

# City of Cincinnati



October 17, 2006

## FOR YOUR INFORMATION MEMO - *REVISED*

To: Mayor and Members of City Council

From: Milton Dohoney, Jr., City Manager

A handwritten signature in black ink, appearing to read "MCD", is written over the name "Milton Dohoney, Jr." in the "From:" line.

Subject: **Continuing Concerns Regarding Northern Kentucky Wastewater Treatment Plant**

The City of Cincinnati and its Greater Cincinnati Water Works (GCWW) continue to have many serious concerns regarding the planned wastewater discharge from the Eastern Regional Wastewater Treatment Plant (ERWWTP) currently being built in Northern Kentucky near Alexandria. The Kentucky Division of Water (KDOW) recently approved Sanitation District No. 1's plan to discharge wastewater from ERWWTP into Brush Creek. Brush Creek is a tributary to Twelvemile Creek which empties into the Ohio River approximately 11 miles upstream from GCWW's drinking water intakes and two additional intakes serving the Northern Kentucky Water District. GCWW has filed an administrative objection to the approval of the plan.

In an August meeting with the three Judge Executives of the involved Northern Kentucky counties, they offered, and we agreed, to jointly approach the USEPA in Washington, DC to explore possibilities for resolution. While we continue to work toward a regional solution, we must also continue to pursue remedies available through the legal and administrative processes. If we fail to do so now, we lose the ability to do so in the future. GCWW is eager to resolve this issue, but continuing to provide high quality drinking water to all customers in the region remains the highest priority.

On October 11, 2006 at 6:00 p.m. a public hearing was held at the Alexandria Courthouse, 8352 East Main Street, Alexandria, Kentucky. The Kentucky Division of Water, Department for Environmental Protection, has scheduled this hearing for the purpose of soliciting input and comments from concerned individuals regarding this proposed discharge. GCWW presented expert witnesses at the public hearing and submitted factual and legal arguments in support of its position.

### **Details of Recent Activities**

On August 28, 2006, the Division of Water of the Department for Environmental Protection, Kentucky Environmental and Public Protection Cabinet ("Cabinet") issued its approval of the *Facilities Plan Update for the Eastern Regional Wastewater Treatment Plant, Sanitation District No. 1 of Northern Kentucky, November 2005 (Facility Plan Update)*. This is one of many steps in a process which may lead to the issuance of the final permits by the Commonwealth of Kentucky allowing the Eastern Regional Wastewater Treatment Plant to be completed as currently planned.

Upon advice of counsel, the City of Cincinnati has filed an administrative challenge to the Cabinet's approval of the Facility Plan Update, and the State Planning and Environmental Assessment Report (SPEAR) previously issued by the Department for Environmental Protection on February 17, 2006. This filing will begin an administrative appeal process in which Cincinnati will assert its various objections to the *location* of the ERWWTP discharge into local creeks and ultimately into the Ohio River.

On September 8, 2006, the Kentucky Environmental and Public Protection Cabinet issued a Draft Revision to its Kentucky Pollution Discharge Elimination System (KPDES) Permit, No. KY0105031, ("Revised Permit"). This Revised Permit is a major modification of the original ERWWTP permit – revised to allow the Brush Creek discharge and include modified effluent limitations.

After review of Sanitation District No. 1's proposed discharge to Brush Creek, and not directly to the Ohio River, the City of Cincinnati and its Water Works stand firm in the position that having a wastewater treatment plant so close to our drinking water intakes poses a serious, and unnecessary, threat to the source of the region's drinking water. While acknowledging that the relocation of the wastewater discharge point to Brush Creek includes a higher level of treatment for the ERWWTP, many critical issues are not adequately addressed: pathogens, chemicals and solvents, endocrine disrupting compounds, miscellaneous contaminants, inadequate mixing between ERWWTP effluent and Ohio River water, and wastewater plant upsets.

We are disappointed that consideration of the Ohio River as a source of drinking water is not mentioned anywhere in the State Planning and Environmental Assessment Report. Although there are other sewage treatment plants that discharge into the Ohio River upstream of the GCWW drinking water intakes, these discharges have nowhere near the potential impact of the ERWWTP. In fact, based on 2004 data provided by the Ohio River Valley Water Sanitation Commission, you would have to go approximately 50 miles upstream of our intakes before the cumulative wastewater discharged into the river would approach the design discharge of 4 million gallons per day (4 mgd) from the ERWWTP.

In August 2005 the United States Geological Survey (USGS), in collaboration with GCWW, conducted a red-dye study to scientifically determine whether the ERWWTP effluent discharge would be completely mixed by the time it reaches GCWW's drinking water intakes. This study showed indisputable evidence that the effluent discharge would not be completely mixed by the time the flow reached the GCWW and Northern Kentucky drinking water intakes. In addition, the flow tended to be more concentrated toward the Kentucky side of the Ohio River where GCWW's drinking water intakes are permanently located. USGS has published these findings, which can be found at <http://pubs.usgs.gov/of/2006/1159/>.

The City of Cincinnati's Petition challenging the Facility Plan Update and other selected documents regarding this matter will be updated and available at GCWW's internet web site [www.cincinnati-oh.gov/gcww](http://www.cincinnati-oh.gov/gcww) under "Features, Protecting GCWW's Source Water – The Ohio River."

Copy: David E. Rager, Director, Greater Cincinnati Water Works

