

IDEM

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT



Water



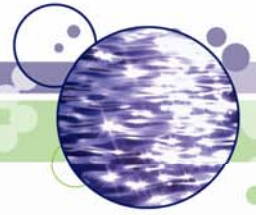
Combined Sewer Overflow Program Update

NUCA of Indiana Conference
August 7, 2008

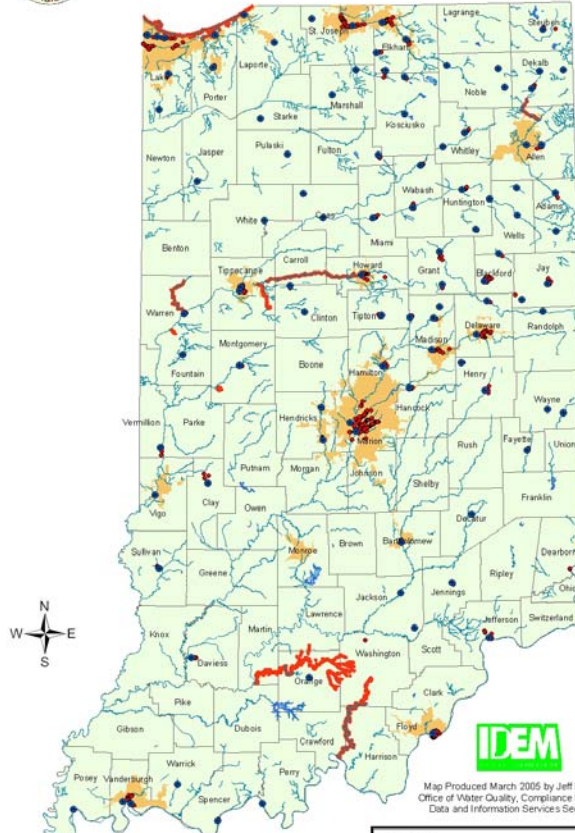
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<http://www.in.gov/idem/4897.htm>



Communities Having CSOs (Combined Sewer Overflows)



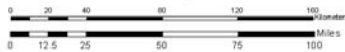
COUNTY COMMUNITY CSO OUTFALL

ADAMS	Beech	3
ADAMS	Decatur-Major	4
ALLEN	Frankfort-Major	1
ALLEN	New Haven	1
BARTHOLOMEW	Columbus-Major	3
BENTON	Oxford	2
BLACKFORD	Marion City-Major	17
BLACKFORD	Montpelier	4
CASS	Logansport-Major	16
CASS	Royal Center	1
CLARE	Jeffersonville-Major	16
CLAY	Harrell-Major	0
CLINTON	Ft. Wayne-Major	42
CLINTON	Roseville	5
DAVIES	Washington-Major	5
DE KALB	Auburn-Major	4
DE KALB	Butler	1
DE KALB	Waterloo	2
DECATUR	Greensburg-Major	1
DELAWARE	Tateson	2
DELAWARE	Muncie-Major	23
ELKHART	Elkhart-Major	39
ELKHART	Goshen-Major	6
ELKHART	Nappanee-Major	11
ELKHART	Wabascus	7
FAVETTE	Connersville	5
FORTALIM	Attica	3
FORTALIM	Veedersburg	0
FULTON	Akron	3
GRANT	Fairmount	16
GRANT	Marion-Major	9
HAMILTON	Noblesville-Major	7
HAMMOND	Footville	0
HAMMOND	Greensburg-Major	0
HENDRICKS	Brownsville-Major	2
HENDRICKS	Plainfield-Major	3
HENRY	Middletown	8
HENRY	New Castle-Major	0
HOWARD	Kokomo-Major	16
HUNTINGTON	Huntington-Major	15
HUNTINGTON	Marke	2
HUNTINGTON	Warren	3
JACKSON	Cottleville	2
JACKSON	Seymour-Major	1
JASPER	Rensselaer-Major	10
JAY	Portland-Major	16
JAY	Rocky	7
JEFFERSON	Madison-Major	7
JENNINGS	North Vernon-Major	1
JOSCELYN	Ellettsville	1
JOSCELYN	Warsaw-Major	1
LA PORTE	LaPorte-Major	1
LA PORTE	Michigan City-Major	2
LAKE	Crown Point-Major	5
LAKE	East Chicago-Major	3
LAKE	Gary-Major	12
LAKE	Hammond-Major	20
LAKE	Lowell - Major	1
MADISON	Alexander-Major	2
MADISON	Anderson-Major	14
MADISON	Chesterfield	2
MADISON	Ellettsville	14
MADISON	Somersville	2
MARION	Indianapolis-Major	134
MARION	Speedway-Major	2
MARSHALL	Spencer-Major	2
MARSHALL	Plymouth-Major	10
MARSHALL	Perru-Major	16
MONTGOMERY	Crawfordsville-Major	1
MONTGOMERY	Auburn	1
MONTGOMERY	Avilla	0
MONTGOMERY	Kendallville-Major	1
MONTGOMERY	Ligonier-Major	5
MONTGOMERY	Paoli	8
PERCY	Tell City-Major	5
PORTER	Chesterton-Major	1
PORTER	Valparaiso-Major	1
PORTER	Mount Vernon-Major	3
PULASKI	Wismar	5
RANDOLPH	Bluffville	3
RIEGL	Franklin-Major	2
SAINT JOSEPH	Rishawa-Major	19
SAINT JOSEPH	South Bend-Major	35
SPENCER	Rockport	1
STARKE	North Judson	2
STEUBEN	Jugos-Major	2
SULLIVAN	Sullivan-Major	8
TIPPECANOE	Lafayette-Major	13
TIPPECANOE	West Lafayette-Major	4
TIPTON	Tipton-Major	7
VANDERBURGH	Evansville - East	15
VANDERBURGH	Evansville - West	8
VERMILLION	Clinton-Major	6
VISSO	Terre Haute-Major	10
WARREN	North Manchester-Major	7
WARREN	Wabash-Major	8
WARREN	Bloomfield-Major	2
WAYNE	Centerville	1
WAYNE	Richmond-Major	4
WELLS	Ellettsville-Major	1
WELLS	Ossian	6
WHITE	Monticello	6
WHITLEY	Columbia City-Major	12
WHITLEY	South Whitley-Major	2

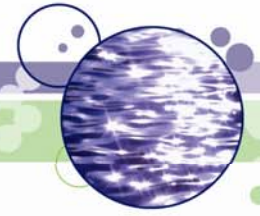
Map Produced March 2005 by Jeff Ewick
Office of Water Quality, Compliance Branch
Data and Information Services Section

Legend

- CSO Communities (104)
- Impaired Lakes & Streams
- Exceptional Use Streams & OSRW
- Urban Areas - Census 2000
- Counties - Tiger Census 1995

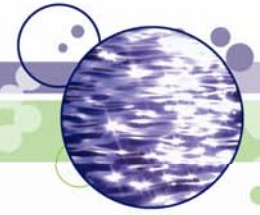


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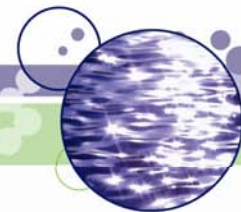
Background

- Fall of 2003, Indiana had over 100 LTCPs awaiting review
 - 1.5 Staff dedicated to the CSO program
- EPA initiating Consent Decrees in selected CSO communities due to state inaction
 - National enforcement priority
 - Ohio and Indiana targeted in Region 5
 - Indiana has 10 communities affected by consent decrees



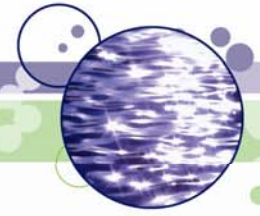
Workplan

- EPA Goals
 - National Enforcement Goal
 - 65% of priority CSO Communities with LTCPs in enforceable mechanisms, or a formal enforcement action has been initiated to achieve that result by the end of FFY 2007
 - Office of Water Goal
 - 75% of the CSO universe with LTCPs approved through permitting and enforcement by the end of FFY 2008
 - 100% of all GLI CSO communities
- IDEM Goal
 - Remaining communities by the end of 2009



A Few Details

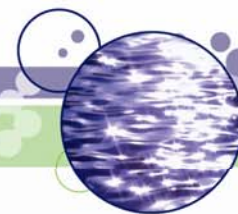
- What is a ‘priority’ CSO Community?
 - A major discharger
 - On a 303(d) listed stream impaired for *E. coli*
 - Affecting a drinking water intake or a swimming beach
 - In the Great Lakes Basin
- What is an ‘enforceable mechanism’?
 - An **NPDES permit**, if the LTCP implementation is 5 years or less
 - An **Agreed Order (AO)**, if the LTCP implementation is longer than 5 years and the community is NOT a priority CSO community
 - A **State Judicial Agreement (SJA)**, if the LTCP implementation is longer than 5 years and the community is a priority CSO community



Progress

As of August 7, 2008

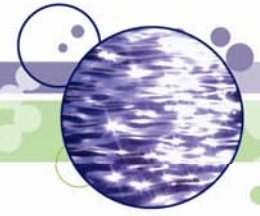
- 2007 Goal
 - **51/51 LTCPs approved or judicial action taken**
 - All have enforceable mechanisms in effect
 - 20 in permits
 - 7 in AOs
 - 24 in SJAs
- 2008 Goal
 - 7/10 LTCPs approved
 - 4 enforceable mechanisms in effect in permits
 - 3 in AOs
- 2009 Goal
 - 6/22 LTCPs approved
 - 5 in AOs
 - 1 in a permit



Progress

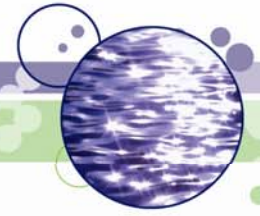
As of August 7, 2008

- 2009 Goal
 - 6/22 LTCPs approved
 - By October 31, 2008, all 2009 communities with an approved LTCP or in an AO to achieve approval
 - 5 in AOs
 - 1 in a permit



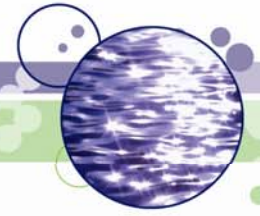
State Judicial Agreement

- EPA considers it a *legal* equivalent to a federal consent decree
 - A federal consent decree is an adversarial and punitive enforcement driven process
 - The SJA was designed to be cooperative and non-punitive, without the use of IDEM enforcement staff
- IC 13-18-3-2.3(c)(2) specifies its use
 - Term of art
 - *‘an order of the commissioner under IC 13-14-2-6’*
- Needed in 24 communities



State Judicial Agreement

- Written to cover the approval and implementation of the LTCP, **or** to finish the revision of the LTCP and approval and implementation of the final LTCP
 - 11 Develop and Implement
 - 13 Implement Only



Non-rule Policy Documents

- Effective April 11, 2008
- Can be found at:
<http://www.in.gov/idem/4694.htm#water>
 - Existing Use NPD 014
 - CSO Related Bypass NPD 015
 - CSO Treatment Facility NPD 016