

City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #3 (March 1, 2009 – August 31, 2009)



September 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
P.O. Box 6015
Indianapolis, IN 46206

**Re: Consent Decree, Case # 2:07 cv 00445
Status Report 3**

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 March 1, 2009 through August 31, 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:

- Achievement of Full Operation for Early Floatables Control pilot projects for CSO Outfalls 017 and 021
- Achievement of Full Operation for CSSCIP – Basins with Planned Satellite Storage/Disinfection Technologies for Outfall 052.

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) 427-1381 or Brandi Wallace at (260) 427-5066.

Very truly yours,

Kumar Menon,
Director of City Utilities

Enclosures

Six-Month Status Report #3 (3/1/09 – 8/31/09)

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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Summary to include the following:

1. Consent Decree Requirements for Reporting Period (03/01/09 – 08/31/09)
2. General Description of Work Completed during the Reporting Period (03/01/09 – 08/31/09)
3. Description of Projected Work to be Performed in the Next Six-Months (9/1/09 – 2/28/10)

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 March 1, 2009 through August 31, 2009 (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 was notified in early April 2009 that EPA was still reviewing the draft revised UAA document submitted by the City on November 26, 2008. In mid-April 2009, IDEM contacted the City to arrange a teleconference with EPA, IDEM and the City to discuss EPA's initial comments in which were sent to IDEM and the City. Unfortunately this teleconference was later cancelled by the agencies reportedly due to an EPA desire for additional information regarding the City's Financial Capability Analysis (FCA) and a further breakdown of costs as it pertains to controls beyond the LTCP. IDEM contacted the City in May 2009 to request additional information to clarify the FCA to a point of

Social and Widespread Economic Impact, clarification on recreational use within City receiving streams as well as spatial extent of use change. It was determined the City would address these issues in a revised draft in which was submitted to EPA and IDEM on June 30, 2009.

IDEM contacted the City on July 7, 2009 with initial feedback on the revised draft UAA submitted to EPA and IDEM on June 30, 2009. EPA and the City discussed EPA's initial feedback on the revised draft on July 24, 2009. At this time, EPA requested additional information on referenced Appendix pertaining to downstream bacteria impacts. The revised Bacteria Impacts Appendix was submitted to EPA and IDEM on August 31, 2009.

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 a 25-year flood and 25-year rain event (respectively from March 7-16 and August 17-19). While City was able to significantly mitigate the effects of those events, many discharges (especially during the March event which caused the St. Joseph River to reach its second highest recorded elevation, above its 500-year flood stage) were unavoidable and beyond the City's

reasonable control given the extreme conditions. Reports relating to these events are numbered 2 and 18-27.

An additional 12 discharges from combined sewer system locations other than permitted CSO outfalls were reported to IDEM during the Reporting Period. All such discharges occurred notwithstanding the City's timely accomplishment of all CSSOP requirements, compliance with applicable NPDES permit provisions, and customary best efforts. Eight of these events were caused by a third party contractor resulting in a blocking of flow through a combined sewer to CSO Outfall 029 (reports 14-16, 20, 23 and 25-27). The remaining 4 discharges were respectively due to excessive rainfall in a localized area (report 5), necessary very brief (40 second) pump testing during a repair (report 10), root blockage (report 12), and a watermain break inadvertently caused by a contractor (report 13).

Discharge events from locations described at the Consent Decree's Appendix 5 were identified on reports 2, 4, 22 and 24. The City's efforts to eliminate SSDs from such locations by the timeframes stated by the Consent Decree remain on schedule. Discharges from other sewer sanitary sewer system locations were also noted in reports 1, 2, 6, 17, 9, 19, 21, 28 and 29. Such discharges were respectively due to extreme flood events (reports 2 & 20), blockage (reports 1, 9, 17, 21, 28 & 29), a short delay between a main power outage at a pump and the start of its back-up power system (report 19), and a pipe failure (report 6). These discharges occurred despite the City's timely accomplishment of all CMOM requirements, compliance with applicable NPDES permit provisions, and customary best efforts. Other discharges were identified from a sanitary sewer system recently acquired by the City and not currently subject to the Consent Decree (reports 2, 3, 8 & 18). 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.

Finally, the City's Water Pollution Control Plant (WPCP) experienced two unexpected and unavoidable incidents during the Reporting Period which required the WPCP to briefly suspend its flows (reports 7 and 11). The City promptly notified IDEM of each incident and, to mitigate the effect of the incidents, temporary redirected flows to its CSO Ponds. Subsequent dewatering back to the WPCP inherently treated much of such flows. These incidents were unintentional, unanticipated, temporary and well 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 a listing of completed regulator and lift station inspections through March 1, 2009 through August 31, 2009.

8. CERTIFICATION STATEMENT (Section XII, Paragraph 38)

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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

APPENDIX 1

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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

No critical milestone dates of Appendix 3 (concerning CSO Control Measures) or Appendix 5 (concerning SSD elimination) of the Consent Decree occurred during this Reporting Period. Nonetheless, the City wishes to provide the below update as to forthcoming milestone requirements achieved during this Reporting Period for CSO Control Measures 3 and 4. All of such work is believed to have meet 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 and is on-schedule for the timely Achievement of Full Operation. Indeed, the Achievement of Full Operation was accomplished for pilot projects for CSO Outfalls 017 and 021 during this Reporting Period. Monitoring of these outfalls has begun. Construction at Outfall 052 began.

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 project for CSO Outfall 052 has been completed, and the projects for CSO Outfalls 045, 051, 053 & 068 projects were bid, 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)

- Completed Treatment Complex Master Plan.
- Preliminary design for Raw Waste Water Pumps and modifications to secondary treatment basins to increase WPCP to 85 mgd peak capacity design in progress.

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

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- CSO Outfalls 017 and 021 – Achievement of Full Operation accomplished for pilot projects, March 2009. Began monitoring work.
- CSO Outfall 052 – Construction of pilot project in progress.

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 052 – Achievement of Full Operation; designed according to and meets Phase 1 criteria.
- CSO Outfall 045 – Design completed and project bid ; Phase 1 criteria to be met by 2010.
- CSO Outfalls 051, 053 & 068 – Design completed and project bid during this Reporting Period; Phase 1 criteria to be met by 2010.
- CSO Outfall 054 – Design completed and project bid during this Reporting Period; Phase 2 criteria to be met by 2013.
- CSO Outfalls 061, 062 & 064 – Preliminary engineering studies in progress to address these CSO Outfall locations; Phase 2 criteria to be met by 2013.

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

- Preliminary design in progress for interim grit facility and modifications to Pond 1 Outfall (Outfall 003) and CSO pump station weirs.

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 – began preliminary engineering study.

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

- Preliminary Engineering Study submitted
- Model calibration completed
- Preliminary design of a Warfield Relief Sewer in progress
- Design completed and project bid for rehabilitation of some manholes (for reduction of infiltration and inflow) in the system.

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

- Preliminary engineering study and model calibration in progress.

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- General CIPP 2008 Package #2 – construction completed
- General CIPP 2009 Package #1 - construction completed

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

- General CIPP 2008 Package #2 – construction completed
- General CIPP 2009 Package #1 – construction completed
- 2009 Manhole Coating – bid project and began construction

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 of 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 – Achievement of Full Operation and begin pilot study monitoring for floatables.
- CSO Outfalls 017 & 021 – Continue pilot study monitoring for floatables

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 & 064 – Complete preliminary engineering study
- CSO Outfalls 045 and 054 – Construction and Achievement of Full Operation
- CSO Outfalls 051, 053 & 068 – Begin construction

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 design of interim grit facility and modifications to Pond 1 outfall (Outfall 003) and CSO pump station.
- Selection process for a design consultant for CSO Pump Station improvements

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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)

- CSO Outfalls 024, 025, 032, 029 and 039 – continue preliminary engineering study.

Warfield SSD System – Outfalls 070 & 071

- Complete design of relief sewer and prepare for bid
- Warfield Area Manhole Rehabilitation – Complete construction

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

- Complete preliminary engineering study.

North Maumee SSD System – Outfalls 077 & 078

- 2009 Manhole Coating – Complete construction