City of Indianapolis

Six-Month Status Report

Report No. 4

(April 1, 2008 THROUGH September 30, 2008)

Consent Decree

Case # 1:06-cv-1456-DFH-VSS

Department of Public Works

Indianapolis Clean Stream Team

Date Submitted: October 10, 2008

Report to: U. S. EPA	Chief Water Enforcement and Compliance Assurance Branch Water Division U. S. Environmental Protection Agency, Region 5 77 West Jackson Blvd Chicago, Illinois, 60604
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Table of Contents

1. CONSENT DECREE COMPLIANCE STATUS (XI. ¶ 36 (a)) 3
2. DESCRIPTION OF WORK (XI. ¶ 36 (b)) 3
3. STATUS OF REQUEST FOR REVISION OF WATER QUALITY STANDARDS (XI. ¶ 36 (c)) 3
4. REPORTS SUBMITTED IN THE PREVIOUS SIX MONTHS (XI. ¶ 36 (d)) 4
5. SEWER SYSTEM OPERATION AND MAINTENANCE PLAN (XI. ¶ 36 (e)) 4
6. STATUS OF NOTICES TO PROCEED (XI. ¶ 36 (f)) 4
7. CERTIFICATION STATEMENT 5
8. APPENDICES 6

List of Tables

TABLE 1. CONSENT DECREE REQUIREMENTS FOR CURRENT REPORTING PERIOD (04/01/08 THROUGH 09/30/08)

TABLE 2. DESCRIPTION OF WORK COMPLETED DURING CURRENT REPORTING PERIOD (04/01/08 THROUGH 09/30/08)

TABLE 3. DESCRIPTION OF WORK PROJECTED TO BE PERFORMED DURING THE NEXT REPORTING PERIOD (10/01/08 THROUGH 03/31/09)

1. CONSENT DECREE COMPLIANCE STATUS (XI. ¶ 36 (a))

A statement setting forth the deadlines and other terms that Indianapolis has been required by this Consent Decree to meet since the date of the last statement, whether and to what extent Indianapolis has met these deadlines, and the reasons for any noncompliance.

Table 1, attached, lists all deadlines and other terms required by the Consent Decree since April 1, 2008, and provides the status of compliance for each. Bid Year and Achievement of Full Operation (AFO) Certification Forms are also attached, as applicable, to Table 1.

2. DESCRIPTION OF WORK (XI. ¶ 36 (b))

a. **A general description of the work completed within the prior six-month period and, to the extent known, a statement as to whether the work completed in that period meets applicable Design Criteria.**

Table 2, attached, provides a general description of work completed during the current reporting period (4/1/08 through 9/30/08) and whether the work completed meets applicable Design Criteria.

b. **A projection of work to be performed pursuant to this Consent Decree during the next six-month period.**

Table 3, attached, provides a description of work projected to be performed during the next six-month period.

3. STATUS OF REQUEST FOR REVISION OF WATER QUALITY STANDARDS (XI. ¶ 36 (c))

A statement as to Indianapolis' understanding regarding the status of IDEM's response to the City's request for a revision to water quality standards in accordance with Section 9 of the City's Long Term Control Plan.

As reported in the last CD status report (CD Status Report #3), IDEM determined via letter on December 21, 2007 that the City's UAA was sufficient to propose a change in the designated recreation use from "full body contact" to "Combined Sewer Overflow (CSO) wet weather limited use" for the six CSO-impacted waters in the City's UAA. IDEM issued a public notice of adoption of a proposed rule, as required under SEA 234 on May 7, 2008. This notice included a 30-day public comment period. It is the City's understanding that IDEM now wishes to revise some of the language in the proposed rule. The City anticipates IDEM will re-issue the public notice of a revised rule with additional language and provide for a 30-day comment period in the next several months. After the proposed rule is issued and public comments are received, the Indiana Water Pollution Control Board (WPCB) will move for approval of the rule. IDEM is also expected to prepare a

general UAA presentation to the Indiana Water Pollution Control Board for a future meeting, to provide information on the wet weather subcategory designation in state law and on Use Attainability Analyses in general.

4. REPORTS SUBMITTED IN THE PREVIOUS SIX MONTHS (XI. ¶ 36 (d))

Copies (to U.S. EPA only) of all Monthly Monitoring Reports and other reports pertaining to CSOs, SSDs and bypassing that Indianapolis submitted to IDEM in accordance with Indianapolis' Current Permits in the previous six months.

Appendix 1, attached, provides copies of the monthly monitoring reports and other reports pertaining to CSOs, SSDs and bypassing submitted to IDEM during the previous six months.

5. SEWER SYSTEM OPERATION AND MAINTENANCE PLAN (XI. ¶ 36 (e))

1) Copies of any plan that Indianapolis has developed for its contractor United Water (or United Water's successors) with respect to operation and maintenance of the Sewer System during the prior six-month period (e.g., the "Collection System Maintenance Plan").

The pertinent reports that were developed during this reporting period are attached as Appendix 2.

2) Any reports that United Water (or its successors) submitted to Indianapolis regarding its implementation of such plan during the prior six-month period (e.g., the "Collection System Maintenance Report").

Appendix 3, attached, includes relevant portions of monthly reports on system operation and maintenance prepared and submitted to the city by United Water during the previous six months.

3) A statement as to whether Indianapolis believes that United Water (or United Water's successors) has complied with any such plan.

Indianapolis believes that United Water has complied with the applicable plans during the last six months.

4) A statement as to whether United Water's (or United Water's successors) failure to comply with such plan caused any CSO, Unlisted CSO, SSD or bypass.

Not Applicable.

6. STATUS OF NOTICES TO PROCEED (XI. ¶ 36 (f))

A description of any notices to proceed for any CSO Control Measure or measures specified in Exhibit 3 that Indianapolis has revoked in the prior six-

month period, and a description of the status of Indianapolis' compliance with Section VIII with regard to issuance of a new notice to proceed.

Not Applicable.

7. CERTIFICATION STATEMENT

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

David R. Sherman, Director, Department of Public Works

10/9/08
Date

8. APPENDICES

Appendix 1. Copies of reports submitted to IDEM (XI. ¶ 36 (d))

Appendix 2. Copies of plans developed by United Water during the prior six-months

Appendix 3. Copies of reports submitted to the City by United Water on Sewer System Operation and Maintenance (XI. ¶ 36 (e))