

September 30, 2008

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 1**

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, the first required by the Consent Decree, concerns the period from December 28, 2007 (the date of the Consent Decree's lodging) through August 30, 2008 (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:

- Substantial Completion of Water Pollution Control Plant (WPCP) primaries
- Initiated construction of the Interim CSO Pond Dewatering facilities
- Completion of demonstration rain garden
- Completion of Floatables Pilot Studies;
- Completion of early action project for 3 SSD systems

Significant accomplishments prior to the Reporting Period include the construction of new Headworks at WPCP, June 3, 2005.

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

City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #1 (December 28, 2007 – August 31, 2008)



Six-Month Status Report #1 (12/28/07 – 08/31/08)

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 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 December 28, 2007 through August 31, 2008 (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.

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 11 SSD events from locations described at the Consent Decree's Appendix 5. These reports have been numbered as items 4, 5, 6, 9, 14, and 16. The City efforts to eliminate SSDs from such locations by the timeframes presented at that Appendix remain on schedule. This unusually high number of SSD events was due to extraordinary wet weather, including two significant winter floods (one in excess of a 25-year event) and two very intense localized rain events.

The same extreme wet weather events caused another 21 unpermitted discharge events which were reported timely to IDEM both orally and via the written reports attached at Appendix 2 as items 1, 2, 3, 7, 10, 17, 19, and 22. An additional 9 unpermitted discharges were also reported to IDEM (see the reports attached at Appendix 2 numbered as items 7, 8, 11, 12, 13, 15, 18, 20, 21, and 23) concerning 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 the discharges were caused by acts of third parties (two by contractors and one by an act of vandalism); two were caused by

temporary power outages (one so brief that no discharge is believed to have actually occurred); three were caused by blockages; and one by a mechanical failure which occurred notwithstanding a preventative maintenance inspection 4 days earlier. The City believes that each of these discharges were unintentional, temporary and beyond the City's reasonable control.

The MRO and DMR forms attached at Appendix 2 describes 3 exceedances of daily e-coli criteria during early August for Outfall 001 which occurred in connection with an upset caused by the start-up of the Water Pollution Control Plant's new primaries. An unintentional laboratory error during August resulted in a single failed analysis for e-coli. The error occurred during a dry weather period preceded by daily results well under applicable criteria. All indications are that, but for the error, the test would have resulted in a similar result below applicable criteria.

The aforementioned flood in excess of a 25-year event resulted in two exceedances of weekly TSS criteria (and, consequently, the monthly criteria as well) for Outfall 002. Exceedances also occurred with respect to Outfall 002 during the Reporting Period due to unavoidable discharges on April 9th and June 21st. On those days, construction activities for the new interim dewatering facilities required by the Consent Decree necessitated discharges from Outfall 002 to partially drain the CSO Ponds. No feasible alternative existed to avoid these discharges.

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 through the first 8 months of 2008 and a partial listing of completed regulator and lift station inspections.

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

APPENDIX 1

TABLE 1. CONSENT DECREE REQUIREMENTS FOR THE REPORTING PERIOD (12/28/07 - 08/31/08)		
CD Requirements	Description	Compliance Update
	Critical Milestones	
Appendix 3 CSO Control Measure 1	Plant Primaries	In Compliance - Project Bid 2005. Achievement of Full Operation is on schedule for 2008 Completion.
	Bid year 2005	
Appendix 3 CSO Control Measure 3	Early Floatables Control	In Compliance - Study complete January 2007. Floatables project bid July 2008 for outfalls 017 & 021.
	Complete Study on Pilot locations & Bid Year - 2008	
	Early Floatables Control	In Compliance - Study complete March 2008 and project design began June 2008 for outfall 052.
	Complete Study & Design on Pilot locations 2008.	
Appendix 3 CSO Control Measure 4	CSSCIP - Basins with Planned Satellite Storage/Disinfection Technologies	In Compliance - Outfalls 051, 052, 053, & 068 - SSES & Design complete 2008
	SSES & Design 2008	
Appendix 3 CSO Control Measure 5	Pond Storage & Dewatering	In Compliance - Bid and began construction on interim dewatering project 2008.
	Interim dewatering Bid Year 2008	

* The City of Fort Wayne did not have any Consent Decree milestones/deadlines for the first through third quarters of 2008. See Table 2 in Appendix 1 for compliance expected last quarter of 2008.

TABLE 2. DESCRIPTION OF WORK IN PROGRESS (DECEMBER 27, 2007 - SEPTEMBER 30, 2008)			Statement as to whether work completed meets applicable design criteria
CD Requirements	Description	Compliance Update	
	Design Criteria		
Appendix 3 CSO Control Measure 1	Plant Primaries		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.	On schedule for 2008. Achievement of Full Operation	
Appendix 3 CSO Control Measure 2	Plant Phase III - Upgrade remaining WPCP facilities to achieve peak capacity of 85 mgd and firm capacity of 74 mgd		Plant Phase III planning in progress.
	When combined with the rest of the WPCP improvements, provide peak primary treatment capacity of 85 mgd and firm capacity of 74 mgd.	Master planning Phase A completed in 2007; Phase B planning began in July 2008.	
Appendix 3 CSO Control Measure 3	CSO Outfall 017, 021 - Pilot testing for Early Floatables Control		Pilot program to be fully operational in 2009. Monitoring to commence in 2009.
	Provide instantaneous peak floatables control rate equal to the highest annual flow rate in "typical year"	Study complete January 2008; Design complete May 2008; Bid project in July 2008; Notice to Proceed August 2008	
	CSO Outfall 052 - Pilot testing for Early Floatables Control		
Appendix 3 CSO Control Measure 4	Provide instantaneous peak floatables control rate equal to the highest annual flow rate in "typical year"	Study complete March 2008 Design began in June 2008	Pilot program to be fully operational in 2009. Monitoring to commence in 2009.
	CSSCIP - Outfall 052 Kirkwood Park CSSCIP		
	Phase 1 - designed as per Fort Wayne Stormwater and Sanitary Standards as well as Ten States Standards	Study complete April 2008 Design began June 2008	
Appendix 3 CSO Control Measure 4	CSSCIP - Outfalls 051, 053, 068 Woodrow/Vance CSSCIP		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	Study complete April 2008 Design began July 2008	

TABLE 2. DESCRIPTION OF WORK IN PROGRESS (DECEMBER 27, 2007 - SEPTEMBER 30, 2008)			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	Study complete August 2008	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	RFQ for Study - August 2008	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	Interim Pond Dewatering project bid in January 2008. Construction began in Spring of 2008.	Phase 1 - Interim dewatering project Achievement of Full Operation December 2008.
	Improvements to CSO Pond 1 to allow storage of combined sewer overflow with subsequent dewatering to WPCP.		
Appendix 5 Warfield SSD System	Eliminate SSD Outfall 070, 071	RFQ for model calibration July 2008. 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 began January 2008	Criteria to be met by 2011 Achievement of Full Operation
	Eliminate SSD		
	Outfall 074, 075, 076 - CIPP Lining	General CIPP package #2 Design began July 2008. Bid CIPP package #2 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 design complete April 2008. Bid project May 2008.	Criteria to be met by 2020 Achievement of Full Operation
	Eliminate SSD		
	Outfall 077, 078 - Manhole Rehabilitation	General manhole rehabilitation design complete May 2008. Bid project May 2008. Construction Complete July 2008.	Criteria to be met by 2020 Achievement of Full Operation
	Eliminate SSD		
	Outfall 077, 078 - CIPP Lining	General CIPP 2008 Package #2 Designed July 2008, Bid September 2008.	Criteria to be met by 2020 Achievement of Full Operation
	Eliminate SSD		
	Outfall 077, 078 - CIPP Lining	Bellefield CIPP - Design January 2008, Bid May 2008, began construction September 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
	Design Criteria
Appendix 3 CSO Control Measure 1	<p>Plant Primaries - for control of outfall 057, 002/003</p> <p>Upgrade WPCP primaries to achieve peak capacity of 85 mgd and firm capacity of 74 mgd when combined with the rest of the WPCP improvements</p>
Appendix 3 CSO Control Measure 2	<p>Plant Phase III - Upgrade remaining WPCP facilities</p> <p>When combined with the rest of the WPCP improvements, provide peak secondary treatment capacity of 85 mgd and firm capacity of 74 mgd.</p>
Appendix 3 CSO Control Measure 3	<p>Early Floatables Control - Outfalls 017, 021, 052</p> <p>CSO specific; provide instantaneous peak floatables control rate equal to highest annual flow rate in "typical year".</p>
Appendix 3 CSO Control Measure 4	<p>CSSCIP for outfalls 052, 051, 053, 068, 045, 061, 062, 064, 054</p> <p>Partial sewer separation designed to Fort Wayne Stormwater and Sanitary Standards as well as the Ten State Standards to reduce local CSOs.</p>
Appendix 3 CSO Control Measure 5	<p>Ponds Storage and Dewatering.</p> <p>Provide storage capacity of approximately 95 mgd</p>
<p>Summary of Projected Work to be Performed</p> <p>To be complete and in full operation in December 2008</p> <p>Continue facility planning</p> <p>Outfalls 017 & 021 criteria to meet Achievement of Full Operation in March 2009. Bid outfall 052 project in February 2009. Post-Construction Monitoring Plan will be developed for Early Floatables Control.</p> <p>Notice to Proceed to address 052 in December 2008. Complete design in March 2009 for 045. Complete study for 061, 062, 064 in March 2009. Complete design and study for 054 in March 2009.</p> <p>Interim dewatering Bleedback Project Achievement of Full Operation December 2008.</p>	

<p>Appendix 5 Rothman SSD System</p>	<p>Rothman SSD System Elimination</p>	<p>Bid Greentree Sewer Reroute and General CIPP Package #2.</p>
	<p>Eliminate SSD</p>	
<p>Appendix 5 Warfield SSD System</p>	<p>Warfield SSD System Elimination</p>	<p>Begin model calibration study September 2008.</p>
	<p>Eliminate SSD</p>	
<p>Appendix 5 North Maumee SSD System</p>	<p>North Maumee SSD System Elimination</p>	<p>General manhole rehab construction to be complete.</p>
	<p>Eliminate SSD</p>	