

# CITY UTILITIES

200 E Berry Street, Suite 270  
Fort Wayne, IN 46802



September 24, 2019

## VIA OVERNIGHT DELIVERY

Chief  
Water Enforcement and Compliance Assurance Branch  
Water Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604  
Re: DJ# 90-5-1-1-07653

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 Branch  
Enforcement Section  
Office of Legal Counsel  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, IN 46206

**Re: Consent Decree, Case # 2:07 cv 00445  
Status Report 23**

Dear Sir/Madam:

The City of Fort Wayne (the "City") is pleased to submit the enclosed Six-Month Status Report ("Status Report") pursuant to Section XII, Paragraph 33 of the Consent Decree (Case # 2:07 cv 00445) entered on April 1, 2008 and modified on January 26, 2015 and May 23, 2019. The Status Report concerns the period from March 2, 2019 through August 31, 2019 (the "Reporting Period"). As you will see, the City is on schedule to meet all Consent Decree milestone deadlines.

The City continues to electronically accomplish its DMR/MRO reporting. Because electronic submissions through netDMR are (and will be) already possessed by U.S. EPA, the City does not believe Consent Decree paragraph 35 necessitates duplicative hardcopy submission with this or future reports. If U.S. EPA nonetheless desires hardcopies of the electronically submitted DMRs/MROs, please so advise us.



The City believes the enclosed Status Report is consistent with, and fulfills, the reporting requirements of the Consent Decree. Should you have any questions or concerns regarding the Status Report, kindly contact me at (260) 427- 6050 or Brandi Wallace at (260) 427-5582.

Very truly yours,



Kumar Menon,  
Director of City Utilities

Enclosures

# City of Fort Wayne Six-Month Status Report

**Consent Decree Case # 2:07 cv 00445**

Report #23 (March 1, 2019 – August 31, 2019)





<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>	
<b>City of Fort Wayne</b>	City of Fort Wayne Fort Wayne City Utilities, Suite 270 Citizens Square 200 East Berry Street Fort Wayne, IN 46802

**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, 2019 – August 31, 2019 (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. By way of correspondence dated January 4, 2017, the City asked EPA to consider certain modifications to CSO Control Measures 11 and 12. The second modification to the Consent Decree, which includes approval of changes to CSOCM 11 & 12, has been negotiated among the City, IDEM, EPA, and Department of Justice. The proposed modification was lodged with the U.S. District Court for the Northern District of Indiana on October 10, 2018. This modification of the Consent Decree was further entered and approved on May 23, 2019 with the U.S. District Court for the Northern District of Indiana.

**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.**

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

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

Post-Construction monitoring for CSO Control Measures 7 & 8 – St. Joseph Relief Sewers has been completed, as has the post-construction compliance assessment as outlined in Appendix 4 of the Consent Decree. That assessment is summarized in the Milestone Report for the St. Joseph Watershed timely submitted to EPA by September 1, 2017.

**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.

Most of the reports submitted during the Reporting Period concerned discharges which did not reach a regulated waterbody but were reported for information purposes (report numbers 2, 3, 4, 9, 14, 16, 17, 18, 19, 21, 22, 23, 24, 25, 27, 28, 30, and 31). Several of those reports (3, 9, 14, 16, 17, 18, 19, 22, 24, 28, and 31) concerned apparent basement backup events which the City reports in an abundance of caution and at IDEM's request for information purposes even though they may not have arisen due to the City's sewer system. The City submitted one report (report number 33) regarding an apparent DWO. After extensive investigation, the City still could not determine the cause. The City will continue to monitor matter.

Other discharges from sanitary sewer system locations are described in reports 1, 5, 6, 7, 8, 10, 11, 12, 13, 15, 20, 26, 29, and 32. These incidents were largely minor in volume and all 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.



**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.



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Kumar Menon, Director of City Utilities

9.24.19

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Date

# APPENDIX 1



**APPENDIX 1**  
**Six-Month Status Report #23 (03/01/2019 – 08/31/2019)**

**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 in part II below.

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

CSO Control Measure 9 – Local storage basin for CSO 54 and relief sewer for CSOs 61 and 62 formally known as Satellite Disinfection – (Satellite disinfection facilities)

- CSO Outfall 054 –Consultant selected and design began.

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

- CSO Outfall 048 – Construction continued.

CSO Control Measures 11 &12 – 3RPORT and Foster Park Relief Sewer – (Deep Rock Tunnel and near surface relief sewer) formally known as Wayne Street & St. Mary's Parallel Interceptors – (Parallel interceptors to capture combined sewer overflows for conveyance to WPCP/Wet Weather Ponds. As the agencies are aware, the City's submittal to modify these Control Measures to provide further improved CSO control was approved.)

Wayne Street (West of WPCP)/3RPORT

- Public outreach continued.
- Tunnel & Drop Shafts Package – Construction continued.
- Consolidation Sewers Package(s) –
  - CSO 18/19 - Rudisill Consolidation Sewer and Extension to Foster Park Relief Sewer Connection – Final design completed. Bids received and construction began. When completed, the City anticipates abandoning CSO 19.
  - CSO 32 & Third Street Pump Station Consolidation Sewer – Final design completed.
  - CSO 50 - Coombs Street Consolidation Sewers – Final design continues.
  - CSO 29 -Superior Street Consolidation Sewer (Harrison St to Calhoun St) – Construction Complete.
  - CSO 29 -Superior Street Consolidation Sewer (Calhoun St to Barr St) – Final Design Continues.
- CSO 017 Waldron Circle Consolidation Sewer – Final design continued. Regulator Modifications
  - CSO 004 Rolling Mills Regulator Improvements – Design continued.
  - CSO 039 Hanna Street Regulator Improvements – Design continued
- Deep Dewatering Pump Station Package – Final design continued.

**APPENDIX 1**  
**Six-Month Status Report #22 (09/01/2018 – 02/28/2019)**

St. Mary's (Foster Park Relief Sewer)

- Final design continued.

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

- CSO Outfall 039 – Design continued.
- CSO Outfall 050 – Design continued.
- CSO Outfall 018 – Construction began.
- CSO Outfall 019 – Construction began.
- CSO Outfall 033/027 – Design completed.

CSO Control Measure 14 – Satellite Storage – (Satellite storage facilities)

- CSO Outfall 064 – Advanced facilities planning continued to optimize final control technologies accounting for flow reductions resulting from implementation of CSSCIP under CSO Control Measure 4.

Warfield SSD System – Outfalls 070 & 071

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

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.
- Finished design and bid Rothman Lift Station Improvements to increase pumping capacity during wet weather events.
- Completed first round of a pilot project to provide property owners with downspout extensions to direct roof runoff away from foundations.

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

- Advanced facility planning continued.
- As part of the 2018 Open Cut project modifications have been made to structure V06 001 to prevent river intrusion to the North Maumee Interceptor.
- Designed and bid the 2018 CIPP Package #2 project which involves rehabilitation of pipes and structures as well as continued cleaning of the North Maumee Interceptor.
- Continued design on a lift station and force main project to convey wet weather flows from the North Maumee Interceptor to the Pierson Interceptor.

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

**APPENDIX 1**  
**Six-Month Status Report #23 (03/01/2019 – 08/31/2019)**

CSO Control Measure 9 – Local storage basin for CSO 54 and relief sewer for CSOs 61 and 62 formally known as Satellite Disinfection – (Satellite disinfection facilities)

- CSO Outfall 054 – Complete final design.

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

- CSO Outfall 048 – Construction to be completed.

CSO Control Measures 11 & 12 – 3RPORT and Foster Park Relief Sewer – (Deep Rock Tunnel and near surface relief sewer) formally known as Wayne Street and St. Mary's Parallel Interceptors – (Parallel interceptors to capture combined sewer overflows for conveyance to WPCP/Wet Weather Ponds)

Wayne Street (West of WPCP)/3RPORT

- Public outreach to continue.
- Tunnel & Drop Shafts Package – Construction to continue.
- Consolidation Sewers Package(s) – Final design to continue.
  - CSO 18/19 - Rudisill Consolidation Sewer Construction continues.
  - CSO 32 & Third Street Pump Station Consolidation Sewer – Begin construction.
  - CSO 50 - Coombs Street Consolidation Sewers – Complete final design and receive bids.
  - CSO 29 -Superior Street Consolidation Sewer (Calhoun St to Barr St)– Complete Final Design.
  - CSO 23/24/25 W of Fairfield Consolidation Sewers – Final design to begin.
- Regulator Modifications
  - CSO 004 Rolling Mills Regulator Improvements – Design to continue.
  - CSO 039 Hanna Street Regulator Improvements – Design to continue

- Deep Dewatering Pump Station Package – Final design to continue.

St. Mary's (Foster Park Relief Sewer)

- Final design to continue.

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

- CSO Outfall 004 – Design to begin.
- CSO Outfall 039 – Complete design and receive bids.
- CSO Outfall 050 – Complete design.
- CSO Outfall 018 – Construction to continue.
- CSO Outfall 019 – Construction to continue.
- CSO Outfall 033/027 – Construction to begin.
- CSO Outfall 013 – Construction to continue.
- CSO Outfall 23 – Design to begin.
- CSO Outfall 24 – Design to begin.
- CSO Outfall 25 – Design to begin.



**APPENDIX 1**  
**Six-Month Status Report #22 (09/01/2018 – 02/28/2019)**

CSO Control Measure 14 – Satellite Storage – (Satellite storage facilities)

- CSO Outfall 064 – Advanced facilities planning to continue to optimize final control technologies accounting for flow reductions resulting from implementation of CSSCIP under CSO Control Measure 4.

Warfield SSD System – Outfalls 070 & 071

- Evaluate possible additional system improvement projects.

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

- Continue I/I removal projects.
- Award contract and begin construction of electrical upgrades and new wet weather pumps at the Rothman Road Lift Station.
- Perform a second round of pilot project to extend downspouts away from private property foundations through private partnership and public outreach.

North Maumee SSD System – Outfalls 077 & 078

- Advanced facility planning to continue.
- Continue design of a lift station and force main to convey wet weather flows from the North Maumee Interceptor to the Pierson Interceptor.
- Evaluate possible additional system improvement projects.