

City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #5 (March 1 – August 31, 2010)



Six-Month Status Report #5 (03/01/10 – 08/31/10)

Report Submitted to the following:	
U.S. EPA	Chief Water Enforcement and Compliance Assurance Branch Water Division U.S. Environmental Protection Agency, Region 5 77 West Jackson Boulevard Chicago, IL 60604
IDEM	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
From:	
City of Fort Wayne	City of Fort Wayne Fort Wayne City Utilities, Room 280 City County Building 1 East Main Street Fort Wayne, IN 46802

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APPENDIX 1

Summary to include the following:

1. Consent Decree Requirements for Reporting Period (03/01/10 – 08/31/10)
2. General Description of Work Completed during the Reporting Period (03/01/10 – 08/31/10)
3. Description of Projected Work to be Performed in the Next Six-Months (03/01/10 – 08/31/10)

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 – August 31, 2010 (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. In addition, the City received a notice from IDEM during the Reporting Period requesting improvements to the City's pretreatment program and alleging prior non-compliance. The City implemented most of the requested improvements during the Reporting Period and intends to address the few remaining requests within the next reporting period as asked by IDEM. The City also intends to resolve the alleged prior non-compliance with IDEM during the next reporting period.

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. A draft fact sheet is currently under review by both IDEM and the City. The City understands that IDEM has provided EPA Region V with a draft proposed rule and that EPA is currently evaluating the same. The City anticipates that IDEM will present the City’s UAA to the Indiana Water Pollution Control Board in November 2010.

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)

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.

Appendix 2 (attached), contains numbered copies of monthly monitoring and other reports submitted to IDEM concerning the Reporting Period pertaining to CSOs, SSDs, and bypasses. Additional information regarding the discharges described on the reports included within Appendix 2 follows. Discharge events from the SSD systems described at the Consent Decree's Appendix 5 are detailed on reports 6, 9 and 10. Reports 5 and 12 also describe discharge events associated with the SSD systems described at Consent Decree Appendix 5 (both reports describe discharges from the same siphon line at issue with respect to the Warfield SSD system). The City's efforts to eliminate SSDs from such locations by the timeframes stated by the Consent Decree remain on schedule.

Discharges from sanitary sewer system locations not associated with the SSD locations identified at Appendix 5 of the Consent Decree are described in reports 2, 3, 4, 8, 13, 15, 17, 18, 20, 21, 22 and 27. Most of those discharges (reports 2, 3, 4, 8, 21, 22 and 27) were low in volume and caused by system blockages; three (reports 15, 17 and 18) were due extraordinary rain events which approached or exceeded a 10-year event; and another (report 13) concerned a failed forcemain. An additional two discharges were identified from the Zanesville sanitary sewer system recently acquired by the City in January of 2009 and not currently subject to the Consent Decree (reports 23 and 24). As required by the Consent Decree, the City is studying the newly acquired system and will update its CMOM to address system discharges within 3-years of the acquisition.

Four Reports (7, 11, 14 and 25) concerned discharges from permitted combined sewer system outfalls. All such discharges occurred notwithstanding the City's timely accomplishment of all CSSOP requirements, compliance with applicable NPDES permit provisions, and customary best efforts. Brief descriptions of each of these reports follows. Report 7 describes a discharge event which occurred due to an equipment malfunction while a contractor was working to complete programming modifications associated with the monitoring of a pilot floatables control program required by the Consent Decree. Report 11 concerned a discharge from outfall 002 caused by an unintended opening of the outfall's sluice gate (although the cause of that unintended opening could not be determined, the City subsequently installed protective locks and recalibrated the set points to protect against a reoccurrence). Report 14 regards a discharge associated with a flood event that approached or exceeded a 10-year event. That discharge consisted largely of river water which infiltrated a sluice gate during the flood event. Report 14 describes a discharge which occurred due to a brief activation of a pump station following a rain event.

Finally, five of the reports within Appendix 2 concern discharges which did not reach a regulated water body (reports 1, 16, 19, 26 and 28). These reports were provided to IDEM and within this report for informational purposes only.

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 – August 31, 2010.

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

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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 of Appendix 3 or Appendix 5 of the Consent Decree occurred during this Reporting Period. A summary of work completed during this Reporting Period to achieve forthcoming critical milestone dates is provided at part II below. .

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 final design and advertised bidding for Raw Waste Water Pumps and Secondary Clarifier Improvements.

CSO Control Measure 3 – Early Floatables Control (provide instantaneous peak floatables control rate equal to the highest annual flow rate in “typical year”)

- CSO Outfalls 017, 021 and 052 – Pilot project monitoring continued for these Outfalls.

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 Outfalls 051, 053 & 068 – Construction continued during the Reporting Period.
- CSO Outfalls 064 - Final design began during the Reporting Period.
- CSO Outfall 061 – Preliminary design continued during the Reporting Period.

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

- Combined Sewer Pump Station (CSPS) improvement project and screening facilities - design underway.
- Received bids and began construction for an interim grit facility project.
- Issued Request for Qualifications (RFQ) for preliminary design for CSO Pond 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)

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- CSO Outfalls 021, 024, 025, 029, 032, 039, 050 and 060 – A preliminary engineering studies continued.
- CSO Outfalls 018, 019 and 055 – Continued assessment of preliminary engineering reports accomplished to date were completed.
- CSO Outfall 013 – Continued assessment of preliminary engineering study for one of the two regulators at this Outfall.

CSO Control Measure 8 – Satellite Storage at St. Joseph River CSOs – (Satellite disinfection facility)

- CSO Outfall 052 – RFQ issued to begin preliminary study.

CSO Control Measure 10 – Morton Street/O10101 Reroute – (Re-reroute overflow pumps station discharge to CSO Pond 1)

- CSO Outfall 048 – A master planning study continued during the Reporting Period.

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

- RFQ was issued for a preliminary engineering routing study.

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

- RFQ was issued for a preliminary engineering routing study.

Warfield SSD System – Outfalls 070 & 071 (criteria to be met on or before December 31, 2011)

- Completed design of Warfield Relief Sewer and proceeded with bidding process.

Rothman SSD System – Outfalls 072, 073, 074, 075, & 076 (criteria to be met on or before December 31, 2011)

- The Cured-in-place pipe rehabilitation project continued for I/I reduction.
- A manhole rehabilitation project is in the bidding process.

North Maumee SSD System – Outfalls 077 & 078 (criteria to be met on or before December 31, 2020)

- Complete design of future rehabilitation projects for I/I reduction.

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)

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- Receive bids and issue construction Notice to Proceed and begin construction for Raw Waste Water Pumps and Secondary Clarifier Improvements.

CSO Control Measure 3 – Early Floatables Control (CSO specific; prove instantaneous peak floatables control rate equal to highest annual flow rate in “typical year”)

- CSO Outfalls 017, 021 and 052 – Complete monitoring of all pilot installations

CSO Control Measure 4 – CSSCIP Basins with Planned Satellite Storage/Disinfection Technologies (partial sewer separation designed to Fort Wayne Stormwater and Sanitary Standards as well as the Ten States Standards to reduce local CSOs)

- CSO Outfalls 051, 053 and 068 – Achieve full operation by end of 2010.
- CSO Outfall 061 – Complete preliminary engineering study and begin design.
- CSO Outfall 064 – Receive bids and issue construction Notice to Proceed and begin construction.

CSO Control Measure 5 - Pond Storage & Dewatering (improvements to CSO Pond 1 to allow storage of combined sewer overflow with subsequent dewatering to WPCP)

- Continue design of Combined Sewer Pump Station (CSPS).
- Continue construction of interim grit facility project.
- Begin preliminary design on CSO Pond 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 Improvement Program)

- CSO Outfall 004, 005, 011, 012 & 013 – Begin a preliminary engineering study.
- CSO Outfalls 021, 024, 025 029, 032, 039, 050 & 060 – Preliminary engineering study continues.

CSO Control Measure 8 – Satellite Disinfection at St. Joseph River CSO’s – (Satellite storage facilities)

- CSO Outfall 052 – Begin a preliminary engineering study.

CSO Control Measure 10 – Morton Street/O10101 Reroute – (Re-reroute overflow pumps station discharge to CSO Pond 1)

- CSO Outfall 048 – Complete a master planning study.

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

- Begin preliminary engineering routing study.

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

- Begin preliminary engineering routing study.

Warfield SSD System – Outfalls 070 & 071

- Receive bids, issue Notice to Proceed and begin construction of the Warfield Relief Sewer.

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

- Complete construction on cured-in-place pipe and manhole rehabilitation projects.
- Initiate a pilot project for lateral inspection and rehabilitation/replacement as necessary.

North Maumee SSD System – Outfalls 077 & 078

- Receive bids, issue Notice to Proceed and begin construction of cured-in-place pipe projects for I/I reduction.