

# City of Fort Wayne Six-Month Status Report

**Consent Decree Case # 2:07 cv 00445**

Report #2 (September 1, 2008 – February 28, 2009)



March 30, 2009

**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  
Indianapolis, IN 46206

**Re: Consent Decree, Case # 2:07 cv 00445  
Status Report 2**

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. The Status Report concerns the period from September 1, 2008 through February 28, 2009 (the "Reporting Period"). As you will see, the City is on schedule to meet all Consent Decree milestone deadlines.

Among the accomplishments noted during the Reporting Period are the following:

- Timely Achievement of Full Operation of the Interim CSO Pond Dewatering facilities
- Completion of the residential rain garden incentive program implementation

The City believes the enclosed Status Report is consistent with, and fulfills, the reporting requirements of the Consent Decree.

Very truly yours,

Kumar Menon,  
Director of City Utilities

Enclosures

**Six-Month Status Report #2 (9/1/08 – 2/28/09)**

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

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**APPENDIX 1**

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**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 Table 1 of Appendix 1 includes deadlines and other terms required by the Consent Decree from September 1, 2008 through February 28, 2009 (the “Reporting Period”) and provides the compliance status for each. The City of Fort Wayne (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 Table 2 of 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.

The attached Table 3 of Appendix 1 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 submitted a draft Use Attainability Analysis (UAA) to IDEM on February 5, 2008. The City and IDEM met on March 13, 2008 to discuss general comments on draft submittal. IDEM submitted the draft UAA to the U.S. EPA Region V (EPA) for initial review. The City received EPA’s General comments from IDEM on June 10, 2008. The City met with IDEM on July 2, 2008 to discuss initial comments. EPA was present via conference call. The City received comments from EPA Region V as well as EPA Headquarters on August 14, 2008.

A teleconference was held on October 3, 2008 between the City, U.S. EPA Region V (EPA) and IDEM to discuss EPA's comments on the City's draft UAA. The City submitted a revised draft UAA on November 26, 2008 to EPA and IDEM. The City received correspondence from EPA that their review of the UAA was complete on December 23, 2008. At that time, EPA Office of Water staff (EPA Headquarters) was still completing their review of the document. On January 27, 2009 the City was notified by IDEM that EPA had passed along the UAA to its consultants for review.

**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 copies of monthly monitoring and other reports submitted to IDEM concerning the Reporting Period pertaining to CSOs, SSDs, and bypasses. Among the reports at Appendix 2 are reports concerning 7 SSD events from locations described at the Consent Decree's Appendix 5. These reports have been numbered 8, 9, 10 and 12. The City's efforts to eliminate SSDs from such locations by the timeframes stated by the Consent Decree remain on schedule. In addition to SSD events from outfalls listed at the Consent Decree's Appendix 5, report 12 also reflects discharges from other locations and unavoidable conditions at the City's Water Pollution Control Plant. All of the discharges and conditions described at report 12 were caused by extreme wet weather resulting in a flood event and upset during the period of February 11, 2009 through February 15, 2009. The flood event was caused by a record rainfall on February

11, 2009 of 2.83 inches (the second highest daily February event on record) followed by 0.16 inch the following day coupled with significant snowmelt (at least 7 inches) brought about by the precipitation and unusually warm weather. Two of the SSD discharges reflected on report 12 occurred from points within a new sanitary system acquired by the City in 2008 from Aqua Indiana. As required by the Consent Decree, the City is studying this new system and will update its CMOM to address system discharges within 3 years. Report 1 also reflects a SSD from a point within the new system acquired from Aqua Indiana.

In accordance with its NPDES permit, the City notified IDEM of anticipated bypasses during September, October and November 2008 which were necessary to allow the construction of the interim CSO Pond bleed-back project by the Consent Decree's 2008 deadline. No feasible alternative existed to avoid the discharges associated with the anticipated bypasses. Reports regarding these unavoidable anticipated bypasses are attached as reports 2, 4 and 5. A copy of the written notice to IDEM of the first of these anticipated bypasses is attached to report 2. At IDEM's request, subsequent notifications were made orally to Mr. Gary Starks. The MRO and DMR forms for September, October and November 2008 (attached at Appendix 2) describe the Outfall 002 and 003 exceedances associated with these anticipated bypasses.

An additional 5 unpermitted discharges were also reported to IDEM (see reports 3, 6, 7, 11, and 13) during the Reporting Period. All such discharges occurred notwithstanding the City's timely accomplishment of all CMOM and CSSOP requirements, compliance with applicable NPDES permit provisions, and customary best efforts. Three of these discharges were caused by blockages, one by acts of third parties (contractors), and one possibly due to an inadvertent pump adjustment during an inspection three days before the discharge. The City believes that each of these discharges were unintentional, temporary and beyond the City's reasonable control.

**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 and a listing of completed regulator and lift station inspections through September 1, 2008 – February 28, 2009.

**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

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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

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Date



# APPENDIX 1

<b>TABLE 1. CONSENT DECREE REQUIREMENTS FOR THE REPORTING PERIOD (09/01/08 - 02/28/09)</b>		
<b>CD Requirements</b>	<b>Description</b>	
	<b>Critical Milestones</b>	<b>Compliance Update</b>
<b>Appendix 3</b> CSO Control Measure 1	<b>Plant Primaries</b>	In Compliance. Achievement of Full Operation December 2008.
	Achievement of Full Operation - 2008	
<b>Appendix 3</b> CSO Control Measure 3	<b>Early Floatables Control</b>	In Compliance - Achievement of Full Operation to be complete and monitoring of outfalls 017, 021 and 052 will begin in 2009.
	Initiate pilot program and make fully operational - 2009	
<b>Appendix 3</b> CSO Control Measure 4	<b>CSSCIP - Basins with Planned Satellite Storage/Disinfection Technologies</b>	In Compliance - Outfalls 051, 052, 053, & 068 on schedule for construction to be completed in 2009.
	Construction Complete - 2009	
<b>Appendix 3</b> CSO Control Measure 5	<b>Pond Storage &amp; Dewatering</b>	In Compliance - Interim dewatering system Achievement of Full Operation December 2008.
	Interim dewatering Achievement of Full Operation - 2008	

TABLE 2. DESCRIPTION OF WORK IN PROGRESS (09/01/08 - 02/28/09)		
CD Requirements	Description	Statement as to whether work completed meets applicable design criteria
	Design Criteria	Compliance Update
<b>Appendix 3</b> CSO Control Measure 1	<b>Plant Primaries</b>	Plant Primaries are designed to 85 mgd peak flow, but as design criteria specifies, WPCP will not be at 85 mgd peak flow until CSO Control Measure #2 is complete.
	When combined with the rest of the WPCP improvements, provide peak primary treatment capacity of 85 mgd and firm capacity of 74 mgd.	
<b>Appendix 3</b> CSO Control Measure 2	<b>Plant Phase III</b> - Upgrade remaining WPCP facilities to achieve peak capacity of 85 mgd and firm capacity of 74 mgd	Achievement of Full Operation December 2008
	When combined with the rest of the WPCP improvements, provide peak primary treatment capacity of 85 mgd and firm capacity of 74 mgd.	
<b>Appendix 3</b> CSO Control Measure 3	<b>CSO Outfall 017, 021</b> - Pilot testing for Early Floatables Control	Continued Phase B planning.
	Provide instantaneous peak floatables control rate equal to the highest annual flow rate in "typical year"	
	<b>CSO Outfall 052</b> - Pilot testing for Early Floatables Control	Continued construction. Anticipate completion end of first quarter 2009.
	Provide instantaneous peak floatables control rate equal to the highest annual flow rate in "typical year"	
<b>Appendix 3</b> CSO Control Measure 4	<b>CSSCIP - Outfall 052</b> Kirkwood Park CSSCIP	Design complete.
	Phase 1 - designed as per Fort Wayne Stormwater and Sanitary Standards as well as Ten States Standards	
	<b>CSSCIP - Outfalls 051, 053, 068</b> Woodrow/Vance CSSCIP	Notice to Proceed December 2008.
	Phase 1 - designed as per Fort Wayne Stormwater and Sanitary Standards as well as Ten States Standards	

TABLE 2. DESCRIPTION OF WORK IN PROGRESS (09/01/08 - 02/28/09)			Statement as to whether work completed meets applicable design criteria
CD Requirements	Description	Compliance Update	
	Design Criteria		
Appendix 3 CSO Control Measure 4 (cont.)	CSSCIP 045 Penn Avenue CSSCIP	Design began. Anticipate bidding project in third quarter 2009.	Phase 1 criteria to be met by 2010.
	Phase 1 - designed as per Fort Wayne Stormwater and Sanitary Standards as well as Ten States Standards		
	CSSCIP Outfalls 061, 062, 064		
	Phase 1 - designed as per Fort Wayne Stormwater and Sanitary Standards as well as Ten States Standards	Notice to Proceed on Preliminary Design Report - February 2009.	Phase 2 criteria to be by 2013.
	CSSCIP Outfalls 054 - Smith and Roosevelt		
	Phase 1 - designed as per Fort Wayne Stormwater and Sanitary Standards as well as Ten States Standards		
Appendix 3 CSO Control Measure 5	Pond Storage and Dewatering	Design began September 2008.	Phase 2 criteria to be by 2013.
	Improvements to CSO Pond 1 to allow storage of combined sewer overflow with subsequent dewatering to WPCP.		
Appendix 5 Warfield SSD System	Outfall 070, 071	Achievement of Full Operation December 2008	Phase 1 - Interim dewatering project Achievement of Full Operation December 2008.
	Eliminate SSD		
		Model calibration study began September 2008	Criteria to be met by 2011 Achievement of Full Operation

Appendix 5 Rothman SSD System	Outfall 074, 075, 076 - Relief Sewer	Green Tree Sewer Reroute design completed September 2008.	Criteria to be met by 2011 Achievement of Full Operation
	Eliminate SSD		
	Outfall 074, 075, 076 - CIPP Lining	CIPP package #2 bid September 2008.	Criteria to be met by 2011 Achievement of Full Operation
	Eliminate SSD		
Appendix 5 North Maumee SSD System	Outfall 077, 078 - Manhole Rehabilitation	General manhole rehabilitation complete December 2008.	Criteria to be met by 2020 Achievement of Full Operation
	Eliminate SSD		
	Outfall 077, 078 - CIPP Lining	General CIPP 2008 bid September 2008.	Criteria to be met by 2020 Achievement of Full Operation
	Eliminate SSD		
	Outfall 077, 078 - CIPP Lining	Bellefield CIPP was completed November 2008.	Criteria to be met by 2020 Achievement of Full Operation
	Eliminate SSD		

TABLE 3. DESCRIPTION OF PROJECT WORK TO BE IN PROGRESS IN THE NEXT SIX-MONTHS		
CD Requirements	Description	Summary of Projected Work to be Performed
	Design Criteria	
<b>Appendix 3</b> CSO Control Measure 2	<b>Plant Phase III</b> - Upgrade remaining WPCP facilities  When combined with the rest of the WPCP improvements, provide peak secondary treatment capacity of 85 mgd and firm capacity of 74 mgd.	Facility planning to be complete in third reporting period. Hire consultant for the design of additional Raw Wastewater Pumps to WPCP Headworks and various hydraulic improvements to the treatment plant process.
<b>Appendix 3</b> CSO Control Measure 3	<b>Early Floatables Control</b> - Outfalls 017, 021, 052  CSO specific; provide instantaneous peak floatables control rate equal to highest annual flow rate in "typical year".	Bid outfall 052 project in third reporting period. Implement Post-Construction Monitoring Plan for Early Floatables Control.
<b>Appendix 3</b> CSO Control Measure 4	<b>CSSCIP</b> for outfalls 051, 053, 068, 045, 061, 062, 064, 054  Partial sewer separation designed to Fort Wayne Stormwater and Sanitary Standards as well as the Ten State Standards to reduce local CSOs.	Complete design for 045; complete design and study for 054; complete design for 051, 053 and 068 in third reporting period.
<b>Appendix 5</b> Rothman SSD System	<b>Rothman SSD System Elimination</b>	General CIPP Package #2 to be complete during third reporting period.
	Eliminate SSD	
<b>Appendix 5</b> Warfield SSD System	<b>Warfield SSD System Elimination</b>	Complete model calibration study and begin design in third reporting period.
	Eliminate SSD	
<b>Appendix 5</b> North Maumee SSD System	<b>North Maumee SSD System Elimination</b>	General manhole rehab construction to be complete.
	Eliminate SSD	