



# Indiana Department of Environmental Management

*We Protect Hoosiers and Our Environment.*

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**Michael R. Pence**  
Governor

**Carol S. Comer**  
Commissioner

July 12, 2016

Dear CSO Community:

The purpose of this letter is to clarify IDEM's expectations for Combined Sewer Overflow (CSO) communities that are required to conduct a periodic review of their approved CSO Long Term Control Plan (LTCP) as specified in Indiana statute, IC 13-18-3-2.4.

Not all CSO communities are required by statute to conduct these 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). Your community has been identified as being subject to the statutory requirement to conduct a periodic review of your CSO LTCP.

The statute requires applicable CSO communities to review the LTCP, submit any necessary amendments of the LTCP to IDEM for approval, and implement additional or new control alternatives deemed to be feasible based on cost effectiveness and affordability. The review must be conducted periodically, but no less than every five (5) years after approval of the LTCP.

In order to determine whether changes to the LTCP are feasible, cost effective, and affordable, the financial indicators that affect affordability must be evaluated. These indicators cover a wide range of variables such as capital improvement project costs for the collection system or wastewater treatment plant, population served including addition or removal of satellite communities, median household income, community debt service, residential versus industrial share of LTCP costs, as well as many other factors. The financial feasibility of additional controls is essentially determined by the net change in these indicators. In all instances, a minimum review of the LTCP and primary financial indicators should be conducted.

IDEM requires that each CSO community conducting a periodic review of their CSO LTCP submit the following:

- A certification statement signed by the responsible official for the community indicating that a review of the LTCP and financial indicators has been conducted regarding the feasibility of implementing additional or new control alternatives to meet water quality standards. Depending on the findings of the review of the LTCP, the following should be included:
  - If a CSO community finds no significant changes in the financial indicators, the community can include a statement in the certification that no additional controls are proposed due to no significant changes in the financial indicators.
  - If a CSO community finds the financial indicators have worsened significantly, the community can include in the certification statement that no additional controls are feasible due to a worsening of the financial indicators. However, if the reduction in financial indicators is severe enough and the community wishes to pursue a LTCP amendment to lower the level of control or make changes to their implementation schedule that would extend the final completion date of the LTCP, an updated Financial Capability Analysis (FCA) consistent with the federal CSO Policy would be

required to support the changes requested. IDEM would perform a review of the FCA prior to approving any changes to the LTCP.

- If a CSO community finds a significant improvement in the financial indicators, IDEM would not necessarily require additional/new control alternatives. IDEM understands that financial situations can fluctuate, particularly for many of the CSO communities that have long implementation schedules. IDEM recognizes the long term planning, design, and implementation process involved with LTCPs. In this scenario, the community can submit a certification statement indicating a review of the LTCP and financial indicators has been conducted and specify why the improvement in financial indicators is not significant enough to warrant additional/new controls. IDEM reserves the right, however, to require the submittal of additional information to support this finding. Communities with significantly improved financial indicators should contact IDEM prior to the CSO LTCP periodic review deadline for a discussion of their situation.

As stated previously, IC 13-18-3-2.4 applies to those CSO communities whose approved CSO LTCP, following full implementation, is not expected to result in compliance with Water Quality Standards (WQS). If compliance with WQS is not achieved following completion of the approved LTCP, a community must obtain a change in the designated recreational use of a water to a 'CSO wet weather category', see IC 13-18-3-2.3. This change in designated recreational use requires, among other items, completion of a Use Attainability Analysis (UAA). A UAA is a structured scientific assessment of the factors affecting the attainment of uses specified in Section 101(a)(2) of the Clean Water Act (the so called "fishable/swimmable" uses). Communities who do not implement additional controls when economic indicators improve are at risk of having a UAA denied at the time the LTCP is fully implemented and would have to implement additional controls, possibly under a CSO LTCP Compliance Plan.

Given that IDEM requires that all proposed CSO LTCP amendments be submitted for approval prior to an existing implementation schedule deadline being missed, a community should not wait until the 5-Year CSO LTCP review time period to propose such amendments. Any proposed CSO LTCP amendment, as well as the certifications intended to satisfy the periodic review statutory requirement, must be submitted to IDEM, Office of Water Quality, Municipal NPDES Permits Section.

We look forward to working with each CSO community throughout the LTCP implementation period with the shared goal of improving Indiana's water quality. Should you have questions regarding this letter, please contact an IDEM CSO Project Manager; Kara Wendholt at [kwendhol@idem.in.gov](mailto:kwendhol@idem.in.gov) or 317-233-5961, Colin Shumake at [cshumake@idem.in.gov](mailto:cshumake@idem.in.gov) or 317-234-9558, or Leigh Voss at [lvoss@idem.in.gov](mailto:lvoss@idem.in.gov) or 317-232-8698.

Sincerely,



Paul Novak, Chief  
Permits Branch  
Office of Water Quality