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2
3 COUNTY OF HAMILTON
4 BOARD OF COUNTY COMMISSIONERS
5 REGULAR MEETING
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10 *Hearing to Consider the Lick Run Alternative*
11 *volume 2 of 4*
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15 County Administration Building
16 Sixth Floor
17 Cincinnati, Ohio 45202
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21 Wednesday, October 3, 2012

22 11:28 a.m.
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1 COMMISSIONER HARTMANN: Why don't
2 we call on Assistant County
3 Administrator Jeff Aluotto to frame the
4 issue before we open the public hearing.

5 MR. ALUOTTO: Thank you,
6 Commissioners.

7 Assistant County Administrator
8 Jeff Aluotto.

9 Just as Commissioner Hartmann
10 said, just to frame the issue before you
11 for the listening and viewing public, we
12 are preparing to go into now our second
13 public hearing on what is termed the
14 Lower Mill Creek Partial Remedy.

15 Hamilton County, as the Board is
16 aware, for the public's benefit, is
17 party to a consent decree. It related
18 to combined sanitary sewer overflows.
19 That consent decree has resulted in the
20 establishment of a Wet Weather
21 Improvement Program, which drives a
22 whole series of projects that are
23 necessary in order to alleviate and
24 abate those -- those sewer overflows
25 into our streams and waterways.

1 The single largest project in the
2 Wet Weather Improvement Program is what
3 is known as the Lower Mill Creek Partial
4 Remedy, and Hamilton County has a
5 deliverable that it must make to the
6 Federal Regulators by December 31st of
7 this year that is, number one, a study
8 on what would be a short, deep tunnel in
9 the Lower Mill Creek watershed, but also
10 has the ability to present to the
11 Regulators an alternative to that
12 approach that would be just as
13 effective.

14 MSD, at our last public hearing,
15 has submitted an alternative approach,
16 which they are recommending that be
17 submitted to the Regulators as a part of
18 that deliverable package in December.
19 They presented information on that at
20 our last public hearing. I believe they
21 are prepared to go through a shorter
22 version of that today, just to make sure
23 that the viewing public, again, has some
24 sort of framework to understand what
25 we're talking about.

1 There are two more public
2 hearings scheduled: One on the 8th in
3 the evening down at MSD's offices, and
4 one on the 10th at the Board's
5 legislative session.

6 The public comment period runs
7 through October 26th, after which time
8 the Board will ultimately need to make a
9 decision on what alternative, if any, it
10 includes in the package to the Federal
11 Regulators.

12 So with that, I would call upon
13 Executive Director of the Sewer
14 District, Tony Parrott, to go into more
15 detail on the issue and to take the
16 Board through a reframing of the
17 recommendation that they made at the
18 last public hearing.

19 COMMISSIONER HARTMANN: Thank you
20 very much for that, Jeff.

21 And let me officially, publicly
22 open the public hearing at this point
23 and call on Executive Director Tony
24 Parrott to briefly frame the discussion
25 that we previously had on the

1 recommendations that we've received from
2 MSD.

3 I thought procedurally the way it
4 might make sense to proceed is to hear
5 from Tony, then hear from citizens.
6 I've got five speakers' cards. I know
7 others were also -- other folks were
8 going to appear today to represent. I
9 know a representative from Green
10 Township, I see. I see Trustee Dave
11 Linnenberg is here.

12 Hear from the public who has
13 filled out speakers' cards, and then
14 maybe at that point have some questions
15 and comments from Commissioners.

16 Is that okay?

17 COMMISSIONER PORTUNE: Sure.

18 COMMISSIONER MONZEL: Yeah, that
19 works.

20 COMMISSIONER HARTMANN: Very
21 well.

22 Welcome, Mr. Parrott.

23 MR. PARROTT: Good morning,
24 Commissioners.

25 As Jeff mentioned, last week we

1 gave you more of a review of what we've
2 looked at for the Lower Mill Creek
3 Partial Remedy and the two different
4 alternatives. And I'm going to speed
5 date through a few slides for the folks
6 that weren't here or didn't get a chance
7 to see it last week.

8 The alternatives that we're
9 looking at, basically, must conform with
10 USEPA requirements, and obviously, if
11 they don't, USEPA cannot approve them.
12 We recognize that whether -- as we move
13 forward that there's still some
14 ambiguities that the Codefendants have
15 to address, whether that is budget or
16 whether that is scheduled or whatever
17 related. And obviously, MSD stands
18 positioned to assist the Codefendants as
19 it relates to any discussions or any
20 discussions or alternatives for the
21 Regulators.

22 The timeline has been since the
23 inception of our consent decree. As
24 Jeff mentioned, we've looked at two
25 options: The more grey option versus a

1 more sustainable option. And, you know,
2 the recommendations -- both of these
3 alternatives that we looked at meet the
4 2 billion gallon context of what is
5 required under the approved Phase 1.
6 And, again, we recognize that that is
7 not our final offer in terms of the
8 Regulators, so we understand that those
9 ambiguities and discussions still can
10 occur.

11 As we move forward, looking at
12 this, we looked at the relevant criteria
13 around benefits, cost, risk, and also
14 different policy considerations. And we
15 talked about those last week.

16 Our recommendation, based upon
17 the analysis that we've done, under the
18 2 billion gallon context, although
19 this -- we recognize that it may not be
20 the final offer that the Board submits,
21 is a more sustainable approach, and that
22 sustainable approach brings you a
23 project that meets the -- it's the
24 lowest-cost viable option to meet the
25 2 billion gallon requirement, and it

1 also is something that we think is going
2 to give you some adaptability or some
3 flexibility to deal with multiple issues
4 going forward in the future.

5 The one thing that has come up
6 regarding the more sustainable approach,
7 and we've reviewed a lot of the risk
8 analysis that's been presented from the
9 County team, we've also given you a
10 crosswalk as a part of the public
11 hearing last week in how many times
12 we've looked at certain issues and
13 certain risk, the documents that we've
14 responded to relative to those
15 questions. And, again, if there's
16 additional information that the Board
17 needs relative to risk, we're open to
18 discussing that.

19 One major issue that came up was
20 the concern about flooding. This kind
21 of shows you existing conditions under
22 surface flooding, what happens now in
23 that corridor, based upon a 100-year
24 storm event. After the sustainable
25 approach with the grading that is

1 proposed there, you can kind of see on
2 this slide that within the red boundary
3 in the corridor there, there is a
4 one-foot free board that would keep all
5 of that water inside the corridor under
6 a 100-year flood event. So you're going
7 from existing conditions to proposed
8 conditions in terms of a flooding issue.
9 And this kind of shows it differently in
10 terms of the existing conditions in
11 terms of a 100-year flood water depth in
12 the corridor.

13 And as you move forward under an
14 SI approach, the Mill Creek is the
15 controlling water body. MSD operates,
16 along with the stormwater utility within
17 the City of Cincinnati, the barrier dam.
18 And the barrier dam controls the Mill
19 Creek.

20 And so the SI alternative that's
21 brought forward is really -- really
22 designed to -- if you look at the
23 rendition here, you can kind of see
24 under worst case conditions what happens
25 under the 100-year flood storm by

1 operating the barrier dam, you can kind
2 of see the fluctuation in the valley
3 conveyance for flooding.

4 So that's one issue that we
5 wanted to make sure that, under existing
6 conditions, you can kind of see the
7 combined sewer system. And under the
8 combined sewer system, existing
9 conditions right now under a 100-year
10 flood event, there are 40 percent of the
11 main trunk sewers under a 10-year storm
12 surcharge. When we go up in this
13 alternative and separate out the
14 stormwater, you can kind of see the
15 capacity that's created within the
16 system. Less than 20 percent of the
17 main trunk sewers are surcharged under a
18 10-year storm.

19 This would not happen under a
20 more conventional approach under the
21 tunnel solution. Under the sustainable
22 solution, you're taking the water out of
23 the system, and you're creating that
24 existing capacity, and you're also
25 keeping -- under a 100-year flood storm,

1 you're keeping the water within the
2 corridor and you're not creating any new
3 flood streams or flood patterns in the
4 area.

5 The sustainable solution,
6 obviously, complies with the consent
7 decree. It creates a new class of
8 sustainable jobs, gives you some
9 flexibility for the future and offers
10 potential to leverage private-side
11 actions.

12 And last week we talked about
13 next steps. As we go through this
14 process and your public hearing process
15 is resolved, we recognize that the
16 Codefendants still have some ambiguities
17 and some issues to vet with the
18 Regulators, and we stand ready to
19 address that.

20 It is our hope that the approval
21 of whatever alternative moves forward
22 and the CIP, accordingly, for 2013
23 occurs in November, so that we can start
24 to frame our submittal toward the end of
25 December.

1 And with that, open it up for
2 questions.

3 COMMISSIONER HARTMANN: Thank you
4 very much, Tony.

5 I think what we might do is hear
6 from the public and then bring you back
7 up to ask you questions.

8 COMMISSIONER MONZEL: Can we get
9 a copy of his presentation?

10 COMMISSIONER HARTMANN: Can we
11 have copies of that presentation?

12 MR. PARROTT: Yes, sir. Yes,
13 sir.

14 COMMISSIONER HARTMANN: Thanks.
15 Let me call first Green Township
16 Trustee Dave Linnenberg.

17 MR. LINNENBERG: Thank you.

18 COMMISSIONER HARTMANN: welcome.

19 MR. LINNENBERG: Thank you.

20 I'll be brief.

21 I would like to thank the Board
22 for holding these hearings as you are
23 currently considering how to proceed
24 with the single-largest project in the
25 MSD consent decree.

1 I would also like to thank the
2 Commission for its efforts at the
3 Federal level to seek some sort of
4 global relief on what is incredibly
5 regulatory burden for our community.

6 I would encourage you to continue
7 those efforts in the hope of ultimately
8 obtaining something of value from our
9 Federal government that actually helps
10 us at the local level in terms of
11 reduced or more flexible regulations.

12 In Green Township, we are very
13 concerned with current sewer rates, as
14 well as the additional cost burden the
15 consent decree will place on all of our
16 citizens and businesses. This is
17 billions of dollars and mandated
18 additional costs at a time when many of
19 our residents are struggling.

20 At the township level, we do
21 everything we can to make our community
22 attractive and competitive for economic
23 development. Those efforts are made
24 much more difficult in an environment of
25 ever-increasing sewer rates that could

1 ultimately drive residents and
2 businesses into the surrounding
3 communities and counties.

4 Green Township has not taken an
5 official position on whether we support
6 a tunnel or the alternative that is
7 being proposed in South Fairmount, nor
8 do I feel we should take a position.
9 What we know is that both options are
10 hundreds of millions of dollars. We ask
11 that you do what works best at the lower
12 cost -- the lowest cost, and make sure
13 that whatever you approve fixes the
14 problem.

15 We encourage the Commission to
16 keep costs down on this project and
17 protect against cost overruns, which we
18 all know on projects of this magnitude
19 are very possible.

20 The communities of this county
21 expect that from you as the owners of
22 the sewer district. I am personally
23 concerned with recent reports that I
24 have read about cost increases over and
25 above the initial planning. While our

1 residents have, unfortunately, come to
2 expect higher rates because of the
3 Federal consent decree, they also expect
4 the MSD projects needed in Green
5 Township in Phase 2 will be completed
6 without delay.

7 Green Township is the third
8 largest local government in the county,
9 with roughly 60,000 residents. Per the
10 last census, we are still growing. We
11 are working tirelessly to attract
12 economic development, like the new Mercy
13 Hospital, the new Christ and Children's
14 medical offices, and the new TriHealth
15 medical office.

16 We are working to follow this up
17 with restaurants and shopping. We
18 cannot continue this progress if we have
19 sewage in our many creeks and streams.
20 I will not tell our residents that a fix
21 to our local sewer problems are now on
22 hold because of cost overruns on a
23 project that benefited another
24 community. I ask that you please ensure
25 this does not happen, regardless of the

1 option you ultimately choose.

2 We all want clean water. We all
3 want clean creeks, streams, and rivers,
4 and we understand we will have to pay
5 for this. However, we insist that
6 having clean creeks and streams in Green
7 Township be a benefit for our residents
8 spending this extra money. To assure
9 this, I ask you to do all projects at
10 the most effective cost possible.

11 Thank you.

12 COMMISSIONER HARTMANN: Thank you
13 very much. Thank you for being here.

14 Margo Warminski.

15 MS. WARMINSKI: Thank you.

16 COMMISSIONER HARTMANN: Welcome.

17 MS. WARMINSKI: Yes; good
18 morning.

19 I'm Margo Warminski. I'm the
20 preservation director of the Cincinnati
21 Preservation Association.

22 I just have two comments. If the
23 sustainable alternative for the Lower
24 Mill Creek Project moves forward, MSD
25 might have to comply with Federal

1 preservation law regarding this project.
2 This is still uncertain. While we're
3 waiting for clarification, it's
4 important that historic buildings within
5 the area of potential affect around the
6 Lick Run waterway, which is identified
7 by the project consultants, not be
8 demolished, because this could cause
9 major problems with Federal funding
10 later in the project, and we don't want
11 that to happen.

12 Also, if the deep tunnel moves
13 forward, these buildings, obviously,
14 that were purchased by MSD won't be
15 needed, so we'll have to decide what's
16 going to happen to them. There has to
17 be a strategy to dispose of these
18 buildings and lots. We need an exit
19 strategy for the buildings and for the
20 neighborhood.

21 Thank you.

22 COMMISSIONER HARTMANN: Thank
23 you, Margo. Thank you very much for
24 being here.

25 MS. WARMINSKI: You're welcome.

1 COMMISSIONER HARTMANN: Amy
2 Francis.

3 Hi, Ms. Francis. welcome.

4 MS. FRANCIS: Hi.

5 Thank you for hearing my
6 comments.

7 I have been a homeowner in
8 Cincinnati and in Hamilton County for
9 the last 27 years. Luckily, the home
10 that I live in now, as of the last
11 24 years, has never had any kind of
12 flooding or water problems concerned
13 with the sewers. My problem has been
14 with rates, and my concerns have been
15 with what is the "green solution" to the
16 problem in the County's sewer solution.

17 So what I am in support of today
18 is a green solution. The deep tunnel
19 where -- may provide jobs, it may take
20 the water away, it really creates a
21 bigger problem with costs and with the
22 actual logistics of what it will do. So
23 that is my concern.

24 I'd also like to -- for you to
25 consider the other added benefits of a

1 green solution with ongoing benefits for
2 the community, not only in taking care
3 of the water problem, but in providing
4 entertainment, the water parks, and the
5 proposed green solution that's included
6 and that provide a great service to the
7 citizens, in addition to the costs.

8 So thank you for hearing me.

9 COMMISSIONER HARTMANN: Thank you
10 very much for being here.

11 Charles Young.

12 Welcome, Mr. Young.

13 MR. YOUNG: Good afternoon,
14 Commissioners.

15 Before I start, let me give you a
16 handout real quick. Hopefully, that's
17 in order.

18 COMMISSIONER HARTMANN: Thank
19 you, Charles. I'll hand them down.
20 Thanks.

21 MR. YOUNG: Commissioners, what
22 I've given you is basically what we do
23 in the community for -- let's see. I've
24 been in the community 30 years. For the
25 last 20 years, I know we've done this

1 newsletter. And when we originally
2 started doing this newsletter, we had
3 2300 circulation on it. Presently, we
4 are doing about 1700.

5 what I'm here to say -- forgive
6 me. My name is Charles Young. I'm the
7 vice president of the South Fairmount
8 Community Council.

9 And if you have noticed that a
10 lot of my colleagues and contemporaries
11 are not here today. And as a vice
12 president of the Community Council, I
13 speak for the ratepayers in South
14 Fairmount, also the ratepayers in the
15 City, also the property owners in South
16 Fairmount, the taxpayers in South
17 Fairmount, the business owners in South
18 Fairmount. So it's an inclusive thing
19 for the Council.

20 And what I would like to share
21 with you is sort of like a minireport on
22 what's just happened in the past couple
23 days. We did -- had a breakout session,
24 or a public hearing ourselves, of what
25 we call the Enhancement to the Lick Run

1 Alternative Plan. And we had attendance
2 that was very poorly attended. I
3 expected, probably, 70 to 80 people. We
4 had, maybe, 16 or 17.

5 But the reason why I'm here
6 before you today, even though I've
7 stated my case and I still will remain
8 on record as that, is that I'm here
9 purely because I'm concerned about the
10 economic impact to our community and the
11 costs to the ratepayer. My big question
12 to you as a result of the plan that
13 we've introduced yielded a couple of
14 results.

15 Basically, what we have a major
16 concern with is the attendance. The
17 attendance of the people who should know
18 about what we're talking about today,
19 what we talked about yesterday, and what
20 we'll be talking about tomorrow. I find
21 it bad, or an issue with that. And my
22 issue is have we done our best to inform
23 our people; our ratepayers, our
24 citizensry, and the like? I'll tell
25 you, I don't think we have.

1 But those of you who know the
2 process believe we have. And I'm sort
3 of like on the fence on that, because I
4 think we have done things. And what
5 I've did, is I passed out our
6 newsletter. And our newsletter
7 currently, this month -- and we have the
8 president's letter, which is usually the
9 first part of the front page, where he
10 talks about issues like this. And we do
11 it fairly regular, so there's enough
12 information going out in the community.

13 And, also, under the circulation
14 area, we talk about the town hall
15 meetings that you guys provide and
16 what's instilled and what we're trying
17 to do.

18 However, there is a missing link,
19 or a disconnect, in the community. And
20 if it's in the community, I'm saying
21 it's a disconnect in the City. It's a
22 disconnect in the County. Have we done
23 our due diligence in getting this
24 information out? Because the response
25 doesn't show us that. My biggest issue

1 is, is this it? Is this the last call?
2 Because there are some of us -- or
3 should I say some of them -- who have
4 not engaged in this process.

5 Now, what do I call those people?
6 I call those people, probably, the
7 silent majority, or should I call them
8 the silent minority? It is very
9 important to me, because I think I
10 remember at the last meeting, I think it
11 was Commissioner Monzel who said we're
12 not going to drop this ball like we did
13 on the stadium.

14 well, right now, gentlemen, I
15 think we've already fumbled, but let's
16 pick it up and run again. Because I
17 know the train is sitting at the bottom
18 of the track ready to go up. And
19 eventually it's going to come up the
20 track.

21 It's very important that maybe we
22 still can do this as a last call. And
23 it's your call, that we can get the
24 entities that really need to work on
25 this last call together to see what the

1 input of those people who are called the
2 silent minority is, or the silent
3 majority, whichever you want to say.

4 Because, remember, when we did
5 the stadium, we had all the
6 professionals, everybody who had all the
7 expertise to give you as much
8 information as you needed. Yet, still
9 we come back with, well, we dropped the
10 ball, okay?

11 well, I'm saying, what about the
12 people who pay for this, the silent
13 minority or the silent majority? We
14 didn't get all the information from
15 those folks. And I still think we have
16 one last call. Because when I go home
17 at night -- and I hope it's the same
18 thing you feel when you go home at
19 night -- is did we do our best to get
20 this information covered so that in the
21 future nobody can come back and say,
22 Hey, man, they didn't do that, or they
23 ran over us. We didn't get our chance.

24 Because that's what we hear in
25 the community -- and I'm really tired of

1 hearing it -- but they deserve to hear
2 it, because most likely they work during
3 the day, they want to sleep, take care
4 of their families at night, and they
5 can't make some of the meetings that
6 I've alluded to before. We can, because
7 we represent them.

8 So in final, I ask you, please
9 consider possibly making another request
10 for our community, MSD, and the County
11 to get together to do a final. Because
12 I do know for a fact that there is no
13 statistical data that I've seen that
14 tells me that people who are in our
15 community have been contacted and know
16 about what's going on. Because we've
17 tried. And I've said, we've done our
18 due diligence, and I'm sure you may have
19 the intelligence to know that there's a
20 lot of people missing here. And it's
21 only a few of us making these decisions.
22 And I know we can do that.

23 But let's bear in mind,
24 gentlemen, that in the just
25 not-so-recent past, this whole scenario

1 was done in Indianapolis. It may have
2 took 10 years for them to get to where
3 they are, but guess which way they went?
4 The deep tunnel. Kentucky? Deep
5 tunnel. We're talking about an
6 alternative. But guess what? We may be
7 talking a deep tunnel. But I don't want
8 to see us going to court for 10 years,
9 and then ultimately, deep tunnel.

10 I'm going to close with that,
11 sir, and the community rests.

12 Thank you.

13 COMMISSIONER HARTMANN: Thank
14 you, Mr. Young. And thank you very much
15 for your engagement in helping us engage
16 the public on these important issues.

17 Jennifer Eismeier.

18 MS. EISMEIER: Good morning.

19 I'm Jennifer Eismeier, executive
20 director of the Mill Creek Watershed
21 Council of Communities.

22 And I'm here today to support
23 MSD's watershed-based sustainable
24 infrastructure alternative for the Lower
25 Mill Creek Partial Remedy.

1 projects that address water quality
2 challenges.

3 We have already been successful
4 partners in delivering improvement in
5 the Upper Mill Creek watershed, securing
6 \$2.1 million in grant funds to build
7 Twin Creek Preserve, a stream
8 restoration and wetland construction
9 project.

10 And in the Lower Mill Creek, we
11 are already actively pursuing
12 \$3.5 million in grant funds to implement
13 projects with similar benefit.

14 The Council believes
15 implementation of the MSD recommended
16 sustainable alternative, undertaken in
17 tandem with water quality improvement
18 delivered through implementation of the
19 Lower Mill Creek Watershed Action Plan
20 will bring us all closer to realizing
21 the vision of the Mill Creek as an
22 amenity that improves quality of life
23 and makes Greater Cincinnati and
24 Hamilton County outstanding examples of
25 environmental stewardship.

1 Thank you.

2 COMMISSIONER HARTMANN: Thank you
3 very much for being here.

4 COMMISSIONER PORTUNE:
5 Mr. President?

6 COMMISSIONER HARTMANN:
7 Commissioner Portune.

8 COMMISSIONER PORTUNE: Could I
9 ask a question real quick of
10 Ms. Eismeier before she leaves? I know
11 we don't ordinarily do this, but --

12 You had mentioned the -- as a
13 result of a partnership with MSD that --
14 I want to make sure I got this down
15 correctly. Pave -- it's paving the way
16 to lead to the development of watershed
17 or water quality projects in the
18 watershed? Did I hear that correctly?

19 MS. EISMEIER: Right. Are you
20 specifically referring to the watershed
21 action plan?

22 COMMISSIONER PORTUNE: Yes.

23 MS. EISMEIER: The watershed
24 action plan is the State of Ohio's
25 process for indentifying water quality

1 impairment in any watershed --

2 COMMISSIONER PORTUNE: Right.

3 MS. EISMEIER: -- prioritizing
4 those impairments, and then identifying
5 projects which will address those.

6 COMMISSIONER PORTUNE: The reason
7 why I ask the question is, as you know,
8 that issue is one of the great unknowns
9 here. That because EPA's enforcement
10 actions are based largely on volumetric
11 approaches as opposed to quality
12 approaches, and because there is not
13 currently regulation in the area of all
14 the stormwater drainage related water
15 quality issues; all of your gasolines
16 and your oils and your other stuff that
17 gets washed off the roadways or it might
18 otherwise be there.

19 The fear that everybody has, of
20 course, is that we spend all this money
21 dealing with quantity issues, and
22 there's -- then a new set of regulations
23 come along to deal with quality. And
24 maybe I said that wrong. I meant
25 quantity of the water, if I misspoke

1 before. But then a whole new set of
2 regulations come along that deal with
3 quality of the water. And there's
4 nothing in place to deal with that and,
5 in fact, not only is nothing in place,
6 there's no money, because communities
7 are already stretched to the limit, if
8 not being pushed over the brink by these
9 current enforcement actions, absent
10 Federal help or some change in Federal
11 policy.

12 So with respect to the
13 development, then, of watershed or water
14 quality projects, any idea on -- with
15 that action plan? Is that calling for
16 an infusion of Federal and State money?
17 Do you have an estimate as to cost and
18 price tag of that on top of what we're
19 dealing with? Or when those regulations
20 will arise?

21 Because those are questions I'm
22 hearing all over the country in
23 connection with this, and they support,
24 quite honestly, a call for the
25 development of new Federal policy

1 immediately, putting a halt to Federal
2 enforcement of these -- and consent
3 decree programs today until additional
4 flexibility is built in to deal with the
5 quality issue.

6 So where is that, from your -- I
7 mean, where is that heading?

8 MS. EISMEIER: I cannot speak to
9 the additional costs of Federal
10 regulation. I simply can't speak to
11 that. But I can say that we are being
12 proactive in the watershed action plan
13 approach to understanding both our water
14 quantity and quality issues in the Mill
15 Creek.

16 And we're prepared through this
17 approach, which is a fluid, organic
18 approach that's endorsed by the State of
19 Ohio. We've been very engaged with Ohio
20 EPA in developing the plan and putting
21 this forth as a vanguard and urban model
22 to really deal with these consent decree
23 challenges that are faced by
24 communities, we know, all over the
25 country.

1 So we are operating to put
2 together the best plan we possibly can
3 so we have an excellent inventory of
4 what impairments are so that we are
5 ready to address those in the most
6 cost-effective way possible and deal
7 with additional regulatory burdens as
8 they come along.

9 At this point, you know, we've
10 developed a strong work group of
11 stakeholders in the Mill Creek watershed
12 so that we have a solid understanding of
13 what these things are. We're putting
14 them in context of the regulatory
15 mandate that MSD is faced with.

16 From the Council's perspective,
17 we're looking at the Mill Creek as an
18 asset to our region. That's what we
19 want it to be, because it's something
20 that can bring people to Greater
21 Cincinnati and get them to stay here,
22 businesses and families. It improves
23 quality of life.

24 COMMISSIONER PORTUNE: All right.
25 Thank you.

1 COMMISSIONER HARTMANN: Thank you
2 very much.

3 MS. EISMEIER: Thank you.

4 COMMISSIONER HARTMANN: Jo Ann
5 Metz.

6 MS. METZ: Good morning.

7 COMMISSIONER HARTMANN: Good
8 morning.

9 MS. METZ: I was at the last
10 meeting also, and in listening to these
11 comments today, I kind of agree with
12 most, I don't agree at all with Charles
13 Young in that the South Fairmount
14 Community Council represents the people
15 who live in the valley, which has truly
16 and always historically been South
17 Fairmount. We have two ridges that are
18 different communities.

19 At any rate -- at any event, what
20 I want to say is we do support the MSD
21 plan, the people of South Fairmount.
22 And while Charles says that he
23 represents the community, no, he does
24 not. There's about five or six people
25 that come to that meeting. They may

1 hold the power, but that may change
2 shortly too; there's an election coming
3 up.

4 And if you'll look at the little
5 brochures that he gave you, they are
6 attempting to influence an election in
7 an illegal way, and we have consulted
8 our attorney about it. It says that you
9 may not vote unless you have prior
10 membership. That's not been the past
11 practice of this community council. You
12 pay your dues that night and you vote,
13 and that's the way that it should
14 remain. You just don't conveniently
15 change it, and this is what we have
16 retained counsel for, and we wanted you
17 to know that.

18 Beyond that, having been in the
19 law business a little bit, you never
20 ever go beyond the terms of the consent
21 decree.

22 If the consent decree,
23 Mr. Portune, said quantity, then that's
24 what you should limit it to. Yes, we
25 should keep an eye on quality

1 ultimately, but we don't have the money
2 to do both at this time. And I do think
3 they came up with a good solution, and
4 we'll take care of the neighborhood
5 problems and bring you better
6 representation.

7 Thank you.

8 COMMISSIONER HARTMANN: Thank
9 you.

10 Do I have another speaker's card?
11 Is there another speaker's card?

12 Fred Hargrove.

13 MR. HARGROVE: Hi. Good
14 afternoon.

15 My name is Fred Hargrove. I'm
16 the CEO of Hargrove Engineering. And I
17 just want to just read a little
18 statement that I've got here.

19 Let's see. All of you are very
20 aware of the stormwater overflow
21 challenges facing the Metropolitan Sewer
22 District. In an attempt to meet the EPA
23 requirements, the County entered into a
24 consent degree [sic] with EPA that
25 requires accounting to put forth a

1 solution to the courts before
2 December 31st, 2012.

3 MSD has developed what has
4 resulted in a primary plan, the tunnel,
5 an alternative back-up plan,
6 day-lighting. Both are extremely
7 expensive, one far more than the other.
8 As an integral part of their remedial
9 plans, we believe MSD has gone through a
10 grand facade of engaging the community.
11 A number of informational town meetings
12 and events have been held. And on the
13 surface, feedback requested and
14 supplied.

15 In short, all appearances of a
16 give-and-take process have been made by
17 MSD. The core problem is that little of
18 the feedback has been -- from the
19 communities has been heard. The key to
20 the agreeing with EPA is not only
21 meeting with the regulatory rules, but
22 sustainability of the community.

23 As we understand it, under the
24 MSD day-lighting plan, they are there to
25 gouge out the center of South Fairmount

1 community in its main business district
2 to meet the overflow piping needs and
3 then plant a few shrubs and trees and
4 call it a day.

5 You have heard from others how
6 well that worked in the neighborhoods,
7 and now you have heard from your own
8 project monitors on the risk.

9 MSD entered into a consent decree
10 with EPA guaranteeing neighborhood
11 sustainability. Their plan will forever
12 and a day slice the South Fairmount
13 community in two. This solves MSD's
14 overflow problem, but it does nothing
15 for the community.

16 In conclusion, we offer the most
17 cost-effective alternative that meets
18 both MSD and the EPA requirements, and
19 we would like to have the chance to
20 continue our dialogue with MSD and
21 possibly come back with a better
22 solution.

23 Thank you.

24 COMMISSIONER HARTMANN: Thank you
25 very much.

1 That concludes our speakers'
2 cards.

3 Let me call back up executive
4 director Tony Parrott to, perhaps,
5 answer some questions. I've got
6 several. I'll ask Commissioner Monzel
7 to start us off.

8 Commissioner Monzel.

9 COMMISSIONER MONZEL: Thank you,
10 Mr. President.

11 Yes, I would like to start off,
12 kind of, echoing the comments I made
13 last week in regards to this project as
14 a legacy project, not only for the
15 County Commissioners, but also for MSD
16 in making sure that, you know, what we
17 are choosing, whatever option that is,
18 is the right option and that we don't
19 later have to pay any fixes to it if we
20 get it wrong; if it's not performing it
21 correctly, we can't spend millions of
22 dollars on a project that does not work
23 as promised. So we want to make sure
24 that it's built correctly the first time
25 around and that it continues to do so

1 for 50 years.

2 In fact, in my other role as an
3 engineer, we have something called
4 "first-time yield." So we want a
5 first-time yield of one. We want to get
6 it right the first time. And that's
7 what we're really concerned about here
8 in regards to this project.

9 So can MSD's recommendation, you
10 know, of this project, can we make sure
11 that it's performed as you've stated?
12 What are the things in place that says
13 this will actually do as you say?

14 MR. PARROTT: I think that
15 there's really two parts to that, to
16 that -- two responses to the question.

17 Number one: Obviously, we're
18 into, obviously, depending on the
19 approval of the analysis, obviously,
20 we're approaching approximately
21 30 percent design. And, obviously,
22 we've done a lot of sensitivity analyses
23 that looked at not only just safety
24 margins or safety factors that are built
25 into the design to, as I showed on the

1 slides earlier, to make sure that
2 volumetrically there's worst case
3 scenarios be built into the design to
4 deal with flooding issues relative to
5 the -- I guess you could say the water
6 quality aspect of it. Really, there's
7 two components within the system itself.
8 Water quality features are built in to
9 deal with water quality features.

10 In the stormwater separation
11 vehicles or the catch basins that
12 ultimately feed into either the box
13 conduit or the overland drainage to deal
14 with existing MS4 requirements, there's
15 vortex structures that are built into
16 that design to make sure that we're
17 dealing with removal of grit and solids
18 and those type of things that are
19 required under MS4 permit.

20 So as we move further into
21 design, we will be able to put in
22 additional safety margins. And, like I
23 said, we've done the sensitivity
24 analysis with different ranges, and
25 ultimately we will have a white paper as

1 we move forward that's going to address
2 all of those responses. We've responded
3 to some of those before, but we are
4 aware of the sensitivity analysis and
5 different ranges that we've looked at.

6 But we're very confident, based
7 upon the industry standards for this
8 type of project, we're very confident in
9 terms of its performance and we're very
10 confident in terms of where we are with
11 the cost estimates.

12 COMMISSIONER MONZEL:

13 Mr. President?

14 COMMISSIONER HARTMANN: Yes.

15 COMMISSIONER MONZEL: Thank you,
16 Mr. Director.

17 To follow up with that, has MSD
18 ever done a separation project to this
19 size and scope before? Because you've
20 been doing these wet weather
21 Implementation Programs. Has there ever
22 been anything this large that you have
23 actually accomplished?

24 MR. PARROTT: Commissioner, we
25 have a very good track record with large

1 sewer separation projects. In fact,
2 this particular project calls for the
3 installation of approximately several
4 thousand feet of separate storm sewers,
5 and we've done storm separation
6 projects, and we've had a very good
7 track record with those linear projects,
8 not only from a separation and a
9 scheduled standpoint, but also from a
10 cost standpoint.

11 And a good example is one
12 particular storm separation project
13 that's in this particular watershed,
14 Harrison Avenue. We, from a
15 construction coordination standpoint, we
16 bid that in conjunction with the City's
17 Department of Transportation as they
18 were redoing Harrison Avenue. And if I
19 recall, I think by doing that, the bids
20 came in about 30 percent lower than the
21 estimate.

22 And, of course, from a schedule
23 standpoint, we're going to be able to
24 meet the schedule. But we've -- we've
25 done sewer separation projects before.

1 It's not rocket science, something we do
2 a lot in terms of linear projects.

3 COMMISSIONER MONZEL: And in
4 regards to the --

5 Mr. President, I just have a
6 couple more questions in this, kind of,
7 area of just making sure that we're
8 building something that we have
9 knowledge of doing it before, that we
10 build it right the first time.

11 The data collected on that area
12 in trying to come up with, you know, how
13 much we're going to be able to separate
14 out, now how confident is MSD on what
15 you know is in the area or the amount
16 that's going to be going into that and
17 that we will accomplish the goals of
18 what EPA is requesting us of the capture
19 of that volume?

20 MR. PARROTT: I guess I want to
21 ask you a clarifying question. When you
22 talk about "data," are you talking about
23 empirical data that goes along with a
24 BMP, or are you talking about data
25 relative to --

1 COMMISSIONER MONZEL: Actual --
2 you know, do you have any actual data
3 of in the region of what is being, I
4 guess, seen right now? And then based
5 on other projects, other separation
6 projects, of an idea of what that volume
7 capture is going to be on what you're
8 proposing?

9 I know the stuff in the future
10 you don't have any hard data on it,
11 because it's not there. It's going to
12 be hypothetical. But the actual stuff
13 that's occurring in the Mill Creek area,
14 do you have data that shows what the
15 volume is and whether or not this
16 project is going to be able to capture
17 it to make the requirements of the
18 consent decree?

19 MR. PARROTT: Well, the -- in
20 terms of that, I'm assuming you're
21 referring to the flow monitoring data.

22 COMMISSIONER MONZEL: Yes.

23 MR. PARROTT: The flow monitoring
24 data that we have, obviously -- the
25 watershed -- and we've been very clear

1 with the County team and the Regulators,
2 and we've been discussing this as part
3 of our technical meetings. We have had
4 flow monitoring data that we've used to
5 get to this point in the design. We do
6 know that there are some geographic
7 issues and some access issues that have
8 brought us limited data.

9 But one of the things that we
10 talked about with the Regulators and the
11 County technical team is that, as we
12 move forward, knowing whether or not
13 we're going to approve this or not, we
14 have -- we have deployed approximately,
15 I'd say, anywhere between 12 and 16
16 flow-monitoring datas within -- flow
17 monitoring equipment within the
18 watershed. And that's going to not only
19 enhance the data that we already have
20 relative to the modeling outputs that we
21 have seen, but as we move further into
22 60 percent design, we're going to be
23 able to enhance the design of the system
24 based upon that additional
25 flow-monitoring data.

1 I can tell you that since the
2 additional flow monitoring has been
3 deployed, if I'm not mistaken, maybe six
4 weeks ago, we've had some significant
5 rain that we're getting good data now.
6 And so it's going to help us in the
7 design of this project, and it's going
8 to help us with the postconstruction
9 monitoring as well.

10 COMMISSIONER MONZEL: So --

11 Mr. President --

12 -- you're at 30 percent design,
13 you've said already. So we need to make
14 a decision here that's got one-third of
15 what is the potential of being built
16 here of a possibility of answering this
17 question. So, you know, to me, at
18 30 percent is -- is -- it's risky. I
19 mean, there's risk. There's a lot of
20 risk involved here.

21 MR. PARROTT: Can I ask a clarity
22 for that?

23 COMMISSIONER MONZEL: Sure.

24 MR. PARROTT: When I say
25 30 percent design, that's more so the

1 valley conveyance piece. Obviously,
2 there's projects up in the watershed
3 that are further along in terms of
4 design; some are at 60 percent, some are
5 at 90 percent in terms of the storm
6 sewer separation projects.

7 COMMISSIONER MONZEL: So where
8 would you put the whole project at? If
9 you had to say, you know, what you
10 proposed here, what percentage of design
11 do you think you're at overall?

12 MR. PARROTT: Well, like I said,
13 I think that the menu of projects that
14 we have in terms of the storm sewer
15 separation projects, like I said, we
16 have -- some of those are at 60 percent
17 design. We have linear history or
18 projects that we've done before that
19 gives us a good track record of how
20 those projects performed.

21 But for the valley conveyance
22 piece, because we wanted to make sure
23 that there's going to be concurrence
24 with the technical discussion with the
25 Regulators and concurrence with the

1 County, we wanted to make sure that we
2 didn't advance beyond 30 percent design.

3 COMMISSIONER MONZEL: Okay. And
4 then the valley conveyance piece, how
5 big is that of the whole project itself?
6 Is that half of the project size just in
7 the valley area? Or is that, you know,
8 25 percent of the full project? I'm not
9 saying about design, I'm just saying in
10 scope. So in scope of the full project,
11 you know, the whole remedy, how much is
12 the valley conveyance piece? How big is
13 that?

14 MR. PARROTT: Well, we have
15 approximately -- well, the -- the valley
16 conveyance piece -- I guess when I look
17 at the \$317 million sustainable solution
18 piece that we gave you, about -- the
19 Lick Run valley piece of that is about
20 200 million.

21 COMMISSIONER MONZEL: So
22 two-thirds, about two-thirds for cost.

23 MR. PARROTT: But 200 million of
24 that is just for the complete Lick Run
25 piece. You have to kind of break that

1 down between what's, you know, going to
2 the storm sewer separation and what is
3 specific to the overland valley
4 conveyance system.

5 So I would say that it's probably
6 going to be about -- it's going to break
7 down probably, out of that 200 million,
8 probably 50 percent is going to be more
9 so into the storm sewer separation, and
10 the remainder is going to be with the
11 valley conveyance system.

12 COMMISSIONER MONZEL: So -- and
13 I'm driving you -- I was trying to drive
14 you to a -- I know it's hard, so I'm
15 trying to help to try to get an idea of
16 the scope of the project for the public,
17 as well as where we're at in regards to
18 the design of it. So I do appreciate
19 your candor in that.

20 I guess my final question for
21 now -- and I'll let the other
22 Commissioners ask a question -- is what
23 happens? We go forward, we do this, you
24 go build it. What happens if we get it
25 wrong? What if we don't collect the

1 2 billion gallons that we're supposed
2 to? You know, what is the -- I guess
3 the, you know, results of that for the
4 County? What happens if we don't get
5 that collection correct?

6 MR. PARROTT: Commissioner,
7 obviously, I'm not your legal counsel
8 and I don't -- I'm not legal counsel for
9 the City. But based on feedback that I
10 know I've gotten from legal counsel, is
11 that, you know, obviously with every
12 project we do, there's going to be
13 postconstruction monitoring. And
14 depending on what that postconstruction
15 monitoring reflects will ultimately
16 determine or shape the discussions that
17 you're going to have as Codefendants
18 with the Regulators as to what's going
19 to be the final remedy.

20 whatever we do for a partial
21 remedy ultimately sets the groundwork,
22 or the backbone, for whatever is
23 required for a final remedy for the
24 entire Mill Creek watershed. So that
25 would be, you know, my initial reaction

1 to your question. But, you know, I
2 think that there's legal analysis that
3 would probably give you some guidance on
4 what that means. But everything that we
5 do as a partial remedy ultimately has to
6 fit into the backbone for a final remedy
7 going forward.

8 COMMISSIONER MONZEL: Thank you,
9 Mr. President.

10 I do have a couple more questions
11 later on, but I want to give the other
12 commissioners a chance to ask.

13 COMMISSIONER HARTMANN: Thank you
14 very much.

15 Thank you very much, Commissioner
16 Monzel.

17 Mr. Parrott, a couple of -- maybe
18 a comment and several questions, at this
19 point, from me.

20 The term "Codefendants," I'm not
21 sure how I like being called a
22 "Codefendant." I think it does
23 illustrate for the public the situation
24 that we're in with our sewers here. We
25 were sued by the EPA, reached a Federal

1 consent decree with the Federal
2 government to make the fixes. So
3 they're mandated. We and the City are
4 Codefendants in this matter.

5 This is an incredibly challenging
6 ask for us as County Commissioners. In
7 1968 there was an agreement for a
8 utility owned by the County to be
9 operated by the City, and that is a
10 remarkable challenge, as we go forward,
11 separating those two -- those two items.
12 You ask anybody, if you separate
13 ownership from operations, it's just a
14 system set up for failure. So we're
15 digging in on this in an extreme way
16 with our Monitor.

17 And I thank you for your
18 cooperation on those issues and
19 understand how challenging it is for you
20 at MSD to be employees of the City for a
21 utility that we're asked to fund and to
22 raise rates to pay for these fixes. And
23 these numbers are a huge deal at the
24 front end.

25 And just a word, and maybe a

1 question, about something that we've
2 glossed over that are close enough to
3 it, but grey versus alternative; grey
4 being a deep tunnel in this situation of
5 being, I think, much more proven as to
6 what kind of water that can remove from
7 the system. This whole consent decree
8 is based on what we can remove from the
9 system, and we've got basic agreements
10 on that. So grey being more proven as
11 to what kind of, you know, what kind of
12 fixes we're sure of occurring.

13 Alternative, you know, also
14 removing -- removing water from the
15 system and sewage, sewage from the
16 system, but much less -- much less
17 proven nationally.

18 Talk, if you will -- and I
19 commend you for your approach on that, I
20 mean, just so the public knows. The
21 comparison -- the comparison here
22 between a deep tunnel solution and the
23 alternative approach is far most
24 cost-effective for us to pursue
25 alternatives, but with much higher risk.

1 Higher risks being that this system does
2 not deliver what we're saying today that
3 it's going to deliver.

4 So why don't you talk for a
5 minute about how much at the front end
6 of the national debate -- this is not
7 only going on in Cincinnati, it's going
8 on all around the country, these kind of
9 fixes that are mandated by EPA that have
10 got to be done.

11 And how far are we at the front
12 end for these alternate solutions,
13 alternative solutions?

14 MR. PARROTT: Commissioner, very
15 good question. I guess one of the
16 things that I would say is, is that for
17 the conventional tunnel solution,
18 obviously there's been some communities
19 that have been out there before us that
20 have used tunnel systems for their CSO
21 remedies. And we're also -- we also
22 know that for those communities that
23 have used conventional tunnel systems,
24 depending on the level of storm, they're
25 still collecting rainwater, but yet

1 they're still having combined sewer
2 overflows in their community.

3 So whether it's \$500 million or
4 whether it's \$800 million for a
5 conventional system, if we go forward
6 with a conventional system and
7 ultimately, depending on the level of
8 storm, you're still going to have
9 combined sewer overflows, I would say
10 that that's going to probably trigger a
11 lot of questions from the public, as
12 well.

13 So when you talk about
14 performance, when you talk about
15 certainty, I think -- and our response
16 to the certainty question, we kind of
17 brought forth those issues, not only for
18 the SI approach, but also for the grey
19 approach and for the use of EHRTs,
20 et cetera.

21 In terms of the national scale,
22 there has been more discussion in the
23 last three years as, maybe, Commissioner
24 Portune can attest to about the desire
25 for a more integrated approach from the

1 USEPA level that would allow not only
2 utilities more flexibility, but local
3 governments more flexibility on how to
4 deal with things from more of a
5 watershed approach.

6 This is a wet weather problem,
7 and so you cannot solve it without
8 looking at the other impacts that are
9 contributing to the problem, which is
10 stormwater. And you cannot look at what
11 is going to be the community benefit in
12 terms of the investments that we're
13 making.

14 When we talk about are we out on
15 the cutting edge, I think that one of
16 the things that we've seen is that some
17 cities have taken a more, what I would
18 call, a best management practice, or a
19 green BMP approach; green roofs,
20 pervious pavement, that type of stuff.
21 And some of them are doing it more on a
22 pilot basis, some of them are, depending
23 on their decree, have just negotiated in
24 a certain amount of an allowance for
25 those type of expenditures.

1 But I can tell you, as we
2 submitted our green infrastructure
3 report in the early beginning, there was
4 not much acceptance of a green BMP-laden
5 structure. So when we talk about
6 sustainable, we're talking about
7 something that is grounded in; how do we
8 make sure that we're taking water out of
9 the system, whether it be stormwater or
10 natural drainage.

11 The benefit of that is, is that
12 you're not building pipes, pump
13 stations, and treatment plants to treat
14 natural drainage and stormwater over the
15 life of those assets. You're having --
16 you're going to be able to do it over a
17 reduced -- you're having a reduced life
18 cycle cost, which ultimately translates
19 when you look at the capital investment,
20 the life cycle cost, the per unit cost
21 for the alternative that we're proposing
22 is significantly lower than the per unit
23 cost for a conventional tunnel system.

24 And I won't speak for
25 Commissioner Portune, but I think that

1 in our discussions in Washington where
2 we've had an opportunity to go and talk
3 to other communities, there are a lot of
4 communities that are bringing forth
5 these SI approaches and -- including
6 Cleveland most recently -- got something
7 incorporated into their consent decree.
8 Kansas City, Kansas.

9 So even though what we're talking
10 about may be out in the front, but
11 there's other communities that are now
12 approaching consent decrees or bringing
13 forth the same solutions that we're
14 recommending.

15 COMMISSIONER HARTMANN: But you
16 would grant me that it is riskier.

17 MR. PARROTT: Well, I think it
18 depends on what you define as a risk. I
19 think that any project that you do
20 brings its own risk; whether it's an SI
21 approach or whether it's a tunnel
22 approach or whether it's an HRT
23 approach. I think every project has its
24 own risk, but there's other benefits
25 when you look at it from a triple bottom

1 line perspective.

2 COMMISSIONER HARTMANN: Yeah, I
3 mean, I completely agree with you
4 that -- on that, that there are other
5 benefits. And I just -- you know, we're
6 bumping up against a deadline to approve
7 a program here. And, you know, we're
8 still doing -- collecting more local
9 data. And I know that we've recently
10 added some new local data monitoring.

11 When are we going to get that
12 information? I think it's important to
13 understand that, you know, we want to
14 take a littlest flier on an issue like
15 this as is possible, as been stated,
16 because cost overruns and failing to
17 deliver the kind of, you know, numbers
18 removal from the system results in a
19 real nightmare long term. So, you know,
20 I get scared when we've got to
21 constantly be collecting, you know, new
22 data with this deadline coming up.

23 What's the status of that? How
24 is that going to be factored into what
25 we're asked to vote for?

1 MR. PARROTT: The sensitivity
2 analysis, and a lot of the local data
3 that I mentioned that we're looking at
4 and we're analyzing, obviously is
5 something that we're prepared to give
6 you white paper to review.

7 We're also, as I said, we've --
8 over the last six to eight weeks, we've
9 been vetting this particular issue with
10 the Regulators as it relates to flow
11 monitoring data.

12 The one trigger, though, that I
13 think that is very important is that
14 everything that we're vetting
15 technically regarding all the
16 alternatives is grounded within the
17 model. And in our discussions with the
18 Regulators, they have told us that they
19 understand our approach, they understand
20 the data that's went into our model in
21 terms of inputs, and they understand the
22 outputs, and they don't see any
23 particular red flags with our modeling
24 approach. And so that is sort of where
25 we are.

1 I think that the Regulators have
2 said that they understand what
3 they've -- what's went into the model
4 and what we're using, and they're okay
5 with the approach we're using. And,
6 obviously, any additional data that we
7 have going forward is only going to
8 enhance the design of the system.

9 COMMISSIONER HARTMANN: Will you
10 just talk for a minute about the
11 difference between the 100-year flood
12 preparations and system and the 10-year
13 flood preparations and system; what the
14 cost differential is, depending on that
15 decision, you know, how we got to that
16 decision point, and kind of what's the
17 supporting document and how do you
18 support that decision?

19 MR. PARROTT: I'm not sure if I
20 understand your question, Commissioner.

21 COMMISSIONER HARTMANN: What's
22 the 100 -- talk about this issue of the
23 100-year flood and planning for that
24 versus the 10-year flood.

25 MR. PARROTT: Well, the 100-year

1 flood, obviously, is something that when
2 you look at the controlling water body,
3 the Mill Creek, as I mentioned in the
4 illustration that I showed you, that is
5 controlled by the barrier dam. And when
6 you talk about, you know, is there
7 enough -- is there -- what is the worst
8 case scenario in terms of having to make
9 sure that there's no contributing
10 flooding or issues, not only in the Mill
11 Creek, but also in the valley conveyance
12 system.

13 The barrier dam controls the Mill
14 Creek, and at the 100-year flood level,
15 what we wanted to be able to show is
16 that even under a worst case scenario at
17 the Mill Creek that we're not causing or
18 contributing to flooding problems within
19 the conveyance system.

20 The analysis we did in the
21 10-year storm was more so in the
22 combined sewer system to kind of show
23 what is the existing condition in terms
24 of the percentage of sewers that are
25 currently under a surcharge condition

1 when we have a 10-year storm. And by
2 looking at the worst case scenario and
3 separating out specific stormwater,
4 you're improving the capacity of the
5 existing system and you're minimizing
6 potential sewage and basement issues or
7 backups that may exist because of a
8 10-year storm in the existing combined
9 system.

10 COMMISSIONER HARTMANN: I got it.
11 That question was not any kind of hidden
12 meaning, I just didn't understand it
13 myself.

14 MR. PARROTT: Yeah, sorry.

15 COMMISSIONER HARTMANN: Thank you
16 very much for -- thank you very much for
17 providing some flavor on that.

18 Last thing I wanted to talk about
19 today is an obvious concern. I know
20 you're not going to be surprised to hear
21 from me, but the number of 244 million,
22 you know, was the initial estimate. And
23 I get that that was an estimate, but
24 that then became, you know, over
25 \$300 million. And a lot of my focus in

1 this whole process is going to be that
2 we've got to educate the public about
3 what the difference in that number is.

4 You know, at this point, you
5 know, I'm not prepared to support
6 anything about that \$244 million number.
7 So if you'll help me a little bit what
8 that number meant, what the difference
9 is, and why we ended up over \$60 million
10 over that.

11 MR. PARROTT: Well, you've heard
12 me, I think, at least a couple of the
13 Commissioners have heard us talk about
14 this before in terms of the 244, what
15 its inception was. It was more related
16 to an original default solution that was
17 purely conceptual. It was a conceptual
18 estimate. The City and the County and
19 MSD and the Regulators knew that it was
20 conceptual. There was a lot of anxiety
21 around that 244, that's why we
22 negotiated a three-year study period to
23 look at not only right-sizing or not
24 only perfecting the cost for the tunnel
25 based on our new model data and -- but

1 to look at an alternative to the tunnel.

2 The 244 was purely conceptual,
3 and we knew that going in, and that's
4 also why we negotiated in certain
5 triggers. If the amount went above a
6 certain amount, we could obviously lobby
7 to adjust the schedule.

8 So I say that just to say that
9 where we are now with the 244 on the
10 conventional tunnel system because of
11 our new modeling data, the estimate is
12 higher because we had to extend the
13 tunnel twice as long as we originally
14 projected to get the additional volume,
15 and we had twice as many consolidation
16 sewers to be able to feed into that
17 longer tunnel.

18 On the SI system, the estimate
19 coming in around 317 essentially is what
20 is necessary to meet the 2 billion
21 gallon target. As I mentioned before,
22 we understand that those ambiguities
23 really need to be discussed with the
24 Regulators to determine is there a
25 volume below 2 billion gallons for a

1 Phase 1 that is required?

2 And when I say "Codefendants," I
3 just say that basically to say that I
4 don't think it's MSD's role to determine
5 what that new volume is going to be. I
6 think it's up to the Codefendants to
7 determine what that new volume is going
8 to be. And then whatever that new
9 volume is going to be, we can recommend
10 a suite of projects that would meet that
11 lower target. And, obviously, if it's
12 going to be a lower target, it's going
13 to reduce the cost associated with that.

14 COMMISSIONER HARTMANN:
15 Understood. I mean, so if we lower the
16 number and get that approved by the
17 Regulators, that, obviously, brings down
18 that \$317 million number.

19 MR. PARROTT: Absolutely.

20 COMMISSIONER HARTMANN: And I
21 think that -- if I can just paraphrase
22 what you're saying -- you don't view
23 that as your job, to deal with those
24 Regulators; that's really the County and
25 city's legal team to have that

1 discussion with the Regulators.

2 MR. PARROTT: Well, we have
3 discussions with the Regulators as it
4 relates to technical issues and
5 questions that they may have about any
6 project approach that we've had,
7 et cetera, et cetera. But when it comes
8 down to determining what is required
9 under the consent decree from a legal
10 standpoint, I see that the respective
11 counsels need to address that issue.

12 COMMISSIONER HARTMANN: Okay.
13 Thank you very much for that.

14 Commissioner Portune.

15 COMMISSIONER PORTUNE:

16 Mr. President, thank you.

17 Director, thank you for your
18 presentation and your work in answering
19 the questions that we have here today.
20 This is one of three more hearings that
21 were currently scheduled on the item.
22 We may, in fact, have more as we get
23 closer to the end on this.

24 I do think Mr. Young raises an
25 important point regarding the issue of

1 notice, to make certain that everybody's
2 input is heard on this. It's not to say
3 that there has not been a significant or
4 concerted effort on public notice, and
5 quite honestly, there's probably been
6 greater effort made to solicit the input
7 of the public on this project than on
8 most already.

9 So anything I would say regarding
10 notice is value added to already what
11 has been a pretty aggressive attempt to
12 invite the involvement of the public.

13 Though I would say that it's
14 largely been focused in the directly
15 affected Lower Mill Creek communities,
16 as opposed to us also reaching out to
17 the broader ratepaying opinions,
18 opinions of ratepayers district wide.
19 And I do know there are means in which
20 to do that, including something the City
21 does quite often, which is putting
22 notices, or flyers, in water bills, and
23 that makes sure that everybody who is
24 connected to this gets notice of things
25 and are directed to the right websites,

1 and the like, to voice opinions. And
2 that's important because, as
3 Commissioner Monzel began to allude to,
4 what we do here obviously affects what
5 is left to do elsewhere.

6 And Trustee Linnenberg, that was
7 his point, as well, to make certain that
8 we remain on budget at this stage, or
9 better yet, under budget at this stage
10 to ensure that there's enough money, if
11 at all, to get to other areas.

12 And so let me begin there,
13 because it is very important for us to
14 get this right the first time. To use
15 Commissioner Monzel's engineer's
16 language of "first-time yield," and it's
17 a good parameter for us to work within
18 on this for many reasons. Those include
19 the fact of risk, as Commissioner
20 Hartmann was voicing, because, as you
21 know, Director, we don't have a scenario
22 yet today in terms of these enforcement
23 actions where the requisite degree of
24 flexibility for local governments
25 exists.

1 For example, the one thing we've
2 been fighting so hard through our
3 coalition to accomplish is a change in
4 Federal policy that involves a showcase
5 community's program where EPA would on
6 an annual basis identify 15 or more
7 communities that are qualified to be
8 showcase communities that EPA and the
9 Department of Justice then works with
10 the partnership to empower, to try to
11 get sustainable infrastructure,
12 watershed management, adaptive
13 management practices, green
14 infrastructure done in ways that will
15 work and work well in an affordable and
16 acceptable way for those communities
17 where they're working hand-in-hand with
18 us as partners as opposed to what EPA's
19 vision of a showcase community's program
20 is, which is you simply showcase those
21 communities that they've approved to
22 date.

23 So if you have a scenario, for
24 example, where you're showcasing what's
25 been done and approved in Cleveland or

1 Kansas City or Los Angeles or Phoenix or
2 places like that, that actually is not a
3 showcase community's program, and, in
4 fact, that kind of an approach is at
5 odds with what we're trying to
6 accomplish on a national front.

7 So focusing on this issue of
8 first-time yield, as I understand this,
9 there's so many unknowns to date, and
10 that's what's concerning all of us. So
11 I'm troubled.

12 I know you said that we now have
13 installed within the past six weeks some
14 additional monitors, flow monitors, that
15 we're still collecting data from. I
16 think this is an issue that was
17 discussed going back well over a year
18 ago, and here we are in October and
19 we've got to make a decision by December
20 that if we get it wrong, we either have
21 to go to the other remedy or we incur
22 additional increased costs that no one
23 is able to quantify at this point.

24 So, you know, first of all,
25 how -- how quickly do you believe,

1 Director, that we are going to finally
2 get data, enough data and enough
3 reliable data, so that the alternative
4 that is recommended to us can be as
5 close to cost certain as we need it to
6 be in order to make an informed
7 decision? Because I'll tell you, I
8 don't feel like, you know, hearing
9 things like that, that we're still
10 collecting data that we are going to
11 rely upon, or as you said in your
12 opening statement that what's been
13 presented to us is not -- is likely not
14 going to be the final recommendation or
15 presentation.

16 We've got these questions about
17 2 billion gallons versus a lesser number
18 of gallons. And, of course, the budget
19 issue of 317 versus 244, and that is an
20 important number to us.

21 When will we get -- when will you
22 have enough data that -- that -- to a
23 reasonable degree of certainty that will
24 allow you to modify what has been
25 recommended to us so that we have before

1 us what we could reasonably interpret to
2 be a final recommendation that we then
3 have to make a decision on? Time is
4 running out.

5 Do you understand the question?

6 MR. PARROTT: Yes, I do.

7 COMMISSIONER PORTUNE: All right.

8 MR. PARROTT: The initial
9 response would be is, obviously, from an
10 MSD perspective, we've been operating
11 under the 2 billion gallon context. So
12 when we talk about time running out,
13 obviously, we need to know what that
14 target number is. If it's less than
15 2 billion gallons, we need to know that.
16 So that's number one, obviously. That's
17 going to set the stage for whatever
18 suite of projects that ultimately is
19 going to be moving forward, is going to
20 be based upon the target that is
21 established in the discussions with the
22 Regulators.

23 COMMISSIONER PORTUNE: But on
24 that point, Director, forgive the
25 interruption.

1 MR. PARROTT: Yes.

2 COMMISSIONER PORTUNE: It's true,
3 though, isn't it, that that target
4 number is directly dependent upon, in
5 most respects, data. And what the data
6 tells us is the actual flow. We missed
7 a whole year, in terms of flow
8 monitoring with respect to these
9 additional monitors. And as you know,
10 we have raised questions about the model
11 and monitoring going back several years.

12 So where -- I mean, and we're now
13 up against the gun. So at what point
14 do we have enough data to a degree of
15 certainty that we can address that
16 2 billion gallon number to know whether
17 that's the right number and its impact
18 on everything else we do?

19 MR. PARROTT: Well, the 2 billion
20 gallon number, essentially, from our
21 standpoint, is all really driven based
22 upon where we are with the updated model
23 information. I believe -- I think that
24 if you talk to your County team that's
25 been involved with the discussion with

1 the Regulators, obviously I think that
2 everyone believes that the new model
3 data is something that will support a
4 discussion regarding a lower volume
5 target.

6 So the model itself, from our
7 perspective, is a rational tool for us
8 to make the decision not only where we
9 end up with the volume target, it is a
10 rational tool, as the Regulators have
11 stated, to make a project decision,
12 whether it's an SI decision or whether
13 it's a tunnel decision.

14 The technical discussions that
15 we've had with the Regulators that
16 involve both the County team, the City
17 team, and MSD, the Regulators have said
18 that the model is a rational tool for
19 making a project decision.

20 So based on industry standards, I
21 would tell you that based upon those
22 discussions, I'm telling you that we do
23 have a rational tool with rational data
24 to make a project decision.

25 COMMISSIONER PORTUNE: Does that

1 mean if we're wrong, there will be no
2 penalty to us in terms of the
3 enforcement against us? Because I
4 haven't heard that from EPA.

5 MR. PARROTT: Commissioner
6 Portune, I'm not the counsel that's
7 talking to the legal counsel regarding
8 that particular issue. But I would say
9 that if we all are on board with the
10 model data, "we" being the Codefendants,
11 MSD, and the Regulators, as we have been
12 before with the model, I would say I
13 would suspect that I don't know how they
14 could come back and say, well, we're
15 going to penalize you for something that
16 we all agreed to. That would be my
17 position.

18 COMMISSIONER PORTUNE: well, I
19 guess all I'm saying is that there's a
20 distinction between something being a
21 rational tool and the EPA saying that
22 because you -- just because -- you
23 applied that rational tool, but you got
24 it wrong, then there are no consequences
25 to that. That's the kind of -- for

1 example, that's the kind of flexibility
2 that we're trying to get out of EPA
3 through this national process that
4 requires us all to be, sort of, pushing
5 in that direction to make sure that EPA
6 doesn't gain any comfort in going the
7 other way and not -- not moving toward
8 greater flexibility.

9 with respect to, Director, the
10 issue of sewer separation and the
11 development of storm sewers, and the
12 like, related to the -- and not just
13 storm sewers, but also just simply
14 separation out of the combined system,
15 but to the extent that additional storm
16 sewers are being constructed and that's
17 a part of the answer to this, I think
18 you said that 50 percent of the
19 alternative is being designed based upon
20 storm sewer separation; is that correct?

21 MR. PARROTT: I don't have the
22 exact figure in front of me. That would
23 be when we were trying to break it down
24 earlier. That's what I said.

25 COMMISSIONER PORTUNE: Okay. And

1 not that -- if it's 55 percent, or
2 that's relevant. I mean, I'm not trying
3 to hold you to a specific, but I'm
4 trying to get sort of an order of
5 magnitude of what we're talking about
6 with respect to storm sewer separation.
7 Because, as you know, the County has yet
8 to determine policies with respect to
9 any new separation sewers or systems
10 with respect to ownership and
11 maintenance of those systems. We don't
12 know yet on whose dime all that is going
13 to rest or to fall.

14 And so, you know, given that,
15 first of all, I want to make sure that
16 MSD understands that whatever it designs
17 and recommends, you are aware that
18 that's -- remains an open question.

19 MR. PARROTT: Relative to --

20 COMMISSIONER PORTUNE: Any new
21 storm separation sewers; who owns them,
22 who maintains them, whose cost, whose
23 dime that is.

24 MR. PARROTT: I understand that
25 that is a question. I know that it has

1 been a question. I guess my response
2 would be is that unless the Board
3 determines different, if there are new
4 storm sewers that MSD is paying for,
5 that is a reason why the Board changed
6 the state law three years ago to allow
7 that to happen, to mitigate a CSO
8 problem.

9 Ultimately, in terms of at least
10 maintenance of those, whether that's
11 MSD's responsibility or we do that
12 within a memorandum of understanding
13 with some other entity, the City
14 stormwater management utility,
15 et cetera, ultimately we understand that
16 it comes down to a policy decision.

17 But in terms of the issue of
18 creating separate storm sewers, that's
19 the reason why the Board changed the
20 state law three years ago to mitigate
21 CSO issues so we would stand ready to do
22 whatever the Board's policy is.

23 COMMISSIONER PORTUNE: Has MSD
24 calculated the cost, estimated cost to
25 operate and maintain those new systems

1 and any new SI, you know, sustainable
2 infrastructure system, including
3 separate storm separation sewers?

4 MR. PARROTT: The specifics I
5 don't have right in front of me, but it
6 is considered in the life cycle cost.
7 Analyses that your team has received
8 before relative to the SI approach or
9 the conventional tunnel approach, all of
10 that is in the life cycle cost analysis.

11 COMMISSIONER PORTUNE: Okay, so
12 just to be clear, any new storm sewers
13 that are constructed in this, the life
14 cycle costs include -- that we've
15 received -- include costs of maintenance
16 and operation of those.

17 MR. PARROTT: That is correct.

18 COMMISSIONER PORTUNE: Okay.

19 Have you factored into any of
20 this as well -- and I appreciate
21 Ms. Metz's comments that you can only
22 design what -- for current consent
23 decree requirements. In part, that's
24 true. But from our perspective as a
25 Board, obviously we've got to consider

1 big picture holistic issues,
2 comprehensive issues. We're well aware
3 of the fact that if there are new
4 regulations adopted and based upon the
5 national discussion, it's not at all
6 unlikely that there will be new EPA
7 regulations adopted down the road that
8 deal with a lot of the water quality
9 issues and the like.

10 Have the costs to potentially
11 treat -- I'm assuming the answer is no,
12 but -- but, I want to ask the question.
13 The cost to collect, control, treat any
14 of those waters that are then collected
15 into detention areas, collected by new
16 storm sewers, storm separation sewers
17 and the like, has any of that been
18 factored into the potential costs to
19 deal with increased costs of treatment
20 of any of that been factored into any of
21 the life cycle costs that we're dealing
22 with?

23 MR. PARROTT: I think the way I
24 would respond to that is, is that we've
25 designed the systems to provide water

1 quality features, not only within the
2 detention basin or the wetlands or the
3 valley conveyance system, but also
4 within the more conventional designs of
5 the stormwater catch basin systems with
6 the vortex control systems to remove
7 grit and solids from that.

8 But currently, under the -- I
9 guess you would say the EPA, or the
10 Phase 2 requirements -- it's more of a
11 BMP, best management practices, approach
12 to deal with removal of grit and solids.
13 But our design does include water
14 quality features to enhance water
15 quality.

16 Not knowing the crystal ball
17 10 years from now as to what may be
18 required, I think you're going to be
19 faced with that, whether you were
20 putting in a more conventional system or
21 a more sustainable system.

22 And to your point earlier, that's
23 the whole thing about the integrated
24 planning, to make sure that we can be
25 flexible and to make sure that we can

1 pick and choose locally what
2 regulators -- or what regulations we
3 want to address within our communities.

4 But I think this SI approach with
5 separating storm sewers, creating those
6 wetlands, creating those water quality
7 features gives you that flexibility to
8 adapt to whatever the future regulations
9 may require.

10 COMMISSIONER PORTUNE: Aside from
11 the vortex controls that you referenced,
12 are there any other water quality
13 control measures that you could
14 identify?

15 MR. PARROTT: Well, as I said, I
16 think within the valley conveyance
17 system, we can -- there's specific
18 responses that we've given, Mr. Portune,
19 in more depth on what is complete or
20 what's a part of the design features or
21 the water quality features within that.
22 So I don't have that specific document
23 in front of me, but the crosswalk will
24 kind of lead you to where we responded
25 to those questions in depth before.

1 But I do know specifically,
2 relative to the vortex system and the
3 water quality features that are a part
4 of the conveyance system and of the
5 wetlands, they are there to provide
6 water quality features in the SI
7 approach.

8 COMMISSIONER PORTUNE: I think in
9 view of the time, Mr. President, I'll
10 bring my questions to a close at that
11 point. There are other areas that I
12 know we want to get into at some of the
13 other hearings, but I'll save my
14 questions with respect to those other
15 items until that time.

16 Obviously, we want to get into
17 the area of -- with respect to
18 integrated planning and holistic
19 approaches. While at the end of the day
20 we all want better communities out of
21 this, it shouldn't all be on MSD's dime,
22 and I think we've got to get into the
23 details and the nuances of that as we
24 continue in our obligation to make sure
25 what we approve is affordable and does

1 not impact our ability to do the work
2 that we have to do elsewhere and in
3 other areas.

4 The only thing I would ask,
5 Director, is your commitment and your
6 assurance. This issue has come up in
7 the past in terms of the ability of the
8 County to get the County reps, our team,
9 the Monitor to get information in a
10 timely basis. You know, we are all on
11 the same team here, at least we hope
12 that we all are thinking that way. And
13 I just want your assurance that when
14 people on the County side of things or
15 the Monitor or Counsel have requests for
16 information, that you will see to it
17 personally that they get it immediately
18 without any question or interference or
19 delay, because we just don't have any
20 time.

21 MR. PARROTT: Commissioner, I
22 have not been advised by your
23 administration that there are any
24 complaints. So to my knowledge, that is
25 occurring.

1 COMMISSIONER PORTUNE: Okay. And
2 we have your commitment?

3 MR. PARROTT: Yes, you do.

4 COMMISSIONER PORTUNE: Thank you.

5 COMMISSIONER HARTMANN: Thank
6 you.

7 Just one comment I wanted to
8 make, Director Parrott, and that is I
9 commend your approach for this
10 alternative solution and the work
11 Commissioner Portune that the two of you
12 have done in Washington, because I think
13 that work -- I think that work reduces
14 risk in a way that we've got buy-in from
15 the EPA and the Regulators will know
16 that the work that we're doing, you
17 know, while on the front edge, you know,
18 is not just taking, you know, kind of a
19 1980's approach to this problem. I
20 think that work, you know, we want it to
21 show benefits right away, Commissioner
22 Portune, we want to show financial help
23 to these citizens that live in this
24 community that have to pay for this.
25 But I think that it's worth saying that

1 those efforts are well worth our time.

2 And really both Commissioner
3 Portune and you, Director Parrott,
4 should be commended for those efforts.
5 I think that it's going to lend itself
6 to, ultimately, a better solution.

7 And, also, my point on reduced
8 risk is that if we bring the EPA and the
9 Regulators along with us at the front
10 edge, then, you know, the Federal
11 government has probably done it before,
12 but left communities hanging. But I
13 think that that is a real benefit to
14 what we're trying to do here. So both
15 of you, thank you for those efforts.

16 And Commissioner Portune?

17 COMMISSIONER PORTUNE: well,
18 you're kind to say that. I'll just say
19 that we have made some progress.
20 Admittedly, when I was in Washington at
21 the end of July and been asked to
22 provide testimony to the -- with
23 Representative Gibbs' subcommittee on
24 this, did so again and acknowledged the
25 steps forward EPA has taken. But -- and

1 it's not an unimportant but to the
2 question -- they have taken some
3 positive steps forward, but there's
4 still a lot of work to do.

5 And EPA and the DOJ have not yet
6 evidenced their full support for the
7 kind of flexibility or additional
8 approaches that we need to have. And
9 they have one view of things. In fact,
10 I think they were very surprised that
11 anybody had any criticism of where they
12 were at the end of July, based upon the
13 steps that they have taken.

14 So it's very important, very
15 important, at this, what I would -- I
16 would say this is really the critical
17 stage of how that Federal policy
18 evolution will occur if it continues to
19 move in the direction of benefit for
20 communities like ours and the other
21 700-plus nationally that are in the
22 throes of these kind of enforcement
23 actions, or whether on the flip side we
24 get locked into where we are. And EPA
25 feels that they have moved only as far

1 as they need to go.

2 I think it's critically important
3 that we present in collaboration with
4 other communities an unwavering front
5 that what they've done is not enough.
6 And we just simply cannot -- you know,
7 now is probably the worst time ever for
8 there to be any sort of rift in terms of
9 the progress that we've made or
10 separation in that progress where
11 somehow the agency is led to believe
12 that what they've done is all that needs
13 to be done. That for -- and the things
14 that they've approved with Kansas City,
15 for example, or Cleveland, Philadelphia,
16 that's all great stuff. And what those
17 communities have done is wonderful and
18 should be showcased. But it came after
19 years of hard work and the expenditure
20 of tens of millions of dollars. And not
21 everybody has that money or that time to
22 be able to do that. And those dollars
23 are ratepayer dollars.

24 I mean, even today, what we have
25 today, even with the reduced costs,

1 sustainable infrastructure how this is
2 budgeting out to the end of the whole
3 program, I don't see how it's -- it's
4 not affordable. The kind of rate
5 increases that we're talking about for
6 our individual ratepayers, for
7 businesses, it's not affordable, period.

8 And if nothing else changes, if
9 we get this approved, I worry very, very
10 seriously about the ability of our
11 ratepayers to sustain the costs of this
12 from today to end. I don't think it's
13 doable without doing serious harm to
14 Hamilton County in terms of retaining
15 businesses and population.

16 So thank you for your kind words,
17 but there probably couldn't be a more
18 critical time in the work that we have
19 done than right now.

20 Thank you.

21 COMMISSIONER HARTMANN: Thank you
22 for that.

23 Commissioner Monzel.

24 COMMISSIONER MONZEL: Thank you,
25 Mr. President.

1 Just one closing comment, and
2 this is, again, going with some of my
3 engineering terms. We have things
4 called CTQs, Critical-to-Quality. And I
5 think we've set out today the CTQs that
6 we're looking at in regards to this
7 project: And that is works the first
8 time, it keeps working for more than
9 50 years, that we require no major extra
10 costs at the inception or later on, and
11 that it has a reasonable operation and
12 maintenance costs.

13 I think that's the direction we
14 want to go, and we appreciate you
15 answering the questions today,
16 Mr. Director, on those -- on those
17 topics. I know we have a few more
18 hearings to go on it.

19 But I think that we need to, as
20 Mr. Portune said, you know, do
21 everything possible to keep the costs
22 low for our ratepayers, because this
23 project could be one that will really
24 either keep Hamilton County going and
25 prospering, or not.

1 So thank you very much for your
2 time today.

3 COMMISSIONER HARTMANN: Thank
4 you, Commissioner Monzel.

5 Thank you, Director Parrott, for
6 being here today.

7 And that concludes our agenda and
8 meeting for today. I'll officially
9 close the public hearing and move that
10 we adjourn.

11 COMMISSIONER MONZEL: Second.

12 MS. PANIOTO: Commissioner
13 Hartmann?

14 COMMISSIONER HARTMANN: Yes.

15 MS. PANIOTO: Commissioner
16 Monzel?

17 COMMISSIONER MONZEL: Yes.

18 MS. PANIOTO: Commissioner
19 Portune?

20 COMMISSIONER PORTUNE: Yes.

21 (This concludes the Hearing to
22 consider the Lick Run Alternative.)
23
24
25

1 CERTIFICATE

2 I, COLLEEN R. O'CONNELL, the
3 undersigned, a Registered Merit Reporter for the
4 Hamilton County Court of Common Pleas, do hereby
5 certify that at the same time and place stated
6 herein, I recorded in stenotype and thereafter
7 transcribed the within 93 pages and that the
8 foregoing Transcript of Proceedings is a true,
9 complete, and accurate transcript of my said
10 stenotype notes.

11 IN WITNESS WHEREOF, I hereunto set my
12 hand this 8th day of November, 2012.

13
14 _____
15 Colleen R. O'Connell
16 Registered Merit Reporter
17 Court of Common Pleas
18 Hamilton County, Ohio
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