



Environmental Protection Agency

Division of Surface Water Response to Comments

Facility: Mid-Ohio Water and Sewer District Deer Creek WRF

Permit #: 4PQ00008*AD

December 19, 2025

Agency Contacts for this Project

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Ohio EPA held a public comment period on the receipt of application for an NPDES permit from September 15 through November 6, 2025 regarding Deer Creek WRF (4PQ00008*AD). This document summarizes the comments and questions received during the associated comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

Comment 1:

Our concerns about these permit requests center on the secondary impacts of the wastewater system and around the lack of adequate planning and preparation for the project's associated wastewater system and related development impacts that could permanently alter the character of both Big and Little Darby Creeks. That includes the extensive service area of this proposed facility. At its core, this proposed plant and wastewater system indirectly could cause severe impacts to Darbys' unique biology. The plant would receive wastewater from a large area – thousands of acres - in the Big Darby Creek watershed, extending all the way to Plain City, including a large facility planning area near Big Darby Creek, to which stormwater would be discharged. We recognize that the wastewater treatment facility would discharge to the Deer Creek watershed, but as you know most of the stormwater and impacts would be in the Big Darby Creek watershed. As we have commented before, we are very concerned that these secondary impacts will cause degradation of aquatic biological communities in the Big Darby Creek watershed. We are not aware of another watershed or area in Ohio with such a large amount of development proposed that has protected federal and state listed species and also maintained exceptionally high biodiversity.

Response 1:

A municipality that meets certain criteria is required to develop and implement a stormwater management and planning program under a municipal separate storm sewer system (MS4) general National Permit Discharge Elimination System (NPDES) permit. Criteria that trigger this requirement are generally based on population and growth rate. Local jurisdictions within the Franklin County portion of the Big Darby Creek watershed meet the MS4 criteria and have stormwater management and planning programs already. Other growing communities within the watershed will be required to comply with the MS4 general stormwater permit when they trigger the applicability criteria. Ohio EPA does not have the authority to require land use planning.

Comment 2: **In terms of ways to avoid negative impacts, we believe that this project requires a thorough and adequate National Environmental Policy Act (NEPA) review due to its federal funding. Because this is an extremely large, high-impact project, we believe a full Environmental Impact Statement is required.**

Response 2: While this is not a federal project and NEPA does not directly apply, Ohio has a similar process for environmental review. This review is conducted prior to state funding of projects by the Division of Environmental and Financial Assistance (DEFA) and is not completed prior to permit issuance. If a permit is issued for this application, and if the entity subsequently applies to the Water Pollution Control Loan Fund for project financing, the review will evaluate the impact of the proposed project, including whether the permittee has processes in place for implementation of the Appendix 3-3 prescriptions*. A report on the impact evaluation will be made available upon completion of the review.

*Appendix 3-3 (formerly Appendix 9-3) of the State Water Quality Management Plan lists the 208 Plan Prescriptions for Water Quality Protection within Big Darby Creek Watershed. The prescriptions require additional protections throughout the entire Darby Watershed while still supporting the needs of future growth. The protections focus on avoiding development in wetlands, stream setbacks, and large forested areas by setting permitted, conditional, and prohibited uses in these areas.

Comment 3: **We believe this project requires a Habitat Conservation Plan (HCP) under the Endangered Species Act. The likelihood of a taking of multiple federally listed species [in the Big and Little Darby Creeks] is high, given the extent of non-point source pollution and hydrologic modification that will inevitably occur and accumulate over time if the area is opened up to the level of development that will be enabled by this new water treatment plant. These impacts would be on top of other sources of stress, such as agriculture and the dam at Big Darby Creek River Mile 37.2. Species of concern include the clubshell mussel (*Pleurobema clava*), rayed bean (*Paetulonio fabilis*), snuffbox (*Epioblasma triquetra*), and rabbitsfoot (*Theliderma cylindrica*), all of which occur in the vicinity of Plain City in Big Darby Creek, or just downstream. The clubshell occurs upstream and downstream of US 42 in Little Darby Creek, which the proposed sewer line would cross over. The proposed capacity of the treatment plant, and the projected service area described by Plain City and Madison County, have the potential to create a new city the size of Hilliard and Dublin combined, and the impacts could be extreme without an HCP.**

Response 3: The NPDES permit application at issue requests a discharge to Deer Creek. Ohio EPA does not have the authority to regulate land use, nonpoint source pollution, or hydrologic modification.

The application at issue is for authorization to discharge to Deer Creek, not Big Darby Creek. Approval of stormwater discharges in the Darby watershed is not requested in

this application and would not be authorized in an associated permit. Habitat Conservation Plans and the associated incidental take permits are administered by the U.S. Fish and Wildlife Service, and requests for these actions should be directed to that agency.

Comment 4: **Who is following up on this project? I know the inspectors were out there from [Ohio] EPA, and I know that ... [they] weren't compliant with five findings that the EPA, which you can get from your records, they already had five findings that they weren't in compliance with.**

Response 4: Ohio EPA conducted an inspection on October 15, 2025 and determined that the facility is in compliance with its current coverage under the Construction Stormwater General Permit (OHC000006) and with OAC 3745-42-02, which governs acceptable construction activities prior to Permit-To-Install issuance. At this time, the site is implementing stormwater control measures associated with construction for structures that will not convey sewage. The installation of structures that will convey sewage is not permitted at this time and there was no evidence of such activity occurring on-site.

Comment 5: **We believe this permit request clearly requires an update to the current 208 plan governing the area. In addition to identifying and delineating future service areas, or areas that won't be served, an update should require multi-jurisdictional stormwater planning to ensure that the Big Darby's aquatic ecosystem is not degraded, as required under Antidegradation policy of the Clean Water Act. At a minimum, Ohio EPA should follow the precedent set in Franklin County, where the agency required multi-jurisdictional planning.**

Response 5: The 208 plan (formally known as the Water Quality Management Plan) for Madison County recently underwent two revisions, first to recognize Mid-Ohio as a wastewater management authority, then to update the facility planning area that Mid-Ohio developed. Public notice periods for both actions were held and Ohio EPA provided a response to all comments that were received, prior to finalizing both updates. Ohio EPA agrees that there is a need to comprehensively plan for development in the watershed. It is advisable for municipalities, management agencies, and stakeholders within the watershed to cooperatively hold larger discussions and Ohio EPA looks forward to being a part of the conversation. However, Ohio EPA has not required multi-jurisdictional planning in the past and does not have the authority to do so now.

Comment 6: **[There are groundwater wells on the proposed facility property and] They say they're going to cap off those wells. One of those wells is Darby Creek Watershed and one is Deer Creek Watershed. If they cap off those wells, my house sits right in the front of where this property is, and so that's going to impact my wells. That's going to impact my water...that water is going to be impacted for the residents in that area.**

It is a significant detriment to people, properties & wildlife to cap off these wells currently utilized as water sources to sustain daily life. The preparation of the Mid-Ohio Deer Creek Regional WWTP has not demonstrated the priority of ensuring maintained use of what exists & protections from contamination for the proposed project.

Response 6: Ohio EPA has confirmed that two of the wells have already been capped and the applicant has confirmed that the third well will be properly abandoned prior to the start-up of wastewater treatment activities at the new facility. Closure of these wells is expected to provide adequate protection for local groundwater resources and DSW does not anticipate that the location of the proposed facility poses a threat to water quality in the aquifer. It is our understanding that these wells, besides use in current construction activities, have not been in use as raw water sources for potable water production.

Comment 7: **[Mid-Ohio currently operates several existing treatment works.] Was there an evaluation of whether the current facilities could be expanded and modernized, versus building new?**

The estimated growth within the next 20 years was a discussion point for the necessity of this currently proposed plant. However, the question remains, why current facilities have not been enhanced to sustain projected growth. Do the current plants already have Ohio EPA approvals? Why not maximize current capacity to its fullest extent before adding greater capacity? This would give developers & engineers the necessary time to construct a well-planned & designed plant fully considering safety, compliance, capacity, sustainability & cost-effectiveness in the future.

Response 7: The permittee currently operates several NPDES-permitted facilities around the county. Expansion of the SD1 and SD2 facilities was deemed impractical due to property constraints, the extensive upgrades necessary to improve existing infrastructure to meet applicable limitations, the cost-inefficiency of implementing construction projects in multiple sites, and the inefficiency of operating and maintaining multiple facilities. The permittee evaluated alternatives for providing adequate wastewater treatment capacity to service the anticipated growth throughout the county. In this evaluation the permittee estimated the cost to expand the Plain City and West Jefferson treatment works, plus install a new 1.2 MGD treatment works to service the area around St. Rt 29, U.S. 42. and U.S. 40, would exceed the alternative of a large centralized treatment works by over \$77M. While details of the proposed facilities differ from the project in the alternatives analysis report, Ohio EPA accepts that the proposed facility is cost-effective, relative to the expansion of multiple facilities.

Comment 8: **Highway 29 is currently chip tar and the road they put in currently to the water treatment plant right now is asphalt. The chip tar is not going to hold up to that, any heavy equipment coming up through there. It's going to start to tear it up.**

- Response 8:** We recognize the inconvenience of local construction traffic and share your concern about the impact to local roadways. However, Ohio EPA does not regulate traffic or roadway conditions. We recommend that these concerns be relayed to either Ohio Department of Transportation or Madison County, as appropriate.
- Comment 9:** **The Madison County Sewer & Water District entered into revised deed agreement when they acquired the property located at 3191 Spring Valley Road which included a stipulation that they would not discharge sewage water effluent into Deer Creek watershed... which is now what this project is proposing to do.**
- Response 9:** The proposed facility is not located at the address in the comment.
- Comment 10:** **The MOWSD selected three (3) different sites that were more feasible and more cost effective for this project and presented their plans for these site selections. These sites were the Byers Property (Shagbark Farms) located on 825 US Rt. 42, London, Ohio which they originally purchased for this wastewater sewage treatment plant. Due to affluent community members and political influence they were dissuaded from utilizing this site (this is on record of the Madison County Commissioner's Board Meeting televised on their Youtube channel and recorded in their monthly meetings and referred to the Ohio Ethics Commission. Instead, the Commissioners exchanged the property at Lafayette Plain City Road to the MOWSD but MOWSD did not feel that property was feasible for a sewage treatment plant and would not be cost effective. MOWSD then selected another site which was more feasible and purchased 3191 Spring Valley Road and stated the reason it was more feasible and cost effective for the waste water sewage treatment plant. Once again, local politicians and affluent community members opposed this site selection and a deed restriction was added to the purchase of the property the minutes of MOWSD will confirm this. MOWSD then selected a third site located near State Route 56 North property owned by Mr. Yoder which they felt would be more feasible. This property provided access to the state routes and freeway and was more cost effective and they could hook into the current pumping station near it. However, once again Madison County officials objected to the site selection (see the Madison County Commissioner meeting of 11/11/24 also on their YouTube channel). MOWSD changed their votes to acquire the property due to once again local politicians and affluent community members and at the MOWSD meeting following that Commission Meeting they were told to move the sewage treatment plant back to Lafayette Plain City Road even though it would cost them \$4 million dollar more in costs to move the sewage treatment plant to the Lafayette Plain City Road. Ironically, the minutes for the MOWSD Meeting where this occurred were not added to the website and several meetings subsequently after that meeting have not been added to the website. The misuse of funding and disregard for the farmland, community members of Deer Creek Township, and Lafayette area and the environmental impact is atrocious.**

- Response 10:** Ohio EPA does not have regulatory authority over how facility sites are selected nor the day-to-day administrative action of MORWSD.
- Comment 11:** **The location of this current proposed plant yields numerous concerns about the flow into deer creek. This will cause the current creek to rise significantly higher than its current level, much greater than 1 inch (which was the response at last night's meeting on 11/6). Mathematically & logically, that response was inaccurate. Immense dredging would have to occur to provide the depth needed to sustain such flows into deer creek which already floods out numerous times throughout the year. There are a number of ramifications that will result from such flooding caused by rising waters & pollutants impacting properties, people & the environment. Has a study been conducted to determine potential estimates of flooding & damage that will occur with the addition of not only rain but sewage?**
- Response 11:** Local and county governments are typically responsible for floodplain management. While not part of the antidegradation review, Mid-Ohio has indicated that minimal impact to flood conditions is expected, based on a hydraulic and hydrologic modeling assessment. Flood events are driven by significant amounts of precipitation and the discharge flowrate from the proposed facility will be relatively small in comparison.
- Comment 12:** **I live in Deer Creek township. This project will pollute our township! Please deny the application from Mid Ohio!**
- Response 12:** Any proposed issuance of an NPDES permit will ensure the discharge from the facility complies with all applicable water quality standards as allowed under existing regulations.

End of Response to Comments

Sincerely,



Walter Ariss, P.E.
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Division of Surface Water