



Indianapolis Consent Decree

**DAVID SHERMAN
DIRECTOR**

**DEPARTMENT OF PUBLIC WORKS, INDIANAPOLIS
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State of Indianapolis – September 2006

Consent Decree

- 20 year, \$3.5 billion
- 31 control measures
- Reduce raw sewage overflows into the city's streams
- Maintain sewer system
- Invest in neighborhood sewers



Vision for Renegotiation



- Look at the problem **holistically** while looking for cost savings and management
- **Green** initiatives
- Develop concepts on how to **remove more** sewage from streams **sooner** than required
- Apply **value engineering** to existing and planned projects



Timeline of Negotiations

Improvements to Long Term Control Plan

Department of Public Works
Indianapolis
Mayor Gregory A. Ballard



September 2008

ed agreement
TC after
ive
ations

September

Consent de
executed





December 2009

City initiates
dispute resolution

February 2010

EPA counters,
requests adding \$600
million in projects

May 2009

- IDEM/EPA approve
alternative
- City provides
presentation on
Enhancement Plan to
EPA

January 2010

EPA denies City's
request for changes



Frog Hollow Storm Water Improvements

\$3 million in savings

Juan Soloman Park





May 2010

EPA approves updated table and Enhancement Plan as amendments through negotiations

September 2010

EPA Region 5 sends email to IDEM stating FCA doesn't satisfy EPA requirements

March 2010

- City submits work plan for revising CSO control measures
- City sends updated Enhancement Plan presentation to DOJ, EPA and IDEM

June 2010

US and State of Indiana acknowledge that the plaintiffs and the City of Indianapolis have reached agreement in principle on the substantive terms to resolve dispute in the CD

November 2010



“Only under unique circumstances would we modify the terms of a settlement,” said Ignacia S. Moreno, Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice. “The proposed modifications will benefit the environment and reduce costs for the city of Indianapolis. **In my view, this is a classic ‘win-win’.**”

Use Attainability Analysis

Department of Public Works
Indianapolis
Mayor Gregory A. Ballard



Goal:

to develop a structured scientific assessment of the factors impacting designated uses of a water body, such as fishing or swimming



The UAA Challenge



Obstacles:

- Opposition to use of factors other than economic/social
- Effect of proposed savings on economic/social analysis
- Reluctance to approve any change in water quality standards
- IDEM discomfort with 5 year review of UAA after adoption

Solution:

- City agreed to delay push for UAA rulemaking
- EPA agreed not to exercise CD option to revise Control measures



Lessons Learned



Be creative

Actions speak louder than words

Do your homework

Be patient