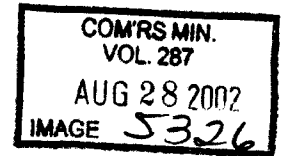


MSD Fact Sheet
Patrick T. Karney, P.E., DEE
August 28, 2002



PROPOSED AMENDMENTS
MSD Rules and Regulations

New Development Sewer Connection Credits
Sewer Tap-in Fees for Redevelopment



Legislative Proposal:

Amendments to the Metropolitan Sewer District's Rules and Regulations (effective March 1, 2001) providing for the addition of two policies pertaining to development within the District.

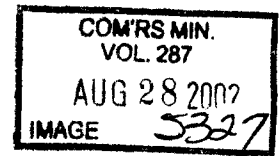
Explanation:

The two proposed policies provide a framework for decision-making when handling requests from developers.

For new developments which connect to sanitary sewers upstream of SSOs, or which connect to sanitary sewers flowing to combined sewers upstream of CSOs, MSD must establish credits to offset potential adverse impacts from increased flows.

For redevelopment of property that has been previously developed, the proposed policy provides MSD with a means of reducing tap-in fees for the redevelopment by crediting the developer for fees paid for the original development.

City of Cincinnati



Valerie A. Lemmie
City Manager

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

August 14, 2002

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 are three Resolutions pertaining to a proposed changes to the Rules and Regulations for the Metropolitan Sewer District of Greater Cincinnati (MSD):

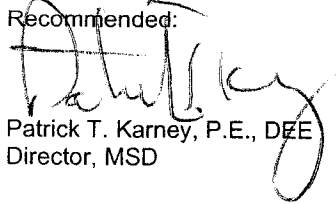
1. Resolution concluding the public hearing.
2. Resolution adopting the change to Article V of the Rules and Regulations of MSD, adding Section 515.
3. Resolution adopting the change to Article XII of the Rules and Regulations of MSD, adding Section 1215(B)(11).

The proposed amendment adding Section 515 provides a policy for sewer system connection credits for new sewers, sewer extensions or an increase in flow associated with new development or from a change in use, when either the proposed connection is upstream of a SSO, or, the proposed connection is into a sanitary sewer, which flows to a combined sewer system upstream of a CSO.

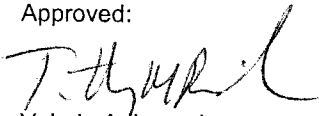
The proposed amendment adding Section 1215(B)(11) provides a policy for Tap-in-Fees associated with residential and non-residential redevelopment. The proposed policy would allow the Board a means to encourage redevelopment in Hamilton County by reducing tap-in fees for the redevelopment through crediting the developer for fees paid for the original development.

The Board considered this item at the staff meeting on July 15, 2002.

Recommended:


Patrick T. Karney, P.E., DEE
Director, MSD

Approved:


Valerie A. Lemmie
City Manager

Reviewed by _____ and recommended by County Administration.

On motion of Mr. Neyer, seconded by Mr. Portune, the following resolution was adopted.....



RESOLUTION
CONCLUDING THE PUBLIC HEARING
TO CONSIDER CHANGES TO ARTICLES V AND XII OF
THE RULES AND REGULATIONS OF THE METROPOLITAN SEWER DISTRICT
OF GREATER CINCINNATI
ADDING SECTION 515 AND SECTION 1215(B)(11)

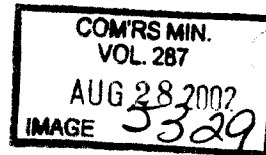
WHEREAS, this Board, on the 28th day of August, 2002, conducted a public hearing to receive and consider comments, remonstrances and objections to a proposed addition to Article V, Section 515 and Article XII, Section 1215(B)(11) of the Rules and Regulations of the Metropolitan Sewer District of Greater Cincinnati, Hamilton County, Ohio, and the names of persons appearing at said hearing have been entered in the minutes.

NOW, THEREFORE, BE IT RESOLVED that the aforesaid hearing be and the same hereby is concluded, and

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 28th day of August, 2002.

Mr. Dowlin ABSENT Mr. Neyer AYE Mr. Portune AYE



RESOLUTION

AMENDING THE RULES AND REGULATIONS OF
THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI
ADDING
ARTICLE V, SECTION 515
ARTICLE XII, SECTION 1215(B)(11)

WHEREAS, Section 6117.01 of the Ohio Revised Code, and Section IV of the 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

WHEREAS, the Director of the Metropolitan Sewer District has recommended to the Board a proposed amendments to Article V, Section 515 and Article XII, Section 1215(B)(11) of the January 24, 2001 Rules and Regulations, and

WHEREAS, the Board did conduct a public hearing to consider public comments on the proposed amendment to the Rules and Regulations of the Metropolitan Sewer District on August 28, 2002.

NOW, THEREFORE, BE IT RESOLVED, that the Rules and Regulations of the Metropolitan Sewer District are hereby amended to include Article V, Section 515 and Article XII, Section 1215(B)(11), which are attached hereto and by this reference made a part hereof, and

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 28th day of August, 2002.

Mr. Dowlin ABSENT Mr. Neyer AYE Mr. Portune AYE

ARTICLE V
APPROVAL OF PLANS FOR WASTEWATER TREATMENT WORKS



Section 515 Sewer System Connection Credits

- A. 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 SSO or
 - 2. The proposed connection is into a sanitary sewer which flows to a combined sewer system upstream of a CSO.

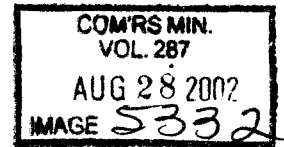
- B. Connection credits are established by making water quality improvements that will remove inflow and/or infiltration to the sewer system upstream of the SSO or CSO. Typically, such water quality improvements are manhole and sewer rehabilitation. The approved ratio is five (5) gallons of storm water removed for every one (1) gallon of sewerage to be added to the system.

- C. If MSD does not have available connection credits for a new development upstream of the SSO or the above described CSO, 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.

- D. 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:
 - 1. The developer will identify to MSD Wastewater Engineering Division the specific manholes and pipe where she/he believes credits can be established that will permit their development.
 - 2. MSD Wastewater Collection Division will evaluate the specific manholes or sewer pipes identified for water quality improvements and assign a connection credit value in accordance with the guide lines set forth in the Short Term Adequate Capacity Plan.
 - 3. MSD Wastewater Engineering Division will notify the developer of the number of connection credits available if the work is completed.

- E. A developer choosing to perform the work to obtain the credits shall follow these guide lines:
 - 1. Work shall be performed by a contractor currently approved by MSD for the specified work.
 - 2. Work shall be performed using MSD standards and specifications for sewer improvements and/or rehabilitation. MSD will provide field inspection at no cost to the contractor.

3. The developer will contract privately and pay for all improvement work. MSD will not be a party to any such contract.
4. 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.
5. Only sewer improvements/sewer rehabilitation for an entire unit or stretch of sewer will be considered as a means of obtaining construction credits, even if excess credits are generated. For example, pipe lining or rehabilitation from manhole to manhole will be required.
6. 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 period of three years from the time of the acceptance of the sewer improvement/rehabilitation. 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.*



**ARTICLE XII
BUILDING SEWERS: CONNECTIONS AND PERMITS**

Section 1215 Tap in Fee

B. Conditions, exceptions, and additional information

11. Policy Concerning Tap-in-Fees associated with Residential and Non-Residential Redevelopment

It is the policy of the Board of County Commissioners to encourage redevelopment throughout Hamilton County. Redevelopment is defined as the removal of one or more buildings of any type from one or more parcels of any zoning, and the replacement of that structure or structures with any number of new structures.

MSD will calculate the tap-in-fees for the new structure(s) within residential or non-residential redevelopments based on the current rates for tap-in-fees (Table 1215-1 *et. seq.*), less the tap-in-fee amount for the old structure. The tap-in-fee equivalent for the redevelopment will be the sum of the various size meters times the rate for that meter minus the sum of the pre-redevelopment meter sizes times the present rate for that size meter.

Rates to be used are the rates in effect at the time the development plans are approved for construction.

The redevelopment tap-in-fees balance shall be collected based on building meter size prior to the credit balance being issued. In the event the predevelopment amount is greater than the redevelopment amount, there will be no refund of the difference.

Only those taps within the specific recorded land parcel limits of the original development, whose bounds have been defined by a development plan that has been reviewed and approved by a County or Municipal Zoning or Planning Board or Commission sanctioned by the Ohio Revised Code and Ohio Administrative Code, are transferable.

Each redevelopment that occurs will be based on the most recent previous development. No credits will be given for past redevelopment activity.

To receive the credit for pre-existing taps, the developer must submit satisfactory proof to establish the number and size of pre-existing water meters available for the new development units during the concept or detail plan review process defined under Section V of the MSD Rules and Regulations. The following shall be used to determine "satisfactory proof":



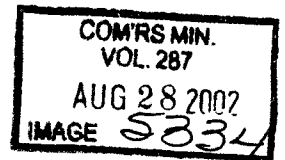
1. Clear written description describing the source of the pre-existing information.
2. A plan clearly showing the location of the pre-existing buildings and water meters in relation to the current parcel lines for which credit is requested.

Approval shall be void if construction has not commenced within twelve (12) months and completed within thirty-six (36) months from the date of the approval of construction letter consistent with Section 510 of these Rules and Regulations. The Director may extend approval for a period not to exceed twelve months.

Credit for pre-existing taps approved during Concept or Detail Plan Review will be granted after Tap Permits have been applied for and granted. No credits for the planned demolition of structure(s) will be granted until the demolition of such structure(s) is complete.

Where special conditions are identified, determination of the amount of credit for pre-existing units shall be set after consultation with the Director.

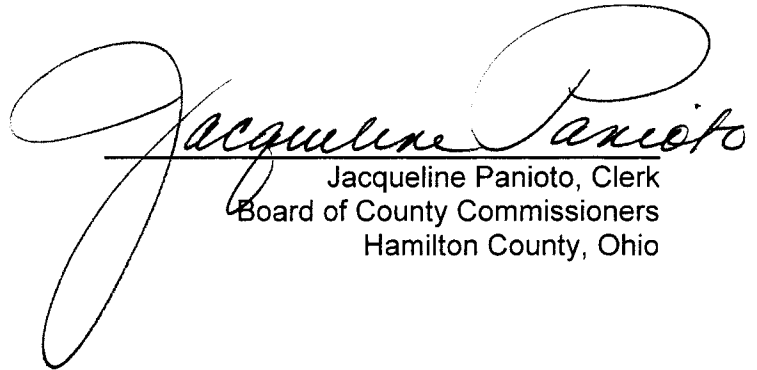
This policy only applies where connection credits exist.



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 28th day of August, 2002.

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 28th day of August, 2002.



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