The original sent to us H2O

January 2, 2013

Ms. Susan Hedman
Administrator
Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Chicago, IL 60604-3507

Dear Ms. Hedman,

I'm writing regarding the ***Lick Run/Project Groundwork*** of the Metropolitan Sewer District in Cincinnati, Ohio. Unfortunately, I own/live in the house at 1922 Westwood Avenue in the South Fairmount area. MSD is now attempting to acquire it through eminent domain. I'm a 64 year old single female and what they are doing is asking me to start again at my age.

I'm aware that your agency originally ordered a $244 million deep tunnel as a solution to the Mill Creek situation. MSD's solution has been to destroy the entire community of South Fairmount including many homes built before 1891. The Director of MSD has not been transparent concerning this issue. I attended one meeting and left in frustration since nobody there was "allowed" to bring up the topic of eminent domain. I might add that this is the second time in my lifetime that this property has been victimized by eminent domain. In 1976 the City of Cincinnati took a portion of the front yard for a street project which resulted in ear shattering noise in the front of the house - where was the EPA that day? It's still noisy to this day and a bit difficult to exit the driveway in the morning. At that time my parents owned the property so there was little I could do to stop it.

There are two other solutions that MSD could use - one along a sewer on Guerley Road in the Price Hill neighborhood and the other is to start the project below Shadwell Park near Grand Avenue. Neither one of these solutions has been investigated by MSD. The Guerley Road solution would be much more cost effective than their current plan. All I can surmise is that someone involved in this project is getting a big, fat check.

The demographics of South Fairmount that MSD presented to you are not completely accurate. There *are* renters in the area on public assistance without much formal schooling etc. However, the demographic they fail to mention are the folks who have owned homes & businesses in the area since the 1930's and 1940's, who worked every day of their lives, who have more formal schooling than average, who vote in every election, pay their bills on time, and just want to be left alone.

I'm all for clean water and air, believe in global warming, recycle my trash, am an advocate for saving the polar bears but…is destroying an entire neighborhood and the carbon footprint it will leave environmental justice? I can assure you beyond all shadow of a doubt this would NEVER happen in some of Cincinnati's more prestigious zip codes such as 45208 or 45220. As a matter of fact, residents of zip code 45220 here were able to stop a *Wendy's Restaurant* from being built in their neighborhood.

As far as eminent domain is concerned, I've seen it abused up close and personal especially against seniors and minorities. I'm enclosing a few articles on the subject. In every case I've seen it's been used for a government official to get a promotion. These folks are usually people from outside Cincinnati who are looking to further their career and could care less about our area. Then, in the aftermath of their destruction, they leave town with 5th generation Cincinnatians left to suffer the consequences. In short they were "just passing through".

So I am requesting you investigate the two alternatives to the current plan before you approve anything regarding this matter. The current President of the Sierra Club here, Marilyn Wall, can provide you with more information regarding the Guerley Road sewer.

Best wishes for 2013 and good luck to the Cubs and White Sox.

Sincerely yours,

Linda L. Hagemann

Linda L. Hagemann

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,

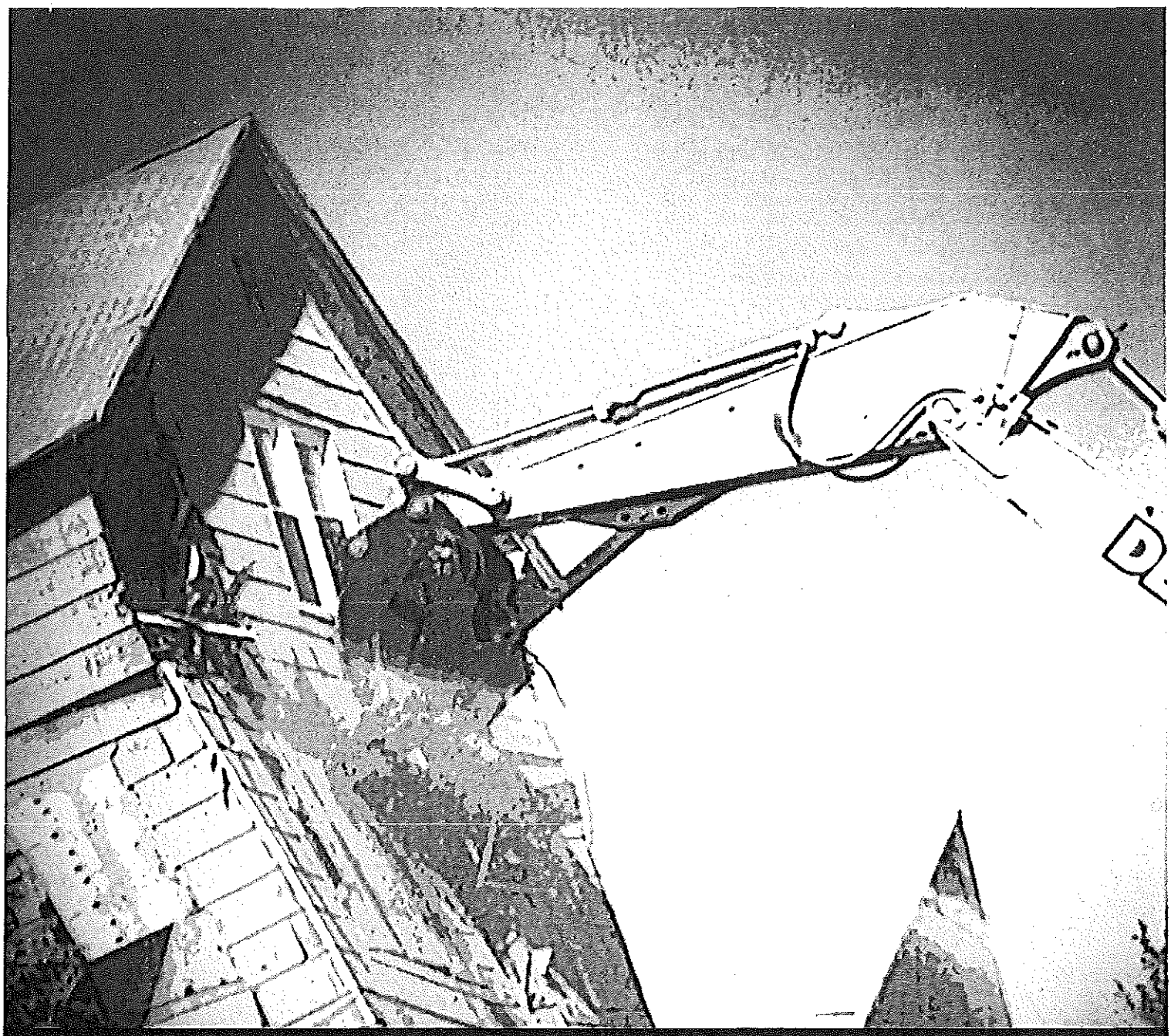
For over 2 years The Metropolitan Sewer District has outlined their plan to daylight the Lick Run stream through South Fairmount. Many businesses have done due diligence, considered the possibility they may have to relocate, and have looked at alternative locations. During this time period most businesses 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



VICTIMIZING THE VULNERABLE

The Demographics of Eminent Domain Abuse

By Dick M. Carpenter II, Ph.D. & John K. Ross

Institute for Justice | June 2007

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-existant 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