

City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #8 (September 1, 2011 – February 29, 2012)



Six-Month Status Report #8 (09/01/11 – 02/29/12)

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 (09/01/11 – 02/29/12)
2. General Description of Work Completed during the Reporting Period (09/01/11 – 02/29/12)
3. Description of Projected Work to be Performed in the Next Six-Months (03/01/12 – 08/31/12)

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, 2011 – February 29, 2012 (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. A draft fact sheet is currently under review by both IDEM and the City. 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. The City provided complete responses to those EPA requests during the Reporting Period. Further meetings and dialog with EPA have followed, including on January 26, 2012 and February 21, 2012. IDEM also participated in the February 21, 2012 meeting. Dialog with IDEM and EPA regarding the appropriate next steps is expected 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.

Seven reports (9, 16 – 21) were generated in connection with significant flood events (respectively commencing on October 20; November 28 and December 15). The October flood event (report 9) resulted from 3 inches of precipitation and necessitate temporary use of a remote pump to avoid or mitigate severe property damage and street flooding. The November flood event (see reports 18, 19 & 20, the latter of which replaced the two former); endured into December and was the result of an excessive volume of rain (approximately 2.54 inches) coupled with 4-inches of snow melt. The event caused the Maumee River to peaked at 22.15, the 12th highest recorded level and well-above that of a 10-year flood event. The November flood event also prompted the City to give advance notice to IDEM of an emergency need to temporarily partially bypass a static aeration structure of Pond 3 (reports 16 and 17). As discussed with IDEM, full effluent testing was done and timely reported to IDEM with respect to bypassed flows. The December 15 flood event (report 21) was caused by excessive rain coupled with existing saturated ground and elevated rivers and streams that were still receding from the previous flood event. Throughout the flood events, the City utilized its best efforts to prevent, minimize and mitigate damage throughout the sanitary system while fully complying with its NPDES permit, CMOM and CSSOP.

Discharge events from the sanitary sewer systems described at the Consent Decree's Appendix 5 are detailed on reports 18, 19 and 20. The City's efforts to eliminate discharges from such locations by the timeframes stated by the Consent Decree remain on schedule.

Discharges from sanitary sewer system locations other than those listed on Consent Decree Appendix 5 are described in reports 1, 2, 5, 7, 10, 12, 25, 28, 32 and 33. Most of those discharges were low in volume and/or were caused by system blockages. Many occurred in connection with one of the aforementioned flood events and all occurred notwithstanding the City's timely accomplishment of all CSSOP and 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 thousands of 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.

Report 4 serves as a written follow up of an initial verbal notification to IDEM concerning a suspected dry weather overflow from a permitted CSO outfall. Upon further investigation, it was determined no such event occurred. Report 23 concerns a dry weather overflow from a CSO outfall 054 caused by an unexpected watermain break in this area.

Reports 8, 14, 15 and 31 regard discharges which did not reach or affect a regulated waterbody. These reports were provided to IDEM, and are now being provided to EPA, for informational purposes only. Similarly, reports 3, 6, 11, 13, 22, 24, 26, 27, 29 and 30 concern events which did not involve or affect a regulated waterbody. Such reports were, however, submitted to IDEM (without waiving any of the City's rights) in a good faith effort to cooperate with IDEM pending resolution of an appeal currently before the Indiana Office of Environmental Adjudication concerning certain aspects of a renewal NPDES permit issued by IDEM to the City with a March 1, 2011 effective date. The pending appeal, in particular, concerns the reporting of basement backup events. As is often the case, the cause of many other events could not be, or was not, determined.

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, 2011 – February 29, 2012.

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

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)

- The Achievement of Full Operation with respect to Phase 2 at CSO Outfall 064 was timely accomplished during the Reporting Period.

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

- The bidding of the project for full dewatering capability and CSO Pump Station upgrades was timely accomplished.

Warfield SSD System – Outfalls 070 & 071 (criteria to be met on or before December 31, 2011)

- Construction of the Warfield Relief Sewer was completed and Achievement of Full Operation was achieved.

Rothman SSD System – Outfalls 072, 073, 074, 075, & 076 (criteria to be met on or before December 31, 2011)

- Construction completed on a pilot project for repairing defective laterals, removing downspouts and disconnecting sump pumps connected to the sanitary sewer.
- Post construction flow monitoring was initiated.
- Achievement of Full Operation achieved for all planned projects.

A summary of work completed during this Reporting Period to achieve forthcoming critical milestone dates is provided at part II below.

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)

- Continued with construction of the Raw Waste Water Pumps and Secondary Clarifier Improvement Project.
- Consulting engineer firm continued facility planning of remaining projects to attain 85 mgd peak (74 mgd firm).

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- Initiated process to select engineering firms to design remaining projects to attain 85 mgd peak (74 mgd firm).

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 Outfalls 064 – Construction is completed and Outfall 064 is in Achievement of Full Operation.
- CSO Outfall 061 – Preliminary engineering is finished and final design continues.
- CSO Outfall 054 – Design of next phase of work continued.

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

- Combined Sewer Pump Station (CSPS) improvement project – Issued construction notice to proceed and began construction.
- CS Pond Improvements (Pond Storage & Dewatering Improvements) – Issued construction notice to proceed and began construction.

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, 025, 029, 032 and 036 – Preliminary engineering studies were completed.
- CSO Outfalls 004, 005, 007, 011, 012 and 013 (K06 290B), 056 and 060– Preliminary engineering studies continued.
- CSO Outfalls 018, 019 and 021 (phase i) – Final Design continues during this reporting period.
- CSO Outfalls 024 (Phase ii), 025 (phase ii) and 032 (phase ii) – Final design began during the reporting period.
- CSO Outfall 023 – A preliminary engineering study began.

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

- CSO Outfall 052 – A preliminary study continued on disinfection technologies.
- Initiated process to select engineering firm to design disinfection facility.

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

- CSO Outfall 048 – No work to report during this reporting period.

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

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- 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.

Warfield SSD System – Outfalls 070 & 071 (criteria to be met on or before December 31, 2011)

- Construction of the Warfield Relief Sewer was completed.

Rothman SSD System – Outfalls 072, 073, 074, 075, & 076 (criteria to be met on or before December 31, 2011)

- Construction completed on a pilot project for repairing defective laterals, removing downspouts and disconnecting sump pumps connected to the sanitary sewer.

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

- Completed construction of a cured-in-place pipe project for I&I reduction.

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)

- Complete construction for Raw Waste Water Pumps and Secondary Clarifier Improvements.
- Complete facility planning of remaining projects to attain 85 mgd peak (74 firm).
- Begin design of projects to attain 85 mgd peak (74 mgd firm).

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 – Final design will be finished and construction bids will be received.
- CSO Outfall 054 – Design of next phase of work will continue.

CSO Control Measure 5 - Pond Storage & Dewatering (improvements to CSO Pond 1 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).

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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 004, 005, 007, 011, 012 and 013 (K06 290 B), 056 and 060 – Preliminary engineering studies will be completed.
- CSO Outfalls 018, 019 and 021 (phase i) – Construction bids will be received during this reporting period.
- CSO Outfalls 024 (phase ii), 025 (phase ii) and 032 (phase ii) – Final design will continue during the reporting period.
- CSO Outfall 007 (phase i), 013 (K06 290A), 021 (phase ii), 024 (phase iii), 025 (Phase iii), 032 (Phase iii), 050 and 056 (phase i) – Final design will begin during the reporting period.
- CSO Outfall 023 – Complete the preliminary engineering study.
- CSO Outfall 020 – Began and completed an assessment of preliminary engineering report.

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

- CSO Outfall 052 – Complete the preliminary engineering study on disinfection technologies.
- CSO Outfall 052 – Select consultant and begin design on disinfection facility.

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

- Continue the preliminary engineering routing study.

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

- Continue the preliminary engineering routing study.

North Maumee SSD System – Outfalls 077 & 078

- Continue construction of CIPP projects.