

## **Environmental Rules Board Hearing – October 28, 1:30p**

**Citizen’s petition to adopt Indiana appropriate version of the EPA 2012 Recreational Water Quality Criteria to provide regulatory certainty for CSO Communities**

**Richard M. Hickman, Mayor – Angola, Indiana**

### **Mayor Hickman Testimony Outline**

Introduction (personal/community):

#### CSO-Related History:

In 1995, Mayor Selman and other City leaders began implementing a plan to remove storm water from the sanitary sewer system to comply with new federal and state CSO control policies. Our historic expenditures came with expectations that there would be an end point, a time where we met the purpose and intents of the national CSO Control Policy.

After almost a decade of improvements, in 2004 IDEM approved Angola’s CSO Long Term Control Plan identifying the final list of sewer separation projects that would allow us to fully comply with the CSO Control policy using the Design Storm Approach. At the time, we were told that as long as we demonstrated that we could fully capture and provide disinfection to overflows up to the 10-year, 1-hour storm, CSO’s that occurred because of storms bigger than this would be covered by “Force Majeure”. By the end of 2010, Angola, a community of 8,500 residents, had completed all of the projects identified in its plan at a cost of more than twelve million dollars. Post construction monitoring and a comprehensive audit conducted by IDEM verified that our efforts had *exceeded* the desired result – we consistently demonstrated the ability to receive & completely treat flows from the 10-Year 1-Hour storm.

It is interesting to note that under Section 4-a of the 94 CSO Control policy, which has been provided to you, the policy states “A program that meets any of the criteria listed below would be presumed to provide an adequate level of control...1) no more than an average of 4 overflow events per year...2) the elimination or capture for treatment of no less than 85% by volume of the combined sewage...on a system wide annual average...” On average, Angola has 3 CSO events annually, with a median flow of less than 50,000 gallons per event. Our efforts have resulted in a capture of more than 97% of all CSO flows.

In 2014 IDEM notified Angola that with the completion of our CSO Long Term Control Plan and approved Post-Construction Monitoring audit, the terms of our permit were changing. Combined Sewer Overflows were now ***prohibited discharges***, and IDEM would use ***enforcement discretion*** to determine if we complied with the CSO Policy. We built up our system as expected by IDEM, demonstrated our ability to meet and substantially exceed the metrics that IDEM and Angola mutually agreed to in 1995 and again in 2004, and now are faced with what we feel are shifting goalposts. We do not have the regulatory certainty that was expected even by EPA officials when the 1994 CSO Policy was developed.

Angola sits at the top of the St. Joseph River Basin watershed which flows to Lake Michigan. We are the county seat of Steuben County, “Home of 101 Lakes”. We understand the connection between water quality and tourism, public health and protection of the environment. Angola was one of the first Indiana communities to complete its CSO long term control plan. We firmly believe that every cent of the twelve million dollars spent to address CSO’s was the right investment. My Street, Engineering, Stormwater and Wastewater Department Heads continue to find ways to reduce inflow and infiltration into the sewer system when projects and budgets allow us to. We continue to look for opportunities to reduce the impact of CSO’s in our watershed, but they are far outside the scope of what was needed to comply with the level of control originally established for us.

We believe that IDEM has the tools at hand to provide much needed regulatory certainty to CSO communities within the framework of the EPA 2012 Recreational Water Quality Criteria. We ask that that the Board direct IDEM complete what the EPA and IDEM understood was their part of the CSO Control Policy: provide Indiana CSO Communities regulatory certainty by “revising water quality standards to reflect the site-specific wet weather impacts of CSO’s on water usage”.

*Closing remarks, as desired...*