

January 24, 2019

Honorable Board of County Commissioners
Hamilton County, Ohio
% Mr. Jeff Aluotto
Hamilton County Administrator
County Administration Building
138 E. Court Street, Room 603
Cincinnati, Ohio 45202

Honorable Commissioners:

Enclosed for your consideration is a resolution, provided by the City of Cincinnati, through its Department of Sewers (the "City"), as the sole management agency for the operation and maintenance of the sewer system on behalf of the Metropolitan Sewer District of Greater Cincinnati ("MSD"), authorizing the implementation of a customer assistance program (CAP) for reduced sewer rates for eligible senior citizens in Hamilton County, Ohio, in accordance with Section 6117.02 (F) of the Revised Code of Ohio, and fixing revised rates for sewerage service charges, surcharges, and industrial pretreatment charges for the use of sanitary and combined sewers and for sewage treatment in the Metropolitan Sewer District of Greater Cincinnati (MSD).

This revised rate structure is in response to the Hamilton County Rate Affordability Task Force ("RATF") recommendations and County Commissioner deliberations. This revised rate structure establishes a schedule of **reduced monthly rates** only for MSD ratepayers who are sixty-five years of age or older and meet applicable Ohio Homestead Exemption criteria as outlined in the MSD CAP Guidelines and Implementation Plan. The revised rate structure will become effective _____, **2019**. This reduced monthly rate is established as the MSD Customer Assistance Program (CAP) and takes into account the May 2016 MSD Rate Affordability Task Force recommendations and the January 2018 "Customer Assistance Program Recommendations," as well as Commissioners October 2018 staff meeting deliberations. This legislative request also seeks approval of the CAP and its eligibility criteria as outlined in Exhibit A.

The Board will hold a public hearing on the revised rate structure on _____ 2019, thereby affording all interested parties the opportunity to comment.

RECOMMENDED:

Approved:

Diana R. Christy
Interim Director, MSD

Patrick A Duhaney
City Manager

Provided to Hamilton County on _____.

Reviewed by _____, and recommended by County Administration.

On motion of _____, seconded by _____, the following resolution was adopted....

MSD RESOLUTION

AUTHORIZING AND APPROVING THE IMPLEMENTATION OF A
CUSTOMER ASSISTANCE PROGRAM FOR
FOR ELIGIBLE HAMILTON COUNTY, OHIO MSD RATEPAYERS

AND

FIXING RATES FOR SEWERAGE SERVICE CHARGES,
SURCHARGES, AND INDUSTRIAL PRETREATMENT CHARGES FOR
THE USE OF SANITARY AND COMBINED SEWERS
AND FOR SEWAGE TREATMENT
IN THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI

WHEREAS, the Board of County Commissioners of Hamilton County, Ohio (the "Board") has established, since 1924, sewer districts in accordance with Chapter 6117 of the Ohio Revised Code and constructed and otherwise acquired sanitary trunk sewers, and as a result today owns, operates and maintains a system of sanitary trunk sewers; and

WHEREAS, the Board did, on February 1, 1955, consolidate all of the previously established sewer districts into a single district known as Hamilton County Sewer District No. 1; and

WHEREAS, the Board did, on December 4, 1963, complete the consolidation of previously established sewer districts and expand the boundaries of Hamilton County Sewer District No. 1 to be coincident with the boundaries of the County; and

WHEREAS, the Board did, on May 1, 1968, change the name of the County Sewer District to the Metropolitan Sewer District of Greater Cincinnati ("MSD"); and

WHEREAS, Section 6117.02 of the Revised Code of Ohio provides that a Board of County Commissioners may establish a sewer service charge which shall be adequate to provide the cost of the management, maintenance, and operation of the sewers and the cost of sewage treatment and disposal, said sewer service charge to be paid by every person, firm, or corporation whose premises are served by a connection to a sanitary sewer; and

WHEREAS, the Board did, on December 4, 1968, adopt a Resolution establishing a rate structure for sewerage service charges and surcharges, for sewer service in the MSD, effective January 1, 1969, which has been subsequently amended from time to time, the last being December 17, 2014, as entered into the Commissioners Minutes, Vol. 336, Images 6378 - 6389; and

WHEREAS, the Board did, on March 18, 2015, adopt a resolution empaneling the Hamilton County Rate Affordability Task Force ("RATF"), charged with studying the impact of rising sewer rates on ratepayers in Hamilton County, and make recommendations to the Board of Commissioners on potential rate structure and/or policy changes that can mitigate or otherwise affect the impact of these rates, as well as encourage the conservation of water, as entered into the Commissioners Minutes, Vol. 337, Images 7395 – 7396; and

WHEREAS, on May 23, 2016, the Board did formally receive the recommendations of the RATF, as entered into the Commissioners Minutes, Vol. 342, Images 4532 – 4552; and

WHEREAS, on November 15, 2017, the Board did adopt a new MSD rate structure, as entered in the Commissioners Minutes Vol. 348, Images 5802-5812, said structure implementing the Board’s resolutions of September 7, 2016 and October 12, 2016 to implement RATF recommendations, regarding (1) monthly billing (recommendation #1); (2) reduction of volumetric charge to 3 ccf in a manner that is revenue neutral (recommendation #2); (3) change to billing charge for multi-family units to be solely based on the meter size and make this billing equitable with individual unit charges (recommendation #4); and (4) correcting meter size billings so that they are based on the size of the pipe as it connects to the home as opposed to the current practice of basing the charge on the meter size as it connects to the main sewer line, as entered into the Commissioners Minutes, Vol. 343, Images 3064 – 3065, 3073 – 3074, and Vol. 344, Images 795 – 798; and

WHEREAS, at its October 1, 2018 staff meeting, the Board expressed a desire to implement RATF recommendation 2.7, “Customer Assistance Program,” regarding a rate discount program for eligible ratepayers; and

WHEREAS, the Ohio Revised Code, Section 6117.02 (F), includes the option for a Board of County Commissioners to establish discounted rates or a reduction in sewerage service charges based upon age and additional eligibility requirements, as established by the Board; and

WHEREAS, the Interim Director of MSD now presents to the Board for its consideration, authorization, and approval (1) a customer assistance program (CAP) that establishes criteria for a rate structure for MSD ratepayers based upon age (sixty-five years of age or older) and based upon applicable provisions of the Homestead Exemption in Ohio, as further detailed the “MSD CAP Guidelines and Implementation Plan” contained in **EXHIBIT A**, attached hereto this resolution and by this reference, made a part thereof, and (2) a revised rate structure to effect the CAP for eligible MSD ratepayers; and

WHEREAS, this Board did, on _____, 2019, conduct a public hearing on said revised rate structure per the requirements of Section V (1)(b) of the 1968 Management Agreement for MSD; and

WHEREAS, this Board did, on _____, 2019 conclude said public hearing on said revised rate structure.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Hamilton County, Ohio, that a revised rate schedule is hereby adopted to consist of, as applicable, a minimum charge, a commodity charge, a surcharge, and an industrial pretreatment charge as follows:

SECTION 1. From and after _____, **2019**, every person, firm or corporation in the Metropolitan Sewer District of Greater Cincinnati, whose premises are served by a connection to a sanitary or combined sewer which discharges sewage, industrial wastes, water, or other liquids, either directly or indirectly into a County sanitary or combined sewer, shall be charged for the use of the sewers and for the treatment of sewage discharged therein at the following rates:

A. MINIMUM CHARGE

1. The minimum charge shall be based on the size of the water meter used to serve the premises. Such minimum charge shall include the charge for the **first 300 cubic feet** of water used per month.

The minimum charge rates shall be as follows:

Meter Size (inches)	Monthly Bills \$	Monthly Bills \$ CAP Rate ¹
$\frac{1}{2}$	\$39.12	\$ 31.30
$\frac{3}{4}$	\$50.44	\$ 40.35
1	\$69.15	\$ 55.32
1½	\$117.50	\$ 94.00
2	\$166.44	\$ 133.15
3	\$427.16	\$ 341.73
4	\$707.43	\$ 565.94
6	\$1,397.72	\$1,118.18
8	\$2,085.59	\$1,668.47
10	\$2,786.92	\$2,229.54
12	\$3,217.75	\$2,574.20

2. The CAP Rate (CR) is part of the MSD CAP and is based upon an age qualification of sixty-five years and meeting the applicable eligibility requirements of Homestead Exemption in Ohio, as further detailed in **EXHIBIT A**.

3. The CR will be effective from and after the effective date of the approval of this resolution’s SECTION 1, and from the date of eligibility approval by MSD’s CAP.

4. Where commercial or manufacturing facilities require more water than required for sanitary purposes, the minimum charge shall be not less than the minimum charge for a meter one size smaller than the branch serving the premises.

B. COMMODITY CHARGE

1. The Commodity Charge shall be based on the quantity of water used on the premises served as same is measured by a water meter or meters therein used, which meters must be acceptable to the City of Cincinnati.

¹ CR for monthly minimum charges for listed water meter branch sizes is based upon meeting eligibility requirements. {00277436-1}

The Commodity Charge shall be as follows:

Monthly Bills	Monthly Bills CAP Rate ²
<i>For each 100 cubic feet consumed per month in excess of 300 cubic feet but not in excess of 5,000 cubic feet:</i>	<i>For each 100 cubic feet consumed per month in excess of 300 cubic feet but not in excess of 5,000 cubic feet:</i>
\$5.879 per 100 cubic feet	\$ 4.703 per 100 cubic feet
<i>For each 100 cubic feet consumed per month in excess of 5,000 cubic feet:</i>	<i>For each 100 cubic feet consumed per month in excess of 5,000 cubic feet:</i>
\$4.701 per 100 cubic feet	\$ 3.761 per 100 cubic feet

2. For residential water service accounts (one and two-family residences), a monthly minimum and commodity charge shall be based upon water used during a winter billing period. Said charges shall be payable with each bill rendered throughout the year.

C. SURCHARGE

1. For customers having high strength waste discharge, the surcharge, which is in addition to the metered use charge, shall be computed on the following basis:

Surcharge ³	
Suspended Solids (SS)	\$0.002756 per 100 cubic feet for each mg/l of SS strength above 300 mg/l
Biochemical Oxygen Demand (BOD)	\$0.004707 per 100 cubic feet for each mg/l of BOD strength above 240 mg/l
Nitrogenous Oxygen (NOD)	\$0.004122 per 100 cubic feet for each mg/l of Total Kjeldahl (TKN) strength above 25 mg/l

2. Provided, however, that to the extent the strength of a pollutant is less than eighty percent (80%) of the corresponding value for normal strength sewage, a credit shall be allowed as an offset against surcharge otherwise due. The credit shall be calculated by multiplying the herein above specified surcharge rate for the pollutant in question times the difference between actual pollutant concentration in mg/l and eighty percent (80%) of the corresponding value for normal sewage. No credit shall be allowed in excess of surcharge otherwise due.

D. INDUSTRIAL PRETREATMENT CHARGE

1. All users required to apply for and obtain a wastewater discharge permit or which are subject to

² CR for monthly commodity charges is based upon meeting eligibility requirements.

³ These surcharges have not been modified from the 2013 surcharge levels as per the instructions of Hamilton County Administration.

federal pretreatment standards, as specified in the RULES AND REGULATIONS GOVERNING THE MAINTENANCE, OPERATION, AND USE OF SANITARY AND COMBINED SEWERS IN THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI (“MSD Rules and Regulations”) (2001 and as amended), shall be subject to the payment of a pretreatment charge(s), as determined by the Director. Said pretreatment charge(s) shall be sufficient to recover, in whole or in part, the costs for the MSD Pretreatment Program including investigations, record keeping, administration, and monitoring of industrial waste discharges to the system. Each industrial user shall pay a pretreatment charge(s) as follows:

Industrial Pre-Treatment Charges	
ANNUAL FEE	\$2,889 Per Annum
MONITORING CHARGE	\$17,912 maximum per monitoring event

2. Any user which discharges any toxic pollutants which cause an increase in the cost of managing effluent or sludge from the District's treatment system shall pay such increased costs.
3. That the sewerage service charges, surcharges, and industrial pretreatment charges shall be applied in accordance with the provisions of the MSD Rules and Regulations and as may be modified from time to time.

SECTION 2. All users of the sewage system shall be notified at least annually as to:

- A. The rate schedule in effect.
- B. That part of the total charges attributable to user charges for sewage treatment service.

SECTION 3. That the sewerage service charges and surcharges stipulated herein shall be billed on the water bill and shall be payable to the Cincinnati Water Works at the same time as the water bills, or they may be billed and collected by such governmental agencies as are designated by and as are under agreement with the Board of County Commissioners. Charges not paid within the time prescribed shall be certified, together with a penalty of ten percent (10%) to the County Auditor and collected in accordance with Section 6117.02 of the Revised Code of Ohio.

SECTION 4. That industrial pretreatment charges and charges to users for special equipment, materials, and services shall be payable in the same manner as sewerage service charges, or by means of a separate billing.

SECTION 5. The Resolution adopted by the Board of County Commissioners on November 15, 2017, as entered into the Commissioners Minutes, Vol. 348, Images 5802-5812, and fixing rates and charges for sewer service in the Metropolitan Sewer District of Greater Cincinnati, is hereby repealed.

BE IT FURTHER RESOLVED by the Board that the MSD CAP is hereby authorized and approved as outlined in **EXHIBIT A**.

BE IT FURTHER RESOLVED that this Board hereby authorizes the implementation of the CAP as soon as practicable for eligible senior citizen MSD ratepayers.

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 this 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 _____ day of _____ 2019.

Ms. Driehaus _____

Ms. Summerow Dumas _____

Mr. Portune _____

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 this _____ day of _____, 2019.

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 _____ day of _____, 2019.

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

MSD Legislative Fact Sheet

METROPOLITAN
SEWER DISTRICT
of greater
CINCINNATI



Diana R. Christy
Interim Director

1/24/2019

RESOLUTION FIXING RATES FOR SEWERAGE SERVICE CHARGES, SURCHARGES, AND INDUSTRIAL PRETREATMENT CHARGES FOR THE USE OF SANITARY AND COMBINED SEWERS AND FOR SEWAGE TREATMENT AND

PROJECT IDENTIFIERS:

IMPLEMENTING A CUSTOMER ASSISTANCE PROGRAM
FOR ELIGIBLE HAMILTON COUNTY, OHIO SENIOR CITIZENS
PER THE REQUIREMENTS OF SECTION 6117.02 (F) REVISED CODE OF OHIO

METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI

LEGISLATIVE ACTION REQUESTED:

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> DESIGN ¹ | <input type="checkbox"/> ADD'L DESIGN ² | <input type="checkbox"/> EASEMENT OR REAL PROPERTY APPROPRIATION ³ | <input type="checkbox"/> CONSTRUCTION ⁴ |
| <input type="checkbox"/> ADD'L CONST ⁵ | <input type="checkbox"/> AMEND CIP ⁶ | <input checked="" type="checkbox"/> OTHER ⁷ : Resolution approving revised Rate Structure for 2019 and implementing and customer assistance program | |

PROJECT TYPE:

- | | |
|--|---|
| <input type="checkbox"/> PROJECT GROUNDWORK / WWIP | |
| PG / WWIP Activity ID: <u>N/A</u> | PG / WWIP Milestone Dates: <u>N/A</u> |
| <input type="checkbox"/> PROJECT GROUNDWORK / ASSET MANAGEMENT | <input type="checkbox"/> SUSTAINABLE INFRASTRUCTURE |
| <input checked="" type="checkbox"/> OTHER: MSD Rate Structure | |

REQUESTED APPROPRIATION:

\$0.00

PROJECT LOCATION:

N/A

PROJECT PURPOSE:

The current request revises the MSD sewerage rate structure adopted November 2017 and implements a customer assistance program for eligible Hamilton County, Ohio senior citizens as per eligibility criteria of the MSD Customer Assistance Program (CAP) as outlined in **Exhibit A**. These criteria were developed with regard to Section 6117.02 (F) of the Ohio Revised Code. The CAP calls for a 20% rate reduction on minimum and commodity charges for eligible MSD ratepayers. The revised rate structure is as follows.

- {00277436-1} Design** = 1 resolution - authorizing preparation of detailed plans, specifications, and estimate of cost and appropriating funds for the same.
- Add'l Design** = 1 resolution - appropriating additional funds for design.
- Easement /Real Property Appropriation** = 3 resolutions - approving detailed plans, specifications and estimate of cost; declaring project necessity and intent to proceed with construction; appropriating easements or full fee takes.
- Construction** = 4 resolutions - approving detailed plans, specifications and estimate of cost; declaring project necessity and intent to proceed with construction; appropriating funds for construction; authorizing project advertisement & bid.
- Add'l Construction** = 3 resolutions - amending approved detailed plans, specifications and estimate of cost; amending project necessity and proceed resolutions; appropriating add'l funds for construction.
- Amend CIP** = 1 resolution - adding proposed project to program year Capital Improvement Plan.
- Other** = Resolutions not covered above. Purpose is listed.

PROJECT PURPOSE (cont.):

SECTION 1. From and after _____, **2019**, every person, firm or corporation in the Metropolitan Sewer District of Greater Cincinnati, whose premises are served by a connection to a sanitary or combined sewer which discharges sewage, industrial wastes, water, or other liquids, either directly or indirectly into a County sanitary or combined sewer, shall be charged for the use of the sewers and for the treatment of sewage discharged therein at the following rates:

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8	\$2,085.59	\$1,668.47
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12	\$3,217.75	\$2,574.20

2. The CAP Rate (CR) is part of the MSD CAP and is based upon an age qualification of sixty-five years or older and meeting the applicable eligibility requirements of Homestead Exemption in Ohio, as further detailed in **EXHIBIT A**.

3. The CR will be effective from and after the effective date of the approval of this resolution’s SECTION 1, and from the date of eligibility approval by MSD’s CAP.

4. Where commercial or manufacturing facilities require more water than required for sanitary purposes, the minimum charge shall be not less than the minimum charge for a meter one size smaller than the branch serving the premises.

B. COMMODITY CHARGE

1. The Commodity Charge shall be based on the quantity of water used on the premises served as same is measured by a water meter or meters therein used, which meters must be acceptable to the City of Cincinnati.

The Commodity Charge shall be as follows:

¹ CR for monthly minimum charges for listed water meter branch sizes is based upon meeting eligibility requirements.

PROJECT PURPOSE (cont.):

Monthly Bills	Monthly Bills CAP Rate ²
<i>For each 100 cubic feet consumed per month in excess of 300 cubic feet but not in excess of 5,000 cubic feet:</i>	<i>For each 100 cubic feet consumed per month in excess of 300 cubic feet but not in excess of 5,000 cubic feet:</i>
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C. SURCHARGE

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2. Provided, however, that to the extent the strength of a pollutant is less than eighty percent (80%) of the corresponding value for normal strength sewage, a credit shall be allowed as an offset against surcharge otherwise due. The credit shall be calculated by multiplying the herein above specified surcharge rate for the pollutant in question times

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³ These surcharges have not been modified from the 2013 surcharge levels as per the instructions of Hamilton County Administration. {00277436-1}

PROJECT PURPOSE (cont.):

the difference between actual pollutant concentration in mg/l and eighty percent (80%) of the corresponding value for normal sewage. No credit shall be allowed in excess of surcharge otherwise due.

D. INDUSTRIAL PRETREATMENT CHARGE

1. All users required to apply for and obtain a wastewater discharge permit or which are subject to federal pretreatment standards, as specified in the RULES AND REGULATIONS GOVERNING THE MAINTENANCE, OPERATION, AND USE OF SANITARY AND COMBINED SEWERS IN THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI (“MSD Rules and Regulations”) (2001 and as amended), shall be subject to the payment of a pretreatment charge(s), as determined by the Director. Said pretreatment charge(s) shall be sufficient to recover, in whole or in part, the costs for the MSD Pretreatment Program including investigations, record keeping, administration, and monitoring of industrial waste discharges to the system. Each industrial user shall pay a pretreatment charge(s) as follows:

Industrial Pre-Treatment Charges	
ANNUAL FEE	\$2,889 Per Annum
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- 2. Any user which discharges any toxic pollutants which cause an increase in the cost of managing effluent or sludge from the District's treatment system shall pay such increased costs.
- 3. That the sewerage service charges, surcharges, and industrial pretreatment charges shall be applied in accordance with the provisions of the MSD Rules and Regulations and as may be modified from time to time.

SECTION 2. All users of the sewage system shall be notified at least annually as to:

- A. The rate schedule in effect.
- B. That part of the total charges attributable to user charges for sewage treatment service.

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SECTION 4. That industrial pretreatment charges and charges to users for special equipment, materials, and services shall be payable in the same manner as sewerage service charges, or by means of a separate billing.

SECTION 5. The Resolution adopted by the Board of County Commissioners on November 15, 2017, as entered into the Commissioners Minutes, Vol. 348, Images 5802-5812, and fixing rates and charges for sewer service in the Metropolitan Sewer District of Greater Cincinnati, is hereby repealed.

PROJECT PURPOSE (cont.):

The CAP is built on the recommendations the Board received from its MSD Rate Affordability Task Force in May 2016 and the Hamilton County Planning and Development Department’s “Customer Assistance Program Recommendations” of January 2018, reflects the Board’s discussion regarding a reduced rate at its October 1, 2018 staff meeting, and the discussions between MSD and County Administration regarding the CAP. It also draws from information provided by the U.S. EPA April 2016 publication, “Drinking Water and Wastewater Utility Customer Assistance Programs,” and its Appendices for Ohio CAPs (see Fact Sheet Attachments 1 and 2).

The CAP rate for senior citizens who are eligible to participate is a systematic method of providing cost savings on sewer bills. Based upon the provisions of Ohio Revised Code, CAP works through applicable Homestead Exemption criteria used by both the Ohio Department of Taxation and the Hamilton County Auditor, fitting into the provisions of Section 6117.02(F). MSD’s CAP will be administered by Office of the Director staff. It will employ an internal Review Panel to assist in applicant evaluation and rely upon outreach efforts to the Greater Cincinnati area senior services programs, including those provided through various social services agencies. MSD’s CAP structure will offer decision appeals through the City’s Office of Administrative Hearings.

MSD will implement the CAP as soon as practicable and anticipates that it will be in place no later than _____ weeks after Board action approving the CAP and revised rate structure.

BACKGROUND DATA, SCHEDULES, AND BUDGET:

PRIOR LEGISLATION N/A

FUTURE LEGISLATION

-
- | | |
|---|---|
| <input type="checkbox"/> Approving detailed plans, specifications, and estimate of cost | <input type="checkbox"/> Necessity / Proceed Resolution |
| <input type="checkbox"/> Appropriating funds | <input type="checkbox"/> Advertise and bid |
| <input checked="" type="checkbox"/> OTHER: NONE ANTICIPATED | |
-

FUNDING REQUEST N/A

BUDGET SPECIFICS N/A