

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA,)	
)	
and)	
)	
THE STATE OF INDIANA,)	
)	
Plaintiffs,)	Civil Action No. 1:06-cv-1456
)	Judge David F. Hamilton
v.)	
)	
THE CITY OF INDIANAPOLIS,)	
INDIANA, A Municipal)	
Corporation,)	
)	
Defendant.)	
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FIRST AMENDMENT TO 2006 CONSENT DECREE

WHEREAS, the Court entered a Consent Decree in this matter on December 19, 2006 (“2006 Consent Decree”). That Consent Decree requires, among other things, that the City of Indianapolis (“City” or “Indianapolis”) perform certain activities and construct certain Combined Sewer Overflow (“CSO”) Control Measures in accordance with the Descriptions, Design Criteria, and dates for Completion of the Bidding Process and Achievement of Full Operation for each CSO Control Measure set forth in Table 7-5 of Section 7 of the City’s Long Term Control Plan, attached to the 2006 Consent Decree at Exhibit 1 (hereinafter “Exhibit 1”)

WHEREAS, CSO Control Measure 16, as set forth in the 2006 Consent Decree, requires the City to construct a shallow interceptor sewer with a peak diversion of 150 million gallons per day of CSO flow to the Southport advanced wastewater treatment plant. However, Plaintiffs United States and the State of Indiana, together with the City (the “Parties”), have agreed that CSO Control Measure 16 should be modified to require Indianapolis to undertake construction

of a conveyance and storage tunnel that would be constructed approximately 200 feet below ground (the "Deep Rock Tunnel Connector"). The entire Deep Rock Tunnel Connector would provide a minimum storage volume of 54 million gallons and a minimum peak conveyance and dewatering capacity of 150 million gallons per day of CSO flow to the Southport advanced wastewater treatment plant. The project, as modified, would also provide for connection of CSO Outfall 008 to the Deep Rock Tunnel Connector as well as other associated measures.

WHEREAS, the Parties agree that the Deep Rock Tunnel Connector will increase storage capacity and thereby improve the City's ability to control CSOs. Further, constructing the Deep Rock Tunnel Connector and connecting CSO Outfall 008 to the connector will enable the City to capture discharges from CSO Outfall 008 three and one-half years earlier than otherwise prescribed by the current scope of the Consent Decree (via the construction of Control Measure 25 by 2019). Historically, CSO Outfall 008 has been the outfall in Indianapolis with the greatest volume of untreated CSO discharges on an annual basis.

WHEREAS, the Parties anticipate that it will take Indianapolis approximately three and one-half years longer to construct the Deep Rock Tunnel Connector and associated measures than it would have taken to construct the shallow interceptor sewer. However, the parties concur that allowing the City this additional amount of time to implement this element of its Long Term Control Plan is warranted by the long-term environmental benefits that are expected to accrue from the increase in storage capacity that would be realized through construction of the Deep Rock Tunnel Connector, and from the benefits of capturing discharges from CSO Outfall 008 three and one-half years earlier than was previously anticipated.

WHEREAS, the Parties believe that a modification of the 2006 Consent Decree would be the most efficient means of achieving the remedy change proposed above. To that end, the

Parties propose to modify Exhibit 1 to the 2006 Consent Decree by substituting a new Exhibit 1, which would modify the requirements pertaining to CSO Control Measures 16, 27, and 28. The modifications to Control Measures 27 and 28 are merely conforming modifications that are necessitated by the proposed modifications to CSO Control Measure 16. The new Exhibit 1 is attached hereto.

WHEREAS, the proposed modifications to Exhibit 1 are set forth in italics in the following tables. The text of footnote numbers 7 and 8, which appear at the end of both the original and the proposed modified versions of the table in Exhibit 1, is unchanged by this proposed modification. As such, the text of those footnotes is not reprinted in the following summary tables.

1. Proposed Modification of CSO Control Measure No. 16:

(Table 7-5; Exhibit 1 to 2006 Consent Decree) (proposed modifications in italics)

	CSO Control Measure		Description	Design Criteria	Performance Criteria	Critical Milestones
Original	16	Interplant Connection	Interceptor originating near CSO 117 and terminating near the headworks of the Southport facility ⁸	Peak Diversion of 150 MGD CSO flow to Southport	Deliver flow from White River Tunnel to Southport AWT plant	Bid Year - 2008 Achievement of Full Operation - 2012
Proposed Modification	16	<i>Deep Rock Tunnel Connector, Deep Tunnel Pumping Station and Screening Facilities, and Connection of CSO 008 to the Deep Rock Tunnel Connector</i>	<i>Deep rock tunnel originating near CSO 117 and terminating near the headworks of the Southport facility,⁸ deep tunnel pumping station and screening facilities located near the Southport treatment facility, and structures necessary to tie CSO 008 flows into the Deep Rock Tunnel Connector</i>	<i>Provide a minimum storage volume of 54 MG within the entire Tunnel Connector project and a minimum peak conveyance and dewatering capacity of 150 MGD CSO flow to Southport</i>	<i>Maximize delivery of flow from White River Tunnel to Southport AWT Plant. Optimize capture of CSO 008 and CSO 117</i>	<i>Bid Year - May 31, 2011 Achievement of Full Operation - May 31, 2016</i>

2. Proposed Modification to CSO Control Measure No. 27:

(Table 7-5; Exhibit 1 to 2006 Consent Decree) (proposed modifications in italics)

	CSO Control Measure		Description	Design Criteria	Performance Criteria	Critical Milestones
Original	27	Southport Advanced Wastewater Treatment Plant Improvements -- CSO Pump Station	New pump station for additional dewatering of captured CSO from the Interplant Connection	Additional 75 MGD for routing to Enhanced High Rate Clarifiers (EHRC)	When incorporated with the rest of the Southport improvements, facility complies with current NPDES permit	Bid Year 2022 Achievement of Full Operation - 2025
Proposed Modification	27	Southport Advanced Wastewater Treatment Plant Improvements -- CSO Pump Station	New pump station for additional dewatering of captured CSO from <i>the Deep Rock Tunnel Connector</i>	Additional 75 MGD for routing to Enhanced High Rate Clarifiers (EHRC)	When incorporated with the rest of the Southport improvements, facility complies with current NPDES permit	Bid Year 2022 Achievement of Full Operation - 2025

3. Proposed Modification to CSO Control Measure No. 28:

(Table 7-5; Exhibit 1 to 2006 Consent Decree) (proposed modifications in italics)

	CSO Control Measure		Description	Design Criteria	Performance Criteria	Critical Milestones
Original	28	Southport Advanced Wastewater Treatment Plant Improvements EHRC Facility <u>2</u>	New enhanced high rate clarifiers, and new process/yard piping	Additional 75 MGD EHRC treatment for dewatering of captured CSO from the Interplant Connection	When incorporated with the rest of the Southport improvements, facility complies with current NPDES permit	Bid Year 2022 Achievement of Full Operation - 2025
Proposed Modification	28	Southport Advanced Wastewater Treatment Plant Improvements EHRC Facility <u>2</u>	New enhanced high rate clarifiers, and new process/yard piping	Additional 75 MGD EHRC treatment for dewatering of captured CSO from <i>the Deep Rock Tunnel Connector</i>	When incorporated with the rest of the Southport improvements, facility complies with current NPDES permit	Bid Year 2022 Achievement of Full Operation - 2025

NOW, THEREFORE, it is hereby ORDERED:

1. The attached Exhibit 1 supersedes Exhibit 1 to the 2006 Consent Decree. All references to "Exhibit 1" in the 2006 Consent Decree hereafter shall refer to the attached Exhibit 1.

2. This proposed First Amendment to 2006 Consent Decree shall be lodged with the Court for a period of not less than thirty (30) days, for public notice and comment in accordance with the provisions of 28 C.F.R. § 50.7. The United States reserves the right to withdraw or

withhold its consent if the comments received disclose facts or considerations which indicate that this First Amendment to 2006 Consent Decree is inappropriate, improper or inadequate. Indianapolis hereby agrees not to withdraw from, oppose entry of, or to challenge any provision of this First Amendment to 2006 Consent Decree, unless the United States has notified Indianapolis in writing that it no longer supports entry of the First Amendment to 2006 Consent Decree.

3. The Acting Assistant Attorney General for the Environment and Natural Resources Division of the United States Department of Justice, on behalf of the United States, the Indiana Assistant Attorney General signing this First Amendment to 2006 Consent Decree on behalf of Indiana, and the undersigned representative of Indianapolis each certifies that he or she is authorized to enter into the terms and conditions of this First Amendment to Consent Decree and to execute and bind legally such Party to this document.

4. The Court finds there is no just reason for delay and therefore enters this First Amendment to Consent Decree.

SO ORDERED this _____ day of _____, 2009.

David F. Hamilton
United States District Judge
Southern District of Indiana

The UNDERSIGNED PARTY hereby consents to the First Amendment to Consent Decree in the matter of United States and State of Indiana v. City of Indianapolis, No. 1:06-cv-1456.

FOR THE UNITED STATES OF AMERICA

Date: 3/5/09

JOHN C. CRUDEN
Acting Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

Date: 3/9/09

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TIMOTHY M. MORRISON
United States Attorney

Date: 3/9/09

By: THOMAS E. KIEPER / U
Executive Assistant United States Attorney
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Indianapolis, Indiana 46204
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The UNDERSIGNED PARTY hereby consents to the First Amendment to Consent Decree in the matter of United States and State of Indiana v. City of Indianapolis, No. 1:06-cv-1456.

**FOR THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**

Date: 2/27/09

MARK POLLINS
Director, Water Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

The UNDERSIGNED PARTY hereby consents to the First Amendment to Consent Decree in the matter of United States and State of Indiana v. City of Indianapolis, No. 1:06-cv-1456.

**FOR THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**

Date: 1/15/09

LYNN BUHL
Regional Administrator
U.S. EPA Region 5

Date: 1/7/09

ROBERT A. KAPLAN /
Regional Counsel
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

The UNDERSIGNED PARTY hereby consents to the First Amendment to Consent Decree in the matter of United States and State of Indiana v. City of Indianapolis, No. 1:06-cv-1456

FOR THE STATE OF INDIANA

STEVE CARTER
Attorney General of Indiana

Date: DECEMBER 12, 2008

THOMAS W. EASTERLY
Commissioner
Indiana Department of Environmental
Management
100 North Senate Avenue
IGCN 1301
Indianapolis, Indiana 46204

Date: December 19, 2008

PATRICIA ORLOFF ERDMANN
Deputy Attorney General
and Chief Counsel for Litigation
Office of the Attorney General
Indiana Government Center South
402 West Washington Street
Indianapolis, Indiana 46204

The UNDERSIGNED PARTY hereby consents to the First Amendment to Consent Decree in the matter of United States and State of Indiana v. City of Indianapolis, No. 1:06-cv-1456

FOR THE CITY OF INDIANAPOLIS, INDIANA

Date: 12/4/08

DAVID R. SHERMAN
Director
Department of Public Works
City of Indianapolis
200 East Washington Street
Suite 2460
Indianapolis, Indiana 46204

Date: 12/4/08

~~CHRIS W. COTTELL~~
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THE STATE OF INDIANA,)
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INDIANA, a Municipal)
Corporation,)
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1:06-cv-01456-DFH-VSS

Hon. David F. Hamilton

CONSENT DECREE

EXHIBIT 1

TABLE 7-5 OF SECTION 7 OF THE LTCP

Table 7-5 (Revised October 3, 2008)

CSO Control Measures, Design Criteria, Performance Criteria, and Critical Milestones

CSO Control Measure ¹		Description ²	Design Criteria ²	Performance Criteria	Critical Milestones ³
1	White River Screen at IUPUI (CSO 039)	Horizontal screen with automatic clearing for removal of floatables	Provide instantaneous peak screening flow rate of 63 MGD	Capture most floatables greater than 4 mm in size	Bid Year – 2001 Achievement of Full Operation – 2002
2	Fall Creek Inflatable Dams (CSOs 063, 063A, and 065) ⁴	Construction of three inflatable dams	Provide in-system storage capacity of approximately 4.6 MG	Consistent Operation ⁵	Bid Year – 2001 Achievement of Full Operation – 2006
3	Modifications to Lift Station 507 at Riviera Club	Modifications to CSO 156 to take advantage of available storage volume in LS 507	Maximize in-system storage	Diversion of flow from CSO 156 to LS 507. When incorporated with the rest of the White River watershed, achieve 95 percent capture and 4 overflow events ⁶	Bid Year – 2002 Achievement of Full Operation – 2002
4	Real-time Overflow Controls in Neighborhoods (CSOs 080, 084, 118) ⁴	Construction of three inflatable dams	Provide in-system storage capacity of approximately 0.5 MG	Consistent Operation ⁵	Bid Year – 2002 Achievement of Full Operation – 2003
5	Pogues Run Inflatable Dam at Brookside Park (CSO 101) ⁴	Construction of one inflatable dam	Provide in-system storage capacity of approximately 0.4 MG	Consistent Operation ⁵	Bid Year – 2003 Achievement of Full Operation – 2004
6	White River East Bank Storage Tank at IUPUI/White River State Park ⁴	Overflow storage for CSO 039	Provide storage capacity of 3 MG	When incorporated with the rest of the White River watershed, achieve 95 percent capture and 4 overflow events ⁶	Bid Year – 2003 Achievement of Full Operation (CSO 39 Only) – 2004
7	Belmont Advanced Wastewater Treatment (AWT) Plant Improvements – Wet-Weather Storage and Primary Clarifiers	Wet-weather storage basins (30 and 4 MG), two new primary clarifiers, and new process/yard piping	When incorporated with the rest of the Belmont Improvements, provide peak primary and biological treatment rate of 300 MGD	When incorporated with the rest of the Belmont improvements, facility complies with current NPDES permit	Bid Year – 2003 Achievement of Full Operation – 2007
8	Lower Pogues Run Improvements - Minimize Overflows near IPS Schools	Consolidation of outfalls 034 and 035 to Pogues Run Tunnel. Consolidation sewer is approximately 5200 feet of pipe	Provide approximate instantaneous peak flowrate of 40 MGD upstream. Provide approximate maximum instantaneous peak flowrate of 150 MGD downstream	When incorporated with the rest of the Pogues Run watershed, achieve 95 percent capture and 4 overflow events ⁶	Bid Year – 2004 Achievement of Full Operation – 2006
9	Belmont AWT – Gravity Belt Thickeners	Installation of four gravity belt thickeners	Produce a thickened sludge concentration of 5% total solids (TS)	Reduction of sludge volumes and improved sludge dewatering operations.	Bid Year – 2006 Achievement of Full Operation – 2008

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Table 7-5 (Revised October 3, 2008)
CSO Control Measures, Design Criteria, Performance Criteria, and Critical Milestones

10	Sewer Separation - White River and Thompson Road (CSO 275)	Separation and rehabilitation of sewers to reduce stormwater flow and minimize CSO 275	Storm drains designed as per Indianapolis Stormwater Standards. Sanitary sewer designed as per Indianapolis Sanitary Standards and Ten State Standards	Separation of sewers to minimize CSO 275.	Bid Year – 2006 Achievement of Full Operation - 2008
11	Sewer Separation - Lick Creek (CSO 235)	Separation and rehabilitation of sewers to reduce storm water flow and minimize CSO 235	Storm drains designed as per Indianapolis Stormwater Standards. Sanitary sewer designed as per Indianapolis Sanitary Standards and Ten State Standards	Separation of sewers to minimize CSO 235.	Bid Year – 2006 Achievement of Full Operation - 2008
12	Real Time Overflow Control Study, Phase II	Develop next phase of RTC to further maximize the existing combined sewer system	Evaluate RTC for combined sewer system	Completed Study	Commence study – 2007 Complete study – 2008
13	Rerouting of Overflows on Upper White River to Lift Station 507 at Riviera Club (CSO 205)	Relocation of CSO 205 outfall to Lift Station 507. Includes rehabilitation of upstream sewers to eliminate clearwater infiltration	Provide approximate instantaneous peak flowrate of 25 MGD	When incorporated with the rest of the White River watershed, achieve 95 percent capture and 4 overflow events ⁶	Bid Year – 2008 Achievement of Full Operation – 2010

Table 7-5 (Revised October 3, 2008)

CSO Control Measures, Design Criteria, Performance Criteria, and Critical Milestones

CSO Control Measure ¹		Description ²	Design Criteria ²	Performance Criteria	Critical Milestones ³
14	Riviera Club Improvements to Overflow Storage Tank	Add wet-weather disinfection to existing satellite storage facility	Provide approximate instantaneous peak disinfection flow rate of 53 MGD	When incorporated with the rest of the White River watershed, achieve 95 percent capture and 4 overflow events ⁶	Bid Year – 2009 Achievement of Full Operation – 2011
15	Fall Creek Tunnel, Collector Pipes and Watershed Projects	Deep storage tunnel, consolidation sewers, elimination of CSO 103, dam removal, aeration ⁸	Provide a storage volume of 110 MG	When incorporated with the rest of the Fall Creek watershed, achieve 97 percent capture and 2 overflow events ⁶	Bid Year – 2006 Achievement of Full Operation – 2025
16	Deep Rock Tunnel Connector, Deep Tunnel Pumping Station and Screening Facilities, and Connection of CSO 008 to the Deep Rock Tunnel Connector	Deep rock tunnel originating near CSO 117 and terminating near the headworks of the Southport facility ⁸ , deep tunnel pumping station and screening facilities located near the Southport treatment facility, and structures necessary to tie CSO 008 flows into the Deep Rock Tunnel Connector	Provide a minimum storage volume of 54 MG within the entire Tunnel Connector project and a minimum peak conveyance and dewatering capacity of 150 MGD CSO flow to Southport	Maximize delivery of flow from White River Tunnel to Southport AWT Plant. Optimize capture of CSO 008 and CSO 117	Bid Year – May 31, 2011 Achievement of Full Operation – May 31, 2016
17	Belmont AWT - Wet-Weather Treatment (Trickling Filters/Solids Contact: New aeration tanks and intermediate clarifiers)	Provide secondary biological treatment of the Belmont PE Bypass	Provide parallel peak biological treatment rate of 150 MGD	When incorporated with the rest of the Belmont improvements, facility complies with current NPDES permit	Bid Year – 2009 Achievement of Full Operation – 2012
18	Lower Pogues Run Improvements - Continued	Conversion of existing Pogues Run Box into CSO storage facility ranging from 1.5 to 10 MG and interceptor	Diversion of CSO to White River Tunnel	When incorporated with the rest of the Pogues Run and White River watersheds, achieve 95 percent capture and 4 overflow events ⁶	Bid Year – 2010 Achievement of Full Operation – 2012
19	Pogues Run - Sewer Separation at Forest Manor Park (CSO 143)	Sewer separation that minimizes CSO 143	Storm drains designed as per Indianapolis Stormwater Standards. Sanitary sewer designed as per Indianapolis Sanitary Standards and Ten State Standards	Separation of sewers to minimize CSO 143	Bid Year – 2010 Achievement of Full Operation – 2012

Table 7-5 (Revised October 3, 2008)

CSO Control Measures, Design Criteria, Performance Criteria, and Critical Milestones

20	White River Tunnel (Central Tunnel and Pump Station) and Watershed Projects	Central tunnel and pump station, consolidation sewers, sewer separation, dam modifications, and aeration ⁸	Provide storage volume of 114 MG	When incorporated with the rest of the White River watershed, achieve 95 percent capture and 4 overflow events ⁸	Bid Year – 2010 Achievement of Full Operation – 2021
21	Belmont AWT – Wet Weather Chlorination / Dechlorination (Chlorine Disinfection Tank and Re-establish Existing Outfall)	New wet-weather disinfection system and new discharge to White River	Additional peak disinfection treatment rate of 150 MGD	When incorporated with the rest of the Belmont improvements, facility complies with current NPDES permit	Bid Year – 2010 Achievement of Full Operation - 2012
22	Southport Advanced Wastewater Treatment Plant Improvements – Air Nitrification System (ANS) Expansion	Expansion of ANS from 30 MGD to 150 MGD, fine bubble aeration, new blowers, new final clarifiers, and new process/yard piping	When incorporated with the rest of the Southport Improvements, provide total peak treatment rate of 300 MGD. Provide maximum pumping rate of 350 MGD	When incorporated with the rest of the Southport improvements, facility complies with current NPDES permit	Bid Year – 2010 Achievement of Full Operation - 2016
23	Southport Advanced Wastewater Treatment Plant Improvements – Wet Weather Disinfection	New disinfection facility, pump station, 25 MG equalization basin with aerators, and new process/yard piping	When incorporated with the rest of the Southport Improvements, provide total peak treatment rate of 300 MGD. Provide maximum pumping rate of 350 MGD	When incorporated with the rest of the Southport improvements, facility complies with current NPDES permit	Bid Year – 2011 Achievement of Full Operation - 2016
24	Southport Advanced Wastewater Treatment Plant Improvements – Primary Clarifier Expansion	Expansion of primary clarification facility, and new process/yard piping	When incorporated with the rest of the Southport Improvements, provide peak primary treatment capacity of 300 MGD. Provide maximum pumping rate of 350 MGD	When incorporated with the rest of the Southport improvements, facility complies with current NPDES permit	Bid Year – 2012 Achievement of Full Operation - 2017

Table 7-5 (Revised October 3, 2008)

CSO Control Measures, Design Criteria, Performance Criteria, and Critical Milestones

CSO Control Measure ¹		Description ²	Design Criteria ²	Performance Criteria	Critical Milestones ³
25	Belmont Advanced Wastewater Treatment Plant Improvements -- Headworks and Grit Removal including Screens	Rehabilitation of the original headworks, new process/yard piping and supplemental disinfection from existing equalization basins	When incorporated with the rest of the Belmont Improvements, provide total peak primary and biological treatment rate of 300 MGD. Provide peak pumping rate of 450 MGD. Additional Disinfection of equalization outflow up to a peak rate of 150 MGD	When incorporated with the rest of the Belmont improvements, facility complies with current NPDES permit	Bid Year – 2015 Achievement of Full Operation – 2019
26	Southport Advanced Wastewater Treatment Plant Improvements -- Headworks	Expansion of headworks, screening, grit removal, and new process/yard piping	When incorporated with the rest of the Southport Improvements, provide total peak treatment rate of 300 MGD. Provide peak pumping rate of 350 MGD	When incorporated with the rest of the Southport improvements, facility complies with current NPDES permit	Bid Year – 2015 Achievement of Full Operation - 2018
27	Southport Advanced Wastewater Treatment Plant Improvements -- CSO Pump Station	New pump station for additional dewatering of captured CSO from the Deep Rock Tunnel Connector (fka Interplant Connection)	Additional 75 MGD for routing to Enhanced High Rate Clarifiers (EHRC)	When incorporated with the rest of the Southport improvements, facility complies with current NPDES permit	Bid Year – 2022 Achievement of Full Operation - 2025
28	Southport Advanced Wastewater Treatment Plant Improvements -- EHRC Facility ⁷	New enhanced high rate clarifiers, and new process/yard piping	Additional 75 MGD EHRC treatment for dewatering of captured CSO from the Deep Rock Tunnel Connector (fka Interplant Connection)	When incorporated with the rest of the Southport improvements, facility complies with current NPDES permit	Bid Year – 2022 Achievement of Full Operation - 2025
29	Pleasant Run Overflow Collector Pipe (CSO Collector Pipe)	Collection interceptor and sewer separation. Collection interceptor is approximately 46,000 feet of pipe ⁸	Provide approximate instantaneous peak flowrate of 125 MGD at the downstream end	When incorporated with the rest of the Pleasant Run watershed, achieve 95 percent capture and 4 overflow events ⁸	Bid Year – 2010 Achievement of Full Operation – 2025
30	Eagle Creek Overflow Collector Pipe (CSO Collector Pipe and Belmont West Cutoff)	Collection interceptor and relief interceptor. Collection interceptor and relief interceptor are approximately 40,000 feet of pipe ⁸	Provide approximate instantaneous peak flowrate of 50 MGD at the downstream end	When incorporated with the rest of the Eagle Creek and White River watersheds, achieve 95 percent capture and 4 overflow events ⁸	Bid Year – 2013 Achievement of Full Operation - 2018

Table 7-5 (Revised October 3, 2008)

CSO Control Measures, Design Criteria, Performance Criteria, and Critical Milestones

31	Upper Pogues Run Improvements	Off-line storage facility, collection interceptor. Collection interceptor is approximately 9000 feet of pipe ⁸	Provide approximate instantaneous peak flowrate of 65 MGD. Provide approximate storage volume of 9.5 MG	When incorporated with the rest of the Pogues Run watershed, achieve 95 percent capture and 4 overflow events ⁹	Bid Year – 2017 Achievement of Full Operation – 2021
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Footnotes:

¹ Upon full implementation, the CSO Control Measures listed in Table 7-5 are expected to result in 95 percent capture and 4 CSO events on the White River, Pleasant Run, Pogues Run and Eagle Creek and 97 percent capture and 2 CSO events on Fall Creek, as evaluated in accordance with footnote 6. Either a revision to Indiana's current water quality standards or some other legal mechanism is necessary to authorize overflows due to storms exceeding those levels of control. In Section 9 of the LTCP, the City of Indianapolis is requesting a revision to the applicable water quality criteria consistent with this level of control through the establishment of a CSO wet weather limited use subcategory supported by a Use Attainability Analysis ("UAA"). The design and construction of CSO Control Measures 1 through 14 ("Phase I" Projects) are not dependent upon the level of control ultimately determined, and therefore the city will implement CSO Control Measures 1 through 14 according to the terms and schedule set forth in this Table. IDEM and U.S. EPA acknowledge that the city is scheduled to start investing heavily in CSO Control Measures 15 through 31, which are level of control-dependent, in the years following approval of the city's LTCP. Accordingly, all parties intend that the UAA process be completed within five years from LTCP approval. If the UAA process is not completed within five years, IDEM and U.S. EPA agree that, under certain circumstances, the city can seek a modification of the implementation schedule.

² The Description and Design Criteria are based upon LTCP-level planning estimates and may be subject to revision during facility planning and design. One of the conditions of Descriptions and Design Criteria, applicable to all of the facilities set forth in this Table 7-5 is that the specific facility will be designed in accordance with good engineering practices to ensure that corresponding facility-specific, watershed-wide, and systemwide Performance Criteria will be achieved.

³ The term "Bid Year" means "Completion of the Bidding Process."

CSO Control Measures, Design Criteria, Performance Criteria, and Critical Milestones

Table 7-5 Footnotes (continued)

⁴ The CSO control measure is not expected to achieve 95 or 97 percent capture on its own and will work in conjunction with other CSO control measures at the specified CSO outfalls to achieve the performance criteria.

⁵ Consistent Operation: Performs as designed on a regular basis. Failure to perform correctly is infrequent.

⁶ CSO Control Measures will be designed to achieve Performance Criteria of 97 percent capture for the Fall Creek watershed and 95 percent capture for other CSO receiving waters, and 2 CSO events for the Fall Creek watershed and 4 CSO events for each of the other CSO receiving waters in a "typical year." "Typical year" performance, and achievement of Performance Criteria, shall be assessed in accordance with Section 8.4 (Post Construction Monitoring) using the average annual statistics generated by the collection system model for the representative fiveyear simulation period of 1996 to 2000 (or another five-year simulation period subsequently proposed by the city and approved by IDEM and U.S. EPA).

⁷ The Southport EHRC facility will be constructed only if required to achieve the performance criteria for the Fall Creek and White River watersheds.

⁸ The collection interceptor may be installed as multiple interceptors with the combined capacity as described in the Design Criteria.