

City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #7 (March 1, 2011 – August 31, 2011)



Six-Month Status Report #7 (03/01/11 – 08/31/11)

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:	
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APPENDIX 1

Summary to include the following:

1. Consent Decree Requirements for Reporting Period (03/01/11 – 08/31/11)
2. General Description of Work Completed during the Reporting Period (03/01/11 – 08/31/11)
3. Description of Projected Work to be Performed in the Next Six-Months (09/01/11 – 02/29/12)

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, 2011 (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. Also during the Reporting Period, as previously advised with respect to the immediately preceding reporting period, the City completed all remaining activities contemplated by an agreement with IDEM to enhance the City's pretreatment program.

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.

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. The City provided complete responses to those EPA requests during the Reporting Period. Dialog with IDEM and EPA regarding the appropriate next steps is expected 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)

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 reports (2, 3, 5, 10-18, 23-26 and 39) were generated in connection with flood events (respectively from March 2 – 5, April 20 – 29 and May 21 – 28). The March flood event (reports 2, 3 & 5) resulted from 10 inches of snow melt, and 1.31 inches of rain followed by an additional 0.51 inches of rain in subsequent days. The April flood event (reports 10-14 and 39) resulted from an excessive volume of rain (nearly 4-inches approaching or exceeding a 10-year storm event). The May flood event (reports 23 – 26) resulted from a 50-year rain event involving nearly 7 inches of rain. IDEM was provided advance notice of the discharges from Pond 3 described on report 26 (which were necessary due to emergency conditions). Full effluent testing was done and timely reported to IDEM concerning those discharges. Throughout the flood events, the City utilized its best efforts to prevent, minimize and mitigate damage throughout the sanitary system while fully complying with its NPDES permit, CMOM and CSSOP.

Discharge events from the sanitary sewer systems described at the Consent Decree's Appendix 5 are detailed on reports 12, 13 and 24. The City's efforts to eliminate discharges from such locations by the timeframes stated by the Consent Decree remain on schedule.

Reports 34 & 36 concern discharges that resulted from unauthorized actions of private contractors doing work in the area for non-City entities. They were thus reported to IDEM (and is now reported to EPA) for informational purposes only. Similarly, the discharge described in report 20 was due to a car crash that did not involve a City vehicle. The accident entailed a car hitting a utility pole which supplied power to a lift station. The City used a portable generator until the power supply was restored. Finally, report 38 describes a potential sanitary sewer discharge in an Allen County regulated drain over which the City does not have jurisdiction. The City investigated the incident and cleaned, televised and dye traced the area lines but identified no defects or leaks. The investigation results were provided to the Allen County Surveyor's Office. The condition may have been caused by illegal dumping by a third party.

Discharges from sanitary sewer system locations other than those listed on Consent Decree Appendix 5 are described in reports 1, 4, 7, 9, 11, 15, 17, 20, 21, 24 and 37. Most of those discharges were low in volume and/or were caused by system blockages. Many occurred in connection with one of the aforementioned events. Report 29 describes a short 2-minute dry weather overflow at Third Street Pump Station resulting from the pumps being air bound and river water entered the station under the sluice gate. All such

discharges occurred notwithstanding the City's timely accomplishment of all CSSOP 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 thousands of 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.

Reports 19, 23, 28, 31 and 35 regard discharges which did not reach or affect a regulated waterbody. These reports were provided to IDEM, and are now being provided to EPA, for informational purposes only. Similarly, reports 6, 8, 10, 16, 18, 22, 25, 27, 30, 32 and 33 concern events which did not involve or affect a regulated waterbody. Such reports were, however, submitted to IDEM (without waiving any of the City's rights) in a good faith effort to cooperate with IDEM pending resolution of an appeal currently before the Indiana Office of Environmental Adjudication concerning certain aspects of a renewal NPDES permit issued by IDEM to the City with a March 1, 2011 effective date. The pending appeal, in particular, concerns the reporting of basement backup events. The event described at report 6 was later determined to have resulted from a sump pump failure. As is often the case, the cause of many other events could not be, or was not, determined.

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, 2011.

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

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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)

- Continued with construction of the Raw Waste Water Pumps and Secondary Clarifier Improvement Project.
- Issued Notice to Proceed to consulting engineer firm to perform facility planning of remaining projects to attain 85 mgd peak (74 mgd firm).

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 064 – A construction Notice to Proceed was issued and construction began.
- CSO Outfall 061 – Preliminary engineering continued and final design began during the reporting period.
- CSO Outfall 054 – Design of next phase of work continued.

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

- Combined Sewer Pump Station (CSPS) improvement project – completed design and received bids.
- Interim Grit Facility Project – Final acceptance and contract closeout completed.
- CS Pond Improvements (Pond Storage & Dewatering Improvements) – First Flush Basin and Bleedback project design completed and received bids.

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)

- CSO Outfalls 021, 039 and 050– Preliminary engineering studies were completed.
- CSO Outfalls 024, 025, 029, 032, 036 and 060 – Preliminary engineering studies continued.

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- CSO Outfalls 004, 005, 007, 011, 012 and 013 (K06 290B) and 056– Preliminary engineering studies began.
- CSO Outfalls 018, 019 and 021– Final Design began during this reporting period.

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

- CSO Outfall 052 – A preliminary study continued on disinfection technologies.

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 was completed.

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

- A preliminary engineering routing study continued.

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

- Continued construction of the Warfield Relief Sewer.

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

- Completed construction of cured-in-place pipe and manhole rehabilitation projects.
- Completed pilot project for lateral inspection and identification of potential customers for rehabilitation/replacement as necessary to reduce I&I sources.
- Designed and bid a pilot project for repairing defective laterals, removing downspouts and disconnecting sump pumps connected to the sanitary sewer.

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

- Completed construction of a cured-in-place pipe project 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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- Continue with construction for Raw Waste Water Pumps and Secondary Clarifier Improvements.
- Continue facility planning of remaining projects to attain 85 mgd peak (74 firm).

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 064 – Construction will be completed and Outfall 064 will be in Achievement of Full Operation.
- CSO Outfall 061 – Preliminary engineering will be finished and final design will continue.
- CSO Outfall 054 – Design of next phase of work will be completed and construction bids will be received.

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

- Issue Notice to Proceed for construction of Combined Sewer Pump Station (CSPS).
- Issue Notice to Proceed for 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)

- CSO Outfall 024, 025, 029, 032, 036 and 060 – Preliminary engineering studies will be complete.
- CSO Outfalls 004, 005, 007, 011, 012 and 013 (K06 290 B) and 056 – Preliminary engineering studies will continue.
- CSO Outfall 013 (K06290A), 024, 025, 032 (next phase of work) and 050 – Final design will begin during the reporting period.

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

- CSO Outfall 052 – Complete the preliminary engineering study on disinfection technologies.

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

- 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/CSO Ponds)

- Continue the 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)

- Continue the preliminary engineering routing study.

Warfield SSD System – Outfalls 070 & 071

- Complete construction of the Warfield Relief Sewer and Achievement of Full Operation.

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

- Construction of replacement/rehabilitation laterals identified during the investigative phase to reduce I&I and disconnect sump pumps and downspouts that were also identified in the investigation and Achievement of Full Operation.

North Maumee SSD System – Outfalls 077 & 078

- Continue construction of CIPP projects.