



CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

March 22, 2021

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 26**

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 September 1, 2020 through February 28, 2021 (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

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City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #26 (September 1, 2020 – February 28, 2021)



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, Suite 270 Citizens Square 200 East Berry Street Fort Wayne, IN 46802

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APPENDIX 1

Summary to include the following:

1. Consent Decree Requirements for Reporting Period (09/01/2020 – 02/28/2021)
2. General Description of Work Completed during the Reporting Period (09/01/2020 – 02/28/2021)
3. Description of Projected Work to be Performed in the Next Six-Months (03/01/2021 – 08/31/2021)

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 September 1, 2020 – February 28, 2021 (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.

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).”

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. Following additional dialog with IDEM and EPA, the City provided updated UAA submissions on September 24, 2019, March 6, 2020, and June 5, 2020. IDEM’s subsequent approval of the City’s updated UAA was reflected in a letter to the City dated July 9, 2020 which states as follows:

IDEM finds that Fort Wayne has provided sufficient information to initiate changing the designated recreational use for the above mentioned waters from “full body contact” to the “CSO wet weather limited use” subcategory of Indiana’s recreational use designation as provided in IC 13-18-3-2.5. In accordance with the requirements of IC 13-14-9-14, IDEM will draft a rule that establishes the CSO wet weather limited use subcategory for the above-mentioned streams. The UAA prepared by Fort Wayne will serve as the technical justification for the proposed rule. The proposed rule will be posted to the Indiana Register for a minimum of 30 days for public review and written comment. Following the public comment period, the Environmental Rules Board (ERB) will hold a public hearing on the rulemaking and vote on adoption of the rule. The rule will then go through the standard promulgation process of review and approval by the Office of the Attorney General, signature by the Governor, and filing with the publisher of the Indiana Administrative Code. It becomes effective 30 days after filing with the publisher, unless a later date is specified within the rule. IDEM will submit the rule to the Environmental Protection Agency (EPA) as a new or revised water quality standard for review and approval under Section 303(c) of the Clean Water Act. The rule will become effective for Clean Water Act purposes when it is approved by EPA. However, the CSO wet weather limited use subcategory will apply to the listed stream reaches only when Fort Wayne has fully implemented the approved LTCP in accordance with IC 13-18-3-2.5.

The City anticipates that the proposed rule will be issued for public comment during the next Reporting Period.

As required by the Consent Decree, the City timely submitted its latest 6-Year Capital Cost Report to EPA and IDEM on December 20, 2019.

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 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, 5, 6, 8, 10, 12, 13 and 14). Six of those reports (report numbers 2, 3, 4, 5, 10 and 12) 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 two reports regarding dry weather incidents caused by unauthorized actions of contractors (report numbers 7 and 11). The City worked to advise each of the contractors about their

reporting and response responsibilities but is not aware whether they achieved compliance with applicable state and federal requirements.

Other minor discharges (less than 1000 gallons) from sanitary sewer system locations are described in reports 1 and 9. All incidents 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.

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 September 1, 2020 – February 28, 2021.

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

3/22/2021
Date

APPENDIX 1

APPENDIX 1
Six-Month Status Report #26 (09/01/2020 – 02/28/2021)

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

The City achieved compliance with all CSO Control Measure requirements during the Reporting Period and continued to timely development and implement contemplated controls. Critical milestone dates of Appendix 3 (concerning CSO Control Measure 9) and Appendix 5 have been completed. All such work is believed to have met applicable design criteria.

CSO Control Measure 9 – Local Storage for CSO 54

- The City is in compliance with the requirements of this control measure. The Achievement of Full Operation was accomplished for CSO Outfall 054 in 2020.

North Maumee SSD System – Outfalls 077 and 078

- Completed construction of the 2018 Open Cut project addressing river intrusion to the North Maumee Interceptor and structure V06 001.
- Constructed the 2018 CIPP Package #2 project which involves rehabilitation of pipes and structures as well as continued cleaning of the North Maumee Interceptor.
- Constructed a lift station and force main project to convey wet weather flows from the North Maumee Interceptor to the Pierson Interceptor.
- Achievement of Full Operation has been achieved for all planned projects.

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 – Achievement of Full Operation was accomplished in December 2020.

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 via a Consent Decree modification.

- Wayne Street (West of WPCP)/3RPORT
 - Public outreach continued.
 - Tunnel & Drop Shafts Package – Construction continued.
 - Consolidation Sewers Package(s) –
 - CSO 018/019 - Rudisill Consolidation Sewer and Extension to Foster Park Relief Sewer Connection – Construction completed. Improvements associated with CSO Outfall 019 have separated sanitary flows such that this outfall is now solely for stormwater discharges. The City intends to seek an NPDES permit modification to remove it from Attachment A.

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- CSO 32 & Third Street Pump Station Consolidation Sewer – construction continues.
- CSO 50 - Coombs Street Consolidation Sewers – Final design was completed, and bids were received.
- CSO 29 - Superior Street Consolidation Sewer (Calhoun St to Barr St) – Construction completed.
- CSO 017 Waldron Circle Consolidation Sewer – Construction was completed.
- CSO 013 – Thieme and Berry Consolidation Sewer - Construction continues.
- CSO 028 – Griswold Pump Station Consolidation Sewer – Design began
- CSO 055 – Anthony Blvd Relief Sewer – Design began
- CSO 11/12 – Nebraska Pump Station Consolidation Sewer – Design began
- Regulator Modifications
 - CSO 004 Rolling Mills Regulator Improvements – Construction completed.
 - CSO 039 Hanna Street Regulator Improvements – Construction completed.
- Deep Dewatering Pump Station Package – . Final design was completed and construction procurement began
- 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 – Construction completed
- CSO Outfall 004 – Construction completed
- CSO Outfall 013 – Construction continues
- CSO Outfall 050 – Design completed and bids received
- CSO Outfall 018 – Construction completed
- CSO Outfall 019 – Construction completed
- CSO Outfall 033/027 – Construction continues
- CSO Outfall 029 – Design continues
- CSO Outfall 028 – Design began
- CSO Outfall 055 – Design began
- CSO Outfall 11/12 – Design began

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.
- Completed design and bid work, and started construction on a gravity diversion sewer to take flows out of the T46 008 Subbasin and divert them to the R34 042 Subbasin.
- Began design of a third siphon barrel under the St. Joseph River.

APPENDIX 1
Six-Month Status Report #26 (09/01/2020 – 02/28/2021)

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

- Completed construction of the 2018 Open Cut project addressing river intrusion to the North Maumee Interceptor and structure V06 001.
- Completed construction of the 2018 CIPP Package #2 project which involves rehabilitation of pipes and structures as well as continued cleaning of the North Maumee Interceptor.
- Completed construction of 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

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 13 – Thieme and Berry Consolidation Sewer Construction to continue.
 - CSO 32 & Third Street Pump Station Consolidation Sewer – Construction to continue.
 - CSO 50 - Coombs Street Consolidation Sewers – Begin construction
 - CSO 28 – Griswold Pump Station – Final design to continue.
 - CSO 23/24/25 W of Fairfield Consolidation Sewers – Final design to begin.
 - CSO 11 & 12 – Nebraska Street Pump Station – Final design to begin
 - CSO 7 & 56 – Brown Street Pump Station – Final design to begin
 - CSO 55 – Anthony Street Relief Sewer – Complete design
 - Deep Dewatering Pump Station Package – construction procurement to be completed and construction to begin.
- 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 050 – Begin construction.
- CSO Outfall 033/027 – Construction to continue.
- CSO Outfall 013 – Construction to continue.
- CSO Outfall 023 – Design to continue.
- CSO Outfall 024 – Design to continue.
- CSO Outfall 025 – Design to continue.
- CSO Outfall 029 – Complete design and receive bids.
- CSO Outfall 055 – Complete design
- CSO Outfall 028 – Final design continues
- CSO Outfalls 07/056 – Final design continues
- CSO Outfalls 011/012 – Final design continues

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

APPENDIX 1
Six-Month Status Report #26 (09/01/2020 – 02/28/2021)

- 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.
- Complete construction of the diversion of flows from the T46 008 Subbasin to the R34 042 Subbasin.
- Complete design of a third siphon barrel under the St. Joseph River.
- Evaluate possible additional system improvement projects.

North Maumee SSD System – Outfalls 077 & 078

- Evaluate possible additional system improvement projects.