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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 1 of 4*  
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15 County Administration Building  
16 Sixth Floor  
17 Cincinnati, Ohio 45202  
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21 wednesday, September 26, 2012

22 12:12 p.m.  
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1                   COMMISSIONER HARTMANN: Let's now  
2                   move to the hearing on the Lick Run  
3                   Alternative.

4                   And I will, at this point, open  
5                   that hearing to consider the Lick Run  
6                   Alternative.

7                   I've got a number of speakers'  
8                   cards. I thought a way of process, it  
9                   might make sense for us to hear from the  
10                  Metropolitan Sewer District first on  
11                  what recommendations they've made to us,  
12                  the Hamilton County Commissioners, on  
13                  their strategy to adopt, then hear from  
14                  our Monitor on his assessment of the  
15                  risks associated with these  
16                  recommendations, then time for public  
17                  comment. And then after that, time for  
18                  additional Board questions and  
19                  commentary.

20                  So at this point, I will call  
21                  forward MSD to make a presentation and  
22                  respond with their recommended LMCPR,  
23                  otherwise known as Lick Run.

24                  MR. PARROTT: Good morning,  
25                  Commissioners.

1                   My name is Tony Parrott, director  
2                   of the Metropolitan Sewer District.

3                   This is a public hearing that is  
4                   about the Lower Mill Creek Partial  
5                   Remedy that has a requirement under the  
6                   Federal consent decree.

7                   As you know, we've had two  
8                   previous town hall meetings, and we have  
9                   received feedback from that -- those  
10                  town hall discussions that we have  
11                  provided to the Board. And today is a  
12                  conversation about where we are in terms  
13                  of the Partial Remedy.

14                  And why we're here at today's  
15                  agenda, like I said, is a conversation  
16                  to talk about why we are here, how we  
17                  got to this point on making a  
18                  recommendation, and talk a little bit  
19                  about the Lower Mill Creek Study and the  
20                  alternatives, and talk about the  
21                  relevant criteria and next steps.

22                  The alternatives that we looked  
23                  at under this, obviously, the  
24                  alternative must conform first and  
25                  foremost with the EPA requirements and

1           because the Regulators must approve any  
2           alternative. If it doesn't meet those  
3           requirements, the EPA can't approve it.

4                       MSD understands that there are  
5           ambiguities involved relative to any  
6           additional legal issues or schedule  
7           issues or budget issues that the  
8           Codefendants in this case need to be  
9           vetting with the Regulators with their  
10          respective counsel. But MSD stands  
11          positioned to assist in those  
12          discussions as we go forward.

13                      So the context of our study and  
14          the context of our recommendation is  
15          based upon the factual requirements,  
16          which is a Lower Mill Creek Partial  
17          Remedy that requires 2 billion gallons  
18          of CSO reductions.

19                      As I mentioned before in our  
20          discussions since April, we've been on  
21          this track since 2004 with the submittal  
22          of our long-term control plan; in 2006,  
23          the development of our conceptual  
24          outline for a Wet Weather Improvement  
25          Plan, which was us walking down the path

1 with the codefendants, to include the  
2 inclusion of green infrastructure as a  
3 part of our conceptual outline and with  
4 policy direction to move forward with  
5 that.

6 The original submittal was  
7 rejected by the Regulators because they  
8 wanted to see significant volume  
9 reduction, and they wanted to see a  
10 retool of wet weather strategy as it  
11 relates to the sustainable  
12 infrastructure.

13 Because of that, the County had  
14 to pursue state law changes to allow a  
15 sanitary district to spend sanitary  
16 funds on public or private property to  
17 build stormwater improvements to  
18 assist -- or mitigate -- assist with the  
19 mitigation of the combined sewer  
20 overflows.

21 The study itself, there was a  
22 three-year period that was negotiated  
23 because there was a lot of anxiety about  
24 a preferred alternative that was  
25 identified by the Regulators. And one

1 alternative was a deep tunnel system.  
2 And because of that anxiety of the  
3 original costs, we asked for a  
4 three-year study period to come up with  
5 an alternative, and that alternative  
6 would be more of a sustainable  
7 alternative. And a three-year period,  
8 as I mentioned, also was built around  
9 some other concessions that were  
10 negotiated in that would allow for  
11 ambiguities or discussion of ambiguities  
12 relative to the budget, schedule,  
13 affordability, et cetera.

14 Our study is concluded, and we've  
15 looked at the Grey Alternative versus a  
16 more sustainable alternative. I  
17 mentioned that the Grey Alternative  
18 actually, because of the new modeling  
19 information, is actually double the size  
20 that it was originally -- the original  
21 concept. And so the estimate for that  
22 is approximately \$537 million. The more  
23 sustainable approach, the estimate is  
24 approximately \$317 million.

25 The alternatives that we looked

1 at both achieved the 2 billion gallon  
2 CSO reduction that is required under the  
3 WWIP. And when we looked at this study  
4 and we looked at making this  
5 recommendation, it's also grounded in  
6 compliance with the policy that the  
7 Commissioners just passed in July about  
8 the cost control with wastewater -- with  
9 the wet weather improvement estimates.

10 other relevant criteria that we  
11 looked at that are grounded in not only  
12 policy consideration in terms of  
13 compliance and conformance relative to  
14 the State and Federal laws: The USEPA  
15 sustainable guidance document, and the  
16 integrated policy framework documents,  
17 and County policy direction.

18 we also looked at cost relative  
19 to capital, O&M, and life cycle, and  
20 also benefits relative to not only the  
21 ratepayers, but improvement of water  
22 quality, flexibility as it relates to  
23 future conditions or future regulations,  
24 and there's been a lot of talk about  
25 risk in terms of level of certainty,

1           whether it be cost certainty or whether  
2           it be flooding controls or performance  
3           certainty.

4                         And for the record, as it relates  
5           to risk, we had a lot of dialogue about  
6           risk, and I do want to enter into a  
7           record a crosswalk for the Board's  
8           consideration of all the risk issues and  
9           all of their risk dialogue that we've  
10          had, not only with the County team, but  
11          also with the Regulators, and the  
12          documents that you have received from  
13          MSD recently and previously that address  
14          several risks.

15                        So, for the record, I do want to  
16          enter the crosswalks so you can kind of  
17          research on your own how we responded to  
18          the risk questions before.

19                        So our recommendation, based upon  
20          the -- you know, even though this  
21          presentation is more of a conversation,  
22          we do have a recommendation document.  
23          That recommendation document has been  
24          provided to the Codefendants. It is  
25          available on our website with all the



1 detail associated around the  
2 recommendation as itself.

3 But our recommendation really is  
4 to take the alternative that is  
5 identified as a sustainable alternative.  
6 Again, it achieves the 2 billion gallon  
7 CSO reduction that's required under the  
8 WWIP.

9 And, quickly, it's work under the  
10 sustainable alternative that includes  
11 work in the Lick Run watershed, the  
12 Wooden Shoe watershed, the West Fork  
13 watershed, Bloody Run watershed, and we  
14 also are getting volume that -- volume  
15 reduction from -- for RTC units, Real  
16 Time Control units. And so you can see  
17 that this is achieving to go to the  
18 2 billion gallon reduction.

19 It is the lowest cost option that  
20 we've looked at under the context of a  
21 2 billion gallon reduction. Obviously,  
22 it is not any type of final offer or  
23 recommendation, other than because of  
24 the ambiguity issues that the  
25 codefendants need to walk through or

1 talk through, but based upon the factual  
2 requirement of a 2 billion gallon  
3 reduction, this would be the  
4 recommendation.

5 Last week I had an opportunity to  
6 have a discussion in Washington at the  
7 White House with USEPA Administration  
8 and the White House Council on  
9 Environmental Quality and members from  
10 other seven -- seven major cities across  
11 the country to talk about what does a  
12 sustainable approach accomplish. And  
13 one of the things is, is that -- with a  
14 theme -- is that a sustainable approach  
15 gives you a solution that brings your  
16 historical water bill above surface.  
17 Previously, it had all of our water  
18 wealth was below ground. And we will be  
19 able to bring it to a surface to create  
20 a resource for the community to benefit  
21 from.

22 But first and foremost, this  
23 approach complies with the 2 billion  
24 gallon consent decree target, provides  
25 the lowest cost solution, utilizes

1 stormwater as a resource, which really  
2 transcends to sustainability, creates a  
3 new class of green jobs. A more  
4 conventional or tunnel approach has  
5 about -- most of those jobs --  
6 25 percent of the jobs would be local,  
7 whereas under a green-class program or a  
8 green-class approach or a sustainable  
9 approach, 50 percent of the jobs would  
10 be local jobs. Solution would improve  
11 water quality, and offers a potential to  
12 leverage private side actions.

13 Our recommendation in terms of  
14 relative criteria from a policy  
15 perspective: It complies, again, with  
16 the requirements of the WWIP -- Wet  
17 Weather Improvement Plan -- the U.S.  
18 guidance document that they have been  
19 vetting with us for at least 18 months,  
20 about what they are going to use to  
21 review an alternative submittal, and the  
22 previous resolution regarding cost  
23 control from the County and the State  
24 and Federal laws regarding flood control  
25 and stormwater management, and the USEPA

1 integration and sustainable policies.

2 There's been a lot of talk about  
3 costs. The cost industry standard -- or  
4 the industry standards that we followed  
5 in terms of protocol are listed on this  
6 document in terms of the protocols and  
7 the different standards that we use for  
8 developing our tool. Our tool is not  
9 only being used with this, but in  
10 previous wet weather projects that we've  
11 done. So far we've done 88 wet weather  
12 improvement projects. All of those  
13 projects have come in under budget. And  
14 we've spent time over the last six to  
15 eight weeks not only vetting the  
16 technical issues, but the costing issues  
17 and the modeling issues for both the  
18 tunnel option and the sustainable option  
19 with the Regulators on weekly conference  
20 calls.

21 And the Regulators have indicated  
22 that they have no significant -- see no  
23 significant red flags relative to our  
24 technical approach on modeling or our  
25 costing approach on the alternatives.

1           So when you think about relative  
2           criteria, here is how it breaks down  
3           from a capital perspective: The capital  
4           costs for the recommendation for the  
5           sustainable alternative is 40 percent  
6           lower than the Grey Alternative. The  
7           life cycle cost is 42 percent lower, and  
8           from a unit cost perspective, it's  
9           16 cents versus 24 cents.

10           There's been a lot of talk about  
11           risk, and, like I said, I do want to  
12           enter the crosswalk document in the  
13           record so you can understand where we've  
14           been with risk, but we've looked at risk  
15           in flooding, cost certainty, performance  
16           certainty, and operation and  
17           maintenance. And all of these risks are  
18           discussed also in our MSD recommendation  
19           report, and so you should be able to --  
20           be able to track how we responded to  
21           those specific risk issues as they have  
22           come forward.

23           From a benefits perspective, as I  
24           mentioned, the lower capital costs  
25           achieving multiple of those, provides

1 flexibility for future Phase 2. Because  
2 this is a Partial Remedy, ultimately we  
3 have to put forth a final remedy. And  
4 it provides time to address issues of  
5 future regulations.

6 And one of the things that is not  
7 only being talked about across the  
8 country, but conversation we need to  
9 have locally, is the discussion about  
10 ratepayer equity. This is a wet weather  
11 issue, and so we need to be talking  
12 about what does it cost to provide the  
13 true cost of service to provide  
14 stormwater service. And so that is  
15 something that we need to continue to  
16 talk about as we move forward.

17 So conclusions: The  
18 recommendations that we're bringing  
19 forth, based on the 2 billion gallon  
20 removal context, is the lowest cost and  
21 the lowest risk. It is supported and  
22 vetted with the Regulators. As I  
23 mentioned, we've had weekly conference  
24 calls since the third week of July with  
25 the Regulators to walk through these

1 issues, both with the Grey Alternative  
2 and the Sustainable Alternative on  
3 modeling and all the technical  
4 approaches and the costing with no red  
5 flags being identified.

6 There's opportunities for  
7 external funding partners. And one  
8 benefit that, you know, we would like to  
9 talk about, or at least recognize, is  
10 that it will increase the base flow to  
11 the existing tributaries and streams,  
12 improving the aquatic life of those  
13 streams, and it is the best solution to  
14 achieve relevant criteria, and of course  
15 gives us a flexibility to adapt to  
16 future conditions, whether those  
17 conditions be economic, whether they be  
18 regulatory, whether they be climatic, or  
19 whether they be issues that are driven  
20 by development or redevelopment.

21 So in terms of next steps, the  
22 public comment period, the Board has set  
23 to run through October with these public  
24 hearings, and the Codefendants are going  
25 to have to make a decision at some point

1 to give us direction on where we're  
2 going so we can make our submittal.

3 Again, we recognize that there  
4 are ambiguities that still need to be  
5 vetted by the Codefendants and their  
6 respective legal counsel, and MSD stands  
7 ready to assist in any of those  
8 discussions.

9 We need to be ready to draft a  
10 Lower Mill Creek Partial Remedy report  
11 in November, and also submit our CIP for  
12 the Board's approval in November. And  
13 we need to be able to get the Partial  
14 Remedy submittal to the Regulators by  
15 the end of December.

16 And as we do that, given that we  
17 move forward with approval with the  
18 alternative, we can start to continue  
19 our flow of monitoring program as we  
20 move more into detailed design for the  
21 alternatives, and that will be  
22 beneficial to the design of the project,  
23 and also the postconstruction monitoring  
24 of the project.

25 So with that, Commissioner, that



1 is my recommendation.

2 COMMISSIONER HARTMANN: Thank you  
3 very much, Tony. Thank you for that  
4 report and for your work on this  
5 process.

6 Let's hear at this point from the  
7 County Monitor on the risks and some  
8 preliminary reactions to the  
9 recommendation.

10 I'll give one preliminary  
11 reaction from me, and that is that I was  
12 surprised to not see an option at  
13 \$244 million that related to  
14 1.78 billion gallons. So there's going  
15 to have to be a lot of convincing done  
16 to me to exceed that, what I saw as a  
17 ceiling to this project. But I'm sure  
18 that there's plenty of time for us to  
19 engage in those discussions.

20 So we'll hear now from the County  
21 Monitor.

22 MR. SIGMAN: Mr. President, if I  
23 could introduce the County team and the  
24 frame and how the conversations have  
25 been going for many, many months and

1 where they'll go in the future.

2 The County team is -- we don't  
3 have the benefit of 600-plus expertise  
4 in the sewer district to help us through  
5 this effort, but we do have a very  
6 capable monitoring team, we call it, is  
7 the firm of Plante Moran, assisted by  
8 Hatch, MacDonald, I think the best  
9 tumbling firm in the country, as well as  
10 our legal counsel in the prosecutor's  
11 office, and with Vorys.

12 Blake Roe will be making the  
13 presentation today from Plante Moran. I  
14 think it's important to note that MSD  
15 and this policy body have developed  
16 really a great body of work and  
17 expertise, both in the technical aspects  
18 of running a sewer system and responding  
19 to these types of regulatory matters,  
20 but more importantly on the policy  
21 forefront of what Commissioner Portune  
22 is doing in Washington, and other areas,  
23 to gain relief in this area.

24 The monitoring team -- legal,  
25 technical, and policy -- have been

1 working with MSD for well over a year,  
2 hand-in-hand, working through many of  
3 these technical aspects of what's being  
4 presented today, and that work will  
5 continue in the coming weeks and months,  
6 especially as it relates to working with  
7 the Regulators to get relief on the  
8 \$2 billion threshold, which could have a  
9 significant impact on this project.

10 We will continue to support the  
11 efforts of the Commission and the  
12 regulatory relief in Washington.

13 And with that, Blake's comments  
14 today will be in the areas of how the  
15 inquiries will continue on various  
16 technical fronts to help us all make the  
17 best decision as we approach December.

18 MR. ROE: Thank you, sir.

19 So I do have -- the County  
20 requested that we generate in very  
21 concise lists of risks related to  
22 potential SI heavily-weighted approach.  
23 So I'm going to pass that out now. You  
24 can just pass it down. Everybody should  
25 have a copy.

1                   It's September, so the kids are  
2                   back in school, so all of us parents  
3                   know what that means; we're all getting  
4                   colds that the kids are bringing home,  
5                   so I apologize in advance. If I'm not  
6                   clear, please let me know. I'll  
7                   probably read from my notes a little  
8                   more than usual so that I can slow it  
9                   down and enunciate with the throat and  
10                  the head thing.

11                  So as the Board is aware, the  
12                  primary role of a monitor is to address  
13                  risk. Our work should not be considered  
14                  personal at any level. Our team is not  
15                  biased towards one solution over  
16                  another. If MSD were bringing forth a  
17                  tunnel option, we would have a list of  
18                  risks related to a tunnel option in  
19                  front of you, so --

20                  Just to get that on the table,  
21                  our role is to make sure that the Board  
22                  fully understands all the issues and the  
23                  risks to enable you to make an informed  
24                  decision on a risk base in a very  
25                  business-like approach, as you've

1 requested.

2 Before we get into the details, I  
3 feel compelled to let you know that  
4 outside of MSD, our monitoring team is  
5 probably the closest -- the closest  
6 folks to the actual people over at MSD  
7 that are doing the work. And you've got  
8 a large team of very dedicated,  
9 hard-working folks over there all  
10 focused on the LMCPR.

11 Related to the recommendations in  
12 particular, none of these concerns are  
13 new to the County team nor MSD. They've  
14 been discussed in great detail on  
15 numerous occasions. As recently as last  
16 week, MSD sent over to the County  
17 responses and new information related to  
18 many of the items. So to date, some  
19 risks and concerns have been addressed  
20 by MSD to the County team's satisfaction  
21 and have been removed from what would  
22 have been on this attached listing. The  
23 ones that remain represent the most  
24 significant items that are still under  
25 discussion for the two teams.

1           Some of these potential risks may  
2           not have an answer by the end of the  
3           hearing process, I would anticipate, but  
4           I'm sure that the County team, including  
5           the Monitor, with the help of MSD,  
6           should be able to articulate the risks  
7           for your consideration.

8           You may find that some of these  
9           items listed may contribute to  
10          uncertainty in your mind, and others you  
11          may not. So I don't want to go through  
12          these in great detail, so I'll try and  
13          do it for all of you. Please slow me  
14          down or stop me if you want more detail.  
15          Once again, we were asked to present a  
16          very concise list.

17          The first three items on the  
18          list -- there's, I believe,  
19          13 involved -- while they are all  
20          different, they focus on the same  
21          overriding risk. How certain is it that  
22          the projects in the program will perform  
23          at the costs currently quoted, given  
24          what appears to be potentially  
25          significant gaps in supporting data.



1 are absolutely correct; however, the  
2 Board may wish to receive more  
3 information supporting the underlying  
4 assumption before formally approving.

5 I would assume it's very likely  
6 that this information would have to be  
7 in the form of data from other  
8 communities requiring similar type  
9 separation projects, as the data  
10 currently doesn't exist locally.

11 Item 2 relates to the fact that  
12 recently the EPA suggested in writing  
13 that, you know, the issues of field data  
14 quality has left MSD with a less than  
15 desirable model calibration for the  
16 electronic model. While the technical  
17 experts said we'll find that the current  
18 version of the model is acceptable for  
19 alternative selection, and the Monitor  
20 team concurs with MSD that monitoring --  
21 that modeling is a continuous process;  
22 however, additional information is  
23 necessary to explain to the County how  
24 the current data adequately supports  
25 cost and project size and details at



1           which the current numbers are  
2           calculated.

3                     And lastly, to the extent of  
4           those first three items there, the first  
5           two contribute to shortfalls and  
6           effectiveness. What we haven't seen to  
7           date are potential remedies to provide  
8           for instances and the costs related to  
9           those remedies if the effectiveness  
10          isn't quite there.

11                    To date, MSD presented what they  
12          have deemed to be very definitive cost  
13          estimates. This is based on their  
14          assumption that the projects in the  
15          program will hit the performance targets  
16          as defined without concession that some  
17          projects and aspects of the approach may  
18          not be as effective as the original plan  
19          at the current time.

20                    So given the fact that today the  
21          significantly-sized sewer separation  
22          project has not been performed in this  
23          system, we would encourage the County to  
24          get comfortable with that assumption.

25                    Items 4 through 7 on the list are

1 related to aspects that affect both  
2 current and future costs. Under the  
3 current plan, it's a bit unclear how the  
4 CSOs in the Mill Creek below CSO 5 --  
5 the Lick Run CSO -- can or will be dealt  
6 with in the LMCFR.

7 Consensus has yet to be reached  
8 on ownership, operation, and maintenance  
9 of the new storm drains.

10 And the last two relate to  
11 concerns on complying with existing MS4  
12 permits, as well as the April of 2006  
13 CSO Long-Term Control Plan Update Report  
14 and how this solution fits into that on  
15 a long-term basis.

16 The next four items deal with  
17 specific costs. While some of them are  
18 large, others are only a few or several  
19 million dollars in amount, and we  
20 believe they're worth analysis.

21 And then the last two items,  
22 you'll see, relate to concepts to be  
23 considered, given that the SI approach  
24 itself dramatically changes the current  
25 conditions of the landscape. These

1           unintended consequences could result  
2           from these alterations, and those  
3           consequences could be expensive to  
4           remedy, if they occur. They would  
5           primarily relate to potential for new  
6           flooding routes, effects of the new peak  
7           flows on Mill Creek and the tributaries.

8                       So, in closing, from a risk base  
9           and business-like perspective, we would  
10          encourage you to understand and weigh  
11          the potential risks associated with each  
12          of the items above.

13                      The Monitor has had ongoing  
14          discussions with MSD on these various  
15          issues, and have agreed that the Board  
16          desires we stand ready to continue those  
17          discussions. To ensure that you feel  
18          that you have adequate information in  
19          which to base your decision, please let  
20          us know.

21                      COMMISSIONER HARTMANN: Thank you  
22          very much. Appreciate that.

23                      Let's hear now from the public  
24          that are here to speak today on the Lick  
25          Run proposal.

1 Mark Quarry.

2 MR. QUARRY: Thank you,  
3 Commissioners.

4 Mark Quarry, Cincinnati Area  
5 Board of Realtors.

6 Also, as you know, Councilman in  
7 Silverton, for what that's worth. Don't  
8 hold it against me, but --

9 So I make some comments, just  
10 kind of out of both perspectives. But  
11 just wanted to thank you, first off, for  
12 your work on this project. The enormity  
13 of it is certainly daunting, and  
14 appreciate all the opportunities you're  
15 giving the citizens to comment on the  
16 different things.

17 As far as the Cincinnati Area  
18 Board of Realtors, we haven't taken an  
19 official or formal position on this.  
20 But similar to comments that  
21 Commissioner Portune made earlier, you  
22 know, this is going on across the  
23 country. And being part of the realtor  
24 family, we have local associations  
25 everywhere, we have state associations

1 and national associations of realtors.  
2 We've worked with this before, and I  
3 certainly am here to provide any kind of  
4 assistance we can provide in terms of  
5 our input about things that have worked  
6 well and things that haven't been, and  
7 some of those other areas.

8 Along those lines, as well, I  
9 would just -- again, not in an official  
10 position, but I'm pretty confident that  
11 our Board of Directors at the Cincinnati  
12 Area Board of Realtors would ask that  
13 you continue to do what it certainly  
14 appears that you're wanting to do, and  
15 that is to limit the costs at the least  
16 bit possible, so as not to blow the wad,  
17 if you will, on Phase 1 or on a partial  
18 of whatever phase.

19 And then also with any kind of  
20 alternatives that might come down the  
21 road, I think another concern of the  
22 Board might be -- and I'll let you know  
23 officially soon -- but it might be that  
24 sometimes these alternatives kind of  
25 take on a life of their own, and all of

1 a sudden you have some wonderful bells  
2 and whistles and all kinds of trinkets  
3 that are certainly wonderful, but add to  
4 the cost of the project and don't go to  
5 just satisfying the minimum requirement  
6 of the consent decree.

7 So, again, I just wanted to thank  
8 you for that, for the establishment of a  
9 Monitor. I think that's an excellent  
10 decision as well, and you know we stand  
11 ready to work with you on this as much  
12 as we can.

13 Thank you.

14 COMMISSIONER HARTMANN: Thank you  
15 for being here.

16 Hershel Daniels.

17 MR. DANIELS: Thank you for your  
18 time.

19 I represent Hargrove Engineering,  
20 which has worked with the County as --  
21 on an engineering team for Paul Brown.  
22 We did the landscape for the  
23 Fort Washington way and have done -- our  
24 principal comes from P&G and sewer  
25 district, so -- for P&G across the

1 nation and for the National Institutes  
2 of Health.

3 A little background that we're  
4 going to address specifically on Monday,  
5 between six and eight at 1550 Tremont in  
6 South Fairmount with our partners South  
7 Fairmount Community Council, between six  
8 and eight on Monday, we're going to be  
9 releasing a plan that we released in  
10 Washington, D.C. last week during the  
11 Congressional Black Caucus week to an  
12 audience of Fellows of African  
13 Scientific Institute Fellow.

14 And with our fellows, we released  
15 a scientific report on the alternative  
16 energy project that uses the sewer water  
17 that can be scaled. We presented  
18 this -- the initialization of this to  
19 MSD in June of 2011 to Tony Parrott on  
20 direct request to establish a joint  
21 venture that would bring jobs to  
22 Hamilton County by making Hamilton  
23 County the center of sewers throughout  
24 the world.

25 We started back on this project

1 back in 1996 when we required the -- and  
2 got the patent to the commanding control  
3 center for this system. We have  
4 recently given to MSD the nondisclosure  
5 from IBM, which is one of the sewer  
6 partners that we're looking to bring on  
7 that we brought back.

8 And we are standing ready on  
9 Monday to talk about the paper that was  
10 released that said that we would look to  
11 create, still, a demonstration project  
12 in Hamilton County that would bring  
13 jobs, address the economic problems that  
14 you're addressing.

15 Thank you.

16 COMMISSIONER HARTMANN: Thank you  
17 for being here.

18 Charles Young.

19 MR. YOUNG: Good morning, or  
20 should I say good afternoon to the  
21 Commissioners, to all of you, and all of  
22 you in the audience.

23 My name is Charles Young, vice  
24 president of the South Fairmount  
25 Community Council.



1           And as you've known, of course,  
2           for several months, we have been  
3           engaging MSD and the County, and whoever  
4           else is interested in the city, about  
5           the issue of the Lick Run Alternative.

6           It has brought to our community a  
7           great deal of dissension, and I'm hoping  
8           soon some new meetings will incur so we  
9           can get more clarity on our vision  
10          moving forward.

11          It is now my opportunity to tell  
12          you, we've been looking at the  
13          sustainable portion of this plan to help  
14          us, and to date, we haven't really heard  
15          what was being told of us to be that.  
16          And we're not really sure about that.

17          However, the community itself is  
18          not just sitting on its tail waiting for  
19          someone to tell them what that remedy  
20          might be. So we are looking to our own  
21          venue to sustain ourselves. And a part  
22          of that is a part of the process that  
23          one of our partners, Mr. Daniels, as  
24          representative, is being a part of the  
25          presentation that's coming up this

1 Monday.

2 And, Commissioners, I wish you  
3 guys could attend this. I know how busy  
4 you may be, but this is very important  
5 to our community, because, as you may  
6 see next, our president will give his  
7 presentation, and I, being the vice  
8 president, have had a lot of scrutiny  
9 placed on me because we cannot tell you  
10 guys what to do and when to do it.

11 But it would be a great  
12 opportunity for you to come to relieve  
13 some of the passion that's coming from  
14 our community in moving forward with  
15 this project.

16 And just so I can state, for the  
17 record, as the vice president and also  
18 representing the poor -- that means my  
19 community -- that we are very concerned  
20 about the economic impact that it costs  
21 the ratepayers. So without more --

22 I will close with that.

23 Thank you.

24 COMMISSIONER HARTMANN: Thank you  
25 for being here, sir.

1 Brian Kunkemoeller.

2 MR. KUNKEMOELLER: Good  
3 afternoon, Commissioners. Thanks for  
4 having us here today, to give us an  
5 opportunity for public input.

6 I have been working with  
7 Environmental Community Organization.  
8 They've been reaching out to some of the  
9 affected neighborhoods regarding this  
10 issue.

11 And first of all, let me just  
12 start off by saying that we fully  
13 support the sustainable alternatives.  
14 Obviously, significantly cheaper than  
15 the grey alternatives.

16 This -- I think that when we're  
17 looking at these issues, we're having a  
18 lot of, kind of, disparities between are  
19 we going to reduce the inflows or are we  
20 going to try to treat the sewage in an  
21 alcove kind of way. And it kind of  
22 speaks to the fact that we have a lot of  
23 engineers looking at this, and really no  
24 viable distribution columnists, kind of,  
25 working on this issue.



1 buy-in, there would be less  
2 polarizations, and you wouldn't be  
3 having these kind of situations like  
4 these folks at South Road [sic] is at.

5 so I would like to see MSD maybe  
6 create some citizens advisory board,  
7 have more meaningful public input,  
8 rather than you just going in and  
9 hearing what they're going to do, and  
10 then dropping a comment card in a black  
11 hole.

12 so thanks for allowing us to be  
13 here today.

14 COMMISSIONER HARTMANN: Thank you  
15 for being here as well.

16 But there's some issues where you  
17 can't make everybody happy.

18 Matt Trokan.

19 MR. TROKAN: Hello. My name is  
20 Matt Trokan, and I'm testifying today on  
21 behalf of the Sierra Club regarding the  
22 Lower Mill Creek Partial Remedy.

23 Thank you for holding these  
24 hearings and allowing me to testify.

25 We will also submit written

1           comments with more details. We'd also  
2           like to recognize the hard work that has  
3           gone into preparing the Lower Mill Creek  
4           Partial Remedy alternatives, and we  
5           particularly wanted to thank the  
6           Commission for your July resolution  
7           about containing costs and supporting  
8           agreement infrastructure.

9           You know, while eliminating  
10          combined sewages is a significant  
11          challenge that we face, it's also a  
12          great opportunity for us to create a  
13          sustainable city and county. The  
14          Metropolitan Sewer District has provided  
15          two choices for this Phase 1; the  
16          traditional and the sustainable.

17          Now while both, you know, promise  
18          to reduce combined sewer overflows, you  
19          know, the costs are also much higher  
20          than expected and represent a serious  
21          financial investment for ratepayers.

22          You know, given the economic  
23          costs of both options, we would have  
24          liked to see more specifics regarding  
25          the plans and the induct cost/benefit

1 analysis of both options. You know,  
2 after -- the model uncertainties raise  
3 significant concerns for us. After  
4 decades of studying and planning, we  
5 still only have best guess or estimates  
6 on the amount of overflows. The impacts  
7 to both water quality, the capital, and  
8 operating costs all depends on how we  
9 properly size these projects.

10 Traditional or grey approach is  
11 fixed, and would be less adaptable than  
12 the green.

13 I'm running out of time; I'll  
14 just skip ahead and say that we urge MSD  
15 to increase its public participation  
16 efforts, providing complete information  
17 in a timely manner, and addressing  
18 citizen concerns.

19 Thanks again.

20 COMMISSIONER HARTMANN: Thank you  
21 for being here.

22 And we have received  
23 communications by way of a formal letter  
24 from the Sierra Club, which we'll  
25 officially receive for the record.

1                   And I'll move at this point that  
2                   we receive that for the record as part  
3                   of this hearing.

4                   COMMISSIONER MONZEL:   Second.

5                   MS. PANIOTO:   Commissioner  
6                   Hartmann?

7                   COMMISSIONER HARTMANN:   Yes.

8                   MS. PANIOTO:   Commissioner  
9                   Monzel?

10                  COMMISSIONER MONZEL:   Yes.

11                  MS. PANIOTO:   Commissioner  
12                  Portune?

13                  COMMISSIONER PORTUNE:   Yes.

14                  COMMISSIONER HARTMANN:   Jo Ann  
15                  Metz.

16                  MS. METZ:   Good afternoon.   I'm  
17                  Jo Ann Metz, and I'm past president of  
18                  the South Fairmount Community Council,  
19                  and I'm also president of the Lick Run  
20                  Valley Historic Association, and a  
21                  delegate from San Antonio Church.

22                  And we've worked closely with  
23                  MSD.   I'm impressed and gratified by  
24                  what they have done.

25                  kind of a troubling thing,



1           though, that has occurred in the last  
2           several weeks: An independent group is  
3           affiliated, more or less, with the South  
4           Fairmount Community Council. They've  
5           introduced a plan which, totally, the  
6           residents do not want. It's a sewage  
7           treatment plant in our beautiful valley,  
8           and we're totally opposed.

9                        This is a very small group of the  
10           South Fairmount Community Council who  
11           have paired and partnered with a  
12           knowledge, kind of secretive in their  
13           ways, and just introduced it at a public  
14           meeting about three weeks ago. And our  
15           community is incensed that the  
16           Metropolitan Sewer District would put  
17           this much money into it and these people  
18           would come along and say that this is an  
19           enhancement. It isn't. It would ruin  
20           the whole project.

21                       And if this thing goes forward,  
22           there will be an exodus from South  
23           Fairmount, and we're just starting to  
24           build it up. There's a great difference  
25           between the floor of the valley. We're

1 bearing the costs and the traffic and  
2 everything else that has gone with this  
3 project. And a hundred years, really,  
4 of these sort of things, and the people  
5 that live up on the ridges have these  
6 thoughts in mind, perhaps out of  
7 jealousy, to ruin something.

8 Elder recently put a big complex  
9 on the top of the hill overlooking  
10 Quebec Road. That great sewage  
11 treatment plant is going to put that  
12 same odor as is down at Gest Street on  
13 the top of that hill. Someone should  
14 tell Elder that their investment is  
15 really going to be threatened by this.

16 we have a beautiful valley.  
17 Miami University said it was one of the  
18 prettiest in all of Southwest Ohio. And  
19 I would like for you to consider this.  
20 We're going to work on becoming a better  
21 neighborhood, and we have. And I will  
22 say things are starting to move down  
23 there, and I would like to assure the  
24 realtor of that.

25 Let me tell you, it will not move

1 with a sewage treatment plant and a  
2 rinky-dinky manufacturing plant that  
3 hopefully is not being considered by  
4 you, the Commissioners.

5 Thank you.

6 COMMISSIONER HARTMANN: Thank you  
7 very much for being here and for your  
8 community activism.

9 I don't have any other speakers'  
10 cards today.

11 MR. ELLIS: I would like to.

12 COMMISSIONER HARTMANN: Okay,  
13 well, I will need a card.

14 Thank you.

15 Mr. Ellis.

16 MR. ELLIS: Thank you.

17 What I heard today just recently  
18 from Ms. Metz is totally misrepresented.  
19 I've been a trustee of the South  
20 Fairmount Community Council since 1993,  
21 president every year except 1994 to '98.

22 I do think that this council has  
23 a pulse on the community.

24 One thing that I know the  
25 community doesn't want to see is

1 162 years of history wiped out off the  
2 face of the Earth. South Fairmount will  
3 cease to exist. We have tried to have  
4 MSD sit down with us. There are certain  
5 things that we want to see remain in the  
6 community. It hasn't been too well  
7 received. We join in a partnership with  
8 Hargrove Engineering to come up with  
9 some alternates for the alternatives,  
10 and we're still trying to sit down and  
11 have those evaluated.

12 And as Mr. Daniels said, this  
13 Monday at Roosevelt Community School,  
14 we'll be discussing the project again.  
15 And I welcome all those to attend.

16 But to say that the community  
17 does not support, and it's not a sewer  
18 treatment plant, it's an  
19 energy-production plant using sewer  
20 water.

21 Thank you.

22 COMMISSIONER HARTMANN: Thank you  
23 for being here and for your engagement  
24 throughout this process with MSD.

25 And I want to thank MSD, as well.

1 I got one other speaker's card,  
2 as well, Mr. Edwin Rankin.

3 welcome.

4 MR. RANKIN: Hi. Thanks for  
5 allowing me to speak.

6 My name is Ed Rankin. I'm a  
7 biologist with the Midwest Biodiversity  
8 Institute.

9 We've been doing -- the Midwest  
10 Biodiversity Institute is a nonprofit,  
11 science-based organization, and we've  
12 been doing the biological monitoring for  
13 MSD on Mill Creek where we have a report  
14 coming out on that, and we've been  
15 working on the Little Miami River as  
16 well.

17 Our experience has been as  
18 biologists, and we have experience about  
19 30 more years across the state looking  
20 at beneficial uses, helping define those  
21 for the state, and basically  
22 indentifying what are the conditions of  
23 streams and what are the stresses that  
24 are eliminating them.

25 The beneficial uses are really

1           what drive the Clean Water Act of the  
2           goals that are set. And part of the  
3           process of what we do is identify what  
4           stresses are limiting. And a key  
5           component is, in addition to chemical  
6           stressors, hydrology, the flow, the  
7           natural flow in streams. The natural  
8           habitat features of streams are  
9           extremely important in terms of meeting  
10          those goals. And we're thinking about,  
11          you know, the risks of -- of meeting the  
12          goals associated with doing urban stream  
13          management. It's important to include  
14          those features in there.

15                   I also served as a panel member  
16          of the National Academy of Science panel  
17          that dealt with urban stormwater  
18          management across the United States. As  
19          part of that, we dealt with these sort  
20          of issues all across the country. The  
21          EPA came to the National Academy of  
22          Science and asked them for their input.  
23          And one of the conclusions -- or some of  
24          the conclusions of that report related  
25          to the importance of hydrology flow in

1 head water streams and making links  
2 between these beneficial uses, which  
3 really drive the Clean Water Act and the  
4 various protection measures related to  
5 the stormwater. So --

6 COMMISSIONER HARTMANN: Thank you  
7 very much. Thank you for being here  
8 today. Appreciate that perspective.

9 That conclude our speakers'  
10 cards.

11 By way of process, we have, I  
12 believe, two additional public hearings  
13 scheduled.

14 Jackie, do you have the dates on  
15 where and when and the time on those?

16 MS. PANIOTO: I have the 3rd, and  
17 again on the 8th and the 10th. 8th is  
18 at MSD, and the 10th is here again.

19 COMMISSIONER HARTMANN: Thank you  
20 for that, Jackie.

21 Thank you.

22 I would propose and what I plan  
23 to do is take this report, the report of  
24 the Monitor, and put together my  
25 thoughts and some of my questions in

1 writing. If I might do that to MSD for  
2 response on some of the -- kind of,  
3 where I'm thinking and my reaction.

4 Incredible amount of work has  
5 gone into this, and it's part of a long  
6 process that I think has been -- all  
7 should be commended on, and it's clearly  
8 very important for the future of this  
9 region of the ratepayers and the  
10 citizens that live here.

11 So thank you all for that work,  
12 and I will -- I will plan on putting  
13 together a list of questions and  
14 concerns that I have that I hope could  
15 be addressed at the next public hearing.

16 Commissioner Monzel?

17 COMMISSIONER MONZEL: Yes, I,  
18 too, will want to share that document --

19 COMMISSIONER HARTMANN: Sure.

20 COMMISSIONER MONZEL: -- between  
21 myself and Commissioner Portune, and any  
22 other questions that I have, as well.

23 But I would hope that MSD would  
24 get a response back to us as soon as  
25 possible in regards to those questions,



1           because I think it is very important  
2           that we get as much information quickly  
3           to us.

4                       So and I do look forward to the  
5           next several hearings, and I do  
6           appreciate the public coming out today  
7           and giving your input, because I think  
8           it's very important that we keep this  
9           transparent to everyone involved and  
10          what's going on.

11                      This is a huge project, and our  
12          administration compares it to the  
13          stadiums. We're talking, you know,  
14          hundreds of millions of dollars. And  
15          I'll tell you now, this will not be our  
16          Paul Brown Stadium. We are not going to  
17          do it wrong. We're going to do it  
18          right. And we're going to make sure  
19          that we keep the taxpayers and  
20          ratepayers, you know, held from harm on  
21          it.

22                      So that's what I'm challenging  
23          all of us in this room to do. And I  
24          look forward to continuing to have more  
25          public discourse on it.

1 Thank you.

2 COMMISSIONER HARTMANN: Thank  
3 you, Commissioner Monzel.

4 Commissioner Portune.

5 COMMISSIONER PORTUNE: President,  
6 thank you.

7 Again, I'll begin by thanking  
8 everyone who is here today. I've seen  
9 many of the same faces at the community  
10 meetings that MSD hosted and at other  
11 forums in connection with this over what  
12 has been a very involved and public  
13 process.

14 We've heard the complaints that  
15 were voiced by speakers with respect to  
16 the public nature of the process. You  
17 can always improve on it, I know, but I  
18 think there's been a considerable effort  
19 made to -- in fact, I know there's been  
20 considerable effort made to share  
21 information and to open the process up  
22 to invite the involvement of the public  
23 in this.

24 And so we're going to ensure that  
25 that continues, including through the

1 public hearings, that the three  
2 additional public hearings that are  
3 currently scheduled.

4 There are a multitude of  
5 questions that exist. Obviously, our  
6 challenge is to adopt an approach that  
7 will do the most and cost the least, do  
8 the best job of empowering and embracing  
9 the interests of a community so that it  
10 becomes a much better place when all is  
11 said and done and have all of this  
12 approved by the Regulators.

13 And at the end of the day, that's  
14 the -- that's the final challenge, but  
15 if -- if they don't approve it, it won't  
16 get done. It's a simple -- it's as  
17 simple as that.

18 So we need to make sure that we  
19 have all the details. I share the --  
20 initially, I share the reaction of my  
21 colleagues that -- and I'm both  
22 surprised, as well as disappointed, that  
23 we have not been presented with a  
24 recommendation that meets the dictates  
25 of the resolution of the adopted, at

1 least out of the gate, in terms of  
2 costs. The cost is considerably more  
3 than the cap amount that we articulated  
4 through resolution that we'd like to  
5 see.

6 I think we also need to make  
7 sure, as the Monitor indicated, that  
8 whatever we're doing is based on good  
9 data, and that the modeling data, flow  
10 data, and the like, that's going to play  
11 a critical role in whatever solution,  
12 the final solution is crafted here in  
13 connection with all of this.

14 But still a lot of work to be  
15 done. I appreciate the input by  
16 everyone in the community. It's been  
17 very valuable. We certainly want to be  
18 open to recommendations and suggestions  
19 that will have a positive impact and be  
20 constructive in the process. And I  
21 think that that's the intent of those  
22 that have approached us in connection  
23 with this.

24 So I, too, will do my best to  
25 reduce to writing questions or concerns

1 I may have. I think what we're probably  
2 going to -- I'm going to wait until we  
3 have at least one other of these public  
4 hearings behind us, get a little bit  
5 more information in front of me from the  
6 public before I complete that task.

7 But again, the bottom line is a  
8 tremendous amount of work has been done,  
9 and whether at the end of the day we  
10 accept what's been presented today in  
11 whole or in part or not at all, none of  
12 that is a criticism of the hard work or  
13 the effort that's been done by the  
14 district and district staff and everyone  
15 connected with the process.

16 And, again, my thanks to the  
17 general public.

18 COMMISSIONER HARTMANN: Thank  
19 you, Commissioner Portune.

20 Let me make one final motion  
21 prior to our closing this hearing for  
22 today, and that is to accept for the  
23 record all of the communications that  
24 we've received from the public, both via  
25 regular mail and via email for the

1 record as it relates to this public  
2 hearing.

3 So moved.

4 COMMISSIONER MONZEL: Second.

5 MS. PANIOTO: Commissioner  
6 Hartmann?

7 COMMISSIONER HARTMANN: Yes.

8 MS. PANIOTO: Commissioner  
9 Monzel?

10 COMMISSIONER MONZEL: Yes.

11 MS. PANIOTO: Commissioner  
12 Portune?

13 COMMISSIONER PORTUNE: Yes.

14 COMMISSIONER HARTMANN: And close  
15 the public hearing for today, and that  
16 takes us to the rest of our agenda for  
17 today.

18 (This concludes the Hearing to  
19 consider the Lick Run Alternative.)  
20  
21  
22  
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 54 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 6th day of November, 2012.

13  
14 \_\_\_\_\_  
15 Colleen R. O'Connell  
16 Registered Merit Reporter  
17 Court of Common Pleas  
18 Hamilton County, Ohio  
19  
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25