

July 6, 2012

Barbara VanTil - USEPA Region 5 Enforcement and Compliance
Sudhir Desai - USEPA Region 5 Enforcement and Compliance
Bob Newport - USEPA Region 5
USEPA REGION 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Dear USEPA Region 5 Reviewers:

The City of Cincinnati Environmental Advisory Council (EAC) was established by a City Council resolution in 1976 to serve as an advisory body to the City Council, Mayor and City Administration on environmental issues. The City Manager appoints our members for two-year terms. As the City maintains partial control in conjunction with Hamilton County over the activities of the Metropolitan Sewer District (MSD), the environmental impacts of MSD are within the EAC's mission statement.

The EAC recommends that USEPA adopt the Phase 1 Sustainable/Hybrid Alternative because it has a number of ancillary environmental advantages compared to the Phase 1 Grey Alternative and should achieve comparable volumetric control for Phase 1 according to MSD's Report. The EAC is especially excited about the MSD's proposal to "daylight" portions of Lick Run. This area and the lower Mill Creek in general are in desperate need for economic redevelopment as MSD's Report makes clear. The surface improvements proposed in MSD's Phase 1 Sustainable/Hybrid Alternative are much more likely to lead to redevelopment and repurposing of land in this area than the Grey Alternative. The redevelopment process could lead to the remediation of many brownfields sites and therefore achieve substantial ancillary environmental benefits.

The EAC additionally believes that USEPA should consider the greater community support, based on a number of community meetings sponsored by MSD, for the Phase 1 Sustainable/Hybrid Alternative, especially public support for surface improvements to Lick Run.

While cost is not a primary consideration for EAC's environmental mission, the fact that the Phase 1 Sustainable/Hybrid Alternative is over \$200 million dollars less expensive compared to the Phase 1 Grey Alternative should not be ignored given that Phase 1 Sustainable/Hybrid Alternative achieves similar volumetric control during Phase I and provides the additional environmental and community benefits discussed above.

Thank you for your consideration on this matter.

Sincerely,

Brad Mank, Chair, Environmental Advisory Council

Please send any correspondence to my work address:
University of Cincinnati College of Law, P.O. Box 210040
University of Cincinnati, Cincinnati, Ohio 45221-0040
Tel: 513-556-0094; Fax 513-556-1236
e-mail: brad.mank@uc.edu

CC:

Bonnie Buthker
Ohio EPA Southwest District Office
401 East 5th Street
Dayton, Ohio 45402

Jason Heath, P.E., BCEE
Technical Programs Manager & Assistant Chief Engineer
Ohio River Valley Water Sanitation Commission
5735 Kellogg Ave.
Cincinnati, OH 45230

MaryLynn Lodor
Environmental Programs Manager, MSDGC
1600 Gest Street
Cincinnati, Ohio 45204

Larry Falkin, Director Office of Environmental Quality, City of Cincinnati
Centennial II Building, 805 Central Ave.
Cincinnati, Ohio 45201

The Lower Mill Creek Partial Remedy - Presentation
August 16, 2012
Comments

I recommend that MSD implement the Tunnel

After attending MSD's presentation and reviewing the Lower Mill Creek Partial Remedy Report, dated June 26, 2012 it became obvious the only project that will meet the 85% control of CSO's in the Mill Creek Basin is the tunnel.

Per the report: the tunnel (Phase I and II) has the lowest cost to achieve 85% control at every CSO and provides more alternatives for Carthage and SSO 700 solutions.
(Page 26)

I would interpret this to mean the default tunnel project (Phase I) was to provide 85% control to the bottom eleven CSO's (002, 003, 004, 005, 006, 007, 009, 125, 428, 429 and 666) not just in two or three areas.

The Sustainable Option (Phase 1) is just another gray solution of storm pipes that will dump 2,978,000,000 gallons of highly polluted urban stormwater into the waterways of Hamilton County disguised as a faux creek and wet lands. The faux-creek and wet lands planned for Lick Run Drainage Basin is a good idea in theory but too small to provide adequate treatment to meet the Consent Decree. As cited in the EPA Urban Fact Sheet (841-F-03-003), "Urbanization increases the variety and amount of pollutants carried into streams, rivers and lakes. The pollutants include: sediment, oil, grease and toxic chemicals from motor vehicles, pesticides and nutrients from lawns and gardens, viruses, bacteria and nutrients from pet waste and failing septic systems, road salts, heavy metals from roof shingles, motor vehicles and other sources, thermal pollution from dark impervious surfaces such as streets and roof tops." The Sustainable Option will not be able to remove these pollutants based on the design plan. It does not provide a large enough wet land to treat the amount of pollutants that will be present.

If the Sustainable Option is selected who is going to be responsible for treating this highly polluted urban storm water, Hamilton County?, City of Cincinnati?, or the Sewer rate payers? What will this cost?

As Tony Parrott stated, "solutions can be two fold;" but the obvious solution should benefit the greatest number of sewer rate payers and not just the city residents. Maybe it is time to fix the problem and leave city re-development to the City Manager and City Counsel to be paid for out of their budget and not the pockets of the county sewer rate payers.

CHOOSE THE TUNNEL!

MSD PUBLIC HEARING COMMENTS

Aug. 16, 2012

James T. O'Reilly

Thank you for the opportunity to comment. This is a vitally important point in the history of our local environmental progress, and I want to open by commending Mary Lynn Loder and the MSD communications people for coming to visit our First Suburbs Consortium Quarterly Membership Meeting to address us about the public comments. I may be the only suburban elected official who has read and keeps a copy of the consent decree in my office, and who has studied these options over several years. I served on the Long Term Control Plan Advisory Committee and have been active in the Executive Committee of OKI Regional Council of Governments for many years.

These views are not necessarily those of our city, of OKI or of the Consortium.

1. The large sewer fee cost increases will have a direct impact on regional macro-economic competitiveness as this county competes with Dayton, Louisville; Indianapolis, etc. for high liquid-generating industries and those with liquid-assisted machinery for bulk, consumer packing or industrial uses. Sewerage rates factor into costs of goods produced; and the prospects of 8-10% annual increases will deter a liquids-using industry or a new developer of multi-unit housing opportunities from investments here. Overhead increases like an 8% sewer increase will deter jobs from being located here.
2. Post-2018 uncertainties regarding owner and operator roles for MSD are a cloud over the bond underwriting prospects, a relatively rare circumstance in the municipal bond market, so it cannot be presumed that the bond market will embrace a spike in issuance of long term municipal bonds for the construction of these projects at the desired AAA rating. Every step that can be taken to reduce the District's dependence on very large bond financing placements should be taken now, before the 2018 date enters into the consciousness of bond underwriters who evaluate the credit worthiness of the City and County. Multiple smaller issuances, spreading out time to completion, makes more sense as a fund raising strategy.
3. Many good people work hard for MSD. But the personnel aspects of the additional MSD projects should be controlled by investment in automation wherever possible. The large legacy costs of additional staffing to the city pension plan and post-2018 to PERS for county employees will be a real problem that should be factored into the equation. Make every effort to reduce the workforce needed to operate the new systems, and consider investing in a study of peer comparatives to the costs per comparable task, of the sewer entities in other cities, to determine relative benefits of inside/outsource costs assigned to current and legacy costs of MSD workforce assignments. The weighted cost per employee of a manually operated system in MSD versus another city's automation savings is an important number as we calculate long term operational expense estimates.

4. Please do a better job of explaining the reasons for the variation between 2005, 2010 and 2012 sets of cost estimates. The public rate-payer is slowly awakening to the rising cost curve of projections for the consent decree in 2012 versus the original LTCP. Explain better and more often why costs went up so significantly. Make it clear if you can and the public will better accept the bad news.

5. Our accountability as the local elected officials for communities in the service area requires us to be ready when complaints are made about our billing numbers; may we please have an annual update of the reasons why the costs have gone up this year vs. last and this year vs. 3 years ago? Let us know so we remain credible in answering our residents' legitimate concerns.

6. The Tunnel is the "800-lb. gorilla" which must be squarely addressed in any discussion of the long term plan. As the consent decree gets older, some may forget the original role of the Tunnel was as the "Hammer" element intended to force serious consideration of costly but less difficult options. The LTCP committee members, including me, urged alternatives be offered to US EPA for the approval of the judge. The judge who inherited this case file is a generalist, who is likely to defer to US EPA environmental engineers if they resist the MSD on alternatives to the tunnel. We need to have US EPA concurrence in the non-Tunnel project alternatives if we are to seek Boehner, Portman and Sherrod Brown help with the more visible and marginally less costly alternatives. I recommend that we intensely publicize tunnel storage experiences in other cities both as to the costs of creation (and disposal of rock) and costs of operation (pumps and power usage). Then MSD should position the alternatives as more benign and more rational. I am concerned that MSD may not have offered the public sufficient perspective on the issue of why several alternative rain-event water retention options will be feasible. The public must get that context from facts that MSD and its contractors can publicize. If the Tunnel is the sole choice left standing after smaller surface projects are discarded, there may be a real problem with voter acceptance of the Tunnel, e.g. "why didn't you tell us that A or B were our best alternatives to a Chicago-style tunnel?"

Thank you for considering these comments.

Jim O'Reilly, Wyoming City Council, joreilly@fuse.net, 708-5601

BRIEF SUMMARY OF COMMENTS OFFERED AT AUGUST MSD HEARING

First, the **bond status** of MSD after 2018 is a matter of some concern. Post-2018 uncertainties regarding owner and operator roles for MSD are a cloud over the bond underwriting prospects. Uncertainty is a relatively rare circumstance in the municipal bond market, so it cannot be presumed that the bond market will embrace a spike in issuance of long term municipal bonds, for the construction of these projects, at the desired AAA rating. Every step that can be taken to reduce the District's dependence on very large bond financing placements should be taken now, before the 2018 date enters into the consciousness of bond underwriters who evaluate the credit worthiness of the City and County. Multiple smaller issuances, spreading out time to completion, makes more sense as a fund raising strategy.

Second, our accountability as the local elected officials for communities in the service area requires us to be ready when complaints are made about our billing numbers. Please share with us an **annual update of the reasons why the costs have gone up** this year vs. last and this year vs. 3 years ago? Please do a better job of explaining the reasons for the variation between 2005, 2010 and 2012 sets of cost estimates. The public rate-payer is slowly awakening to the rising cost curve of projections for the consent decree in 2012 versus the original LTCP. Explain better and more often why costs went up so significantly. Make it clear if you can and the public will better accept the bad news. Let us know so we remain credible in answering our residents' legitimate concerns.

Third, the deep **Tunnel is the "800-lb. gorilla"** which must be squarely addressed in any discussion of the long term plan. As the consent decree gets older, some may forget the original role of the Tunnel was as the "Hammer" element intended to force serious consideration of costly but less difficult options. The LTCP committee members, including me, urged alternatives be offered to US EPA for the approval of the judge. The judge who inherited this case file is a generalist, who is likely to defer to US EPA environmental engineers if they resist the MSD on alternatives to the tunnel. We need to have US EPA concurrence in the non-Tunnel project alternatives if we are to seek Boehner, Portman and Sherrod Brown help with the more visible and marginally less costly alternatives. I recommend that we intensely publicize tunnel storage experiences in other cities both as to the costs of creation (and disposal of rock) and costs of operation (pumps and power usage). Then MSD should position our local alternatives as more benign and more rational. I am concerned that MSD may not have offered the public sufficient perspective on the issue of why several alternative rain-event water retention options will be feasible. The public must get that context from facts that MSD and its contractors can publicize. If the Tunnel is the sole choice left standing after smaller surface projects are discarded, there may be a real problem with voter acceptance of the Tunnel, e.g. "why didn't you tell us that A or B were our best alternatives to a Chicago-style tunnel?" Don't let the Tunnel, the default option, be ignored when we explain why the costs of the other options make sense. Thank you for considering these comments.

Jim O'Reilly, Wyoming City Council, joreilly@fuse.net, 708-5601



August 31, 2012

James A. Parrott
Executive Director
Metropolitan Sewer District of Greater Cincinnati
1600 Gest Street
Cincinnati, OH 45204

Dear Director Parrott:

Congratulations to you and your team as MSD and its partners start the final phase of Project Groundwork. The decisions and policies that emanate from Project Groundwork will affect our city and region for decades to come. It's our assessment that Project Groundwork is a strong research and evaluation project and that it can serve as a strong foundation for critical decisions regarding stormwater control in Greater Cincinnati.

At the Cincinnati USA Regional Chamber, I asked our Government Affairs team, in conjunction with the Chamber's Environment Committee, to review Project Groundwork. That review has prompted the following comments and suggestions. I hope that you and the Hamilton County Commissioners find these suggestions helpful and that they will become part of your final review process as you and your team move towards a Phase 1 decision, due by the end of December, 2012.

A central element, perhaps the central element within Project Groundwork is which path to choose regarding a set of multi-million dollar projects, projects that must keep two billion gallons of stormwater out of MSD's combined system. MSD has concluded that there are two viable pathways to reach the 2 billion gallon goal. MSD refers to the two pathways as the Grey Alternative and the Sustainable Alternative, or the Sustainable/Hybrid Alternative. On behalf of the Chamber's review team, I appreciate the chance to offer comments on these Alternatives.

Our top concern is that the selected alternative meets all of the Consent Decree mandates. In addition, that compliance is met in the most cost effective ways and provides a level of assurance that this set of stormwater problems is behind us. The selected Alternative must provide a permanent solution, not something that requires constant attention and investment.

Prior to any decision, there are a number of outstanding issues that need further resolution. These issues are expanded upon below.

Impacts on Ratepayers.

In MSD's June 2012 "Refined & Updated Report" (hereafter, the Report) rates are only briefly dealt with (see page 112). It appears that either Alternative will require an increase in revenue of 8% each year between 2013 and 2016, with a decline in increases between 2016 and 2018. We

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seek greater clarity and detail regarding the projected increases. We think the following information needs to be presented and evaluated:

1. Does the 8% increase reflect revenue needed *just* for the Consent Decree projects or does the increase include revenue for *all* of MSD's upcoming infrastructure and operational costs between now and 2030? MSD staff has indicated that the 8% increase will cover all costs, that it is not just the marginal increase required for either Alternative. We think the Report needs to confirm, through a much more expansive rate presentation, that the 8% increase reflects the *entirety* of MSD's revenue requirements.
2. Does the 8% estimate include an inflationary factor? If so, what is that factor?
3. One particular concern with rates stems from the fact that specific projects and decisions in Phase 2, starting in 2019, are not as well-defined as plans for Phase 1. This could set up a rather open-ended set of conditions and choices, with impacts on rates. How likely is it that the 8% projected rate increase for Phase 1 will continue into Phase 2? What is the likelihood that the rate increase will be higher or lower?
4. We are concerned that MSD rates will reach a tipping point for private investors, that rate levels will present a business cost judged to be too high and that new investments and facility expansions will move out of Hamilton County. Surely, this is a worst-case scenario but an expanded attention to rates, within the Project Groundwork analysis, would provide further insight and clarity on this critical issue.

Partnerships.

Throughout MSD's extensive reporting, the Sustainable Alternative appears to require many partnerships with agencies under the purview of the City of Cincinnati, including, for example, the Parks Department, Recreation, and Transportation and Engineering. From discussions with MSD staff, these partnerships are not critical for meeting the goals required in Phase 1. But we are not as clear regarding the need in Phase 2. MSD writes that Phase 1 is "not predicated on a well-defined plan for future Phase 2 requirements." That flexibility can be good and, true, MSD may be able to easily and readily move into Phase 2. However, Phase 2 could also present additional, unforeseen difficulties – technically and economically. We think the following information needs to be made available and evaluated prior to the December 31 decision:

1. How formal do possible partnerships need to be? It is not clear, for example, how money and resources will be handled across or between agencies and how regulators may view enforcement and responsibilities for project performance and maintenance. It's critical to note that the Consent Decree and on-the-ground results are mandatory and enforceable. The stormwater reduction has to occur and be maintained in perpetuity.
2. Consider, for example, the following scenario: The Parks Department becomes newly responsible for 50 or 100 acres of new greenspace declared to be an integral component for redirecting surface runoff. If the performance of that component degrades, or does not work as planned, what are the ramifications and choices and possible impacts for the City, the County and ratepayers regarding fines and mandatory redirection of resources? Is it possible, for example, that instead of spending money on Krohn Conservatory the Parks Department would have to use that money for Consent Decree requirements? Has the Parks Department agreed to do that?

Timing:

In its June, 2012, "Alternatives Evaluations Preliminary Findings Report" MSD references the still developing relationship between Phase 1 and Phase 2:

The definition of longer-term compliance will be determined at some point in the future when MSD submits a Phase 2 plan for USEPA consideration. As previously stated, the decision for the LMCP is not predicated on a well-defined plan for future Phase 2 improvements. Rather, it needs to be demonstrated that the selected LMCP is viable and fits into a conceptual Phase 2 solution.

The inherent flexibility presented here can be an advantageous feature. It's our assessment that the Sustainable Alternative, on its face, seems viable. Nevertheless, in order to strengthen the decision making process we suggest further development of a "confidence level", if you will, regarding the "viability" and "fit" between either Phase 1 Alternative and subsequent demands in a Phase 2 solution. After all, Phase 2 is not that far away - it starts in 2019, just six years after the December, 2012 decision. What is the peer reviewed professional standard that should apply to projects of this magnitude with similar regulatory mandates? Either alternative must provide the greatest degree of certainty that these critical investments will meet the mandates of the Consent Decree.

In a summary cost table (Report, page 13) MSD calculates that the Grey Alternative would cost \$637.4 million. The Sustainable Alternative would be quite a bit less: \$317.4 million. That cost delta surely supports the Sustainable choice.

However, the total final remedy, after Phase 2, for the Grey Alternative is \$1.18 billion. The total cost for what becomes known as the "Hybrid Option" - apparently because it includes projects from both the Grey and Alternative choices - is \$1.24 billion - a \$60 million difference. The possibility exists that MSD could start with the Sustainable option and complete it in Phase 1. But there is the likelihood that those Sustainable results will not be acceptable and require costly variations in Phase 2. True, there is also the likelihood that the Phase 1 Sustainable investments will develop and function as predicted and MSD can continue with a Sustainable option for Phase 2 and complete the second Phase at a much lower cost: \$629.9 million.

Again, we think that the decision-making process would be strengthened and draw broader support if the confidence levels among these expensive choices were more fully developed and clearly presented.

Another issue related to cost and expense is the possibility of "LMCP Schedule Extensions" referenced in the November, 2009, "Final Wet Weather Improvement Program." This text (see page 3, WWIP) seems to allow an extended schedule if project costs exceed the original estimate of \$244 million, which is surely the case now. We seek clarity on the meaning of these possible extensions and whether they set a policy option that could be helpful at this critical point in Project Groundwork.

Business Relocation:

For either Alternative, businesses in South Fairmount will be impacted. These impacts present issues beyond the engineering and environmental nature of the June Report. Still, a review process regarding either preferred Alternative must include economic impacts for current business operations. To the extent that businesses must be relocated we urge the City and County to do everything possible to help businesses stay close to their customers, employees and suppliers within the South Fairmount area.

City-County Control of MSD:

The City-County 50-year MSD ownership and operating agreement is due to expire in 2018. The timeline for Project Groundwork runs well past that important date. To the extent the issues of ownership, management and public finance could or will impact Project Groundwork, we believe that those, too, are issues that need to be brought into the discussion of an Alternative. What might a change in utility ownership and management mean for Project Groundwork's contractual and financial obligations and commitments? Hopefully, a future managerial and operational transition for MSD can be smoothly accomplished. But to the extent those imminent decisions affect Project Groundwork's demands, we believe it would be wise to begin to address such issues earlier, not later.

Conclusion:

The direction set by the decision due on December 31, 2012, will impact Greater Cincinnati for decades to come. Because of mandates and enforcement provisions we need a decision that reduces, to the greatest degree, the likelihood that agency and political leadership will have to constantly focus on the many complex and expensive issues inherent in the Consent Decree.

Thank you for the opportunity to present these comments. Please contact me if you have any questions or seek additional information about the concerns or the issues we have raised here.

Regards,



Matt Davis, Vice President
Government Affairs
Cincinnati USA Regional Chamber
513-579-3143
mdavis@cincinnati-chamber.com

The Metropolitan Sewer District has never hosted a neighborhood meeting to allow community input into the planning process. They did offer that opportunity to the Lick Run and West Fork Watershed communities.

Simply attending a Board Meeting or a Community Council Meeting does not qualify.

North Fairmount has never been a part of South Fairmount (Lick Run) and I would really hate to see us become a part of the mess MSD has already created in that neighborhood.

The drug problem on Denham Street has only grown worse with all the vacant buildings which have never been kept secured. MSD has not had any of them torn down in a timely manner. The interesting part of this issue is the fact that a property they purchased adjacent to the park was removed very quickly.

As Co-Director of the North Fairmount Community Center I can only say that we have been treated very unfairly, lied too often, denied pertinent information and we have yet to be paid what they owe us. The handout will address our concerns more fully. I am open to your questions now or anytime at your convenience by phone, fax or email.

1) FACT:

Property Appraisals

1613 & 1635 Denham were single family homes that appraised and sold for \$55,000 each. 1728 Carl, a single family with only the first floor in a livable condition was appraised and sold for \$58,000.

1645-47 Denham, a three family building with a net operating annual income of \$10,200 was appraised at \$42,000. We rejected that offer immediately. Eventually the building became so vandalized we sold it to MSD on 5/4/11 for \$47,500. That represented a loss of at least another \$14,000 with recent slump in sales being considered.

2) FICTION

MSD stated in a letter of November 8, 2011 that a closing on the property at 1645-47 Denham happened in less than 24 hours after they accepted our check to correct the finance department's error in a direct deposit.

FACT

The check was picked up on 4/14 and cleared our account on 4/18. We didn't close on the property at 1645-47 Denham until May 4th. This whole fiasco happened because they wanted North Fairmount Community Center (NFCC) to pay \$100.00 to correct the City's mistake.

3) FICTION

Protective Rents

NFCC staff was told in the beginning that we would receive protective rent payments for vacancies incurred by MSD property purchases. They never told us that it was discretionary on their part because the Denham Project was City funded and not federally funded like the Lick Run Project in South Fairmount.

FACT

MSD Staff were told on at least two occasions in our office that Johnnita Hurdle had already signed papers on 5/28/2010 requesting a move for her CMHA lease. We never asked her to move. In fact we did not sell 1645-47 Denham until almost a year later on 5/4/2012. MSD still owes us back rent for 1647 Denham 2nd floor apartment in the amount of \$ 5,936.64. **Attachment – May 12 Statement**

4) FICTION

MSD told us that relocation of our tenants could be handled in one of two ways. They could hire the movers or pay the tenants \$2,000 to move themselves.

FACT

We have been told that the Pressley family received \$1,800 and Ms. Hoffmann received \$250. Movers do not charge on a sliding scale and our tenants should not have to bear the financial burden based on their income.

5) FICTION

To quote Tony Parrot's letter of May 2, 2011 "Once acquired, MSD will maintain any buildings on the property to prevent unauthorized entry and ultimately will demolish the structures".

FACT

The buildings you purchased were vacant and open for a very long time with drug and prostitution activity.

6) FICTION

MSD Representatives told us on several occasions that no plan had been developed for the Denham Project.

FACT

MSD had presented three different plans to the Community Council Meetings. Dave Gamstetter brought us a concept plan for the site in January of 2012. It included property MSD does not yet own.

In fact there have been no meetings ever offered to North Fairmount Residents requesting their input on the Denham Project. Meetings were planned and advertised through mailings for the Lick Run & West Fork Watersheds.

September 13, 2012



Mr. Tony Parrótt, Director
Metropolitan Sewer District of Greater Cincinnati (MSDGC)
1600 Gest Street
Cincinnati, OH 45204

soil and water

CONSERVATION

DISTRICT

Subject: Comment on the MSDGC "Lower Mill Creek Partial Remedy Alternatives Evaluation Preliminary Findings Report"

Dear Mr. Parrott,

The Hamilton County Soil and Water Conservation District would like to thank you and your hard working staff members for the opportunity to provide comment on the "Lower Mill Creek Partial Remedy Alternatives Evaluation Preliminary Findings Report" and the associated grey, sustainable and hybrid alternatives. Our agency has partnered with MSDGC through involvement in the Communities of the Future Advisory Committee, Lower Mill Creek Watershed Action Plan Committee, the Ault Park Project and response to citizens water issues. The submitted comments reflect our review given an expedited time frame. Consequently, we hope MSDGC is open to more detailed input regarding the design of individual project areas. The details of the project scope and design are vital to ensuring optimal combined sewer overflow (CSO) reduction and appropriate routing of storm water flows for the benefit of the public, aquatic life, MSDGC and associated partners.

Our agency recognizes and appreciates the efforts of MSDGC to evaluate multiple options in obtaining combined sewer overflow goals. Furthermore, we favor the incorporation of a sustainable approach to reducing overflows. There are significant water quality treatment benefits associated with appropriate implementation of the sustainable approach. Natural media can be extremely effective at removing pollutants associated with storm water runoff, while increasing ground water supply. The sustainable approach and hybrid options appear to have similar benefits to the grey alternative from the perspective of percent watershed control and CSOs eliminated. Additionally, the projected Phase I cost of the sustainable/hybrid option alternative is considerably lower than the grey alternative. The Phase II projected cost of the sustainable option also appears to be much lower than the grey alternative.

22 Triangle Park Drive

Cincinnati, Ohio

45246-3411

513-772-7645

Mission Statement - A public organization committed to assisting the citizens of Hamilton County through education, technical assistance and leadership to be stewards of our soil and water resources.

513-772-7656 FAX

Regarding the details of the Lower Mill Creek Partial Remedy Alternatives Evaluation Preliminary Findings Report and associated Town Hall/public information meetings, we have the following comments and recommendations.

- Produce and distribute a synopsis of questions, comments and responses from the August 2012 Town Hall meetings and prior public comment meetings and open houses related to the Lick Run Project, West Fork Project, Bloody Run Project, Kings Run Project, Ludlow Run Project and Denham Project. Include responses to all other comments received.
- Storm water detention design and implementation: To retain the additional storm water flows, many new basins are proposed. Some are proposed within existing stream channels. In order to reduce sedimentation within such basins and long term maintenance, we recommend installing basins outside of the primary stream channel. Or, detain storm water through multiple source controls. This should also enhance the ability for aquatic life to migrate through the project area, which is another measure of project success. There appear to be several in-stream detention facilities proposed in the Lick Run watershed and potentially the Denham and Kings Run watersheds.
- Water quality inflow and outflow monitoring should be conducted at source control measures to better understand and implement designs associated with maximum pollutant removal. MSDGC may find that there are lower costs associated with higher pollutant removal when utilizing more on-site planting media.
- Storm water models can be valuable tools in assessing pollutant removal efficiency based on the number, location and quality of best management practices (BMPs) within a watershed. However, localized water quality and volume reduction monitoring can play a vital role in model calibration.
- In addition to monitoring inflow and outflow at selected source control BMPs, we recommend seasonally consistent monitoring upstream, midstream and downstream of project areas to reveal the water quality improvements that have taken place. Knowing the actual in-stream water quality benefits will help MSDGC to prioritize and allocate resources more efficiently in future project areas. Key water quality parameters include stream habitat, stability, chemistry, macroinvertebrates, fish and salamanders.
- Consider requiring 2-5 year warranties on project performance in order to fully address early project failures or maintenance issues.
- Use alternative and sustainable energy sources to account for higher energy demands as a result of implementing solutions.
- MSDGC has been diligent at informing stake holders regarding the CSO reduction projects at the concept stage. Yet, it is also important to allow partner agencies and groups to provide feedback at various stages in the design process. Field implementation can often divert from concept plans so keeping constituents informed and maintaining transparency through the stages of design is critical.

Again, thank you for the opportunity to provide feedback on the Lower Mill Creek Partial Remedy Alternatives Evaluation Preliminary Findings Report. Our agency welcomes the perspective of your agency concerning our recommendations. We commend the outreach efforts of MSDGC and value the opportunities we have to partner with your organization. Feel free to contact the Hamilton County Soil & Water Conservation District at (513) 772-7645 ext. 15 if you have questions or would like clarification on these submitted comments.

Sincerely,

Brian Bohl

Brian Bohl, MES, CPESC
Stream Specialist

CC: Holly Utrata-Halcomb, District Administrator, Hamilton County Soil & Water Conservation District

Questions ask by the Hamilton County Commissioners' 10/3/2012

1. What is the margin of error of the SWIMM Model used in the lower Mill Creek Study?
Plus or Minus (20 to 30 Percent), Maybe even higher.
2. Will the Sustainable Option satisfy all the requirements of the Consent Decree?
NO, This Option should provide around 70% control of CSOs, system wide. This project may push the Tunnel project into the future, and will help the City with their redevelopment plans for Fairmount.
3. The Lick Run project address about 10% of the of the Mill Creek Basin CSO overflow,
(1 Billion verses 10 Billion total).
4. Phase I requirement: removal of 2 Billion gallons of CSO overflow. I don't believe this is a requirement of the Consent Decree.

Additional Information:

When the 30 ft-dia. tunnel is complete, Gest Street to Mitchell Avenue; I assure you, the tunnel will have storage capacity to provide 85+% basin wide CSO control.

Also with the completed tunnel; the \$100 million dollar High Rate Treatment Facility proposed for the Mill Creek Treatment Plant will not be required. The upgraded Mill Creek WWTP will have adequate capacity to provide 85+% CSO control in the Mill Creek Basin.

For conformation of the above information please contact:
Tom Lyon, Consultant, Black & Veatch
MSD's Project Manager for the Lower Mill Creek Study

Sincerely,

James R. Karle
Retired MSD Employee
(513) 922-0574

Monzel, Chris

From: kendra@fuse.net
Sent: Friday, August 31, 2012 3:09 PM
To: Sigman, Christian; Portune, Todd; Monzel, Chris; Hartmann, Greg; mark.mallory@cincinnati-oh.gov; laure.quinlivan@cincinnati-oh.gov; wendell.young@cincinnati-oh.gov; charlie.winburn@cincinnati-oh.gov; chris.seelbach@cincinnati-oh.gov; Yvette.Simpson@cincinnati-oh.gov; PG.Sittenfeld@cincinnati-oh.gov; roxanne.qualls@cincinnati-oh.gov; cecil.thomas@cincinnati-oh.gov; christopher.smitherman@cincinnati-oh.gov; newport.bob@epa.gov
Cc: msd.communications@cincinnati-oh.gov
Subject: Lower Mill Creek Partial Remedy- Lick Run

August 31, 2012

Dear Decision Maker,

This letter is being sent to show support for the Lower Mill Creek Partial Remedy for the Lick Run watershed. While, a tunnel may move storm water quickly, thus meeting the quantity specified to be removed in the US EPA Consent Decree, it doesn't have the same ability to improve storm water quality or impact the surrounding area.

The community in question, South Fairmount, is economically disadvantaged, and needs a jump start to return the area to a more prosperous time. If money is going to be spent, it seems best to maximize every dollar to ensure we get the most for rate payer money. Not only is the tunnel more expensive, it does little to create a positive economic impact for the host community.

The appealing factor with the "day-lighting" option is it creates more green areas and natural spaces that will become inviting destinations for the thousands of commuters that pass by daily. With new interest points, existing business will thrive, and attract more investment. Whereas, a tunnel will simply convey or hold water.

Another aspect that has to be considered is how the Lower Mill Creek Partial Remedy plan cultivates other opportunities in addition to economic growth, namely, health and recreation. With the emergence of this plan, other off shoots will grow. For example, walking trails, hike-bike paths, community gardens, rain gardens, educational opportunities, and natural areas are all possible with this option.

The LM CPR will also appeal to surrounding communities. Right now there is little interaction between neighborhoods, and this project could launch projects in surrounding communities to improve connectivity and capitalize on the new interest in South Fairmount.

Another important aspect to the LM CPR plan is it will substantially improve the quality of our storm water by physically separating it from sanitary flow. Not only is this more effective management of our resources, but it also reduces operating costs at MSD plants because they will be treating less water. Plus the natural effect of the water flow being controlled and tempered will help reduce erosion and sedimentary fill-in. The action of water traveling over rocks and riffles will also help remove particulate impurities, which is also important to aquatic life.

To summarize, there is no question that any choice will cost rate payers a lot of money, but if we are being forced to choose, let us pick the option that has the most holistic effect, and does the most for

the least cost, namely the Lower Mill Creek Partial Remedy. By selecting this option, it opens up new possibilities for subsequent projects, and welcomes in new and innovative thinking for solving our long-term storm water management issues. I hope you will agree!

Sincerely,

Kendra G. Schroer, MCP, CHMM

Preliminary Comments of Sierra Club on the LMCPR (Lower Mill Creek Partial Remedy) September 26, 2012

Sierra Club has reviewed MSD's Lower Mill Creek Partial Remedy *Alternatives Evaluation Preliminary Findings Report* refined and updated June 25, 2012. Additionally Sierra Club has sought further explanations on the Evaluation, asked MSD for further information and reviewed several additional documents.

Yet information gaps remain and public participation lacks the "public participation" part

At this point we can only make preliminary comments on the Evaluation because the information we have is incomplete and we lack detail information.

Commenters at the Town Hall and in other forums have commented on MSD not sharing information or included affected parties in decision making. MSD's format is largely MSD talks, you get partial information and get to select a picture. Possibly one of the most telling examples is MSD's statement that they will hold community design meetings after

Detailed cost data is unknown

The information gap includes detail about costs and therefore cost-effectiveness. It is impossible to reach any kind of recommendation or conclusion without cost data. Part of the reason MSD sought and was given 3 years to study Green Infrastructure was to come up with cost and effectiveness data.

Total cost numbers exceed cost estimates in 2009

MSD's tunnel costs have exceeded not only the \$244Million (or \$300 Million with at time extension) that MSD assured everyone was feasible, but the Green Infrastructure approach has exceed the \$244 Million as well. One has to ask what is going on when cost estimates more than double in three years. Studying Green Infrastructure for 3 years was supposed to lead to lower costs, not higher. The impact on rater payers of such an increase is high and will lead to more delay. There is no discussion of alternatives and why they were chosen or not based on cost, what costs could be accommodated by other partners in the Green Infrastructure solutions or how else these costs could be reduced or paid for in other ways.

Model uncertainties

The new model changed estimates of overflows in Mill Creek from 8.286 billion gallons to 5.142 billion gallons. This is a drastic decrease in the amount of overflow. MSD's version 4.0.10 completed in December 2010, included this reduction and other changes, yet this information was not made available to the public until June 2012. The model for the Lick Run area, possibly the most important sewer shed in Lower Mill Creek, could not be validated.

MSD's consultants have also stated "XCG understands that MSDGC is currently updating models for areas upstream of SSO 700 in the East Branch Mill Creek study area. ... MSDGC has come to the decision to not incorporate these updated models into Version 3.2 due to the changes being outside the scope of the current project. ... These calibrations do not imply that the system conditions within the East and West Branch Mill Creek are correct, and SCG recognizes that the solutions for the flow from SSO 700 may be incorrect. ... These artificially high values could result in oversized and excessive solutions for SSO 700."¹

While we are glad MSD is sharing information in this case, this gap in the modeling and data analysis is very disturbing. The Final Remedy for SSO 700 is also due to be submitted to USEPA on December 31, 2012. The information the Evaluation Report on the Final Remedy is extraordinarily sketchy. We are told there will be a draft report on SSO 700 in Sept 2012. Yet the data is not in the model! SSO 700 is heavily influenced by backflow from the Mill Creek Interceptor. The volume in the interceptor influences overflows downstream from SSO 700 (reading) and may be causing other overflow points to overflow. All of this affects the sizing and the effectiveness of any tunnel solution. It is also the lack of capacity in the interceptor sewers that contribute to overflows in the lowest end of Lower Mill Creek, where the Green Infrastructure is planned.

The unreliable data for CSO 5 that led to the inability to validate the model for Lick Run, the lack of model updates have led to unreliable data for SSO 700 and its sewershed. This uncertainty about the model lead to great uncertainty as to the appropriate sizing of the solutions MSD has outlined, their ultimate effectiveness, as well as their costs. We recognize models always have a level of uncertainty and are based on assumptions. These uncertainties and assumptions should not only be disclosed but also addressed in defining the solutions.

In preparing the 2006 Long Term Control Plan, MSD spent millions studying their system and based the future costs and projects on a model that MSD knew had problems. MSD is now expecting to spend hundreds of millions on a model that is still flawed and MSD is providing less detailed data about the alternatives that MSD has analyzed than in 2006.

Where is the Green?

The green solution has a lot of grey. LID (Low Impact Development-porous pavement, vegetated roofs, rain gardens, etc) is non-existent or cast into some vague future.

Lick Run

Lick Run, with a 'constructed waterway' called a "stream" appears to have most of the storm water in a box under the stream. Why? Fears of too much water and

¹ LMC-SA System Wide Model Restructuring Version 3.2, Version 4.0.10 and Version 4.2 XCG File No.: 6-575-82, June 1, 2012 Page 17

someone might drown has been the only answer we've heard. There are much bigger streams around, including where Lick Run would flow into the Mill Creek. Safety is an important issue, but this can be addressed with public education or whatever park entity ends up managing the creek. Other considerations such as water quality need to be addressed by MSD. Water flowing through pipes will not gain any water quality benefit. Flowing above ground in as natural as possible a stream will achieve much needed water quality benefits.

It also appears that MSD intends, after spending over \$100 Million to continue to have overflows at Lick Run. They'll continue through what should be a much oversized combined sewer pipe and be somewhat controlled (but still overflowing) by the Real Time Control at the overflow. (The Real Time Control (RTC) consists of closing some of the gates at the overflow.)

MSD has not made a case to continue to have nearly 300 million gallons overflowing at Lick Run. What costs does this save? What is the impact to water quality? How frequently will water quality be impacted? Will another project or more be needed to meet water quality standards later?

The rationale for continuing to use this pipe for combined sewage seems to be 1) MSD is afraid they cannot find all the sewage connections that go into it. 2) The Stormwater Management Utility (run by MSD) does not want to use it as a storm sewer, 3) there isn't enough space for another pipe (which would be much smaller). To those points 1) MSD has a major investment in mapping pipes, TVing pipes, and must be able to identify all illicit connections to storm pipes, has records for taps, which all get billed, so we don't understand why they cannot find all sewage inlets. 2) The county, as we understand it, has agreed to take care of the pipe if converted to a storm pipe and 3) There seems to be space for a lot of other things including a box culvert for stormwater. Possibly MSD also wants to keep running the RTC.

Other options like redirecting the stormwater currently forced into the combined system on Guerley Road would seem to be very cost effective. What options, such as this, were evaluated, excluded and why?

Kings Run

Kings Run has become a grey solution, not a green solution. The EHRT does not meet secondary treatment standards. And it leaves sewage running through people's property. It is hard to understand how this is a solution.

Bloody Run

Bloody Run is mostly a pipe solution with some water detention and some unknown number of curb bump outs (costs and benefits undocumented). It isn't clear how the detention basin is intended to work, what sort of water quality control is imagined and what its performance will be. If it is simply stored and released back into the sewer system it doesn't reduce treatment costs at the WWTP (Waste Water

Treatment Plant) plant and its water quality benefit is limited to preventing overflows.

Ludlow Run

Ludlow is primarily grey, thousands of feet of storm pipe, with 3.135 acres of wetlands, some step pools and bump outs.

Denham

Denham's is almost exclusively storm sewers and real time control.

West Fork

Given the enormous amount of wooded habitat (Mt. Airy Forest), proximity of Mill Creek, MSD's recommendation to remove the concrete from the West Fork Channel and 're-naturalize' it, it is hard to figure out why there is so much CSO storage and interceptors and grey infrastructure in this alternative.

Removal of concrete and re-naturalizing the West Fork are very likely efforts we'd support although we'd like more specifics. We'd like to also see what other options were considered, why the costs were and rationales for selection.

Overall, we are baffled by the absence of all the green infrastructure MSD has been touting... the Kings and Queens of Green... The delay in implementing some unspecified "innovations" could hardly be recommendation of 3 years of work. This was MSD's chance to showcase cost-effective green infrastructure.

SSO 700 Final Remedy

We understand that MSD will not have a draft of the Final Remedy for SSO 700 until late September or October. This plan, also due December 31, 2012, needs to be publicly released, explained and comments taken into consideration.

Water Quality and Consent Decree Compliance

Water quality is at the heart of this matter. MSD's focus on achieving 85% volumetric control, as the only requirement, ignores the long-term requirement of the consent decree and the Clean Water Act, compliance with water quality standards. While volumetric control is a *minimum* requirement of the Amended WWIP, the ultimate question is *will the approved project for the CSOs specified in Attachment 1C of the WWIP, help MSD achieve water quality goals and not "cause or contribute" to violations of the Clean Water Act. Or will the community be forced to revisit these CSOs for expensive retrofits and increased costs?* It appears CSO 5, in all

alternatives, will continue to have nearly 300 million (new model estimates) of overflow even after the project is finished. This represents a sizeable volume of overflow and an unknown (to the public, at this time) number of overflow instances. Not all the overflows itemized in Attachment 1C are addressed by the alternatives.

Equally important, USEPA cannot approve a “presumptive²” plan if USEPA has reason to believe it will not achieve water quality standards. MSD’s “Alternative Analysis” indicates it will not and the strategy may be lowering water quality standards. MSD, however, has already, in the approved WWIP, embarked on the “presumptive” approach and plans are required to comply with approved water quality standards.

MSD has not provided an alternative analysis that shows detailed costs and benefits of each alternative, and the water quality analysis, that shows that MSD’s approach will achieve water quality standards in the most cost-effective manner. Ratepayers deserve no less.

Preliminary Recommendations, Questions

We request that MSD, the city and the county make available, to all rate payers, complete, transparent information about MSD projects and proposed projects. MSD needs to move from supplying some information on their time schedule to being transparent, providing balanced, factual, objective information, as it is available and allow all ratepayers the opportunity to review and understand the information.

Secondly, MSD needs to not just collect some feedback from the public, but to also respond to the feedback and show how the information has changed decision making or factually, why it cannot.

Third, MSD needs to include the affected public from the beginning of the analysis and development of alternatives.

Fourth, MSD needs to start its process from the perspective of achieving water quality standards and eliminating violations. Quality, not just quantity,

Fifth, financial transparency is needed to assure the public that the most cost-effective remedies are being pursued.

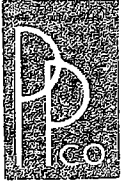
Sixth, there is too much uncertainty in MSD’s new model and the large changes in overflow volume. The lack of validation on CSO 5, the limited number of flow meters, interceptor capacity and backflow, the lack of data and modeling on the upper sewer shed’s and SSO 700 and no modeling done on the Ohio River, Little Miami, Muddy Creek, and the impact of future projects such as the Final Remedy on SSO 700 make it difficult to trust MSD’s numbers or be certain that projects are being properly sized to avoid destruction from storms bigger than typical year flow

² 1994 CSO Policy and Sierra Club email to Parrott, August 20, 2012

and that the solutions will capture the needed 2 billion gallons. MSD needs to explain how they are addressing this situation.

Seventh, MSD relies for much of its work and recommendations on external consultants; some have been consulting for MSD on the same work for years. Others come and go. How does MSD insure that the information consultants gather is available to MSD employees, especially as consultants leave, the expertise and experience gained is captured in-house, results are verifiable and the public isn't left paying for another round of analysis for another model version on the same overflow problems (we paid for the 2006 version, now we have new, incomplete and flawed versions). Accountability mechanisms for accurate, complete, objective analysis and project implementation need to be provided to MSD rate payers. In other words, ratepayers should not be responsible for paying for re-work by consultant after consultant. Rate payers appear to be paying for re-work and that is not cost-effective.

Eighth, green it up or show why all the pipes and concrete is more cost effective. MSD is leaving most of the green work until 'tier 2'. MSD's earlier analysis (2007) showed it was not cost-effective to add green after doing grey. What changed? What data does MSD have from the demos and pilots that have changed this? What are the lessons learned from the green projects to date, particularly as they affect ecological design and aquatic habitat? What ecological, biological, stream science expertise does MSD have on staff?



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September 4, 2012

Ref: Response to MSD Town Hall Meetings!

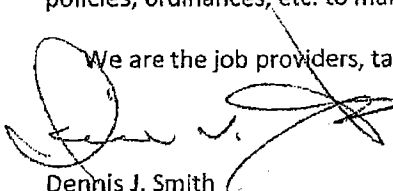
Gentlemen,

The MSD's Project Groundwork will have a dramatic impact on Paper Products Company by potentially forcing us to move on someone else's timetable from our South Fairmount location. Our industry is capital intensive and we need to update our machinery that includes printing presses and die cutters. We have 2 other manufacturing facilities nearby that support each other in the process of making folding paper boxes for the baking industry. We are a 3rd generation family owned company having been started by my father, Omer J. Smith, during the Great Depression in 1932.

Unknown to us around 2004 the Commissioners and USEPA and the courts entered into a consent decree that required the MSD to separate storm water from sewer water to solve the combined sewer overflow, CSO #5, in South Fairmount. The so called "deep tunnel" was mandated in the consent decree. At some point the MSD realized they could save rate payers and taxpayers millions of dollars by designing an alternative "green" solution referred to as "daylighting" of the old Lick Run stream. The Lick Run sewer runs directly through our property on Queen City Ave as well as through the properties of many other well established, tax paying businesses. We have two other locations - one in Camp Washington and the other in Queensgate. We must stay very close to those locations as one supports the others in the manufacturing process.

Since the MSD and the Commissioners are considering the less costly solution, we are asking that Paper Products Company and the other businesses of South Fairmount be allotted the funds necessary above and beyond the appraised values of our properties to move to like and similar locations elsewhere without debt. We are asking that since the MSD will be saving millions of dollars for ratepayers and taxpayers at our expenses by daylighting, that the requested funds be part of the MSD's budget. We are hopeful that the USEPA, Department of Justice, State of Ohio, Hamilton County, City of Cincinnati, and the Metropolitan Sewer District of Greater Cincinnati will somehow find the authority to render economic justice as part the reality of enforcing the Clean Water Act by amending the laws, policies, ordinances, etc. to make this happen.

We are the job providers, tax payers, risk takers, and the true stakeholders in this project!



Dennis J. Smith
President

Corporate Headquarters

8401 Claude Thomas Road, Suite 51
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937.704.9868
Fax: 937.704.9949
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JonesWarner.com



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The Honorable Board of County Commissioners
138 East Court Street, Room 603
Cincinnati, Ohio 45202

October 2, 2012

The Honorable Mayor & City Council
City of Cincinnati
801 Plum Street
Cincinnati, Ohio 45202

Re: MSDGC Consent Decree

Ladies & Gentlemen: *GR 6*

This letter is in response to the upcoming decisions to be made by the defendants and co-defendants with regards to the consent decree and Lower Mill Creek Partial Remedy (LMCPR Alternative). As a former public official, City of Cincinnati vendor, Certified Small Business Enterprise owner and proud Cincinnati native, I feel compelled to express my appreciation to you as well as to share my thoughts about the two options and my support of the recommended "LMCPR Alternative."

First and foremost, I would like to convey my sincere appreciation to MSD, their partners, and both government entities for your direct involvement in this problem and the commitments made to respond to the consent decree. The final decision implemented will ultimately have a positive impact on the entire sewer system, improve water quality, and insure fiscal accountability to the ratepayers. This is very commendable and as an affected taxpayer and local business, we are very appreciative.

Jones-Warner Consultants, Inc. has had an office in Cincinnati, near Lunken Airport, for over three years and we enjoy being part of the local community. While we do provide some services to MSD, these services to date have not been directly related to the consent decree. However, should the decision follow the recommendation and involve "Green Infrastructure" we would welcome the opportunity to have our LEED-certified professional staff work with MSD if requested.

With regards to the options and subsequent recommendation presented by MSD, I am impressed with their approach to both options. I believe it to be a sincere desire to meet the criteria of the consent decree with a sustainable solution and, at the same time, be fiscally responsible to the rate payers. In my opinion, there is one clear choice: the "LMCPR Alternative" solution.

As brought up by the County Monitor in the recent public hearing, there are risks associated with both solutions. However, after reviewing those risks and taking into consideration the capital cost of each option, my concerns continue to grow with the deep tunnel "Grey" solution estimated at approximately twice as much as the alternative. This in itself should be reason enough to choose the alternative. Besides all of the unknowns, the other major problems I see with the "Grey" solution are the timing, the disruption and impact on other existing infrastructure, and the negative impact on the local economy of the City of Cincinnati and Hamilton County.

However, it is quite the contrary with the "LMCPR Alternative" solution. This solution is less expensive and more cost-effective. It is environmentally-friendly and offers a significant positive impact on the local business economy. It retains and creates additional local jobs, develops new businesses and relationships, and aids in the bolstering of the economy for the City of Cincinnati and Hamilton County. And again, based on the significant difference in cost, it will have the least impact on the rate payers of the district.

Thank you for allowing me to share my perspective with you and for your thoughtful consideration of this important decision.

Sincerely,

T. Shawn Campbell, Principal
Jones-Warner Consultants, Inc.

Cc: Milton R. Dohoney, City Manager
Christian Sigman, County Administrator
James A. Parrot, Director, MSDGC
MaryLynn Lodor, MSDGC
Biju George, Deputy Director, MSDGC

From: Sierra Club on behalf of Edward Roach
To: Parrott, Tony
Subject: Green Infrastructure is Clean, Sustainable, and Affordable
Date: Thursday, October 04, 2012 8:00:12 PM

Oct 4, 2012

Director Tony Parrott

Dear Director Parrott,

The Greater Cincinnati area suffers from more combined sewage overflows than almost anywhere else in the country. Based on current estimates engineering a giant auxiliary sewer will place a tremendous financial burden on rate payers for generations. We can do much better.

Communities across the country have implemented low impact best management practices or green infrastructure to control storm water. In recent years the US EPA has been more supportive of green approaches to reduce combined sewage overflows. Green infrastructure is decentralized, passive, adaptable, economical and provides eco-system services to improve water quality. The capital and operating cost of green infrastructure compared are often considerably less, up to 50%.

The Metropolitan Sewer District has provided two choices; grey or green, to reduce combined sewage overflows as part of the Lower Mill Creek Partial Remedy. While the preliminary findings report was broad, vague, and lacking in specifics, both options promise to reduce combined sewage overflows.

However the sustainable or green infrastructure option will reduce capital cost, re-invest in neighborhoods, adapt to changing conditions, provide eco-system services, lower our carbon footprint, and reduce operating cost. While I lament the lack of green infrastructure in the green or sustainable option it still promises to be a better more cost effective solution.

I appreciate Hamilton County's resolution in support for green infrastructure, oversight of MSD, control of costs, and efforts to improve water quality. I urge MSD to be more transparent, share information in a timely way, and include citizens in substantive decision-making.

Hamilton County is at a crossroads and the choice you make now will influence communities across Ohio that are facing similar decisions to invest in green infrastructure solutions. You have the unique opportunity to transform Hamilton County from a national leader in sewage overflows into a leader in sustainability. Please choose green.

Respectfully,

Mr. Edward Roach
1705 Piper Ln Apt 206
Centerville, OH 45440-5045

Portune, Todd

From: Mark Johnson <majohnsonesq@hotmail.com>
Sent: Friday, October 05, 2012 11:58 AM
To: Portune, Todd
Subject: Green infrastructure is a win/win!

Mr. Mark Johnson
445 Queensgate Rd
Springboro, OH 45066-9703

Oct 5, 2012

Todd Portune

Dear Todd Portune,

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Respectfully,

Mr. Mark Johnson

Monzel, Chris

From: Mark Johnson <majohnsonesq@hotmail.com>
Sent: Friday, October 05, 2012 11:57 AM
To: Monzel, Chris
Subject: Green infrastructure is a win/win!

Mr. Mark Johnson
445 Queensgate Rd
Springboro, OH 45066-9703

Oct 5, 2012

Chris Monzel

Dear Chris Monzel,

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Respectfully,

Mr. Mark Johnson

Portune, Todd

From: Hartnett, Patrick M (HP Managed Services) <patrick.hartnett@hp.com>
Sent: Friday, October 05, 2012 9:06 AM
To: Portune, Todd
Cc: Binns, Kathy
Subject: Green Infrastructure is a Win / Win for Hamilton County!

Oct 5, 2012

Dear Todd Portune,

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Respectfully,

Mr. Patrick Hartnett
3854 Settle Rd
Cincinnati, OH 45227-3022
(513) 351-7603

Monzel, Chris

From: Hartnett, Patrick M (HP Managed Services) <patrick.hartnett@hp.com>
Sent: Friday, October 05, 2012 9:00 AM
To: Monzel, Chris
Subject: Green Infrastructure is a Win Win for Hamilton County!

Oct 5, 2012

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Respectfully,

Mr. Patrick Hartnett
3854 Settle Rd
Cincinnati, OH 45227-3022
(513) 351-7603



Groundwork Cincinnati Mill Creek



October 8, 2012

To: The Hamilton County Board of Commissioners
Commissioner Greg Hartmann, President
Commissioner Chris Monzel
Commissioner Todd Portune

From: Robin Corathers, Executive Director, Groundwork Cincinnati/Mill Creek.

Re: **Lower Mill Creek Partial Remedy**

I. Introduction

Groundwork Cincinnati/Mill Creek (formerly Mill Creek Restoration Project) has participated on the Metropolitan Sewer District of Greater Cincinnati (MSD) Communities of the Future Committee and in MSD's Lower Mill Creek public meetings and design workshops. The nonprofit has also reviewed the Lower Mill Creek Partial Remedy Alternatives Evaluation Preliminary Findings Report (LMCPR report) and is currently working with other public and private partners on the Lower Mill Creek Watershed Action Plan. Given this level of participation and understanding, Groundwork Cincinnati offers the following comments and recommendations:

II. General Comments

Groundwork Cincinnati/Mill Creek endorses the Phase I Sustainable Alternative proposed by MSD. The Sustainable Alternative is watershed-based and holistic in scope, concentrating on source control with strategic Green Infrastructure projects (e.g., reforestation, stream restoration and daylighting, wetlands, rain gardens, green roofs and walls, and bio-swales).

These approaches are ecologically and fiscally sound and provide multiple benefits for Mill Creek neighborhoods and communities. Source control reduces the volume of stormwater and natural stream flows that enter combined sewers, preventing and reducing combined sewer overflows (CSOs) to Mill Creek and its tributary streams. Groundwork Cincinnati understands that additional grey infrastructure (e.g., the Sustainable/Hybrid Alternative) will also be needed to meet MSD Consent Decree requirements in the heavily urbanized Lower Mill Creek Watershed.

Over the past three years, MSD could have focused solely on building a far more expensive deep tunnel that the public would never see and that would have higher life cycle and energy costs to operate and maintain. The Hamilton County Commission, the City, and MSD are to be commended for their foresight in developing a viable alternative to a deep tunnel that saves dollars; engages diverse public and private partners; uses sewer improvements as a catalyst for stimulating economic reinvestment in Lower Mill Creek neighborhoods; and provides other major environmental, economic, social, and public health benefits to the broader community.

Groundwork Cincinnati is committed to collaborating with MSD whenever possible and funding permits on implementation of Phase 1 and 2 Sustainable Alternative Green Infrastructure projects and to integrating sustainable watershed solutions into its ongoing Mill Creek environmental education programming. The nonprofit will make a concerted effort to raise outside funds to underwrite some of the work ahead, including creating greenways, trails and other ecological improvements along daylighted portions of Lick Run, West Fork Creek, and Mill Creek. Further, Groundwork Cincinnati will continue to participate on the MSD Communities of the Future Advisory Committee and to contribute to the development of the Lower Mill Creek Watershed Action Plan that will address other sources of water quality and biological impairments.

Groundwork Cincinnati/Mill Creek is a dynamic, community-based nonprofit working in the Lower Mill Creek Watershed with the City of Cincinnati and other diverse partners to regenerate the health of Mill Creek and other natural resources, to revitalize economically depressed neighborhoods, to recycle derelict properties for productive reuse, and to build community capacity by educating youth and providing training and employment opportunities for adults. To date, the nonprofit has provided year-round environmental education programming for 26,000 youth; completed 25 ecological (wetlands, wildlife habitat, water quality, streambanks, and floodplains) projects; and constructed and landscaped 3.5 miles of the Mill Creek Greenway Trail in the Lower Mill Creek Watershed.

III. Specific Comments

1. *Butler County Impacts on Mill Creek Water Quality:* In Chapter 12 of the LMCPR report, it indicates that even if MSD eliminates all of the CSOs to Mill Creek in Hamilton County, Mill Creek will still not reach water quality standards because bacteria levels will remain high from upstream Butler County sources. This is a critical issue impacting public health, water quality, and the ultimate net benefit of the MSD Consent Decree that must be resolved.

2. *Water Quality and Recreational Use in Lower Mill Creek:* The LMCPR report notes that channelization and industrial and transportation uses along the Lower Mill Creek severely limit recreational use of the river, and therefore reducing CSOs will not have a significant impact on public health or increase the number of days when there is recreational use of Mill Creek. Groundwork Cincinnati believes this picture is changing with development of the Mill Creek Greenway Trail; ecological improvements taking place in and along the river; and incremental improvements in water quality from CSO projects MSD has completed to date. As MSD continues to eliminate and reduce CSOs, thereby reducing public health risks, Mill Creek neighborhoods will increasingly want to recapture the river's benefits. Water quality is a high priority for these economically disadvantaged communities.



October 10, 2012

Hamilton County Board of County Commissioners
138 East Court Street, Room 603
Cincinnati, OH 45202

Re: Lower Mill Creek Partial Remedy

Dear Commissioners Hartmann, Monzel and Portune:

On behalf of the Rivers Unlimited I am writing to support the Metropolitan Sewer District's (MSD) Lower Mill Creek Partial Remedy (LMCPR) in contrast to the tunnel storage proposal.

The advantages of the Hybrid Plan do the following:

- 1) Begin the process of **separation of domestic and storm sewage** in uplands of several of the Lower Mill Creek watershed.
- 2) Begin the process of **daylighting and naturalizing several stream segments to promote biocriteria** towards compliance with the expectations of the Clean Water Act (1972). These include Lick Run, West Fork Creek, Kings Run.
- 3) Begin the process of **infiltration, retention and transpiration & evaporation to reduce runoff water** volumes and flashiness of rainfall runoff events in the tributary streams.

The benefit of a watershed approach is a holistic assessment of both water quantity and quality impairments, and a thoughtful comprehensive approach to reducing those impairments. MSD's consent decree mandate is tied solely to volumetric reduction, not to specific water quality improvements. As proponents of clean water in the State of Ohio, we would like to see the reduction in the number of overflow events, not the total volume. First flushes are the most toxic containing street runoff (street salt, brake linings, tire rubber, oil and grease, metals from antirust treatments on cars, and trash thrown from cars). This is the most damaging at low summer flows when the stream biota are most vulnerable.

Auxillary grants are helping like the \$72,000 in OEPA Surface Water Improvement Fund monies was awarded in June 2012 to construct a park-like bioinfiltration conveyance system in South Fairmount to capture and treat the first flush of stormwater runoff and reduce combined sewer overflows (CSOs) to CSO10 by 250,000 gallons annually. MSD, HCSWD, and other partners (MCWCC, Groundwork Cincinnati) should be encouraged to submit other discrete projects for funding from Federal and State Sources (WRSP, 310a, Green Ohio, etc.). Over the past decade many partners have developed 9 bankfull wetlands mostly in Butler County to abate severity of bankfull events and treat the overflowing stream water. We must work together to continue the Lower Mill Creek Partial Remedy.

The MBI survey by Yoder et al. in 2011 established that **improvements in WWTP water quality, reduction of SSO overflows, channel and bank restoration** below Caldwell Park and **natural succession** in trapezoidal channel since 1992 and **removal of fish barriers** below Western Hills Viaduct and below Hopple Street have allowed Ohio River fish to migrate up to the rectangular channel (RM 6.5) and allow them during the summer to reach Clean Water Act expectations for a Modified Warmwater Habitat (MWH). Moreover, the macroinvertebrates reach the expectations of a Warmwater Habitat (WWH) in the lower Mill Creek mainstem. With little expenditure on habitat quality, natural succession and a reduction in wastewater (SSOs, especially SSO700), the fish and macroinvertebrates have returned. Making tributary streams healthy allows insect filter feeders to remove bacteria (E.coli), adsorb and oxidize pollutants (organic matter, metals, Atrazine as examples). Improving biocriteria are a positive feedback to improving the water quality overall.



Most of the tributary streams however are non compliant for both IBI and ICI scores. Some of the stream restorations planned in the Hybrid Plan will improve segments of streams. We are not happy that that reduction of rectangular channels in the West Fork Creek does not extend the full length to its mouth. We are not sure how the Lick Run daylighting will end. Some plans look like it may go underground to the outfall. CSO 24 Ludlow Run Watersheds and CSO 10-Denham Watershed project design are exemplary of using greener solutions in the source areas. Separation of storm and sanitary sewers will not improve the biocriteria unless the water is detained for 24-48 hours to reduce peak pulsed flows in the mainstem. As retored, isolated sections of tributary and even the upper mainstem, releasing some native fish to develop wild populations might be advisable in the future. Illustrative of the isolation of stream segments is the upper river which is dominated by sunfish, likely spawned in many retention pond in Butler County.

We feel that the Lower Mill Creek hybrid partial remedy is a significant improvement over the cement and steel alternatives and continues the process towards recovery of a healthier urban waterway in Cincinnati.

Sincerely,

Michael C. Miller
Professor Emeritus, Department of Biological Sciences, U. Cincinnati
Vice President of Rivers Unlimited (501 (c)3)
3348 Meyer Place, Cincinnati 45211
513 675 0293 or Mike.Miller@uc.edu

cc Powerpoint of presentation to Water Quality Subcommittee of Mill Creek Watershed Council of Communities 3 Oct. 2012.

Ball, Karen

From: Dennis <dennis@paperproductscompany.com>
Sent: Monday, October 22, 2012 1:04 PM
To: tony.parrott@cincinnati-oh.gov; marylynn.lodor@cincinnati-oh.gov; samuel.stephens@cincinnati-oh.gov; michael.moore@cincinnati-oh.gov; roxanne.qualls@cincinnati-oh.gov; Ball, Karen; Hartmann, Greg; susan.waidner@hamilton-co.org; Monzel, Chris; Bell, Gena; Portune, Todd; Binns, Kathy; 57.l Stevenson@heritageacademies.com; whccerlene@aol.com; kschwab@lisc.org; adams1764@zoomtown.com; martha.kelly@cincinnati-oh.gov; beth.sutherland@cincinnati-oh.gov; markiea.gore@cincinnati-oh.gov; dleonard@eqm.com; district31@ohr.state.oh.us
Cc: Councilmember Charlie Winburn; Councilmember P.G.Sittenfeld; Councilmember Christopher Smitherman; Councilmember Laure Quinlivan; gwolnitzek@humannature.cc; john.lyons@strand.com; thomas.jones@cincinnati-oh.gov; Sigman, Christian; camerson.ross@cincinnati-oh.gov; odis.jones@cincinnati-oh.gov; cmanning@humannature.cc; dlamp@ascgroup.net; daleleever@yahoo.com; marilyn.wall@sierraclub.org; dave.gamstetter@cincinnati-oh.gov
Subject: Fw: Moontree Letters
Attachments: Moontree Letters (5).pdf

Hello Everybody,

The Moon Tree Letters in the above "attachments" represent efforts to save the Sycamore Moon Tree located at 1543 Queen City Ave, Cincinnati, OH behind Paper Products Co. in the event the MSD daylights the Lick Run stream. The letters are from NASA, Christopher Roosa, The Cincinnati Observatory, The Cincinnati Astronomical Society, and the South Fairmount Community Council. Please open and read each letter. Paper Products Co. purchased the tree 23 years from an ad in The Wall Street Journal. Because of my interest in the space program and the fact that paper is made from trees, we planted it on our property as a symbol of the "sustainability" of the packaging we manufacture for the food industry. The Sycamore Moon Tree has thrived and is the only one in Cincinnati. The "tree" is featured on the NASA web site. Google "moon tree Cincinnati second generation" and locate Paper Products Company in the list of other tree locations, and click. You will see the beauty of Cincinnati's Sycamore Moon Tree. As the new stream winds through the neighborhood, we are requesting that every effort is made by the designers to incorporate the "moon tree" into the new park design. This would be a good location for an Ohio Historical Society marker next to the Moon Tree once the parkland is complete! Thank you for your consideration!

Dennis J. Smith
President
Paper Products Company
1543 Queen City Avenue
Cincinnati, Ohio 45214
Office: 513-921-4717 Cell:513-739-7817
FAX: 513-251-5553
E-mail: dennis@paperproductscompany.com
web: www.paperproductscompany.com

Christopher A. Roosa
1200 N. Veitch St. Apt. 1002
Arlington, VA 22201
croosa@croosa.com

July 16, 2012

Since the dawn of time, there have been billions of people walk on this planet: Earth. In the history of mankind, there have only been 12 men walk on the Moon and 6 that have soloed around it.

There was only one mission that carried tree seeds: Apollo 14. My father, Stuart Roosa, was the Command Module Pilot on that mission. In his youth, he fought forest fires for the US Forest Service and wanted to pay tribute to those who fight to save the beauty of nature. He carried a variety of tree seeds in his Personal Preference Kit. Thus, Moon Trees came into existence.

Of the billions of trees on this planet, there are only a handful of places that can make the claim of having a Moon Tree. Cincinnati is one of the few places to have that privilege. The US Forest Service picked out selected species of trees that would grow for hundreds of years. Once the tree is lost it is gone forever.

On behalf of the Roosa family, and for the future generations to come, I ask you to help us try to preserve this tree. Earth only has a few items that have gone into space, and keeping these moon trees alive will remind all who see it about the Apollo programs; Mankind's greatest feat of exploration and of the accomplishments which have made the United States great.

If the Roosa family can be of service, please let me know.

Sincerely,

Christopher Roosa

Christopher Roosa
Colonel USMCR (Ret)

National Aeronautics and
Space Administration

Goddard Space Flight Center
Greenbelt, Maryland 20771



Reply to Attn of:
David R. Williams
NSSDC, Code 690.1
NASA Goddard Space Flight Center
Greenbelt, MD 20771

In February of 1971, Apollo 14 Command Module pilot Stuart Roosa brought a small canister containing tree seeds with him to orbit the Moon. On his return, Roosa, a former smoke jumper, presented the seeds to the U.S. Forest Service, which germinated the seeds and grew seedlings. Five years later many of these were planted across the United States as part of the nation's bicentennial celebration. Other trees were grown from seeds and cuttings from these original trees over the years. The "Moon Trees" were planned as a tribute to the achievements of the Apollo program.

I am the curator of the NASA Moon Tree website and have been tracking these trees over the last 15 years. During that time some have succumbed to weather and disease, and the number is slowly dwindling. The tree in Cincinnati on the grounds of the Paper Products Company is a second generation Moon Tree, planted in 1992. It is one of about 100 known living Moon Trees in the United States. If you have any questions about this tree I will be happy to answer them for you.

Sincerely,

A handwritten signature in cursive script that reads "David Williams".

Dr. David Williams
National Space Science Data Center



CINCINNATI OBSERVATORY

3489 OBSERVATORY PLACE, CINCINNATI, OH 45208 | PHONE: 513-321-5186 | WWW.CINCINNATIOBSERVATORY.ORG

August 24, 2012

Mr. Dennis Smith
Paper Products Company
1543 Queen City Ave.
Cincinnati, OH 45214

We are writing in support of the preservation of the Moon Tree planted on the grounds of the Paper Products Company in Cincinnati. Planted on April 24, 1992 this second generation Moon sycamore (*platanus occidentalis*) represents a remarkable period of space exploration and achievement.

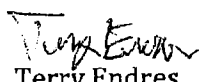
Second-generation Moon trees are descendants of the first-generation "Moon trees" that were grown from seeds taken on the Apollo 14 mission to the Moon in 1971. While astronauts Alan Shepard and Edgar Mitchell walked on the Moon, Stuart Roosa, a former U.S. Forest Service (USFS) smoke jumper, orbited above in the command module *Kitty Hawk*. Packed in Roosa's personal kit were hundreds of tree seeds, part of a joint NASA/USFS project. Upon return to Earth, the seeds were germinated by the Forest Service.

The original "Moon Trees" were planted throughout the United States, often as part of the nation's bicentennial in 1976. A Loblolly Pine was planted at the White House, and trees were planted in Brazil, Switzerland, and presented to the Emperor of Japan, among others. Moon Trees have also been planted in Washington Square in Philadelphia, at Valley Forge, in the International Forest of Friendship. These first and second generations trees stand today as a tribute to the Apollo astronaut's bravery and the spectacular success of the Apollo program. Cincinnati's Moon Tree stands as a tribute to a great period of exploration and national pride.

Cincinnati has a rich history in astronomy and space science. The Cincinnati Observatory is the oldest public observatory in the nation, and the Cincinnati Astronomical Society is one of the country's oldest amateur astronomy clubs. Both organizations offer programs that inspire the public, scouts, K-12 students and teachers to discover the universe around them. Inspired by the recent success of NASA's Curiosity landing on Mars, perhaps one of our young visitors will one day return from their voyage to Mars with seeds that will be planted next to Cincinnati's Moon Tree.

With regards,


Craig Niemi
Executive Director
Cincinnati Observatory Center


Terry Endres
President
Cincinnati Astronomical Society





3489 OBSERVATORY PLACE, CINCINNATI, OH 45208 | PHONE: 513-321-5186 | WWW.CINCINNATIOBSERVATORY.ORG

July 23, 2012

Mr. Dennis Smith, President
Paper Products Company
1543 Queen City Ave.
Cincinnati, OH 45214

Dear Mr. Smith:

This is a letter of support for the preservation of the approximately 20 year old sycamore (platanus occidentalis) Moon Tree that is growing on the grounds of the Paper Products Company.

A Moon Tree is a tree that was grown from seeds that orbited the Moon in 1971 and carried by Astronaut Stuart Roosa in the Apollo 14 Command Module.



Evidently the Metropolitan Sewer District of Greater Cincinnati's Proposed Sewer Improvements in the Lick Run Watershed project is putting the fate of the Moon Tree in question.

It is my understanding that this Moon Tree is only one of two such second-generation trees in Ohio and that there exists only one primary Moon Tree in Ohio.

The historical reason for my stated support of the tree is based in the fact that I am the Historian of the Cincinnati Observatory Center. Also, my astronomical interest in preserving this Moon Tree is related to the fact that I taught a Lunar Astronomy course for the University of Cincinnati for over 25 years. And my hereditary interest in this tree is that it probably is planted on a plot previously owned by my maternal grandmother-Euginia Holtzacker.

Whatever can be done to preserve this Moon Tree during the planned MSDGC Proposed Sewer Improvements in the Lick Run Watershed project would be greatly appreciated.

Sincerely,

John E. Ventre
Cincinnati Observatory Center Historian

South Fairmount ~established 1849

Community Council ~established 1982

A NON-PROFIT ORGANIZATION

1724 Fairmount Avenue
Cincinnati, Ohio 45214-1223
Phone (513) 71-5099 E-mail whccerfene@aol.com

President
Elliott M. Ellis August 20, 2012

Vice-President
Charles Young

Secretary
Linda Hutson

Treasurer
Joan Griffin

**Corresponding
Secretary**

Board of Trustees
Jim Gardner
Ron Hutson

South Fairmount Moon Tree

To Whom It May Concern:

The South Fairmount Community is fortunate to have civic minded business owners like Dennis Smith of Paper Products.

Through his efforts Dennis acquired, planted at Paper Products and has nurtured one of no more than one hundred second generation Moon Trees.

The South Fairmount Community Council agrees with Christopher Roosa (son of the astronaut that took first generation seed into space), the Cincinnati Observatory and the Cincinnati Astronomical Society that this nationally recognized Moon Tree deserves to be preserved and protected on its hallowed ground for all to enjoy.

Sincerely,



Elliott M Ellis, President
South Fairmount Community Council

South Fairmount Business Association
c/o Paper Products Company
1543 Queen City Avenue
Cincinnati, Ohio 45214

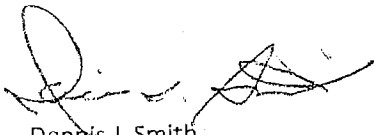
October 25, 2012

AN OPEN LETTER TO COMMISSIONERS HARTMANN, PORTUNE, AND MONZEL

Gentlemen,

For over 2 years The Metropolitan Sewer District has outlined their plan to daylight the Lick Run stream through South Fairmount. Many businesses have done due diligence, considered the possibility they may have to relocate, and have looked at alternative locations. During this time period most businesses have had to put their plans on hold which has worked to the disadvantage of many and cost untold thousands of dollars. Some have lost income unable to rent their space or have had tenants leave unwilling to sign a lease because of the uncertainty. Many of the businesses of South Fairmount are finding the reality that the low appraisal amounts are not enough to purchase like and similar facilities without incurring lots of debt. There is very little affordable or available property in the vicinity thus introducing a whole new set of dynamics. Most of the businesses do not have any debt and feel that this is an important reason why they have been able to survive this current business downturn. We are told by the MSD that they are required to follow the Ohio Revised Code and Federal guidelines and are therefore limited as to what they can do as far as financial assistance is concerned for the businesses. We are asking the Commissioners to help in a manner that the Federal, State, County, and City laws, ordinances, and policies can be changed, amended, or modified in a way to allow the Metropolitan Sewer District to include the needed funds in their budget to make the businesses whole and allow us to stay in business. Is there "grant money" available and if so who takes the initiative on informing the businesses? MSD plans on saving rate payers millions and millions of dollars by day lighting the stream at the expense of the land and business owners in South Fairmount. We all are in favor of clean water and want to be in business as we drink it.

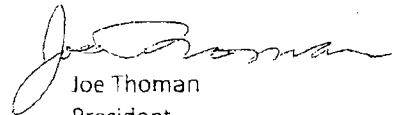
For the South Fairmount Business Association, we are



Dennis J. Smith
President
Paper Products Company



Ed Bemerer
President
Quality Manufacturing



Joe Thoman
President
Weil Thoman Moving

South Fairmount Business Association
c/o Paper Products Company
1543 Queen City Avenue
Cincinnati, Ohio 45214

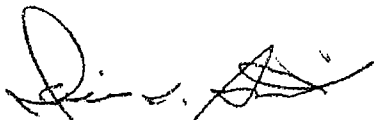
October 25, 2012


AN OPEN LETTER TO COMMISSIONERS HARTMANN, PORTUNE, AND MONZEL

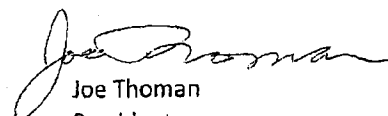
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For the South Fairmount Business Association, we are


Dennis J. Smith
President
Paper Products Company


Ed Bemerer
President
Quality Manufacturing


Joe Thoman
President
Weil Thoman Moving



Hamilton County Board of County Commissioners
138 East Court Street, Room 603
Cincinnati, OH 45202

October 26, 2012

Re: Lower Mill Creek Partial Remedy

Dear Commissioners Hartmann, Monzel and Portune:

On behalf of the Mill Creek Watershed Council of Communities (Council), we are writing to support the Metropolitan Sewer District's (MSD) watershed-based, sustainable infrastructure alternative for the Lower Mill Creek Partial Remedy (LMCPR). The Council was formed to build consensus among the 37 political jurisdictions of the Mill Creek Watershed and undertake initiatives that improve the Mill Creek and its tributaries. MSD's proposed LMCPR is an environmentally and economically superior alternative to the default tunnel and updated grey solution. This is a sustainable alternative which will deliver watershed-scale improvements consistent with the Council's founding mission and community-driven work.

The benefit of a watershed approach is a holistic assessment of both water quantity and quality impairments, and a thoughtful comprehensive approach to reducing those impairments. MSD's consent decree mandate is based on volumetric reduction, but that alone will not solve the numerous water quality challenges that the Mill Creek faces. Late last year, MSD and the Council, among others, formed a partnership to develop a LMC Watershed Action Plan (LMC WAP) – the State of Ohio's process for identifying and addressing water quality impairments. Much of the work product that started the LMC WAP was a direct outcome of MSD's efforts to develop integrated watershed-based combined sewer overflow (CSO) solutions.

The partnership between the Council and MSD has proven successful in delivering water quality improvement and securing public and private funding to defray the cost of these improvements. In the Upper Mill Creek Watershed, the Council and MSD collaborated with Norfolk Southern, the City of Sharonville and others to build Twin Creek Preserve, a stream restoration and wetland construction project funded by \$2.1 million in grant funds administered by the Ohio Environmental Protection Agency (OEPA). Another \$72,000 in OEPA Surface Water Improvement Fund monies was awarded for in June 2012 for the Carll Denham Early Success Project, a park-like bioinfiltration conveyance system in North Fairmount that will capture and treat the first flush of stormwater runoff and reduce CSOs in CSO10 by 250,000 gallons annually. An additional \$2.75 million in grant funds are actively being pursued through the Council's and MSD's partnership to implement projects in Price Hill and Hartwell. These projects, if implemented, could deliver water quality improvement, CSO reduction, and outside (non-ratepayer) investment in the Mill Creek Watershed to make these necessary improvements financially feasible.

The Council firmly believes implementation of the MSD-recommended alternative for the LMCPR that includes integration of quality and quantity features, undertaken in tandem with other water quality improvement delivered through implementation of the LMC WAP, will bring us all closer to realizing the vision of the Mill Creek as an amenity that improves quality of life and make Greater Cincinnati and Hamilton County outstanding examples of environmental stewardship.

Sincerely,

Handwritten signature of Bruce Koehler in black ink.

Bruce Koehler
Chair, Board of Trustees

Handwritten signature of Jennifer Eismeier in black ink.

Jennifer Eismeier
Executive Director

Mill Creek Watershed Council of Communities

720 East Pete Rose Way, Suite 420, Cincinnati, OH 45202

P: 513.563.8800 F: 513.621.9325 Email: info@millcreekwatershed.org Website: www.millcreekwatershed.org

From: Sierra Club on behalf of
To: Parrott, Tony
Subject: Green Infrastructure is Clean, Sustainable, and Affordable
Date: Monday, October 08, 2012 6:35:45 AM

Oct 8, 2012

Director Tony Parrott

Dear Director Parrott,

The Greater Cincinnati area suffers from more combined sewage overflows than almost anywhere else in the country. Based on current estimates engineering a giant auxiliary sewer will place a tremendous financial burden on rate payers for generations. We can do much better.

Communities across the country have implemented low impact best management practices or green infrastructure to control storm water. In recent years the US EPA has been more supportive of green approaches to reduce combined sewage overflows. Green infrastructure is decentralized, passive, adaptable, economical and provides eco-system services to improve water quality. The capital and operating cost of green infrastructure compared are often considerably less, up to 50%.

The Metropolitan Sewer District has provided two choices; grey or green, to reduce combined sewage overflows as part of the Lower Mill Creek Partial Remedy. While the preliminary findings report was broad, vague, and lacking in specifics, both options promise to reduce combined sewage overflows.

However the sustainable or green infrastructure option will reduce capital cost, re-invest in neighborhoods, adapt to changing conditions, provide eco-system services, lower our carbon footprint, and reduce operating cost. While I lament the lack of green infrastructure in the green or sustainable option it still promises to be a better more cost effective solution.

I appreciate Hamilton County's resolution in support for green infrastructure, oversight of MSD, control of costs, and efforts to improve water quality. I urge MSD to be more transparent, share information in a timely way, and include citizens in substantive decision-making.

Hamilton County is at a crossroads and the choice you make now will influence communities across Ohio that are facing similar decisions to invest in green infrastructure solutions. You have the unique opportunity to transform Hamilton County from a national leader in sewage overflows into a leader in sustainability. Please choose green.

Respectfully,

MSD provided the Board of County Commissioners ("Board") with this document which was provided by the Sierra Club on behalf of approximately 1,184 individuals. Rather than produce 1,184 identical documents, the Board is providing this single representative document.