

**DEERFIELD REGIONAL STORM WATER DISTRICT**  
**Special District Board Meeting**  
**As part of the**  
**Deerfield Township Trustees Work Session**  
**4900 Mason-Montgomery Road, Suite 180**  
**Mason, OH 45040**

**January 25, 2008**

The Deerfield Regional Storm Water District Board of Trustees appeared before the Deerfield Township Trustees for the purpose of updating them on current storm water concerns and status of the General Petition and Deerfield Township Storm Water Plan.

**CALL TO ORDER:**

President Dan Corey resumed their regular work session from an executive session and called the meeting to order at 2:24 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ATTENDANCE:**

**Those present at the meeting were:**

DFTWSP Members:	Dan Corey, Dan Evers, Pete Patterson
DFTWSP Attorney	Scott Phillips, Esq., Frost, Brown & Todd
DFTWSP Staff Members	Larry Weis, Public Works Director Eric Reiners, Public Works Project Manager Fran Klatte, Public Relations Director
DFTWSP Asst. to Admin.	Peggy Monjar
DRSWD Members:	Walt Daniels, Tim Greive, and Susan Berger
DRSWD Attorney	Eric Luckage, Esq., Albers & Albers
Technical Consultant:	Chris Calpin, Camp, Dresser & McKee, Inc. Andrew Bohlen, Camp, Dresser & McKee, Inc.
Administrative Assistant:	Cathy Herrick

The Deerfield Township Board of Trustees attended to their regular business at this time with the introduction of the Deerfield Regional Storm Water District Board of Trustees as part of their agenda beginning at 2:40 p.m.

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President Corey thanked the DRSWD Board of Trustees and other members of the Board for coming and bringing their information to present to the township Trustees and participating in their work session. DRSWD President, Walt Daniels expressed the District's Board of Trustees' appreciation for being afforded the opportunity to meet with the township Trustees and commented it had been quite some time since their last meeting and he would like to see the two boards meeting more frequently in the future to share information. He hoped the two boards could possibly meet again in February to keep the communication lines open and flowing.

**Agenda Item No. 2. – Stormwater District Board Discussion**

- a. ***Plans for handling Greenfield Place Subdivision storm water issue*** – President Daniels introduced Mr. Chris Calpin, Technical Consultant from CDM, to address this issue on behalf of the storm water Board. Mr. Calpin began by giving the Township Trustees a brief overview of the situation. He advised at the last regular meeting of the DRSWD, it was the intent of the Board, to attempt to arrive at a solution to fix the serious infrastructure problem (sinkholes) which have occurred and are worsening at the subdivision and how the District might be able to assist in doing so. Mr. Calpin stated he and his staff had walked the entire area within Greenfield Place during the past week examining the situation visually and upon preliminary examination have surmised the entire pipeline between the two sinkholes may be compromised and need repair. He continued by saying, CDM would like to conduct a televised study of the pipes and entire contiguous area utilizing closed circuit cameras to get a better detailed view of exactly why and where the failure has occurred and also for purposes of troubleshooting in the event there could be further problems at a later date.

The discussion continued regarding an agreed entry to be endorsed by the residents, allowing CDM to enter upon their properties to conduct said study. Mr. Patterson inquired as to the costs associated with fixing the problem. Mr. Daniels informed the Board, the repair costs were unknown at this time but, would be more specific after the study was completed. Trustee Patterson then inquired as to whether the District planned on additional funding from other resources other than themselves. Mr. Daniels informed them, the District intends to request assistance from Warren County and the Greenfield Place Homeowners Association, as soon as the estimated costs are arrived upon.

The Boards then discussed the issue of easements. President Corey reminded the District of the nature of the private property issue connected with this situation. Mr. Daniels then introduced the District's legal counsel, Eric Luckage who agreed with President Corey saying nothing is crystal clear on

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the easement portion of this issue. President Corey suggested a temporary construction easement can be obtained but there is always the question of maintenance upon completion of the project. President Corey suggested the District contact and work closely with Warren County and particularly, Neil Tunison, Warren County Engineer to be sure all responsibilities are made clear.

The discussion continued with Eric Luckage maintaining there are three phases where access/easement issues arise; the first being access to the property for evaluation; second, the temporary construction easement, if repair work is performed, and which will expire after construction; and finally the long term status of all of the storm water easements. President Corey reiterated there are layers of government which need to be included in this project. Eric Luckage assured Mr. Corey that the District Board is careful to consult with the relevant governmental offices. Chris Calpin agreed and added, even if the District does this fix, there will be an issue of the future maintenance which needs to be addressed prior to the actual project's undertaking.

Susan Berger spoke of the responsibilities of the homeowners and their awareness of same. President Corey stated, education of the homeowners living in home owners associations was an area where the residents need to be enlightened as to their rights and responsibilities and advised the Township is making an effort to do educational sessions with local HOA's and this effort seems to be well received at this time. He suggested perhaps the District might be interested in attending one of these sessions and Fran Klatter, Public Relations Director for Deerfield Township was the organizer of these meetings. Ms. Klatter could be contacted to inquire as to the date of the next meeting which he believes are held in the winter and again in the summer for interested parties. Mr. Daniels agreed this would be a worthwhile opportunity and the District should investigate and plan to have a representative in attendance for such a meeting.

Further discussion included, Susan Berger suggesting the possibility as to the use of the equipment owned by the Warren County to conduct the closed circuit study. President Corey agreed that would be a cost saving measure and also suggested the previously conducted closed circuit study done within the past year by the County be utilized as a baseline for comparison with the one to be completed. Mr. Corey continued by saying, a year ago when the situation was apparent, the Township went and took remedial action to get the water flowing properly. He said they contacted the pipe manufacturer who sometime ago, made an offer of in kind service by donating pipe to assist in repairing the problem.

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Mr. Patterson posed the question as to whether or not this problem at Greenfield Place can be determined by the engineers and if so, how these types of situations can be prevented in the future. Mr. Corey interjected that the Storm Water District was created in response to the Ohio EPA's Phase II mandates and to obtain compliance within Deerfield Township. He went on to say there were no regulatory or policy enforcing authorities in place at this time and inquired as to how the Storm Water District could be put into that capacity. He added there are a lot of processes that would need to take place to accomplish putting the District into that status. Further, Mr. Corey expressed he felt this was the responsibility of Warren County and not of the District. Then again, Mr. Corey stated, Warren County would not handle the type of situation as within Greenfield Place as it was a private property issue. Susan Berger informed the Deerfield Township Board of Trustees she believes the District does possess the capability of becoming a regulatory agent, if desired. Eric Luckage agreed and gave some background of the historical purposes that the District was formed which included handling Phase II requirements and coordinating most other storm water responsibilities in the Township with the purpose of filling any or regulatory or functional gaps not provided by the County or the Township. Mr. Luckage added, if everyone wants the District to take upon some regulatory role, it was formed with the authority to do so. Mr. Daniels expressed he would like to see Warren County, Deerfield Township and the Storm Water District working collaboratively to fine tune these issues.

Finally, Mr. Corey said, we need to define storm water easement to clarify things. Eric Luckage agreed saying when the District met with the Greenfield Place residents, they were anxious to get the District to take sides with them which the District could not do and Mr. Luckage informed the residents that he could not provide them with legal advice.

**b. Plans for conducting multiple watershed studies throughout the township**

Walt Daniels informed the Deerfield Township Board of Trustees that the District engaged CDM to do multiple watershed studies within Deerfield Township to bring the previous study up-to-date and to secure this study as a valuable tool for use within the Township. The District Board had decided to complete this study in phases and had requested CDM to begin with Phase I of said study. Chris Calpin addressed the Township Trustees referring to summaries he had created detailing the five watersheds targeted for evaluation and being, Simpsons Creek, Polk Run, Union Creek, Little Miami River Tributaries and Muddy/Little Creeks. He also highlighted the various stages planned to accomplish the evaluation of the storm water system in Deerfield Township. Phase I would develop a model of the primary drainage

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system within Deerfield Township, identify existing and projected future water surface elevations and flow velocities within that system, and develop floodplain management and watershed-specific detention rules which prevent increases in existing water surface elevations. Phase II would entail extending of the model by conducting hydrologic/hydraulic evaluation of select portions of the secondary drainage system with reports of existing drainage problems and quantifying the location, severity, and frequency of known and model-projected flooding and erosion problems. Further, Phase III would consist of developing conceptual designs for capital improvements to resolve existing drainage problems and/or prevent future drainage problems. Mr. Calpin added they had completed similar studies in Dublin, Ohio which proved to be a very valuable tool. Mr. Corey expressed his concern that these studies would prove not be of any value as new developments occur or redevelopment of areas which have already been mapped and follow the release rate already assigned. Mr. Corey also conveyed his concern regarding any changes caused from these studies and how regulations would be developed and upheld.

c. **Status with current General Permit, next General Permit and how it impacts road right-of-way**

Walt Daniels informed the township Trustees the current General Permit and Plan are currently working well, however within the Plan it states that the District is responsible for all road right-of-ways and it was his understanding that Deerfield Township was taking responsibility for the right-of-ways. Mr. Corey inquired if this was something which needed to be changed at the township level to which Mr. Daniels informed him it was. Mr. Corey inquired of Larry Weis, Public Works Director as to where funds were being utilized from to handle right-of-way issues at the present time. Mr. Weis reported funds were currently being used from the road and bridge funds. Mr. Corey agreed that a MOU (Memorandum of Understanding) should be created between the District and the Township indicating the responsibility of the right-of-ways and maintenance thereof by the Township. Mr. Daniels also reminded Mr. Corey that another MOU should be created prior to the District distributing any funds to Deerfield Township as collected from the storm water utility fees as to their purpose and use.

Chris Calpin then summarized for the Board the proposed changes being suggested by the Ohio EPA for the next MS4 General Permit of which the District has until February 21, 2008, to submit any comments to the proposed draft of the general permit. Mr. Calpin noted the next permit would require a table of organization indicating the primary point of contact of who is responsible for overall management and implementation of each minimum control measure and, if different, who is responsible for each of the BMPs

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identified for that minimum control measure. This new requirement would be updated and included in all future annual reports. Other areas of the permit with noted changes are performance standards to include minimum measurable goals such as requiring at least 50 percent of population to be reached through outreach efforts over the permit term and requiring at least 5 public involvement/participation events to be held over the permit term. He added, the new permit would provide a two year schedule allowing MS4s time to revise programs as needed to satisfy this requirement. Another area detailed to be updated would be the MS4 mapping requirements. The current permit requires that a storm sewer system map be developed with minimal requirements to include the location of storm water outfalls and names and locations of surface waters of the state that receive waters from these outfalls. The proposed renewal permit would require the mapping of the entire MS4 system to include catch basins, pipes, ditches, and pub and private storm water facilities to properly manage the system. The renewal permit would allow a five year period to complete this additional mapping. Additional items in the draft renewal permit which are open for comment are Home Sewage Treatment Systems, local construction and post construction ordinances, storm water pollution prevention plans and annual reporting.

Continuing with discussion of the draft General Permit, another area of the permit which is open for comments is the 2008 Construction Requirements of which comments are due by February 14, 2008. Highlighted areas included in this draft include revised sediment settling pond requirements, coverage under the NPDES permit of construction development areas of one or more acres of land disturbance, versus the previous minimum design criteria of 5 acres or larger, public road transportation projects utilizing the ODOT Location and Design Manual, Volume Two Drainage Design document which suggests the use of this manual by all public entities to design their structural post-construction BMPs for road construction activities with the condition that Ohio EPA accepted their manuals.

Further proposed changes would allow for off-site post-construction BMPs which must be located within the same watershed as the primary project site with off site discharges going to the same watershed unit. It was noted, these requests would be considered on a case-by-case basis and require Ohio EPA approval. Finally, it was noted the draft permit will allow reduction of post-construction BMPs if the development is constructed in conjunction with certain measures to include preservation of forested areas or riparian stream setbacks or "green" non-structural BMPs are utilized versus structural post-construction BMPs. It is the hope of the Ohio EPA that with the incentive these non-structural practices will be chosen. Also included in the 2008 Draft Construction General Permit Requirements are many minor changes

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but were not specific setout at this meeting but would be considered in the District's response for comments.

At this time, Mr. Corey inquired as to whom would prepare a response and comments to the Ohio EPA regarding the 2008 Draft MS4 General Permit and 2008 Draft Construction General Permit. Mr. Daniels indicated CDM would write the response and represent the DRSWD at any hearings The DRSWD Board requested Chris Calpin to prepare said response and upon completion and approval by the District forward a copy to the Deerfield Township Board of Trustees for their input prior to submitting to the Ohio EPA.

The Deerfield Regional Storm Water District concluded their portion of the Work Session with the Deerfield Township Trustees and began a short general session at another conference room located within the township administrative offices.

Chris Calpin presented copies of Agreed Right of Entry forms with attached exhibits which were created to allow them entry onto the properties located the Greenfield Place subdivision to conduct a preliminary study and to do a closed-circuit camera inspection of the problems occurring within the subdivision. Eric Luckage had also drafted a letter to residents of Greenfield Place subdivision advising them as to the intentions of the District to conduct a study to help identifying the magnitude of the problem within the subdivision and possible solutions to fix the problem, as well as, advising them of the costs associated with the repairs upon completion of the study. Mr. Luckage advised that according to §6119.34 of the O.R.C., the District has the right to enter upon the residents' properties with proper notice and it was not a requirement that these Agreed Right of Entry forms be negotiated by the residents but were created as a courtesy because of the initial belief that the District would only need access to a handful of properties. Mr. Daniels inquired as to why there seemed to be so many of these forms created. It was reported there were many areas that needed to be included in the inspection as a cost effective measure in the event the extent of the damages encompassed a larger scope than originally anticipated. It was also noted, the study would entail the area from East to West but there were some areas where a 90 degree angle would occur and the closed circuit television camera would not be allowed to do a continuous view without relocating the equipment as it did not have the capability to be turned to capture the view.

The Board was concerned about the timeframe involved to secure signatures for such a large number of properties, now numbering 30 or more. Eric Luckage inquired as to whether any heavy equipment would be needed, now

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that CDM has had a chance to look at the property. Mr. Calpin indicated that there is no standing water and heavy equipment was not anticipated at this time, although excessive sediment in the pipes may force a re-evaluation of equipment needs. Thus, property damage as a result of the investigation would be unlikely. Mr. Luckage advised that the statute reads that if any property damage occurs, the District would pay for any damages. It appears that damages caused by the investigation are unlikely because heavy equipment will not likely be used. Given the nature of the problem, that damages are unlikely, and the desire to avoid delay, Mr. Luckage recommended proceeding under the authority of §6119.34 of the O.R.C. and without the agreed right of entry. The Board agreed. Per the Board's conversation with the Township Trustees, it was understood that Warren County possessed the necessary camera equipment that could possibly be utilized to which Chris Calpin would investigate. Walt Daniels reiterated that the District needed to work hand-in-hand with the Township on the venture and to make it a practice to copy Larry Weis, Dan Evers and Dan Corey on all steps and findings within this study as well as other aspects of this project as deemed necessary. Eric Luckage advised that although it was decided not to utilize the Agreed Entry forms he felt the Board will still need to notify the affected homeowners in Greenfield Place, to give them notice that the investigation will require workers on their property and a time frame as to when the investigation will begin. The Board was in agreement with this suggestion.

- **Action Taken/Required:** Walt Daniels made a motion, seconded by Tim Grieve to adjourn into Executive session to discuss imminent court action with the District's attorney, Eric Luckage. Roll Call, Vote: Ms. Berger: Yes; Mr. Daniels: Yes; Mr. Grieve: Yes.
- **Action Taken/Required:** Walt Daniels made a Motion, seconded by Tim Grieve to adjourn the Executive Session at 5:08 p.m. Roll Call, Vote: Ms. Berger: Yes; Mr. Daniels: Yes; Mr. Grieve: Yes.
- **Action Taken/Required:** Walt Daniels made a Motion, seconded by Tim Grieve to adjourn the meeting at 5:10 p.m. Vote: All Yes.

**Next Regular Meeting: February 12, 2008**

The Deerfield Regional Storm Water District Board meets the second Tuesday of every month at 6:30 p.m., unless otherwise notified.

Attest:

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Susan Berger, Secretary/Treasurer