

APPENDIX C

Response Summary to Public Comments on the Draft Walnut Creek TMDL Report

The draft Walnut Creek Watershed Total Maximum Daily Load Report was available for public review from November 12 through December 14, 2009. This appendix contains the comments received and responses to those comments. Please note that references to page numbers in the draft report may not correspond to the same page numbers in the final report.

Four sets of comments were submitted. The comments and responses are grouped by commenter; the number in parenthesis indicates the author of the specific comment, as listed here.

#	Date Received	Name	Affiliation
1	December 14, 2009	Dr. Dave McCartney	Ohio Agricultural Research and Development Center / Ohio State University
2	December 14, 2009	Paul D. Kennedy, A.A.E.	Columbus Regional Airport Authority
3	December 14, 2009	Brenda I. VanCleave, P.E.	City of Pickerington, Engineer's office
4	December 11, 2009	Steven P. Samuels	Schottenstein Zox & Dunn Co. LPa on behalf of the City of Pickerington
5	December 14, 2009	Steven P Samuels	Schottenstein Zox & Dunn Co. LPa on behalf of the City of Pickerington

Comment (1)

1. Only a small portion of the watershed with high (>75) QHEI ratings is being evaluated according to Exceptional Warmwater Habitat (EWH) standards. Most of these sites would meet those standards and many nearby sites have nearly adequate QHEIs and biotic indicators to rate that designation. The press release for this TMDL (<http://www.epa.state.oh.us/portals/47/nr/2009/november/WalnutCreek.pdf>) touts the return of several pollution-intolerant fish species to the watershed. This TMDL's lack of support of EWH standards for more of this watershed would prove an impediment to maintaining and building on recent gains in the face of increasing stresses from urbanization.

Response

EWH use designations are based on demonstrated conditions, not QHEI scores. The QHEI score of 75 is only a guideline, not a criterion. Given that the biological scores only narrowly met the EWH criterion at nearly every site, and partially attained at one, the certainty that we could duplicate those scores across the board in future sampling was unlikely. In other words, simply based on random chance, we could expect some of the scores to drop below the EWH criteria, and render a segment into "non-attainment." As was recommended in the total dissolved solids, if the scores are maintained across the board the next time we sample the basin, then we will re-visit an EWH use designation.

Comment (1)

2. No nutrient TMDL was developed for phosphorus (P). The TMDL asserts that this nutrient is not limiting to biotic function. This is not consistent with information included in the technical support document (TSD) (OEPA Technical Report Number EAS/2006-12-8, <http://www.epa.state.oh.us/portals/35/documents/WalnutCreek2005TSD.pdf>). Stream P levels are documented as being elevated above that considered to be a biotic stressor to Warmwater

habitat (WWH) waters for much of the watershed where point source effluents occur (and downstream for considerable distances) and well above target levels for EWHs. In several locations the TSD suggests that elevated nutrient concentrations may be impeding biota meeting EWH standards on both the mainstem and tributaries. Several of the stream segments not meeting WWH biotic standards are below WWTPs and have elevated P levels. It is a concern that the lack of a nutrient TMDL will lead to NPDES permit renewals for WWTPs without requirements for nutrient reductions and a failure to deal with this impediment to improved watershed function.

Response

Nowhere in the attainment table are nutrients listed as a cause of impairment. Where nutrients are mentioned in the technical support document (TSD), there is typically a more proximate cause of impairment, such as organic enrichment or TDS. Addressing those causes will take care of the nutrients in most cases. Additionally, where nutrients are cited as limiting potential attainment of EWH, those passages are rather speculative, and do not form a credible basis for implementing permit limits. As for the WWTPs, where we have information that indicates an increased loading of phosphorus may cause the stream go into non-attainment, then we will consider limits if and when the plant expands.

Comment (1)

3. Appendix B stream loading allowances for the Pickerington WWTP expansion may not provide any remediation for the foreseeable future due to their calculation assumptions being based on WWTP capacity rather than actual flows. Effluent limits should be adjusted annually based on the previous year's flow plus a reasonable growth factor. Most WWTP upgrades are made with the intent of capturing several decades' growth and basing current effluent limits on future flows is not appropriate.

Response

Effluent limits are both concentration and loading based. The concentration limits, if met, are protective of the water quality total dissolved solids in-stream average criterion of 1500 mg/l up to the flows the permitted concentrations are based on. The interim limit of 1710 mg/l TDS is protective up to effluent flows of 2 MGD. The final limit of 1632 mg/l is protective of flows up to 3.2 MGD (the expanded design flow). The average discharge flow in 2009 was 1.16 MGD. At this average flow, the facility could discharge a concentration of 1863 mg/l TDS and still achieve the water quality criterion downstream. However, the permit required 1710 mg/l in 2009; therefore, the permit is designed to be protective of water quality at flows less than design.

Comment (2)

Section 8.3.3 discusses development and zoning. CRAA remains extremely interested in any zoning efforts related to storm water management surrounding our airports. As a federally-funded airport sponsor, CRAA is charge with the management and abatement of attractants to wildlife. To that end CRAA would like to be party to any proposed zoning or designs related to stormwater management practices. For detailed information on our FAA obligations please visit

http://www.faa.gov/airports/resources/advisory_circulars/media/150-5200-33B/150_5200_33b.pdf

Response

Ohio EPA will keep CRAA advised regarding proposed stormwater management practices that may affect its operation.

Comment (2)

Table 8.8 in the Report discusses “areas where water quality is threatened”. It goes on to list “Rickenbacker Airport and Intermodal area stormwater” as an Additional Area of Concern. There is no cause of impairment listed, however. Can you provide clarification regarding the intent of listing Rickenbacker and the Intermodal area on this table?

Response

The title of Table 8.8 is incorrect on page 86 of the TMDL. The table on page 86 is part of Table 8.7. The table title has been revised to Table 8.7 (cont.). With this in mind, references to Table 8.8 have been deleted.

Rickenbacker and the Intermodal area were listed in Table 8.7 due to information contained in the Walnut Creek Water Quality Study which is available at <http://www.epa.state.oh.us/portals/35/documents/WalnutCreek2005TSD.pdf> . The first paragraph on page 98 in the study states the following: “... that localized, episodic disturbance may be influencing the fish community, in that most of the expected fish community is present, just not in high relative abundance. Runoff from the concentration of impervious surfaces in and adjacent to the airport may be responsible, and should be closely monitored.”

Page 5 of the study contains a section titled “Other Recommendations and Future Monitoring Concerns” in which Rickenbacker Airport is referenced and reads as follows: “The continued growth of warehousing and other commercial buildings in the vicinity of Rickenbacker Airport warrants future monitoring at regular five-year intervals to assess potential storm water impacts to the lower Walnut mainstem. Construction and post-construction stormwater management serving this area needs to address more than drainage and detention by including treatment of first-flush pollutants.”

Comment (2)

On Table 8.8 we would like to clarify the relationship between the “Intermodal area” vs. the Norfolk Southern Intermodal Facility. The storm water from the Intermodal Facility actually flows to a tributary of the Scioto River. I will assume that the intent was to describe the southern area of Rickenbacker as the Intermodal area. Perhaps a distinction between area and facility could be made in the report?

Response

Primary Source language in what is now Table 8.7 (cont.) has been revised to read as: “Rickenbacker Airport/Intermodal area storm water within the watershed”.

Comment (2)

Table 8.8 describes the South Rickenbacker Run and a sampling effort “to be pursued”. Can you please describe what this plan is, as CRAA is unaware of a current proposal.

Response

As mentioned in the response to comment 2 above “The continued growth of warehousing and other commercial buildings in the vicinity of Rickenbacker Airport warrants future monitoring at regular five-year intervals to assess potential storm water impacts to the lower Walnut mainstem.” This monitoring will be conducted periodically by Ohio EPA staff.

Comment (2)

Appendix A of the Report lists NPDES permit holders. Figure A.1 illustrates an outfall labeled “Ohio Air National Guard 121 ARW”. Was this outfall intended to be associated with CRAA?

Response

Based on further review it has been determined that the Ohio Air National Guard 121 ARW outfall does not discharge into the Walnut Creek watershed and it has been deleted from the A.1 map.

Comment (2)

I apologize for missing the references, but I did not find discussion in the 2005 data report or in the 2009 Report regarding the darter varieties found. Can you please point me to those pages?

Response

Discussion regarding darter varieties can be found in the Walnut Creek Water Quality Study on pages 2, 5-6 and 98. Darter varieties were also mentioned in the November 23, 2009 News Release available at <http://www.epa.state.oh.us/portals/47/nr/2009/november/WalnutCreek.pdf>.

Thank you for noticing that a reference to the darter species is missing from the TMDL. A reference to darter species is now included in the TMDL Executive Summary.

Comment (3)

Figure 3.1 - if printed in black and white, it's difficult to differentiate the different line types.

Response

The map in Figure 3.1 has been replaced with one that indicates Secondary Contact Recreation (SCR) use designated streams with a line style that is clearly visible in a black and white printout. The other streams designated as Primary Contract Recreation (PCR) remain unchanged in the map.

Comment (3)

P. 65, Section 8.2.1 - please clarify which point source is being discussed in the second paragraph.

Response

The point source being discussed is the Walnut Creek Sewer District. This paragraph will be revised as follows (revisions underlined):

Other point sources such as sanitary sewer overflows are caused by inadequate capacity of the sewer lines. The remedy is to increase this capacity by replacing existing lines with ones with greater capacity or simply adding sewer lines. Director's Final Findings and Orders (DFFOs) issued to the Walnut Creek Sewer District became effective January 30, 2008, and contain a schedule of compliance for WWTP and sewerage system improvements necessary to eliminate sanitary sewer overflows and sludge loss from the plant. Per these orders SSO events must be eliminated no later than December 31, 2011 and the sewer district must complete the final phase of I/I removal by December 31, 2011. Completion of work necessary in the sewer district's WWTP and sanitary sewer collection system will eliminate the SSO and unpermitted sludge discharge portion of the problem noted in this stream segment. To date, WCSD has installed an additional sewer line which results in greater capacity.

Comment (3)

Figure A.1 on page A-2 identifies two Pickerington WWTPs. Please clarify that the northern most is the Fairfield County WWTP.

Response

The map in Figure A.1 on page A-2 has been updated to reflect current names and locations of the individual NPDES outfalls in the watershed. There are no longer two locations labeled as the Pickerington WWTP.

Comment (3)

Figure A.2 doesn't properly map Pickerington's MS4 area.

Response

The map of the MS4 areas in the Walnut Creek watershed (Figure A.2) has been updated in Appendix A . Pickerington's MS4 area is properly noted and other errors have been corrected.

Comment (4)

On behalf of the City of Pickerington, EnviroScience, Inc. performed a Level 3 biocriteria study on selected reaches of Sycamore Creek (spanning from RM 4.7 to RM 3.8) in the vicinity of the City's WWTP outfall. This study was conducted under the Ohio EPA-approved Level 3 Credible data Collectors Program project Study Plan titled Final Study Plan for 2009 Biological Survey of Sycamore Creek, Pickerington, Fairfield County, Ohio.

The Draft Walnut Creek Watershed Total Maximum Daily Load (TMDL) Report (page 33 and Appendix B) notes that, based on the findings of Ohio EPA's 2005 investigation on Sycamore Creek, elevated TDS discharged from the City's WWTP adversely effects Sycamore Creek's biological communities and results in non-attainment of WWH criteria. However, preliminary data from EnviroScience's 2009 study indicate that Sycamore Creek, downstream of the discharge, may now meet attainment criteria for WWH. These results suggest that the Draft Walnut Creek watershed Total Maximum Daily Load (TMDL) Report should be amended to reflect this more recent data, which we plan on providing to Ohio EPA in the very near future.

Comment (5)

On behalf of the City of Pickerington, EnviroScience, Inc. performed a Level 3 biocriteria study on selected reaches of Sycamore Creek (spanning from RM 4.7 to RM 3.8) in the vicinity of the City's WWTP outfall. This study was conducted under the Ohio EPA-approved Level 3 Credible data Collectors Program project Study Plan titled Final Study Plan for 2009 Biological Survey of Sycamore Creek, Pickerington, Fairfield County, Ohio.

Enclosed please find a summary of the findings of this study and a copy of the associated data. Based on this data, Sycamore Creek, downstream of the discharge, may now meet attainment criteria for WWH. Accordingly, the City of Pickerington requests that the Draft Walnut Creek Watershed Total Maximum Daily Load (TMDL) Report be amended to reflect this more recent data.

Response

The comment was accompanied by a data summary described as "preliminary." When the final data are submitted, Ohio EPA will review the information and decide if a revision of the aquatic life use (ALU) attainment status is warranted and if revisions to Pickerington's discharge permit are needed. Attainment status will ultimately reflect the most current and valid data from that reach of Sycamore Creek. However, since no TMDLs were developed for listed causes of impairment to Sycamore Creek (namely organic enrichment, low D.O., total dissolved solids, solids, and total toxics), a change in the ALU attainment status does not impact the TMDLs that were developed.

Changes were made in the TMDL report to acknowledge that the City of Pickerington questions Ohio EPA's attainment conclusions and is conducting its own study. This text has been added in captions to tables and figures in Section 4.2 as well as text in Sections 5.2.1, 8.1.2, and 8.2.1 and the captions to Figure 8.5 and Table 8.6.

The category 4B alternative referenced in the report and included as Appendix B is based on permit requirements, so if permit requirements are revised based on the new biocriteria study, the 4B will be altered to reflect the change. U.S. EPA action on 4B alternatives is part of the approval of the 303(d) list, not in individual TMDLs. Based on current circumstances, Ohio EPA would expect to include the Walnut Creek 4B as part of the 2012 303(d) report, along with an update to reflect progress between now and 2012 (including the possibility that the 4B is no longer needed).

References

Ohio EPA. 2006. Biological and Water Quality Study of **Walnut Creek and Tributaries**, Hydrologic Units 05060001 180 and 05060001 170. Fairfield, Franklin, Licking and Pickaway Counties, Ohio. Ohio EPA Biological and Water Quality Report EAS/2006-12-8.