

City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #6 (September 1, 2010 – February 28, 2011)



Six-Month Status Report #6 (09/01/10 – 02/28/11)

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 (09/01/10 – 02/28/11)
2. General Description of Work Completed during the Reporting Period (09/01/10 – 02/28/11)
3. Description of Projected Work to be Performed in the Next Six-Months (09/01/10 – 02/28/11)

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, 2010 – February 28, 2011 (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. In addition, the City received a notice from IDEM during the Reporting Period requesting improvements to the City's pretreatment program and alleging prior non-compliance. Without making any admissions, the City subsequently agreed to implement requested improvements through a mutually acceptable Agreed Order. The City timely accomplished all activities contemplated by that agreement during the Reporting Period. The remaining activities are to be timely accomplished during the next reporting period.

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.

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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. A draft fact sheet is currently under review by both IDEM and the City. 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 10, 2011. The City is currently working to respond to EPA’s additional information request.

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. Discharge events from the SSD systems described at the Consent Decree's Appendix 5 are detailed on reports 25 and 26. The City's efforts to eliminate SSDs from such locations by the timeframes stated by the Consent Decree remain on schedule.

Ten of the reports within Appendix 2 concern discharges which did not reach a regulated water body (reports 1, 2, 5, 9, 15, 17-19, 21 and 23). Reports 15 and 18 further concern discharges which resulted due to work of a private contractor for an INDOT project. These 10 reports were provided to IDEM, and are included within this report, for informational purposes only.

Discharges from sanitary sewer system locations not associated with the SSD locations identified at Appendix 5 of the Consent Decree are described in reports 1, 2, 5, 6, 8-10, 12-15, 17-19, and 21-24. Most of those discharges (reports 5, 6, 8-10, 12-15, 17, 19, 21-24) did not reach a waterbody, were low in volume and/or were caused by system blockages. Nonetheless, in addition to responsive activities identified in the submitted reports, the City distributed thousands (more than 6,500 in 2010 and the first months of 2011) 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. The discharges described in reports 1, 2 and 18 were respectively due to a power supply failure of the local electric utility, an insufficiently closed valve temporarily installed by a contractor in connection with a pump station rehabilitation project and blockage caused by a contractor working on an INDOT project.

Six Reports (3, 4, 7, 11, 16 and 20) concerned discharges from permitted combined sewer system outfalls (respectively, Outfalls 019, 019, 056, 021, 033 and 032). All such discharges occurred notwithstanding the City's timely accomplishment of all CSSOP requirements, compliance with applicable NPDES permit provisions, and customary best efforts. More specifically, reports (3, 4, 7, 16 and 20) describe discharges which occurred due to separate and unrelated watermain breaks. Predictably, those discharge events primarily entailed flows of drinking water rather than untreated wastewater. Report 11 concerned a low-volume discharge from outfall 021 caused by a faulty float resulting in a gate malfunction.

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The Six-Month Status Report submitted by the City for the immediately proceeding reporting period included an incident report concerning what was then described as an unpermitted sanitary discharge on August 22, 2010. The incident report was numbered as report 28 with that prior Six-Month Status Report. Further investigation of that discharge event has confirmed that the discharge occurred from a privately owned pipe due to blockage not caused by the City. Accordingly, that discharge event should not have been reported by the City to IDEM or EPA and should not be viewed as entailing a City discharge.

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, 2010 – February 28, 2011.

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.

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

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

- The City is in compliance with the requirements of this control measure. The monitoring of pilot projects CSO Outfalls 017, 021 and 052 was accomplished during the Reporting Period.

CSO Control Measure 4 – CSSCIP - Basins with Planned Satellite Storage/Disinfection Technologies (Storm drains designed as per Fort Wayne Stormwater Standards. Sanitary sewers designed as per Fort Wayne Sanitary Standards and Ten States Standards.)

The Achievement of Full Operation with respect to Phase 1 projects at CSO Outfalls 051, 053 & 068 was timely accomplished during this Reporting Period. As reported in the Six-Month Status Report submitted to EPA and IDEM concerning the 4th Consent Decree reporting period, the Achievement of Full Operation was previously accomplished for CSO Outfalls 045 and 052. The City is in compliance with the requirements of this control measure and is on-schedule for the timely Achievement of Full Operation of the Phase 2 projects.

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

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

- Issued a Notice to Proceed (November 19, 2010) for the construction of the Raw Waste Water Pumps and Secondary Clarifier Improvements project.
- Requested qualifications from engineering firms for facility planning of remaining projects to attain 85 mgd peak (74 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, 021 and 052 – Pilot project monitoring was completed for these Outfalls.
- **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 Outfalls 051, 053 & 068 – Construction reached substantial completion and achieved full operation.
- CSO Outfalls 064 - Final design was completed and construction bids were received.
- CSO Outfall 061 – Preliminary engineering continued during the Reporting Period.

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- CSO Outfall 054 – Began design of next phase of work.

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

- Combined Sewer Pump Station (CSPS) improvement project – completed preliminary design and began final design.
- Continued construction and substantially completed interim grit facility project.
- Selected consulting firms and began preliminary engineering for CS Pond Improvements.

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 021, 024, 025, 029, 032, 039, 050 and 060 – Preliminary engineering studies continued.
- CSO Outfalls 036– A preliminary engineering study began.
- CSO Outfalls 018, 019 and 055 – Completed assessment of preliminary engineering reports.
- CSO Outfall 013 (K06290A)–Completed assessment of preliminary engineering study for one of the two regulators at this Outfall.

CSO Control Measure 8 – Satellite Disinfection at St. Joseph River CSOs – (Satellite disinfection facility)

- CSO Outfall 052 – A preliminary study began on disinfection technologies.

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

- CSO Outfall 048 – A master planning study continued.

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

- A preliminary engineering routing study was initiated.

CSO Control Measure 12 – St. Mary’s Parallel Interceptor – (Parallel interceptor to capture combined sewer overflows for conveyance to WPCP/CSO Ponds)

- A preliminary engineering routing study was initiated.

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

- Received construction bids, issued a Notice to Proceed and began construction of the Warfield Relief Sewer.

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

- Completed construction of cured-in-place pipe and manhole rehabilitation projects.
- Initiated a pilot project for lateral inspection and identification of candidates for rehabilitation/replacement as necessary to reduce I&I sources.

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

- Received bids, issued a Notice to Proceed and began construction of a cured-in-place pipe project for I&I reduction.

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)

- Continue with construction for Raw Waste Water Pumps and Secondary Clarifier Improvements.
- Continue facility planning of remaining projects to attain 85 mgd peak (74 firm).

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 Outfall 061 – Complete preliminary engineering and begin design.
- CSO Outfall 054 – Continue design of next phase of work.
- CSO Outfall 064 – Issue a construction Notice to Proceed and 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)

- Complete design and begin bidding process for Combined Sewer Pump Station (CSPS)
- Final acceptance and contract closeout of interim grit facility project.
- Continue design of CSO Pond Storage and Dewatering Improvements.

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 004, 005, 007, 011, 012 & 013 (K06290B) – Begin preliminary engineering studies.
- CSO Outfalls 021, 024, 025 029, 032, 036, 039, 050 & 060 –Complete preliminary engineering studies.

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- CSO Outfall 013 (K06290A), 018, 024, 025, 032 and 050 – Preliminary design to begin on first group of selected projects.

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

- CSO Outfall 052 – Complete the preliminary engineering study on disinfection technologies.

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

- CSO Outfall 048 – Complete the master planning study.

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

- Continue the preliminary engineering routing study.

CSO Control Measure 12 – **St. Mary's Parallel Interceptor** – (Parallel interceptor to capture combined sewer overflow for conveyance to WPCP/CSO Ponds)

- Continue the preliminary engineering routing study.

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

- Continue construction of the Warfield Relief Interceptor

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

- Bid and construct a replacement/rehabilitation of laterals identified during the investigative phase as needed to be repaired to reduce I&I.

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

- Continue construction of CIPP project.