

# City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #11 (March 1, 2013 – August 31, 2013)



**Six-Month Status Report #11 (03/01/13 – 08/31/13)**

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<b>Report Submitted to the following:</b>	
<b>U.S. EPA</b>	Chief Water Enforcement and Compliance Assurance Branch Water Division U.S. Environmental Protection Agency, Region 5 77 West Jackson Boulevard Chicago, IL 60604
<b>IDEM</b>	Chief, Compliance Branch Office of Water Quality Indiana Department of Environmental Management 100 North Senate Avenue P.O. Box 6015 Indianapolis, IN 46206  Chief, Enforcement Section Office of Legal Counsel Indiana Department of Environmental Management 100 North Senate Avenue P.O. Box 6015 Indianapolis, IN 46206
<b>From:</b>	
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**APPENDIX 1**

Summary to include the following:

1. Consent Decree Requirements for Reporting Period (03/01/13 – 08/31/13)
2. General Description of Work Completed during the Reporting Period (03/01/13 – 08/31/13)
3. Description of Projected Work to be Performed in the Next Six-Months (09/01/2013 – 02/28/14)

**APPENDIX 2** – Reports submitted to IDEM during the Reporting Period

**APPENDIX 3** – Operations and Maintenance Report on Collection System Activity

**1. CONSENT DECREE COMPLIANCE (Section XII, Paragraph 34 (a))**

A statement setting forth (i) the deadlines and other terms that Fort Wayne has been required by this Consent Decree to meet since the date of the last statement; (ii) whether and to what extent Fort Wayne has met those requirements; and (iii) the reasons for any noncompliance.

The attached Appendix 1 includes a summary of the City of Fort Wayne's (the "City's") compliance with applicable Consent Decree deadlines and terms from March 1, 2013 – August 31, 2013 (the "Reporting Period"). The City believes that it has met all Consent Decree deadlines during the Reporting Period. The City believes that it also met other terms required by the Consent Decree, but did experience the discharges described at item 6 below during the Reporting Period. Explanations for those discharges are provided at item 6.

**2. GENERAL DESCRIPTION OF WORK (Section XII, Paragraph 34 (b))**

(i) A general description of the work completed within the prior six-month period; (ii) to the extent known, a statement as to whether the work completed in that period meets applicable Design Criteria; and (iii) a projection of work to be performed pursuant to this Consent Decree during the next six-month period.

The attached Appendix 1 includes a general description of work completed during the Reporting Period and statements as to whether the completed work met applicable Design Criteria.

Appendix 1 also includes a description of the projected work to be performed in the next six-month period. The described activities are, of course, in addition to the continuing activities of the City under its NPDES permit, CMOM and CSSOP.

**3. REQUEST FOR WATER QUALITY STANDARDS REVISION (Section XII, Paragraph 34 (c))**

A statement as to Fort Wayne's understanding regarding the status of IDEM's response to the City's request for a revision to water quality standards in accordance with Section 5 of the City's Long-Term Control Plan.

As previously reported, the City held two public participation meetings on February 17, 2010. A 30-day public comment period followed and concluded March 17, 2010. The only written comment received was from a Fort Wayne citizen in support of the proposed UAA.

Subsequently, on May 6, 2010, a final version of the UAA proposal was submitted to IDEM. The submittal was followed by a meeting on June 8, 2010 between the City and

IDEM to discuss future steps in the rule change process. On August 30, 2010 IDEM issued the City a letter stating, in relevant part:

“Based on the information contained in the City’s UAA, IDEM finds that Fort Wayne has provided sufficient information to propose changing the designated recreational use for the above mentioned waters from ‘full body contact’ to the ‘Combined Sewer Overflow (CSO) Wet Weather Limited Use’ subcategory of Indiana’s recreational use designation as provided in IC 13-18-3-2.5 during storm events that exceed the level of control in the City’s approved Long-Term Control Plan (LTCP).”

The City met with IDEM again on August 31, 2010 to discuss a schedule to complete the UAA rule change process in 2010. The City understands that IDEM has provided EPA Region V with a draft proposed rule and that EPA is currently evaluating the same.

Notwithstanding EPA’s involvement in the UAA throughout its development, EPA posed new questions regarding the City’s UAA in late 2010 requesting additional information. The City, IDEM and EPA met to discuss EPA’s request on January 11, 2011. Additional meetings and dialog with EPA have followed, including on January 26, 2012, February 21, 2012, June 13, 2012 and February 27, 2013. IDEM participated in the February 21, 2012 meeting. Further dialog is anticipated during the next reporting period.

**4. CSO CONTROL MEASURES NOTICE TO PROCEED (Section XII, Paragraph 34 (d))**

A description of any notices to proceed for any CSO Control Measure or measures specified in Appendix 3 that Fort Wayne has revoked in the prior six-month period, and a description of the status of Fort Wayne’s compliance with Section XXI.F with regard to issuance of a new notice to proceed.

The City did not revoke a notice to proceed during this reporting period.

**5. POST-CONSTRUCTION MONITORING PROGRAM (Section XII, Paragraph 34 (e))**

**Information generated in accordance with the Post-Construction Monitoring Program.**

Ongoing monitoring programs have continued as outlined at Appendix 4 of the Consent Decree.

**6. REPORTS SUBMITTED TO IDEM IN PREVIOUS SIX MONTHS (Section XII, Paragraph 35)**

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**Fort Wayne shall also submit, with each written status report, copies (to EPA only) of all Monthly Monitoring Reports and other reports pertaining to CSOs, SSDs, and bypasses that Fort Wayne submitted to IDEM in the previous six months.**

The attached Appendix 2 contains numbered copies of monthly monitoring and other reports submitted to IDEM concerning the Reporting Period pertaining to CSOs, discharges from the City's separate sanitary sewer system, and bypasses. Additional information regarding the discharges described on the reports included within Appendix 2 follows.

Many of the reports submitted during the Reporting Period (report numbers 2, 4, 6, 7, 8, 9, 10, 13, 14, 15, 24 and 27) concerned small volume discharges which did not reach a regulated waterbody but were reported for information purposes. Of those, six (report numbers 2, 8, 9, 10, 14 and 15) regarded basement backup events which were reported in an abundance of caution and at IDEM's request for information purposes even though they may not arise due to the City's sewer system. Similarly, report 3 was submitted for informational purposes although it did not concern a discharge from the City's existing sewer system.

Discharges from sanitary sewer system locations other than those listed on Consent Decree Appendix 5 are described in reports 17, 20, 22, and 26. All were minor (an average of approximately 220 gallons) and occurred notwithstanding the City's timely accomplishment of all CMOM requirements, compliance with applicable NPDES permit provisions, and customary best efforts. In addition to responsive activities identified in the submitted reports, the City continues to distribute numerous grease control kits to residents in areas proximate to identified blockages, college residence halls, apartment complexes, and neighborhood associations. The kits include educational materials (translated when appropriate) and lids to facilitate home grease collection. Two additional discharges from sanitary sewer system locations other than those listed on Consent Decree Appendix 5 (reports 19 and 23) occurred due to short-term power outages that were quickly remedied.

Two reports (16 and 28) concerned dry weather events which occurred due to third parties. Report 16 concerned equipment installation and programming error by a third party contractor in a CSO pump station. The City reconfigured the operation of the station pumps to prevent recurrence. Report 28 concerned a third party facility testing its fire suppression system (unknown to the City) and discharging those flows to the City's storm sewer inlets within the combined sewer system.

Reports 5, 11, 12, 18, 21 and 25 concerned exceptional wet weather conditions in excess of a 10-year storm event which sometimes necessitated the use of remote pumps in impacted areas to avoid or mitigate severe property damage and street flooding. The City experienced the twelfth wettest summer (June – August 2013) on record with above normal precipitation; most of which fell during June and August. The City utilized its best efforts to prevent, minimize and mitigate damages throughout these events and fully accomplished all activities required by its NPDES permit, CMOM and CSSOP.

In addition to the provided incident reports, the City reported an E. coli daily maximum exceedance for August 2013 caused by exceptional circumstances (wet weather and wildlife).

Finally, the City has attached revised CSO DMRs for certain months during 2008 through 2012 submitted to IDEM during the Reporting Period. The revisions correct inadvertent errors which ultimately resulted in the overstatement of CSO discharge volumes during that period. The inadvertent errors were identified by the City during an internal review of its prior CSO DMRs.

**7. OPERATIONS AND MAINTENANCE REPORT ON COLLECTION SYSTEM ACTIVITY**

Although not required by the Consent Decree, the City is pleased to include tables at Appendix 3 respectively depicting the City's general progress towards its operations and maintenance activities goals as well as a listing of completed regulator and lift station inspections March 1, 2013 – August 31, 2013.

**8. CERTIFICATION STATEMENT (Section XII, Paragraph 38)**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
Kumar Menon, Director of City Utilities

\_\_\_\_\_  
Date

# APPENDIX 1



**APPENDIX 1**  
**Six-Month Status Report #11 (03/01/13 – 08/31/13)**

**APPENDIX 1**

Below are general descriptions of the following (I) Consent Decree compliance requirements for Reporting Period; (II) work completed during the Reporting Period; and (III) work anticipated to be performed during the next Reporting Period.

**I. CONSENT DECREE COMPLIANCE FOR THIS REPORTING PERIOD**

No critical milestone dates occurred during this Reporting Period. Although it was not yet required to do so, the City did, however, achieve full operation for CSO Control Measure 4 (CSSCIP – Basins with Planned Satellite Storage/Disinfection Technologies) during the Reporting Period. All such work is believed to have met applicable design criteria.

**II. WORK CONTEMPLATED BY CONSENT DECREE APPENDIX 3 AND APPENDIX 5 COMPLETED DURING THIS REPORTING PERIOD**

**CSO Control Measure 2 – Plant Phase III** (when combined with other WPCP improvements, this control measure is to provide peak primary treatment capacity of 85 mgd and firm capacity of 74 mgd)

- Completed engineering and design of additional projects needed to attain 85 mgd peak (74 mgd firm) continued.
- Received bids and construction began on Effluent Pump Station Project.
- Construction began on Primary & Secondary Treatment Capacity Improvements project.

**CSO Control Measure 4 – CSSCIP - Basins with Planned Satellite Storage/Disinfection Technologies** (to be designed per Fort Wayne Stormwater and Sanitary Standards as well as Ten States Standards)

- CSO Outfall 061 – Construction was completed.
- CSO Outfall 062 – Preliminary engineering study completed; no cost effective project identified. Level of Control will be timely met through CSO Control Measure 9.
- CSO Outfall 054 (phase iii) – Issued NTP, construction began and was completed during the reporting period.
- The Achievement of Full Operation was accomplished during this Reporting Period

**CSO Control Measure 5 – Pond Storage & Dewatering** (provide storage capacity of approximately 95 mg)

- Continued with construction of Combined Sewer Pump Station (CSPS) improvement project.
- Continued with construction of CS Pond Improvements (Pond Storage & Dewatering Improvements).

**CSO Control Measure 6 – CSSCIP – Basins Tributary to Parallel Interceptor** – (partial separation projects identified as cost-effective components of the Combined Sewer System Capacity Improvements Program). Note: The below listing includes one or more outfalls which the City is voluntarily working to improve in connection with this CSO Control Measure although such is not required by the Consent Decree.

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- CSO Outfall 021 (phase i) – Construction was completed.
- CSO Outfalls 024 (phase ii), 025 (phase ii) & 032 (phase ii) – Final design was completed & construction bids were received.
- CSO Outfalls 007 (phase i) & 056 (phase i), 013 (K06 290A portion), 021 (phase ii), 024 (phase iii), 025 (phase iii), and 032 (phase iii) – Final design continued.

**CSO Control Measures 7 & 8 – Satellite Storage & Disinfection for St. Joseph River CSOs - (St. Joseph Relief Sewers)**

The City began working with EPA and IDEM during the Reporting Period to revise the Consent Decree and CSO Control Measures 7 & 8 to reflect the 2015 completion of (a) a relief sewer and connections to capture combined sewer overflows for conveyance to WPCP/Wet Weather Ponds and (b) a control structure at WWPS, rather than the satellite facilities originally contemplated by these control measures. Such revisions are anticipated to be completed during the next reporting period.

- Preliminary design began on the relief sewer.
- Construction began on the control structure.

**CSO Control Measure 11 – Wayne Street Parallel Interceptor – (Parallel interceptor to capture combined sewer overflows for conveyance to WPCP/Wet Weather Ponds)**

- A preliminary engineering routing study continued.

**CSO Control Measure 12 – St. Mary's Parallel Interceptor – (Parallel interceptor to capture combined sewer overflows for conveyance to WPCP/Wet Weather Ponds)**

- A preliminary engineering routing study continued.

**CSO Control Measure 13 – Late Floatables Control – (Overflow-specific solids and floatables controls)**

- CSO Outfalls 002, 003 and 057 - Construction continued on a screening facility in connection with the CSPS project (CSO Control Measure 5).
- CSO Outfall 036 – Final design began.
- CSO Outfall 054 – Issued NTP, construction began and was completed during the reporting period.

**Rothman SSD System – Outfalls 072, 073, 074, 075, 076**

- Although not required by the Consent Decree, the City is working to further improve the collection system in this area.

**North Maumee SSD System – Outfalls 077 & 078 (criteria to be met by December 31, 2020)**

- Wet weather manhole inspections completed.

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**III. WORK CONTEMPLATED BY CONSENT DECREE APPENDIX 3 AND APPENDIX 5 ANTICIPATED FOR COMPLETION DURING THE NEXT REPORTING PERIOD**

**CSO Control Measure 2 – Plant Phase III** (when combined with the rest of the WPCP improvements, provide peak secondary treatment capacity of 85 mgd and firm capacity of 74 mgd)

- Continue construction on Effluent Pump Station Project.
- Continue construction on Primary & Secondary Treatment Capacity Improvements project.

**CSO Control Measure 5 - Pond Storage & Dewatering** (improvements to Wet Weather Ponds to allow storage of combined sewer overflow with subsequent dewatering to WPCP)

- Complete construction of Combined Sewer Pump Station (CSPS).
- Complete construction of Pond Storage & Dewatering Improvements (First Flush Basin and Bleedback Project).

**CSO Control Measure 6 – CSSCIP – Basins Tributary to Parallel Interceptor** - (Partial separation projects identified as cost-effective components of the Combined Sewer System Capacity Improvement Program) Note: The below listing includes one or more outfalls which the City is voluntarily working to improve in connection with this CSO Control Measure although such is not required by the Consent Decree.

- CSO Outfalls 024 (phase ii), 025 (phase ii) & 032 (phase ii) – Construction continues.
- CSO Outfalls 007 (phase i) & 056 (phase i), 013 (K06 290A portion), 024 (phase iii), 025 (phase iii), and 032 (phase iii) – Final design to be completed & construction bids to be received.
- CSO Outfall 021 (phase ii) – Final design to continue.
- CSO Outfalls 005, 007 (phase ii) & 056 (phase ii) and 050 – Final design to begin.

**CSO Control Measures 7 & 8 – Satellite Storage & Disinfection for St. Joseph River CSOs** - (St. Joseph Relief Sewers)

- Continue preliminary design on the relief sewer.
- Continue construction of the control structure.

**CSO Control Measure 9 – Satellite Disinfection** – (Satellite disinfection facilities)

- CSO Outfall 054 – Advanced facilities planning to occur to optimize final control technologies accounting for flow reductions resulting from implementation of CSSCIP under CSO Control Measure 4.
- CSO Outfalls 61 and 62 – Advanced facilities planning to occur to optimize final control technologies accounting for flow reductions resulting from implementation of CSSCIP under CSO Control Measure 4.

**CSO Control Measure 10 – Morton Street/O10101 Reroute** – (Reroute overflow pumps station discharge to Wet Weather Pond 1)

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- CSO Outfall 048 – Work anticipated in future reporting periods.

**CSO Control Measure 11** – **Wayne Street Parallel Interceptor** – (Parallel interceptor to capture combined sewer overflows for conveyance to WPCP/Wet Weather Ponds)

- Preliminary engineering routing study to be completed.
- Public outreach to begin.
- Issue RFQ for preliminary design.

**CSO Control Measure 12** – **St. Mary's Parallel Interceptor** – (Parallel interceptor to capture combined sewer overflow for conveyance to WPCP/Wet Weather Ponds)

- Preliminary engineering routing study to be completed.
- Public outreach to begin.

**CSO Control Measure 13** – **Late Floatables Control** – (Overflow-specific solids and floatables controls)

- Outfalls 036 – Complete final design, receive bids and begin construction.
- Outfalls 051 & 053 – Begin final design.
- CSO Outfalls 002, 003 and 057 – Complete construction on a screening facility in connection with the CSPS project (CSO Control Measure 5).

**Rothman SSD System** – **Outfalls 072, 073, 074, 075, 076**

- Continue I/I removal projects.
- Continue modeling and smoke testing projects.

**North Maumee SSD System** – **Outfalls 077 & 078**

- Advanced facility planning to begin.
- Continue wet weather manhole inspections.