

April 18, 2024

VIA ELECTRONIC DELIVERY

Mr. Ryan Bahr
c/o Ray Cullen – ECW – 15J
Acting Chief, Water Enforcement and
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Mr. Tom Mariani
Chief, Environmental Enforcement Section
Environmental and Natural Resources Division
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Reference Case No. 90-5-1-1-07292
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Mr. Jason House
Chief, Compliance Branch
Office of Water Quality
Indiana Department of Environmental
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Chief, Enforcement Section
c/o Beth Admire
Office of Legal Counsel
Indiana Department of Environmental
Management
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Indianapolis, Indiana 46204
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**Re: Consent Decree Case #1:06-cv-01456-SEB-TAB
Six-Month Status Report No. 35**

Dear Mr. Bahr, Mr. Cullen, Mr. Mariani, Mr. House, and Ms. Admire:

CWA Authority, Inc., (the Authority) is pleased to submit Six-Month Status Report No. 35 pursuant to Section XI, ¶ 36 of the Consent Decree referenced above. This report covers the period October 1, 2023 through March 31, 2024. The Authority has initiated the actions necessary to continue to be in full compliance with all upcoming Consent Decree milestones and requirements.

Highlights of the Authority's progress during this six-month reporting period include the following:

- The Authority continued implementation of all Consent Decree projects.
- The Authority continued its Post Construction Monitoring for the Lower White River, Pogues Run, and Eagle Creek watersheds.
- A letter was sent on February 12, 2024 to EPA and IDEM to provide Notice of Potential Force Majeure Event, Control Measure Nos. 15 and 29. There are no changes to report.

- See Tables 1 through 3 of the attached report for project-specific updates.

The Authority is submitting this Six-Month Status Report both by required hard copy and via e-mail with an established secure file transfer site utilizing Microsoft OneDrive for the attachments that are too large to send via e-mail.

The Authority believes the enclosed Six-Month Status Report is consistent with and fulfills the reporting requirements of the Consent Decree. We appreciate your confirming that the requirements have been met by returning the enclosed acknowledgement. If you do not believe the report is compliant, please contact me as soon as possible so that we can address any deficiency promptly.

Please do not hesitate to contact me at 317-927-4393 or AMcIver@citizensenergygroup.com if you have any questions or comments regarding the enclosed Six-Month Status Report.

Sincerely,



Ann W. McIver, QEP, Director,
Environmental Stewardship
Citizens Energy Group

cc: Gary Prichard, Office of Regional Counsel, U.S. EPA Region 5 (prichard.gary@epa.gov)
Deputy Attorney General, Indiana Office of the Attorney General (Administrative and
Regulatory Enforcement Section via Jacqueline.Schrock@atg.in.gov)
Martha Clark Mettler, Assistant Commissioner, Office of Water Quality, IDEM
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Group (ohawbaker@citizensenergygroup.com)

Acknowledgement of Compliance

The Six-Month Status Report No. 35, submitted by CWA Authority, Inc on April 18, 2024, complies with the reporting requirements contained in Section XI, ¶36 of the Consent Decree entered in Case #1:06-cv-01456-SEB-TAB.

Ryan Bahr, Chief
Water Enforcement and Compliance Assurance Branch
Water Division
U.S. Environmental Protection Agency, Region 5

Date _____

Acknowledgement of Compliance

The Six-Month Status Report No. 35, submitted by the CWA Authority, Inc. on April 18, 2024, complies with the reporting requirements contained in Section XI, ¶36 of the Consent Decree entered in Case #1:06-cv-01456-SEB-TAB.

Jason House, Chief
Compliance Branch
Office of Water Quality
Indiana Department of Environmental Management

Date _____

Beth Admire, Chief
Enforcement Section
Office of Legal Counsel
Indiana Department of Environmental Management

Date _____

CWA, Inc.
Six-Month Status Report
Report No. 35
(October 1, 2023 through March 31, 2024)

Consent Decree
Case # 1:06-cv-01456-SEB-TAB

CWA AUTHORITY, INC.

2150 Dr. Martin Luther King Jr. St. | Indianapolis, IN | 46202

Date Submitted: April 18, 2024

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
IDEM	Chief, Compliance Branch Office of Water Quality Indiana Department of Environmental Management 100 North Senate Avenue Mail Code 65-42 Indianapolis, IN 46206 Chief, Enforcement Section Office of Legal Counsel Indiana Department of Environmental Management 100 North Senate Avenue Mail Code 60-01 Indianapolis, IN 46206
From:	CWA Authority, Inc. 2150 Dr. Martin Luther King Jr. St. Indianapolis, IN 46202

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

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

Table 1, attached, shows the deadlines and other terms CWA Authority, Inc. has been required by the Consent Decree to meet since the last report was submitted.

2. DESCRIPTION OF WORK (XI. ¶ 36 (b))

1) 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 and whether the work completed meets applicable Design Criteria. Bid Year and AFO certification forms are attached as applicable to Table 2.

2) 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 CWA Authority, Inc.'s understanding regarding the status of IDEM's response to CWA Authority, Inc.'s request for a revision to water quality standards in accordance with Section 9 of CWA Authority Inc.'s Long Term Control Plan.

The Authority received approval of its CSO Wet Weather Limited Use from U.S. EPA Region V on July 29, 2020.

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 CWA Authority, Inc. submitted to IDEM in accordance with CWA Authority, Inc.'s 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 CWA Authority, Inc. has developed for its contractor Suez (or Suez's successors¹) with respect to operation and maintenance of the Sewer System during the prior six-month period (e.g., the "Collection System Maintenance Plan").

The Authority began operations and maintenance of the Wastewater System with its own workforce on the date of the Suez agreement expiration of January 1, 2017 and has continued to implement components contained within the Authority's Capacity, Management, Operations and Maintenance Program.

2) Any reports that Suez¹ (or its successors) submitted to CWA Authority, Inc regarding its implementation of such plan during the prior six-month period (e.g., the "Collection System Maintenance Report").

As of January 1, 2017, the Authority assumed primary responsibility of the operations and maintenance for the Wastewater System. The Authority will continue to implement the Capacity, Management, Operations and Maintenance Program and maintain systems to document collection system maintenance activities.

3) A statement as to whether CWA Authority, Inc. believes that Suez¹ (or Suez's successors) has complied with any such plan.

As of January 1, 2017, the Authority assumed primary responsibility of the operations and maintenance for the Wastewater System and as such, a statement for Suez's compliance is not applicable.

¹ CWA Authority began operations and maintenance of the Wastewater System with its own workforce on the date of the Suez agreement expiration of January 1, 2017.

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

As of January 1, 2017, the Authority assumed primary responsibility of the operations and maintenance for the Wastewater System and as such, a statement for Suez's compliance is not applicable. The Authority has continued to implement components contained within the Authority's Capacity, Management, Operations and Maintenance Program. 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.

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 CWA Authority, Inc. has revoked in the prior six-month period, and a description of the status of CWA Authority Inc.'s 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.



Ann W. McIver, Director of Environmental Stewardship,
Citizens Energy Group

4/18/2024

Date

8. APPENDICES

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

TABLE 1. CONSENT DECREE (CD) REQUIREMENTS FOR CURRENT REPORTING PERIOD (10/01/23 THROUGH 03/31/24)

CD Requirements	Description of Control Measures	Compliance Status	Comments
	Description of CD Deadline or Term		
CMOM	Update pursuant to the Authority's Consent Decree	In Compliance	On December 8, 2023 the Authority submitted a CMOM Report update. The Authority has received email acknowledgement of receipt from IDEM and EPA.
	Perform a review and update if necessary, based on the Authority's discretion, the Capacity, Mangement, Operations and Maintenance Plan Report every five years.		
CSOOP	Update pursuant to the Authority's Consent Decree and NPDES Permit	In Compliance	On December 19, 2023 the Authority submitted a CSOOP Report update. The Authority has received email acknowledgement of receipt from IDEM and EPA.
	Perform a review and update the CSO Operational Plan Report every five years as necessary, based on changes in the Wastewater System.		

TABLE 2. DESCRIPTION OF WORK COMPLETED DURING CURRENT REPORTING PERIOD (10/01/23 THROUGH 03/31/24)

CD Requirements	Description of Control Measures	Summary of Work Performed	Statement as to Whether the Work Completed Meets Applicable Design Criteria
	Design Criteria		
Exhibit 1 Control Measure 4	Real-time Overflow Controls in Neighborhoods (CSOs 080, 084,118)	CSO 118 RTC was designed to maximize the use of the existing sewers via an inflatable dam. The CSO 118 inflatable dam is not necessary to achieve the Authority's required level of control due to the active connection of CSO 118 to the Deep Rock Tunnel Connector (CSO Control Measure 16). CSO Control Measure 16 is complete, and flow from CSO 118 is now diverted to the tunnel. CSO 118 discharge will not occur unless an event or series of events exceeds the level of control.	AFO achieved 01/30/2004, predating the Consent Decree.
	Construction of inflatable dams to provide in-system storage capacity of approximately 0.5 MG.	Construction completed to remove the existing inflatable dam and associated controls for CSO 118, replace the existing sluice gates located within the levee per City of Indianapolis and US Army Corps standards, and install a CSO flap gate.	
Exhibit 1 Control Measure 12	Real Time Overflow Control Study, Phase II	CSO 053 RTC was designed to maximize the use of the existing sewers via an inflatable dam. The CSO 053 inflatable dam is not necessary to achieve the Authority's required level of control due to the diversion of CSO 053 flows to the Fall Creek Tunnel (CSO Control Measure 15). When CSO Control Measure 15 is complete, flow from CSO 053 will be diverted to the tunnel, and overflows will not occur unless an event or series of events exceeds the level of control. RTC equipment was damaged and needs to be replaced.	AFO achieved 12/15/08.
	Develop next phase of RTC to further maximize the existing combined sewer system.	Construction completed to remove the existing inflatable dam and associated controls for CSO 053. Installation complete for fixed weir to divert CSO flow to existing interceptors until the tunnel is online.	
Exhibit 1 Control Measure 15	Fall Creek Tunnel, Collector Pipes and Watershed Projects	Deep tunnel and consolidation sewer construction continued.	CM criteria to be met by 2025 Achievement of Full Operation (AFO).
	Provide a total effective storage volume of 250 MG in the Fall Creek, White River, Pogues Run, Pleasant Run and DRTC tunnel system.		
Exhibit 1 Control Measure 27	Deleted	Control measure was removed as part of CD Amendment 2.	There are no applicable design criteria for this task.
	Deleted		
Exhibit 1 Control Measure 28	Deleted	Control measure was removed as part of CD Amendment 2.	There are no applicable design criteria for this task.
	Deleted		

TABLE 2. DESCRIPTION OF WORK COMPLETED DURING CURRENT REPORTING PERIOD (10/01/23 THROUGH 03/31/24)

CD Requirements	Description of Control Measures	Summary of Work Performed	Statement as to Whether the Work Completed Meets Applicable Design Criteria
	Design Criteria		
Exhibit 1 Control Measure 29	Pleasant Run Deep Tunnel and Overflow Collector Pipe	Deep tunnel and consolidation sewer construction continued.	CM Criteria to be met by 2025 Achievement of Full Operation (AFO).
	Provide a total effective storage volume of 250 MG in the Fall Creek, White River, Pogues Run, Pleasant Run and DRTC tunnel system.		
LTCP Section 6	Financial Capability Assessment	An FCA update will be evaluated if needed for future UAA submittals.	There are no applicable design criteria for this task.
	Determine financial capability of the Authority and burden on homeowners.		
LTCP Section 8	Post Construction Monitoring	Continued Post Construction Monitoring for the Lower White River watershed, Pogues Run watershed, and Eagle Creek watershed.	There are no applicable design criteria for this task.
	Evaluate compliance with performance criteria following achievement of full operation for all projects in the watershed.		
LTCP Section 9	Use Attainability Analysis	The Authority received approval of its CSO Wet Weather Limited Use from U.S. EPA Region V on July 29, 2020. An update to the UAA will be evaluated within the five-year review period.	There are no applicable design criteria for this task.
	Establish wet weather limited use sub-category to Indiana's Water Quality Standard.		
CSOOP	CSOOP Update	The Authority submitted a CSOOP Report update on December 19, 2023.	There are no applicable design criteria for this task.
	Update consistent with the implementation of the LTCP.		
CMOM	CMOM Update	The Authority submitted a CMOM Report update on December 8, 2023.	There are no applicable design criteria for this task.
	Conduct a full structural review and update every five years.		

TABLE 3. DESCRIPTION OF WORK PROJECTED TO BE PERFORMED DURING THE NEXT REPORTING PERIOD (04/01/24 THROUGH 09/30/24)

CD Requirements	Description of Control Measures	Work Projected to be Performed
	Design Criteria	
Exhibit 1 Control Measure 15	Fall Creek Tunnel, Collector Pipes and Watershed Projects	Continue construction.
	Provide a total effective storage volume of 250 MG in the Fall Creek, White River, Pogues Run, Pleasant Run and DRTC tunnel system.	
Exhibit 1 Control Measure 27	Deleted	No additional work will be performed on this Control Measure.
	Deleted	
Exhibit 1 Control Measure 28	Deleted	No additional work will be performed on this Control Measure.
	Deleted	
Exhibit 1 Control Measure 29	Pleasant Run Deep Tunnel and Overflow Collector Pipe	Continue construction.
	Provide a total effective storage volume of 250 MG in the Fall Creek, White River, Pogues Run, Pleasant Run and DRTC tunnel system.	
LTCP Section 6	Financial Capability Assessment	An FCA update will be evaluated if needed for future UAA submittals.
	Determine financial capability of City and burden on homeowners.	
LTCP Section 8	Post Construction Monitoring	Submit Post Construction Monitoring Report for the Lower White River watershed, Upper Pogues Run watershed, Lower Pogues Run watershed, and Eagle Creek watershed.
	Evaluate compliance with performance criteria following achievement of full operation for all projects in the watershed.	

TABLE 3. DESCRIPTION OF WORK PROJECTED TO BE PERFORMED DURING THE NEXT REPORTING PERIOD (04/01/24 THROUGH 09/30/24)

CD Requirements	Description of Control Measures	Work Projected to be Performed
	Design Criteria	
LTCP Section 9	Use Attainability Analysis	The Authority received final approval of a CSO Wet Weather Limited Use. An update to the UAA will be evaluated within the five-year review period.
	Establish wet weather limited use sub-category to Indiana's Water Quality Standard.	
CSOOP	CSOOP Update	Continue to implement components of the CSO Operational Plan submitted in November 2023.
	Update consistent with the implementation of the LTCP.	
CMOM	CMOM Update	Continue to implement components of the Capacity, Mangement, Operations and Maintenance Plan submitted in November 2023.
	Conduct a full structural review and update every five years.	

List of Appendices

Appendix 1: Copies of Reports Submitted to IDEM Pertaining to CSOs, SSDs and Bypassing

September 2023 CSO Public Notification report
September 2023 MRO and DMR report
October 2023 CSO Public Notification report
October 2023 MRO and DMR report
November 2023 CSO Public Notification report
November 2023 MRO and DMR report
December 2023 CSO Public Notification report
December 2023 MRO and DMR report
January 2024 CSO Public Notification report
January 2024 MRO and DMR report
February 2024 CSO Public Notification report
February 2024 MRO and DMR report
October 2023 through March 2024 Bypass/Overflow Incident Reports

[Link to Microsoft OneDrive for Copies of Reports](#)

Link above shared with all report recipients. See the following for copy and paste as necessary:
https://citizensenergy-my.sharepoint.com/:f:/g/personal/ohawbaker_citizensenergygroup_com/Eq7I2UDSroZLvR5LyidssAcBJiw4c1rPvVzAlwPNDJKfA?e=pqCcsD