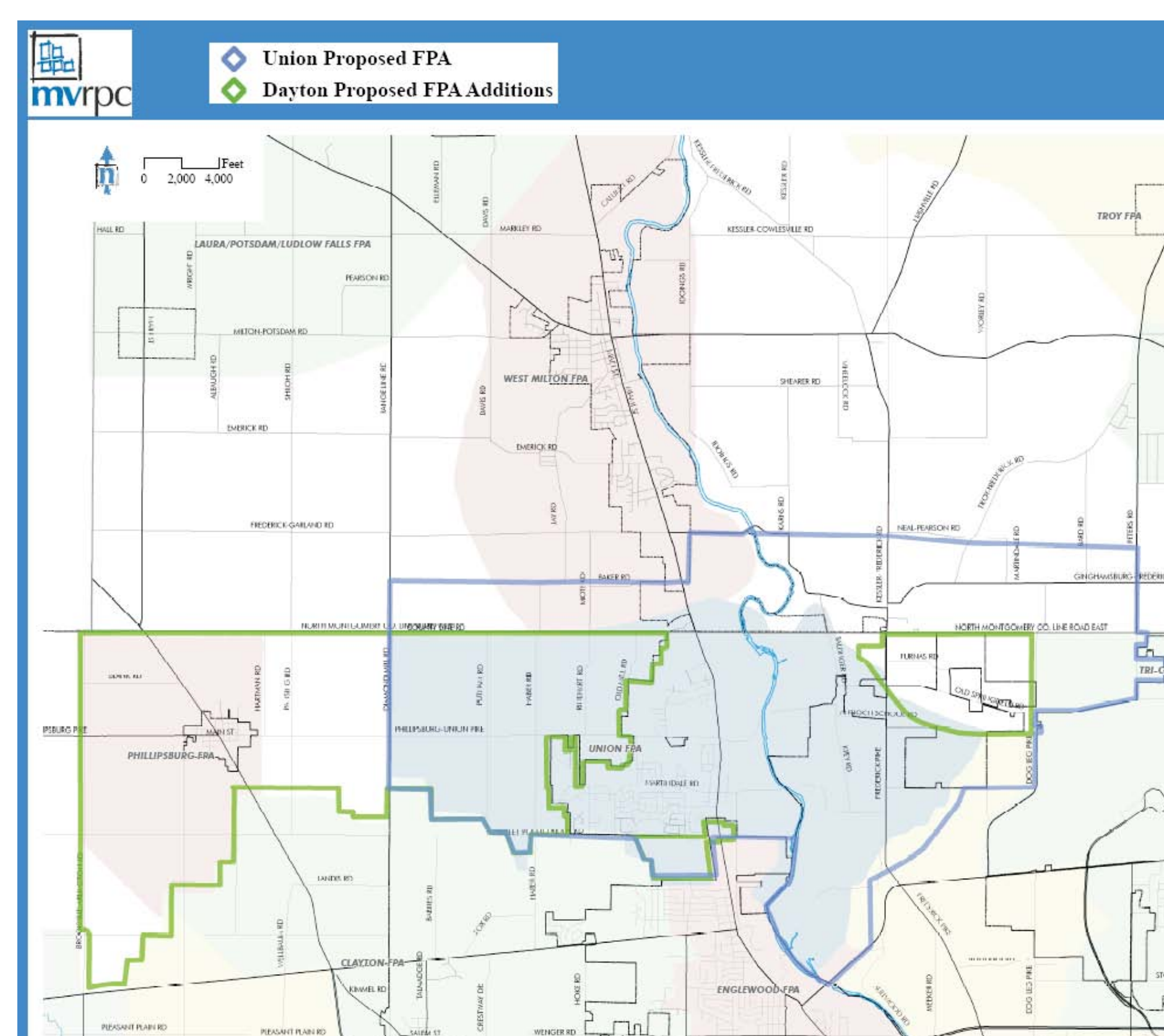




# The 2008 Amendments to the Areawide Water Quality Management Plan

## Overlapping FPA Update Proposals

The Miami Valley Regional Planning Commission received proposals from the Cities of Dayton and Union for updates to their FPA in 2003. While these had many elements that were not in conflict, two areas were included in both proposals, as depicted on the map below.



The City of Dayton proposed to add the Clayton and Phillipsburg FPA to the Dayton FPA, as well as the portion of the City of Clayton in the Union FPA. To the east of the Stillwater River the proposal would add the undesignated area northeast of Union.

Union also proposed to add the undesignated area and opposed the removal of north Clayton from the Union FPA.

Policy changes at MVRPC resulted in re-filed proposals in 2005, however the areas of overlap remained in each city's FPA update.

Over the ensuing 2 years, MVRPC asked the parties to meet and search for a compromise proposal for updating the FPA in this part of Montgomery County. MVRPC facility planning policies state a preference for proposals demonstrating agreement from adjacent and nearby affected jurisdictions. Slow progress led MVRPC to host a series of all party meetings in search of a compromise proposal that would be agreed to by the jurisdictions involved.

## Amending the AWQMP

As communities develop and sewer collection systems expand, growth opportunities do not always follow FPA boundaries. Over time, amendments to the AWQMP are required to reflect development and development plans. This is particularly important because Ohio EPA is not able to issue permits in conflict with the AWQMP; therefore, to receive the required permits as a wastewater system grows with regional development, the AWQMP must reflect the desired development patterns.

MVRPC has established a process for AWQMP amendments. Proposed amendments from MA are reviewed by a Facility Planning Subcommittee, the general public, the MVRPC Technical Advisory Committee and finally the Board of Directors.

Completed amendments are submitted to Ohio EPA for the Governor's certification, and then submitted to US EPA as part of the Ohio water quality plan.

## Proposed 2008 Amendment for FPA in Northern Montgomery County

The series of meetings hosted by MVRPC has resulted in a compromise, consensus update for the FPA in northern Montgomery County shown on the map below. The forms of the compromises involved in this update can be divided geographically: west and east of the Stillwater River.

### West of the Stillwater River

The north portion of the City of Clayton, which is in the Union FPA was the area of deepest contention between the parties involved with this update, and the area where the parties did the most work to fashion the compromise. A potential compromise was proposed and eventually negotiated and approved by the City of Union and the Montgomery County Commission. In essence, Montgomery County will install sewers as needed in this portion of Clayton which will discharge into the Union sewer system for treatment in the Union WWTF. To allay concerns about getting PTI approved for these sewers, the agreement allows Montgomery County Sanitary Engineering to use another treatment supplier should Union be unable to provide the treatment capacity.

This finalized agreement allowed the remaining pieces west of the river to fall into place. Brookville and Englewood FPA were modified to include existing service areas. For Englewood, this means adding small portions of the Clayton FPA, but also ceding some areas south of Interstate 70 to the Dayton FPA. The boundaries of the Dayton FPA have been expanded to incorporate the Phillipsburg FPA and the balance of the Clayton FPA.

In Miami County, the Union FPA is expanded to include recently annexed parcels. Most of this area is inundation areas for the Stillwater River.

### East of the Stillwater River

The main area of contention was the undesignated area of Butler Township northeast of Union. Both Dayton and Union proposed to add this area to their FPA. The City of Union has extensive annexations in this area. Relatively late in the process the Dayton-Butler Township JEDD Board requested water and sewer planning for JEDD parcels through the City of Dayton; as a result, Dayton indicated a desire to add JEDD parcels to the Dayton FPA. Some of these parcels are in the Tri-Cities Wastewater Authority FPA. Recent Union annexations in the undesignated area and including some JEDD parcels further complicated the process of crafting a compromise.

The parties agreed to specific FPA updates and a process for the areas east of the Stillwater River. Properties in the currently undesignated area that have been annexed by Union will be added to the Union FPA. No other changes will be made to FPA boundaries east of the river. The parties involved agreed to address future service in the undesignated areas, annexed areas, and JEDD parcels through development of Memoranda of Understanding as development proceeds in these areas. Within the MVRPC Facility Planning Policies, such agreements, referred to as "Satellite Agreements," are envisioned and encouraged.

The final map for the Northern Montgomery County FPA update is provided in a separate panel.

MVRPC regards the technical supporting data provided by both Management Agencies as sufficient to support this update. In each case, the FPA expansion is less than initially proposed, therefore the projected capacity needs factored into the proposals should be adequate for the compromise FPA changes.