

Via Federal Express

November 30, 2012

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RE: Request for Program Delegation  
Industrial Pretreatment Program  
Indianapolis, Indiana

Ladies and Gentlemen:

Pursuant to Paragraph 56 of the Order on Consent and Request for Information (the Pretreatment Order) finalized on September 4, 2012, between the United States Environmental Protection Agency (U.S. EPA), the City of Indianapolis, and CWA Authority, Inc., an Indiana municipal corporation (the Authority), please find enclosed for your review and approval a completed application with all necessary requirements to become an authorized pretreatment program. In particular, the Authority seeks to be named the control authority and approved operator of the pretreatment program for the publicly owned treatment works (POTW) in Indianapolis, Indiana, in accordance with the requirements of 40 C.F.R. Part 403. This request is submitted in accordance with the approval procedures outlined in 40 C.F.R. 403.18(c).

Currently, the City of Indianapolis has delegation from U.S. EPA for the implementation of the pretreatment program; however, the Authority respectfully requests that the delegation be transferred from the City to the Authority as the current owner of the relevant wastewater assets. Additionally, the pretreatment program has been incorporated into National Pollutant Discharge Elimination System (NPDES) permit number IN0023183, which governs the Belmont and Southport Advanced Wastewater Treatment (AWT) facilities located in Indianapolis. This NPDES permit currently expires on January 31, 2013; the permit was transferred to the Authority on August 26, 2011, by the Indiana Department of

Environmental Management (IDEM) to reflect the change in ownership and operation of the wastewater assets.

### **Program Requirements**

In accordance with the required elements of Sections 307(b) and (c) and Section 402(b)(8) of the Clean Water Act, as well as the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR Part 403) promulgated by U.S. EPA, POTWs are required to develop pretreatment programs governing the operation of systems possessing a design flow greater than five (5) million gallons per day and receiving from industrial users pollutants which pass through or interfere with the operation of the POTW or are otherwise subject to pretreatment standards.

Since 1985, the City operated the federally approved pretreatment program for the POTW. Since the asset transfer that occurred on August 26, 2011, the Authority has demonstrated that the Belmont and Southport facilities would continue to meet the definition of POTW as that term is defined in 40 CFR 403.3(q). Currently, the Authority continues to implement the City's approved pretreatment program through a series of legal mechanisms, including an Agreed Order executed with the Indiana Department of Environmental Management with U.S. EPA's concurrence, to ensure the ongoing implementation of the pretreatment program. The Authority now seeks direct delegation of pretreatment authority.

The objectives of the pretreatment program continue to be:

- Prevention of the introduction of pollutants into the POTW which will interfere with treatment operations and/or the use or disposal of the municipal sludge;
- Prevention of the introduction of pollutants into the POTW which will pass through or are incompatible with the treatment works;
- Improvement of the feasibility of recycling and reclaiming the municipal and industrial waste waters and sludges;
- Enforcement of applicable U.S. EPA categorical standards; and
- Reduction of the risk to public health and the environment from pollution caused by discharges to the POTW.

The Authority recognizes that with Indianapolis' large industrial base, dedication to the public health of the community and environment, the City's investment in the AWTs and sewer construction, and with a major water resource, the White River, to protect, Indianapolis needs a workable pretreatment program. With the submittal of this application the Authority provides the following documentation for implementation of the Indianapolis Industrial Pretreatment Program:

- Demonstration of legal authority to assume, operate, and enforce the pretreatment program;
- Demonstration of a funding system for financing the program; and
- Demonstration of sufficient manpower and/or resources to operate the program.

## **Submittal Contents**

At this time, the Authority requests direct delegation of the City's pretreatment program to the Authority, including approval of the Authority's proposed pretreatment program as outlined in this submission. The Authority's pretreatment program will mirror and build on the efforts of the City's current program, including those changes stemming from the Pretreatment Order. Updates to the current program will be implemented as needed to ensure that, in accordance with the federal regulations, industries pay a proportional share of the pretreatment program. The Authority will also revise its own legal authorities and procedures to operate the pretreatment program, after appropriate public participation, as necessary to incorporate changes to applicable pretreatment standards or as required by other circumstances.

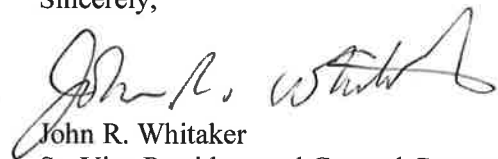
The appendices to this submittal include numerous documents in support of this delegation request. A Table of Contents is included with this document to assist in the review of this submittal. The addendum to this submittal contains redline versions of the documents that the Authority is incorporating into its program in order to allow changes to be more readily highlighted.

On behalf of the Authority, we look forward to meeting with you to review and discuss this submittal, to answer questions that you and your staff may have during their review of this submittal, and to provide additional information necessary to support your delegation of pretreatment authority to the Authority.

Please contact Ms. Ann McIver, Director, Environmental Stewardship, at (317) 927-4393 or via e-mail at [amciver@CitizensEnergyGroup.com](mailto:amciver@CitizensEnergyGroup.com) as such needs arise.

Thank you in advance for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Whitaker", is written over the typed name.

John R. Whitaker  
Sr. Vice President and General Counsel

Enclosures