

City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #4 (September 1, 2009 – February 28, 2010)



Six-Month Status Report #4 (9/1/09 – 2/28/10)

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| 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, Room 280 City County Building 1 East Main Street Fort Wayne, IN 46802 |

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APPENDIX 1

Summary to include the following:

1. Consent Decree Requirements for Reporting Period (09/01/09 – 02/28/10)
2. General Description of Work Completed during the Reporting Period (09/01/09 – 02/28/10)
3. Description of Projected Work to be Performed in the Next Six-Months (09/01/09 – 02/28/10)

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, 2009 through February 28, 2010 (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.

The City contacted EPA and IDEM on September 29, 2009 requesting a status update of the submitted Use Attainability Analysis. IDEM responded that EPA is waiting on rule change language from the agency and the City and IDEM would need to complete the required public participation process in early 2010. On December 18, 2009 IDEM and the City discussed preparing draft rule language to make a change in use designation to the CSO wet weather limited use subcategory for EPA review with the City. The City submitted complete draft rule language to IDEM on January 12, 2010.

The City held two public participation meetings on February 17, 2010. Both meetings involved a presentation describing the City's proposed UAA, followed by open discussion and opportunity for questions and answers. The first meeting was held at the Indiana Institute of Technology at 1:00pm, while the second meeting took place at Woodlan Jr./Sr. High School in Woodburn, IN at 6:30pm. A representative from IDEM as well as the Allen County Health Department were present at both meetings. Notice for these meetings were published in two local newspapers as well as in Defiance, OH (a community downstream of the City's CSO impacted waterways). A press release was issued and emails were sent well in advance of the meetings to local citizen groups in effort to advertise the meetings. The email was also sent to those who subscribe to the City's CSO overflow notification program. The City distributed data discs which included the City's UAA documents, Consent Decree, Long-Term Control Plan and Frequently Asked Questions and Answers regarding the City's proposed UAA. Hard Copies were available as well. The 30-day public comment period on the City's UAA concludes March 17, 2010.

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.

Appendix 2 (attached), contains numbered copies of monthly monitoring and other reports submitted to IDEM concerning the Reporting Period pertaining to CSOs, SSDs,

and bypasses. Additional information regarding the discharges described on the reports included within Appendix 2 follows.

Reports 1, 2, 5, 6 and 7 concern discharges from combined sewer system locations other than permitted CSO outfalls. All such discharges occurred notwithstanding the City's timely accomplishment of all CSSOP requirements, compliance with applicable NPDES permit provisions, and customary best efforts. Four of these five discharges were the result of blockage in a deep combined sewer to CSO Outfall 029 resulting from work done by a third party (reports 1, 2, 5 & 7). A significant (and costly) repair project was designed and constructed early in the Reporting Period to cure the problem. The fifth combined sewer discharge was due to excessive rainfall in a localized area (report 6).

Discharges from sewer sanitary sewer system locations other than SSD locations specifically identified at Appendix 5 of the Consent Decree were described in reports 4, 8, 9, 10, 11, 12, 14, 16, 17 & 21. All such discharges, each of which were low in volume (collectively less than 1100 gallons), were due to blockages. Two additional sanitary sewer system discharges (reports 18 and 19) were due to problems with a nursing home's grease trap which were corrected by the property owner at the City's direction. These discharges occurred despite the City's timely accomplishment of all CMOM requirements, compliance with applicable NPDES permit provisions, and customary best efforts. In each case, televising was done to identify the cause of the blockage (if unknown) and the blockage was promptly removed. Appropriate areas were added to routine maintenance schedules. An additional discharge was identified from the sanitary sewer system recently acquired by the City and not currently subject to the Consent Decree (report 22). As required by the Consent Decree, the City is studying the newly acquired system and will update its CMOM to address system discharges within 3-years of the acquisition.

Finally, four of the reports within Appendix 2 concern discharges which did not reach a regulated water body (reports 3, 13, 15 and 20). These reports are provided for informational purposes only.

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, 2009 – February 28, 2010.

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

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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 3) of the Consent Decree occurred during this Reporting Period. The City also wishes to provide the below update as to forthcoming milestone requirements achieved during this Reporting Period for CSO Control Measure 4. No critical milestone dates of Appendix 5 (concerning SSD elimination) of the Consent Decree occurred during this Reporting Period. All of such work is believed to have met applicable design criteria.

CSO Control Measure 3 – Early Floatables Control (initiate pilot program and make fully operational in 2009 and monitor pilot installations 2009-2010).

- The City is in compliance with the requirements of this control measure. The Achievement of Full Operation was accomplished for pilot project CSO Outfall 052 during 2009. The Achievement of Full Operation for CSO Outfalls 017 and 021 was accomplished during the prior reporting period. All three outfalls were monitored in accordance with the pilot program monitoring requirements. .

CSO Control Measure 4 – CSSCIP Basins with Planned Satellite Storage/Disinfection Technologies (completion of phase 1 partial separate projects for selected CSO Outfalls by 2010)

- The City is in compliance with the requirements of this control measure and is on-schedule for the timely Achievement of Full Operation. The Achievement of Full Operation was accomplished for CSO Outfall 045 in 2009. As previously reported, the Achievement of Full Operation was previously achieved for CSO Outfall 052. Construction activities are underway to allow the Achievement of Full Operation for CSO Outfalls 051, 053 & 068 in 2010.

CSO Control Measure 4 – CSSCIP Basins with Planned Satellite Storage/Disinfection Technologies (completion of phase 2 partial separate projects for selected CSO Outfalls by 2013)

- The City is in compliance with the requirements of this control measure and is on-schedule for the timely Achievement of Full Operation. The Achievement of Full Operation with respect to CSO 054 was accomplished during the Reporting Period.

II. WORK COMTEMPLATED BY CONSENT DECREE APPENDIX 3 AND APPENDIX 5 COMPLETED DURING THIS REPORTING PERIOD

CSO Control Measure 2 – Plant Phase III (when combined with the rest of the WPCP improvements, this control measure is to provide peak primary treatment capacity of 85 mgd and firm capacity of 74 mgd)

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- Completed Treatment Complex Master Plan.
- Preliminary design completed for Raw Waste Water Pumps and Secondary Clarifier Improvements to help increase WPCP capacity to 70 mgd peak, 60 mgd firm.

CSO Control Measure 3 – Early Floatables Control (provide instantaneous peak floatables control rate equal to the highest annual flow rate in “typical year”)

- CSO Outfalls 017 and 021 – Pilot project monitoring continued for these Outfalls.
- CSO Outfall 052 – Achievement of Full Operation accomplished for pilot project in December 2009. Pilot project monitoring began.

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 045 – Achievement of Full Operation was accomplished in January 2010.
- CSO Outfalls 051, 053 & 068 – Construction began during the Reporting Period.
- CSO Outfall 054 – Sewer separation project was completed in February 2010.
- CSO Outfalls 061, 062 & 064 – A Preliminary engineering study was completed in December 2009 for CSO Outfall 064. A preliminary engineering study was ongoing during the Reporting Period for CSO Outfalls 061 & 062.

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

- An engineer was selected to complete a preliminary engineering report and design for the Combined Sewer Pump Station (CSPS) improvement project.
- The preliminary design was completed for an interim grit facility project and Pond 1 Outfall.

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)

- CSO Outfalls 024, 025, 032, 029 and 039 – A preliminary engineering study continued.
- CSO Outfall 060 - A preliminary engineering study began during the Reporting Period.

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

- CSO Outfall 048 – A preliminary engineering study began during the Reporting Period.

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

- Plans for the 30% design of Warfield Relief Sewer were submitted to the City. Construction was completed for the rehabilitation of certain manholes (for reduction of infiltration and inflow).

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

- The preliminary engineering study and model calibration was completed.
- The design of a cured-in-place pipe rehabilitation project continued

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

- 2009 Manhole Coating – Construction was 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)

- Complete design and bid project for Raw Waste Water Pumps and Secondary Clarifier Improvements

CSO Control Measure 3 – **Early Floatables Control** (CSO specific; prove instantaneous peak floatables control rate equal to highest annual flow rate in “typical year”)

- CSO Outfall 052 – Continue pilot study monitoring.
- CSO Outfalls 017 & 021 – Continue pilot study monitoring.

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 Outfalls 061 & 062– Complete preliminary engineering study.

CSO Control Measure 5 - **Pond Storage & Dewatering** (improvements to CSO Pond 1 to allow storage of combined sewer overflow with subsequent dewatering to WPCP)

- Begin preliminary design of Combined Sewer Pump Station.
- Complete design and receive bids for interim grit facility.

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)

- CSO Outfall 060 – Complete preliminary engineering study.
- CSO Outfall 039 & 050 – Begin a preliminary engineering study.
- CSO Outfall 013, 018, 019 & 055 – Complete an implementation assessment of preliminary engineering reports accomplished to date.

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

- CSO Outfall 052 – Begin a preliminary engineering study.

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

- CSO Outfall 048 – Continue the preliminary engineering study.

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

- Begin preliminary engineering study for routing.

Warfield SSD System – **Outfalls 070 & 071**

- Complete design of relief sewer, bid and begin construction

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

- Bid and construct sewer rehabilitation project

North Maumee SSD System – **Outfalls 077 & 078**

- Complete design of future rehabilitation projects for I&I reduction.