



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

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Commissioner

VIA ELECTRONIC MAIL

August 23, 2019

Ms. Ann W. McIver, Director
Environmental Stewardship
Citizens Energy Group
2020 North Meridian Street
Indianapolis, Indiana 46202

Dear Ms. McIver:

Re: Use Attainability Analysis
Indianapolis/CWA Authority LTCP
Consent Decree No. 1:06-cv-01456-SEB-TAB
Marion County

The Indiana Department of Environmental Management (IDEM) Office of Water Quality (OWQ) has conducted a review of the CWA Authority, Inc.'s (CWA) Use Attainability Analysis (UAA) for the current full body contact recreational designated use for the following Combined Sewer Overflow (CSO) impacted waters:

- White River, from 56th Street on the Indianapolis north side to Freedom (River Mile 146);
- Fall Creek, from Keystone Avenue to the White River;
- Little Eagle Creek, from Michigan Street to the confluence with Big Eagle Creek;
- Big Eagle Creek, from the confluence with Little Eagle Creek to the White River;
- Pogues Run, from 21st Street to the White River;
- Pleasant Run, from Kitley Avenue to the White River;
- Bean Creek, from Interstate 65 to Pleasant Run.

Consistent with the Clean Water Act and Federal regulations at 40 CFR 131.10, States may remove designated uses applied to surface waters under their jurisdiction where it is shown that the designated use is not an existing use and that the designated use is not attainable. Based on the information contained in CWA's UAA, last revised July 2019, IDEM finds that CWA has provided sufficient information to initiate changing the designated recreational use for the above mentioned waters from "full body contact" to the "CSO wet weather limited use" subcategory of Indiana's recreational use designation as provided in IC 13-18-3-2.5.



A State that Works

In accordance with the requirements of IC 13-14-9-14, IDEM will draft a rule that establishes the CSO wet weather limited use subcategory for the above-mentioned streams. The UAA prepared by CWA will serve as the technical justification for the proposed rule. The proposed rule will be posted to the Indiana Register for a minimum of 30 days for public review and written comment. Following the public comment period, the Environmental Rules Board (ERB) will hold a public hearing on the rulemaking and vote on adoption of the rule. The rule will then go through the standard promulgation process of review and approval by the Office of the Attorney General, signature by the Governor, and filing with the publisher of the Indiana Administrative Code. It becomes effective 30 days after filing with the publisher, unless a later date is specified within the rule. IDEM will submit the rule to the Environmental Protection Agency (EPA) as a new or revised water quality standard for review and approval under Section 303(c) of the Clean Water Act. The rule will become effective for Clean Water Act purposes when it is approved by EPA. However, the CSO wet weather limited use subcategory will apply to the listed stream reaches only when CWA has fully implemented the approved LTCP in accordance with IC 13-18-3-2.5.

The Indianapolis/CWA Long Term Control Plan (LTCP) will be fully implemented in 2025. The implemented LTCP will result in 97 percent capture of combined sewage flows on Fall Creek and 95 percent capture on other waterways. The plan will reduce the average annual combined sewer overflow frequency from 60 events per year to approximately two events per year on Fall Creek and four events per year on other waterways. This LTCP level of control is consistent with the consent decree and subsequent modifications.

Please contact Kara Wendholt at 317-233-5961 or by email at kwendhol@idem.in.gov if you have questions regarding this letter.

Sincerely,



Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

cc: Cathy Stepp, Regional Administrator, EPA Region 5
Joseph Sutherland, Director, Government & External Affairs, Citizens Energy Group
Kara Wendholt, CSO Project Manager, IDEM