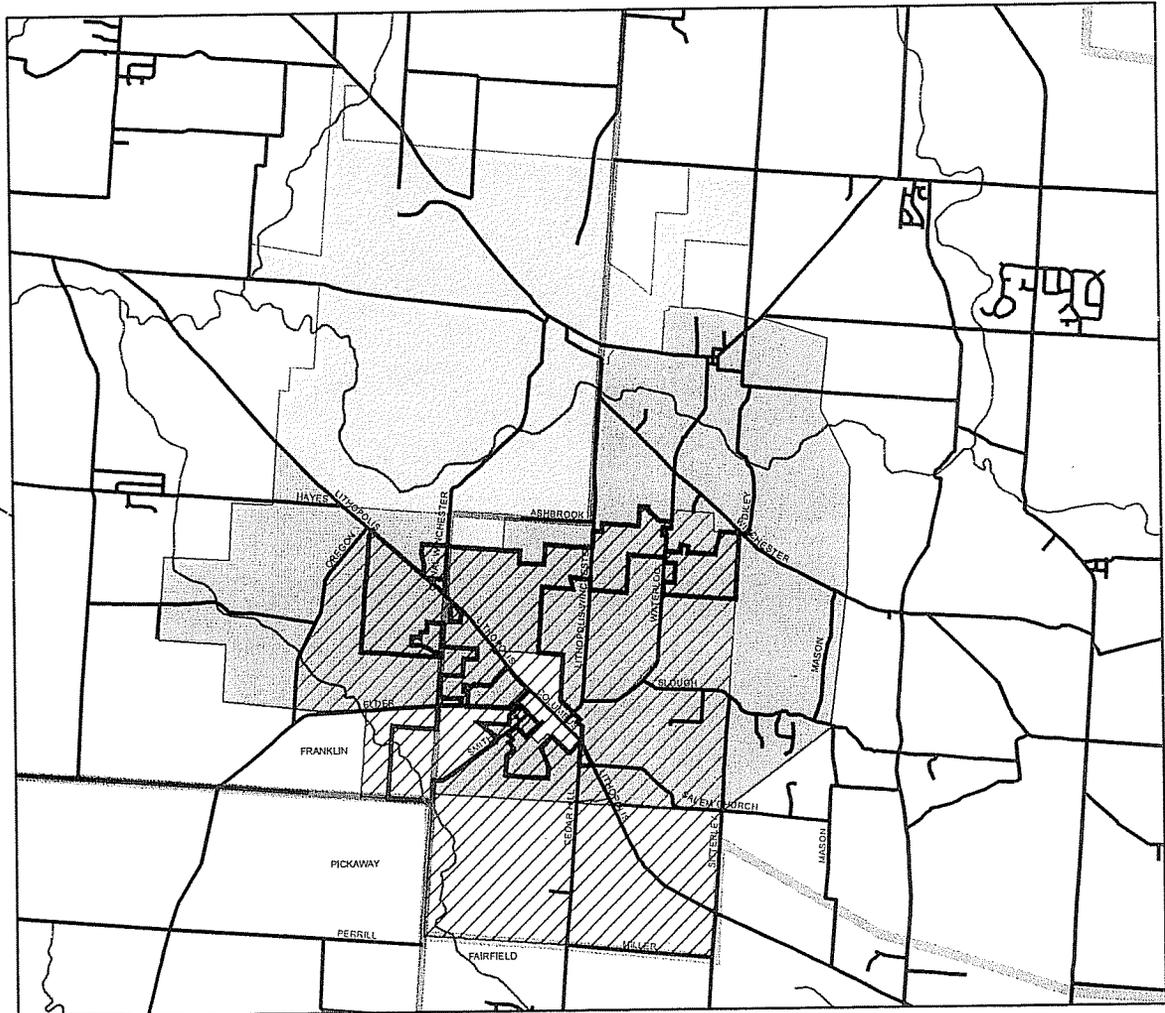
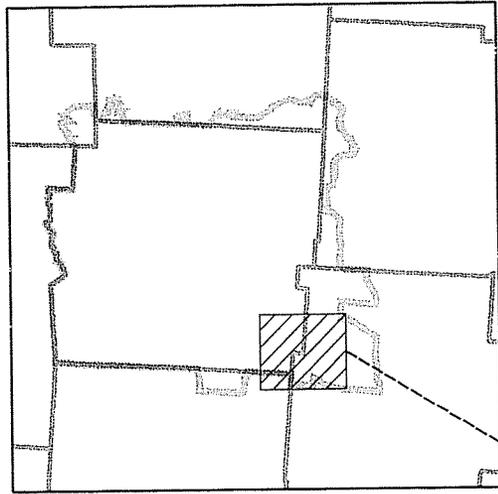
A handwritten signature in black ink, appearing to read "Dan Dudley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dan Dudley, Manager
Standards & Technical Support Section
Division of Surface Water

Enclosure

cc: Margaret Malone, Ohio Attorney General's Office
Martha Horvitz, Ohio EPA Legal Office

Errata Sheet, Map 25-15. Lithopolis Community-level FPA (4/24/07)



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