



# CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

March 28, 2024

## 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 32**

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, 2023, through February 29, 2024 (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 Kristen Buell at (260) 427-2583.

Very truly yours,

Kumar Menon,  
Director of City Utilities

Enclosures

ENGAGE • INNOVATE • PERFORM

CITIZENS SQUARE

200 E. Berry St. • Fort Wayne, Indiana • 46802 • [www.cityoffortwayne.org](http://www.cityoffortwayne.org)

An Equal Opportunity Employer

# City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #32 (September 1, 2023–February 29, 2024)



**Six-Month Status Report #32 (09/01/2023-02/29/2024)**

---

<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

<b><u>TABLE OF CONTENTS</u></b>	<b><u>Page</u></b>
1. Consent Decree Compliance (XII ¶ 34 (a))	3
2. General Description of Work (XII ¶ 34 (b))	3
3. Request for Water Quality Standards Revision (XII ¶ 34 (c))	3
4. CSO Control Measures Notice to Proceed (XII ¶ 34 (d))	3
5. Post-Construction Monitoring Program (XII ¶ 34 (e))	4
6. Reports Submitted to IDEM in Previous Six Months (XII ¶ 35)	4
7. Operations and Maintenance Report	5
8. Certification Statement	6

**LIST OF APPENDIXES**

**APPENDIX 1**

Summary to include the following:

1. Consent Decree Requirements for Reporting Period (09 /01/2023 – 02/29/2024 )
2. General Description of Work Completed during the Reporting Period (09 /01/2023 – 02/29/2024)
3. Description of Projected Work to be Performed in the Next Six-Months (09 /01/2023 – 02/29/2024)

**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, 2023 to February 29, 2024. (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.**

On October 18, 2023, the City received notice of EPA’s approval of IDEM’s request for a revision to water quality standards as contemplated by the City’s LTCP. That long-awaited approval concluded over 15 years of work by the City including work with IDEM and the Indiana Environmental Rules Board to enact a final rule codifying the water quality standard revision on March 25, 2022.

**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.

Thirty-one of the 40 reports submitted during the Reporting Period concerned discharges which did not reach a regulated waterbody but were nonetheless reported for information purposes (report numbers 1, 2, , 4, 5, 6, 7, 8, 9, 10, 11, 13, 16, 17, 18, 19, 20, 21, 22, 23,25, 26, 27, 28, 30, 31, 33, 34, 36, 37, 38, and 39). Twenty-four of those 31 reports (report numbers 1, 6, 7, 8, 9, 10, 11, 13, 16, 19, 21, 22, 23, 25, 26, 27, 28, 31, 33, 34, 36, 37, 38, 39)) concerned apparent basement backup events which the City reported 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.

Two reports (reports 29 and 32) regard extraordinary wet weather and another (report 35) resulted from an unexpected break in a 16-inch watermain.

Three report (reports 14, 15, and 40) was submitted with respect to incidents caused by authorized actions of third-party contractors. The former two of those reports actually concern events which occurred during prior reporting periods. The reports submitted during the Reporting Period were submitted to IDEM as follow-up reports to those prior submissions. The City worked to remind the contractor about its IDEM reporting and response responsibilities but is not aware whether it achieved compliance with applicable state and federal requirements.

Other mostly minor discharges from sanitary sewer system locations are described in reports 3, 12 and 24. All incidents occurred notwithstanding the City's timely accomplishment of all CMOM requirements, compliance with applicable NPDES permit provisions, and customary best efforts.

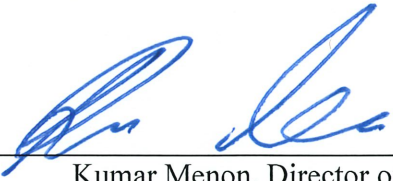
In addition to responsive activities identified in the submitted reports, the City continues to distribute numerous grease control kits to residents in areas proximate to identified blockages, college residence halls, apartment complexes, and neighborhood associations. The kits include educational materials (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 from September 1, 2023 to February 29, 2024 .

**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

March 26, 2024

---

Date



# APPENDIX 1

**APPENDIX 1**  
**Six-Month Status Report #32 (09/01/2023-02/29/2024)**

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 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. As IDEM and EPA are aware, the City submitted a Notice of Force Majeure Event on May 27, 2022 concerning CSO Control Measure 11. By way of a letter dated November 2, 2022, EPA stated that it agreed that a force majeure event had occurred and extended the achievement of full operations deadline for CSO Control Measure 11 to December 31, 2024.

- Wayne Street (West of WPCP)/3RPORT
  - Public outreach continued
  - Tunnel & Drop Shafts Package – Project substantially complete.
  - Consolidation Sewers Package(s) –
    - CSO 013 – Thieme and Berry Consolidation Sewer – Project substantially complete
    - CSO 028 – Griswold Pump Station Consolidation Sewer – Construction continues.
    - CSO 11/12 – Nebraska Pump Station Consolidation Sewer – Construction completed.
    - CSO 7/56 – Brown Street Consolidation Sewer – Construction completed.
    - CSO 23/24/25 W of Fairfield Consolidation Sewers – Construction continues.
    - CSO 18 Consolidation Sewer – Construction continues.
  - Deep Dewatering Pump Station Package – Construction continues.
- St. Mary’s (Foster Park Relief Sewer)
  - CSO 05 – Indian Village – Construction procurement complete. Construction began.
  - CSO 20 – Hartman Road – Design completed, and construction procurement began. Construction procurement complete. Construction began.
  - CSO 21 – Old Mill Rd -
    - Gravity Sewers -Design and procurement completed, and construction began.
    - Pump Station – Design continues. Design and procurement completed, and construction began.
    - Force Main – Design completed, and construction procurement began.

**APPENDIX 1**  
**Six-Month Status Report #30 (09/01/2022 – 02/28/2023)**

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

- CSO Outfall 005 – Construction procurement complete. Construction began.
- CSO Outfall 20 - Construction procurement complete. Construction began.
- CSO Outfall 21 - Construction procurement complete. Construction began.
- CSO Outfall 023 – Construction completed .
- CSO Outfall 024 – Construction completed .
- CSO Outfall 025 – Construction complete .
- CSO Outfall 028 – Construction continues.
- 

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

- CSO Outfall 064 –The City is continuing its advanced facilities planning to optimize final control technologies accounting for improvements in area and flow reductions resulting from implementation of CSSCIP under CSO Control Measure 4. Preliminary information indicate that satellite storage may not be necessary.

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 construction of a third siphon barrel under the St. Joseph River.
- Continued design on a relief force main and lift station to redirect wet weather flow.

North Maumee SSD System – Outfalls 077 & 078

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

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 – Complete final construction.
  - Consolidation Sewers Package(s) –
    - CSO 28 – Griswold Pump Station – Complete construction.
    - CSO 23/24/25 W of Fairfield Consolidation Sewers – Complete construction.
    - CSO 18 Consolidation Sewer – Construction to continue
  - Deep Dewatering Pump Station Package – Construction to continue
- St. Mary’s (Foster Park Relief Sewer)
  - 
  - CSO 05 – Indian Village – Construction to continue

**APPENDIX 1**  
**Six-Month Status Report #32 (09/01/2023-02/29/2024)**

- CSO 20 – Hartman Road – Construction to continue
- CSO 21 – Old Mill Rd –
  - Gravity Sewers - Construction to continue.
  - Pump Station – Construction to continue.
  - Force Main –Construction to begin.

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

- CSO Outfall 028 – Complete Construction.
- CSO Outfall 005 – Construction to continue.
- CSO Outfall 020 – Construction to continue.
- CSO Outfall 021 – Construction to continue.

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

CSO Outfall 064 – Complete advanced facilities planning to optimize final control technologies accounting for flow reductions resulting from improvements in area and 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 design on a new relief lift station and force main system to divert wet weather flow to the St. Joe Interceptor.
- Evaluate possible additional system improvement projects.

North Maumee SSD System – Outfalls 077 & 078

- Evaluate possible additional system improvement projects.