

Hamilton County Storm Water District

Administered by the Hamilton County Engineer's Office – Theodore B. Hubbard, County Engineer
in partnership with the Hamilton County Soil and Water Conservation District
the Hamilton County Department of Planning & Development,
and the Hamilton County Public Health Department

Website: <http://www.hcswd.org>

Hamilton County Storm Water District

87th Oversight Draft Board Minutes

September 11, 2019

2:00 p.m.

Springfield Township Administration Building

Allen Paul Room

Board Members Present	Board Members Absent
Joseph Honerlaw – Hamilton County Township Association	Andrew Pappas – Hamilton County Township Association
Theodore Hubbard – Hamilton County Engineer	Todd Portune – Hamilton County Commissioner's Office
Mark Quarry – Hamilton County Municipal League	Jenny Kilgore – Hamilton County Municipal League
Alternates Present	Alternates Absent
Tim Gilday – Hamilton County Engineer's Office	Jennifer Kaminer – Hamilton County Municipal League
Jim Obert – Hamilton County Township Association	Frank Birkenhauer – Hamilton County Township Association
Victoria Parks – Hamilton County Commissioner's Office	
Merrie Stillpass – Hamilton County Municipal League	

Guest Name	Organization
Andrew Bohlen	CDM Smith
Chris Calpin	CDM Smith
Lisa Doerger	Hamilton County Engineer's Office
Dora Hamblin	CDM Smith
Todd Long	Hamilton County Engineer's Office
Kate Moran	CDM Smith
Holly Utrata-Halcomb	Hamilton County Soil & Water Conservation
Ryan Wuest	Hamilton County Public Health

1) Meeting Called to Order / Pledge of Allegiance

Chairman Quarry called the 87th Oversight Board Meeting to order at 2:19 p.m. and led the group in the Pledge of Allegiance.

2) Introductions

Introductions of the Oversight Board and Alternate Members were made.

3) Approval of Minutes:

Board Member Hubbard moved to approve the minutes from the 86th Oversight Board Meeting dated May 22, 2019; seconded by Alternative Board Member Obert; and the motion carried.

4) New Business: (handout provided)

A) Presentation of the status of revised Article I, III, and V District regulations:

- 1) Mr. Long presented an overview of the Ohio EPA 2018 NPDES Construction General Permit categories. Mr. Long reviewed the actions that have been taken:
 - Revised permit issued by Ohio EPA April 2018
 - Internal Partner Agencies had two rounds of reviews of the revised regulations in July and September 2018, each followed by comment resolution
 - Presentation of the new Construction General Permit requirements was made to the Oversight Board on March 27, 2019
 - Consulted with Prosecutor's Office on process for approval
 - Public Hearings were conducted on August 29 and September 5, 2019
- 2) Mr. Long presented the remaining upcoming actions:
 - Board of County Commissioner's vote
 - The last update to the regulations was in 2009
 - Townships are governed by BOCC vote
 - Formal Co-Permittee adoption near the end of 2019
 - Municipal Co-Permittees must adopt the same regulations or augment the rules and regulations they last adopted

B) Presentation of New Ohio EPA MS4 General Permit:

- 1) Mr. Long presented the following facts about the MS4 General Permit
 - The current permit was issued in 2014

Please refer to agenda packet for schedule details

- The current permit expired yesterday (September 10, 2019)
- According to the Ohio EPA, the current permit stays in effect until the new Permit is issued
- The new Ohio EPA Permit has yet to be released for public review

Open discussion with the Board regarding the expectations of when the new Permit will be released ensued. During the discussion, it was noted that the last update was a year late. The release will depend on resolution of proposed changes including:

- Increased MS4-level/local enforcement responsibility for:
 - construction sites (MCM4)
 - post-construction controls (MCM5)
 - illicit discharges (MCM3)
- Ohio EPA notification for all spills
- Incorporation of water quality goals

2) Actions required by the District once the permit is released:

- Online Ohio EPA Notice(s) of Intent submittal
- Storm Water Management Plan (SWMP) update which requires BOCC approval
- Possible updates to District regulations

3) Potential Issue: Ohio EPA proposing shortening the time frame to six months for creation of the SWMP submittal and updated regulations. The prior permit allowed two years.

Open discussion:

- It was speculated that Ohio EPA would like a quick turnaround at the local level so that they can audit communities and hold them to the standards in the new MS4 permit.
- Concern was also expressed about possible unintended consequences of new permit requirements – as has been experienced elsewhere in the United States.

C) District Long-Term Fiscal Planning

- 1) Mr. Long discussed the need to act soon regarding long-term fiscal sustainability in the context of the 2021 District budget.

- Mr. Long reviewed the annual budget development timeline and process – as presented in prior meetings.
 - 2021 District budget planning starts soon and must be completed by May 2020
 - Two key factors need to be determined to develop the 2021 budget:
 - The rate per SFU to estimate fees for co-permittees
 - Whether the current “cafeteria style” service format or a new single, all-inclusive service format will be applied
 - Decision needed by March 2, 2020, to meet County 2021 budget deadlines
- 2) Mr. Long reviewed the projected District revenue shortfall.
 - Mr. Long described the current District funding structure:
 - Funds are collected and applied based on which “silo” funds are located in – base services/development, mapping, or illicit discharge detection and elimination (IDDE)
 - The current base services expenditures already exceed projected revenue (A graphic showing projected 2020 funding gaps and surpluses was included in the handout)
 - The District is spending from the free balance to compensate for shortfalls in base services
 - The Prosecutors Office has directed that funds collected for mapping and IDDE cannot be reallocated
 - The fiscal analysis was updated in 2019 using the following assumptions:
 - No change in membership (12 townships and 23 municipalities)
 - No changes in budgeted revenue or expenditures
 - No new regulatory requirements
 - Annual 2% cost inflation
 - Mr. Long presented a graphic, updated from a previous board meeting, showing declining cash flow projections through 2028 based on projected revenue and expenditures.
- 3) Mr. Long presented a potential revised service fee structure.
 - Mr. Long presented a graphic that breaks down the current fee structure for base and elective services

Please refer to agenda packet for schedule details

- Mr. Long described a potential solution to the District sustainability by changing the funding structure to “one size fits all”, or a flat rate, which would provide an added benefit of simplifying long-term planning. This approach includes the following:
 - All co-permittees would receive all services – providing compliance with MS4 permit requirements
 - One rate per SFU for all co-permittee jurisdictions
 - An increase in SFU rate to a sustainable level
 - Multi-year co-permittee agreements

5) Unfinished Business: (handout provided) change in agenda outline

A) Alternative Rate Scenarios:

- 1) Mr. Long presented two alternative rate scenarios that would provide ten-year sustainability. These have been presented at previous Board meetings and work session. Both alternatives present worst-case scenarios that include offering capital improvement project (CIP) funding.
 - The “robust program” incorporates townships only (worst-case), watershed planning, increased operation & maintenance program, maintains CIP, and is adjusted for revenue loss. It does not rely on free balance. The proposed annual rate is \$42.51.
 - The “adjusted current program” incorporates townships only, maintains budget for CIP, and a budget adjusted to account for revenue loss. It does not rely on free balance. The proposed annual rate is \$20.16.
- 2) Mr. Long presented a yearly storm water fee comparison for Ohio communities that shows the District fee is lower than almost all other fees in the state. Mr. Long noted that some of the more expensive programs may include water quantity (flooding) or asset management programs.
- 3) Mr. Long requested a motion to recommend one of the rate alternatives and/or and to affirm the need to move forward with a one size fits all District funding framework. The Board recommendation would be presented to the Board of County Commissioners (BOCC).

Open discussion with the Board abounded regarding alternative rate scenarios and the graphs presented. Key points in this discussion included:

- The Board may be willing to move toward a “one size fits all” funding framework.
- Possibility of reaching out to jurisdictions that are no longer with the District to determine the probability of bringing them back into the District. An offer was made to contact the Cincinnati Stormwater Management Utility.

- It was suggested that a conditional agreement could be required for jurisdictions to re-join for those that left and may not be up to speed on permit compliance.
- Unknowns regarding the Metropolitan Sewer District of Greater Cincinnati remain.

The Board would not consider a vote to recommend before taking a few additional steps. These include:

- Getting feedback from members regarding their likelihood to stay in the District under the new funding framework.
- Contacting the Hamilton County Municipal League and Township Association to present at their monthly meeting(s).
- Following up with an emergency Oversight Board Meeting if necessary.

B) Alternative Board Member Obert shared with the Board that there is a possibility he might be moving outside of the County which would mean leaving the Board. He will keep the Board informed.

5) Further Announcements:

A) Next Meeting Dates:

- Partner Agency Coordination Meeting – Thursday, October 17, 2019 – Hamilton County Public Health, 250 William Howard Taft, 2nd Floor, 9:00 A.M.
- Oversight Board Working Session – Wednesday, November 13, 2019 – Springfield Township Allen Paul Room, 2:00 P.M.
- Oversight Board Meeting – Wednesday, December 4, 2019 – Springfield Township Allen Paul Room, 2:00 P.M.

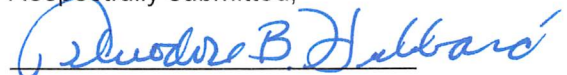
6) Other Business:

None

7) Adjournment:

With no further business, the 87th Oversight Board meeting was adjourned by Chairman Quarry.

Respectfully submitted,



Theodore B. Hubbard, P.E.-P.S.

Secretary/Treasurer for HCSWD