

City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #12 (September 1, 2013 – February 28, 2014)



Six-Month Status Report #12 (09/01/13 – 02/28/14)

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

<u>TABLE OF CONTENTS</u>	<u>Page</u>
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))	4
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 (09/01/13 – 02/28/14)
2. General Description of Work Completed during the Reporting Period (09/01/13 – 02/28/14)
3. Description of Projected Work to be Performed in the Next Six-Months (03/01/2014 – 08/31/14)

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, 2013 – February 28, 2014 (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. As required by the Consent Decree, the City submitted a 6-Year Capital Cost Report to EPA and IDEM on December 31, 2013. Further dialog concerning that report and the UAA is expected in 2014.

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 of the reports submitted during the Reporting Period (report numbers 2, 5, 10, 11, 13 and 14) concerned small volume discharges which did not reach a regulated waterbody but were reported for information purposes. Of those, three (report numbers 11, 13 and 14) appear to have concerned 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 7 and 15 concerned exceptional wet weather conditions which sometimes necessitated the use of remote pumps in impacted separate sanitary sewer areas to avoid or mitigate severe property damage and street flooding. The City utilized its best efforts to prevent, minimize and mitigate damages throughout these events and fully accomplished all activities required by its NPDES permit, CMOM and CSSOP.

Other discharges from sanitary sewer system locations are described in reports 3, 6, 8, 9 and 12. Most were minor and 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. With respect to the incident detailed in report 3, the City added the failed pumps to its SCADA system. In the unlikely event of a reoccurrence, an alarm will sound to provide immediate notification and responsive actions.

One report (4) concerned a dry weather event which occurred due to an error by a third party contractor.

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, 2013 – February 28, 2014.

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

APPENDIX 1
Six-Month Status Report #12 (09/01/13 – 02/28/14)

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

Achievement of Full Operation was accomplished for CSO Control Measure 5 (Pond Storage & Dewatering) during the reporting period. All such work is believed to have met applicable design criteria.

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)

- Construction continued on Effluent Pump Station Project.
- Construction continued on Primary & Secondary Treatment Capacity Improvements project.

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

- Completed construction of Combined Sewer Pump Station (CSPS) improvement project.
- Completed construction of CS Pond Improvements (Pond Storage & Dewatering Improvements).
- The Achievement of Full Operation was accomplished by December 31, 2013.

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 024 (phase ii), 025 (phase ii) & 032 (phase ii) – Construction continued.
- CSO Outfalls 007 (phase i) & 056 (phase i), 024 (phase iii), 025 (phase iii), and 032 (phase iii) – Final design completed & construction bids are being solicited.
- CSO Outfall 013 (K06 290A portion) & 021 (phase ii) – Final design continued.
- CSO Outfalls 005– Final design began.

CSO Control Measures 7 & 8 – Satellite Storage & Disinfection for St. Joseph River CSOs - (St. Joseph Relief Sewers)

During the prior Reporting Period, the City proposed to revise CSO Control Measures 7 & 8 to reflect the use of different improvements and an earlier Achievement of Full Operations date of 2015 for St. Joseph River CSO Outfalls. The City understands that EPA, IDEM and

APPENDIX 1
Six-Month Status Report #12 (09/01/13 – 02/28/14)

DOJ worked during this Reporting Period to consider that proposal and towards a corresponding Consent Decree amendment. Approval of the City's proposal and Consent Decree amendment is anticipated during the next Reporting Period. In the meantime, the City is working to accomplish its proposed revised CSO Control Measures. By way of an email dated December 10, 2013, EPA advised the City that the agency would not consider the City to be in noncompliance with the 2013 bid deadline of the current Consent Decree for CSO Control Measure 8 while the City's proposal for revised CSO Control Measures are being considered and the City continues in good faith to bid its revised CSO Control Measures.

- Completed preliminary design on the relief sewer.
- Final design began on the relief sewer.
- Construction continued on the control structure.

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

- CSO Outfall 054 – Advanced facilities planning continues 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 continues 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 - Study was completed to review cost effective alternatives for final control technologies.

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

- A preliminary engineering routing study continued. The City has, for communications purposes, begun to reference this CSO Control Measure, and CSO Control Measure 12, as a tunnel rather than a parallel interceptor.
- Issued an RFQ for preliminary & final design on Three Rivers Protection and Overflow Reduction Tunnel (“3RPORT”).
- Public outreach began.

CSO Control Measure 12 – St. Mary's Parallel Interceptor – (Parallel interceptor to capture combined sewer overflows for conveyance to WPCP/Wet Weather Ponds)

- Preliminary engineering routing study continued.
- Public outreach began.
- Issued an RFQ for preliminary & final design for 3RPORT.

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

- CSO Outfalls 002, 003 and 057 - Construction completed on a screening facility in connection with the CSPS project (CSO Control Measure 5).
- CSO Outfall 036 – Final design continued.
- CSO Outfalls 004, 051 & 053 – Final design began.

APPENDIX 1
Six-Month Status Report #12 (09/01/13 – 02/28/14)

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

- CSO Outfall 064 – Advanced facilities planning to occur 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.
- Began design of improvements to the sewer and drainage system of the Hillcrest neighborhood.
- Performed wet weather manhole inspections.

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.
- Smoke testing of the entire tributary area was completed.

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

- Wet weather manhole inspections completed.

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)

- Continue construction on Effluent Pump Station Project.
- Continue construction on Primary & Secondary Treatment Capacity Improvements 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 024 (phase ii), 025 (phase ii) & 032 (phase ii) – Construction to be completed.
- CSO Outfalls 007 (phase i) & 056 (phase i), 024 (phase iii), 025 (phase iii), and 032 (phase iii) –Construction bids to be received and construction to begin.
- CSO Outfalls 013 (K06 290A portion) & 021 (phase ii) – Final design to be completed, construction bids to be received & construction to begin.
- CSO Outfall 005 – Final design to continue.
- CSO Outfalls 007 (phase ii) & 056 (phase ii) and 050 – Final design to begin.

APPENDIX 1
Six-Month Status Report #12 (09/01/13 – 02/28/14)

CSO Control Measures 7 & 8 – Satellite Storage & Disinfection for St. Joseph River CSOs - (St. Joseph Relief Sewers)

- Final design to be completed & construction bids to be received for relief sewer of the proposed revised CSO Control Measures.
- Construction to be completed on the control structure.
- CSO Outfalls 044, 045 & 068 – Begin planning and preliminary design.

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

- CSO Outfall 054 – Advanced facilities planning continues 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 continues 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 Wet Weather 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/Wet Weather Ponds)

- Preliminary engineering routing study to be completed.
- Public outreach to continue.
- Preliminary design to begin on 3RPORT.

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

- Preliminary engineering routing study to be completed.
- Public outreach to continue.
- Preliminary design to begin on 3RPORT.

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

- CSO Outfalls 036 – Complete final design, receive bids and begin construction.
- CSO Outfalls 051 & 053 – Complete final design & construction bids to be received.
- CSO Outfalls 045 & 068 – Final design to begin.
- CSO Outfalls 044, 045 & 068 – Preliminary design to begin.

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

APPENDIX 1
Six-Month Status Report #12 (09/01/13 – 02/28/14)

- CSO Outfall 064 – Advanced facilities planning continues to occur 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

- Continue Wet Weather Manhole Inspections
- Complete design of Hillcrest Neighborhood improvements.

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

- Continue I/I removal projects.
- Begin design of additional system improvement project.

North Maumee SSD System – Outfalls 077 & 078

- Advanced facility planning to begin.
- Begin design of I/I removal project.