

Appendix B. Public Hearing Transcripts

Ohio EPA Responsiveness Summary for Public Comments Received Regarding the
Proposed State Water Quality Management Plan,
including updates to the State and Areawide Agency 208 Plans

September 2006

prepared by
Division of Surface Water
Ohio Environmental Protection Agency

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

- - -

IN RE: DIVISION OF :
SURFACE WATER :
STATEWIDE WATER :
QUALITY MANAGEMENT :
PLAN :

- - -

PROCEEDINGS

In the above-captioned matter, taken before Kevin Johnson, Hearing Examiner, Ohio Environmental Protection Agency, taken before Margaret A. Marsh, a Registered Professional Reporter and Notary Public in and for the State of Ohio, commencing at 3:12 p.m., on the 8th day of March, 2006, at 122 South Front Street, Fifth Floor, Conference Room 5A, Columbus, Ohio.

- - -



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1 Wednesday Afternoon Session
2 March 8, 2006
3 3:12 p.m.

4 - - -

5 HEARING EXAMINER JOHNSON: Let's start the
6 hearing. I only have a couple blue cards. Does anyone
7 have any blue cards they want to turn in? All right.
8 Anyone else? I just need your name on the blue cards.
9 They're out there on the table if you want to fill one
10 of those out and turn them in to me.

11 Today's date is March 8, 2006. The time is
12 approximately 3:15. We're here to receive comments on
13 the draft statewide water quality management plan.
14 This hearing gives you the opportunity to comment for
15 the official record on the draft plan.

16 All written and oral comments received as
17 part of the official record will be considered by Ohio
18 EPA prior to a final action of the director. Written
19 comments will be received until April 7. All final
20 actions of the director are appealable to the
21 Environmental Review Appeals Commission. Any order of
22 the Court of Appeals of Franklin County is appealable
23 to the Supreme Court of Ohio.

24 As I stated, just fill your name out on the
25 card. I'll call off your name. I'll just ask that you
stand up, state your name for the record, and proceed

1 with your comments.

2 The first person who wanted to comment is
3 Mike O'Brien.

4 MR. O'BRIEN: Yes. Thank you, Mr. Dudley,
5 Mr. Johnson, and all of you who are attending today.
6 My name is Mike O'Brien. Last name is capital O-,
7 apostrophe, capital B-R-I-E-N. I'm the village
8 administrator for Sunbury; and I'm here today in
9 response to the state water quality management plan,
10 including Section 208 area wide waste management plan.

11 Delaware County has submitted its sewer
12 master plan update 2005 to the Ohio EPA in its Section
13 208 plan. On November 9, 2005, the agency received an
14 update, Update 2005 for Delaware County master plan too
15 late for the agency to consider for this water quality
16 management plan update.

17 The work will be considered for application
18 in the next update of the State's 208 plan, which
19 sounds like that would be the middle of 2007. Generic
20 prescriptions are provided for Delaware County
21 management agencies until such time as the Ohio EPA can
22 evaluate the County's sewer master plan.

23 I'd like to make the following points:

24 1. The Delaware County plan is a conceptual
25 master plan for sewer services in the unincorporated

1 areas of the county. The plan is not a Section 208
2 plan. Delaware County is not a designated management
3 agency with facilitating planning responsibilities.
4 The plan does not include input from all DMAs,
5 including Sunbury, and does not establish facility
6 planning areas.

7 2. The Village of Sunbury has submitted a
8 proposed Section 208 plan for the Village of Sunbury
9 and a facility planning area which includes Kingston,
10 Porter, Berkshire, and Trenton Townships in Delaware
11 County.

12 3. Delaware County has no existing sewage
13 treatment facility in the area. The Village of Sunbury
14 has an approved waste water treatment plan in the
15 planning area.

16 4. Delaware County did not consider our
17 proposed Section 208 plan in its master plan update.

18 5. Delaware County has identified two basin
19 areas: Drainage Area 2A and 2B. This is also referred
20 to as the Central Big Walnut service area. Delaware
21 County recommends one regional treatment facility for
22 Galena, Sunbury, and surrounding townships.

23 6. Delaware County ignores the fact that
24 Sunbury and Galena already have existing waste water
25 treatment plan facilities in the plan area.

1 7. Contrary to Delaware County's position,
2 Sunbury is capable of accepting additional flow outside
3 of the municipal boundaries of the village. Sunbury is
4 willing to extend sewer service without condition of
5 annexation.

6 8. Delaware County suggests an
7 Alternative A: Discharge of flows from the
8 unincorporated area into the Alum Creek water
9 reclamation facility. The total cost would be
10 \$22,234,852. This would result in a tap-in fee of
11 \$10,200 per tap.

12 9. Delaware County did not evaluate the
13 alternative of sewer service by the Village of Sunbury
14 by the existing Sunbury waste water treatment plan.

15 10. Delaware County has not discussed
16 regional cooperation with the Village of Sunbury.

17 In short, Sunbury recommends the Ohio EPA
18 approval of the Sunbury proposed Section 208 plan.

19 I kind of hurried through those. I have all
20 my comments in writing. I'd be happy to leave for the
21 chair and anyone else who would like to have a copy.
22 If I sounded like I knew what I was talking about, I
23 give credit to our engineers and our legal staff. If I
24 sounded like I stumbled, it's purely my fault; but I
25 thank you for the time.

1 HEARING EXAMINER JOHNSON: Thank you. And I
2 will take your written comments. Do you have a copy to
3 provide?

4 MR. O'BRIEN: Yes, sir. The original will be
5 mailed in too.

6 HEARING EXAMINER JOHNSON: Thank you. Paul
7 Brock.

8 MR. BROCK: My name is Paul Brock. I'm with
9 Poggemeyer Design Group. I'm here on behalf of the
10 Village of Galena. We have submitted our comments in
11 writing already. I'll just reiterate them, and I have
12 a couple additional ones since we've had further time
13 to review the 208 plan.

14 Comment No. 1. The Village of Galena in
15 review has found an omission in Appendix 8-1 and 9-1 of
16 the state plan. The Ohio Environmental Protection
17 Agency failed to include on page 27, Appendix 8-1, and
18 page 24 of Appendix 9-1 the newly issued NPDES Permit
19 No. 4PC00102*AD to the Village of Galena. This permit
20 allows the discharge of an additional 500,000 gallons
21 of sewage collected per Phase 1 of the Galena area wide
22 water quality management plan, which was submitted to
23 Ohio EPA in July of 2004 and revised in July of 2005.
24 We have enclosed a copy of the final NPDES permit with
25 our written comments, and you'll find that there.

1 The waste water treatment plan is currently
2 under design, and a comprehensive sewer master plan for
3 the Village of Galena facilities planning area is
4 currently being completed.

5 The Ohio Environmental Protection Agency as
6 the state planning agency and by issuance of Phase I of
7 the NPDES Permit No. 4PC00102*AD per the Clean Water
8 Act Section 208 has identified the treatment works
9 necessary to meet anticipated municipal and industrial
10 waste treatment needs of the area (the Galena planning
11 area) over a 20-year period. The Ohio EPA has further
12 identified the Village of Galena as the designated
13 management agency to construct, operate, and maintain
14 facilities required by the plan. We would anticipate
15 the state plan will rectify this omission of the new
16 Galena waste water treatment plan.

17 Comment No. 2. On page 3 of Appendix 1, the
18 generic prescriptions for waste treatment plants do not
19 recognize the fact that the facilities plans for all
20 municipalities all have planning areas that overlap the
21 village limits or city boundaries. These villages and
22 cities were required to plan for a minimum of 20 years.
23 The language in this section should recognize this fact
24 and provide the 201 prescription or the facilities
25 planning prescription as part of the 208 plan.

1 Comment No. 3. On page 4 of the
2 Appendix 9-1, the Village of Galena has a comment
3 regarding determining when a public sewer is available.
4 Ohio EPA has incorporated Ohio Revised Code 6117.51
5 into this section of the 208 plan. This regulation
6 applies to county commissioners and boards of health.
7 Ohio EPA must clarify this section to state this
8 prescription applies to only areas outside of
9 facilities planning areas. We believe it is
10 unacceptable to allow new subdivisions or new
11 commercial businesses to develop without connection to
12 sanitary sewers in facility planning areas. We believe
13 Ohio Revised Code 6117.51 was originally promulgated to
14 control existing health problems or hazards of water
15 pollution control.

16 The other two comments that we have, again,
17 to reiterate, we would say the state generic
18 prescriptions do not apply within the village limits or
19 let alone our facilities planning area. We would
20 dispute that. The other thing is the last comment
21 really is we're kind of concerned that all the old
22 planning documents have been swept away, and we still
23 think there's value to those.

24 And just in general, a general comment, the
25 200-foot rule, we think that's, you know, just a

1 grievous thing that's going to create more pollution,
2 as witnessed in the past of these failed sewage
3 systems. A lot of us have spent lifetimes cleaning
4 these things up. We're just going back 30 years to
5 allow unsewered subdivisions. They're still not all
6 cleaned up.

7 With that I thank you. You have my written
8 comments. I'll give you another copy.

9 HEARING EXAMINER JOHNSON: Thanks. Jack
10 Smelker.

11 MR. SMELKER: Can I just turn around?

12 HEARING EXAMINER JOHNSON: As long as she can
13 hear you. Maybe you could stand over there.

14 THE REPORTER: Could you spell your last name
15 for me, please?

16 MR. SMELKER: Jack Smelker, S-M-E-L-K-E-R.
17 I'm the sanitary engineer for Delaware County. First
18 of all, I'd like to recognize Dan and his efforts in
19 trying to put together a very difficult plan. It's
20 difficult to have everyone happy with something and not
21 offend someone. I think you've done a good job,
22 especially with the generic prescriptions and the
23 flexibility you put into that.

24 I really only have one comment, and that
25 would be for the availability of public sewers. You've

1 used the Ohio Revised Code distance of 200 feet; and I
2 would like to see that changed to 400 feet, as part of
3 my comment, to allow a larger area in which you could
4 require someone to connect to a public sewer.

5 Thank you.

6 HEARING EXAMINER JOHNSON: All right. Thank
7 you, Jack. Any other comments? No. Well, once again,
8 we are receiving written comments until April 7.

9 Is that address on any of your handouts, Dan?
10 I don't think I have it on the agenda. Yes. I think
11 it's on your --

12 MR. DUDLEY: I don't think the mailing
13 address is. You can go to the web site and get the
14 mailing address.

15 HEARING EXAMINER JOHNSON: Okay. Well, if
16 you want that, our address here is P.O. Box 1049,
17 Columbus, Ohio 43216-1049.

18 I want to thank you for your comments. Thank
19 you for showing up. Again, if you have any questions
20 or anything, feel free to hang around. Dan will hang
21 around, and we'll try to get those answered.

22 Thanks. Have a good day.

23 - - -

24 Thereupon, at 3:25 p.m., on Wednesday,
25 March 8, 2006, the hearing was concluded.

C E R T I F I C A T E

- - -

STATE OF OHIO :
 COUNTY OF FRANKLIN : SS:

I, Margaret A. Marsh, Registered Professional Reporter, do hereby certify that the foregoing is a true, correct, and complete transcript of the proceedings in this matter before the Ohio Environmental Protection Agency, as reported by me in stenotype and transcribed from my stenographic notes.

DATED this 22nd day of March, 2006.

Margaret A. Marsh (smt)
 MARGARET A. MARSH, RPR

- - -

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

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PROCEEDINGS

In the above-captioned matter, taken before Kevin Johnson, Hearing Examiner, Ohio Environmental Protection Agency, taken before Margaret A. Marsh, a Registered Professional Reporter and Notary Public in and for the State of Ohio, commencing at 7:26 p.m., on the 8th day of March, 2006, at 122 South Front Street, Fifth Floor, Conference Room 5A, Columbus, Ohio.

- - -



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1 Wednesday Evening Session
2 March 8, 2006
3 7:26 p.m.

4 - - -

5 HEARING EXAMINER JOHNSON: Again, I don't
6 have any blue cards. Does anybody have any comments?
7 Okay. Thank you. I just need to read this into the
8 record, and then you can start.

9 Today's date is March 8, 2006. The time is
10 approximately 7:30. We're here to receive comments on
11 the draft statewide water quality management plan for
12 the Big Darby Creek watershed.

13 This hearing gives you the opportunity to
14 comment for the official record on the draft plan. All
15 written and oral comments received as part of the
16 official record will be considered by Ohio EPA prior to
17 the final action of the director. Written comments are
18 being received until the close of business on April 7.

19 All final actions of the director are
20 appealable to the Environmental Review Appeals
21 Commission. Any order of the Court of Appeals of
22 Franklin County is appealable to the Supreme Court of
23 Ohio.

24 I just ask that you state your name. Spell
25 it for the record. Then proceed with your comments.
Joel, go ahead.

1 MR. HELMS: Joel Helms, H-E-L-M-S, J-O-E-L.
2 Address 4977 Massillon Road, Canton, Ohio. I'm
3 speaking to the NEFCO plan directly because we were
4 informed we had a one-week notice in the paper when we
5 had four separate meetings in four counties. And the
6 day after the last meeting, essentially they closed.
7 They would not accept any more public comment even
8 though the plan very well advertises that it's 60 days.

9 Essentially from the date that we had public
10 notice, we had less than ten days to submit comments.
11 And we have quite an extensive large plan, and I've
12 been constantly on NEFCO for close to three years to
13 try to get any draft as it was going through because
14 it's a very complicated plan.

15 I have actually 48 comments that I made at
16 the time, which I have not fully reviewed in the last
17 week or so. I'll give them to Mr. Dudley.

18 But I have two major comments that I think
19 that need to be, I believe, answered immediately. One
20 is in our particular county, we had our joint health
21 department put together a program to license and
22 inspect all our septic systems. They came up with a
23 five-year program, \$4.9 million.

24 A group of people, haulers and whatnot, said,
25 "Wait a minute. Something is wrong here." People

1 basically went to a public hearing and objected to it.
2 I mean, we had hundreds of people object at the public
3 meetings.

4 These haulers got together and said, "We can
5 do this in 20 months for \$1.2 million." And this was
6 basically documenting virtually almost every hundred
7 acres of drainage, the bacteria count, nitrogen,
8 inspect all the septic systems and everything. They
9 turned us down. I don't know if we were too cheap or
10 what.

11 Two years later we come back with them. We
12 have private funds to do two townships, which is about
13 800 septic systems. They refuse to give us the
14 information they have on file. We believe this is
15 basically in direct conflict with Chapter 6, II A2c II
16 and 3DI. They're saying one thing on the 208 plan and
17 yet direct contradiction from the government.

18 The other item I have is, the other issue
19 that I wish to make is supposedly there's been a
20 decision made in the courts that the EPA must follow
21 the 208 as it's been approved. Well, we have this
22 unique approval system. If the DMA wishes to make a
23 change, they arbitrarily make a change, send it out to
24 some of the governments. Anybody objects? Nobody
25 objects. It's automatic. Then they do it.

1 ERAC. Challenge it at ERAC. Well, ERAC
2 says, "You weren't one of the people served by that.
3 You were two houses away. Even though it's in your 201
4 regional plan, you have no say on it."

5 I believe the treaty -- and I used to call it
6 a contract; but when I look into it, it's basically a
7 treaty between the Ohio EPA and the federal EPA. We
8 passed laws to back up that treaty. It's all our EPA
9 laws in Ohio. It states on the federal level that
10 people have the right to see feasibility. There must
11 be feasibility. They have to do a 201 plan. Part of
12 that 201 plan is feasibility studies, and there's a lot
13 more on it. But they must do total research of all
14 engineering probabilities.

15 They also must update that every year so when
16 the technologies change, there's an update. Our DMA
17 has refused to do any yearly update. It's been 20
18 years since we've actually had our 208 update.

19 We had one of our 201 plans that essentially
20 the federal government took \$45 million away from us in
21 the early '80s because our DMA was so fraudulent with
22 their use of moneys. Now they're trying to annex
23 sections away from that particular zone, leaving our
24 neighborhoods and things totally isolated with no way
25 of being ever served, to pick them up.

1 There's no feasibility studies. There's no
2 planning. There's nothing. They're not allowing any
3 public input. We have a reviewing called NEFCO who is
4 actually in charge of our 208 plan. They will not take
5 any input from a citizen. If you are not a government
6 agency that pays them their dues, they will not take
7 any input. As I mentioned, they will not accept public
8 comment even though this 208 plan -- even though they
9 say right in their plan that we have public comment for
10 60 days. Well, after 10 days of finding out about it,
11 they closed the comment.

12 I believe for all practical purposes the
13 NEFCO 208 plan, as I've studied it, is a farce. It
14 needs -- I mean, we thought -- one more thing is we
15 actually have a water coordinator now. Technically our
16 water coordinator for a few of the districts, water
17 basins, is supposed to accept public comment.

18 So we thought, well, now maybe there's some
19 way the public can get into NEFCO through the water
20 coordinator. Forget it. So their whole contract with
21 the water coordinator, with the Division of National
22 Resources, and everything else, that's a farce.
23 They're writing these contracts to get funding, but
24 they're not responsible whatsoever to the public
25 comment and for the public welfare. Pure and simple.

1 One sewer project right now. They're going
2 to use Issue 2 tax dollars, which is all of our tax
3 money, and they're going to subsidize this one sewer
4 project at \$19,000 per hookup. The people will have to
5 pay another 4,000 themselves. There's been on the
6 books a proposal to sewer this whole area for a cost of
7 less than \$7,000 a hookup. Why waste \$19,000 when you
8 can have it for seven when the DMA is not responsible
9 for the people?

10 I believe it's pure government fraud in their
11 case. And I think -- I would very much encourage the
12 governor not to sign any of the changes that have been
13 proposed for the Franklin Green, Springfield, and
14 Barberton 201 areas of this 208 plan.

15 That's all I'm familiar with in our 208 plan,
16 and I have so many reservations about that that I'm
17 wondering if the whole thing is bad. Thank you.

18 HEARING EXAMINER JOHNSON: All right. Thank
19 you. Cyane.

20 MS. GRESHAM: Thank you very much. Cyane
21 Gresham from the Sierra Club. Dan, thank you for
22 putting together all the work on this plan. I thought
23 the history part at the beginning was particularly
24 interesting and illustrative.

25 It's clear that early on the 208 portion of

1 the water quality management plan, the 208 plans were
2 required basically for those grants, the federal
3 grants, for waste water improvements. I think
4 everybody would agree on every side that those federal
5 grants really made an impact. They provided the funds
6 for facilities which caused improvements in water
7 quality that's described in your history part.

8 I looked at the Columbus part I think in
9 Appendix 9-1, and you talked about how water quality
10 improved. The federal grants went away. That may be
11 part of the federal interest diminishing. Columbus
12 here has acted to address some of the overflow problems
13 that came up over the last 20 years when they weren't
14 getting the money and the attention wasn't getting
15 paid.

16 So as far as the 208 portion, the Sierra Club
17 wants to encourage Ohio EPA to be vigilant. It's a
18 good question of what prompted the increased
19 coordination and action and attention that's happened
20 since 2002, 2004 to address some of the real capacity
21 problems and sewer problems in the City of Columbus.
22 So we want to encourage Ohio EPA to stay on top of
23 that.

24 If you look at your delineated facility
25 planning area for Columbus, there are lots of areas for

1 expansion. I mean, if you read the text, there are
2 whole systems that look like they want to come into the
3 Columbus system municipalities. So we want to
4 encourage you to really keep an eye on the capacity.

5 As a lot of the water quality issues related
6 to sewage have improved, I think there's a dawning
7 realization of nonpoint sources of water quality
8 problems. On this idea what I'm going to say is very
9 general which is it's fairly clear if you look around
10 that deterioration of water quality is tied to
11 development and impervious surface. It's reflected in
12 your data, just in the little bit that I looked at, and
13 it's widely acknowledged. In fact, your description of
14 Hell Branch Run talks about it. Your brief synopsis of
15 water quality in central Ohio shows that.

16 On the one hand, I want to commend you for
17 creatively trying to put in place stronger controls for
18 the Darby. It's certainly been a long and complicated
19 process, and I personally have seen some of the
20 negative feedback.

21 I want to pose a question, however, whether
22 even if all the repairing buffers and the groundwater
23 recharge goes in, is water quality still going -- is it
24 really going to be protected when essentially what
25 you've described is a gun going off?

1 What the water quality plan says is when this
2 plan is approved, then permits will start to be issued.
3 That's what it says in there. It may incorporate the
4 TMDL and the construction permit, but activity will
5 start. The plan says that.

6 I want to pose a question of whether as
7 development proceeds, will water quality be protected
8 in the big Darby and beyond the Hell Branch? And I'll
9 come back to my earlier question which is I think there
10 really needs to be some leadership showing best
11 management practices which really do protect water
12 quality. And as of now, there really isn't a good
13 source of information on that.

14 I hope that some of these new attempts in the
15 Big Darby get through unscathed; but we really want to
16 encourage you to think about what is going to protect
17 the use attainment status, you know. What is going to
18 do that? Is this really going to do that as
19 development proceeds?

20 Thank you.

21 HEARING EXAMINER JOHNSON: Thank you, Cyane.
22 Any other comments?

23 MR. HELMS: I left out one comment.

24 HEARING EXAMINER JOHNSON: Okay. Just state
25 your name, and go ahead.

1 MR. HELMS: Anybody else?

2 HEARING EXAMINER JOHNSON: Go ahead.

3 MR. HELMS: Joel Helms. One of the things
4 that are in multiple 201 plans in the NEFCO region and
5 in the NOEA, the one up in the Cleveland area, is
6 that -- and it's also -- this is more of -- it might be
7 coming up for public hearing at the board of health,
8 state board of health rules, the concept of mandatory
9 hookup when sewers are available.

10 In my particular drainage basin, we did a
11 survey of 350-some homes. And with a voluntary system,
12 basically we analyzed the age of the septic systems.
13 People, if they didn't have to hook onto it, they
14 wouldn't mind the sewer going in. They'll allow it.
15 They'll pay for it, but they don't want to give up the
16 useful life on their septic systems.

17 Then after that survey, we look at a full two
18 townships, asked everyone. They don't mind the sewers,
19 but there's a certain thing with public nature. We're
20 not going to sign this petition because I know my
21 neighbor doesn't want it. I don't really need it yet.

22 So when you have mandatory sewers, you build
23 in two concepts. One is you're stuck staying on the
24 streets because nobody is going to give you a
25 right-of-way. Putting sewers in on the streets costs

1 virtually twice as much as putting them on the back
2 property line, which would require a right-of-way from
3 the property owners.

4 If you get one property owner out of ten, is
5 it really worth going to court to fight it? It's
6 really not. So you stay on the streets. That
7 increases your sewers, the actual trunk part, by about
8 almost double. The whole cost of the sewers and the
9 plant and everything else is probably only about
10 30 percent.

11 Those savings make the sewers more economical
12 for everyone in the long run, and they'll be able to
13 expand. It's something that the board of health -- I
14 think the state board of health is putting in their
15 regulations is that it's a mandatory hookup. It's in
16 our 208 plan.

17 I don't think it's a wise decision. I think
18 we're going to be able to promulgate sewers, engineer
19 them properly, design them properly, economically, and
20 get them to where they're needed, when they're needed,
21 if it's a voluntary hookup.

22 There are many nuisance laws on the books
23 that if somebody has raw shit in their backyard it can
24 handle that. Those nuisance laws can take care of it.
25 Most people want to hook into the sewers when it's

1 their time.

2 The two townships I have, they're very
3 glacially dependent. You can have a neighborhood, and
4 half the neighborhood is going to never need sewers.
5 50 feet away it's the worst soil in the world. Nothing
6 can drain.

7 You put mandatory sewers in there, and half
8 the neighborhood is not going to want it. The other
9 half that needs it wants it, but they can't get it
10 because they can't get 75 percent of the people to sign
11 it to get it there.

12 Allow it to be voluntary. I think it's a
13 concept that all the 208 plans should look into. I
14 don't think we're the most unique around. I think
15 we're an average two townships that I represent.

16 So the psychological thing that happened back
17 when you were trying to fund these with the federal
18 dollars, that you needed everybody to hook into it to
19 make it practical, those times 30 years ago are not
20 today. There's new technology out there, and you can
21 put these sewers in cheaper and make them available.

22 We don't need to stay with this old mind set.
23 Thank you.

24 HEARING EXAMINER JOHNSON: All right.
25 Thanks. Any other comments?

1 Okay. Once again, we're accepting comments
2 until April 7. The address to send those to is in the
3 agenda. I want to thank you for your comments tonight,
4 and have a good evening.

5 - - -

6 Thereupon, at 7:44 p.m., on Wednesday,
7 March 8, 2006, the hearing was concluded.

8 - - -

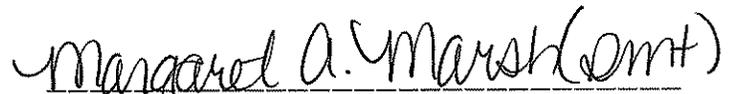
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C E R T I F I C A T E

STATE OF OHIO :
COUNTY OF FRANKLIN : SS:

I, Margaret A. Marsh, Registered Professional Reporter, do hereby certify that the foregoing is a true, correct, and complete transcript of the proceedings in this matter before the Ohio Environmental Protection Agency, as reported by me in stenotype and transcribed from my stenographic notes.

DATED this 22nd day of March, 2006.


MARGARET A. MARSH, RPR

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