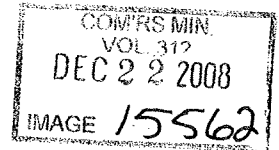


# City of Cincinnati



Office of the City Manager

Room 152, City Hall  
801 Plum Street  
Cincinnati, Ohio 45202-5706  
Phone (513) 352-3241  
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Milton Dohoney, Jr.  
*City Manager*

December 1, 2008  
Honorable Board of County Commissioners  
Hamilton County, Ohio  
% Mr. Patrick Thompson  
Hamilton County Administrator  
County Administration Building  
138 E. Court Street, Room 603  
Cincinnati, Ohio 45202

Honorable Commissioners:

Enclosed for your consideration is a Resolution 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. This is a proposed multi-year rate increase, based on the interim rate study. For 2009 the proposed increase is 12%. For 2010, the proposed increase is 12%. For 2011, the proposed increase is 12%. MSD plans to undertake and complete another rate study once all parties finalize the consent decree's Wet Weather Improvement Plan. MSD will re-evaluate the proposed 2010 and 2011 rate increases after the completion of the planned rate study.

The average residential customer (5/8" water meter size and 25 ccf water usage) will see his or her quarterly annualized bill go from \$123.59 to \$138.41. This is an increase of \$14.82 per quarter, \$4.94 per month or 16.47¢ per day.

The Board adopted this multi-year approach on December 17, 2003. The 2009 rate increase will be effective January 9, 2009. The County Commissioners will hold a public hearing on December 10, 2008, in accordance with the 1968 Management Agreement between the City of Cincinnati and Hamilton County for the operation of the Metropolitan Sewer District, to afford the opportunity for comment from all interested parties to the Board.

**RECOMMENDED:**

Approved:

Handwritten signature of James A. Parrott.

James A. Parrott  
Executive Director, MSD

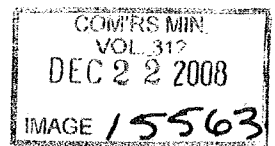
Handwritten signature of Milton Dohoney, Jr.

Milton Dohoney, Jr.  
City Manager

Provided to the Hamilton County Compliance Coordinator on 12/8/2008 CRB

Reviewed by \_\_\_\_\_, and recommended by County Administration.

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



RESOLUTION No. MSD 2008-0231

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 has since 1924, established 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 of County Commissioners 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 of County Commissioners 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 of County Commissioners did, on May 1, 1968, change the name of the County Sewer District to "The Metropolitan Sewer District of Greater Cincinnati"; 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 of County Commissioners did, on December 4, 1968, adopt a Resolution establishing a rate structure for sewerage service charges and surcharges, for sewer service in The Metropolitan Sewer District of Greater Cincinnati, effective January 1, 1969, which has been subsequently amended from time to time; and

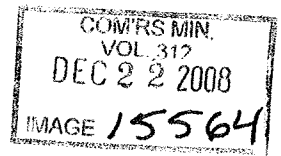
WHEREAS, the Executive Director of The Metropolitan Sewer District of Greater Cincinnati and of the Department of Sewers has submitted a recommendation to revise the rate structure for sewer service charges, surcharges, and industrial pretreatment charges; and

WHEREAS, this Board of County Commissioners did, December 10, 2008, conduct a public hearing on said rate structure; and

WHEREAS, this Board did, on **December 10, 2008**, conclude said public hearing on said rate structure.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Hamilton County, Ohio:

SECTION 1. From and after **January 9, 2009**, 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:



## MINIMUM CHARGE

The sewerage service charge shall consist of a minimum charge and a commodity charge.

The minimum charge shall be based on the size of the water meter used to serve the premises, or the size of the premises served, as determined by the number of units therein, whichever results in the larger minimum charge.

The size of the premises shall be determined by the total number of residential and/or commercial and industrial units that comprise the premises.

Such minimum charge shall include the charge for the first 500 cubic feet of water used in the case of monthly bills; and the first 900 cubic feet of water used, in the case of quarterly bills.

The minimum charge rates shall be as follows:

Meter Size (inches)	Number of Family Units	Monthly Bills \$	Quarterly Bills \$
5/8	1	37.39	76.83
3/4	2 or 3	44.84	99.06
1	4 or 5	57.70	135.80
1½	6 through 12	88.97	230.79
2	13 through 20	122.61	326.91
3	21 through 50	300.51	838.96
4	51 through 115	497.60	1,389.42
6	116 through 250	973.58	2,745.19
8	Over 250	1,447.14	4,096.18
10		1,944.73	5,473.60
12		2,264.42	6,319.77

For trailer parks, the number of family units shall be 75 percent (75%) of the available occupancy.

For hotels and motels, the number of family units shall be 50 percent (50%) of the available occupancy.

For commercial establishments each two sets, or part thereof, of sanitary facilities shall be counted as one family unit. A set of sanitary facilities shall be any grouping of water using plumbing fixtures whose total instant demand is not greater than the total instant demand of five, one-half inch, water faucets. 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.

### COMMODITY CHARGE

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:

Monthly Bills	Quarterly Bills
For each 100 cubic feet consumed per month in excess of 500 cubic feet but not in excess of 5,000 cubic feet:  <p style="text-align: center;"><b>\$3.849</b> per 100 cubic feet</p>	For each 100 cubic feet consumed per quarter in excess of 900 cubic feet but not in excess of 15,000 cubic feet:  <p style="text-align: center;"><b>\$3.849</b> per 100 cubic feet</p>
For each 100 cubic feet consumed per month in excess of 5,000 cubic feet:  <p style="text-align: center;"><b>\$3.078</b> per 100 cubic feet</p>	For each 100 cubic feet consumed per quarter in excess of 15,000 cubic feet:  <p style="text-align: center;"><b>\$3.078</b> per 100 cubic feet</p>

For residential water service accounts (one and two family residences), a quarterly minimum and commodity charge shall be based upon water used during a winter quarterly billing period; said winter period being the quarterly billing period most closely corresponding to usage during the months of October through April. Said charges shall be payable with each bill rendered throughout the year.

**SECTION 2.** 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	
Suspended Solids (SS)	<b>\$0.002027</b> per 100 cubic feet for each mg/l of SS strength above 300 mg/l.
Biochemical Oxygen Demand (BOD)	<b>\$0.003462</b> per 100 cubic feet for each mg/l of BOD strength above 240 mg/l.
Nitrogenous Oxygen Demand (NOD)	<b>\$0.003032</b> per 100 cubic feet for each mg/l of Total Kjeldahl Nitrogen (TKN) strength above 25 mg/l.

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.

SECTION 3. All users required to apply for and obtain a wastewater discharge permit or which are subject to federal pretreatment standards, as specified in the MSD Rules and Regulations (2001 edition 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 Pretreatment Charge	
Annual Fee	\$2,125 per annum
Monitoring Charge	\$13,176 maximum per monitoring event

SECTION 4. 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.

SECTION 5. That the sewerage service charges, surcharges, and industrial pretreatment charges shall be applied in accordance with the provisions of the "Rules and Regulations Governing the Maintenance, Operation, and Use of Sanitary and Combined Sewers in The Metropolitan Sewer District of Greater Cincinnati" as adopted by the Board of County Commissioners and as may be modified from time to time.

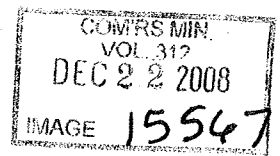
SECTION 6. All users of the sewage system shall be notified at least annually as to:

- (a) The rate schedule in effect.
- (b) That part of the total charges attributable to user charges for sewage treatment service.

SECTION 7. 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 8. 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 9. Quarterly sewerage service charge and surcharge bills mailed January 10, 2009 through April 9, 2009 shall be prorated at the existing and new rates; those mailed April 10, 2009 and thereafter shall be calculated entirely at the new rates. Monthly sewerage service charge and surcharge bills mailed January 10, 2009 through February 9, 2009 shall be prorated at the existing and new rates; those mailed February 10, 2009 and thereafter shall be calculated at the new rates.



SECTION 10. This is a multi-year rate increase. **For 2009, the increase is 12%. For 2010, the increase is 12%.**

SECTION 11. The Resolution adopted by the Board of County Commissioners on December 18, 2006, fixing rates and charges for sewer service in The Metropolitan Sewer District of Greater Cincinnati is hereby repealed.

SECTION 12. 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 22nd day of December 2008.

Mr. DeWine YES

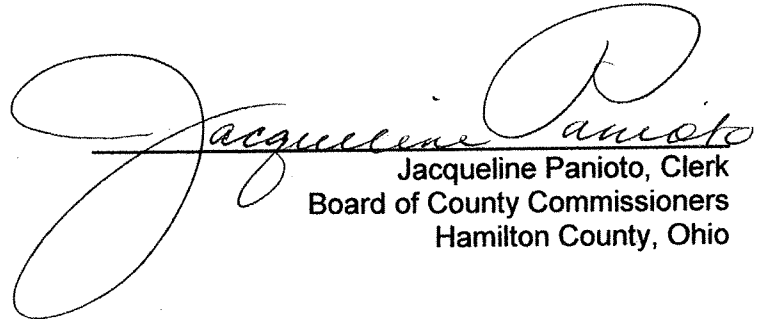
Mr. Pepper YES

Mr. Portune YES

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 22nd day of December 2008.

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 22nd day of December 2008.

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