

1 Jackie -- but we want to introduce this
2 into the public record for the sake of
3 it being captured.

4 It's a lot of information from
5 the town hall meetings, a lot of
6 feedback from folks who attended a lot
7 of the open houses, and also meeting
8 minutes from various minutes of meetings
9 that we've had with the Community of the
10 Future Advisory Committee, the South
11 Fairmount Community Council, and as well
12 as the Sierra Club.

13 And so for the record, I just to
14 wanted to make sure that was entered.

15 COMMISSIONER HARTMANN: Thank
16 you. I'll move that we receive that,
17 Mr. Parrott, for the record.

18 COMMISSIONER MONZEL: Second.

19 MS. PANIOTO: Commissioner
20 Hartmann?

21 COMMISSIONER HARTMANN: Yes.

22 MS. PANIOTO: Commissioner
23 Monzel?

24 COMMISSIONER MONZEL: Yes.

25 MS. PANIOTO: Commissioner

1 Portune?

2 COMMISSIONER PORTUNE: Yes.

3 COMMISSIONER HARTMANN: Let me
4 also on behalf of the Board of County
5 Commissioners, we've received a number
6 of communications here, as well, related
7 to this hearing, and I'll move at this
8 point that we receive those officially
9 for the record.

10 COMMISSIONER MONZEL: Second.

11 MS. PANIOTO: Commissioner
12 Hartmann?

13 COMMISSIONER HARTMANN: Yes.

14 MS. PANIOTO: Commissioner
15 Monzel?

16 COMMISSIONER MONZEL: Yes.

17 MS. PANIOTO: Commissioner

18 Portune?

19 COMMISSIONER PORTUNE: Yes.

20 COMMISSIONER HARTMANN: Go ahead,
21 Tony.

22 MR. PARROTT: Commissioners,
23 thank you for obliging us at this fourth
24 hearing to just do a brief update.

25 What we want to do is just touch

1 briefly on the alternative
2 recommendation, the questions that
3 are -- some of the questions that came
4 up at the last public hearing about the
5 valley conveyance system components and
6 concluding comments from the Regulators
7 relative to those issues.

8 As I mentioned on Monday at the
9 public hearing, you've seen the
10 recommended alternative.

11 Commissioner Hartmann, we did
12 take note of the request that you made
13 at that hearing to look at -- start
14 looking at and working with the
15 administration based upon the new
16 modeling of an alternative that would
17 reach the lower volume target of
18 1.7 billion gallons of CSO removal, and
19 so we stand ready to start working with
20 the administration on that alternative.

21 The alternative heretofore has
22 been to achieve up to 2 billion gallons.
23 But just to kind of give you a
24 quickly -- you know, this information
25 has been a part of our recommendation

1 since April. And if we wanted to look
2 at this recommendation that we've put
3 before you, just as a hypothetical, or
4 an example, if we wanted to look at a
5 component that we would take out of that
6 recommendation, you can see that we
7 reached the 1.7 billion gallons.

8 And so this is not our
9 recommendation, but there's a lot of
10 different ways you can get to where you
11 asked us to look at it, and so we're
12 going to start working with the
13 administration based on the new modeling
14 of looking at suites that are going to
15 achieve the lower volume target of
16 1.7 billion gallons.

17 So just wanted to, kind of, give
18 you a hypothetical of the exercise that
19 I think we would go through with the
20 administration.

21 COMMISSIONER HARTMANN: Thank you
22 very much for that, Tony. I appreciate
23 that.

24 MR. PARROTT: The other thing we
25 talked about the other night was the mix

1 of grey and green that is a part of our
2 recommendation. Essentially, you have
3 the best of grey solutions married with
4 the flexibility, the water quality
5 features, and the lowest cost options of
6 the green features.

7 And just to point out, there's a
8 lot of features already in this that are
9 identified as, for example, green
10 solutions would be naturalized channels,
11 or the valley conveyance system, natural
12 conveyance system. And there's also a
13 lot of grey, which would include some
14 storage here, and also a lot of new
15 storm sewers and additional storage and
16 stormwater detention basin and storage
17 as a part of that menu. So this is a
18 lowest best option, but it is a
19 complement of grey and green.

20 COMMISSIONER MONZEL: Can you go
21 back one slide?

22 MR. PARROTT: Yes, sir.

23 COMMISSIONER MONZEL: The
24 previous slide. What is the
25 column on -- the two columns. I know

1 one is a title, but what's the second
2 column? The list of numbers.

3 MR. PARROTT: On the right there?

4 COMMISSIONER MONZEL: Yeah. Is
5 there a title? I just couldn't see if
6 there's a heading on it.

7 MR. PARROTT: Just units. For
8 example, you're talking about relocated
9 sewers, feet of naturalized channels, a
10 feet of valley conveyance.

11 COMMISSIONER MONZEL: Gotcha.
12 Thank you.

13 MR. PARROTT: Okay. The last
14 time we talked, and I think in public --
15 the first -- previous public hearings
16 we've talked about all the utility
17 coordination that we've done, which
18 would include discussions with
19 Cincinnati Department of Transportation
20 and also the other utilities that are in
21 the corridor.

22 And these conversations really --
23 have really allowed us to make sure that
24 the base cost or the base project that
25 we're bringing before has a

1 recommendation, is taking things out
2 that would -- so that it won't be on the
3 MSD dime. And as far as our utility
4 coordinations with Cincinnati Department
5 of Transportation, we also came up with
6 a phasing, or a sequencing, plan for the
7 project. And I think with the Board's
8 permission, I would like to introduce
9 that into the record, as well.

10 COMMISSIONER HARTMANN: Thank
11 you. I will formally move that we
12 receive that for the record.

13 COMMISSIONER MONZEL: Second.

14 MS. PANIOTO: Commissioner
15 Hartmann?

16 COMMISSIONER HARTMANN: Yes.

17 MS. PANIOTO: Commissioner
18 Monzel?

19 COMMISSIONER MONZEL: Yes.

20 MS. PANIOTO: Commissioner
21 Portune?

22 COMMISSIONER PORTUNE: Yes.

23 MR. PARROTT: But the main point
24 on this is to say that we've talked to
25 Duke Energy to make sure that we've

1 avoided \$400,000 worth of gas main
2 costs.

3 we've talked to Time Warner,
4 Cincinnati Bell, and as well as Greater
5 Cincinnati Waterworks to coordinate
6 construction of water mains and other --
7 water hydrants, and that type thing, so
8 that the project would not be picking up
9 those projects.

10 So what you are seeing come
11 before you is really the result of all
12 these utility coordination meetings to
13 make sure that this stuff is not on
14 ratepayer dime.

15 But there were specific questions
16 at the last public hearing about the
17 valley conveyance system. There were
18 specific questions about the valley
19 conveyance system, and that estimate was
20 around \$67 million. And the \$67 million
21 is really broken down as shown here.
22 You've got conveyance components, you've
23 got transportation components, and
24 you've got multipurpose components, and
25 replaced infrastructure components. And

1 I want to talk just real quickly about
2 those three or four categories, since
3 those questions came up at the last
4 public hearing.

5 The first is the transportation
6 components, total of about \$12 million.
7 And it is 3.8 percent of the base
8 project cost and 18 percent of the
9 valley conveyance cost. And
10 specifically, it includes connectivity
11 bridges, intersection replacements, and
12 pedestrian safety issues relative to the
13 streets.

14 And if you look at this, the
15 traffic patterns on Queen City Avenue
16 and Westwood Avenue, as far as the base
17 project, are not impacted, they're not
18 changing. I know that was a question
19 that came up at the last meeting.

20 And so when you talk about the
21 bridges, for example, there are eight
22 crossings of urban waterways, or the
23 proposed urban waterway between Queen
24 City Avenue and Westwood Avenue. And so
25 as we do that, we're going to have to

1 reconnect those streets as the natural
2 conveyance goes through.

3 We're also going to have to
4 reconnect the intersections of those
5 streets as we build those bridges that
6 go over the waterway. And then there's
7 component of streetscape and safety.

8 This red line kind of shows you
9 the existing streets that would have to
10 have a bridge over the natural
11 conveyance. And the cost in the project
12 is \$5.6 million for those existing cross
13 streets being conveyed over the natural
14 conveyance.

15 COMMISSIONER MONZEL: And that's
16 in the \$317 million project cost?

17 MR. PARROTT: That is correct.

18 COMMISSIONER MONZEL: Okay.

19 MR. PARROTT: And this is a
20 visual; kind of shows you Westwood
21 Avenue. And if you look here, this
22 would be, for example, Grand Avenue, and
23 it currently connects into Westwood.
24 And as we bring that urban waterway
25 through, we're going to have to

1 reconnect that as we bring that bridge
2 over the waterway. So when we talk
3 about reconnections, we're talking about
4 reconnections to the existing street
5 network on Westwood Avenue.

6 COMMISSIONER MONZEL: Can you
7 tunnel through it, though? Could you
8 leave the existing street in place and
9 just put a tunnel in and daylight it on
10 either side of the street.

11 MR. PARROTT: As far as the --

12 COMMISSIONER MONZEL: As far as
13 the conveyance, the actual water that's
14 going through there. Can you,
15 basically, leave the existing streets
16 where they're at and just put a tunnel
17 underneath them so many feet down that
18 structurally they're still safe without
19 putting a new bridge in place?

20 MR. PARROTT: I think the way
21 this is designed here is, is because of
22 the -- the open space, and also the
23 earthwork that would be necessary to
24 make sure that you were meeting the
25 flood elevations or this urban waterway,

1 as we talked about at a previous public
2 hearing, it has to interact -- it has to
3 interact with the Mill Creek in terms of
4 the 100-year flood, and so that is why
5 you have that bridge connection over the
6 waterway.

7 COMMISSIONER PORTUNE:

8 Mr. President?

9 COMMISSIONER HARTMANN:

10 Commissioner Portune.

11 COMMISSIONER PORTUNE: If I may.

12 Of the depiction there,

13 Director --

14 MR. PARROTT: Yes.

15 COMMISSIONER PORTUNE: -- we have
16 what appear to be wider than the norm
17 sidewalks and other landscaping features
18 that are a part of that. Obviously,
19 very, very pretty and conducive,
20 esthetic there in addition to the
21 neighborhood in a positive way.

22 Are those part of the 317 as
23 well, or are those -- the costs for
24 those amenities being picked up by some
25 other funding source?

1 MR. PARROTT: We're going to
2 touch on that, Commissioner. To answer
3 your question, they are part of the 317,
4 and we're going to touch on that in the
5 multipurpose section of the
6 presentation, if you don't mind.

7 COMMISSIONER PORTUNE: All right.

8 MR. PARROTT: Is that okay?

9 COMMISSIONER PORTUNE: That's
10 fine. You've answered -- the main
11 question was whether that's part of the
12 317 or not, and your answer is that it
13 is.

14 MR. PARROTT: Yes, sir.

15 COMMISSIONER PORTUNE: All right.
16 Thanks.

17 MR. PARROTT: Another depiction,
18 again showing you just another view with
19 the Queen City Avenue traffic flow, the
20 urban waterway, and the bridge
21 reconnecting to the Westwood Avenue.
22 And --

23 COMMISSIONER MONZEL: Okay, so
24 going back to your point about the
25 100-year flooding --

1 MR. PARROTT: Yes.

2 COMMISSIONER MONZEL: -- and
3 being -- putting the new bridges
4 connection in, but you're going to leave
5 the street where it's at, or are you
6 going to put a new street in too? Are
7 you going to raze it all up for the
8 floodplain?

9 MR. PARROTT: No, not as far as
10 the -- the Queen City Avenue or the
11 Westwood Avenue --

12 COMMISSIONER MONZEL: So they're
13 still going to be on the same plain.

14 MR. PARROTT: Pretty much.
15 There's going to be -- there's going to
16 be what we would call some retaining
17 walls --

18 COMMISSIONER MONZEL: Yeah.

19 MR. PARROTT: -- and also,
20 there's got to be 1 foot of freeboard;
21 freeboard to meet the 100-year
22 floodplain.

23 COMMISSIONER MONZEL: So the
24 actual streets will be there, and you're
25 not putting new streets in, you're just

1 putting new bridges connecting the two.

2 MR. PARROTT: As far as the cross
3 streets --

4 COMMISSIONER MONZEL: Okay, yeah,
5 between.

6 MR. PARROTT: -- between, the
7 between the two avenues.

8 COMMISSIONER MONZEL: Okay.

9 MR. PARROTT: The multipurpose
10 piece, approximately \$8 million in the
11 stormwater maintenance. There's some
12 maintenance fees, maintenance costs,
13 safety, public education, and community
14 integration; 12 percent of the valley
15 conveyance cost, 2-1/2 percent of the
16 base project cost.

17 This is -- this is something that
18 I think is very important for folks to
19 understand. When you talk about
20 stormwater management, we talked about
21 the Mill Creek and how this valley
22 conveyance system, based upon a 100-year
23 storm, there has to be open space and
24 green space to make sure that we're
25 providing that 100-year flood storage in

1 that valley conveyance. So there's
2 going to be, you know, some open space
3 requirements as a part of stormwater
4 management.

5 And there's also to, kind of,
6 elaborate a little bit further, when you
7 look at the multipurpose features, some
8 people call them accoutrements, we call
9 them features. There's a multipurpose
10 access path, and there's also a railing,
11 and there's also lighting as a part of
12 that. So the question would be is when
13 you look at this path, which is for
14 maintenance access and easement, do you
15 want to put something in that is
16 concrete or asphalt?

17 You know, based on feedback that
18 we got from the community design
19 workshops from the participants, you
20 know, our conceptual plan looks -- or a
21 base plan looks at having concrete for
22 these access paths.

23 When you look at having railing,
24 when you talk about retaining walls and
25 having water in this conveyance system,

1 you know, do you have a wrought iron
2 fence or do you have a chain-link fence?
3 But, again, based on feedback, that's
4 what we put into the project.

5 When you look at lighting, these
6 are lighting that is rendered here.
7 There are a certain number of lighting
8 that is required for crime mitigation
9 along the path, and so you have those
10 type of accoutrements, or those type of
11 features, in the costs.

12 And if we were putting in a pump
13 station, for example, in Green Township
14 or if we were putting in an HRT in
15 Colerain Township, some of those
16 facilities have designs to -- from a
17 facade standpoint -- to make sure that
18 they fit into the existing neighborhood.
19 And we've done that with some of our
20 pump stations, where we make a pump
21 station look like something that
22 resembles something in the community or
23 the neighborhood, or a house, in terms
24 of a facade.

25 So based on community design

1 feedback that we got from our community
2 design workshops, when we put together
3 these multipurpose features, we took
4 some of that into consideration.

5 And so the example would be, when
6 you're looking at concrete versus
7 asphalt over the life cycle of that
8 asset, what is the variance? And so,
9 you know, those are some of the
10 decisions that, obviously, we can debate
11 or discuss, but I just wanted to, kind
12 of, make sure we pointed it out to you.

13 COMMISSIONER PORTUNE: So what is
14 the delta between the -- I mean,
15 obviously the wrought iron versus
16 chain-link; the unique, sort of,
17 gas-light lighting versus other street
18 lighting; the concrete versus asphalt,
19 et cetera, there's additional costs to
20 all of that; correct?

21 MR. PARROTT: Yes. And I got a
22 slide to show you some of that. But
23 just to, kind of, point on the -- and
24 I'll just use the concrete versus the
25 asphalt in terms of a life cycle cost.

1 I think the variance is about \$300,000
2 over the 25-year life cycle.

3 COMMISSIONER MONZEL: But none of
4 this is required by the Regulators.
5 None of this is required by Federal law
6 to say you have to have a fence there,
7 or some type of -- you know --

8 MR. PARROTT: I have -- I have
9 a --

10 COMMISSIONER MONZEL: -- safety.

11 MR. PARROTT: I have a slide to
12 show you the Regulators' response on it.
13 But I can tell you there definitely is
14 going to be a requirement for fencing
15 along this.

16 COMMISSIONER MONZEL: So going
17 back to the previous slide, if you don't
18 mind, and the 100-year flooding, because
19 you keep saying about the 100-year
20 flooding, again, that's a requirement
21 not put on by the Regulators, but one
22 that we're just designing to, the
23 100-year floodplain? Is that --

24 I'm trying to figure out, again,
25 why we're doing a 100-year floodplain.

1 And then the delta, to Mr. Portune's
2 point, of the cost of a 100-year
3 floodplain versus a 50-year floodplain,
4 or a, you know, 15-year floodplain.

5 COMMISSIONER PORTUNE: It's not
6 just that, it's the wrought iron versus
7 chain-link. There's a substantial cost
8 differential, as well.

9 COMMISSIONER MONZEL: Right,
10 right. But I'm just trying to go back
11 to the flooding aspect of it. If we're
12 designing this whole conveyance system
13 for a 100-year flooding, that -- how
14 much is that driving up the cost
15 compared to doing it for a 10-year or a
16 50-year flood event? I mean, I'm
17 just -- and, again, I think we're trying
18 to get that delta --

19 MR. PARROTT: I understand. We
20 can provide that.

21 COMMISSIONER MONZEL: Okay.

22 MR. PARROTT: We can provide that
23 for you.

24 COMMISSIONER MONZEL: Thank you.

25 MR. PARROTT: Now getting into

1 the aspect of the multipurpose features
2 that we identified as community
3 integration, and that would include such
4 things that were talked about on Monday,
5 you know, the bike racks, benches,
6 paver, off-street parking, that type of
7 stuff.

8 In this particular area, bike
9 racks and benches are used to promote
10 public involvement, six permeable paver
11 plazas to provide access to maintenance
12 path from the street and to aid in
13 slowing water down and level of peak
14 flows, and three off-site --
15 off-side [sic] parkings.

16 Again, when we had the community
17 design workshop, one of the common
18 themes as a part of the workshop was
19 they want something that is going to be
20 something that is nice and exciting for
21 people to enjoy in their neighborhoods.

22 But this particular piece -- and
23 I'll just use bike racks for an example.
24 I don't know the total number, but I
25 think the bike rack cost in the projects

1 are about \$1500, if I'm not mistaken.

2 Okay.

3 Bike racks -- was that seven?

4 \$7500. Sorry.

5 COMMISSIONER MONZEL: So, I'm
6 sorry, Mr. Director, if I can jump in
7 here.

8 MR. PARROTT: Yes, sir.

9 COMMISSIONER MONZEL: I know
10 these are features, but some of these
11 look like bells and whistles, to me,
12 especially the community-integration
13 aspect of it. And for me seeing this,
14 you know, that's something that the City
15 of Cincinnati should pick up, because
16 it's dealing with their community. And
17 I don't believe that's something that
18 the ratepayers of Hamilton County should
19 pick up. I mean, I think there's a
20 difference between, you know, putting up
21 a fence for a safety issue based on
22 something that we build and putting bike
23 racks in.

24 So, to me, I have trouble seeing
25 how this \$317 million project should be

1 footed by the ratepayers of Hamilton
2 County when you're directly doing things
3 that are benefiting, you know, one
4 neighborhood in the City of Cincinnati.
5 which I think are good things, and it's
6 great for the community, but I feel that
7 that amount should be picked up by the
8 City of Cincinnati, in general, from
9 just looking at this. Unless there's a
10 specific need that's been directly due
11 to the project itself, like safety, as
12 you brought up earlier.

13 MR. PARROTT: Well, one other
14 aspect --

15 COMMISSIONER PORTUNE: Excuse me,
16 Director. I would maybe say it
17 differently, but I think we get to the
18 same point, same place.

19 COMMISSIONER MONZEL: I'm sure we
20 will say it differently.

21 COMMISSIONER PORTUNE: But my
22 point being --

23 well, not necessarily, Chris. I
24 think we're aligned on a lot of the
25 stuff.

1 COMMISSIONER MONZEL: I'm
2 teasing, I'm teasing.

3 COMMISSIONER PORTUNE: But my
4 point being that the City is one of
5 49 political subdivisions that are in
6 the district. So it's not necessarily
7 that we want to start fragmenting the
8 district, in a sense, and requiring each
9 individual jurisdiction to have to pick
10 up the tab for things that are unique to
11 it, because when we get out to some of
12 the other suburban jurisdictions, that
13 becomes an onerous burden on their
14 coffers as well.

15 But the point is, is that to
16 me is -- and here is how we get to the
17 same place -- is that we've got a
18 consent decree that affects the entire
19 district. We have projects that we're
20 working on today, and then there are
21 projects that won't be started until
22 18 years from today.

23 The problem is, is that if you
24 spend or overspend on what we do today,
25 there won't be enough money for the

1 projects down the road that people who
2 live in Cincinnati will be contributing
3 to those costs or should be to a
4 project, let's say, that's in Silverton
5 or Deer Park or Green Township.

6 But if all your funds are
7 expended early on, you don't have
8 anything left for those projects. So
9 that's kind of how I come at it, not
10 that I necessarily want to fragment this
11 or pit Cincinnati against some other
12 jurisdiction --

13 COMMISSIONER MONZEL: Right.

14 COMMISSIONER PORTUNE: -- it's
15 that if we overspend here, there's not
16 enough money there.

17 COMMISSIONER MONZEL: And I
18 concur with that.

19 MR. PARROTT: Just one additional
20 comment on this is, as I've referred to
21 earlier, we do -- we have done projects
22 in other townships where we've done
23 different designs to make sure the
24 projects fit into the community. And
25 then in this particular area, there's

1 also components here when you talk about
2 public involvement and you talk about
3 permeable pavers, those type of things
4 are also things that would support
5 requirements of the MS4 stormwater
6 permit, as well.

7 COMMISSIONER MONZEL: But I'm
8 assuming we haven't done bike racks for
9 other communities in other projects, the
10 other projects you're talking about. I
11 thought they were more facade. Nothing
12 specific like bike racks, and those type
13 of benches, or that type of amenities.

14 MR. PARROTT: Well, I'm pretty
15 sure we've done what we would call
16 sustainable -- or rain gardens, and
17 those type of things, in other projects.
18 Specific to bike paths -- I mean bike
19 racks, I don't recall, so --

20 COMMISSIONER MONZEL: Okay.

21 MR. PARROTT: Okay. Finally,
22 when we talk about relocated
23 infrastructure, just existing sidewalks,
24 for example, and recreation park
25 features that will be disrupted,

1 sprayground be disturbed?

2 MR. PARROTT: No, sir.

3 COMMISSIONER MONZEL: Okay. I
4 voted to put the sprayground in.

5 MR. PARROTT: Yeah; right.

6 COMMISSIONER PORTUNE: Really?

7 COMMISSIONER MONZEL: Yeah.

8 COMMISSIONER PORTUNE: Wow.

9 COMMISSIONER MONZEL: Believe it
10 or not.

11 MR. PARROTT: When I say "we," we
12 and the County and the County
13 Administration team and the Regulators
14 had a distinct discussion about the
15 multipurpose features. And, you know,
16 we kind of went through this just like
17 we're going through this now with you,
18 and the feedback we got from them,
19 basically, is that they understood that
20 these are something that are included
21 based on the unique nature of the
22 project, the CSO project. They
23 acknowledge that the look of the
24 features is different than traditional,
25 but it fits into more of a public

1 setting that exists. They agreed that
2 there's some needs for safety to fit in
3 the neighborhood, and generally noted
4 that, you know, when given the feature,
5 that these meet the test of necessary
6 and reasonable in terms of safety,
7 maintenance access, water quality, and
8 restoration.

9 We've provided some of those
10 Regulator feedback to you before as a
11 part of previous minutes in those
12 discussions, and so -- but if you want
13 more details on that dialogue, we can
14 provide that to you.

15 So in essence, we have -- again,
16 we're waiting to work with the
17 administration team to look at the
18 1.7 billion gallons based upon the new
19 model data, and we're ready to answer
20 any questions or --

21 COMMISSIONER HARTMANN: Thank you
22 very much, Tony.

23 By way of process, I think that
24 we should hear from the public and then
25 go into Commissioner questions after

1 that.

2 I'm going to ask for your
3 indulgence, as well. I've noticed an
4 item that's on our agenda that I want to
5 interrupt the public hearing briefly for
6 to handle.

7 (Whereupon, the Commissioners
8 addressed other matters at this time.)

9 COMMISSIONER HARTMANN: Back to
10 the public hearing related to the Lower
11 Mill Creek Partial Remedy Solution.

12 Let's hear at this point from the
13 public on these items. And first up,
14 Jim O'Reilly.

15 MR. O'REILLY: Thank you,
16 Mr. President.

17 I'll speak very briefly on my
18 own; the Wyoming City Council has not
19 taken an official position on this.

20 I'm briefly going to summarize
21 what I said at the August meeting to try
22 to be within the 2 minutes.

23 First, the bond status of this
24 entity will be resolved at some time in
25 2018 when the agreement between the City

1 and the County lapses. The
2 uncertainties about who is going to be
3 owner and operator after 2018 is, in my
4 sense, a concern about the bond
5 underwriting for a major project.

6 I think, in very brief then, we
7 should avoid having that uncertainty
8 cloud the rate at which we're charged
9 for the bonds if we do this project as a
10 spike.

11 I'm recommending that the Board
12 consider smaller issuances of bonds,
13 spreading out their time to completion,
14 because I think that would be a greater
15 strategy for fundraising. I'm not an
16 expert in bonds, but I do believe the
17 uncertainty of having a City/County
18 cliff, if you will, in 2018 is going to
19 pose a concern for those that are buying
20 a 20- or 30-year bond.

21 Secondly, as an elected official,
22 our accountability is we've got to
23 explain to people why the rates are
24 going up. We try our best to do that,
25 but I would encourage this commission to

1 direct the staff of the MSD to tell us
2 in more detail why each year's raises
3 are necessary.

4 We note that the 2005, 2010, and
5 2012 sets of cost estimates changed.
6 And in the August presentation, there
7 was a discussion of that. I think the
8 public is going to slowly rise, slowly
9 awaken to this increase, and that's a
10 concern that we have to deal with. We
11 have to do a better job explaining why
12 our costs are going up year over year,
13 and so we have to be credible in
14 answering it.

15 But, finally, I see that I'm
16 running out of time, but I'll briefly
17 say that on Pages 19 and 21 of the
18 consent decree, the tunnel is the
19 800-pound gorilla. In the handout that
20 I've given you through the staff, I've
21 explained why, and so I will terminate
22 my talk now.

23 I think it's important that we
24 mention to people the existence of the
25 tunnel in the consent decree so that

1 people don't see this as frivolous, but
2 do see it as a beneficial alternative to
3 having the tunnel.

4 Thank you, and I see that I've
5 run out of time.

6 COMMISSIONER HARTMANN: Thank you
7 very much for that, Mr. O'Reilly.
8 You've raised some points that I think
9 require further exploration,
10 specifically the bond, the statements
11 that you related to the plan on issuing
12 the bonds to pay for these projects. So
13 thank you for raising those, and we will
14 get -- we will get responses to those
15 items that you've raised.

16 Dennis Smith.

17 MR. SMITH: Gentlemen, as many of
18 you know, I am president of the South
19 Fairmount Business Association, and also
20 owner of the oldest continuously
21 operating business in South Fairmount.
22 We've been in the neighborhood since
23 1947.

24 The Business Association and
25 myself am not opposed to the

1 alternative. I do feel, being in the
2 neighborhood since 1947, that the
3 neighborhood -- I think all of us in
4 this room know what type of neighborhood
5 it is, and I don't mean that in a
6 derogatory sense, but it's basically
7 traffic moving east and west.

8 I do believe that the designers,
9 which I believe is human nature, are
10 really presenting a Cadillac plan, since
11 there's no major development going on
12 down there or planned in the immediate
13 future for that neighborhood, I would
14 suggest that they do the bare minimum
15 that is required to get the waterway
16 through. I would suggest just using a
17 lot of grass-cutting, planting grass,
18 rather than a lot of trees.

19 All of this will make it look
20 very nice, but I think as they progress
21 with development, or as the City
22 progresses with the development down in
23 the neighborhood, then bring in the
24 fancy bike trails, then bring in the
25 park benches, and all this other thing.

1 But, you know, the neighborhood
2 right now, as we understand it, and
3 probably in the foreseeable future, is
4 very much crime-ridden with a lot of
5 drugs and other things going on, a lot
6 of high unemployment. I do believe in
7 the future of the neighborhood.

8 And the other major thing that
9 all of us businesses are concerned with:
10 When the MSD comes back with the
11 appraisals for our property, there's not
12 enough money from those appraisals to go
13 out and buy similar and like property
14 elsewhere. So we're asking so the
15 additional funds that we need to be
16 included in the MSD budget to enable us
17 businesses to stay in operation here in
18 Cincinnati.

19 With the viaduct and the
20 possibility of the parkway going in,
21 there are about 22 businesses that have
22 \$68 million in sales that will be
23 impacted by this and employing about
24 550 people.

25 I just think that it's too fancy

1 for the neighborhood right now, and I
2 think they could do other things with
3 the money later on.

4 Thank you, gentlemen.

5 COMMISSIONER HARTMANN: Thank
6 you, Mr. Smith, for being here and for
7 being engaged throughout this process.

8 Tom Ewing.

9 MR. EWING: Good afternoon.

10 My name is Tom Ewing. I'm with
11 The Cincinnati USA Regional Chamber.

12 We appreciate the opportunity to
13 comment on the critical decisions
14 inherent in project groundwork.

15 In August, the Chamber presented
16 an extensive set of comments to MSD's
17 public policy team, and it's my
18 understanding that a record of all of
19 those comments have been forwarded to
20 the commission and City Council;
21 however, I do have a copy, which I will
22 leave with the clerk.

23 I don't want to take the time to
24 read our full set of comments, but we
25 had five basic concerns that we

1 mentioned in our broader set of
2 comments.

3 First is impacts on ratepayers.

4 The second is partnerships. And
5 by that, I mean the sustainable
6 alternative appears to require many
7 partnerships with agencies under the
8 purview of the City of Cincinnati. We
9 think that those legal and regulatory --
10 the formality of those partnerships
11 needs to be more fully developed and
12 presented, and their legal standing
13 needs to be more transparent.

14 Timing, we see the project
15 groundwork has two broad phases, Phase 1
16 and Phase 2. Phase 2 is not as clear as
17 Phase 1 has been described, and that's
18 understandable at this point. Our
19 concern is that some costs and problems
20 with Phase 1 could bump over into
21 Phase 2, and as been already mentioned,
22 there may not be enough funding for
23 Phase 2.

24 We're concerned with business
25 relocation, as was just mentioned. We

1 hope that the project will deal with
2 businesses that have to be moved.
3 Hopefully, they will stay within
4 Cincinnati.

5 And, finally, the City/County
6 control of MSD is an issue that will
7 become very pertinent within the next
8 couple of years, as Mr. O'Reilly said
9 just a few minutes ago.

10 I appreciate the chance to
11 summarize our comments. If you have any
12 questions, I would be happy to answer
13 them, or feel free to give us a call.

14 Thank you.

15 COMMISSIONER HARTMANN: Thank you
16 very much for being here.

17 Charles Young.

18 MR. YOUNG: Good morning,
19 Commissioners.

20 COMMISSIONER HARTMANN: Good
21 morning.

22 MR. YOUNG: My name is Charles
23 Young, President of South Fairmount
24 Community Council.

25 I'm here today to rise in support

1 of our business association president,
2 Dennis Smith. And I'm for sure he did
3 an excellent job at saying what the
4 particulars are with the business
5 association and the businesses.

6 However, in the proposed plan,
7 the community still had a few issues
8 that still gave us a few technical
9 errors. One, with respect to traffic
10 for the businesses: If we're going to
11 sustain the roadway as is through this
12 whole process, our concern would be that
13 that's a good idea, but based on some
14 information we had got from CDOT, that
15 what was proposed to them from MSD was
16 not a good -- a good look-see, because
17 we have a major impact going on right
18 now at Harrison Avenue from the viaduct
19 up through Boudinot. We call it the
20 Harrison Avenue Project, which that
21 crossover from Queen City to Westwood,
22 or the divide up, is a major linkage for
23 two main streets coming off the viaduct;
24 that would be Beekman Street, which is a
25 problem if we shut it off. I heard MSD

1 say that, they wanted to get rid of
2 that. We still want to keep Beekman
3 Street, because if you go through there,
4 and I'm sure a lot of you do go through
5 the community, that Beekman Street,
6 Harrison Avenue is a major gateway going
7 from downtown out to the suburbs. And
8 any interruptions, or the like, would
9 definitely impact the flow.

10 I've heard about DOT talking
11 about the boulevard, which is something,
12 to me, is not really being emphasized as
13 great as it should be, because we don't
14 know if that's going to actually happen
15 or not. Nobody has promised us
16 anything, and we don't know if that's
17 going to be a reality that's going to
18 save whatever businesses are left, so
19 they can have the support from the
20 traffic flows, which they need.

21 And as you know, I've always been
22 a proponent of the economic impact. And
23 if we're going to lose businesses, and
24 as the president of the business
25 association said, they need to be made

1 whole. But who is going to come in and
2 redevelop more businesses in a community
3 that is almost nonexistent to this
4 point? We're going to lose
5 predominantly more of our businesses,
6 and nobody has said how we are going to
7 put that back together. So I think
8 that's a bad way of looking at how we
9 do, as far as economic impact.

10 But, lastly, Commissioners, I do
11 appreciate what was said of you about
12 what costs that the City may incur that
13 can help you lower the costs for the
14 project.

15 Now, I don't know if some of the
16 particulars I heard Mr. Portune mention
17 about let's go through the price list
18 and what we don't need to have, are you
19 familiar with some of the things that we
20 were told? Example, they were going to
21 have bike pathways, hiking trails, and
22 things like this. And I thought that
23 was a part of this package as well. But
24 nobody said that the City is going to do
25 it. I thought MSD was going to do it.

1 So, you know, I know there's some
2 little line items that you might want to
3 consider. I thought it was a little bit
4 much. But the basic line is you got to
5 deal with the sewer and the flow
6 retention, and not so much bringing us a
7 pretty picture.

8 So the mix of emotions is out
9 there. Everybody sees this picture that
10 you see all the time on the
11 demonstrator, Oh, that's what it's going
12 to look like. But that's not what we're
13 really talking about, you know.

14 So I don't want to keep confusing
15 the community about what we're showing
16 them a pipe dream versus what the
17 reality is, what we actually need to do.
18 And if it's just water retention, I'm
19 for that. But don't sell us a pipe
20 dream if we can't realize it.

21 And the Community rests.

22 COMMISSIONER HARTMANN: Thank you
23 very much for being here, Mr. Young.

24 Richard Schoeff.

25 MR. SCHOEFF: I'm representing

1 the City of Cincinnati Environmental
2 Advisory Council this afternoon.

3 And a letter was written to the
4 USEPA Region 5 reviewers, which I would
5 like to put in the record. And that the
6 EAC recommends adoption of Phase 1,
7 sustainable hybrid alternative.

8 And that's all I wanted to say.
9 Thank you.

10 COMMISSIONER HARTMANN: Thank you
11 very much, and we will formally receive
12 that for the record.

13 Ray West.

14 MR. WEST: Good afternoon,
15 Commissioners.

16 My name is Ray West. I'm a
17 long-time resident of South Fairmount
18 and also work in the neighborhood.

19 I'm here to report to you the
20 results of last night's annual election
21 of the South Fairmount Community
22 Council. With last night's election,
23 the current president and vice president
24 were voted out of office; a new slate of
25 candidates was swept into office. The

1 new board and officers of the South
2 Fairmount Community Council will assume
3 their responsibilities as of January 1.

4 The great majority of the new
5 board and officers of the community
6 council were elected on a platform
7 calling for, one, ending the support of
8 the South Fairmount Community Council
9 for the new sewage treatment plant in
10 the neighborhood proposed by current
11 South Fairmount Community Council
12 president and vice president and their
13 consultants. As you know, that was
14 never part of the MSD plan.

15 Secondly, supporting the MSD
16 plan, as it relates to South Fairmount,
17 as long as it addresses the legitimate
18 concerns of the affected businesses and
19 property owners.

20 And then also bringing South
21 Fairmount community residents and
22 businesses more fully into the major
23 decision-making processes affecting the
24 neighborhood.

25 I'm confident the new board and

1 officers of the community council look
2 forward to working with the County and
3 the City and the MSD come January to
4 produce the very best possible results
5 for the residents and businesses of
6 South Fairmount, and for all the
7 citizens and ratepayers of Hamilton
8 County and the City of Cincinnati.

9 And I would like to comment on
10 this question of the amenities. A
11 seriously debated issue in the
12 neighborhood was whether or not the MSD
13 plan is simply going to create a big
14 ditch through the neighborhood. The
15 neighborhood supports the plan with the
16 understanding that some basic amenities
17 are going to be there to keep -- to
18 prevent a big, ugly ditch running
19 through the neighborhood. In fact, our
20 sense is that if some proper amenities
21 are there, we will seriously use those
22 to market that neighborhood and rebuild
23 economic development, bring new
24 taxpayers into the City, both businesses
25 and residents, and to the benefit of

1 all. So just want a clarification on
2 that.

3 Thank you very much.

4 COMMISSIONER HARTMANN: Thank
5 you, and thank you for taking the time
6 to be here today. I appreciate that.

7 Lois Broerman.

8 MS. BROERMAN: They very kindly
9 gave me a portable microphone.

10 I am codirector of North
11 Fairmount Community Center. We've been
12 in existence since 1979, and have done
13 some very extensive development in that
14 area, and I will be happy to send you
15 that, if you're interested.

16 I'm here today to speak about the
17 Denham Street project. I don't see it
18 in Mr. Parrott's report. I just
19 recently had learned that somehow
20 they're linking it with South Fairmount.
21 It had always been a separate issue.

22 I also want to commend your
23 staff, Karen Ball, who has been an
24 amazing lady for us, and also Deb
25 Leonard of MSD, who has been really

1 helpful through this whole process.

2 I first want to say that in North
3 Fairmount, MSD has never offered to have
4 any kind of community meetings for input
5 on their project. Those have been held
6 in South Fairmount, and I know they've
7 been held in West Fork project. There's
8 never been one in North Fairmount. And,
9 simply, a couple people coming to our
10 Board of Directors or attending the
11 community council meetings does not
12 qualify.

13 I'd also like to talk about -- I
14 don't know what the implications of this
15 linking us with the Lick Run project
16 would have on North Fairmount. Nobody
17 has talked to us at all about that.

18 The drug problem on our Denham
19 Street has only grown worse with all the
20 buildings that MSD has bought and have
21 remained vacant and open, not secured.
22 And I know that's a difficult thing to
23 do. But even prostitution has been
24 going on in some of those, and for some
25 it has taken almost two years to get

1 those down. Currently there are five
2 more that are purchased and are supposed
3 to come down yet this year, hopefully.

4 As codirector of the Community
5 Center, I really want to say that when
6 MSD approached us about doing this, we
7 were delighted, because we have a lot of
8 water problems in the neighborhood. But
9 that relationship has gone downhill very
10 quickly. We were treated very unfairly,
11 we were lied to, we were denied
12 pertinent information, and we have yet
13 to be paid money that they owe us for
14 rent loss.

15 The handout that I gave to each
16 of you will explain all of these issues
17 more fully. And I would be happy to
18 discuss them with you when there's more
19 time available. I didn't want to bring
20 it all to this meeting. But we need
21 some relief, and we need your support.

22 I would be happy to answer any
23 questions you have at some time in the
24 future, or if you have any now.

25 COMMISSIONER HARTMANN: Thank you

1 very much. Thank you for being here and
2 for providing us this information. I
3 appreciate it.

4 Michael Miller.

5 MR. MILLER: Hello.

6 I'm Michael Miller, representing
7 Rivers Unlimited, the oldest state of
8 Ohio water quality group.

9 And I want to speak in favor of
10 the hydroplan as being quite, quite
11 creative. I'm also a charter member of
12 the Mill Creek Yacht Club. We just took
13 our 82nd trip down the Mill Creek, and I
14 would invite any of the Commissioners or
15 their staff that wanted to get an
16 educational trip of the Mill Creek to
17 join us on one of our trips. Our last
18 one was last Saturday.

19 The present hybrid plan has three
20 components that we like: The separation
21 of domestic and storm sewers and the
22 uplands. If we went to the tunnel, we
23 would never start that process. There
24 are tens of miles of separation that are
25 going to take place in the present plan.

1 and, interestingly, the main stem
2 channel is the -- particularly in the
3 channelized section -- is the most
4 biological healthy. It meets the -- it
5 meets the Clean Water Act criteria for
6 fish for a modified warm water habitat
7 because it's in the channel. But it
8 also meets the criteria for mackerel
9 invertebrates as though it were a normal
10 stream.

11 The point is the development of a
12 thalweg or a meander with rock riffles
13 with a double bar for different flood
14 heights that have been established in
15 the creek, it's naturalizing and
16 becoming a -- much more effective as a
17 creek.

18 However, almost all of the
19 tributary streams have failed
20 completely. And this issue that we're
21 dealing with here is going to deal with
22 restoring many of those tributary
23 streams that will, we hope, develop into
24 the standards that we expect from the
25 Clean Water Act.

1 I have presented you a copy of a
2 PowerPoint that summarizes Chris Yoder's
3 data from that survey and supports the
4 plan that I'm supporting here.

5 Thank you.

6 COMMISSIONER HARTMANN: Thank
7 you, Michael, very much for being here
8 today.

9 Cecelia Kloecker.

10 MS. KLOECKER: Good afternoon.

11 County Commissioners, thank you
12 so much for the public hearings.

13 The Greater Cincinnati area
14 suffers from more combined sewage
15 overflows -- you-all know this, I'm not
16 going to read this any more.

17 But I heard things here this
18 morning that I would like to comment on.

19 Grass. Yard grass. Is not an
20 ecosystem, and it's not equal to green.
21 One of my major concerns is with you
22 all, the County Commissioners, is the
23 word you-all like is cut. Cut, cut,
24 cut. But if you cut too much, this
25 system will fail. And then it's going

1 to cost you more, more, more to fix it.
2 And so please be careful on that one.

3 Let's see. Oh. And another
4 comment, not from you-all, but from
5 another participant in this public
6 hearing, they're suggesting that you-all
7 don't spend a lot of money right now,
8 and then after the businesses come, then
9 spend the money. Well, you-all know,
10 that isn't the way it works. Build, and
11 they will come. It's not they'll come,
12 and then we build. It doesn't work that
13 way. We have to invest. We, Hamilton
14 County, has to invest.

15 And doggone it, I wish you'd all
16 get along with the City. I mean, think
17 about what we could do if we could get
18 along with the City. And I'm not saying
19 it's yours, I'm not saying it's -- just,
20 uhm. Okay.

21 I think, basically, that's about
22 it. If you-all got it, I want green.
23 But I want a successful green
24 infrastructure.

25 And thanks so much.

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

3 Let's call Director Parrott back
4 up -- that concludes the speakers' cards
5 that I've got on the public hearing
6 today -- and address, perhaps, some
7 questions of the Commissioners.

8 COMMISSIONER PORTUNE: There's
9 one more coming up, Greg. Elliott
10 Ellis.

11 COMMISSIONER HARTMANN: You're
12 too late.

13 MR. ELLIS: I thank you.

14 COMMISSIONER HARTMANN: Elliott
15 Ellis. welcome.

16 MR. ELLIS: Thank you.

17 Good afternoon, Commissioners,
18 and those in attendance.

19 I am Elliott Ellis, the current
20 president of the South Fairmount
21 Community Council, a South Fairmount
22 resident, and County ratepayer.

23 Honestly, I don't know what
24 community politics has to do or entering
25 into the record for our hearing today,

1 but having said that, I am personally in
2 favor of the deep tunnel. I wasn't
3 present on the 3rd; however, I listened
4 to an audiotape of that meeting.

5 It was evident that the
6 Commission was very concerned about
7 getting it right. And I share that very
8 concern. Director Parrott exemplified the
9 Harrison Avenue sewer separation project
10 as getting it right. If it wasn't for
11 the South Fairmount Community Council
12 realizing there was an oversight in
13 design, the Harrison Avenue improvement
14 project would have been completed and in
15 two years dug up for a new sewer.

16 The South Fairmount Community
17 Council approached both MSD and the City
18 DOT to make it happen now. The South
19 Fairmount Community Council is concerned
20 about getting it right. As is the
21 Commission, I am concerned about what if
22 EPA sets future water standards on water
23 separated from combined sewers? That
24 cost then, compared to the deep tunnel
25 costs now, would be unbearable to the

1 ratepayer. The safety in a deep tunnel
2 now at a cost differential of 6 cents
3 per unit treated makes more sense than
4 all the risk of an open above-ground
5 water course with no future water -- and
6 with future water quality burdens
7 potential.

8 It's appalling to me that MSD
9 would pit the Hamilton County
10 Commissioners, the Hamilton County
11 ratepayers against the South Fairmount
12 Community, effectively removing a
13 community with 162 years of history and
14 historic assets. Let's not forget
15 about, as mentioned, the 22 businesses,
16 560 jobs, and \$68 million in sales also
17 affected by the above-ground project.

18 Thank you.

19 COMMISSIONER HARTMANN: Thank you
20 very much.

21 Jo Ann Metz.

22 MS. METZ: Good afternoon.

23 COMMISSIONER HARTMANN: Hi.

24 MS. METZ: Thank you, too, for
25 the hearings.

1 Last night we had our regular,
2 kind of a, tumultuous selection. The
3 real will of South Fairmount residents
4 came through. There is a new community
5 council. We do support the MSD plan.
6 We do not support the deep tunnel.

7 With all the inventions and
8 discoveries coming around, I don't think
9 we should pay that kind of money for a
10 one-time solution when this would help
11 our community. You're not removing
12 anything, and they are not suggesting
13 anything that would not finally help our
14 community develop what both you and the
15 City of Cincinnati want, and that's good
16 residents with healthy salaries, retain
17 our beautiful hills, cure this problem
18 that we have had for many years.

19 I feel I do represent South
20 Fairmount residents. We found out this
21 weekend, we also found out from a great
22 turnout last night, that they do support
23 this plan.

24 I think, finally, the City and
25 the problems that are coming forth to

1 the County combined will bring you
2 together. I do think that. Money
3 determines a lot of things. I'm the
4 incoming vice president. Jim Casey
5 couldn't be here today. But I promise
6 you our support, either way it goes, I
7 personally do not favor the deep tunnel
8 because I'm very well acquainted with
9 the sewage water quality for 30,
10 35 years. All over the country, these
11 new things are being developed. The
12 deep water, or the deep channel-type
13 thing, is too costly for us right now.
14 It's not modern enough. It's an
15 old-style-type solution.

16 This is a better solution,
17 because I think there will be other
18 things in time that will feed into this.
19 And the green solution is part of that.
20 I don't think Mr. Ellis is aware of
21 that, but he's no longer speaking for
22 our community, and, frankly, he never
23 did.

24 Thank you.

25 COMMISSIONER HARTMANN: Thank

1 you.

2 Let me call back up Executive
3 Director Tony Parrott now at this point
4 to take questions from Commissioners.

5 Commissioner Monzel.

6 COMMISSIONER MONZEL: Thank you,
7 Mr. President.

8 Just had a few questions in
9 regards to the costs, especially since
10 this is such a large project, as we
11 said.

12 In the first phase of the -- so
13 far of the projects that we've done for
14 Phase 1, have we had any projects
15 that -- that you know of that have --
16 the estimated costs came in above what
17 we -- the costs in the end came above
18 what we had estimated in any of the
19 Phase 1 projects? Have we had any cost
20 overruns?

21 MR. PARROTT: Commissioner,
22 the -- and I forget, I think it may have
23 been three or four weeks ago, I provided
24 the Board a memorandum that, kind of,
25 detailed the history of the projects

1 that are WWIP projects that are in
2 Phase 1 that have been completed. And
3 of the projects that I submitted to you,
4 I don't recall the number that was on
5 that list. The projects that were
6 completed, all those projects came in
7 under the WWIP estimate.

8 COMMISSIONER MONZEL: Under the
9 initial estimate.

10 were there any increased in the
11 project itself costs? I know -- so
12 typically in a project, we'll go and set
13 an estimate that's going to be up here.
14 But then when you get into it and you
15 kind of get a ballpark of what is
16 actually going to be a cost, it's
17 usually, typically, underneath that
18 estimate, by chance. And that's, I
19 guess, you would say, the working
20 project budget.

21 Have we ever missed that and
22 said, you know, Here was our estimate
23 off at the beginning, you kind of did a
24 SWAG, so to speak, of what it's going to
25 be, but then we set a budget of what we

1 think we were really going to be.

2 Have we ever missed those budgets
3 of being off because of, you know, some
4 unknown issue that's popped up? Because
5 those you don't really -- I mean, it's
6 not in that list, so -- I mean --

7 MR. PARROTT: Commissioner, the
8 one thing I can tell you, there's really
9 two components of estimates and budgets.

10 One component is that there is a
11 contingency part that's a part of the
12 estimate. And then in terms of us
13 actually going out for awarding bids for
14 construction, we have to get permission
15 from the Board to set that. I guess you
16 would call it a final budget estimate
17 for the project. And contingency is
18 built within that.

19 COMMISSIONER MONZEL: Is there a
20 percentage, typically, of contingencies?
21 Is it 20 percent or 30 percent?

22 MR. PARROTT: Right off the top
23 of my head --

24 Christian, I don't know if you
25 know what that is, but --

1 MR. SIGMAN: It depends on the
2 stage of the estimating process. The
3 further you're out, it's 20, 30 percent.
4 But at the time of contract award, it
5 may only be 10, 15 percent at that
6 point.

7 COMMISSIONER MONZEL: And then, I
8 guess, from our lessons learned in
9 regards to our stadium projects, you
10 know, sometimes project creep comes in.
11 So, you know, we hear quite a bit from
12 folks that, you know, the stadium's
13 issue is not really resolved around the
14 stadium, but instead you had to move the
15 stadium so many feet to the west. That
16 increased costs, you had to, you know,
17 buy up the property there. And you also
18 did The Banks project, and that
19 increased costs because of this
20 project's creep.

21 Do you foresee that happening in
22 this project in regards to any, you
23 know, down the road, Hey, we're going to
24 add this to it and add this to it, to
25 make it much bigger than what you're

1 anticipating it right now?

2 MR. PARROTT: Commissioner, I
3 don't see where you're looking at
4 something that's where it's going to --
5 when you talk about scope creep or
6 project creep to where it's going to be
7 anything that's significantly bigger.
8 There may be something to where
9 something has to be altered or realigned
10 differently than what was originally
11 thought.

12 But, again, when you talk about
13 the cost control aspect of it, when we
14 get ready to bid a project, obviously,
15 that is something that is set by your
16 approval. And, again, as Mr. Sigman
17 mentioned, there's a contingency built
18 in. We are working with the
19 administration to put in a protocol on
20 how that contingency can be used. And
21 not -- I'm not sure if it's final yet,
22 but that protocol essentially would, if
23 there were certain amount of contingency
24 that would be needed, that if it goes
25 over a certain amount, it has to come to

1 the administration or the Board for
2 approval of that contingency.

3 so that is kind of how the
4 contingency will put some control in.

5 COMMISSIONER MONZEL: One more
6 question for now, Mr. President.

7 And this is brought up from
8 Mr. Smith coming in in regards to the
9 local businesses that are going to be
10 affected by this.

11 Is there any outreach going on
12 from the City of Cincinnati to help
13 relocate these businesses and, I guess,
14 subsidize that relocation or to cost?
15 Because as he had mentioned, he's hoping
16 that there's money within this
17 317 million that's going to help him
18 relocate his business in Cincinnati. Is
19 there subsidized cost relocations in
20 that 317, or is that going to get picked
21 up by some other fund? And if so, is
22 that the City of Cincinnati, or do you
23 have an idea?

24 MR. PARROTT: Commissioner, I can
25 tell you that in terms of the outreach

1 with businesses, obviously, the south
2 Fairmount Business Association, we've
3 had dialogue with them, but we've also
4 had individual dialogue with individual
5 businesses, businesses that have
6 approached us to say that they're
7 interested in us pursuing appraisals for
8 their properties. I don't have the
9 final number in terms of the 22
10 businesses or 27 businesses, how many of
11 them have been into the appraisal
12 process with us.

13 But by law, we have to follow
14 the -- an appraisal process, and when
15 the appraisal comes back, we have
16 limitations in terms of what we can
17 offer for a property.

18 But we do follow the Federal
19 Relocation Act, which, you know, has
20 certain criteria in there that is
21 beneficial to the businesses.

22 And also, in addition to that,
23 most recently, the City manager has put
24 in place what we would call a
25 Supplemental Assistance Program that is

1 there to design to help businesses with
2 their relocations, so -- but all of that
3 is considered part of the project
4 expense. But right now, we're limited
5 by law and policy in terms of what we
6 can offer and give to businesses.

7 COMMISSIONER MONZEL: So there's
8 no line item in that 317 million that
9 says X amount is going for business
10 relocation?

11 MR. PARROTT: We do have a
12 certain amount built in in terms of what
13 we think based upon what we think
14 appraised values will be and what we
15 think in terms of acquisition, and then
16 what we're allowed under the Federal
17 Relocation Act for assistance for
18 relocations. And then in addition to
19 that, the supplemental benefit
20 assistance that we can provide for, as
21 well.

22 So I don't have that total
23 number, but I know that all of that is
24 built into the price, or the base
25 project.

1 COMMISSIONER MONZEL: Of the
2 317 million?

3 MR. PARROTT: Yes, sir.

4 COMMISSIONER MONZEL: Okay. all
5 right. That's all I have for now.

6 Thank you, Mr. President.

7 COMMISSIONER HARTMANN: Thank
8 you, Commissioner Monzel.

9 Commissioner Portune.

10 COMMISSIONER PORTUNE: President,
11 thank you.

12 First question I have,
13 Director -- and thank you very much for
14 answering all these questions. I don't
15 know if you ever watch cable educational
16 channels, but I'm reminded of the system
17 in the United Kingdom and Parliament
18 where the prime minister just, sort of,
19 stands in the well and has to answer all
20 these questions fired at him by all the
21 members of Parliament. And I've often
22 wondered what would happen if our
23 president had to do the same thing with
24 Congress, what kind of a president that
25 would lead us all to select. But that's

1 another story for another day.

2 Just want to thank you --

3 MR. PARROTT: Thank you.

4 COMMISSIONER PORTUNE: -- for
5 being so willing to stand here and
6 answer all the questions.

7 MR. PARROTT: I've seen that
8 show. Just don't start throwing things
9 at me.

10 COMMISSIONER PORTUNE: Anyway, I
11 want to begin just by asking a question
12 that -- on a matter that, I must say, I
13 was not all that aware of that Lois
14 Broerman, who I've had the privilege to
15 work with for almost 20 years, raised
16 today in terms of North Fairmount and
17 the relationship of work there to the
18 South Fairmount program.

19 But specifically the issue of
20 property acquisition and properties that
21 have, sort of, been acquired, but are
22 not secured seem to have become magnets
23 for criminal activity, and the like. I
24 know we've made it a point in these
25 chambers, and at other hearings and

1 elsewhere, to emphasize that we did not
2 want the District to be purchasing
3 property that was not needed at all at
4 this stage before we made any decisions.

5 I am concerned by what
6 Ms. Broerman has shared with us today
7 with respect to just the condition of
8 that property.

9 How North Fairmont fits into all
10 this, what happened at hearings, or the
11 lack of hearings there, those are all
12 issues to explore at another day. I'm
13 not raising any questions about that
14 here this afternoon.

15 But just with respect to the
16 condition of property and the properties
17 themselves, can you -- I mean, what was
18 the purpose for acquiring those
19 properties? How does that fit into the
20 Lower Mill Creek Partial Remedy? Or
21 does it at all?

22 MR. PARROTT: Are you talking
23 about the North Fairmount piece?

24 COMMISSIONER PORTUNE: I am, yes.

25 MR. PARROTT: Okay. The North

1 Fairmount project, essentially, was an
2 enabled impact project that we worked
3 with the Mill Creek Watershed Council.
4 There was an early action project grant
5 that was pursued by the Mill Creek
6 Watershed Council and MSD in that North
7 Fairmount area, and it was moved forward
8 as an enabled project.

9 It necessarily wasn't connected
10 to the LMCPR project, but as a part of
11 that, that was the -- the interaction
12 that we had had. We're relative to
13 doing a project in North Fairmount.
14 And, obviously, there's issues that, you
15 know, not seeing the communication that
16 Ms. Broerman turned in today, that I
17 would like to look into and be more in
18 depth in terms of my response.

19 But my history, my memory is
20 telling me that that project was
21 separate from the LMCPR process.

22 COMMISSIONER PORTUNE: Okay. If
23 you could, I would like to understand
24 better what that's all about.

25 MR. PARROTT: Sure.

1 that this is about as precise as reading
2 tea leaves, because there currently is
3 not a lot of regulation with respect to
4 some of the other nonpoint source
5 discharges and pollutants from overland
6 stormwater flow and channelization.

7 But, obviously, one of the ways
8 that we get to the reduction of volume
9 in our CSOs is we're just simply moving
10 stormwater out into the environment,
11 generally discharging it without it
12 getting into the sewers without it being
13 treated, and so that water then gets
14 into our tributaries into the Mill
15 Creek, and the like.

16 Nationally, stormwater runoff is
17 the second-leading source of pollutants
18 to estuaries. It's a significant source
19 of impairment to rivers and lakes, and
20 the like.

21 So in the absence of any game
22 plan, are we setting up the District,
23 the County, the City, to future risks
24 that are not sustainable if we don't
25 have a real game plan? I know you've

1 talked briefly about this a little bit,
2 but if we're -- what is the game plan,
3 really, if new regulations require us to
4 treat new-point source discharges?

5 MR. PARROTT: Commissioner, you
6 know, that's one of the risk categories
7 that I think in the crosswalk we had
8 provided a more detailed response to
9 your question. I don't know how much
10 time you want to spend talking about it
11 this morning. I do have a deck of
12 slides that would go into the depth of
13 water quality discussion, or I can just
14 give you my initial response to your
15 question.

16 COMMISSIONER PORTUNE: Maybe let
17 me try to pare it down a little bit, if
18 I can, because that was a pretty
19 wide-open question, I'll acknowledge.

20 How has this issue come up with
21 the Regulators and what's their response
22 to it?

23 MR. PARROTT: We have -- in fact,
24 I think I handed out to you Monday the
25 question that came up at our technical

1 call with the Regulators last week.
2 There was a specific question from
3 Mr. Aluotto in that regard. And the
4 Regulator response to that question was
5 essentially this: In terms of the issue
6 of MS4 and what the Regulators see
7 coming up on the horizon, from the State
8 perspective, the State perspective was,
9 well, their initial focus right now is
10 dealing with their industrial permitting
11 aspect of the MS4 from the State level.

12 From the Federal level, their
13 reaction, basically, was they recognize
14 that the MS4, the Phase 2 requirement is
15 a BMP program that deals with illicit
16 discharges, public participation and
17 education, and community awareness of
18 the BMPs. And from the Federal
19 perspective, they're over the horizon.
20 What their focus is on is private side,
21 or developer, requirements in terms of
22 BMPs or detention on their site, because
23 they believe that dealing with
24 stormwater quantity issues and
25 stormwater quality issues shouldn't

1 always be on the back of the public
2 entity.

3 And so from the Federal
4 perspective, they're going to be really
5 focused on how they can require
6 developers to start to pick up some of
7 those issues on site, whether they be
8 within the detention to have some water
9 quality features, but also other BMPs
10 that would address the issues of illicit
11 discharges and making sure that it
12 doesn't impact the streams or the public
13 system that it discharges to.

14 That was their initial reaction
15 as that came up last week.

16 COMMISSIONER PORTUNE: well, just
17 me to you, your best guess or your best
18 estimate, knowing what you know and
19 given the discussion on the national
20 landscape as you know from our work
21 through the Perfect Storm Coalition and
22 the like, these issues have come up.

23 Part of the pushback that is
24 occurring nationally from communities
25 like ours to EPA's approach to things is

1 that there is no real prioritization in
2 the current approach. Everything is a
3 priority. It's what's resulted in the
4 scenario where we're being required here
5 to raise an additional and new
6 \$200 million every year to deal with our
7 sewer problem, you know. An amount of
8 money that exceeds our entire budget for
9 everything else we do as a County. And
10 we are being asked to raise that much
11 new money every year to deal with this
12 issue, somewhat because of, as other
13 communities have said, and as the
14 discussion has been at the committee
15 hearings, and the like, in Washington,
16 that everything is a priority with EPA.
17 You got to do everything.

18 So, you know, from the standpoint
19 of this and future regulation, I am
20 concerned that unless there's a major
21 seat change at EPA and they are forced
22 to do more than they have to date in
23 terms of changing Federal policy, that
24 the answer down the road is simply going
25 to be that -- to locals like us is that,

1 well, you're just going to have to deal
2 with it, you're going to have to raise
3 more money to deal with that problem,
4 money that we simply do not have,
5 compounding what is already a problem.

6 Has USEPA or Ohio EPA placed any
7 numeric limits on allowable stormwater
8 runoff at this point? So, for example,
9 we're increasing runoff by X billion
10 gallons in order to achieve the
11 2 billion or the 1.78 billion standard.
12 Are there any numeric limits on
13 stormwater runoff that are being -- that
14 have been adopted or being discussed?
15 Have other states placed limits, do you
16 know, with respect to this issue?

17 MR. PARROTT: I would answer it
18 in terms of what I know about our
19 dialogue with Ohio EPA and USEPA.

20 Again, I do know that Ohio EPA is
21 working with issues on the industrial
22 side. As we vetted this issue last week
23 with the Regulators, essentially,
24 obviously, they understand that even
25 though, you know, our focus is on

1 illicit discharge elimination and grit
2 and solid removal as a part of our
3 design, you know, they've looked at the
4 features that we've got into our design
5 to address those issues that are
6 required under Phase 2. Had they talked
7 about any numeric limits relative to
8 particular constituents? No, they have
9 not. But they recognize that the
10 features that we have in our designs
11 would be an additive, added benefit to
12 achieving the current MS4 requirements.
13 And whether that, you know, MS4, you
14 know, is something that, you know, as a
15 County MS4 ultimately in the future is a
16 City MS4 permit, you know, these
17 features will comply with the MS4
18 standards.

19 There are other issues across the
20 country. Chesapeake Bay, for example,
21 would be one up in that area where
22 things are moving.

23 But in relative to this area when
24 you talk about Mill Creek and the Ohio
25 River, there's two things that I can

1 say -- and this is also mentioned in our
2 Regulator call last week -- putting
3 stormwater and natural streams into the
4 Mill Creek not only will improve water
5 quality, but it will improve aquatic
6 life.

7 And I think Dr. Miller referred
8 to that earlier that since 1992, we've
9 actually seen an improvement in water
10 quality. And a lot of it goes to some
11 of the work that we're doing, and it
12 will only be improved by what we're
13 proposing.

14 Also, ORSANCO chimed in to say,
15 basically, they definitely want to see a
16 reduce in bacteria load. So whatever
17 we're doing to help reduce the bacteria
18 load or the BOD load in the tributaries
19 or the Mill Creek ultimately will lessen
20 the bacteria load in the Ohio River.
21 And, of course, that's something that
22 ORSANCO will support.

23 So without a crystal ball,
24 Commissioner Portune, I can tell you
25 that just in our direct questions to the

1 Regulators about what they see over the
2 horizon, their focus right now is on
3 BMPs that are, pretty much, on the
4 private side with developers as they
5 start to develop properties. And when
6 you think about the source control
7 strategy that we're putting in place, it
8 fits right into what the Regulators are
9 talking about with integrated planning.

10 And it also fits into the fact
11 that it doesn't have to be achieved
12 right away. It's something that can be
13 addressed over time. The source control
14 sustainable approach gives you that
15 adaptability and that flexibility to
16 address it over time. And also as
17 private side action or private
18 development happens, it's not always,
19 always on the ratepayer back.

20 COMMISSIONER PORTUNE: So just
21 real quick, as a followup to that, by
22 increasing the volume, or the flow, to
23 your tributaries, it improves quality,
24 aquatic life, reduces bacterial loads,
25 is that because of, sort of, the

1 dilution factor, you're adding more
2 volume of clean water, if will you, from
3 a bacterial perspective, and that's what
4 reduces the bacterial load?

5 Because the other issue, of
6 course, there are all the other
7 pollutants that aren't currently
8 regulated that you do pick up from the
9 overland runoff that aren't regulated,
10 and that's really that other question.

11 MR. PARROTT: Well, I think that
12 that goes back to the design components
13 that are in to the detention basins, the
14 wetlands, the forebays, and everything
15 that is in there. Those are
16 specifically in there to enhance, or
17 polish, water quality beyond just your
18 debris or your bacteria.

19 But the other thing I would add
20 is, is that when you think about the
21 geographic layout of the watershed, you
22 know, this is based upon what we think
23 water quality features are necessary on
24 the ground. There's been different
25 surveys that we've done, specific

1 catchments of what's in the watershed,
2 and not necessarily relied on some
3 international or some type of database
4 that, kind of, predicts what the
5 pollutant loadings are and what certain
6 things can achieve.

7 We have looked at it from more of
8 a subcatchment basis, and the water
9 quality features that we've put in
10 there, essentially are to assist with
11 the improvement of water quality beyond
12 just the bacteria level.

13 COMMISSIONER PORTUNE: Okay.
14 Thank you, Director.

15 Mr. President, I have one other
16 question, but not of Director Parrott,
17 if I may.

18 COMMISSIONER HARTMANN: Sure.

19 COMMISSIONER PORTUNE: And this
20 really goes to our monitoring team.

21 Public hearings serve many, many
22 purposes. They're opportunities for the
23 public to weigh in on issues, very
24 importantly for us to solicit comment,
25 for us to answer questions, get feedback

1 from the agency, and the like. But we
2 also want through the public hearing
3 process an open forum in which to get
4 all relevant information and data and
5 materials.

6 So I just have, kind of, an
7 open-ended question to the Monitor, if I
8 may, and that is -- because this is the
9 last of our four public hearings. So --
10 unless we convene another hearing or
11 keep the process open, this is, sort of,
12 the final opportunity to get everything
13 in.

14 My open-ended question to our
15 Monitor, who we have engaged because of
16 their expertise in the area and the need
17 to have, sort of, an independent
18 third-party eye looking at everything to
19 assure the public that everything we get
20 is -- is everything that we need on the
21 topic.

22 What other information -- because
23 you've given us a lot of written
24 information, too, but I'll be perfectly
25 honest with you that the stacks of stuff

1 that we have is considerable. So just
2 for purposes of the public hearing, are
3 there any salient points or facts that
4 need to be brought forward and
5 emphasized for our consideration and for
6 the public's education and understanding
7 that have not been given to us, or if
8 they have been given to us, they just
9 simply need to be emphasized, because we
10 either haven't asked the question
11 related to them, but you know it's
12 relevant to our consideration, or
13 otherwise.

14 So if you could, please.

15 MR. ROE: Blake Roe, with the
16 County Monitor Team.

17 So at the very opening hearing,
18 we gave you a list of what we consider
19 the top-priority risks associated with a
20 predominantly SI approach to the
21 situation.

22 That accumulation of risks was
23 based on the data we had to date, since
24 we started monitoring, and most
25 specifically, from April forward when

1 MSD started presenting their
2 alternatives.

3 So the information and the data
4 that's been shared with the County over
5 the last two weeks of the hearings is --
6 was really -- there's nothing new in
7 there, necessarily, compared to the data
8 we already had available. We continue
9 to review those documents and still
10 supported by the data and information
11 that existed at the beginning of the
12 hearing.

13 So at this time, I know County
14 Administration is in the midst of
15 preparing their own analysis of, Here is
16 the risks that the Monitor has
17 identified, the EPA has identified.
18 Here are MSD's responses to those risks
19 and potential mitigation in some cases,
20 and here is where as a County
21 Administration, we're falling out and
22 making a recommendation related to these
23 specifics risks. So I know that's in
24 the works right now.

25 In terms of additional

1 information, I think, you know, MSD has
2 given you, pretty much, what they have.
3 And we've taken a look at as much of
4 that as we can get our hands on, which
5 is, we think, we've got ahold of the
6 important things. There's a short list
7 of open items that has been submitted as
8 of last week -- or this week, rather, to
9 MSD and the administration and MSD is in
10 the process of pulling that information
11 together.

12 COMMISSIONER PORTUNE: Are there
13 any gaps in terms of reliable data that
14 it's necessary for us to have to make a
15 reasonable informed decision?

16 MR. ROE: See, that's a good way
17 to ask the question, because if you go
18 back to the original risk list, there's
19 really -- let's talk about two primary
20 gaps in what I would call local
21 empirical data. And when I talk about
22 that, I specifically mean measured data
23 collected by flow monitors, and the
24 like. And there's really two issues.

25 The primary one being the

1 effectiveness of the solution at
2 removing CSO overflows. So we have no
3 large scale separation projects that
4 have occurred in the County that have
5 been measured to actually get real, live
6 data on what has been accomplished. So
7 there's a big assumption there that's
8 built into all the modeling that will be
9 at this level effective.

10 MSD has gone in and done
11 sensitivity analysis on their
12 assumption. So when you think about the
13 fact that we're taking 2.9 billion
14 gallons of stormwater out of the system
15 to reduce overflows by 2 billion
16 gallons, there's a ratio you see there.

17 And the reports we've seen on the
18 sensitivity analysis would say, well, if
19 we take out 25 percent less than what we
20 think related to stormwater actually
21 removed from the system, our
22 effectiveness at reducing these
23 overflows, as we previously stated, only
24 decreases by about 11 percent.

25 So please don't hold me to all

1 these numbers specifically. I am an
2 accountant, I like to be precise, but as
3 the Commissioner noted, reams of detail
4 there. So I think I'm pretty close on
5 that.

6 So I can get that. And then, you
7 know, if you look at trying to keep it
8 as a high level as possible, it's a very
9 technical issue, and you need the model,
10 you need some molding to actually give
11 you the answer. So I, you know, I can
12 see where that potentially could make
13 sense for 25 percent. But, boy, when
14 you extrapolate that out and say, okay,
15 if we only hit 50 percent of the water
16 we think we can take out of the system,
17 does that mean we're only missing the
18 target by 22 percent?

19 My primary concern from a
20 decision-making process from a business
21 perspective and a risk perspective is,
22 okay, talk to me even about that
23 11 percent by which you may miss. How
24 much does it cost to make up that
25 differential? And has that potential

1 contingency -- this is separate from a
2 project contingency -- has that
3 potential contingency been taken into
4 account in the overall pricing that's
5 been set forward at 317 for the
6 2 billion gallon solution?

7 COMMISSIONER PORTUNE: well, not
8 only pricing, but let's say that it --
9 to follow the hypothetical, in terms
10 Regulator approval or comfort that we
11 need, I mean, as I think we all
12 understand this, we've been given until
13 the end of the year to select an
14 alternative to the deep tunnel, if
15 that's what we want to do. But we have
16 until the end of the year to make that
17 selection.

18 So let's say we make that
19 selection, the Regulators have said, in
20 essence, that it's reasonable for you to
21 be relying on this data, but have they
22 gone so far as to say it's not only
23 reasonable, but if it comes in wrong,
24 you can still go forward and you're okay
25 with it, or not?

1 MR. ROE: Here is what I've heard
2 them say -- and I know there's other
3 legal conversations I'm not privy to --
4 they absolutely say you can go forward
5 with it, but they have not said you
6 would be held harmless in terms of if
7 the project doesn't meet those
8 expectations.

9 So the EPA is using a different
10 filter than I would use in terms of
11 making a business decision and spending
12 ratepayer dollars. Their answer may
13 be -- a lot of what I've heard when the
14 County's risks were brought forward in
15 the call last week was what future flow
16 monitoring and more data will help
17 solidify things? Postconstruction
18 monitoring will help solidify
19 performance. But those things don't
20 bring you cost certainty right now.
21 Those things potentially lead to
22 additional costs, unless you're held
23 harmless.

24 MR. SIGMAN: Blake, if I could --

25 COMMISSIONER PORTUNE: You

1 mention two things.

2 MR. SIGMAN: Could I expand on
3 that, please.

4 At the meeting Monday night at
5 the public hearing, Director Parrott
6 passed out the meeting minutes from the
7 Regulator call where those specific
8 questions on being held accountable for
9 not meeting targets and volumes, and
10 those types of things, were answered.

11 I would encourage the Board to
12 look at those minutes. There's a solid
13 paragraph in there that's basically
14 saying from a technical perspective, the
15 Regulators are saying, Yeah, that makes
16 sense, you can pick it up on the
17 backside; we'll hold you harmless.

18 But then from the legal review,
19 they want to take it back and review it.
20 So, I think --

21 COMMISSIONER PORTUNE: Did it say
22 we'll be held harmless?

23 MR. SIGMAN: I said from a
24 technical perspective, the people on the
25 call would say, Yes, that makes sense;

1 if you don't meet it by 10 percent,
2 15 percent, you'd pick it up in the
3 final remedy.

4 The lawyers on the call for the
5 Government saying, well, that may be
6 well and good, but we need to make
7 sure -- we want to review how that
8 relates to the actual consent decree.

9 We're still working that issue.
10 And I think that's a nuance that needs
11 to be made clear, that, intuitively,
12 yes, it make sense, yes, put it in the
13 final remedy, but that doesn't equate to
14 legal approval, and that's a process
15 that's still underway.

16 COMMISSIONER PORTUNE: And is
17 that a -- I guess is that an issue
18 that -- I mean, to me, I want that
19 nailed down before I have to decide
20 something by the end of the year, is are
21 we going to meet that timetable?

22 MR. SIGMAN: I wasn't actually on
23 the call. I'll ask our counsel.

24 Just from a scheduling
25 standpoint, a process standpoint, if you

1 believe, based on your experience in
2 many years of dealing with the
3 Regulator, if that kind of decision
4 could be made by the end of the year, or
5 could we be in a position where we
6 actually submit two recommendations to
7 the Regulators while that legal question
8 is still being mulled over at the
9 Federal level?

10 MR. NORMAN: Mark Norman, outside
11 counsel for the County.

12 Outside counsel for the City Lou
13 McMahon and I had a call yesterday with
14 the Regulators. I won't go into details
15 of it now. We'll have an executive
16 session soon to cover that.

17 I think it's suffice to say there
18 was no resolution of that issue. It is
19 a difficult issue. I don't think if --
20 if we need immediate resolution, that it
21 will necessarily be a positive
22 resolution.

23 So like a lot of the legal issues
24 we deal with, they require a fair amount
25 of discussion. The discussion will

1 continue. It wasn't resolved yesterday,
2 and that was fine.

3 But if this becomes a
4 deal-breaker kind of issue, then that's
5 something that you all, as elected
6 officials, will have to decide, and
7 we'll have to deal with the people that
8 we deal with, both legally and
9 technically, you know, here and in
10 Washington and Chicago.

11 COMMISSIONER PORTUNE: Only due
12 to the time, let's move off of that.

13 COMMISSIONER HARTMANN: I will
14 just add, too, that's a monumental
15 issue.

16 COMMISSIONER PORTUNE: Sure.

17 COMMISSIONER HARTMANN: That's
18 the biggest issue that we've talked
19 about in all of these discussions. And
20 the potential for the most risk and the
21 largest cost, so we've clearly got to
22 zero in on that. I think we are.

23 COMMISSIONER PORTUNE: Yeah; I
24 was going to say, for today, let's move
25 on from there. The issue has been

1 raised, but we're going to, I think,
2 need a lot from you on this topic that
3 will allow us to make an informed
4 decision, given the magnitude.

5 MR. NORMAN: Understood. I just
6 want to make sure you understand by
7 Mr. Sigman's reference: The
8 Administration brought it up clearly on
9 the large technical call that we had
10 that had lawyers listening in on it, and
11 we brought it up clearly with the
12 lawyers for the Department of Justice
13 and USEPA.

14 So there's been a very clear ask.
15 There's a very clear nonagreement at the
16 moment.

17 COMMISSIONER PORTUNE: Okay. All
18 right. Thank you.

19 MR. NORMAN: So we're doing our
20 part to try to be clear in our
21 communications. Whether we can bring
22 back the result that you desire, remains
23 to be seen.

24 COMMISSIONER PORTUNE: Thank you.
25 And then, Blake, you mentioned

1 there were two things.

2 MR. ROE: Yes, sir.

3 COMMISSIONER PORTUNE: So what
4 was the second one?

5 MR. ROE: The second one is we
6 would agree with MSD in terms of
7 continued flow monitoring needs to take
8 place to help fill a data gap on the
9 actual meters that are used for the
10 hydraulic modeling. So while there was
11 a plethora, or wealth, of information
12 gathered over the past few years, a vast
13 amount of that was deemed by MSD
14 staffing consultants to be unusable for
15 the purposes of calibration or
16 validation.

17 So more data is required to
18 continue to refine that model, as models
19 do continue to get better and better the
20 more valid data you stick into them.

21 COMMISSIONER PORTUNE: Again, I'm
22 sure that fits into all of this, but
23 without -- if we don't have the data or
24 if we don't have enough to fill the gap
25 to a reasonable degree by the time we

1 have to make a decision, again, we
2 haven't been given any comfort,
3 necessarily, from the Regulators on that
4 point; is that right?

5 MR. ROE: The Regulators have
6 given no comfort, no.

7 COMMISSIONER PORTUNE: Okay.
8 Thank you.

9 MR. ROE: Thank you.

10 COMMISSIONER PORTUNE: That's all
11 I have. Thank you, sir.

12 COMMISSIONER HARTMANN: Thank you
13 very much, Commissioner Portune.

14 At this point I'm going just
15 to just recommend --

16 Commissioner Monzel?

17 COMMISSIONER MONZEL: Actually, I
18 did have a couple more questions for
19 Director Parrott, if that's okay. Just
20 two quick questions.

21 And I think the Monitor just kind
22 of brought it up in regards to we
23 haven't seen a project of this size
24 before, but there is a project that I
25 see when you go up 75 to North 75 and

1 Evendale where GE has transformed part
2 of their parking lots, you know, into
3 a -- that look like a type of rain
4 garden/rain swell.

5 Have you gotten any data from
6 that project and what has been -- you
7 know, from a water diversion of that
8 magnitude? Because, I mean, that's a
9 pretty -- that's one that's visible that
10 has been seen directly from I-75. I'm
11 just kind of curious if you've had any
12 indication if that's -- of what water
13 that's been diverted from just that type
14 of project. Because that's probably the
15 closest thing that's going to, kind of,
16 be similar to what's down in South
17 Fairmount. Unless I'm off in that
18 assessment.

19 MR. PARROTT: I know what project
20 you're talking about. I don't have any
21 data with me.

22 COMMISSIONER MONZEL: I didn't
23 know that, I'm just saying that --

24 MR. PARROTT: But I can look into
25 it for you.

1 COMMISSIONER MONZEL: Could you?
2 Because that would be something that, at
3 least, is close. Maybe not apples to
4 apples, but at least it's a big project
5 that is somewhat in that same vain.

6 MR. PARROTT: Sure.

7 COMMISSIONER MONZEL: And then
8 the second one is in regards to the
9 process of this.

10 So as you go and you're in the
11 30 percent build on average right now,
12 or design phase, as we find things out,
13 and let's say it's two years from now
14 and we come back and say, we missed
15 this, or there's -- do we have time to
16 change things? Is there opportunities
17 to come in and reassess and revisit
18 things so that we can say, well, let's
19 tone it back this way or let's go in
20 this direction because costs are
21 overrunning, or, you know, we're not
22 getting the data that we thought.

23 Is that built into this? Does
24 that flexibility of this, you know,
25 SI alternative have that?

1 MR. PARROTT: Commissioner, I
2 would say that for both the grey option
3 that we were studying and for the SI
4 option, we've been moving down a dual
5 track. And, you know, that's something
6 that I think you've been aware of, and
7 so I would say on both sides, we have
8 been kind of at a point to where we've
9 been wanting to make sure we didn't go
10 too far so that we could have
11 flexibility to makes adjustments and be
12 adaptive.

13 And so as of this month I think,
14 you know, we're kind of at a point with
15 the grey solution, we're kind of at this
16 point with the SI solution. As we move
17 forward, given your direction, we have
18 time for flexibility, design changes,
19 et cetera, to make sure that we can meet
20 the objectives.

21 And so I think there's
22 flexibility and time to make
23 adjustments, but we have been on a dual
24 track, I just want you aware of that,
25 not only with the SI, but with the grey

1 as well.

2 COMMISSIONER MONZEL: Yeah, I
3 think --

4 Mr. President, just to finish up.
5 -- you know, the SI alternative
6 the one that's being put forward here,
7 is the one that I would be most
8 concerned about having that flexibility
9 down the road.

10 MR. PARROTT: Sure. Sure.

11 COMMISSIONER MONZEL: Because at
12 the end of the day, there's two things
13 that we want to accomplish: One is
14 remove the amount of water that's being,
15 you know, directed to us in the consent
16 decree. But in that same time, keeping
17 it within the cost that we can afford,
18 the ratepayers of Hamilton County.

19 So, I mean, those two things need
20 to be achieved, and we need to have
21 flexibility to be able to make changes
22 down the road.

23 MR. PARROTT: And I think that's
24 the beauty of the SI option, is that it
25 does give you more flexibility, at least

1 from my perspective. I believe it gives
2 you more flexibility than a more
3 conventional option. And so from that
4 perspective, I think we can deal with
5 that.

6 The one thing that I want to add
7 in terms of what the Regulators have
8 said about the model and the flow
9 monitoring, they have said that
10 everything that -- our approach and
11 everything that they've seen, that the
12 modeling is a rational tool for us to
13 make a technical decision regarding this
14 matter.

15 So I just want to reiterate that,
16 that's where the Regulators are with
17 this issue.

18 COMMISSIONER MONZEL: Thank you.

19 COMMISSIONER HARTMANN: Thank
20 you, Commissioner Monzel.

21 I thought by way of process at
22 this point that it makes sense for us to
23 get the additional presentation or --
24 not presentation, proposal that is being
25 worked on related to the 1.78 billion

1 gallons at a price around \$244 million.

2 As that's still being worked, I
3 think that we will need to allow time at
4 a staff meeting for a presentation of
5 that, and also to entertain additional
6 questions, I think, on behalf of
7 Commissioners, from the information that
8 we've received.

9 Does that schedule work,
10 Commissioner Monzel?

11 COMMISSIONER MONZEL: Yes, it
12 does work.

13 COMMISSIONER HARTMANN:
14 Commissioner Portune?

15 COMMISSIONER PORTUNE: I think
16 it's the right approach from a process
17 standpoint. And this is not a
18 reflection on what you suggested, we
19 just are where we are. But it
20 clearly -- we're up against the gun. I
21 think we all acknowledge that's what it
22 is. But it's the right approach, the
23 right procedurally in terms of what we
24 have to do.

25 COMMISSIONER HARTMANN: Okay,

1 very well. Then we will schedule this,
2 not at this point, for a staff meeting.
3 We need to wait until that work is done
4 on the background, so prepare for that.

5 Administrator Sigman?

6 MR. SIGMAN: Mr. President, I
7 would add if we get a meaningful
8 traction or news as it relates to the
9 Regulators on the hold harmless, for a
10 lack of a better term, as well as
11 commentary on the 1.7 versus the
12 2 billion gallons, that we would bring
13 that to the Board immediately, because
14 that could have bearing in the final
15 decision.

16 COMMISSIONER HARTMANN: Okay,
17 thank you very much for that.

18 Tony, I think Commissioner Monzel
19 has one more question.

20 COMMISSIONER MONZEL: No; just
21 the presentations that you've given over
22 the past, you know, few public hearings,
23 if we could get those electronically and
24 hard copy, that would be great. Thanks.

25 MR. PARROTT: Sure, sure.

1 COMMISSIONER HARTMANN: Thank
2 you, Tony.

3 I think Jim Harper has one
4 question in 27 parts.

5 UNIDENTIFIED MALE: Jim Harper
6 has no speaking part.

7 COMMISSIONER HARTMANN: Thank you
8 all for being here and engaging so
9 thoroughly in this public process.

10 From MSD, thank you very much for
11 entertaining all the questions, that
12 we've gotten a feel like we've gotten a
13 lot of information. I think that we
14 still have more work to do, as
15 Commissioner Portune alluded to. But I
16 think that the more public that we can
17 make these discussions, the better. And
18 so thank you all for your cooperation.

19 Thank you members of the public.
20 Thank you, County Monitoring Team, and
21 also County Administration.

22 This is one of the biggest issues
23 that faces Hamilton County, and I think
24 that we're treating it as such and doing
25 all we can do protect the ratepayers in

1 what is a serious challenge in this
2 community.

3 So at this point I will close the
4 public hearing, and we will schedule the
5 Partial Remedy for a staff meeting in
6 the near future.

7 (This concludes the Hearing to
8 consider the Lick Run Alternative.)

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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 108 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 11th 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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