



PROJECT GROUNDWORK  
your pipeline to clean water

# Responses to Questions Submitted at Lower Mill Creek Town Hall Meetings

On August 16, 2012 and August 23, 2012, MSD held town hall meetings to provide information and receive comments on the Lower Mill Creek Partial Remedy. Meeting attendees were given the option to provide questions and comments either verbally or in writing. Below are the questions posed during these meetings verbally as well as submitted in writing. Following each question is clarification from MSD to offer additional insights and provide accurate information.

## **Questions submitted orally during August 16, 2012 Town Hall**

**I'd like the County and the City to clarify, after the 2018 lapse of the original 50-year provision, who is going to be the owner of the bonds?**

The County issued the bonds, which are backed by Metropolitan Sewer District of Greater Cincinnati (MSD) revenues. Any change in the structure of a future agreement would have to include decisions about paying off the bonds. However, the revenue from the rate payers is what pays off the bonds regardless.

## **Questions submitted in writing during August 16, 2012 Town Hall**

**Since the fecal coliform standard cannot be met because the level is already too high at the northern border of the district, is the central government EPA and Ohio EPA putting requirements on the Butler County Area to lower fecal coliform passed on to us?**

MSD cannot speak for other jurisdictions; however, all regulated waters in the United States are subject to the federal Clean Water Act. With regard to the Mill Creek, the key point to remember is that water quality is impacted by a broad range of sources including point source discharges (such as CSOs, which are being addressed by the Consent Decree) as well as non-point source contributors such as runoff from roadways, rooftops, and other impervious areas.

It is also important to note that exceedance of water quality standards under specific circumstances (such as historic or significant rainfall events) does not mean that water quality standards are exceeded at all times, nor are these events an indication that overall improvements in water quality have not been made.

Protecting the health of the Mill Creek requires action on the part of everyone in the watershed since everyone is a contributor to its challenges. In addition to our efforts to address CSOs, MSD has created partnerships with a broad range of organizations and agencies focused on water quality protection to support programs that ensure impacts on the health of Mill Creek are addressed as broadly as possible.

The Ohio EPA (OEPA) has stated that there is a Total Maximum

Daily Load (TMDL) in place for Mill Creek, and some of the improvements that have been seen are a result of surrounding communities either complying with National Pollutant Discharge Elimination System (NPDES) permit requirements or working on non-point source/habitat issues.

OEPA further states, "There is still a long way to go to bring the stream into attainment, and additional Watershed Action Plan work is being done. Eliminating CSOs certainly will improve water quality, but even in watersheds without CSOs, there are still bacteria exceedances of water quality standards. These bacteria exceedances usually occur after precipitation events. We have plenty of examples of that happening in the Mad River upstream from Springfield, the Little Miami River, Stillwater River, upper Great Miami and middle Great Miami, and many other streams throughout the state. Bacteria sources can be from wildlife, domestic animals, failing on-site systems or leaky sewer lines. Eliminating the CSOs will not completely eliminate the bacteria issues. Other sources will need to be addressed and the Watershed Action Plan should include some of those remedies."

**What isn't clear is where the funding is coming from to pay for either the tunnel or the sustainable/hybrid solution?**

MSD is keenly aware of the financial impacts to its ratepayers of achieving compliance with the federal Consent Decree, particularly given the current economic climate, and MSD is committed to finding the best and lowest cost solution to fulfill the federal mandate.

MSD ratepayers will bear much of the cost regardless of what solution is recommended to the Regulators; however, MSD is looking at available funding assistance from federal and state sources to relieve ratepayer cost where possible. Cost has always been a consideration and is in large part why MSD negotiated with the Regulators for the opportunity to pursue sustainable or other cost-effective alternatives rather than simply accepting the default tunnel without additional study.

**Or exactly when will the community have the opportunity to actually plan how to repurpose land purchased to naturalize the creek?**

This response assumes the question refers to the Kings Run watershed. MSD held an initial Open House in Kings Run and two other watersheds to gather community input on the preliminary

sustainable concept. The planning for additional sustainable infrastructure components around naturalized conveyance systems for other watersheds within the Lower Mill Creek, such as Kings Run, would occur following selection by policymakers of a path that will be advanced (sustainable or grey).

MSD conducted the Community Design Workshop for Lick Run following open houses because that watershed represents the single largest opportunity for CSO reduction. The preliminary process of community engagement has begun in other watersheds, including meetings with key community stakeholders and watershed open houses. Following selection of the preferred path forward by policy makers, additional Community Design Workshops will proceed in the other watersheds, including Kings Run, to gain community input into specific solutions.

### **Questions submitted orally during August 23, 2012 Town Hall**

**My question is, since stormwater services is the lion's share of my residential water bill, by far, how much more will either of these projects cost a homeowner?**

Just as clarification, stormwater service, water service, and wastewater service are all funded under separate enterprise funds. MSD is keenly aware of the financial impacts to its ratepayers of achieving compliance with the federal Consent Decree, particularly given the current economic climate, and is committed to finding the best and lowest cost solution to fulfill the federal mandate.

While it is true that MSD ratepayers will bear much of the cost regardless of which solution is recommended to the policy makers, cost has always been a consideration and is in large part why MSD negotiated with USEPA the opportunity to pursue the sustainable alternative rather than simply accepting the default tunnel without additional study. Unfortunately, it is impossible to provide the cost to each ratepayer until the Regulators have approved a solution. MSD is also looking at available funding assistance from federal and state sources to relieve ratepayer cost where possible.

**My second question is, how is industry and business being prorated for their use of the same system?**

MSD's rates are based on the volume of wastewater contributed to the system, therefore business and industry pay a much greater cost for the service they receive because they contribute a much greater volume to the system.

**Mr. Parrott spoke of the 2% of the median income as some kind of indicator as to the economic burden. He did not say where we are now with respect to that 2%. I would like to know what that is.**

Median household income is but one of many financial and "affordability" indicators used to determine the financial burden upon a community for purposes of CSO-program scheduling. MSD has not performed additional analysis in this area because the Lower Mill Creek Partial Remedy (LMCPR) project already has a project schedule under Phase 1 of the Final Wet Weather Improvement Plan (WWIP).

**I think Mr. Portune mentioned a \$3.5 billion cost—I'm not sure if that's a capital cost—but I'd like to know where we are with respect to the \$1.5 billion capital cost, Section 9 of this Consent Decree.**

The Final WWIP fulfills the schedule requirements of the Consent

Decree, including Section 9, per the federal court's approval of the Final WWIP in August 2010. MSD reports to the Regulators on a quarterly basis regarding in-progress and completed projects. Costs for the WWIP are reconciled on an annual basis. Through December 2011, MSD's investment in WWIP projects totaled \$563,841,479.

### **Questions submitted in writing during August 23, 2012 Town Hall**

**What is the average rain event design for Gray Road landfill retention?**

The design being used for the proposed Gray Road landfill detention basin (Pond 4) is based on the City of Cincinnati Stormwater Management Utility (SMU) Rules and Regulations, Section 2.5: "The peak rate of runoff from an area after development shall not exceed the peak rate of runoff from the same area before development for the 2-, 10-, 25-, and 100-year frequency, 24-hour storm."

**Are there plans for impervious roadway replacement in College Hill?**

Roadways are not managed by MSD; impervious roadway replacement is an option for consideration of the Cincinnati Department of Transportation (CDOTE) or the Hamilton County Engineer's Office. However, there are opportunities for what you are suggesting, and MSD is working with decision-makers to encourage incorporation of such practices that would detain or reduce flow from entering the combined sewer system.

**Since the coliform spike is at CSO 217, how come there is not more investment or attention to mitigating this?**

There are more than 100 CSOs within the Mill Creek watershed, and MSD is dedicating significant investment and attention toward mitigating the bacteria impacts of CSOs across the watershed.

With regard to CSO 217, part of the watershed solution is to incorporate the proposed stormwater detention and separation measures upstream of this outfall that will result in reduction of overflows at CSO 217. Additional reduction to meet the CSO mitigation target required by the Consent Decree is anticipated to be accomplished with a 1.5-million-gallon storage tank at CSO 217.

**Will there be MSD answers to the written questions online?**

Yes.

**Do you anticipate people leaving the district as a result of higher rates?**

While there is no accurate way to predict behavior, MSD is confident that the quality of life issues associated with water quality protection and sustainable green infrastructure will continue to make Hamilton County and Cincinnati an attractive place for families and businesses to call home. It is also worth noting that regulatory mandates and aging infrastructure are placing a financial burden on communities across the country, so our community is not alone in its need to fund these improvements.

**The sustainable illustration for Phase 1 accomplishes more benefits for lower costs. Could still lower cost be possible and achieve adequate benefits, including the two billion gallon reduction?**

Finding ways to reduce the cost estimates will be a continual process regardless of what solution is approved by the Regulators.

**With lessons from past cost estimates where contingencies were insufficient to cover each next iteration, has the percentage for contingencies been increased so that decisions are based on a better estimate of total cost?**

MSD's experience to date in implementing the WWIP is that projects are on time and under budget. Cost estimating is always a complex process, and it becomes even more challenging in an economic climate like the one we're currently experiencing, where labor and materials fluctuate regularly based on market conditions.

Contingencies have been developed for this project following careful review of actual completed projects and costs, thus increasing our confidence in this projection. Contingencies are an important part of the process, and just as on every project, MSD will work to ensure estimates are as accurate as reasonable.

**Are external costs similar for the grey and sustainable solution illustrations, e.g., adjacent land owner watershed maintenance of infiltration rates in their property?**

No, external costs for grey and sustainable solutions are not similar because they are entirely different approaches.

**How much will each plan cost a Hamilton County homeowner annually and for how long?**

Unfortunately, it is impossible to provide the cost to each ratepayer until the Regulators have approved a solution. MSD is also looking at available funding assistance from federal and state sources to relieve ratepayer cost where possible.

**What will a Hamilton County homeowner get in return?**

Achieving compliance with the federal Consent Decree provides many benefits, including greater protection of public health from CSOs, a reduction in the number of sewage-in-basement backups, improved water quality in area waterways used for recreational purposes, replacement of aging infrastructure that, in many cases, has served the community for more than 100 years, and overall quality of life.

In addition, there are benefits for the entire community because of the positive impacts to the Ohio River, which represents significant economic value to Hamilton County and the region. Investments in wet weather reduction such as addressing CSOs lead to greater enhancement of our natural resources, which in turn supports the economic engine for the area. It is also important to note that not meeting the Consent Decree could result in significant financial penalties that would impact ratepayers with no return on their investment.

**How will land use changes require future commercial development to be responsible to their water injuries?**

Assuming "water injuries" refers to stormwater runoff contributed by development of impervious surfaces such as roadways and rooftops, these are not regulated by MSD. However, the local Stormwater District or Stormwater Utility has policies in place that impose stormwater fees based on the amount of stormwater contributed. This means any new development would be responsible for their impact. Policies also stipulate that additional development must address stormwater detention on-site so as to not cause additional runoff following commercial development.

**Who will bear the percentage of the high costs, initially and long-term, of this project? What percentage of costs will residential customers carry? Who are the developers that this will benefit and what will they pay? And what percentage will be picked up by industrial use in the region?**

All MSD customers will bear a portion of the cost, based on their service needs. Currently, more than 65% of the user charge revenue comes from residential and multi-family customers who make up 93% of the total customer base (figures cited from the Comprehensive Wastewater Rate Study Final Report, December 2011; these figures change as our users and their water usage changes).

Policies governing development in one area are the same as with any portion of the MSD service area, which require developers to pay a tap-in fee upfront that is based on the size water meter their development will need. The correlation is that water meter size equates to the volume of wastewater that the development will contribute to the sanitary sewer system. These tap-in fees ensure that large users of the system, such as development, contribute proportionally to the greater impact they have on MSD facilities that are used to convey and treat wastewater. In addition, developers are assessed permit and inspection fees.

**Please let us know who to contact at OEPA and USEPA to provide feedback to those agencies.**

All of the feedback being provided to MSD will be compiled into a report that will be submitted to USEPA and OEPA.

**Need More Information?**

Visit [www.projectgroundwork.org/lowermillcreek](http://www.projectgroundwork.org/lowermillcreek)

Contact the **MSD Engineering Customer Service Line** at **(513) 557-3594** or **MSD.Communications@cincinnati-oh.gov**