



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 30 2013

REPLY TO THE ATTENTION OF:

WC-15J

Hamilton County Board of County Commissioners
County Administration Building
138 East Court Street, Suite 603
Cincinnati, Ohio 45202

Ms. Deborah Wyler Allison
Assistant City Solicitor for the City of Cincinnati
801 Plum Street, Suite 214
Cincinnati, Ohio 45202

Mr. James A. Parrott
Executive Director
Metropolitan Sewerage District of Greater Cincinnati
1600 Gest Street
Cincinnati, Ohio 45204

Re: Revised Original Lower Mill Creek Partial Remedy

Dear Commissioners, Ms. Allison and Mr. Parrott:

On December 18, 2012, the Board of County Commissioners of Hamilton County and the City of Cincinnati (Defendants) submitted a proposed Revised Original Lower Mill Creek Partial Remedy (Revised Original LMCPR) to the U.S. Environmental Protection Agency, the Ohio Environmental Protection Agency, and the Ohio River Valley Water Sanitation Commission (the "Regulators"). Defendants submitted the proposal in accordance with Paragraph A.2.a of the Wet Weather Improvement Program that the Regulators approved on January 6, 2010 (2010 WWIP). On January 10, 2013, EPA issued public notice of Defendants' proposal and requested public comment on the proposal. On May 29, 2013, Defendants submitted a modified proposal for a Revised Original LMCPR. The modified proposal for a Revised Original LMCPR consists of proposed revised Attachments 1A, 1B and 1C to replace those attached to the 2010 WWIP; and proposed revised Lines 452-453 and accompanying footnotes 7-9 in Attachment 2, which would replace Lines 452-471 in Attachment 2 to the 2010 WWIP. The proposed revisions to the final lines of Attachment 2 to the 2010 WWIP are included as Exhibit 1 to Defendants' modified proposal.

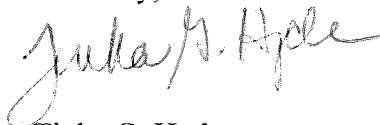
The Regulators have reviewed Defendants' proposals, the information Defendants submitted in support of those proposals, and the public comments that EPA received in response to its January 10, 2013, public notice. By this letter, which is being sent on behalf of all of the Regulators, the Regulators approve Defendants' modified proposal for a Revised Original LMCPD in accordance with the WWIP and Section XXX of the Consent Decree on Combined Sewer Overflows, Wastewater Treatment Plants and Implementation of Capacity Assurance Program Plan for Sanitary Sewer Overflows. Specifically, by this action, the Regulators approve Defendants' proposals to replace 1) Attachments 1A, 1B and 1C to the 2010 WWIP with the Revised WWIP Attachments 1A, 1B and 1C that Defendants submitted on May 28, 2013; and 2) Lines 452-471 of Attachment 2 to the 2010 WWIP with Lines 452-453 and their accompanying footnotes 7-9, as set forth in Exhibit 1 that Defendant submitted on May 28, 2013.

All other aspects of Attachment 2 to the 2010 WWIP other than Lines 452-471 remain fully effective. The Revised WWIP Attachments 1A, 1B and 1C, and the revised Lines 452-453 and their accompanying footnotes 7-9 in Attachment 2, are included as Enclosure A to this letter. A summary of the differences between the December 18 proposal and the May 28, 2013, modified proposal is included as Enclosure B. The Regulators' responses to the public's comments are included as Enclosure C.

It is our understanding that Defendants believe that additional changes to other aspects of the 2010 WWIP may be warranted to reflect modeling work done over the past three years, to address lessons learned in the development of the Revised Original LMCPD, and to address other issues. The Regulators agree that additional changes might be warranted, and look forward to discussing these issues further with Defendants in the near future.

The Regulators commend the Metropolitan Sewer District of Greater Cincinnati, the City of Cincinnati and the Hamilton County Board of County Commissioners for the hard work and incisive analyses that went into development of the Revised Original LMCPD, and the frequent communications organized with the Regulators as the proposal was being developed. If you have any questions about this letter, please contact Ms. Barbara VanTil of my staff at, (312) 886-3164, or vantil.barbara@epa.gov.

Sincerely,



Tinka G. Hyde
Director, Water Division

Enclosures

Enclosure A

REVISED ATTACHMENT 1A
Phase 1 Milestone Schedule

PROJECT ID	PROJECT	PTI Submittal Milestone	Start Construction Milestone	End Construction Milestone
10130740	Werk & Westbourne	12/31/2013	12/31/2014	12/31/2017
10143960	Westwood Northern (Bundle)	6/30/2015	6/30/2016	6/30/2017
10142240	Blue Rock	12/31/2013	12/31/2014	12/31/2015
10171840	Lower Little Miami (Bundle)	12/31/2012	12/31/2013	12/31/2015
10120360	Pebble Creek WWTP			6/30/2009
10120420	Diamond Oaks		12/31/2009	12/31/2010
10120460	Towers East	12/31/2011	12/31/2012	12/31/2013
10130560	Muddy Secondary			6/30/2010
10130565	Muddy Pump Upgrade			6/30/2010
10130680	Harwinton			12/31/2010
10131220	Glenview	12/31/2013	12/31/2014	12/31/2015
10144441	1852 Columbia		12/31/2011	12/31/2012
10141440	Millbrook 1			6/30/2009
10141520	Arrowood			6/30/2009
10141540	Winton 1			12/31/2010
10141560	Winton 2			12/31/2010
10142020	Daly Road	12/31/2014	12/31/2015	12/31/2016
10142440	7601 Production			6/30/2009
10144880	Mill Grit		12/31/2010	6/30/2013
10144884	Mill Secondary	12/31/2009	12/31/2010	12/31/2014
10145180	Mill Diversion			12/31/2009
10145280	Mitchell RTC			11/1/2009
10145300	Badgely RTC			11/1/2009
10145320	Lick RTC			5/31/2010
10150012	Polk Phase 3B			6/30/2009
10160005	Sycamore 3			12/31/2010
10160010	Sycamore 4			12/31/2010
10170081	Montgomery		12/31/2011	12/31/2012
10170560	Woodruff			6/30/2009
10170780	LM WWTP Thickening			6/30/2010
10171900	Eastern Delta (Bundle)		12/31/2013	12/31/2015
10172090	Kenwood			6/30/2009
10180600	Mill Incinerator			12/31/2010
10145580	Mill Creek WWTP (Bundle)	12/31/2014	12/31/2015	12/31/2016
10131180	Muddy Creek WWTP (Bundle)	12/31/2013	12/31/2014	12/31/2015
10143220	North Side Upper (Bundle)	12/31/2016	12/31/2017	12/31/2018
10171620	Upper Duck All (Bundle)	12/31/2016	12/31/2017	12/31/2018
10145660	Revised LMCPR (Bundle)	12/31/2016	12/31/2017	12/31/2018

“Bundle” means the aggregated group of Final WWIP projects. The milestone date listed above for each action for each bundle is the final date by which all of the projects within a distinct bundle must meet the specified project status.

REVISED WWTP ATTACHMENT 1B - MAY 2013

INDEX	Project Completion	Actual	Sunk Costs	Remaining Costs	CSO SSO Identifier	Description/Design	Technology	Plan CAPP	Plan Remaining CSO (MG/year)
			2006 Dollars	2006 Dollars		(NOTE 4)			
44	10141500	Pleasant Run PS	\$ 6,332,251	\$ 485,377	PSO 851	Phase 2 - Replace existing FM - 3000 ft of 16" FM	FM		
45	10170800	Berkley Woods PS	\$ 198,244	\$ 123,747	PSO 851	Elm. PSO 851 w/ Sewer - 1745 ft of 12"	CONV	2 yr	
46	10120340	Streamwood Pump Station	\$ 270,665	\$ 96,942	SSO 222	PS Elm w/ sewer - 1072 ft of 12"	CONV		
47	10141380	N. Bend Rd./Connecticut Sewer	\$ 908,577	\$ 280,075	SSO 700	Relief sewer to Elm. SSO 222 - 1821 ft of 12-21"	CONV	2 yr	
48	10141820	SSO 700 CEHRS Treatment Facility	\$ 1,730,053	\$ 1,500,406	SSO 700	CEHRS Treatment Facility (Performance in 41180)	CEHRS		
49	10170840	Johnson Rd. PS	\$ 605,979	\$ 253,036	SSO 574	Phase 2 Elm. of P.S. w/ sewer - 834 ft of 30"	CONV		
50	10142000	W. Branch Mill Creek SSO 574	\$ 444,930	\$ 349,792	SSO 574	Elm. SSO 574 w/ sewer - 960 ft of 15"	CONV	2 yr	
51	10141420	Centurion Estates PS	\$ 385,144	\$ 307,478	PSO	PS Elm w/ sewer - 1570 ft of 12"	CONV	2 yr	
52	10141600	Mill Creek WWTP Replacement Screens Ph2	\$ 2,919,250	\$ 701,430	PSO	Phase II - Replace Screens	WWTP	NOTE 1	
53	10141340	Greenridge PS	\$ 580,614	\$ 87,582	PSO	PS and 1000 ft of 6" FM	PSU/FM		
54	10150011	Polk Run WWTP PS Elimination Sewer Ph3A	\$ 522,457	\$ 145,486	CSO 450	Polk Run WWTP PS Elimination Sewer Ph3A	Optimization	NOTE 1	
55	10145200	Butler St.	\$ 94,432	\$ -	PSO 790, 798	Separation sewer to aid in elimination of CSO 450	PS		0.0
56	10172200	Broadview Dr./Country Club, SEP	\$ 1,096,035	\$ 425,547	PSO 790, 798	Partial Separation	PS		
57	10141780	Arrowhead Ct. PS & Manview Terrace PS	\$ 667,361	\$ 131,280	CSO 437	Relief sewer to Elm. Manview PS (900 ft of 8") & New PS/FM to Replace Arrowhead PS (245 ft of 4")	PSU/CONV	2 yr	
58	10145040	West 3rd St., Ph3 CSO 437	\$ 301,714	\$ 54,969	CSO 437	Partial Separation Phase 3 CIP 98-91 - 2006 Construction (CD Exhibit 1)	PS		0.2
59	10130420	Wulff Run Rd.	\$ 94,677	\$ 57,510	CSO 487	Parallel section of Wulff Run Interceptor - 200 ft of 24"	CONV		in 43040
60	10145220	Ross Run CSO 487 Twin Outfall	\$ 3,658,803	\$ 832,675	CSO 487	Real Time Control Project to retain water in CSO with inflatable dam (CSO annual reduction of approximately 250 MG/year)	RTC		NOTE 5
61	10145100	Ross Run	\$ 1,614,452	\$ 343,174	CSO 487	Aid in separation of existing combined sewer	SEP		in 45220
62	10160000	Sycamore WWTP Ph 1&2	\$ 26,566,214	\$ 3,035,574	SSO 1052	Sycamore WWTP Upgrade - 50 MGD, Phase 1 and 2	Optimization	NOTE 1	
63	10131200	Mt. St. Joseph Sewer Replacement	\$ 511,347	\$ 519,479	CSO 406	Mount St. Joseph Sewer Replacement	PS		in 30780
64	10120380	Hempstead 4th & Yates, 3rd PSE	\$ 703,189	\$ 397,965	PSO 774, 783	PS Elm w/ sewer - 2708 ft of 12"	CONV	2 yr	
65	10141839	McGrew Ave. PSU	\$ 304,233	\$ 5,020	CSO 191	McGrew Ave. PSU	PSU		
66	10120360	Pebble Creek WWTP	\$ 828,541	\$ 647,905	CSO 191	WWTP replaced w/ PS & FM	WWTP/Elm.		
67	10142440	7601 Production Dr., Grating	\$ 122,447	\$ 104,950	PSO 799	Regulator Improvements - 0.20 cfs	RI		0.2
68	10172090	Kenwood Rd. PSU	\$ 757,102	\$ 1,375,273	PSO 799	Upgrade of Existing Kenwood PS No. 724	PSU		
69	10150012	Polk Run WWTP Expansion Ph3B	\$ 1,188,153	\$ 938,980	PSO 799	Polk Run WWTP Expansion Ph3B	Optimization	NOTE 1	
70	10141440	Millbrook 1 PSU	\$ 402,371	\$ 302,601	PSO 852	PS and 600 ft of 6" FM	PSU/FM	2 yr	
71	10170560	Woodruff Rd. @ 8 Miles/Brimley Acres PSU	\$ 630,061	\$ 371,610	PSO 852	P.S. Upgrade - 1.2 MGD, 600 ft of 6" F.M.	PSU/FM	2 yr	
72	10141520	Arrowood PSE	\$ 425,199	\$ 613,609	PSO 861	Eliminate PSO 861	CONV	2 yr	
73	REMAINING PHASE 1 PROJECTS TO BE CONSTRUCTED								
74	10145280	Mitchell Ave. RTC	\$ 1,127,341	\$ 1,516,011	CSO 482	Real Time Control Project to retain water in CSO with inflatable dam (CSO annual reduction of approximately 100 MG/year)	RTC		in 45380
75	10145300	Badgley Run RTC	\$ 305,854	\$ 2,617,058	CSO 125	Real Time Control Project to retain water in CSO with inflatable dam (CSO annual reduction of approximately 60 MG/year)	RTC		in 45820
76	10145180	Mill Creek Interceptor Diversion Chamber	\$ 1,223,735	\$ 365,126	CSO 181	Bloody Run & Spring Grove Ave - Phase 2 - REG	RI		in 42700
77	10145320	Lick Run RTC	\$ 76,572	\$ 1,376,762	CSO 5	Real Time Control Project to retain water in CSO with inflatable dam (CSO annual reduction of approximately 200 MG/year)	RTC		in 45660
78	10130560	Muddy Creek WWTP Secondary Enhancement	\$ 5,734,429	\$ 5,289,057	CSO 5	W-102 WWTP Optimization Secondary Enhancement (98-09)	WWTP	NOTE 1	
79	10130565	Muddy Creek WWTP Effluent Pump Upgrade	\$ 608,071	\$ 2,801,053	SSO 1012	W-102 WWTP Optimization Raw Sewage Pump Upgrade, Effluent Pump Upgrade	WWTP	NOTE 1	
80	10170780	LM WWTP Activated Sludge Thickening	\$ 2,429,843	\$ 3,346,832	SSO 1012	E-503 Activated sludge thickening (CIP 2005-31)	WWTP	NOTE 1	
81	10130680	Harwinton Lane	\$ 117,431	\$ 1,049,285	PSO 805	Replace sewer - 2000 ft of 12" in Winton Rd	CONV	2 yr	
82	10141540	Winton and Sherwood Ph1 PS	\$ 338,400	\$ 2,060,694	PSO 805	Phase I - New PS, gravity sewer from Winton 2 to Winton 1, and New FM in Winton Rd	CONV	2 yr	
83	10141560	Winton and Sherwood Ph2 PS	\$ 297,485	\$ 1,362,778	SSO 1052	Phase II - New sewer to Elm. Sherwood PS - 2300 ft of sewer & 4730 ft of FM	CONV	2 yr	
84	10160005	Sycamore WWTP Ph 3	\$ 770,557	\$ 8,114,644	SSO 1052	Sycamore WWTP Upgrade - 50 MGD, Phase 3	Optimization	NOTE 1	
85	10160010	Sycamore WWTP Ph 4	\$ 216,253	\$ 2,550,814	SSO 1052	Sycamore WWTP Upgrade - 50 MGD, Phase 4	Optimization	NOTE 1	
86	10180600	Mill Creek WWTP TPE Incinerator	\$ 35,021,978	\$ 36,057,036	PSO	Mill Creek WWTP TPE Incinerator	WWTP	NOTE 1	
87	10120420	Diamond Oaks, Windmere 3rd & Regency Ridge PS	\$ 306,882	\$ 1,336,137	PSO	PS Elm w/ sewer - 3200 ft of 8"	CONV	2 yr	
88	10170881	Montgomery Rd & Lester Ave	\$ 57,618	\$ 984,962	CSO 455	Montgomery Rd & Lester Ave	CONV		
89	10144441	1852 Columbia Pkwy Sewer	\$ 242,189	\$ 1,744,316	CSO 455	2145 feet of 27 to 36" combined sewer and 2050 feet of 36" storm sewer. Catch basins along the storm sewer will be diverted to the storm sewer, allowing the combined sewer to be downsized.	PS		in 44440
90	10144880	Mill Creek WWTP Grit Removal	\$ 667,744	\$ 36,263,529		C-402 Mill Creek Grit Removal Improvements (CIP 2006-30)	WWTP	NOTE 1	

REVISED WWTP ATTACHMENT 1B - MAY 2013

INDEX	Project Completion	Sunk Costs		Remaining Costs		CSO SSO Identifier	Description/Design	Technology	Plan CAPP	Plan Remaining CSO (mlr/year)
		Actual	2006 Dollars	2006 Dollars	2006 Dollars					
1	10141660	Jan-04	\$ 137,501			SSO 585	Relief sewer to Elim. SSO 585 - 285 ft of 12"	CONV	2 yr	
2	10141480	Apr-04	\$ 1,855,869				Phase 2 - Relief sewer to replace sewer - 2200 ft of 30"	CONV		
3	10142040	Apr-04	\$ 210,603				Relieve WIBs w/ sewer - 62 ft of 12"	CONV		
4	10144980	Apr-04	\$ 523,746				G/H Pit			
5	10170940	Jun-04	\$ 3,357,676			SSO 570 & 1017	Elim. SSOs 570 & 1017 w/ Sewer. 3800 ft of 24 - 30 inch	CONV	2 yr	
6	10141260	Jul-04	\$ 2,401,605			SSO 915	Contract 3 - Relief sewer to eliminate SSO 915 - 7842 ft of 8-30"	CONV	2 yr	
7	10141720	Aug-04	\$ 1,607,061			531, 577, SSO 1002, 1005, 1024	Relief sewer to Elim. SSOs 531, 577, 1002, 1005, & 1024 - 1850 ft of 24", 860 ft of 18", & 600 ft of 15"	CONV	2 yr	
8	10145120	Sep-04	\$ 64,109				HWDW - Tide Gate Replacement	HW		
9	10170920	Sep-04	\$ 3,126,594				Replace existing pipe - Approx. 2800 LF of 12-27"	CONV		
10	10141700	Oct-04	\$ 215,096				Fulfillment of Need for Aux. Air Supply to Air Transfer Duct, connecting Incinerator Outlet to Scrubber Inlet to control pos. & neg. pressures in each unit.	WWTP	NOTE 1	
11	10141200	Nov-04	\$ 1,423,853			SSO 628	Phase 2 - Relief sewer to replace sewer near SSO 628 - 3500 ft of 12-15"	CONV	2 yr	
12	10145400	Nov-04	\$ 2,144				Solve WIB problems - 924 ft of 12-24"	CONV		
13	10141220	Dec-04	\$ 5,391,761			530, 531, 567, SSO 571, 634	Phases 2c & 3 - Relief sewer to eliminate SSOs 530, 531, 567, 571, & 634 - 9980 ft of 12-42"	CONV	2 yr	
14	10141740	Dec-04	\$ 1,454,250				Relief sewer to replace sewer on Elizabeth Ave. - 2638 ft of 8-24"	CONV		
15	10141580	Jan-05	\$ 2,813,073			CSO 29	Phase 1 - Replace Screens	WWTP	NOTE 1	
16	10145000	Feb-05	\$ 615,916				New sewer to eliminate CSO 29 and abandon siphon line under Mill Creek	RI		0
17	10141240	Mar-05	\$ 5,104,573			SSO 620	Contract 2B - Relief sewer to eliminate SSO 620 - 7410 ft of 8-36"	CONV	2 yr	
18	10141300	Mar-05	\$ 321,573				PS Elim w/sewer - 659 ft of 8"	CONV		
19	10170200	Mar-05	\$ 3,410,084			SSO 1053 CSO 70, 200	Phase 2A, 2B, & 2C - Camargo Rd Sewer Improv. Elim. SSO 1053 and CSOs 70, 200 - 7088 ft of 8 - 36 inch	PS/CONV	2 yr	0
20	10141400	Apr-05	\$ 2,076,612			SSO 601	Relief sewer to Elim. SSOs 1023, 600, & 601 - 3600 ft of 30" & 570 ft of 21"	CONV	2 yr	
21	10144940	Apr-05	\$ 33,298				sewer remove diversion dam, and plugging existing dry line conduit			
22	10141880	Jun-05	\$ 181,725			SSO 597	Elim. SSO 597 w/sewer - 559 ft of 15"	CONV	2 yr	
23	10110300	Jul-05	\$ 540,150				Elimination of PS w/sewer - 2861 ft of 12-in.	CONV		
24	10150000	Sep-05	\$ 1,186,361				WWTP Optim. - Phase 2	Optimization	NOTE 1	
25	10150240	Sep-05	\$ 233,361				Loveland Supplemental Agreement			
26	10144920	Oct-05	\$ 171,990			CSO 4	HWDW Protection	HW		
27	10145020	Oct-05	\$ 138,382			CSO 89	New sewer and building connections to eliminate CSO 89	SEP		0.05
28	10141680	Nov-05	\$ 130,892			SSO 572	Relief sewer to Elim. SSO 572 - 203 ft of 16"	CONV	2 yr	
29	10145080	Nov-05	\$ 451,318				Phase 2 - Express Sewer to allow for development and conveyance of wet weather flows	CONV		
30	10170940	Nov-05	\$ 412,420			CSO 557	Completed: CIP 2002.05 Full Separation - Elimination Exhibit 1	FS		0.0
31	10141360	Dec-05	\$ 1,065,355				PS Elim w/sewer - 4068 ft of 15 & 16"	CONV		
32	10141620	Dec-05	\$ 2,616,020				Solids Management Program Centrifuge Procurement - Cost In WWTP Optimization	WWTP	NOTE 1	
33	10144960	Dec-05	\$ 325,357			CSO 3	HWDW Protection	HW		
34	PROJECTS IN CLOSEOUT	Dec-05	\$ 93,631,813	\$ 18,938,454						
35	10141760	Dec-05	\$ 3,153,931	\$ 864,295			Replace depleted wastewater Pumping System	WWTP	NOTE 1	
36	10129040	Jan-06	\$ 1,371,433	\$ 26,412			PS Elim & WWTP Elim. w/sewer - 6108 ft of 8-12"	CONV		
37	10141640	Feb-06	\$ 10,208,487	\$ -			Solids Management Program Centrifuge Installation	WWTP	NOTE 1	
38	10144900	Mar-06	\$ 2,615,592	\$ 490,658		CSO 151	Collector Upgrade CIP 83-10 Exhibit 1	CONV		16.8
39	10145240	Jul-06	\$ 90,636	\$ 76,915			Flood Remediation Sewer Este Ave. Overflow			
40	10145140	Sep-06	\$ 67,933	\$ -			Removal of process flow from combined sewer to interceptor			
41	10170660	Sep-06	\$ 8,271,513	\$ 809,602		SSO 679A, 679B & CSO 680	Elim. of SSOs 679, 679A, & 680 w/sewer. 5800 ft of 36 inch & 2000 ft of 8-21 inch	CONV	2 yr	
42	10171420	Sep-06	\$ 244,636	\$ -		CSO 86	HWDW Protection	HW		
43	10171620	Oct-06	\$ 1,753,157	\$ 226,600			E-504 Bessmont Sluice Gate WWTP Rehabilitation	WWTP		

REVISED WWIP ATTACHMENT 1B - MAY 2013

INDEX	Project Completion	Sunk Costs 2006 Dollars	Remaining Costs 2006 Dollars	CSO SSO Identifier	Description/Design (NOTE 4)	Technology	Plan CAPP	Plan Remaining CSO (MG/year)	
									Actual
91	10120460	\$ 20,305	\$ 2,183,245	PSO 887, 891	Eliminate Towers East PS & Upgrade Ponderosa PS	PSE/PSU	2 yr		
92	10144884	\$ 985,315	\$ 40,260,301		C-402 Secondary Treatment Enhancements	WWTP	NOTE 1		
93	10171980	\$ 4,552,591	\$ 39,127,126		E-501 Construct Real Time Control Chamber at Little Miami WWTP, construct 72" intersecting sewer to Eastern Avenue	CONV			
94	10171920	\$ 1,139,074	\$ 18,594,985	CSO 469	Extend interceptors to 2 new CSOs (469A & 469B)	CONV		75.9	
95	10171900	\$ 1,009,542	\$ 14,249,639	467A, 467, CSO 468, 469, 467	Separation of area tributary to CSO 467A and 657; construction of new flow regulator and flap gate (HW/DW) structures at CSO 467, 468, and 469; demolition of Delta Ave Pump Station	CONV		47.5	
96	10131220	\$ -	\$ 760,302	PSO 773	Upgrade PS	PSU	2 yr		
97	10142240	\$ 2,931	\$ 1,897,181	CSO 180	Full Separation - QIP 94-26 and Regulator Improvements - 7.7 cfs Community Priority	FS		0.1	
98	10171840	\$ 585	\$ 286,093	CSO 471	Regulator Improvements - 9.3 cfs Premised on operational changes at Four Mile P.S.	RI		0.0	
99	10171860	\$ 309	\$ 1,607,283	CSO 470	Partial Separation & Regulator Improvements Construct storm sewer from Eastern Ave to Wilmer Rd	PS		0.0	
100	10131180	\$ -	\$ 1,248,000		W-102 Add new Belt Filter Press-B&N Proj. DR-2	WWTP	NOTE 1		
101	10131240	\$ -	\$ 4,470,000		Muddy Creek WWTP Grit Replacement	WWTP	NOTE 1		
102	10142020	\$ 505,196	\$ 13,742,834		Replace sewer #161 - 6500 ft of 21-30"	CONV			
103	10145500	\$ -	\$ 15,163,200		Additional Optimization - Auxiliary Outfall Improvements	WWTP	NOTE 1		
104	10145560	\$ -	\$ 137,000		Secondary Bypass Weir	WWTP	NOTE 1		
105	10145580	\$ -	\$ 1,315,000		Additional Primary Sludge Pumping	WWTP	NOTE 1		
106	10143920	\$ 13,317	\$ 4,105,549	CSO 194	Partial Separation Community Priority	PS		3.0	
107	10143940	\$ 13,170	\$ 2,808,123	CSO 195	Partial Separation Community Priority	PS		3.7	
108	10143960	\$ 6,619	\$ 2,407,688	CSO 525	Partial Separation Community Priority	PS		2.5	
109	10130740	\$ 374,405	\$ 26,259,984	CSO 522	EHRT - 106 MGD Community Priority (NOTE 2)	EHRT		64.7	
110	10141080	\$ -	\$ 865,920	SSO 645, 225-A	New parallel sewer to follow original alignment - 1700 ft of 15"	CONV	2 yr		
111	10143220	\$ -	\$ 1,306,000	CSO 179	Partial Separation	PS		0.4	
112	10145660	\$ -	\$ 244,342,000	5, 125, 127, 128, 181, CSO 217A, 482, 483, 487	Strategic separation and watershed approach, plus storage and multiple RTCs, resulting in removal of 1,788G overflow (using Model v.3.2), which removal includes both (i) 4 RTC projects (#45220, 45280, 45300, 45320) and (ii) work in the following watersheds: Lick Run: Approx. 65,000 LF of storm, combined and/or sanitary pipe; approx. 8 storm water detention basins; multiple vortech units; and valley conveyance system with daylighting. Kings Run: Approx. 17,000 LF of storm, combined and/or sanitary pipe; approx. 4 storm water detention basins; stream bank restoration; and combined overflow storage tank. West Fork: Approx. 2 storm water detention basins; approx. 7,600 discharge pipe; and approx. 500 LF of storm water pipe. Bloody Run: RTC at CSO 181 Additional descriptions of the Revised Original LMICPR and the Performance Criterion are included as Attachment 1C.	Sep. Conv., RTC, Storage, Watershed			
113		\$ 56,038,261	\$ 252,000,000	SSO 1000	Allowances				
114	10170980	\$ -	\$ 1,815,294		Replace existing pipe - Approx. 4400 LF of 15-24"	CONV	2 yr		
115	10170100	\$ -	\$ 1,381,001	SSO 228	Replace existing pipe - Approx. 3100 LF of 15-18"	CONV	2 yr		
116	10171580	\$ -	\$ 277,344	CSO 54	Regulator Improvements-10.0 cfs CAPP P-LIM-LIT-CAPP-C-064	RI		0.1	
117	10171620	\$ -	\$ 277,345	CSO 187	No modification-int 0.50 cfs 0.0 MGD to UD Channel HRT	RI		0.0	
118	10171740	\$ -	\$ 3,781,924	CSO 551	Sewer Separation	SEP		13.1	
119	10171780	\$ -	\$ 1,926,561	CSO 553	Sewer Separation	SEP		5.4	
120	PHASE 1 PROJECTS/BUNDLES - PLANNING and DESIGN ONLY								
121	10171540	\$ -	\$ 33,629	CSO 135	Regulator Improvements - 2.4 cfs	RI			
122	10171560	\$ -	\$ 33,185	CSO 43	Regulator Improvements - 2.8 cfs	RI			
123	10171600	\$ -	\$ 34,664	CSO 170	Regulator Improvement - 3.1 cfs	RI			
124	10171640	\$ -	\$ 2,348,676	CSO 214	Storage - 2.00 MG	STO			
125	10171660	\$ -	\$ 34,275	CSO 500	Regulator Improvement - 1.5 cfs. See E-500	RI			
126	10171680	\$ -	\$ 33,971	CSO 501	Regulator Improvement - 0.1 cfs. See E-500	RI			
127	10171700	\$ -	\$ 33,731	CSO 549	Regulator Improvement - 5.0 cfs. See E-500	RI			

REVISED WWIP ATTACHMENT 1B - MAY 2013

INDEX	Project Completion	Sunk Costs 2006 Dollars	Remaining Costs 2006 Dollars	CSO SSO Identifier	Description/Design (NOTE 4)	Technology	Plan CAPP	Plan Remaining CSO (M/G/year)
128	10171720		\$ 33,525	CSO 550	Regulator Improvement - 0.4 cfs. See E-500	RI		
129	10171760		\$ 35,234	CSO 552	Regulator Improvement - 19.4 cfs	RI		
130	10171800		\$ 2,347,477		E-500 EHRH - 40MGD - Serves CSOs 170, 549, 550, 501 & 500 (NOTE 2)	EHRT		
131	10170782		\$ 542,498		E-503 - Four Mile Pump Station Rec Proj - PS-1	WWTP	NOTE 1	
132	10170783		\$ 467,842		E-503 - Modify LMR Pump Station Rec Proj - PS-5	WWTP	NOTE 1	
133	10170784		\$ 1,185,142		E-503 - Grit Collection Proj - SG-1	WWTP	NOTE 1	
134	10170785		\$ 280,006		E-503 - Four Mile Pump Station to Screen Building Rec Proj - H-1	WWTP	NOTE 1	
135	10170786		\$ 231,868		E-503 - Primary to Secondary Conveyance Rec Proj - H-2	WWTP	NOTE 1	
136	10170787		\$ 899,299		E-503 - Chemical Enhance Primary Rec Proj - PT-2	WWTP	NOTE 1	
137	10170788		\$ 1,372,476		E-503 - Modification to Secondary Treatment Rec Proj - ST-2	WWTP	NOTE 1	
138	10170790		\$ 541,064		E-503 - Upgrade Chemical Feed Sys Storage - D-2	WWTP	NOTE 1	
139	10170793		\$ 64,639		E-503 - Improvement to Sludge Receiving Facility Rec Proj - DR-6	WWTP	NOTE 1	
140	10170794		\$ 1,074,223		E-505 - Dual Feed / Standby Power Rec Proj - E-1	WWTP	NOTE 1	
141	10172020		\$ 5,286,355		E-505 - Wet Weather Pump Station with Screening 150 MGD to Auxiliary Outfall	WWTP	NOTE 1	
142	10172260		\$ 125,000		Four Mile PS - Dry Weather Pumps - B&N Rec. Proj. PS-1	WWTP	NOTE 1	
143	10140400		\$ 381,514	SSO 1045, 1010	Replace collector following original alignment - 7968 ft of 18-24"	CONV		
144	10142280		\$ 36,201	CSO 226	Regulator improvement-0 cfs. Combine with implementation of green infrastructure as redevelopment, renovation, and routine maintenance occurs to achieve CSO control to achieve 85%.	RI		
145	10142300		\$ 36,066	CSO 559	Regulator Improvements-14.0 cfs. Green potential greater than storage need.	RI		
146	10142320		\$ 33,680	CSO 515	Regulator Improvements-0.7 cfs	RI		
147	10142340		\$ 33,680	CSO 516	Regulator Improvements-0.11 cfs	RI		
148	10142360		\$ 36,066	CSO 538	Regulator Improvements-0.31 cfs	RI		
149	10142380		\$ 35,995	CSO 539	Regulator Improvements-5.0 cfs	RI		
150	10142400		\$ 35,994	CSO 562	Regulator Improvements-3.08 cfs	RI		
151	10130000	\$ 42,512	\$ 14,060,624	701, 702, 692, 692 & 697, provides CSO control for 518, 404, 405, and 406- 2.5 ft diameter, 8500 ft long, .35 MGD pumps at WWTP	Storage & Conveyance Tunnel unloads Muddy Creek PS, Eliminating SSOs	TUNNEL		
152	10130160	\$ 4,043	\$ 1,511,582	SSO 692, 697, 675-A, 1061	Elim. PSO - Increase capacity & convey to Hillside Relief Tunnel - 25 MGD pumps, 12" FM for DWF, 36" FM for WWF (associated with 30000)	PSU/FM		
153	10130400	\$ 3,725	\$ 53,862	SSO 702	Rapid Run/Bender Rd. Interceptor directly into New Tunnel - 800 ft of 36"	CONV		
154	10131020	\$ 797	\$ 34,470	CSO 402	Regulator Improvement - 13.3 cfs (dependent on 30000, 30160, 31120)	RI		
155	10131040	\$ 735	\$ 34,648	CSO 403	Regulator Improvement - 7.10 cfs (dependent on 30000, 30160, 31120)	RI		
156	10131060	\$ 704	\$ 35,848	CSO 404	Regulator Improvement - 26.9 cfs (dependent on 30000, 30160, 31120)	RI		
157	10131080	\$ 630	\$ 35,034	CSO 405	Regulator Improvement - 6.20 cfs (dependent on 30000, 30160, 31120)	RI		
158	10131100	\$ 5,611	\$ 35,178	CSO 406	Regulator Improvement - 15.4 cfs (dependent on 30000, 30160, 31120)	RI		
159	10131120	\$ 16,349	\$ 564,167	CSO 404, 405, 406	Convey Flow from CSO 404 to WWTP - 4000' - 60" sized for 85% control for CSOs 404, 405, and 406 (dependent on 30000, 30160)	CONV		
160	10140000		\$ 450,870	SSO 1048	Replace collector following original alignment - 4115 ft of 18-24" Tunnel 375 ft of 18-24"	CONV		
161	10140020		\$ 375,348	SSO 1048, 587	Replace collector following original alignment - 4256' of 30-36"	CONV		
162	10140080		\$ 275,637	SSO 587	Replace collector following original alignment - 4235' of 18-24"	CONV		
163	10140120		\$ 4,859,634	SSO 1048, 587	24, 929 LF of 30-66" Tunnel 6250 LF of 30-78"	CONV		
164	10140480		\$ 310,718		WBs Replace collector following original alignment - 4246 ft of 21-24"	CONV		
165	10141180		\$ 9,407,964	SSO 700	Increase Storage at existing site - Additional 24 MG (NOTE 3)	STOR		
166	10142120		\$ 36,064	CSO 512	Regulator Improvements-3.25 cfs	RI		
167	10142200		\$ 360,034	CSO 513	Partial Separation	PS		

INDEX	REVISED WWIP ATTACHMENT 1B - MAY 2013									
	Project Completion	Sunk Costs 2006 Dollars	Remaining Costs 2006 Dollars	CSO SSO Identifier	Description/Design	(NOTE 4)	Technology	Plan CAPP	Plan Remaining CSO (M/G/year)	
168	10142220		\$ 193,696	CSO 514	Smalley Grating	Partial Separation	PS			
169	10130020		\$ 722	SSO 1061, CSO 518, MH CSO 16006007	Muddy Creek Interceptor Rehabilitation	Clean Interceptor - 5000 ft of 36"	CLEAN			
170	10130040		\$ 856,426	SSO 1061 CSO 518, MH CSO 16006007	CSO 518 Muddy Creek Conveyance Sewer	Replace section of Muddy Creek Int. - 9000 ft of 36". Provides CSO interception capacity for CSO 518	CONV			
171	10130280		\$ 266,996	PSO 730, 10902003	Addyston PS Elimination	Elim. Addyston P.S. w/gravity along Rte. 50 - 2650' of 36" and two 100' of 24"	CONV			
172	10130700		\$ 4,178,406	CSO 198	Muddy Creek @ Westbourne EHRT	Regulator Improvement (NOTE 2)	EHRT			
173	10130720		\$ 33,309	CSO 518	CSO 518 Improvements	Regulator Improvement - 27.4 cfs Premised on CAPP Activity ID - 30040 Community Priority	RI			
174	10130780	\$ 281,421	\$ -	CSO 223, 408, 410, 541, 654	CSO's 223, 408, 410, 541, 654	CD Exhibit 1 Partial Separation	PS			
175	10130940	\$ 208,080	\$ 953	CSO's 411, 412, 413, 414, 415, 416	CSO's 411, 412, 413, 414, 415, 416	CD Exhibit 1 Regulator Improvement - 3.21 cfs and Relocation Complete Partial Separation - Activity ID 31140	RI/PS			
176	10131000	\$ 1,239,024	\$ 103,652	E. Branch Muddy Ph1 Interceptor	E. Branch Muddy Ph1 Interceptor	W-103 - Exhibit 1 Interceptor Replacement Phase 1	CONV			
177	10131002	\$ 432,610	\$ 4,783	E. Branch Muddy Ph2 Interceptor	E. Branch Muddy Ph2 Interceptor	W-103 - Exhibit 1 Interceptor Replacement Phase 2	CONV			
178	10131003	\$ 861,975	\$ -	E. Branch Muddy Ph3-A Pump Station (Changed to A/M)	E. Branch Muddy Ph3-A Pump Station (Changed to A/M)	W-103 - Exhibit 1 Interceptor Replacement Phase 3	CONV			
179	10131004	\$ 246,641	\$ -	East Branch Muddy Ph3-B Pump Station (Changed to A/M)	East Branch Muddy Ph3-B Pump Station (Changed to A/M)	East Branch Muddy Ph3-B Pump Station	CONV			
180	10131006		\$ 362,587		East Branch Muddy Interceptor	W-105 - Interceptor Extension	CONV			
181	10131140		\$ 1,028,053	CSO 408, 411, 412, 414, 415, 416, 415, 416	E. Branch Ohio Interceptor Sewer Separation	W-104 - Complete Partial Separation in CSOs areas 408, 411, 412, 414, 415, 416	PS			
182	TOTAL PHASE 1		\$ 2,647,810,000	\$ 883,490,710						

- NOTES:
- 1 PROJECT COMPLETE AND IN SERVICE AT SPECIFIED CAPACITY
 - 2 FOR ALL PROJECTS WITH EHRT TECHNOLOGY VOLUME SHOWING IS REMAINING UNTREATED OVERFLOW - SEE ATTACHMENT 5.
 - 3 INFORMATION RELATED TO THIS PROJECT IS PRELIMINARY AND SUBJECT TO CHANGE BASED ON FURTHER STUDY AS SET FORTH IN PARAGRAPH A.3 OF THE WWIP CAPP DESIGN - ALL CAPP SEWER PROJECTS WILL BE DESIGNED TO MEET THE 10 YEAR DESIGN STORM EVENT - ALL CAPP PUMP STATION AND STORAGE FACILITIES WILL BE DESIGNED TO MEET THE 2 YEAR DESIGN STORM EVENT.
 - 4 THE 2 AND 10 YEAR DESIGN STORMS ARE SCS TYPE II-24 HOUR EVENTS.
 - 5 FOR THESE RTC PROJECTS, THE STATED REDUCTION IN THE TYPICAL YEAR CSO DISCHARGE VOLUME SHALL ALSO BE THE PERFORMANCE CRITERIA FOR THE FACILITY.
 - 6 PERFORMANCE CRITERIA FOR CSO VOLUMES REMAINING AFTER IMPLEMENTATION OF CSO CONTROLS ARE THE VOLUMES NOT TO BE EXCEEDED AT A PARTICULAR OUTFALL DURING MSDGCS TYPICAL RAINFALL YEAR (1970) COMPLIANCE WITH THESE CRITERIA WILL BE EVALUATED BY IMPLEMENTATION OF A POST CONSTRUCTION MONITORING PROGRAM (WHICH WILL BE SUBMITTED TO THE REGULATORY AGENCIES FOR REVIEW AND APPROVAL IN ACCORDANCE WITH THE GLOBAL CONSENT DECREE) THAT WILL UTILIZE MSDGCS HYDROLOGIC AND HYDRAULIC MODEL TO NORMALIZE THE RESULTS OF THE POST CONSTRUCTION MONITORING TO THE TYPICAL YEAR.

Bundle Identifiers:

- (A) The Eastern Delta Bundle on Attachment 1A consists of these projects.
- (B) The Little Miami Bundle on Attachment 1A consists of these projects.
- (C) The Muddy Creek WWTP Bundle on Attachment 1A consists of these projects.
- (D) The Mill Creek WWTP Bundle on Attachment 1A consists of these projects.
- (E) The Westwood Northern Bundle on Attachment 1A consists of these projects.
- (F) The North Side Upper Bundle on Attachment 1A consists of these projects.
- (G) The Upper Duck All Bundle on Attachment 1A consists of these projects.

Revised Attachment 1C (May 2013)
Revised Original LMCPR

The Revised Original Lower Mill Creek Partial Remedy will be a series of measures implemented during Phase 1 of the WWIP to significantly reduce the volume of combined sewer overflow discharges in the Lower Mill Creek basin. This Revised Attachment 1C (2013) replaces and supersedes Attachment 1C from the Final WWIP (2009) in its entirety; Attachment 1C from the Final WWIP (2009) is now null and void. The key elements of the Revised Original LMCPR are as follows:

Lick Run Strategic Sewer Separation and Valley Conveyance (CSO 5)*

- 54,300 feet of storm sewer
- 3,600 feet of relocated combined sewer
- 8 stormwater detention basins/floodplain enhancements; approximately 22 acre feet of storage
- 4 Vortech Units
- 8,700 feet of valley conveyance system with approximately 5,600 linear feet of naturalized above-ground stormwater conveyance system
- 9,900 feet of natural conveyance, inlet sealing and stream restoration

Estimated reduction from implementation of these measures: 0.624 BG

Kings Run Separation and Wooden Shoe Storage*

- 8,400 feet of storm sewer
- 3,300 feet of relocated combined sewer
- 4,600 feet of sanitary sewer
- 1.5 million gallons combined storage at CSO 217
- 4 stormwater detention basins; approximately 21 acre feet of storage
- Stream bank stabilization and restoration measures

Estimated reduction from implementation of these measures: 0.156 BG

West Fork Separation and Detention*

- 500 feet of storm sewer
- 7,600 feet of basin discharge pipe
- 2 stormwater detention basins; approximately 23 acre feet of storage

Estimated reduction from implementation of these measures: 0.173 BG

Bloody Run Real Time Control (RTC)*

- Bloody Run (CSO 181) watershed RTC

Estimated reduction from implementation of these measures: 0.093 BG

Existing RTCs*

- RTCs at CSOs 5, 482, 485, 125 and raising of the West Fork channel grates (already constructed)

Estimated reduction from implementation of these measures: 0.737 BG

The Performance Criterion for the Revised Original LMCPR is that these measures will reduce CSO volume by at least 1.78 billion gallons during MSDGC's Typical Rainfall Year (1970), which annual gallonage reduction amount was derived using SWMM baseline Model Version 3.2. Compliance with this Performance Criterion will be evaluated by implementation of a post construction monitoring program (which will be submitted to the regulatory agencies for review and approval in accordance with the Global Consent Decree) that will utilize MSDGC's hydrologic and hydraulic model to normalize the results of the post construction monitoring to the typical year.

* Individual project statistics and descriptions listed above (for example 'length of feet of sewer,' and 'estimated reduction from implementation') are estimated values, subject to ongoing detailed design, and do not constitute performance criteria or design criteria.

Exhibit 1

New Line 452	Mill Creek "Lower 11 CSO" Phase 2 CSO controls				CSOs 2, 3, 4, 5, 6, 7, 9, 666,152, 428, and 429 ("Lower 11 CSOs"),	Storage, conveyance, strategic separation, green infrastructure, using MSD's Integrated Watershed Planning approaches at the listed CSOs or in the LMC basin	See Note 7.	85% capture or control (aggregate) ⁹
New Line 453	Phase 2 Default (Lower Mill Creek Final Remedy)		\$305,658,000		CSOs 33, 10, 11, 12, 13, 14, 15, 22, 23, 24, 482, 28, 29, 30, 025A, Este, 18, 21, 017B	Default tunnel/conveyance	See Note 8	85% capture or control (aggregate) ⁹

Notes 1-6...

⁷ Defendants may propose work at additional CSOs in the LMC basin in accordance with the provisions of the WWIP.

⁸ The default final remedy for the Lower Mill Creek Final Remedy ("LMCFR") is a tunnel(s)/conveyance, to be designed with reference to the final LMCPR and to meet the applicable performance criteria. The performance criteria for these CSOs were expressed as "plan remaining CSO" volumes, based on modeling performed at the time of the development of the WWIP. The updated performance

Exhibit 1

criterion is expressed as 85% capture or control, acknowledging updated modeling information. Given the knowledge gained by Defendants of the Lower Mill Creek basin over the period 2009–2012, and the projects included in the Revised Original LMCPR, the Defendants propose and the Regulators understand that construction of the CSO tunnel is likely not the cost-effective alternative for the LMCFR. The WWIP envisioned that an alternative other than the LMCFR tunnel could be appropriate for the LMCFR and allows Defendants to propose a different LMCFR pursuant to the WWIP. The Defendants have expressed intent to timely submit an approvable proposal for a revised LMCFR that reflects Defendants' Integrated Watershed Planning approach for the aggregated CSO flows in the Lower Mill Creek basin. The Regulators understand this intent and if a proposal is submitted that is consistent with the provisions of the WWIP, the Regulators anticipate approving it.

9 "Percent capture or control" refers to the difference of inflow volume minus overflow volume, divided by inflow volume, multiplied by 100 $[(\text{inflow-overflow})/\text{inflow}] \times 100$, as predicted in a typical year using the most current model applicable to the watershed upon achievement of full operation. For the purpose of computing "percent capture or control," inflow volumes are those predicted by MSDGC's most current model (1) using MSDGC's typical year rainfall (1970); and (2) based on pre-control conditions, derived in a manner consistent with how baseline conditions were defined in MSDGC's June 2006 "Wet Weather Improvement Program; Volume II, CSO Long Term Control Plan Update Report," Section 4.7 on page 4-14. For the purpose of computing "percent capture or control" overflow volumes are those predicted by the most current MSDGC system-wide model for the typical year rainfall (1970) for post-control conditions. Compliance with these criteria will be evaluated by implementation of a Post Construction Monitoring Program (which will be submitted to the Regulatory Agencies for review and approval in accordance with the Global Consent Decree) that will utilize MSDGC's hydrologic and hydraulic model to normalize the results of the Post Construction Monitoring to the typical year.

Enclosure B

**Summary of Differences between the December 18, 2012 and the May 28, 2013
Proposed Revised Original LM CPR**

On December 18, 2012, Defendants proposed a Revised Original Lower Mill Creek Partial Remedy (“Revised Original LM CPR”). The proposed Revised Original LM CPR consisted of revised Attachments 1A, 1B, 1C and 2 to the Wet Weather Improvement Program that had been approved on January 6, 2010 (“2010 WWIP”). The revised attachments were included as exhibits attached to an extensive technical report Defendants prepared pertaining to the proposal. The Regulators reviewed the December proposal and public comments received on that proposal. Based upon that review, the Regulators requested that Defendants modify their proposal by making certain changes to each of the revised attachments. Defendants worked with the Regulators to address the identified concerns, resulting in their submission of a modified proposal for a Revised Original LM CPR. The modified proposal for a Revised Original LM CPR was submitted to the Regulators in a letter dated May 28, 2013; this letter was transmitted to the Regulators via electronic mail on May 29, 2013. The following is a summary of the differences between the December and the May proposals.

1. Defendants added “(bundle)” after “LM CPR” at the bottom of the table in revised Attachment 1A. They also added the following clarifying footnote to regarding milestones for “bundled” projects:

“Bundle” means the aggregated group of Final WWIP projects. The milestone date listed above for each action for each bundle is the final date by which all of the projects within a distinct bundle must meet the specified project status.

All other aspects of Attachment 1A other than the changes pertaining to the Revised Original LM CPR are unchanged from Attachment 1A to the 2010 WWIP.

2. Defendants modified the “Description/Design” for the Revised Original LM CPR in Line 112 of Attachment 1B from what was in the December proposal. Specifically, the December proposal included the following “Description/Design” for the Revised Original LM CPR:

Strategic separation and watershed approach, storage and one RTC in Lick Run, West Fork, Kings Run and Bloody Run to remove 1.78 BG overflows (under Model v. 3.2) (removal via RTC projects 45220, 45280, 45300, 45320 included).

The May proposal replaced that “Description/Design Criteria” for the Revised Original LM CPR with the following:

Strategic separation and watershed approach, plus storage and multiple RTCs resulting in removal of 1.78BG overflow (using Model v. 3.2), which removal includes both (i) 4 RTC projects (#45220, 45280, 45300, 45320) and (ii) work in the following watersheds:
Lick Run: Approx. 65,000 LF of storm, combined and/or sanitary pipe; 8 stormwater detention basins; multiple Vortechs units; and valley conveyance system.

Kings Run: Approx. 17,000 LF of storm, combined and/or sanitary pipe; approx. 4 storm water detention basins; stream bank restoration; and combined overflow storage tank.

West Fork: Approx. 2 storm water detention basins; approx. 7,600 discharge pipe; and approx. 500 LF of storm water pipe.

Bloody Run: RTC at CSO 181

Additional descriptions of the Revised Original LMCP and the Performance Criterion are included as Attachment 1C.

All other aspects of Attachment 1B are unchanged from Attachment 1B to the 2010 WWIP.

3. Defendants included in the May proposal a new revised Attachment 1C to replace Attachment 1C to the 2010 WWIP. The December proposal simply proposed to delete the current Attachment 1C without replacing it with anything else.
4. The December proposal included several changes to Attachment 2 to the 2010 WWIP. The December proposal also worked off of an erroneous version of Attachment 2, rather than the version of Attachment 2 that was attached to the 2010 WWIP. The May proposal, which is based on the correct version of Attachment 2, no longer contains any changes to Attachment 2, except for those made to Lines 452-471, which are described below:
 - A. The May proposal includes a new Line 452 in Attachment 2 applicable to CSOs 2, 3, 4, 5, 6, 7, 9, 152, 428, 429 and 666, which are referred to as “the Lower 11 CSOs.” Under the 2010 WWIP’s default LMCP, these CSOs had their own composite Performance Criterion of 451 million gallons Plan Remaining CSO (MG/year) for Defendants’ typical year of 1970 to be achieved upon completion of the Original LMCP default remedy (a volume that equated to 85% capture and control for the Lower 11 CSOs, based upon Defendants’ old hydraulic modeling information). That criterion no longer makes sense as a means of measuring the effectiveness of the LMCP, given the nature of the measures that Defendants are now implementing under the Revised Original LMCP, and so that criterion was removed and replaced by a Performance Criterion requiring that the Revised Original LMCP achieve removal of at least 1.78 billion gallons of CSO.

In addition, to ensure that Defendants ultimately achieve and maintain a minimum of at least 85% capture and control of combined sewage for the Lower 11 CSOs, an 85% composite capture and control criterion has been included in the new Line 452 in Attachment 2 for the Lower 11 CSOs. The Performance Criterion was changed from “Plan Remaining CSO” to “Percent Capture and Control” to account for the fact that Defendants have refined and upgraded the sewer system hydraulic model that had been the basis in the 2010 WWIP for establishing the 85% capture and control based performance criterion of 451 million gallons of Plan Remaining CSO in the 2010 WWIP. Defendants’ updated model shows that there is less CSO volume in the Mill Creek sewershed than previously thought,

which means that 85% capture and control will result in less than 451 million gallons of Plan Remaining CSO. This number could change again in the future, as Defendants continue to refine and update their hydraulic model. Rather than including performance criteria expressed as a specific Plan Remaining CSO number that has been derived to reflect 85% capture and control based on current modeling information that could be outdated as Defendants refine and update their hydraulic model during implementation of the WWIP, the parties agreed that a better approach would be to express the Performance Criterion for the Lower 11 CSOs as 85% capture and control, determined using Defendants' refined, updated hydraulic model as it exists after the measures for the Lower 11 CSOs have been implemented.

A new footnote 7 pertaining to Line 452 was also added for informational purposes only, noting that the WWIP includes provisions under which Defendants can propose work at additional CSOs in the Lower Mill Creek basin in accordance with the WWIP. Finally, a new footnote 9 pertaining to both Lines 452 and 453 was added, defining 85% capture and control and specifying how compliance with that criterion will be evaluated.

- B. Lines 452-471 in the 2010 WWIP pertain to the Lower Mill Creek Final Remedy (LMCFR) for the 19 CSOs that are not part of the LMCFR. The old Line 452 became Line 453 in the May proposal when the new Line 452 pertaining to the Lower 11 CSOs was added. Lines 453-471 in the 2010 WWIP included specific Plan Remaining CSO Performance Criteria for the 19 CSOs, a volume that equated to 85% capture and control for the 19 CSOs. As discussed above in 4.A, a better approach is to use a Performance Criterion for these 19 CSOs of 85% capture and control, determined using Defendants' refined, updated hydraulic model as it exists after the LMCFR has been implemented. This is reflected in Line 453 in the May proposal. Line 453 in the May proposal also includes a list of all of the 19 CSOs that are to be addressed by the LMCFR, rather than specifically listing each of the 19 CSOs in their own Lines, as had been done in the 2010 WWIP. A new footnote 8 pertaining to Line 453 was also added for informational purposes only, noting that the WWIP includes provisions under which Defendants can propose changes to the LMCFR. Finally, a new footnote 9 pertaining to both Lines 452 and 453 was added, defining 85% capture and control and specifying how compliance with that criterion will be evaluated.