

The following meetings (work session and regular meeting) were held in compliance with the Sunshine Law and The Miami Conservancy District (MCD) and Subdistrict Bylaws. The meeting information was posted on MCD's website. Miami Valley news media and individuals requesting such notification were notified of the meetings by electronic mail dated December 4, 2023. The meetings were held at MCD headquarters.

### **WORK SESSION**

The work session of the Board of Directors of MCD was called to order at 9:06 a.m. by Mark G. Rentschler, President, with Beth G. Whelley, Vice President, and Michael H. van Haaren, member, present.

Members of the staff in attendance at the work session: MaryLynn Lodor, General Manager; James B. Casper, Manager, Operations and Maintenance; Sarah Hippensteel Hall, Manager of Communications, Outreach, and Stewardship; Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief Engineer; Christina M. Pfeiffer, Executive Assistant; Shannon E. Phelps, Manager of Administration; Barry M. Puskas, Chief of Technical and Engineering Services; and Rhonda K. Snyder, Secretary. Michael P. Ekberg, Manager, Water Resources Monitoring and Analysis, joined the work session at 9:20 a.m.

Legal counsel in attendance at the work session: John M. Hoopingarner, McMahan DeGulis LLP, and Lee A. Slone, McMahan DeGulis LLP.

Guests in attendance at the work session: None

Mr. Moyer reviewed revenues and expenditures for 2023 and presented the 2024 budget and financial plan with a forecasted maintenance rate of 2.78%. Ms. Phelps discussed the preliminary results of the compensation study and presented the 2024 compensation proposal.

Next, General Manager MaryLynn Lodor led discussion and presented information on the Seventh Readjustment of Appraisal of Benefits and provided updates and examples on preliminary estimates of individual and unit assessments at various rate options.

### **M 2023-6674**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously adjourned the work session at 11:00 a.m.

### **REGULAR MEETING**

The regular meeting of the Board of Directors of MCD was called to order at 11:02 a.m. by Mark G. Rentschler, President, with Beth G. Whelley, Vice President, and Michael H. van Haaren, member, present.

Members of the staff in attendance at the regular meeting: MaryLynn Lodor, General Manager; James B. Casper, Manager, Operations and Maintenance; Michael P. Ekberg, Manager, Water Resources Monitoring and Analysis; Sarah Hippensteel Hall, Manager of Communications, Outreach, and Stewardship; Kenneth P. Moyer, Treasurer; Donald P. O'Connor, Chief Engineer; Christina M. Pfeiffer, Executive Assistant; Shannon E. Phelps,

Manager of Administration; Barry M. Puskas, Chief of Technical and Engineering Services; and Rhonda K. Snyder, Secretary.

Legal counsel in attendance at the regular meeting: John M. Hoopingarner, McMahon DeGulis LLP, and Lee A. Slone, McMahon DeGulis LLP.

Guests in attendance at the regular meeting: None

### MINUTES

The Minutes of the Board of Directors meeting of September 18, 2023, were provided to members of the Board for review and comment.

#### M 2023-6675

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the meeting minutes for September 18, 2023.

### FINANCE

Next, Mr. Moyer requested approval of the 2023 revised estimate of receipts and the 2023 revised appropriations, including revised total fund and revised personnel appropriations.

#### 2022 REVISED ESTIMATE OF RECEIPTS

| FUND NO. | FUND NAME                  | CURRENT ESTIMATE OF RECEIPTS | REVISED ESTIMATE OF RECEIPTS |
|----------|----------------------------|------------------------------|------------------------------|
| 100      | Flood Protection           | \$11,734,548                 | \$7,552,208                  |
| 200      | River Corridor Improvement | 1,186,306                    | 906,250                      |
| 250      | Aquifer Preservation       | 966,400                      | 1,012,000                    |
| 255      | FEMA Assistance            | -0-                          | -0-                          |
| 275      | Water Conservation         | -0-                          | -0-                          |
| 300      | Debt Service               | -0-                          | -0-                          |
| 400      | Dam Safety Initiative      | 352,348                      | 376,633                      |
| 401      | FEMA Capital Projects      | 305,255                      | 1,633                        |
| 450      | Capital Improvements       | 8,359,362                    | 4,194,259                    |
|          | <b>TOTAL</b>               | <b>\$22,904,219</b>          | <b>\$14,042,983</b>          |

#### M 2023-6676

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously approved the revised estimate of receipts for 2023.

#### 2023 REVISED APPROPRIATIONS

##### Total Fund Appropriations:

| FUND NO. | FUND NAME        | CURRENT APPROPRIATION | REVISED APPROPRIATION |
|----------|------------------|-----------------------|-----------------------|
| 100      | Flood Protection | \$14,600,672          | \$12,918,073          |

|     |                            |                     |                     |
|-----|----------------------------|---------------------|---------------------|
| 200 | River Corridor Improvement | 2,331,374           | 1,993,521           |
| 250 | Aquifer Preservation       | 1,368,502           | 1,254,930           |
| 255 | FEMA Assistance            | -0-                 | -0-                 |
| 275 | Water Conservation         | -0-                 | -0-                 |
| 300 | Dam Safety Debt Service    | -0-                 | -0-                 |
| 400 | Dam Safety Initiative      | 1,871,781           | 1,817,923           |
| 401 | FEMA Capital Projects      | 603,527             | 272,488             |
| 450 | Capital Improvements       | 8,359,362           | 4,194,259           |
|     | <b>TOTAL</b>               | <b>\$29,135,218</b> | <b>\$22,451,194</b> |

Included within the operating funds (Funds 100, 200, 250, and 275) appropriation totals are chargeback expenses from MCD's internal service funds. As requested by the Auditor of State, the internal service funds are not included in the approved budgeted amounts since the chargebacks are already accounted for in the operating funds. However, the amounts are provided for the information of the Board.

**Internal Service Funds – Chargeback Expenses:**

| <b>FUND NO.</b> | <b>FUND NAME</b>            | <b>CURRENT "BUDGET"</b> | <b>PROJECTED 2023 EXPENSES</b> |
|-----------------|-----------------------------|-------------------------|--------------------------------|
| 600             | Administration & Technology | \$1,761,386             | \$1,761,386                    |
| 650             | Education & Outreach        | 338,847                 | 232,500                        |

Additionally, the Auditor of State requires that the Board of Directors approve personnel appropriations specifically budgeted within each fund (Funds 100, 200, 250, 275, and 401). The amounts are already included in the total fund appropriation request.

**Personnel Appropriations:**

| <b>FUND NO.</b> | <b>FUND NAME</b>           | <b>CURRENT PERSONNEL APPROPRIATION</b> | <b>REVISED PERSONNEL APPROPRIATION</b> |
|-----------------|----------------------------|--|--|
| 100             | Flood Protection           | \$4,256,240                            | \$3,304,000                            |
| 200             | River Corridor Improvement | 248,963                                | 252,560                                |
| 250             | Aquifer Preservation       | 639,622                                | 634,600                                |
| 255             | FEMA Assistance            | -0-                                    | -0-                                    |
| 275             | Water Conservation         | -0-                                    | -0-                                    |
| 300             | Dam Safety Debt Service    | -0-                                    | -0-                                    |
| 400             | Dam Safety Initiative      | -0-                                    | -0-                                    |
| 401             | FEMA Capital Projects      | 27,906                                 | 1,405                                  |
| 450             | Capital Improvements       | -0-                                    | -0-                                    |
|                 | <b>TOTAL</b>               | <b>\$5,172,731</b>                     | <b>\$4,192,565</b>                     |

Amounts estimated to be spent in MCD's internal service funds for personnel expenses are included in the chargeback amounts assigned to each operating fund. The total estimated personnel expenses in the internal service funds are provided for the information of the Board.

**Internal Service Funds – Personnel Expenses:**

| <b>FUND NO.</b> | <b>FUND NAME</b>            | <b>CURRENT PERSONNEL "BUDGET"</b> | <b>ESTIMATED PERSONNEL EXPENSES</b> |
|-----------------|-----------------------------|-----------------------------------|-------------------------------------|
| 600             | Administration & Technology | \$985,886                         | \$985,886                           |
| 650             | Education & Outreach        | 186,047                           | 83,200                              |

**M 2023-6677**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously approved the revised appropriations and revised personnel appropriations for 2024, including a compensation adjustment as of the January 25, 2024 pay date for all employees. In addition, the Board of Directors authorized a mid-year compensation adjustment not to exceed budgeted personnel appropriations.

**INTERIM BUDGET REPORT**

The MCD Interim Budget Report for the period ending November 30, 2023, was provided to the Board of Directors for review and acceptance.

**M 2023-6678**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously accepted the Interim Budget Report as of November 30, 2023. In addition, the Board of Directors ordered that copies of the report be kept on file.

Next, Mr. Moyer presented the MCD Investment Report for the period ending November 30, 2023.

**INVESTMENT REPORT**

MCD has funds invested in STAR Ohio and JPMorgan Money Market fund. The interest rates as of November 30, 2023, were:

- STAR Ohio account – 5.74%.
- Money Market account with JPMorgan Bank – 4.85% (1-year historical performance as of 11/30/2023) which is consistent with a typical Government Money Market Fund Yield.
- Checking and savings accounts – 0.01%.

MCD's goal continues to be providing the highest investment return with maximum security while meeting all liquidity and operating demands. The primary objectives of investment activities, in order of priority, will continue to be safety, liquidity, and yield.

Next, Mr. Moyer requested approval of the proposed 2024 estimate of receipts.

**2024 ESTIMATE OF RECEIPTS**

| <b>FUND NO.</b> | <b>FUND NAME</b>           | <b>ESTIMATED RECEIPTS</b> |
|-----------------|----------------------------|---------------------------|
| 100             | Flood Protection           | \$11,669,970              |
| 200             | River Corridor Improvement | 1,226,306                 |
| 250             | Aquifer Preservation       | 990,000                   |
| 255             | FEMA Assistance            | -0-                       |
| 275             | Water Conservation         | -0-                       |
| 300             | Dam Safety Debt Service    | 143,063                   |
| 400             | Dam Safety Initiative      | 425,716                   |
| 401             | FEMA Capital Projects      | 303,622                   |
| 450             | Capital Improvements       | 4,165,103                 |
|                 | <b>TOTAL ALL PROGRAMS</b>  | <b>\$18,923,780</b>       |

**M 2023-6679**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the proposed 2024 estimate of receipts.

Next, Mr. Moyer requested approval of the total fund appropriations and the personnel appropriations for 2024.

**2024 APPROPRIATIONS**

**Total Fund Appropriations:**

| <b>FUND NO.</b> | <b>FUND NAME</b>           | <b>TOTAL APPROPRIATIONS</b> |
|-----------------|----------------------------|-----------------------------|
| 100             | Flood Protection           | \$9,851,951                 |
| 200             | River Corridor Improvement | 1,447,479                   |
| 250             | Aquifer Preservation       | 1,385,897                   |
| 255             | FEMA Assistance            | -0-                         |
| 275             | Water Conservation         | -0-                         |
| 300             | Dam Safety Debt Service    | 143,063                     |
| 400             | Dam Safety Initiative      | 4,661,764                   |
| 401             | FEMA Capital Projects      | 331,039                     |
| 450             | Capital Improvements       | 4,165,103                   |
|                 | <b>TOTAL ALL PROGRAMS</b>  | <b>\$21,986,296</b>         |

Included within the operating funds (Funds 100, 200, 250, and 275) appropriation totals are chargeback expenses made from MCD's internal service funds. Internal service funds are not included in the table since the chargebacks are already accounted for in the operating funds. However, the amounts are provided for the information of the Board.

**Internal Service Funds – Chargeback Expenses:**

| <b>FUND NO.</b> | <b>FUND NAME</b>            | <b>TOTAL BUDGETED EXPENSES</b> |
|-----------------|-----------------------------|--------------------------------|
| 600             | Administration & Technology | \$1,729,126                    |
| 650             | Education & Outreach        | 302,109                        |

Additionally, the Auditor of State requires that the Board of Directors approve personnel appropriations specifically budgeted within each fund (Funds 100, 200, 250, 275 and 401). The following amounts are already included in the total fund appropriation request.

**Personnel Appropriations:**

| <b>FUND NO.</b> | <b>FUND NAME</b>           | <b>PERSONNEL BUDGET</b> |
|-----------------|----------------------------|-------------------------|
| 100             | Flood Protection           | \$4,764,981             |
| 200             | River Corridor Improvement | 266,842                 |
| 250             | Aquifer Preservation       | 548,653                 |
| 255             | FEMA Assistance            | -0-                     |
| 275             | Water Conservation         | -0-                     |
| 300             | Dam Safety Debt Service    | -0-                     |
| 400             | Dam Safety Initiative      | -0-                     |
| 401             | FEMA Capital Projects      | 26,501                  |
| 450             | Capital Improvements       | -0-                     |
|                 | <b>TOTAL ALL PROGRAMS</b>  | <b>\$5,606,977</b>      |

Amounts estimated to be spent in MCD's internal service funds for personnel expenses are included in the chargeback amounts assigned to each operating fund. The total personnel expenses estimated in the internal service funds are provided for the information of the Board.

**Internal Service Funds – Personnel Expenses:**

| <b>FUND NO.</b> | <b>FUND NAME</b>            | <b>ESTIMATED PERSONNEL EXPENSES</b> |
|-----------------|-----------------------------|-------------------------------------|
| 600             | Administration & Technology | \$951,126                           |
| 650             | Education & Outreach        | 142,809                             |

**M 2023-6680**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the proposed 2024 total fund appropriations and authorized the General Manager to enter into any necessary obligations, agreements or contracts for the purposes provided for within these appropriations.

**M 2023-6681**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously approved the proposed 2024 personnel appropriations as budgeted, including a compensation adjustment effective pay date January 25, 2024. Additionally, the Board of Directors authorized the General Manager to consider a mid-year increase not to exceed the 2024 budgeted appropriations.

Next, Mr. Moyer reported on the 2022 audit report and the Seventh Readjustment of the Appraisal of Benefits.

**2022 AUDIT REPORT**

A copy of the final Audit Report for the audit of MCD's financial statements for fiscal year 2022 was provided to the Board of Directors for review. The audit was conducted by the Auditor of the State of Ohio. Mr. Moyer reported that there were no audit findings.

Next, Mr. O'Connor presented the following grant funding ratification request.

### **GRANT FUNDING RATIFICATION**

In December 2022, the Board of Directors passed a resolution authorizing staff to submit grant funding applications for various purposes. Staff has submitted the following grant request:

**Project Title:** *Taylorville Dam River Access Road, Phase 1*

**Description:** *The project will include widening and paving the existing gravel Taylorville Dam access road on the upstream side of Taylorville Dam from South Cassel Road to 1,700 feet east of Cassel Road. The road is currently used by MCD staff for maintenance, and by Taylorville MetroPark visitors to take out boats from the Great Miami River.*

**Total Project Cost:** \$196,000

**Grant Amount Requested:** \$196,000

**Source:** *State of Ohio 2023 Conservancy District Road Funding Program*

**The Miami Conservancy District Match:** \$0

**Other Participants:** *None*

**Status:** Application was submitted on October 17, 2023.

#### **M 2023-6682**

The Board of Directors, on motion by Mr. Rentschler and seconded by Ms. Whelley, unanimously ratified staff action regarding the grant funding request for the Taylorville Dam River Access Road, Phase I.

Next, Mr. O'Connor presented information regarding proposed changes to Miami Conservancy District's Storage Basin Rules.

### **MIAMI CONSERVANCY DISTRICT RULES DEVELOPMENT STORAGE BASIN RULES APPROVAL**

On April 29, 2013, the Board of Directors approved a Land Use Policy that includes, at Book 500, a standard set of policies and procedures for property maintenance and development within MCD's storage basins ("storage basin" shall have the same purpose and meaning as the term "retarding basin" that is referenced in the MCD Official Plan). MCD implements the Policy to control development and land use activities effectively and consistently within MCD's five (5) storage basins. The purpose of the Policy is to protect and preserve the flood control works, improvements, and properties owned or controlled by MCD as well as to protect against the loss of life and property from flooding when the storage basins store flood water. The Land Use Policy was revised to its present form on September 20, 2017, and September 30, 2021.

MCD can anticipate ongoing pressure from property owners desiring to develop or alter storage basin property. MCD may also expect challenges to its rights and to reduce or remove

its restrictions. With these issues in mind, MCD staff, with assistance of counsel, have developed Storage Basin Rules that will provide a foundation to consistently maintain and enforce MCD's storage basin restrictions, preserve the integrity of MCD's flood control works, and protect against the loss of life and property from flooding when the storage basins store flood water. Staff believe these Storage Basin Rules will enable MCD personnel to more effectively monitor and control activity and development within MCD's five (5) storage basins.

Staff presented draft updates to the Storage Basin Rules to the Board of Directors at the September 18, 2023 board meeting. Board members had questions that staff could not fully answer on the proposal. Based on those questions, staff offer the following explanations and have updated the proposed Storage Basin Rules.

1. The first question was related to de minimis fill volume and how cumulative actions are considered.

The definition of De Minimis Fill Volume was changed to make it clear that it is the cumulative fill on a property over time. This will prevent someone from performing multiple smaller fill projects spaced out over time to avoid an individual permit.

2. The second question was related to the de minimis fill volume.

The current de minimis fill threshold of 4 cubic yards (CY) was started in 2006. Prior to 2006, staff could not find any reference to a threshold on the volume that triggers MCD review. Based on staff research, it is believed that the 4 CY number was based on the volume equal to about half of a dump truck load of material.

Staff have not found any records of Storage Compensation Agreements prior to 1967. And most property restriction documents such as deeds and easements that grant rights to MCD don't mention prohibition of fill material at all. Staff have not found mention of it as a concern in original design documents.

A 2012 study found that overall, the dams have 0.33% MORE storage capacity than what was calculated during the original design over 100 years ago.

Staff have recently performed some calculations comparing the 4 CY amount with the volume of the storage basins and found that it would take 3,400,000 projects of 4 CY of fill to reduce storage capacity by 1%. This shows that projects this small are insignificant even if there are huge numbers of them. Requiring individual permits, detailed plans, and pre and post surveys for that small amount of material is an unnecessary burden on property owners and MCD staff. Staff are proposing a new de minimis volume of 100 CY. It would take 370,000 projects of this size to reduce storage capacity by 1%. There have only been 260 project requests since 1967. *100 CY of dirt dumped into the Huffman Dam basin is equivalent to dropping 2 grains of sand into a bathtub.* Additionally, even projects of less than 100 CY will still have to obtain coverage of an MCD general permit, be reviewed by MCD staff through site visits, and be checked by periodic lidar surveys to make sure they aren't adding more fill than they said. These small projects do not pose a risk to our flood protection system.



3. Survey types and frequency will be specified outside of the Storage Basin Rules. These requirements could change with new technology, development demand changes, or other currently unknown reasons. It would be best to include them in administrative policy and/or standards documents, separate from the rules.

**M 2023-6683**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously approved the following resolution related to Storage Basin Rules.

**R 2023-1927**

**RESOLUTION  
STORAGE BASIN RULES APPROVAL**

**WHEREAS**, The Miami Conservancy District (MCD) holds deed restrictions and/or easements on approximately 3,000 properties in the storage basins upstream of MCD's five (5) dams. The properties are in Clark, Greene, Miami, Montgomery, Preble, and Shelby counties.

**WHEREAS**, On April 29, 2013, the Board of Directors approved a Land Use Policy that includes at Book 500 a standard set of policies and procedures for development within MCD's storage basins.

**WHEREAS**, The Land Use Policy was developed and implemented to control development within MCD's five (5) storage basins, with the purpose of protecting and preserving the flood control works, improvements, and properties owned or controlled by MCD as well as protecting against the loss of life and property from flooding when the storage basins store flood water.

**WHEREAS**, MCD anticipates ongoing pressure from property owners and contractors desiring to develop property within MCD's five (5) storage basins, and the Land Use Policy, Book 500, does not provide legal enforcement of the restrictions held in favor of MCD against properties within the storage basins.

**WHEREAS**, Section 6101.19 of the Ohio Revised Code provides authority for the Board of Directors of The Miami Conservancy District to "make and enforce rules and regulations it considers necessary and advisable" to "protect and preserve the works, improvements, and properties owned or controlled by MCD, prescribe the manner of their use by public corporations and persons, and preserve order within and adjacent to the works, improvements, and properties."

**WHEREAS**, MCD staff, with assistance of counsel, have developed Storage Basin Rules that will provide a foundation to consistently maintain and enforce MCD's storage basin restrictions, preserve the integrity of MCD's flood control works, and protect against the loss of life and property from flooding when the storage basins store flood water.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Board of Directors of The Miami Conservancy District as follows:

**Section 1:** That, pursuant to R.C. 6101.19(A), the Board of Directors hereby makes the Storage Basin Rules, attached hereto as Attachment 1, which are necessary and advisable to protect and preserve the works, improvements, and properties owned or controlled by MCD, prescribe the manner of their use by public corporations and persons, and preserve order within and adjacent to the works, improvements, and properties.

**Section 2:** That the Storage Basin Rules made under Section 1, herein above, shall replace Book 500 of the Land Use Policy.

**Section 3:** That the Board of Directors directs the Secretary of The Miami Conservancy District to immediately publish the Storage Basin Rules as required by R.C. Chapter 6101.

**Section 4:** That the Storage Basin Rules shall take effect on January 1, 2024.

### **Attachment 1**

## **TITLE VI – STORAGE BASIN**

### **600.01 Purpose & Applicability**

- A. The purpose of these rules is the protection and preservation of the works, improvements, and properties owned or controlled by the MCD. The MCD owns, controls, and maintains land in the five Storage Basins formed by Germantown, Englewood, Lockington, Taylorsville, and Huffman dams for temporarily storing flood water. As further provided herein, the MCD regulates certain activities on Storage Basin lands to ensure flood Storage Capacity as required by the MCD’s Official Plan, and to protect against the loss of life and property from flooding when the Storage Basins store water.
- B. Applicability.
  - 1. These rules apply to activities within a Storage Basin exercised on or after January 1, 2024.
  - 2. These rules do not apply to MCD agreements, permits that were in effect as of the date provided in division B.1. of this section, unless otherwise noted by the MCD.

### **600.02 Storage Basin Definitions**

- A. Unless otherwise provided for below, all terms shall be given the same meaning as provided in Chapter 6101 of the Ohio Revised Code.
- B. As used in this Title:
  - 1. “Commercial or industrial storage” means storage yards and buildings for the storage of goods, belongings, possessions, materials, recreational vehicles, and other goods.
  - 2. “De Minimis Fill Volume” means a volume of Fill of less than 100 cubic yards. De Minimis Fill Volume is a cumulative measurement of all Fill deposited on Property by an Owner or Operator.
  - 3. The “MCD” means The Miami Conservancy District, its employees and agents.

4. "Facility" means a commercial or industrial works located within a Storage Basin.
5. "Fill" refers to any material used to raise the elevation of the natural ground surface or take up space in a Storage Basin. Examples of Fill include stone, clay, sand, soil or other earthen material, concrete, wood, plant matter, etc. . . .
6. "Habitable Structure" means any building or structure that allows for normal human occupancy intended to be used for living, sleeping, eating, or assembly purposes including but not limited to residences, churches, schools, commercial buildings, and industrial buildings.
7. "Minimum Building Elevation" means the natural ground elevation in feet above sea level, which is five feet below the spillway elevation for a Storage Basin.
8. "Natural Ground" means the elevation, contours, and shape of the land in its natural state before excavation, fill, construction or other man-made disturbances.
9. "Non-Habitable Structure" means any building or structure that does not allow for normal human occupancy.
10. "Official Plan" means the three-volume document titled, Official Plan for the Protection of the District from Flood Damage, adopted by the MCD's Board of Directors on May 10, 1916, including all MCD Board of Directors approved amendments thereto.
11. "Owner or Operator" means any Person who owns, leases, operates, controls, or supervises Property or a Facility in a Storage Basin.
12. "Property" means real property and any Structures or other improvements located thereon.
13. "Person" shall have the same meaning as Section 6101.01(B) of the Ohio Revised Code.
14. "Recreational Vehicle" means a vehicular portable structure designed for recreation, travel, and outdoor activities that may be used as a temporary dwelling. For the purposes of this policy, Recreational Vehicles include, but are not limited to, the following:
  - a. A Travel Trailer, as defined by Ohio Revised Code 4501.01(Q)(6)(a).
  - b. A Motor Home, as defined by Ohio Revised Code 4501.01(Q)(6)(b).
  - c. A Truck Camper, as defined by Ohio Revised Code 4501.01(Q)(6)(c).
  - d. A Fifth Wheel Trailer, as defined by Ohio Revised Code 4501.01(Q)(6)(d).
  - e. A Park Trailer, as defined by Ohio Revised Code 4501.01(Q)(6)(e).

15. "Spillway" means the elevation of the top of the emergency spillway of each of the MCD's five dams, as provided below:

| <b>Dam / Storage Basin</b> | <b>Spillway Elevation (COE12)</b> | <b>Minimum Building Elevation (COE12)</b> | <b>Minimum Building Elevation (NAVD88)</b> |
|----------------------------|-----------------------------------|---|--|
| Germantown                 | 815                               | 810                                       | 809.21                                     |
| Englewood                  | 876                               | 871                                       | 870.20                                     |
| Lockington                 | 938                               | 933                                       | 932.21                                     |
| Taylorville                | 818                               | 813                                       | 812.10                                     |
| Huffman                    | 835                               | 830                                       | 829.20                                     |

16. "Storage Basin" means an area behind each of the MCD's five earthen dams that is designated and maintained to provide temporary storage for flood waters of the Great Miami River and its principal tributaries. As used in these rules, "Storage Basin" shall have the same purpose and meaning as the term "retarding basin" that is referenced in the MCD's Official Plan.
17. "Storage Basin Permit" is a written document from the MCD authorizing use of Property within a Storage Basin where the MCD has rights granted through deed restrictions, easements, or other legal document. The term "Storage Basin Permit" encompasses both Individual Storage Basin Permits (section 600.04 herein) and General Storage Basin Permits (section 600.05 herein).
18. "Storage Capacity" the maximum volume of flood water that can be stored upstream of the dam in its Storage Basin.
19. "Structure" means a broad range of construction, including, but not limited to, house, garage, storage shed, outbuilding, barn, silo, commercial building, industrial building, utility box, shelter, concession stand, restroom, bridge, culvert, retaining wall, levee, dam, or Recreational Vehicle.

**600.03 Restrictions of use of Property located in a Storage Basin**

- A. Each Owner or Operator of Property located, in whole or in part, in a Storage Basin shall comply with all rights held by the MCD against the Property, including those rights outlined as easements, deed covenants, or other land use restrictions that encumber the Property.
- B. Division A of this section shall not apply to an Owner or Operator of Property located, in whole or in part, within a Storage Basin insofar as that Person holds a valid, unexpired Storage Basin Permit. Any easement, deed covenant, or other land use restriction that encumbers the Property and is not the subject of a Storage Basin Permit shall remain in full force and effect.

**600.04 Individual Storage Basin Permit for Property located in a Storage Basin;  
Application process**

- A. MCD authorization in the form of an Individual Storage Basin Permit is required for the following use of Property located within a Storage Basin:
1. Any land use that affects an MCD right, documented and recorded in the form of an easement, deed covenant, or other land use restriction in favor of the MCD against Property located in a Storage Basin.
  2. The import and deposit of Fill into a Storage Basin in an amount greater than the De Minimis Fill Volume.
  3. Earth moving work in a Storage Basin that reduces that Storage Basin's Storage Capacity by an amount greater than the De Minimis Fill Volume.
- B. Notwithstanding division A of this Section, the following actions are prohibited within a Storage Basin:
1. Moving or placing Fill within a Storage Basin for the purpose of raising the natural ground surface from below the Minimum Building Elevation to above the Minimum Building Elevation to create a building site.
  2. Placement or creation of new refuse dumps, landfills, and hard Fills.
  3. Expansion of existing refuse dumps, landfills, and hard Fills, except for the purpose of remediating a refuse dump, landfill, or hard Fill. Fill excavated or moved for the purpose of remediating a dump, landfill, or hard Fill must be removed from the Storage Basin within sixty (60) days.
  4. Commercial and industrial storage.
- C. Individual Storage Basin Permit Application. An Owner or Operator seeking a Storage Basin Permit is subject to the following application process:
1. An applicant must submit a complete Individual Storage Basin Permit application to the MCD.
  2. After receipt of an application, the MCD shall review the application for completeness. If the MCD determines that the application is not complete, the MCD shall provide the applicant with written notification of the incomplete application along with an itemized list of the information or materials that are necessary to complete the application. If the applicant fails to provide the information or materials within sixty (60) days after the MCD's notification of an incomplete application, the MCD may return the incomplete application to the applicant and take no further action on the application.
  3. After the MCD's determination that an application is complete under division C.2. of this section, the MCD shall notify the applicant of the MCD's decision to approve or deny the application.

4. Upon approval of the application, the MCD will provide the applicant with the final Individual Storage Basin Permit. The applicant shall sign the Individual Storage Basin Permit and submit payment of the permit fee.
- D. In deciding whether to approve or deny an Individual Storage Basin Permit, the MCD may give consideration to, and base its determination on, whether the use will adversely impact the Storage Capacity of the Storage Basin, adversely impact the MCD's ability to enter, inspect, or monitor the Property, and whether the use will interfere with the primary objectives of the MCD and the Official Plan.
  - E. The approval or denial of an Individual Storage Basin Permit is a final action of the MCD. Any Person aggrieved or affected by the approval or denial of a Storage Basin Permit may appeal the MCD's decision in accordance with Section 600.10.

**600.05 General Storage Basin Permit for Property located in a Storage Basin**

- A. Upon written request, the MCD, at its sole discretion, may authorize an Owner or Operator to conduct the following activity under the MCD's General Storage Basin Permit in place of the requirements to obtain an Individual Storage Basin Permit under section 600.04:
  1. Construction, maintenance, and improvements to Non-Habitable Structures and/or Property that do not reduce the Storage Capacity of the Storage Basin in which the Property is located.
  2. Remodeling of an existing Non-Habitable Structure that does not change the basic use, modify the existing footprint, or increase the square footage of the Structure.
  3. Erecting fencing or children's play equipment.
  4. Installation of Non-Habitable Structures that occupy an area of not greater than 100 sq. ft., such as poles, transmission lines, wells, septic systems, or buried storage tanks.
  5. Recreational Vehicles.

An Owner or Operator must request and obtain MCD authorization under a General Storage Basin Permit prior to starting the activity.

- B. Fill volume in excess of the De Minimis Fill Volume excavated for land uses identified in division A of this section must be removed from the Storage Basin within sixty (60) days after project completion unless the excavated Fill is to be deposited within the Storage Basin, in which case the Owner or Operator shall obtain an Individual Storage Basin Permit prior to excavation.

**600.06 After the fact Storage Basin Permits**

- A. If a Person engages in land use that requires a Storage Basin Permit without first obtaining the MCD-issued Storage Basin Permit, the MCD may, at its sole discretion, issue to the Person a Storage Basin Permit authorizing the activity after the fact.
  1. Any Person seeking a Storage Basin Permit authorizing land use after the fact shall

proceed in accordance with the permit application process outlined in division C of section 600.04 herein.

2. The issuance of a Storage Basin Permit after the fact shall not bar the MCD from seeking enforcement, penalty, or other relief as provided by Chapter 6101 of the Ohio Revised Code against any Person who violates these rules.

**600.07 Storage Basin Permits; limitations**

- A. The Property Owner or Operator is responsible for acquiring any additional permissions as may be required for the use, including but not limited to, any permits and approvals from zoning, building, health, or other authorities with jurisdiction over the Property.
- B. Storage Basin Permits shall not be interpreted to modify or extinguish any rights held by the MCD against the Property located within a Storage Basin.

**600.08 Transfer of a Storage Basin Permit**

A. Transfer.

1. A Storage Basin Permit may, in the MCD's sole discretion, be transferred to a third-party Owner or Operator provided that the original holder submits to the MCD all of the following:
  - a. Advance written notice and request for the proposed transfer.
  - b. A signed and notarized statement by the transferee assuming the obligations of the Storage Basin Permit.
  - c. A signed and notarized statement by the original holder regarding status and compliance with the terms of the Storage Basin Permit.
  - d. Payment of the transfer fee upon approval of the transfer request.
2. The person to whom the Storage Basin Permit was originally issued shall continue to be responsible for ensuring that the conditions of the permit are fulfilled, and shall be liable for any violations thereof, until such time as the MCD receives documentation required by paragraph (A)(1) of this Section and an official notification of transfer is issued identifying the new holder of the Storage Basin Permit.

**600.09 Prohibited acts; MCD enforcement**

- A. Failure of any Person to comply with a right held by the MCD against Property within a Storage Basin, as required by sections 600.03 herein, is a violation of these rules.
- B. Failure of a Person to follow all terms and conditions of their Storage Basin Permit is a violation of these rules.
- C. Each day of violation is a separate offense.

D. The MCD may seek enforcement against any Person who violates these rules. In seeking enforcement, the MCD may proceed to the fullest extent of the law, including, but not limited to, as provided by Ohio Revised Code Chapter 6101.

#### **600.10 Appeals**

A. Appeals shall be made pursuant to the Permit Request Appeal Rules adopted by the MCD's Board of Directors.

Next, Dr. Hippensteel Hall presented a request for approval of a resolution of authorization regarding grant funding applications for 2024.

#### **RESOLUTION OF AUTHORIZATION—GRANT FUNDING APPLICATIONS**

The annual grant funding resolution authorizes the General Manager, on behalf of The Miami Conservancy District and its Subdistricts, to make application for grant funding during the year of 2024 from a variety of sources, including state and federal agencies and private foundations. A resolution of authorization from the Board of Directors is required for most grant applications.

Pre-approval of this resolution from the Board of Directors often streamlines the grant writing process and allows staff to work more efficiently on grant applications.

#### **M 2023-6684**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously adopted the following Resolution of Authorization to Apply for Grant Funding.

#### **R 2023-1928**

#### **RESOLUTION OF AUTHORIZATION TO APPLY FOR GRANT FUNDING**

**WHEREAS**, The Miami Conservancy District and its Subdistricts are working throughout the Miami Valley to reduce the risk of flooding; improve water quality; enhance stream and river corridors; and build recreational amenities and trails; and

**WHEREAS**, federal agencies including, but not limited to, the Economic Development Administration (EDA), the U.S. Environmental Protection Agency (USEPA), the Federal Emergency Management Agency (FEMA), and the U.S. Army Corps of Engineers (USACE), administer financial assistance for these purposes; and

**WHEREAS**, state agencies including, but not limited to the Ohio Department of Transportation (ODOT), the Ohio Department of Natural Resources (ODNR), Ohio Environmental Protection Agency (Ohio EPA), and Ohio Emergency Management Agency (OEMA) administer financial assistance for these purposes; and

**WHEREAS**, regional agencies including, but not limited to, Metropolitan Planning Organizations (MPOs) administer financial assistance for these purposes; and

**WHEREAS**, non-profit organizations including, but not limited to, community foundations administer financial assistance for these purposes; and



**WHEREAS**, The Miami Conservancy District and its Subdistricts desire financial assistance awarded by these agencies.

**THEREFORE**, be it resolved by The Miami Conservancy District and its Subdistricts as follows:

1. That the Board of Directors authorizes the General Manager to make applications for and enter into any commitments necessary to obtain grant funds from agencies and organizations including, but not limited to, EDA, USEPA, FEMA, USACE, ODOT, ODNR, Ohio EPA, OEMA, MPOs, and community foundations.
2. That The Miami Conservancy District and its Subdistricts agree to provide local match funds for projects and will obligate funds required to satisfactorily complete the proposed project(s) and become eligible for reimbursement under the terms and conditions of the funding agency.
3. That the grants applied for under this resolution are subject to Board of Directors ratification.
4. All formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open and public meeting of this Board and deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.
5. This Resolution shall be in full force and effect at the earliest date allowable by law and shall remain in full force and effect throughout all of calendar year 2024.

Next, Ms. Lodor announced a new vacancy on MCD's Board of Appraisers.

#### **BOARD OF APPRAISERS ROBERT A. HARRIS RESIGNATION**

Mr. Robert A. Harris, a member of the MCD Board of Appraisers, submitted his resignation effective November 30, 2023. Mr. Harris has served as a member of the Board of Appraisers for more than 21 years. The Conservancy Court appointed Mr. Harris to the Board of Appraisers effective December 21, 2001.

In accordance with Ohio Revised Code 6101.27 – Board of Appraisers of a Conservancy District, the Board of Directors recommends members of the Board of Appraisers to the Conservancy Court. The Conservancy Court appoints members to the Board of Appraisers.

To fill this vacancy, the Board of Directors may consider candidates to fill the vacancy of the Board of Appraisers at the January meeting. MCD recommends posting the vacancy on its website, seeking interested candidates to fill the open seat. A recommendation is anticipated to be presented to the Board at its special meeting on January 11, 2024, in advance of consideration and appointment by the Conservancy Court at their special meeting scheduled for February 9, 2024.

The following resolution has been prepared for consideration of the Board. It authorizes the General Manager, on behalf of The Miami Conservancy District and its Subdistricts, to post a vacancy notice for the Montgomery County seat on the Board of Appraisers.

**M 2023-6685**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously adopted the following Resolution regarding the Miami Conservancy District Board of Appraisers.

**R 2023-1929**

**RESOLUTION  
BOARD OF APPRAISERS VACANCY**

**WHEREAS**, in accordance with Ohio Revised Code 6101.27, the Conservancy Court appoints appraisers to constitute the Board of Appraisers of the conservancy district, after being recommended by the board of directors; and

**WHEREAS**, The Miami Conservancy District Board of Appraisers consists of three board members, historically one member from Montgomery, Miami and Butler counties; and

**WHEREAS**, with the retirement effective November 30, 2023, of Robert A. Harris from the Board of Appraisers after serving more than 21 years, a vacancy exists for the Montgomery County seat; and

**WHEREAS**, the duties of the Board of Appraisers are outlined in Ohio Revised Code 6101.27 and include the appraisal of the lands or other property within and outside the district to be acquired for rights of way, storage basins/reservoirs, and other works of the district, and shall also include the appraisal of all benefits and damages accruing to all lands within or outside the district and all benefits accruing to public corporations as entities by reason of the execution of the official plan; and

**WHEREAS**, there is no limit on the term of office of Board of Appraisers and the Conservancy Court has appointed the current Miami and Butler county members for a term which will continue until excused by the Conservancy Court; and

**WHEREAS**, in 2001 the Conservancy Court set the compensation rate for the members of the Board of Appraisers at Two Hundred Fifty Dollars (\$250.00) each for each day or partial day that they meet as a board of appraiser and that each member is allowed necessary expenses while performing their duties.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Board of Directors of The Miami Conservancy District directs the General Manager to seek potential candidates for the vacant Montgomery County Board of Appraisers seat, for the consideration of the Board of Directors.

Next, Ms. Lodor requested approval of resolutions honoring Rhonda K. Snyder, Office Manager of Miami Conservancy District and Secretary of the Board of Directors, Daniel K. Foley, Riverway Manager, and Robert A. Harris, Member of the Board of Appraisers.

Ms. Snyder announced her retirement effective December 29, 2023, after more than 30 years of employment with the Miami Conservancy District in various roles. Mr. Foley announced his retirement effective November 30, 2023, after more than 4 years of employment as the Riverway Manager. Mr. Harris announced his retirement effective November 30, 2023, after serving more than 21 years on the Board of Appraisers.

The Board of Directors expressed much appreciation for their many years of strong leadership, wisdom, and exemplary service to MCD.

**M 2023-6686**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously adopted the following resolution honoring Rhonda K. Snyder.

**R 2023-1930**

**RESOLUTION HONORING  
RHONDA K. SNYDER**

**WHEREAS**, The Miami Conservancy District protects lives and property through a comprehensive flood protection system, encourages water stewardship, and promotes recreation and enjoyment of our waterways in southwest Ohio; and

**WHEREAS**, Rhonda K. Snyder has been employed by The Miami Conservancy District for more than 30 years beginning on May 25, 1993; and

**WHEREAS**, Rhonda K. Snyder in her years with The Miami Conservancy District has served The Miami Conservancy District and the residents of the Miami Valley well; and

**WHEREAS**, this Board would like to take special notice of the diligent and loyal service Rhonda K. Snyder provided to The Miami Conservancy District during her years of service while working as Office Manager and Board Secretary; and

**WHEREAS**, the Board of Directors further recognizes the dedicated and professional manner in which Rhonda K. Snyder carried out her duties; and

**WHEREAS**, Rhonda K. Snyder has announced her intention to retire from The Miami Conservancy District on December 31, 2023.

**THEREFORE, BE IT RESOLVED** that the Board of Directors of The Miami Conservancy District do hereby commend Rhonda K. Snyder for her many years of exemplary service to The Miami Conservancy District and the citizens of the Miami Valley.

**M 2023-6687**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously adopted the following resolution honoring Daniel K. Foley.

**R 2023-1931**

**RESOLUTION HONORING  
DANIEL K. FOLEY**

**WHEREAS**, The Miami Conservancy District protects lives and property through a comprehensive flood protection system, encourages water stewardship, and promotes recreation and enjoyment of our waterways in southwest Ohio; and

**WHEREAS**, Daniel K. Foley has been employed by The Miami Conservancy District for more than 4 years beginning on November 4, 2019; and

**WHEREAS**, Daniel K. Foley, in his years with The Miami Conservancy District, has served The Miami Conservancy District and the residents of the Miami Valley well; and

**WHEREAS**, the Board of Directors would like to take special notice of the dedicated and loyal service Daniel K. Foley provided to The Miami Conservancy District while working as the Riverway Manager; and

**WHEREAS**, the Board of Directors further recognizes the dedicated and professional manner in which Daniel K. Foley carried out his duties; and

**WHEREAS**, Daniel K. Foley retired from The Miami Conservancy District on November 30, 2023.

**THEREFORE, BE IT RESOLVED** that the Board of Directors of The Miami Conservancy District do hereby commend Daniel K. Foley for his many years of valuable service to The Miami Conservancy District and the citizens of the Miami Valley.

**M 2023-6688**

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously adopted the following resolution honoring Robert A. Harris.

**R 2023-1932**

**RESOLUTION HONORING  
ROBERT A. HARRIS**

**WHEREAS**, The Miami Conservancy District protects lives and property through a comprehensive flood protection system, preserves the quality and quantity of water, and promotes the enjoyment of our waterways; and

**WHEREAS**, Robert A. Harris was appointed by the Conservancy Court to The Miami Conservancy District Board of Appraisers effective December 21, 2001, serving for more than 21 years; and

**WHEREAS**, Mr. Harris in his years as a member of the Board of Appraisers of The Miami Conservancy District has served The Miami Conservancy District and the residents of the Miami Valley well; and

**WHEREAS**, the Board of Directors would like to take special notice of the diligent and loyal service Mr. Harris provided to The Miami Conservancy District, and most importantly his leadership and direction to ensure that the funding for The Miami Conservancy District and its subdistricts is assessed in a fair and equitable manner; and

**WHEREAS**, Mr. Harris submitted his resignation as a member of the Board of Appraisers of The Miami Conservancy District effective November 30, 2023.

**THEREFORE, BE IT RESOLVED** that the Board of Directors of The Miami Conservancy District do hereby commend Robert A. Harris for his many years of leadership, dedication, and exemplary service to The Miami Conservancy District and the citizens of the Miami Valley.

Next, MCD staff presented their reports to the Board.

## **ADMINISTRATION REPORT**

### **Records Management**

An action plan was developed to update records management in consideration of upcoming staffing changes and the expiration of the records center lease anticipated in June 2027. An MCD Records Commission meeting is scheduled for December 6, 2023. An evaluation of MCD Records policies and procedures will be performed in consultation with the legal team.

### **Human Resources**

Two additional Assistant Caretakers were hired on November 13, 2023. This resulted in a total of 7 Assistant Caretakers and 12 Caretakers. Two Assistant Caretakers previously assigned to Dayton are being relocated to assist at MCD features in the north and south. The two reassignments provide the opportunity for additional training and knowledge-sharing at other flood protection areas for succession planning.

MCD continues to work with Clemans, Nelson & Associates to complete a comprehensive compensation study and an update to all existing job descriptions. The consultant has completed analyzing the survey data and has provided proposals for updates to MCD's compensation structure and progression through the structure. The results from this study have been incorporated into the proposed personnel budget that will be presented to the Board at the December meeting. MCD anticipates the job description updates to be completed in December 2023.

A staffing plan is under refinement, which will coincide with the readjustment and capital plans. Five new positions were added to the 2024 proposed personnel budget for Fund 100 – Civil Engineer, Project Manager, Land Coordinator, Assistant Caretaker, and Administrative Associate. As organizational needs are evaluated as the capital plan develops, additional staffing needs are anticipated in the future.

## **Information Technology**

Vivitec was selected as MCD's new managed IT services provider. The transition from MCD's previous provider was completed on December 1, 2023, and is now reviewing server functionality and configurations.

## **COMMUNICATIONS AND OUTREACH**

### **MCD Communications Plan**

A Communications Plan is under development, informed by research conducted in 2022 and 2023 and input from the MCD Leadership Team.

### **Internal Staff Communication**

The monthly internal newsletter is distributed to help keep staff informed. The newsletter provides information on events, staff training, HR reminders, MCD stories in the news, staff recognition, and more.

### **Publications**

The layout, design, and edits of the 2022 Annual Report is complete. The report was posted on MCD's website following the November Conservancy Court meeting.

Several fact sheets were created for distribution:

- Readjustment of Appraisal of Benefits 2024 (target audience: city/county officials)
- "Capital Improvement Plan" (target audience: city/county/state officials)
- Two "shovel-ready" fact sheets on funds needed for repairs at Germantown, Englewood, and Taylorsville dams. (target audience: State of Ohio Representatives)
- MCD Strategic Plan (target audience: general public)

### **Miscellaneous Communication Support (review/edits)**

Created blog post for Dayton Riverfront Master Plan at the request of Five Rivers MetroParks.

Assisted field manager on the OMI manual updates.

### **Events**

- Hosted the Ohio Watershed Leaders conference on September 7 & 8 at SunWatch Indian Village/Archeological Park. 50 watershed professionals from across Ohio attended. Staff spoke about MCD's mission and attendees toured the river corridor in Dayton.
- Hosted the annual Fall Awards Celebration for the Greater Dayton Partners for the Environment on September 20 at Camp Greene in the Glen Helen Nature Preserve.
- Co-hosted a Public Roll-out of Franklin-Carlisle Flood Inundation Mapping and Go Live with USACE, Warren County Emergency Management Agency (EMA) and other Ohio Silver Jackets members.
- Hosted a Celebration Event on September 29 to commemorate the first mile of paved trail constructed in the region 50 years ago. The event was held Friday, September 29 along the Great Miami River Recreation Trail in Troy at a new bike trail amenity built by MCD that includes a kiosk and a new seating area overlooking the Great Miami River. Hosted by the Miami Conservancy District (MCD), partners also included the City of Troy, Miami County Commissioners, and The Troy Foundation.
- Hosted a Ribbon-Tying Event on September 29 to unveil commemorative plaques on two former MCD Board of Director members from Troy. The plaques are located at the

new bike trail amenity built by MCD that includes a kiosk and a seating area overlooking the Great Miami River.

- Facilitated panel discussion on *Economic Development along the Great Miami Riverway* as part of the Ohio Chamber: Impact Ohio event at University of Dayton (UD) October 6.
- Set up and staffed the Outdoor Experience event October 6 & 7.
- Hosted the Unveiling of a new Storybook Trail built by MCD along the Great Miami River Recreation Trail in Dayton October 20.
- Facilitated the annual meeting of the Ohio Conservancy District Conference during the 2023 Water Management Association of Ohio (WMAO) Conference on November 7 in Columbus.

### **Planning for Future Events**

- MCD to host a Watershed Network meeting on November 29 from 1-2:30 p.m. at the Engineer's Club of Dayton.
- MCD to host a Tabletop Exercise on Source Water Protection and Emergency Number Response on January 24 from 8 a.m. to 12 p.m. at the Engineer's Club of Dayton.
- MCD to host a regional meeting that will help Ohio EPA to update the Ohio Nutrient Reduction Strategy report as part of the Gulf Hypoxia Task Force on March 6 at 3:30 p.m. at the Fitz Center.
- Planning is underway for the 2024 Riverway Summit on April 19 in Piqua.

### **Equipment/Supplies for Partner Clean-ups**

- Transported MCD kayaks and equipment to (and from) the City of Troy for use by the UD River Stewards and city staff during the UD visit to Troy in September.
- Lent MCD stream education tools to the UD River Stewards for use at a November Saturday event at the Boonshoft Museum.
- Lent MCD cleanup supplies to the Kettering College for a river cleanup for their October 19 Service Day.
- Lent MCD cleanup supplies to the UD River Stewards for a river cleanup on November 11. Volunteers filled almost twenty large trash bags with bottles and other litter, plus two large tires, an electronic keyboard, and a full-length fire hose.
- Provided keys for a gate in Middletown so Butler Soil & Water Conservation District (SWCD) staff could access the river for clean-up events.

### **Signage and Wayfinding Plan**

A Signage and Wayfinding plan is being drafted for both the flood protection system and the recreation corridor. The plan will include sign standards and inventories. The plan will also define internal and external processes to replace damaged or missing signs on bike trails, navigational warning signs at low dams, and more. Staff coordinated the replacement process for signs to address damaged or missing signs. Staff also submitted a grant application to ODNR for replacement low dam warning signs.

### **Communications for the Seventh Readjustment of Appraisal of Benefits**

The Readjustment Plan includes an outreach effort to communicate the benefits to key audiences, train staff to answer questions, and help communities understand the importance of investing in the flood protection system. This is covered more fully in the Financial Report under the subheading of Seventh Readjustment. A communications plan, including outreach activities, fact sheets, and webpages are under way and ongoing.

### **Updates to MCD Brand and Key Messages**

Staff worked with contractor, Guide Studio, to design a new Brand Platform. The MCD Leadership Team provided comments and ideas during two input sessions. The draft brand is under review.

### **MCD Websites**

Three websites are currently managed by MCD: the MCD website, the Great Miami Riverway website, and the MCD blog website. A new MCD website is under design by contractor, Artistic Inspirations, to replace the website built in 2015. New features will include enhanced functionality, ease of maintenance, forms, an interactive map, and seamless interaction with existing portals including Aquarius. The site is currently under construction and the design will be influenced by the updated Brand Strategy.

A new “GeoPort” GIS portal is being designed to allow property owners to see where MCD has flood easements. GeoPort is expected to be launched on the MCD website in early 2024.

### **Social Media Channels**

MCD posts content on Facebook, Instagram, YouTube, and LinkedIn. The Great Miami Riverway posts messages on Facebook, Instagram, TikTok, YouTube, and LinkedIn. MCD contracts with Artistic Inspirations to draft content and schedule posts on Facebook and Instagram. Content is reviewed and approved by MCD staff weekly. MCD staff create content to post on other channels. MCD also monitors and responds to comments and messages posted on all those social media channels plus Messenger/Meta.

### **Campaigns**

- Remote Controlled Mower Naming Contest
- Imagine a Day Without Water – October 19-26
- Scarecrow display for the Fall Fest at Miami County Park District’s Lost Creek Reserve on October 12-14

### **MCD Email Newsletter**

An E-news blast was sent to subscribed email contacts in November. Content included stories on The Deed, PFAS research, events, and a blog on projects underway in Dayton along the trails.

### **Mailings**

In November, a post card was mailed to all property owners who pay a flood protection assessment.

### **Press Releases**

- September 15 - Great Miami Riverway launches new Food-n-Brew Challenge
- October 10 - New mapping tool helps communicate flood risk to areas near the cities of Franklin and Carlisle, Ohio
- October 17 - MCD to unveil new Storybook Trail on the Great Miami River Recreation Trail in Dayton
- October 19 - Imagine a day without water: *MCD part of national effort on October 19*
- November 14 - Searcy appointed to Conservancy Court of Miami Conservancy District



## **Speaking Engagements**

- September 18 - Agraria (Arthur Morgan Institute for Community Solutions) on water resources and the benefits of stream restoration
- September 29 – UD Rivers Institute junior class of River Stewards about ideas for their senior project
- October 10 – Ohio Water Environment Association’s Watershed Workshop in Columbus
- October 16 – Rotary Club of Dayton’s meeting at Sinclair Community College
- October 19 – AWWA Section meeting in Xenia
- October 23 – Old North Dayton, McCook Field Neighborhood Association about readjustment of the appraisal of benefits and recreational trail
- October 26 – Participate on a panel at the Ohio River Way Coalition Summit in Madison, Indiana
- November 7 – Water Management Association of Ohio
- November 30 - Watershed Network meeting
- December 1 – Miami Valley Regional Planning & Zoning Conference

## **Media Interviews**

- September 20 – Dayton Daily News on the importance of the region’s water resources

## **Funding Requests Submitted or Under Development**

- Flood Protection: Two PDAC proposals were submitted; one for approx. \$10M for Levee Enhancements and \$10M for Dam Concrete Repairs for Taylorsville, Englewood and Germantown - with letters of support from Piqua, Troy, Dayton, Miamisburg, West Carrollton and Moraine.
- Flood Protection/Aquifer Preservation: Submitted to Ohio EPA WRRSP for Middletown erosion.
- Flood Protection/Aquifer Preservation: Submitted, and Not Approved by, to Ohio DNR H2Ohio fund for Dicks Creek.
- Flood Protection: MCD is working with LMK advocacy is working MCD with governmental affairs to seek funding under Ohio’s \$700M+ 2024 Community Strategic Fund/Ohio Future’s.
- Fund/State Capital Fund. MCD is currently discussing funding requests with Ohio House and State Representatives for approximately \$10M for Dam Concrete Repairs for Taylorsville, Englewood, and Germantown.
- Recreation: Conservancy Road grant requested to ODOT at Taylorsville for improved access for recreational public access.
- Recreation: Navigational aids grant requested to ODNR for water safety.

## **SEVENTH READJUSTMENT OF APPRAISAL OF BENEFITS (FPS) UPDATE**

### **Updated Data & Benefit Analysis**

Staff have been working to update data, verify the benefits & ensure accuracy. MCD has obtained all tentative 2023 values for all five protected counties, input updates into the benefits database, reviewed property boundaries, changed conditions, lot splits, reviewed “exempt” parcels, and has continued to test data for accuracy. Tasks still in process include review of “special computations” and continue to verify the accuracy of the software/database and plans to begin an internal audit of data to verify calculations. Outstanding data to be delivered by the

County Auditors includes Current Agricultural Use Valued (CAUV) and new construction values for 2023. Staff continues to work closely with Tyler Technologies to troubleshoot the verification process and is working to develop a webpage to be made “live” in March for property owners to see the impact of the assessment.

### **Financial Analysis**

A financial analysis is underway to consider strategies and tactics for the 8-year cycle of the maintenance fund. At the same time, MCD is also evaluating the capital needs and a new assessment to fund prioritized needs. Based on MCD’s financial policies and past practice, the intent of the 8-year financial plan is that the rate is established with the intention that it should not need to increase before the 8th readjustment. Currently, the maintenance assessment rate is projected to be 2.78% under updated/readjusted conditions.

### **10-Year Capital Plan Flood Protection Assessment**

A Capital Assessment Plan and preliminary report of potential scenarios for the flood protection system. A discussion of four different scenarios and assumptions was held with the Board in September. Based on Board input, staff have continued to refine the capital assessment analysis, and anticipates a special meeting with the Board on January 11 for recommendation and consideration of a capital assessment.

### **Communication Plan**

Outreach to jurisdictions continued. Several meetings were held with community leaders and community organizations that also served as listening sessions to highlight MCD’s financial needs for the flood protection system.

To help facilitate the publicly available information regarding the impact of the Seventh Readjustment to property owners, an updated estimating tool is under development. Testing of the tool occurred in November and will launch to the public after the Revised Appraisal Record is approved in late February 2024.

### **Training for Staff**

Training for staff is anticipated to occur early spring prior to the approval of the Revised Appraisal Record.

## **ENGINEERING TECHNICAL SERVICES REPORT**

### **Inspections & Analysis - Flood Protection**

Inspection and analysis are underway for both dams and levees, of the work completed in the dam safety initiative as well as the aging flood protection system that has been part of monitoring over the last 100 years. Below is a summary of related inspections, monitoring, and evaluations.

### **Dam Inspections**

Annual Concrete Monitoring Program photographs have been completed this year and reports are in process for completion by the end of the year. All five dams have an inspection performed internally with data to inform any potential revisions to the capital plan. Next year ODNR will perform regulatory inspections on four dams (all but Germantown).

### **Probable Maximum Flood (PMF) Analysis at GELTH Dams**

HDR was selected to perform a hydrologic analysis of the probable maximum flood (PMF) for MCD's five dams. The analysis will use the ODNR Dam Safety guidelines for applying the probable maximum precipitation under OAC 1501:21-13-02.

The project is in-progress and approximately 30% complete. The base hydrologic model has been prepared and data from other dams, ODNR, and USACE are being input for storm routing. The model inputs of previous storms' data will be entered and simulated for model calibration.

### **Flood Inundation Mapping**

A new mapping tool was launched on the MCD website to communicate flood risk to areas near the cities of Franklin and Carlisle, Ohio. In October, MCD co-hosted a public review of the tool, developed a fact sheet, and released a press statement about this new webpage.

In March 2023, MCD initiated a second flood inundation mapping (FIM) project for the Great Miami River from Piqua, Ohio to Troy, Ohio to the USACE Silver Jackets team. The project was selected and funded under the FY24 Flood Plain Management Services. The project is expected to be completed in 2024.

### **Engineering Data Management**

Dam safety monitoring data has been collected since the early 1970's. The information is stored in numerous locations and formats such as paper records, databases, spreadsheets, and GIS tables. Earlier this year, MCD began working with Aquatic Informatics to set up the locations (each site) and import the related data into the MCD water data system, Aquarius.

The engineering data import included 546 data locations of relief wells, observation wells, piezometers, instrumented wells, and other dam/levee observations. This encompassed nearly two million data records across 546 locations or points.

The project included the connection to today's digital data collection of manual readings performed by the caretakers at both dams and levees. These data are collected by a tabulate or iPad using a GIS application set up by MCD staff. The data is collected then regularly connected (or imported) into Aquarius. As a result, MCD engineers can see up-to-date observations to more rapidly determine if there are any potential dam/levee safety issues. The digital project has been tested and will be deployed into the MCD Aquarius system in late November.

### **Board of Consultants Update**

The Board of Consultants (BOC) issued their report in early December. Highlights from the report was discussed and overall it supports the advancement of a new capital assessment and the need to focus on risk informed decision making.

## **CAPITAL PLANNING & PROJECTS**

### **Inspections and Analysis**

#### Levee Accreditation

Updated hydraulic models and Federal Emergency Management Agency (FEMA) maps in Montgomery County are triggering levee accreditation submittals. MCD is consulting with

FEMA to show the need for a provisional accredited levee (PAL) status. MCD will have two years from signing the PAL to submit a full FEMA levee certification package for FEMA review. The PAL is expected by the end of this year. MCD is contracted with Michael Baker International to install borings this year and data analysis planned for 2024 and 2025. The completed accreditation package would be due to FEMA by 2025. MCD has reached out to coordinate with other partners that operate, maintain, and inspect interior drainage components to ensure that they understand their obligations, this specifically includes City of Dayton, Huber Heights, West Carrollton, Miamisburg, and Montgomery County.

### Pipe Inspections

Staff continue to develop standards for inspections of pipes projecting through MCD levees. The pipes are either owned by MCD, another public agency, or a private owner. Multiple MCD staff members completed training in early December and are now certified in pipe inspection and diagnosing proper repairs using recognized industry standards.

### Floodgate Inspections

Annual inspections of all MCD floodgates are planned as a winter activity. It is anticipated this will start in December.

### **Flood Protection - Dams**

#### Lockington Dam Left Wall Drain System and Concrete Repair, Phase 1

Construction is ongoing. The hydrodemolition and most of the concrete patching are complete including installation of metal rods that anchor the wall to the bedrock below. Construction is expected to be 90% by the end of 2023 with full completion anticipated in the spring of 2024.

Additional costs are expected for extra thick patching (Change Order 1) to be approximately \$15K. That amount is much lower than the worst-case scenario of \$485K that was originally anticipated in Change Order 1.

The Ruhlin Company submitted the detailed request for Change Order 2 for approximately \$492K. The items claimed as additional costs are:

- \$140,000 for the hard shotcrete and extra thick deteriorated concrete taking much longer to remove than expected.
- \$170,000 for the cost of acceleration to get as much work done in 2023 as possible. This price is based on significant overtime, night work, specialized forms, and additional equipment.
- \$104,000 for the additional costs for supervisory staff and overhead resulting from the completion date being extended, and additional costs for inefficiencies due to upcoming winter work.
- \$16,000 for pouring a specialized patching product instead of concrete on extra thin patching areas at the base of the wall.
- \$62,000 for removal and replacement of all or portions of four additional monoliths that were found to be cracked.

Staff is reviewing this change order. It is expected the approved change order amount will be less than Ruhlin requested, but not significantly less.

## **Flood Protection – Features**

### Dayton (Levee)

Old North Dayton Levee & Alternative Transportation: MCD's contractor, Kelchner, Inc., has completed placement of fill material, widening the levee, installing stone base for the bike trail, installing underdrain for the bike trail, installing the storm drainage, paving the first course of asphalt, removing the light poles, and began removing concrete revetment. Weather has delayed paving of the final asphalt course until next spring.

### Piqua (Floodgates and Storm pipes)

PIQ1 & PIQ2 Pipe Lining: Staff has finished the detailed specs and plans. Advertising for bids is expected this year with construction in 2024.

### Piqua Pump Station

The Piqua pump station was upgraded to include three thermostats to activate the heaters during colder periods of the year. This will keep the pump motors ready to go when needed. In addition, the electrical systems will be evaluated using the megger test methods for electrical insulation and resistance.

### Hamilton (Floodwalls)

Black Clawson Floodwall Repairs: The repairs were completed by Jaco Construction in October. The City of Hamilton, StreetScape, and the Fitton Center are now proceeding with the mural designs. Designs will be presented to MCD Board in the upcoming 2024 meeting.

### Hamilton (Facilities)

New Caretaker Garage: The preferred site for the new caretaker garage was approved by Hamilton in August. S&ME consulting engineers completed site investigation work and have found some concerning past uses of the property that could pose a risk if not mitigated. MCD staff and legal counsel are reviewing the report and looking for a backup location for the garage.

## **Community Projects**

MCD partners with others on community projects and may contribute funding or time for planning, design, or construction. Below is a list of some of the community projects that are actively under development.

### Piqua: Lock 9 Park

Per an agreement with MCD and Piqua executed in 2020, the City of Piqua is laying back the levee in accordance with the Lock 9 Park improvement that is part of the city's riverfront master plan. The project also includes removal of the revetment and replacing it with turf reinforced matting (TRM). The city's contractor began construction in June. All earthwork is complete, the TRM has been installed, and construction of structures such as the stage are ongoing. The city requested that MCD allow permanent restrooms to be installed on the river side of the levee and floodwalls. MCD staff is reviewing the detailed restroom and site plans.

## **Project Crew Activities and Updates**

A number of projects were completed this quarter by Project Crew, with Piqua berm re-installation and Holes Creek Gravel Removal highlighted. Other projects were summarized in the Quarterly Report.

## OPERATIONS AND MAINTENANCE

### Facilities Maintenance

Taylorville garage - MCD contracted with Doors Galore to repair broken garage door springs.

Dayton and Middletown garages - MCD contracted with Korrek Plumbing and Stebbins Plumbing to complete the required annual backflow testing.

Germantown and Miamisburg garages - MCD contracted with AAA services to pump out the septic tanks.

West Carrollton garage - MCD staff fixed siding issues where siding came off during high winds storms.

### Feature Maintenance

Holes Creek - MCD staff cleared out flap gates, sprayed vegetation, and added riprap per Holes Creek USACE inspection.

Monitoring Wells - MCD staff repainted monitoring wells at Huffman and repainted floodgates in West Carrollton, Miamisburg, and Franklin to improve visibility and safety.

Grouting Levee Holes - MCD staff grouted 13 groundhog holes at Huffman, 12 holes at Taylorville and multiple holes in Dayton and West Carrollton. Approximately 15,000 pounds of grout was used for these repairs.

Graffiti Removal - MCD staff worked to clean up or cover up graffiti in Dayton and Miamisburg.

Vandalism - In October, vandals uncovered a set of stairs in Miamisburg that were no longer in use due to being covered up by dirt when the levee was widened to construct the bike trail. To remove the attractive nuisance, MCD staff completely removed the stairs and filled the excavated area back in with topsoil, graded and seeded the area.

### Levee Maintenance Improvements

Piqua - MCD staff completed grading and seeding projects at the Piqua pump station to cover up where the pipes were showing near the crest of the levee. This was done to eliminate the potential for damage to the pipes done by mowing equipment. In addition, on the landside of PIQR1 at the northern end of the levee, two old drainpipes that had been abandoned were capped with gravel and concrete and the low areas filled with soil and seed.

Tipp City - MCD staff rented a 50-foot lift and trimmed trees that were shading out the levee and impacting mowing.

Encampment Removals - MCD staff cleaned up homeless camps in Franklin and Dayton including collecting and hauling away over 2,000 pounds of trash.

### Recreational Trail Maintenance

Sinkhole in Dayton - MCD staff completed an emergency repair when a sinkhole was noticed in the center of the bike trail in Dayton. It is believed that the hole was caused by an old

tree stump that had rotted away. The repair required a portion of the trail to be cut out, gravel compacted in, and new asphalt put down.

Handrails - MCD staff repainted handrails in Dayton and Miamisburg and repainted access gates to Miami Bend Park and East River Landing.

Wayfinding and Signage - MCD staff repaired damaged wayfindings signs along the biketrail in Franklin, Miamisburg, West Carrollton, and Dayton.

### **New Equipment**

MCD took delivery of a caretaker truck, two John Deere 5075M feature tractors, a new welder, and various landscaping tools including blowers, chainsaws, and a push mower.

A new caretaker truck was acquired for the Dayton caretaker. Since the Dayton feature has multiple assistant caretakers a crew cap truck was added to the Dayton Fleet.

The two new tractors were purchased for use at the Franklin and Troy features. The tractors have front loaders and dual rear wheels. The hydraulics are plumbed to run all MCD mowing and drift equipment. This flexibility will give MCD more options to perform critical work, allowing tractors to be moved to any feature.

The new welder was purchased to replace an old suitcase welder used to make repairs in the field. This welder is light enough to be moved by one person and can be powered by a standard generator by utilizing either 110 or 220 power.

MCD also purchased a new Woods 16.61 batwing pull-behind rotary cutter for use in the Middletown feature. The unit it is replacing will be used as a spare in Dayton, and the current spare will be sold on GovDeals.

## **WATER MONITORING ACTIVITIES**

Monitoring precipitation and river flows along with groundwater levels and water quality is important for flood protection, river recreation, and water preservation.

### **Precipitation**

For the first ten months of 2023, precipitation was below normal in relation to the total precipitation received by the Great Miami River Watershed. Above normal precipitation was recorded in January, March, July, and August. However, below normal precipitation was recorded in February, April, May, June, September, October, and November. Through November 30, the Great Miami River Watershed received 35.02 inches of precipitation. That is 3.79 inches below normal for that point in the calendar year. El Niño conditions are in place over the equatorial Pacific Ocean which may favor a drier than average winter and early spring for the region.

### **High Water Events**

No high-water events occurred since the September meeting of the MCD Board of Directors.

### **2023 Hydro stats (January 1 – November 30)**

4 high water events

15 storage events  
Total peak water storage volume of about 14.7 billion gallons  
35.02 inches of precipitation  
Largest rainfall event – March 3-4 with 2.25 – 3.00 inches (among the top 70%)  
10.56 inches of runoff

### **Stream and River Flows**

March was the most active month in terms of high stream and river flows. The two highest flows were recorded in March. Both exceeded 20,000 cubic feet per second (cfs). The river channel in Dayton is designed to accommodate flows up to 110,000 cfs. River flows have not exceeded 8,000 cfs since April 2023, which reflects the drier than normal conditions the southwest Ohio has experienced over much of 2023.

### **Hydrology Team Activities**

The hydrology team completed flow measurement at all 24 stream gage sites in August and October. In addition to these measurements, the hydrology team made numerous flow measurements at select gaging stations for low flow conditions, construction activities near the gage, and for the establishment of a new rating at Troy.

The fall 2023 groundwater sampling was complete in September. MCD staff sampled at 13 groundwater wells and one in-stream location. Groundwater samples are analyzed for E. coli, major ions, metals, nutrients, and 36 PFAS compounds. Results were received in September and October and a summary report is being drafted for all the groundwater data collected during 2023.

The hydrology team visited all 92 observation wells in August, September, and October to measure the depth to groundwater and download logged groundwater level data from wells with recorders.

To identify options for improving access to or relocating the Mad River near Springfield stream gage, MCD is working with United States Geological Survey (USGS) and National Weather Service (NWS). The current gage location does not have safe access due to a bridge on private land that is not maintained. A decision was made to relocate the gage to a bridge crossing downstream of the current location. MCD and USGS staff conducted preliminary surveys for the gage relocation. USGS obtained the necessary permit to install the gage on the bridge and construction activities for the new gage are underway.

MCD is working with USGS and NWS to phase out the existing Troy gage and replace it with a new gage located downstream of the existing gage on the right bank of the Great Miami River near the SR 41 bridge crossing. The rating for the new gage is now established. MCD engineering staff conducted HEC-RAS modeling to complete the rating for high river flows and estimate river stage at the new gage for previous high flow events. NWS is finalizing the flood forecast webpage for the Troy gage to reflect the change in location. MCD will coordinate with the Miami County EMA and City of Troy officials to ensure everyone is aware of the change in gage location.

Samples from four nutrient sampling stations are picked up by MCD staff on a weekly basis and analyzed for nutrients by the City of Dayton water reclamation facility's laboratory. Two samples are collected each week by an automated sampler deployed at each of the stations.



In 2023, the hydrology team collected a total of 47 samples at the two bacteria nowcast sites for E. coli analysis. The samples are analyzed to check on how the bacteria nowcast web application is performing.

USGS conducted an annual audit of the MCD hydrology team's flow measurement techniques and data management in October. Overall, MCD continues to meet the QA/QC objectives of USGS. MCD and USGS staff were also able to complete station levels for the stream gages at Dayton, Franklin, and Springfield.

### **Groundwater Levels**

The Groundwater levels in the buried valley aquifer system are trending below normal at most MCD observation wells. This is to be expected given the below normal precipitation conditions that prevailed during the last three months of 2022 and for months of February, April, and May in 2023. These are the prime aquifer recharge months in the watershed when evapotranspiration rates are low, and precipitation is able to infiltrate through soils and reach the water table.

One area of concern is the buried valley aquifer system beneath downtown Dayton. Long-term trends in groundwater levels at two observation wells show falling groundwater levels. A fact sheet was created by MCD and shared with the City of Dayton's Department of Water to discuss low groundwater levels.

The aquifer system in downtown Dayton provides water for many open loop geothermal systems. These systems pump groundwater from the aquifer, run it through a heat exchanger to cool a building, and then discharge the water into stormwater sewers where it discharges to the Great Miami River. MCD tracks groundwater levels at two observation wells equipped for real-time transmission. The data shows falling groundwater levels since the mid-2000s when open loop geothermal systems began to be widely used for cooling buildings. The addition of more open loop geothermal systems and extremely hot weather conditions could lead to further groundwater mining. This could cause groundwater levels to fall below the screened intervals of some geothermal wells resulting in a failure of the building cooling system.

MCD met with City of Dayton Water Department staff September 6 to share information and discuss ideas on a potential course of action. Dayton shared GIS information of geothermal systems in the downtown area. The estimated total water withdrawal during the summer cooling season is estimated at 40 MGD based upon reported discharges to the Dayton stormwater system. To put this water withdrawal rate in perspective, the City of Dayton pumps an average of 65 to 70 MGD from both wellfields (Great Miami and Mad River) combined.

MCD recommended the following actions to manage groundwater use in the downtown Dayton area:

- Conduct an inventory of open loop geothermal systems in the downtown area. Locate all pumping wells and estimate the amount of water withdrawn for geothermal use.
- Implement a groundwater level monitoring network. Assess groundwater levels and flow directions in the vicinity of geothermal wells and across downtown Dayton.
- Build a numerical groundwater flow model. Assess potential impacts of new or additional pumping wells.

**There is a growing concern over aquifer depletion nationwide.** A recent article in the New York Times titled “America Is Using Up Its Groundwater Like There’s No Tomorrow” reported aquifer overuse and damage to aquifers across the United States. Many of the issues reported in the article are not new and water professionals have been warning about the unsustainable nature of groundwater use across the country for many years. However, climate change seems to have exacerbated the problem and is quickening the pace at which aquifers are drying up.

MCD continues to track water usage in the Great Miami River Watershed through the ODNR Water Withdrawal Database. Both groundwater and surface water withdrawals peaked in the early 2000s. Since that time surface water withdrawals decreased from a high of 261 million gallons of water per day (MGD) to a low of 23 MGD. This was largely due to the closure of several thermoelectric power generation stations that used large quantities of surface water for cooling. Groundwater usage peaked in 2002 at 330 MGD. Since that time, it has declined to around 260 MGD and appears to have stabilized over the last decade.

### **Polyfluoroalkyl Substances (PFAS)**

The presence of PFAS continues to be a water quality issue of concern for communities in southwest Ohio. During 2023, MCD conducted activities to better understand the presence of PFAS in natural waters:

Cooperated with USGS on a project to look at the presence of PFAS compounds in the buried valley aquifer system. The results of the study have been published and can be accessed online.

The City of Dayton continues to have regular discussions with WPAFB and Ohio EPA regarding the presence of groundwater and surface water contamination with PFAS migrating off the base and into Dayton’s Mad River Wellfield. The City of Dayton shared sampling results of production wells installed at Huffman Dam which revealed the presence of PFAS compounds in seven production wells.

Collected groundwater samples for PFAS analysis from the 13 monitoring wells in its groundwater monitoring network in September. The results show one or more PFAS compounds were detected in groundwater samples from 5 of the 13 monitoring wells. PFAS compounds were also detected in the Great Miami River in Hamilton County at the TEMMS. PFAS concentrations exceeded proposed drinking water MCLs in 2 of the 13 wells.

Reviewed a Wisconsin Department of Natural Resources survey of PFAS in private wells. The survey found 71% of the samples contained at least one PFAS compound. About 99% of the contaminated samples had PFAS levels below the state health department’s recommended limits and about 96% of the samples contained PFAS below limits currently under consideration by USEPA. The survey sampled a total of 450 wells throughout Wisconsin. All the wells were shallow wells with depths not greater than 40 feet.

Convened a discussion with the City of Dayton, MVRPC, UD emeritus professors, and a representative of the Arcade Innovation Hub to discuss potential opportunities for enhanced protection for the buried valley aquifer water resources.

## **Stream Buffers and Improved Zoning Setbacks**

To reduce localized flooding issues and improve resiliency, MCD continues to encourage local jurisdictions, who have zoning authority, to implement streamside buffers or setbacks as a measure to build resilience against increased precipitation and runoff in the southwest Ohio region. Streamside buffers give rivers and streams the room they need to adjust to higher flows. This helps to reduce streambank erosions and excessive sediment transport. Buffers also prevent development and infrastructure from being constructed in areas prone to streambank erosion and flooding. MCD provides examples of good and bad development practices and is working to develop ways to collaborate more with local jurisdictions.

## **FUTURE BOARD MEETINGS**

At the September 2023 meeting, the Board members set a date for a special meeting on January 11, 2024.

The Board set the following dates for their 2024 regular meetings of the Board of Directors of The Miami Conservancy District: February 29, June 5, September 18, and December 18, 2024.

## **EXECUTIVE SESSION**

The Board of Directors adjourned to Executive Session on motion by Mr. van Haaren and seconded by Ms. Whelley for the purposes of considering the employment of a public employee as allowed by Ohio Revised Code Section 121.22(G)(1). The roll was called and the vote was: Mr. Rentschler, aye; Ms. Whelley, aye; and Mr. van Haaren, aye.

Staff members present at the Executive Session were: MaryLynn Lodor, General Manager, and Shannon Phelps, Manager of Administration.

Legal Counsel present at the Executive Session were: John M. Hoopingarner, McMahon DeGulis LLP and Lee A. Slone, McMahon DeGulis LLP.

A motion to exit the Executive Session was made and moved by Mr. van Haaren and seconded by Ms. Whelley. The roll was called, and the vote was: Mr. Rentschler, aye, Ms. Whelley, aye; and Mr. van Haaren, aye.

The meeting returned to open session at 12:31 p.m.

### **M 2023-6689**

The Board of Directors, on motion by Mr. Rentschler and seconded by Mr. van Haaren, unanimously appointed MaryLynn Lodor to serve as Interim Secretary and Shannon E. Phelps to serve as Deputy Secretary until the next annual election of officers and authorized the President to execute the necessary agreements.

### **M 2023-6690**

The Board of Directors, on motion by Ms. Whelley and seconded by Mr. van Haaren, unanimously approved the reemployment of Daniel K. Foley from December 18, 2023, through April 30, 2024.

**M 2023-6691**

The Board of Directors, on motion by Mr. Rentschler and seconded by Mr. van Haaren, unanimously agreed to petition the Conservancy Court to consider a compensation adjustment for the Board of Directors.

**M 2023-6692**

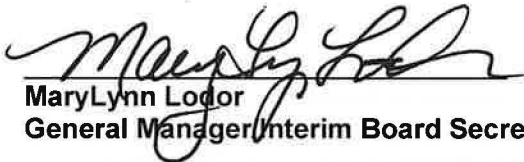
The Board of Directors, on motion by Mr. Rentschler and seconded by Ms. Whelley, unanimously approved an agreement with McMahon DeGulis, with Lee Slone as primary counsel, in accordance with Ohio Revised Code 6101.12, and authorized the President of the Board of Directors to execute the agreement.

**ADJOURN**

There being no further business, the meeting was adjourned on motion by Mr. van Haaren and seconded by Ms. Whelley at 12:35 p.m.

**ATTEST:**

**APPROVED:**

  
MaryLynn Lodor  
General Manager/Interim Board Secretary

  
Mark G. Rentschler  
President