



# CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

March 20, 2019

## 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 22**

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. The Status Report concerns the period from September 1, 2018 through February 28, 2019 (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 Brandi Wallace at (260) 427-5582.

Very truly yours,

Kumar Menon,  
Director of City Utilities

Enclosures

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# City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #22 (September 1, 2018 – February 28, 2019)





**Six-Month Status Report #22 (09/01/2018 – 02/28/2019)**

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<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

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**APPENDIX 1**

Summary to include the following:

1. Consent Decree Requirements for Reporting Period (09/01/2018 – 02/28/19)
2. General Description of Work Completed during the Reporting Period (09/01/2018 – 02/28/19)
3. Description of Projected Work to be Performed in the Next Six-Months (03/01/19 – 08/31/2019)

**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, 2018 – February 28, 2019 (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. By way of correspondence dated January 4, 2017, the City asked EPA to consider certain modifications to CSO Control Measures 11 and 12. The second modification to the Consent Decree, which includes approval of changes to CSOCM 11 & 12, has been negotiated among the City, IDEM, EPA, and Department of Justice. The proposed modification was lodged with the U.S. District Court for the Northern District of Indiana on October 10, 2018. Entry of the modified consent decree is anticipated during the next reporting period.

**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. The City met with EPA and IDEM concerning the UAA during the Reporting Period and is expected to result in an updated UAA submission by the City to IDEM within 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 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.

Many of the reports submitted during the Reporting Period concerned discharges which did not reach a regulated waterbody but were reported for information purposes (report numbers 3, 5, 6, 7, 11, 12, 14, 17, 21 and 22). Several of those reports (7, 11, 12, and 22) concerned apparent basement backup events which the City reports 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.

The City submitted two reports (report numbers 1 and 2) to follow up on previously reported DWO incidents associated with the City's deep tunnel CSO Control Measure work discussed in the previous Six-Month Status Report #21. The amended reports included the CSO Outfall 033 that was previously inadvertently omitted. A CSO Dry Weather Overflow (DWO) incident was reported via report number 9 (which amended report 8) regarding CSO Outfalls 018 and 019 due to a structural collapse which was promptly repaired.

Other discharges from sanitary sewer system locations are described in reports 4, 10, 13, 15, 16, 18, 19, 20, and 23. These incidents were minor in volume and 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.

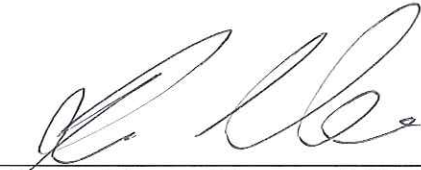
**7. OPERATIONS AND MAINTENANCE REPORT ON COLLECTION SYSTEM ACTIVITY**

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, 2018 – February 28, 2019.



**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.



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Kumar Menon, Director of City Utilities

3/20/2019

\_\_\_\_\_  
Date

# APPENDIX 1

**APPENDIX 1**  
**Six-Month Status Report #22 (09/01/2018 – 02/28/2019)**

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

The City achieved compliance with all CSO Control Measure requirements during the Reporting Period and continued to timely development and implement contemplated controls. Critical milestone dates of Appendix 3 (concerning CSO Control Measure 9 and 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 9 – Relief Sewer for CSOs 61 and 62**

- 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 Outfalls 061 and 062 in 2018.

**CSO Control Measure 6 – CSSCIP Basins Tributary to the PI**

- The City is in compliance with the requirements of this control measure. Achievement of Full Operation was accomplished for multiple CSO Outfalls over the years prior to the end of 2018, as described in previous Six-Month Status Reports.

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

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 027 (phase i) & 033 (phase i) – Construction was completed.
- CSO Outfalls 027 (phase ii) & 033 (phase ii) – Construction was completed.
- Achievement of Full Operation was previously achieved for all other outfalls required to be addressed by this control measure.

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

- CSO Outfalls 061 and 062 – Construction was completed. The City is compliance with the requirements of this control measure. The Achievement of Full Operation was accomplished for CSO Outfall 061 and 062 during 2018.
- CSO Outfall 054 – Advanced facilities planning continued 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)



**APPENDIX 1**  
**Six-Month Status Report #22 (09/01/2018 – 02/28/2019)**

- CSO Outfall 048 – Construction continued.

CSO Control Measures 11 & 12 – 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 has submitted a request to modify these Control Measures to provide further improved CSO control.)

Wayne Street (West of WPCP)/3RPORT

- Public outreach continued.
- Tunnel & Drop Shafts Package – Construction continued.
- Consolidation Sewers Package(s) – Final design continued.
  - CSO 18/19 - Rudisill Consolidation Sewer and Extension to Foster Park Relief Sewer Connection – Final design completed.
  - CSO 32 & Third Street Pump Station Consolidation Sewer – Final design continues.
  - CSO 50 - Coombs Street Consolidation Sewers – Final design continues.
  - Superior Street Consolidation Sewer Phase I – Final design completed. Bids received and construction began.
  - CSO 017 Waldron Circle Consolidation Sewer – Final design continued.
- Deep Dewatering Pump Station Package – Final design continued.

St. Mary’s (Foster Park Relief Sewer)

- Final design continued.

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

- CSO Outfall 039 – Design continued.
- CSO Outfall 050 – Design continued.
- CSO Outfall 018 – Design completed.
- CSO Outfall 019 – Design completed.
- CSO Outfall 033/027 – Design continued.

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

- CSO Outfall 064 – Advanced facilities planning continued 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.

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.

**APPENDIX 1**  
**Six-Month Status Report #22 (09/01/2018 – 02/28/2019)**

- Began design of Rothman Lift Station Improvements to increase pumping capacity during wet weather events.

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

- Advanced facility planning continued.
- As part of the 2018 Open Cut project which was designed and bid during the reporting period, modifications will be made to structure V06 001 to prevent river intrusion to the North Maumee Interceptor.
- Designed and bid the 2018 CIPP Package #2 project which involves rehabilitation of pipes and structures as well as continued cleaning of the North Maumee Interceptor.
- Began design on a lift station and force main project to convey wet weather flows from the North Maumee Interceptor to the Pierson Interceptor.

III. WORK CONTEMPLATED BY CONSENT DECREE APPENDIX 3 AND APPENDIX 5 ANTICIPATED FOR COMPLETION DURING THE NEXT REPORTING PERIOD

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

- CSO Outfall 054 – Preliminary design to begin on satellite storage tank. Complete facilities planning 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 – (Re-route overflow pumps station discharge to Wet Weather Pond 1)

- CSO Outfall 048 – Construction to be completed.

CSO Control Measures 11 & 12 – 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 – Construction to continue.
- Consolidation Sewers Package(s) – Final design to continue.
  - CSO 18/19 - Rudisill Consolidation Sewer and Extension to Foster Park Relief Sewer Connection – Receive bids and start construction.
  - CSO 32 & Third Street Pump Station Consolidation Sewer – Complete final design.
  - CSO 50 - Coombs Street Consolidation Sewers – Complete final design complete and receive bids.
  - Superior Street Consolidation Sewer Phase I – Construction to continue.
  - Superior St Consolidation Sewer Phase II – Complete final design.
  - CSO 23/24/25 W of Fairfield Consolidation Sewers – Final design to begin.
- Deep Dewatering Pump Station Package – Final design to continue.

**APPENDIX 1**  
**Six-Month Status Report #22 (09/01/2018 – 02/28/2019)**

St. Mary's (Foster Park Relief Sewer)

- Final design to continue.

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

- CSO Outfall 004 – Design to begin.
- CSO Outfall 039 – Complete design and receive bids.
- CSO Outfall 050 – Complete design.
- CSO Outfall 018 – Construction to begin.
- CSO Outfall 019 – Construction to begin.
- CSO Outfall 033/027 – Complete design.
- CSO Outfall 013 – Construction to begin.
- CSO Outfall 23 – Design to begin.
- CSO Outfall 24 – Design to begin.
- CSO Outfall 25 – Design to begin.

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

- CSO Outfall 064 – Advanced facilities planning to continue 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

- Evaluate possible additional system improvement projects.

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

- Continue I/I removal projects.
- Continue design of electrical upgrades and new wet weather pumps at the Rothman Road Lift Station.
- Pilot project to extend downspouts away from private property foundations through private partnership and public outreach.

North Maumee SSD System – Outfalls 077 & 078

- Advanced facility planning to continue.
- Complete modifications to structure V06 001 to better prevent river intrusion to the North Maumee Interceptor.
- Continue design of a lift station and force main to convey wet weather flows from the North Maumee Interceptor to the Pierson Interceptor.
- Evaluate possible additional system improvement projects.