

## **Fort Wayne Sewer Advisory Group Meeting April 4, 2007**

### **Attending**

David Kohli, NEAP – Chair  
Ellen Fox, NEAP  
Sandy Boruk, NEAP  
Allen R. Lauer, Sr., NWAP  
Beulah Stoker, SWAP  
Mac McConnell, SEAP  
Joyce McConnell, Harvester Association  
Rod Vargo, Ludwig Park  
Frank McCutcheon, Aboite-Copperhill Community Association  
Fred Orr, Aboite-Covington Dells  
Steve Carter, Curdes Avenue Neighborhood  
City of Fort Wayne staff:  
Greg Meszaros, Director of Public Works and City Utilities  
Cecilia Case, Associate City Attorney  
Mike Kiestler, Engineering Support Services  
Brandi Wallace, Planning and Design Services  
Susan Beck, NPDES Program Manager at WPCM  
Mary Jane Slaton, Water Resources

### **Stormwater Sub-Committee**

Brandi Wallace, the Water Quality Regulatory Compliance Specialist for Fort Wayne City Utilities gave a presentation on proposed changes to Chapter 53 of the Fort Wayne Municipal Code.

Chapter 53 is the chapter that established and governs Fort Wayne's Stormwater Utility. To meet the requirements of new regulatory programs, the City must adopt ordinance amendments that will allow the Stormwater Utility to control erosion and stormwater runoff from construction sites, to control the quality of stormwater being released from sites following development and to find and stop illicit discharges to the stormwater collection and conveyance systems. The ordinance changes have been presented to the City Council Flood Committee and the Board of Public Works has adopted a resolution supporting the changes. Ordinance amendments have been introduced to City Council with discussion planned for April 10, 2007. The amendments could be adopted on that date. The goal of City Utilities is to have the stormwater plan review and inspection programs enabled by the ordinance fully functioning by the end of 2007. Brandi distributed a summary of the proposed ordinance changes (attached) and answered questions from the group.

- Ellen Fox asked what authority the City has had in the past to enforce illicit discharge provisions. Brandi and other staff explained that while illicit discharges and illegal dumping have always been a violation of the Stormwater Ordinance, the main enforcement mechanism was taking violators to court. Susan Beck has been working to educate violators and help them understand how illicit discharges and dumping cause water quality problems. The proposed changes in the ordinance will allow for tiered enforcement – ranging from a verbal warning to a court summons and fines. The intent is to make the enforcement fit the level of the offense with the goal being compliance and cooperation, not punishment.

- Allen Lauer asked how long a violator would have to correct a situation. Susan explained that the time allowed for correction of the violation would depend on the nature of the violation, and would be decided on a case by case basis.
- Fred Orr suggested that making enforcement decisions on a case-by-case basis might be grounds for a legal challenge since it might be seen as not providing “equal protection under the law” for everyone. He offered that enforcement could be patterned after Neighborhood Code and other City Departments that have enforcement provisions. Fred also stated that a verbal warning may not be effective unless there is a written follow up.
- Associate City Attorney Cici Case responded that the goal of enforcement is compliance. Standardized penalties may be implemented later.
- Mike Kiester explained that for enforcement of the Construction Site and Post-Construction provisions, there has not been much enforcement in the past. The City will be implementing enforcement slowly to give contractors and construction site operators an opportunity to understand the ordinance changes and comply. Mike stated that for violations on construction sites, a verbal “warning” or discussion with the site operator may be all that is needed to bring the site into compliance. We don’t want to use fines, we want sites to comply.
- David Kohli expressed his pet peeve with construction sites being erosion control devices that are not maintained and thus are not effective – for example, silt fences falling down or having holes.
- Rod Vargo expressed concern that sometimes it appears that these devices are left in place too long and may still be in place after construction is finished. Silt fences may actually block stormwater from getting into inlets. But Rod also stated that it should be left up to the City and contractors to remove the erosion control devices, even if they don’t seem to be serving a purpose.
- Ellen asked if the City will be working with the ditches inside the City.
- Susan explained that Allen County must also implement similar programs and, for now, the County is still responsible for County Regulated drains inside the City.
- David asked if the City will be asking citizens to report evidence of poor erosion control or illicit discharges and what reporting mechanism will be available. There was discussion of the use of the City’s new “311” system for reporting, also City Utilities will be setting up a reporting system on the City’s web site.

Susan Beck gave an overview of the City’s storm drain marking program – another program that the City will be implementing to help increase citizen awareness of the potential for stormwater pollution. The Sub-Committee viewed a DVD on storm drain marking developed by the Indiana Department of Natural Resources. Susan showed samples of the markers that the City has purchased for installation in neighborhoods. Fort Wayne is looking for neighborhood associations and other groups that would volunteer to install storm drain markers in their neighborhoods. The City will provide the tools and materials, including safety equipment. Door hangers are also provided so that residents of neighborhoods where the markers are installed find out what they are and what they mean.

- Rod suggested that perhaps the City could require pre-stamped castings for all City stormwater projects done in the future. Susan stated that we are working to include that as a specification in City bid packages and that some have already been installed.

### **Sewer Advisory Group**

Chairman David Kohli called the Sewer Advisory Group regular meeting to order at 6:15 PM. Minutes of the February 7, 2007 meeting were reviewed and approved on a motion by Ellen Fox and a second by Joyce McConnell. The minutes will be posted on the City’s web site.

### **Sewer Rates**

Director of Public Works and City Utilities Director Greg Meszaros updated the group on status of action to increase sanitary sewer rates.

- City Council completed discussion of the rate increase in committee on Feb. 13, 2007 and the Council unanimously voted to approve the full 25% increase as requested by City Utilities. Greg is please with the outcome. Rates are set for the next 2 years and will allow City Utilities to continue aggressive capital improvement programs including septic tank relief efforts.
- The increase was implemented on March 1, so bills that customers receive in April should show the full impact of the increase.
- Greg is continuing to speak to groups and organizations about the City's sewer improvement programs. He has spoken with a Kiwanis group and will be speaking to the Fort Wayne Engineers Club, the Frances Slocum neighborhood and the Council on Senior Services.

### **Consent Decree Negotiations**

Status quo. No meetings have been held with IDEM/EPA because the EPA attorney has been very involved with another case. Greg feels confident that there are just details to be worked out. He reminded the group that the details of the agreement will drive sewer rates for the next 20 – 25 years.

- David asked about the Consent Decree for Indianapolis. Greg explained that it will cost the City of Indianapolis about \$1.9 billion dollars
- Fred asked if that is a fine or a cost of compliance. Greg explained it is a cost to build the infrastructure necessary to comply with the Consent Decree. Fort Wayne expects to spend about \$300 million on infrastructure and pay a small fine. Most of the fine can be applied to the cost of a project that the City would not otherwise have done. Greg also pointed out that Fort Wayne has already invested about \$50 million in projects aimed at reducing neighborhood backups and about \$50 million in improvements to the Water Pollution Control Plant.

### **WPCM/STM Report**

A report was provided by Jeff Morris, Superintendent of Water Pollution Control Maintenance.

- David explained to the new members that the Sewer Task Force – created in 1995 – had wanted to ensure that City Utilities was being diligent about finding problems in the sewer system that contributed to sewer backups, so the Task Force recommended a quota for televising sewers each year. David said that as sewers were cleaned and televised, it also helped increase capacity, and that, as a result of the proactive maintenance program and other investments, backups have been reduced significantly.
- Ellen asked about work that was planned in alleys in the Columbia and Dearborn area that was supposed to have started in November 2006. Mike Kiester reported that it had been delayed by weather and contractor issues, but is currently underway. Ellen asked about a large hole that had been dug in the area. Mike will investigate and report back to Ellen.
- Rod asked about the cost of the large equipment that WPCM uses to clean sewers. Greg responded that the cost of a vactor/jet combo truck is around \$250,000 and operational costs for one year are around \$100,000.

### **Tainter Gate Operating Protocol**

Greg reported that he and Dan Wire have been talking about how and when the City impounds water behind the Hosey Dam on North Anthony Boulevard by raising and lowering the Tainter gate on the dam. The dam was constructed in 1933 to impound water behind the dam. The

rollers at the dam no longer work, but the amount of water behind the dam can be controlled to some extent by opening and closing the gate. Greg explained that the Hosey Dam serves no flood control function. However, impounding more water behind the dam improves the appearance of the rivers by making them look fuller during the recreational season. It also provides more depth above the dam for boating. Dan Wire has advocated a more formal procedure for raising and lowering the water level.

- A document prepared by Dan was distributed with ideas for the SAG members to consider and think about.
- Greg distributed a draft of a Tainter gate operational procedure that would establish dates when the gate would be raised and lowered. It would provide time in the fall, winter and early spring (Nov. 1 – April 15) when the impounded water would be lower for construction projects and a time in spring, summer and fall (April 15 – Nov. 1) when the level would be higher for recreational purposes (recreation including boating, walking along greenways, etc, but not full body contact).
- For river level changes at other times, Greg would have to sign off on raising or lowering the Tainter gate. City Utilities would keep a list of people who would request notice of river level changes and would provide notice of unplanned changes.
- Mike Kiester stated that during the summer of 2006, several construction projects were scheduled consecutively when meant the gate was open for much of the summer. He stated that City Utilities will need to do a better job of coordinating construction projects to be done during the time when less water is impounded. He also pointed out that the City does not want the river to be “dry” in the winter either. A certain amount of water behind the dam is necessary for insulation of various pipes that run under the river bed.
- Rod suggested slightly different dates for raising and lowering the gate – lowering the gate on March 1 and raising it on October 1.
- Greg also explained that any operational protocol that is adopted may have to change significantly when construction begins on capital projects to reduce CSOs.
- Several other issues were discussed involving the rivers including the rocks in the St. Joe River which make launching a boat at Johnny Appleseed Park a challenge (possibly an issue to be addressed by DNR) and bank erosion causing trees to fall into the river (possible Army Corps issue).

### **Construction Update**

Mike Kiester reported on upcoming sewer construction projects:

- The next separation project in the McMillen Park area will be bid on April 6, 2007
- Separation project south of McKinnie Ave and west of Anthony will be April 25
- Anthony will be closed south of McKinnie for about a week (date not certain yet) because four road cuts will be needed. If traffic were maintained the construction could take 3 weeks.
- Parkerdale septic elimination project is wrapping up.
- The low bid for the 2007 cured in place sewer lining package was \$1.3 million – well below the engineer’s estimate.

### **Items from the Floor**

Mac McConnell asked about plans for sewer separation in the Harvester neighborhood to reduce the likelihood of sewer backups. There were basement backups in the Harvester are during heavy rains in January. Mac received 5 calls form neighbors. Greg reported that he is not aware of future separation plans there other than the work that has already been done.

- Next neighborhood projects will be along the St. Mary’s River where City Utilities will be spending \$10 - \$12 million. Beyond that, specific future projects have not been designed.

- Ellen stated that some property owners are afraid to report sewer backups for fear of having their homes condemned.
- Mac expressed a concern that homeowners may want to investigate having insurance that covers backups if a sump pump fails because the electricity goes out.
- Joyce stated that backup preventors may help in some cases, but there is no guarantee that they will work and they must be maintained.

Ellen asked about if another meeting of the Curdes Avenue Task Force has been scheduled.

- The final draft of the recommendations is being prepared and we hope to have a meeting around the end of April or first of May

Rod stated that there seem to be an unusual number of homes for sale in Pine Valley. He wondered if anyone might have insights into a reason.

Steve Carter from Curdes Avenue asked if City Utilities does aerial reconnaissance after heavy rains to identify areas where flooding occurs.

- Greg explained that City Utilities relies on complaint calls and can analyze complaints to identify problem locations.
- Mike Kiester explained that there are many City Utilities employees who go out during and after rain events to check areas that they know have flooding, drainage or standing water issues.
- Rod also pointed out that calling WPCM with concerns is vital since standing water can be a localized issue.

Mary Jane reminded everyone about the Open House at the Camp Scott wetlands on Saturday, May 5 from 9 – 3. Volunteers are needed if anyone would like to help.

### **Update on 2007 Goals**

One of the goals for 2007 is to recruiting SAG representatives from Aboite Township.

David welcomed the two residents from neighborhoods in Aboite Township and asked if they had issues of concern or interest to share

- Fred Orr expressed the desire of Covington Dells to have sanitary sewers to replace their septic systems. The neighborhood has met several times with representatives of AquaIndiana, but so far a sewer project for the area has not been planned.
- Frank McCutcheon discussed a drainage issue in Copperhill. The storm drain system there was built using corrugated steel pipes which are deteriorating. The neighborhood has issues with sink holes and sedimentation in their detention pond. The neighborhood has been spending money to try to fix the problems, but the issues are beyond what the citizens can manage. Greg will recon the issue and pass it along to the drainage supervisor Pat Drudge at STM.

**The next meeting of the Sewer Advisory Group will be on June 6, 2007 with the Stormwater Sub-Committee meeting beginning at 5:30 PM.**

The meeting was adjourned at 7:40 PM

Respectfully submitted:  
Mary Jane Slaton