



**Andy Beshear**  
GOVERNOR

**ENERGY AND ENVIRONMENT CABINET**  
**DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

300 Sower Boulevard  
Frankfort, Kentucky 40601  
Phone: (502) 564-2150  
Fax: 502-564-4245

**Rebecca Goodman**  
SECRETARY

**Anthony R. Hatton**  
COMMISSIONER

January 24, 2025

Kathlene Butler, Director  
Water Division  
U.S. EPA Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-8960

Re: Submittal of Banklick Creek water quality restoration plan under Kentucky's 303(d) Vision commitments

Dear Ms. Butler,

EPA's Vision for the Clean Water Act Section 303(d) Program encourages the identification, development, and implementation of the most effective approaches for restoring water quality. The Vision recognizes that alternative restoration approaches can accelerate the path to water quality improvement in advance of development of a Total Maximum Daily Load (TMDL), especially when the approach involves significant community engagement, coordination among stakeholders, and integration across programs. The Kentucky Division of Water (DOW) identified the work underway in the Banklick Creek watershed (Kenton, Boone Counties) as being such an approach, given the ongoing watershed planning activities, broad community involvement, committed partners, and record of successful implementation. DOW has included the pathogens listings in three segments of Banklick Creek as FFY25-26 Vision Priority Commitments in keeping with the long term priorities expressed within Kentucky's 2022-2032 303(d) and Impaired Waters Prioritization Framework. DOW requests EPA's acknowledgement and acceptance of the "Banklick Creek Watershed Plan Supplement and TMDL Alternative Plan: Primary Contact Recreation (PCR) Impairments" as a restoration plan meeting this commitment.

The following pollutant-waterbody combinations currently included on Kentucky's 303(d) list are addressed by this plan:

Waterbody Name	Waterbody ID	Impaired Use <sup>1</sup>	Listed Parameter	Suspected Sources
Banklick Creek 0.0 to 3.5	KY-163	PCR	Pathogens	Municipal Point Source Discharges; Unspecified Urban Stormwater

Waterbody Name	Waterbody ID	Impaired Use <sup>1</sup>	Listed Parameter	Suspected Sources
Banklick Creek 3.5 to 8.2	KY-164	PCR	Pathogens	Agriculture; On-site Treatment Systems (Septic Systems and Similar Decentralized Systems)
Banklick Creek 8.2 to 19.5	KY-165	PCR	Pathogens	Agriculture; On-site Treatment Systems (Septic Systems and Similar Decentralized Systems)
(1) PCR – Primary Contact Recreation				

The foundation of the Banklick Creek Watershed Plan Supplement and TMDL Alternative Plan is the Banklick Creek Watershed Plan (BCWP) completed in 2010 by the Banklick Watershed Council. That plan prompted numerous successful projects in the watershed including a septic assistance program and a project to improve manure management in a dairy farm in the watershed. Implementation in the watershed to address PCR impairments is currently focused on Sanitary Sewer Overflow (SSO) and Combined Sewer Overflow (CSO) improvement projects. The projects are outlined within the Updated Watershed Plan for Northern Kentucky (2021), which implements requirements of a 2019 Amended Northern Kentucky Consent Decree between the Commonwealth of Kentucky and Sanitation District #1 of Northern Kentucky (SD1), 2:05-cv-00199-WOB. The Consent Decree requires elimination of all typical-year SSOs, and recapture of at least 85% of all typical-year CSO contributions in SD1's service area by 2040. In addition to these projects, onsite wastewater improvement and maintenance projects are being conducted as a joint effort between SD1, the Banklick Creek Watershed Council, and the Northern Kentucky Health Department.

Within the Banklick Creek Watershed Plan Supplement and TMDL Alternative Plan can be found a summary of data and information for the Banklick Creek watershed, a brief summary of past implementation, a description of upcoming implementation projects, and a monitoring plan for measuring progress towards meeting water quality standards. The following documents referenced in the Banklick Creek Watershed Plan Supplement and TMDL Alternative Plan are supporting documents:

- Banklick Creek Watershed Plan (BCWP)
- SD1's Updated Watershed Plan for Northern Kentucky
- Amended Northern Kentucky Consent Decree

Due to the strong community involvement, record of successful implementation, and ongoing commitment of SD1 to monitor and report on progress, DOW supports this plan as an alternative to be pursued in advance of TMDL development, reflected in the assignment of "Low" priority for TMDL development on the 2024 303(d) list. DOW will re-evaluate the priority level for TMDL development with each Integrated Reporting cycle. Given the timeline for the stormwater projects, attainment of water quality standards for Primary Contact Recreation is projected to be achieved by the 2044 Integrated Reporting Cycle, but water quality improvements are likely to be evident prior to that time. The DOW will work closely with partners in the Banklick Creek Watershed to track progress and initiate adaptive management strategies if needed to ensure a successful outcome for this plan.

To assist in the EPA's review, a summary page of this plan is attached. The summary lists the key elements of the plan and outlines their locations within the Banklick Creek Watershed Plan Supplement and TMDL Alternative Plan, and supporting documents.

This plan has been entered into the ATTAINS system under the Action KYACT\_9.

If you have questions or concerns regarding this matter, please contact Lara Panayotoff, the TMDL and Program Support Supervisor, at (502) 782-7033 or by email at [lara.panayotoff@ky.gov](mailto:lara.panayotoff@ky.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah Gaddis", with a long horizontal flourish extending to the right.

Sarah Gaddis, Director  
Division of Water  
300 Sower Blvd.  
Frankfort, KY 40601

TMDL Alternative Plan Summary	
<b><u>Plan Name:</u></b> Banklick Creek Watershed Plan Supplement and TMDL Alternative Plan: Primary Contact Recreation (PCR) Impairments	
<b><u>Location:</u></b> The Banklick Creek watershed is located primarily within Kenton County, with a small portion of the watershed within Boone County. HUCs 051001011305 & 051001011304.	
<b><u>Waterbodies:</u></b> Banklick Creek 0.0 to 3.5, Banklick Creek 3.5 to 8.2, Banklick Creek 8.2 to 19.5.	
<b><u>Pollutants Addressed:</u></b> Pathogens	
<b><u>Identified Sources:</u></b> Municipal Point Source Discharges, Unspecified Urban Stormwater, Agriculture, On-site Treatment Systems (Septic Systems and Similar Decentralized Systems)	
<b><u>Actions to be Taken:</u></b> Sewer improvements to eliminate typical-year SSO contributions and recapture at least 85% of all typical year CSO contributions. Septic Best Management Practices and integration of unsewered areas into the sewer system.	
<b><u>Estimate for Water Quality Standards to be Met:</u></b> 2044	
<b><u>Primary Responsible Party:</u></b> Sanitation District #1 of Northern Kentucky	
<b><u>Monitoring Lead Organization:</u></b> Sanitation District #1 of Northern Kentucky	
<b><u>Key Partners:</u></b> Sanitation District #1 of Northern Kentucky, Banklick Creek Watershed Council, Northern Kentucky Health Department	
<b><u>Funding:</u></b> Sanitation District #1 of Northern Kentucky, US EPA Section 319 (h) grants, Sanitary Utility and Stormwater Utility Budgets, other grants.	
Key Elements	Document Locations
Impaired water segments, pollutants, and contributing sources.	TMDL Alternative Plan – Sections 2.0 & 4.0 BCWP – Section 4.0 & 5.0
Implementation plan that addresses all point and nonpoint sources, an analysis or explanation as to why those actions are expected to achieve water quality standards, and clear milestones and dates to achieve those actions.	TMDL Alternative Plan – Section 4.0 & 5.0
Identification of available funding opportunities for implementation.	TMDL Alternative Plan – Section 5.0 BCWP – Section 8.01
Identification of all parties committed (and needed) to achieve implementation and meet water quality standards.	TMDL Alternative Plan – Section 4.0 BCWP – Section 8.02
Estimate of when water quality standards will be met.	TMDL Alternative Plan – Section 5.0
Plans for effectiveness monitoring following implementation to demonstrate progress and identify where adaptive management is needed.	TMDL Alternative Plan – Section 6.0
Commitment to periodically evaluate whether the plan is on track for achieving water quality standards more quickly than a TMDL.	TMDL Alternative Plan – Section 6.0