



Comments  
Facility: Plain City WWTP  
Permit #: 4PB00016\*JD

July 18, 2022

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Ohio EPA,

In addition to technical comments submitted on behalf of DCA by Anthony Sasson, I am submitting an electronic version of a study completed for DCA by the Midwest Biodiversity Institute entitled "Ecological Risk Assessment of the Expanded Effluent Discharge from the Plain City WWTP." This risk assessment was done at our request specifically to analyze the potential impacts from OEPA's draft permit to expand Plain City's plant on Big Darby Creek's rare and sensitive species, including federally endangered freshwater mussels. Given MBI's irreproachable reputation and knowledge in this field, it is our hope and expectation that OEPA will use this analysis to amend the draft permit, and, just as importantly, put a pause on approving it so that additional planning can take place to mitigate risks associated with Plain City's growth. This planning should be required to include comprehensive stormwater management. Because this planning will require technical environmental knowledge, OEPA should create an External Advisory Group (EAG) to assist, as it did in the Franklin County portion of the watershed.

I would also like to expand on a couple of points that came up in the hearing on July 11.

During the hearing DCA was able to determine that the loading calculations OEPA used to draft the permit did not include loading that the permit would enable from non-point sources. For example, an expanded plant would allow Plain City to double its developed area, resulting in runoff from roads, lawns, parking lots, etc. From an Antidegradation point of view, this loading must be considered in determining the total pollutant loading that will result from this permit. It is our belief that when non-point source loading is factored in, this draft permit will allow pollution that will far exceed what the creek can handle.

Second, in previous comments and at the hearing, DCA and others presented evidence that EWH water quality standards have not proven to be protective of Big Darby's most sensitive species, freshwater mussels. In particular, they have not been protective in the stretch below Plain City's current WWTP. In a new permit, OEPA must calculate what further reduction in loading is needed to correct this problem. This step is critical for OEPA to comply with two federal laws: the Clean Water Act's antidegradation provisions and the Endangered Species Act. Previously DCA and the Center for Biological Diversity have pointed out the need to protect mussels and especially federally endangered species, but it was confirmed at last

week's hearing that OEPA has not consulted with federal agencies regarding this permit. We understand that this permit will be reviewed by the USEPA and USFWS; however we are concerned that the agency has not already consulted with them as part of the creation of this new permit.

Finally, the Director's statement that OEPA must allow lowering of water quality in Big Darby because of economic and social needs has not been elaborated in any way, either in the permit or in staff statements at the hearing. Because no further details about any analysis that went into such a conclusion have been available, we are left in the dark about how this decision was made. How was the value of Big Darby Creek and its resources calculated? How was the value and need for Plain City to double its WWTP evaluated? Were past investments in Big Darby factored in, including the millions of dollars spent on land acquisition and planning by Metro Parks, the Darby Accord partners, and the state of Ohio, among others? How was the recreational value of Big Darby factored in? Because Big Darby is home to rare and endangered species, it is a national and state Scenic River, which adds value to the region and to Plain City itself. Was this factored into a calculation of economic and social equation in some way? We recommend that OEPA shed more light on the Director's decision on the economic and social need for this expansion so that public comments on this topic can be solicited and considered.

Thank you for considering these and our other comments.

John Tetzloff  
President, Darby Creek Association