

Date: July 21, 2014

To: Dave Meyer, County Utility Oversight Director

From: James A. Parrott, Executive Director of Water and Sewers 

Copy: Christian Sigman, Hamilton County Administrator  
Scott Stiles, Interim City Manager

Subject: Hamilton County Storm Sewer Separation Policy

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Dave,

The City of Cincinnati's Department of Sewers provides these comments to the Hamilton County Board of Commissioners regarding the County's proposed adoption of a Hamilton County Storm Sewer Separation Policy. As stewards of the MSDGC, it is important to inform you of the impact this policy will have on both ongoing and future sewer projects, including significant increased costs to ratepayers. For your reference, we have attached previously provided comments from both City departments and MSDGC that outline the specific implications of the proposed policy. We remain available to meet with the Commissioners and County staff to discuss these comments more fully.

The proposed policy adopts a requirement to eliminate the risk that any new stormsewer, green infrastructure or other discharge 'cause or contribute' to the exceedance of current or future water quality target or standard adopted within the next 25 years. (See the proposed policy at Attachment C, Paragraphs 3 and 4, and Attachment D, Paragraphs 3, 4 and 5). This requirement exceeds the current requirements of the Clean Water Act and the balance struck with Regulators in the Consent Decree. As applied, the proposed policy would limit stormsewer separation and green infrastructure to small-scale projects, and separation would cease to be available as a functioning watershed tool for compliance with the Consent Decree. To illustrate, if this policy had been adopted in 2012, it would have precluded implementation of the Lick Run and other LMCPD watershed projects. The City and County would be limited to constructing the \$500 million default tunnel now, instead of saving \$200 million ratepayer dollars via strategic separation approved by US EPA, Ohio EPA and ORSANCO.

In addition to the comments attached, the County may wish to consider the following implications the policy will have on current and future projects:

1. **The policy jeopardizes the use of separation previously proposed to the Regulators in the Muddy Creek Alternative.** The Muddy Creek Alternative was proposed to the Regulators last December on the promise that a watershed approach in Green Township and the Muddy Creek Basin would lead to similar cost-saving separation approaches that MSDGC identified in the Lower Mill Creek. This policy will jeopardize the use of widespread separation as a viable strategy for Muddy Creek, and as an alternative to the grey projects already in the WWIP. Because the policy would result in a material change to what was proposed to the

Regulators, we recommend a meeting with the Regulators to brief them on the policy, so that they understand the full context of the proposed policy and how it impacts the Muddy Creek proposal they have been asked to approve.

2. **The County's proposed policy will require building a secondary treatment plant at Carthage or a location farther north in Hamilton County.** Because separation under this policy becomes viable only in limited applications, it is unlikely that watershed-wide applications with extensive separation will be applicable to address the limited interceptor capacity issues and a final remedy for SSO700 in the Mill Creek Basin in northern Hamilton County. In 2012, the LMC Study and SSO700 Final Remedial Plan outlined these issues. (See the SSO700 Final Remedial Plan Appendix A for outlines of the most likely conceptual new treatment plant scenarios and their estimated costs in excess of \$200 million).
3. **The County's proposed policy will make it difficult to remove the "default tunnel" WWIP requirement for the LMCFR project and could require the construction of the first leg of the tunnel that was avoided with the LMCP.** The negotiated Final WWIP relied upon Lower Mill Creek tunnels to achieve compliance by taking all water already in the system into a tunnel and ultimately to treatment at the Mill Creek WWTP. The Regulators in approving the Revised Original LMCP purposefully did NOT change the default tunnel required for LMCFR project in Attachment 2 of the WWIP. The LMCFR tunnel today remains an obligation for ratepayers.

As sole management agency of MSDGC, and Co-Defendant under the Consent Decree, The City is obliged to inform you of the proposed policy's negative implications for MSDGC operations. We believe this policy, if approved, will increase cost to ratepayers, reduce flexibility to innovate, and risk our ability to meet Consent Decree deadlines. The City and Department of Sewers remains available to meet with you to more fully discuss the policy prior to adoption by the Hamilton County Board of Commissioners.