

City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #10 (September 1, 2012 – February 28, 2013)



Six-Month Status Report #10 (09/01/12 – 02/28/13)

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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Summary to include the following:

1. Consent Decree Requirements for Reporting Period (09/01/12 – 02/28/13)
2. General Description of Work Completed during the Reporting Period (09/01/12 – 02/28/13)
3. Description of Projected Work to be Performed in the Next Six-Months (03/01/13 – 08/31/13)

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, 2012 – February 28, 2013 (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.

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. 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. Additional meetings and dialog with EPA have followed, including on January 26, 2012, February 21, 2012, June 13, 2012 and February 27, 2013. IDEM participated in the February 21, 2012 meeting. Further dialog is anticipated 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.

The majority of reports submitted during the Reporting Period (report numbers 2, 3, 4, 5, 8, 9, 11, 14, 15, 21, 22, 23, 24 and 25) concerned small volume discharges which did not reach a regulated waterbody but were reported for information purposes. Of those, five (report numbers 4, 9, 23, 24 and 25) regarded basement backup events which were reported in an abundance of caution and at IDEM's request for information purposes even though they may not arise due to the City's sewer system. Reports 5 and 7, respectively, concerned incidents that occurred due to a homeowner owned cleanout and a homeowner drainage problem that were initially incorrectly suspected to be a sanitary sewer basement backups. Neither report should have been submitted and they are hereby recinded.

Discharges from sanitary sewer system locations other than those listed on Consent Decree Appendix 5 are described in reports 1, 6, 17, and 19. 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.

In collaboration with the local restaurant community, the City is currently conducting a six-month FOG (fats, oils, and grease) pilot program to study the impact of grease interceptor cleaning frequency on sewer line buildup. The study includes restaurants cleaning their grease interceptors on either a monthly or bimonthly basis and having the grease levels in the associated sewers checked on a weekly basis. The information gathered is being used to develop alternative source controls for restaurants.

Reports 16 and 20 concerned incidents which occurred due to work of contractors working for third parties. Necessary repairs were made to mitigate the resulting discharges. The City reported those incidents for informational purposes only.

The City reported three dry weather events. Reports 10 and 13 concerned discharges which occurred due to nearby water main breaks. Report 12 regarded an overflow which resulted due to work of contractors completing a dewatering project at the City's Three Rivers Filtration Plant. That dewatering discharge proved to be too fast for the receiving siphon line to handle. That process was discontinued immediately and alternative means were pursued.

Lastly, report 18 concerned exceptional wet weather conditions in January which necessitated the use of remote pumps in an impacted area to avoid or mitigate severe property damage and street flooding. The City utilized its best efforts to prevent, minimize and mitigate damages throughout this event and fully accomplished all activities required by its NPDES permit, CMOM and CSSOP.

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, 2012 – February 28, 2013.

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

Critical milestone dates of Appendix 3 (concerning CSO Control Measure 6) of the Consent Decree occurred during this Reporting Period. All such work is believed to have met applicable design criteria.

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).

- All activities required by this control measure were timely commenced during or prior to this Reporting Period. Such work is on-schedule for the timely Achievement of Full Operation by 2018.
- The Achievement of Full Operation with respect to current projects on CSO Outfalls 018 & 019 was accomplished during the Reporting Period.

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 facility planning of remaining projects to attain 85 mgd peak (74 mgd firm).
- Engineering and design of additional projects needed to attain 85 mgd peak (74 mgd firm) continued.
- Received construction proposals on Primary & Secondary Treatment Capacity Improvements project.

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 Outfall 061 – Construction began & continued through the Reporting Period.
- CSO Outfall 054 (phase iii) – Final design was completed and construction bids were received.

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

- Continued with construction of Combined Sewer Pump Station (CSPS) improvement project.

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- Continued with construction of CS Pond Improvements (Pond Storage & Dewatering 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). Note: The below listing includes one or more outfalls which the City is voluntarily working to improve in connection with this CSO Control Measure although such is not required by the Consent Decree.

- CSO Outfalls 005, 011/012, 013 (K06 290B portion), and 060 – Preliminary engineering studies were completed.
- CSO Outfalls 018 and 019 – Construction was started and sewer separation was completed in January 2013.
- CSO Outfalls 021 (phase i) – Construction was started & continued through the Reporting Period.
- CSO Outfalls 007 (phase i) & 056 (phase i), 013 (K06 290A portion), 024 (phase ii), 025 (phase ii), 032 (phase ii), 024 (phase iii), 025 (phase iii), and 032 (phase iii) – Final design continued.
- CSO Outfall 021 (phase ii) – Final design work was started.

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

- CSO Outfall 052 – Completed design of a disinfection facility.

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.

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

- Outfalls 002, 003 and 057 - Construction began on a screening facility in connection with the CSPA project (CSO Control Measure 5).

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

- Completed 2012 general cured-in-place package #2 for further I&I reduction.

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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)

- Continued engineering and design of projects to attain 85 mgd peak (74 mgd firm).
- Receive bids and begin construction on Effluent Pump Station Project.
- Begin construction on Primary & Secondary Treatment Capacity Improvements project.

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 Outfall 061 – Construction to be completed.
- CSO Outfall 054 (phase iii) – NTP for construction to be issued and construction to begin.

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

- Continue construction of Combined Sewer Pump Station (CSPS).
- Continue 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) Note: The below listing includes one or more outfalls which the City is voluntarily working to improve in connection with this CSO Control Measure although such is not required by the Consent Decree.

- CSO Outfalls 021 (phase i) – Construction to be completed.
- CSO Outfalls 007 (phase i) & 056 (phase i), 024 (phase ii), 025 (phase ii), 032 (phase ii), 024 (phase iii), 025 (phase iii), and 032 (phase iii) – Final design to be completed & construction bids to be received.
- CSO Outfall 013 (K06 290A portion) and 021 (phase ii) – Final design to continue.
- CSO Outfalls 005, 007 (phase ii) & 056 (phase ii) and 050 – Final design to begin.

CSO Control Measure 7 – Satellite Storage Facilities at St. Joseph River CSOs - (Satellite storage facilities)

- CSO Outfalls 45, 51, 53, and 68 – Advanced facilities planning to occur to optimize final control technologies accounting for flow reductions resulting from implementation of CSSCIP under CSO Control Measure 4.

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

- CSO Outfall 052 – Bidding of a disinfection facility to be completed and construction to begin.

CSO Control Measure 9 – Satellite Disinfection – (Satellite disinfection facilities)

- CSO Outfall 054 – Advanced facilities planning to occur to optimize final control technologies accounting for flow reductions resulting from implementation of CSSCIP under CSO Control Measure 4.
- CSO Outfalls 61 and 62 – Advanced facilities planning to occur to optimize final control technologies accounting for flow reductions resulting from implementation of CSSCIP under CSO Control Measure 4.

CSO Control Measure 10 – Morton Street/O10101 Reroute – (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)

- Preliminary engineering routing study to be completed.
- Public outreach to begin.

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

- Preliminary engineering routing study to be completed.
- Public outreach to begin.

North Maumee SSD System – Outfalls 077 & 078

- Design of next I/I reduction projects to begin.