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GOVERNOR

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October 25, 2022

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

Re: Submittal of Alternative Restoration Plan

Dear Ms. Diaz,

The Division of Water requests EPA’s review and acceptance of the report “Threemile Creek TMDL Alternative: Implementation Plan to Address Primary Contact Recreation (PCR) Impairments” as a 303(d) Alternative Restoration Plan for the parameter Pathogens for Threemile Creek 0.1 to 4.8.

Waterbody Name	Waterbody ID	Impaired Use	Listed Parameter	Suspected Source(s)
Threemile Creek 0.1 to 4.8	KY-1889	PCR	Pathogens	Sanitary Sewer Overflows (Collection System Failures); Source Unknown

The primary focus of this plan is the elimination of Sanitary Sewer Overflows (SSOs) through the Updated Northern Kentucky Watershed Plan (2021), which implements requirements of a 2019 Amended 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 in SD1’s service area by 2040. The Threemile Creek TMDL Alternative Plan contains an analysis of sources which supports the conclusion that SSOs are the primary source of the Pathogens impairment and that addressing this source, along with continued implementation of other ongoing nonpoint source BMPs, should result in the waterbody meeting water quality standards for bacteria for the Primary Contact Recreation use.

Within the Threemile Creek TMDL Alternative Plan can be found a summary of data and information for the Threemile Creek watershed, an outline of the projects from the Northern Kentucky Watershed Plan that pertain to Threemile Creek, and SD1’s monitoring plan for measuring progress towards meeting water quality standards. The following documents referenced in the Threemile Creek TMDL Alternative Plan are supporting documents for this Alternative Restoration Plan:

- 2019 Amended Consent Decree
- 2021 Updated Northern Kentucky Watershed Plan
- Threemile Creek Watershed Characterization Report

The Division supports this plan as an alternative to be pursued in advance of TMDL development to achieve water quality restoration in this waterbody. The Division will re-evaluate the priority level for development of a Pathogens TMDL for Threemile Creek with each Integrated Report cycle, pending progress of this Alternative Restoration Plan. The timeframe for attainment of water quality standards for Primary Contact Recreation is the 2042 Integrated Reporting Cycle, following the implementation of the projects and activities in this plan. The Division will work closely with SD1 to track progress of this plan to ensure a successful outcome.

To assist in EPA's review of this plan, key elements for Alternative Restoration Plans are listed in the attached TMDL Alternative Plan Summary. The Summary outlines the sections within the Threemile Creek TMDL Alternative Plan where these elements are addressed.

This plan has been entered into the ATTAINS system under the Action ID KYACT\_7.

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 black ink, appearing to read 'Carey Johnson', with a long horizontal flourish extending to the right.

Carey Johnson, Director  
Division of Water  
300 Sower Blvd.  
Frankfort, KY 40601

**TMDL Alternative Plan Summary**

<b>Plan Name</b>	Threemile Creek TMDL Alternative: Implementation Plan to Address Primary Contact Recreation (PCR) Impairments
<b>Waterbody</b>	Threemile Creek 0.1 to 4.8
<b>Pollutants Addressed</b>	Pathogens
<b>Identified Sources</b>	Sanitary Sewer Overflows (Collection System Failures); Source Unknown
<b>Actions to be Taken</b>	Elimination of typical-year SSOs through infrastructure projects
<b>Estimate for Water Quality Standards to be Met</b>	2042
<b>Primary Responsible Party</b>	Sanitation District #1 of Northern Kentucky (SD1)
<b>Monitoring Lead Organization</b>	Sanitation District #1 of Northern Kentucky (SD1)

**Key Elements:**

Identification of the impaired water segments, pollutants, and sources contributing to the impairment	Section 2.0 of the Plan describes the impaired segment and Section 4.0 presents an analysis of sources.
Implementation plan that includes actions to address 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	Section 5.0 summarizes the projects and activities to be implemented, which are outlined in detail in Appendix A. The analysis of recent data in section 3.2 includes and explanation of why SSOs are the focus of the plan.
Identification of available funding opportunities for implementation	Funding mechanisms for implementation are listed in Appendix A. Funding for the majority of activities is planned to come from the Sanitary and Storm Water Utility Budgets.
Identification of all parties committed (and needed) to achieve implementation and meet water quality standards	SD1 is the author of the plan and the primary party committed to enacting the plan. Additional partners are listing in Appendix A. SD1 is required under a Consent Decree to eliminate all typical-year SSOs.
Estimate of when water quality standards will be met	Based on the implementation described in Section 5.0, water quality standards are anticipated to be met with the 2042 assessment cycle.
Plans for effectiveness monitoring following implementation to demonstrate progress and identify where adaptive management is needed	Section 6.0 contains the plan for pathogens monitoring and assessment updates, with further details in the SD1 Monitoring Program Plan referenced within.
Commitment to periodically evaluate whether the plan is on track for achieving water quality standards more quickly than a TMDL	Section 6.0 describes how progress of the plan and its impact on water quality will be communicated to Division of Water through regular progress reports. Section 5.0 notes that the specific Consent Decree projects addressing SSOs may be modified or replaced based on new data and information with approval by Division of Water and EPA.