



Cleaner Waters. Better Neighborhoods.

Use Attainability Analysis (UAA)

Why Is a Use Attainability Analysis Important?

A Use Attainability Analysis (UAA) is a critical component of Citizens Energy Group's Consent Decree (CD), for which it assumed responsibility when acquiring the water and wastewater utilities from the City of Indianapolis in 2011. The CD requires the investment of billions of dollars to construct improvements like the DigIndy Tunnel System that will mitigate the impacts of combined sewer systems currently overflowing raw sewage and rainwater into area rivers and streams. A UAA is a component of the CD that ensures investments will result in compliance with water quality standards (WQS) and alleviate the need for additional significant capital investments following the completion of the DigIndy Tunnel System in 2025.

What Is a UAA?

A UAA is a scientific assessment that examines the factors affecting the designated use of a water body and if that use is attainable. Indiana's waterways are designated for full body contact recreation, which is better known as the fishable/swimmable standard.

There are six possible factors defined in the United States Environmental Protection Agency's (U.S. EPA) UAA guidance that can be used to prove the inability to attain the designated use; in Citizens' case, the inability to attain full body contact recreation.

When a UAA is completed and approved, it is used to support a change to the designated use of a water body through the WQS. The WQS are provisions approved by U.S. EPA that describe the desired condition of a water body.

A change in WQS requires that Citizens complete and submit the UAA to the Indiana Department of Environmental Management (IDEM) for review and approval. Following approval of the submittal, IDEM must complete rulemaking, an administrative process, to modify water quality standards.

Citizens' UAA

A UAA was included in Citizens' approved Consent Decree. The CD approval noted that it was IDEM's intent that within a period of 270 days after an approved CD, they would initiate the process to revise WQS or issue a final agency decision that a revision would not be undertaken.

The City of Indianapolis submitted the original UAA documents to IDEM in 2007. The UAA sought suspension of the fishable/swimmable standard on receiving waters (i.e., White River, Eagle Creek, Fall Creek, Pleasant Run Creek and Pogue's Run Creek) during and for up to four days after the end of any remaining combined sewer overflow (CSO) discharges. This submittal was accepted by IDEM in December 2007; it was not accepted by U.S. EPA.

The Indiana Water Pollution Control Board in 2005 adopted a specific designated use to address these circumstances, called the Wet Weather Limited Use Subcategory. This subcategory is intended to support CSO communities that are unable to completely eliminate CSO discharges during rain events due to factors included in UAA guidance from the U.S. EPA and described below. Application of the Wet Weather Limited Use Subcategory would suspend the designated use applicable to Indianapolis waters during wet weather events that would cause CSO discharges exceeding Citizens' CD.

Citizens' UAA utilized the following factors to support modification of a designated use:

- **Factor 2 - Flow Conditions:** CSO-impacted waterways are especially unsuitable for recreational use during and following large storm events (i.e., 3-month storm event) due to high stream flows/velocities.
- **Factor 3 - Human Caused Conditions:** Human-caused conditions, such as those caused by urbanization or sources of pollution, prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place.
- **Factor 4 - Hydrologic Modification:** On Pogue's Run Creek and Pleasant Run Creek, urbanization has modified the natural hydrology of the streams, increasing peak stream flows to unsafe levels.
- **Factor 6 - Economic and Social Impact:** Attaining a designated use would result in substantial and widespread economic and social impacts affecting the quality of life in our community.

Next Steps

Implementation of the Wet Weather Limited Use requires IDEM to proceed with the administrative rulemaking process. Citizens will update and resubmit the UAA, and request a revision to WQS in the form of a Wet Weather Limited Use designation.

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