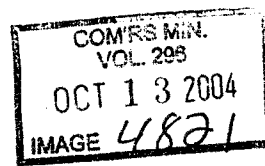


MSD Fact Sheet
Robert J. Campbell, P.E., DEE
Acting Director
October 13, 2004



MSD RULES AND REGULATIONS
ARTICLE 5, SECTION 516 PROPOSED ADDITION

LEGISLATIVE REQUEST:

Resolution amending the Rules and Regulations of the Metropolitan Sewer District of Greater Cincinnati to add Section 516 ("Combined Sewer System Connection Credits") to Article 5 ("APPROVAL OF PLANS FOR WASTEWATER TREATMENT WORKS"). The Board of County Commissioners opened the public hearing for this amendment on July 7, 2004 and concluded the hearing on August 4, 2004. The Board held and concluded a second public hearing on October 6, 2004. The Board discussed this item at its June 21 and September 20, 2004 Staff Meetings.

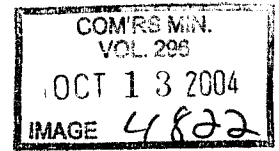
EXPLANATION:

On August 4, 2004 and October 6, 2004, the Board concluded public hearings for the proposed addition of Section 516 of the MSD Rules and Regulations, as required under Section 5.2 (b) of the 1968 Hamilton County-City of Cincinnati Management Agreement for the Metropolitan Sewer District. The Board received statements as well written comments at the first public hearing, which MSD responded to. As a result of the comments, MSD revised the proposed Section 516 addition, attached at Exhibit A.

MSD advertised the first and second public hearings in a newspaper of general circulation, as well as notified interested parties of the public hearing.

The proposed amendment permits MSD to provide water quality improvements for redevelopment upstream of CSO's until this issue is addressed per the Global Consent Decree's required update of MSD's CSO Long Term Control Plan.

City of Cincinnati



Valerie A. Lemmie
City Manager

Room 152, City Hall
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Cincinnati, Ohio 45202-5706
Phone (513) 352-3241
Fax (513) 352-6284

October 6, 2004

Honorable Board of County Commissioners
Hamilton County, Ohio
% Mr. David J. Krings
Hamilton County Administrator
County Administration Building, Room 603
Cincinnati, OH 45202

Honorable Commissioners:

Enclosed for your consideration and approval is a Resolution pertaining to a proposed change to the Rules and Regulations for the Metropolitan Sewer District of Greater Cincinnati.

The proposed change adds Section 516, "Combined Sewer System Connection Credits," to Article V, "APPROVAL OF PLANS FOR WASTEWATER TREATMENT WORKS" of the MSD Rules and Regulations.

The Board conducted public hearings, as required under Section 5.2 (b) of the 1968 Hamilton County-City of Cincinnati Management Agreement for the Metropolitan Sewer District, on July 7, August 4, 2004 and October 6, 2004. The Board concluded the hearing on October 6, 2004. MSD advertised the public hearing in a newspaper of general circulation, as well as notified interested parties of the public hearing.

The Board reviewed this item at the staff meetings held on June 21 and September 20, 2004.

Recommended:

Robert J. Campbell, P.E., DEE
Acting Director, MSD

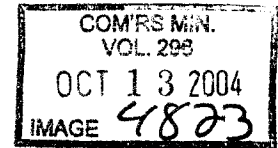
Approved:

Valerie A. Lemmie
City Manager

Reviewed by Aileen McFarland and recommended by County Administration.

On motion of Mr. Dowlin, seconded by Mr. Heimlich, the following resolution was adopted...

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RESOLUTION

AMENDING THE RULES AND REGULATIONS OF
THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI
ADDING SECTION 516 TO ARTICLE V

WHEREAS, Section 6117.01 of the Revised Code of Ohio, and Section IV of the 1968 Management Agreement (hereinafter "1968 Agreement") between Hamilton County and the City of Cincinnati for the Metropolitan Sewer District authorize the Board of County Commissioners of Hamilton County, Ohio, to adopt Rules and Regulations for the Metropolitan Sewer District of Greater Cincinnati; and

WHEREAS, the Board of County Commissioners of Hamilton County, Ohio, did, after public hearing, adopt revised Rules and Regulations for the Metropolitan Sewer District on January 24, 2001, and as subsequently amended; and

WHEREAS, pursuant to and consistent with Article V, Paragraph 2(b) of the 1968 Agreement the Director of the Metropolitan Sewer District has recommended to the Board an addition to Article V of the Rules and Regulations, said addition being Section 516, "Combined Sewer System Connection Credits," which is attached hereto and by this reference made a part hereof as Exhibit A; and

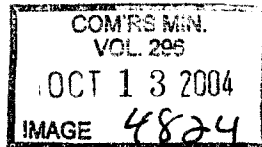
WHEREAS, the Board did conduct public hearings on July 7-August 4, 2004 and October 6, 2004 to consider public comments on the proposed said modifications to the Rules and Regulations of the Metropolitan Sewer District and concluded said public hearings on August 4, 2004 and October 6, 2004.

NOW, THEREFORE, BE IT RESOLVED, that the Rules and Regulations of the Metropolitan Sewer District are hereby amended to add Section 516, "Combined Sewer System Connection Credits," to Article V, which is attached as Exhibit A.

BE IT FURTHER RESOLVED, that this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Board of County Commissioners and that all deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners of Hamilton County, Ohio, this 13th day of October 2004.

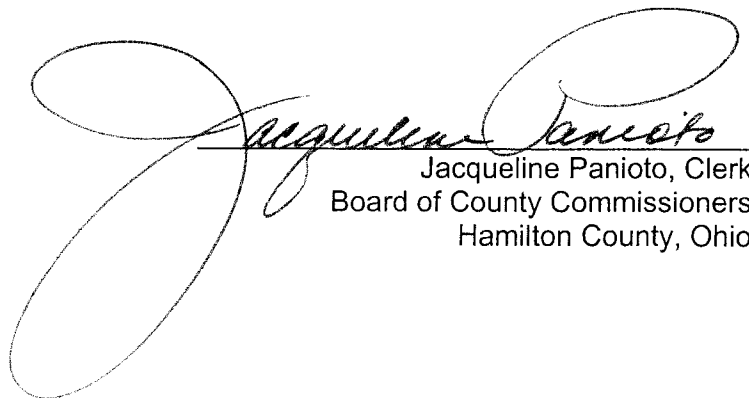
Mr. Dowlin AYE Mr. Heimlich AYE Mr. Portune NO



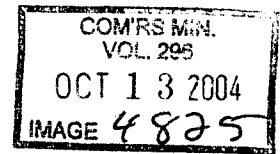
CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution adopted by the Board of County Commissioners in session the 13th day of October 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the Office of the Board of County Commissioners of Hamilton County, Ohio, this 13th day of October 2004.



Jacqueline Panioto
Jacqueline Panioto, Clerk
Board of County Commissioners
Hamilton County, Ohio



ARTICLE V
APPROVAL OF PLANS FOR WASTEWATER TREATMENT WORKS

Section 516 Combined Sewer System Connection Credits

Connection credits are required for new sewers, sewer extensions or an increase in flow associated with new development or from a change in use when:

1. The proposed connection is upstream of a CSO, or
2. The proposed connection is into a sanitary sewer that flows to a combined sewer system upstream of a CSO.

This section will basically apply for all projects that will introduce a net increase in flow to the system upstream of a CSO and would be triggered if any project necessitated a permitting action with an associated increase in flow or requires an increase in the water meter size (or number) because of a need for increased flow through a given facility. If the connection is upstream of a CSO *and* an SSO, then the overflow that is the closest to the point of connection determines whether Section 515 or this section prevails.

Connection credits are established by making water quality improvements that will remove inflow and/or infiltration or, in some circumstances, a controlled release detention of flow (as approved by OEPA), to the sewer system upstream of the CSO and must be used in the same sewer system upstream of the CSO.

If MSD does not have available connection credits for a new development upstream of the CSO described above, the developer has the option to: 1.) establish the connection credits for his development by making water quality improvements at his own expense or 2.) request placement on a waiting list for the connection credits when they are established at some future date by MSD.

If the developer chooses to make the water quality improvements and not wait for MSD to establish the connection credits, the procedure to be followed is:

- A. The developer will work with MSD Wastewater Engineering Division to identify the specific improvements for which he/she believes that connection credits can be established that will permit their development.
- B. The improvements may use an existing sewer or new sewer connection.
- C. The ratio of pollutants removed to new flow added to the system is 1-to-1 (gallons).
- D. MSD Wastewater Engineering Division will notify the developer of the number of connection credits available if the work is completed.

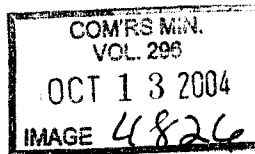


EXHIBIT A
10-6-2004

- E. A developer choosing to perform the work to obtain the credits shall:
- i. Perform the work by a contractor currently approved by MSD for the specified work. The developer will contract privately and pay for all improvement work. MSD will not be a party to any such contract.
 - ii. Use MSD standards and specifications for sewer improvements and/or rehabilitation. The sewer improvements and /or sewer rehabilitation must meet the MSD standards and specifications before acceptance by MSD and the subsequent issuance of connection credits.
 - iii. Only sewer improvements/sewer rehabilitation for an entire unit or stretch of sewer will be considered as a means of obtaining connection credits, even if excess credits are generated. For example, pipe lining or rehabilitation from manhole to manhole will be required.
 - iv. Where appropriate and approved by MSD, the developer together with the local storm sewer authority may redirect storm water out of the combined sewer into a public storm sewer, upstream of the CSO in which additional wastewater will be added, as a means to obtain these credits.
 - v. Obtain MSD field inspection of the completed improvement.
- F. In the event that the scope of work for a sewer improvement and/or sewer rehabilitation project will provide more connection credits than is needed for the proposed new development, the excess connection credits will be reserved for the developer for a three-year period unless the developer can demonstrate that he is working off of a master plan for areas under his control and that the master plan cannot be accomplished in the three-year term. Under the preceding circumstances, credits will extend through the term of the master plan. After the three-year period, the excess connection credits will be utilized by MSD for other connections to the sewer system. There will be no reimbursement for excess credits. Credits are not assignable or transferable.
- G. This policy will sunset with the final approval of the Long Term Control Plan Update per Section 7 of the "Global Consent Decree" (Consent Decree on Combined Sewer Overflows, Wastewater Treatment Plants and Implementation of Capacity Assurance Program Plan for Sanitary Sewer Overflows) as entered by the U.S. District Court for Southern District of Ohio Western Division on June 9, 2004.
- H. This policy shall apply to all building permits not issued prior the policy's date of adoption by the Board of County Commissioners of Hamilton County, Ohio.