



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

August 17, 2012

Dear CSO Community:

This letter is intended to clarify a CSO community's obligations to maintain an accurate, approved CSO Long Term Control Plan (LTCP) and to clarify which CSO communities must conduct the mandatory 5 Year CSO LTCP review, as specified in IC 13-18-3-2.4.

Maintaining an Accurate, Approved CSO LTCP:

Any CSO community proposing amendments to any schedules or controls identified in an approved CSO LTCP, including but not limited to: extension of initiation/completion dates for any task; rearrangement of tasks, schedules, or phases; changes to the approved level of control or control alternative, must obtain approval from IDEM prior to implementing the amendments. Any proposed amendment must be submitted for approval prior to an existing schedule deadline. If a party to a Federal Consent Decree (CD), prior approval from U.S. EPA is also required. All proposed amendments to a LTCP implementation schedule must be submitted in writing under signature of an authorized official for the community and provide detailed justification for the proposed revision(s). The currently approved LTCP implementation schedule must be included showing proposed deleted and/or additional projects and associated start/completion dates. It is recommended that the IDEM CSO project manager be contacted early in this process to ensure submittal requirements are met. Depending on the revisions proposed, if approved, an existing Agreed Order (AO), State Judicial Agreement (SJA), Federal CD, or NPDES permit may need to be amended to provide legal authorization for the change(s). As previously advised, IDEM must be notified upon completion of tasks identified in the LTCP implementation schedule.

Who is Subject to the Mandatory 5-Year CSO LTCP Review Requirement?

Not all CSO communities are required by statute to conduct 5-year CSO LTCP reviews. IC 13-18-3-2.4 applies only to those CSO communities whose approved CSO LTCP, following full implementation, is not expected to result in compliance with water quality standards (WQS) (i.e. ultimately necessitating completion of the Use Attainability Analysis process). Per this statute, applicable CSO communities must review the feasibility of implementing additional or new control alternatives to attain WQS no less than every five years after approval of their CSO LTCP. In order to meet this requirement, CSO communities must submit a certification statement to IDEM documenting that a CSO LTCP review was completed, and whether or not implementing

additional controls to attain WQS would be cost effective. The statement must be accompanied by an updated Financial Capability Analysis (FCA). Adequate submittal of the certification statement pursuant to 327 IAC 5-2-22 (b-d), along with the updated FCA, will satisfy the statutory requirement.

Given that IDEM requires that all proposed CSO LTCP amendments be submitted for approval prior to an existing implementation schedule deadline, a permittee should not wait until the 5-year review time period to propose such amendments. Any proposed CSO LTCP amendment, as well as the certifications intended to satisfy the statutory requirement, must be submitted to IDEM, Office of Water Quality, Municipal NPDES Permit Section, at 100 North Senate Avenue, MC 65-42, IGCN 1255, Indianapolis, Indiana 46204-2251.

As mentioned in past correspondence to you, IDEM intends to monitor each CSO community's compliance progress throughout their LTCP implementation schedule. IDEM staff have initiated a program in which we will conduct site visits to CSO communities at various times throughout their LTCP implementation period to document the implementation of approved LTCP tasks. You may have already received a letter from IDEM indicating the date of our site visit and requesting your assistance in completing background information in preparation for our visit. If you have not been contacted regarding such a visit, please note that IDEM staff are actively contacting communities to schedule these visits. We look forward to working with each CSO community throughout the LTCP implementation period in a shared goal of improving Indiana's water quality.

Should you have questions regarding this letter please contact Dave Tennis dtennis@idem.in.gov at 317/232-8710 or Todd Trinkle ttrinkle@idem.in.gov at 317/234-1003.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Higginbotham", written in a cursive style.

Paul Higginbotham, Chief
Permits Branch
Office of Water Quality