

City of Fort Wayne Six-Month Status Report

Consent Decree Case # 2:07 cv 00445

Report #15 (March 1, 2015 – August 31, 2015)



Six-Month Status Report #15 (03/01/2015 – 08/31/15)

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, Suite 270 Citizens Square 200 East Berry Street Fort Wayne, IN 46802

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APPENDIX 1

Summary to include the following:

1. Consent Decree Requirements for Reporting Period (03/01/15 – 08/31/15)
2. General Description of Work Completed during the Reporting Period (03/01/15 – 08/31/15)
3. Description of Projected Work to be Performed in the Next Six-Months (09/01/15 – 02/29/16)

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, 2015 – August 31, 2015 (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.

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. 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 11, 2011. Additional meetings and dialog with EPA have followed, including on January 26, 2012, February 21, 2012, June 13, 2012 and February 27, 2013. As required by the Consent Decree, the City submitted a 6-Year Capital Cost Report to EPA and IDEM on December 31, 2013. Further dialog with EPA and IDEM concerning that report and the UAA occurred during the Reporting Period and expected to continue throughout the next reporting periods.

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.

Post-Construction monitoring for CSO Control Measures 7 & 8 – St. Joseph Relief Sewers will begin January 2016 per the following general plan:

- As described in the Post-Construction Monitoring Program (Appendix 4 of the Consent Decree), post-construction monitoring will make use of the City's ongoing CSO outfall flow monitoring program.
- Pre-construction overflow monitoring data for CSOs 045, 051, 052, 053, and 068 will be summarized for full calendar years prior to initiation of construction, i.e. through the end of 2013, along with rainfall measures for the associated period.
- Post-construction overflow monitoring data will be collected at these CSOs beginning in calendar year 2016. This data will be reviewed during the year on an ongoing basis, along with associated rainfall data. The results of this review will be summarized in the first quarter of 2017.
- The goal of the review and summary will be to comment on the overflow reduction realized at CSOs 045, 051, 052, 053, and 068 through implementation of CSOCM 7 & 8, and the post-construction performance of these CSOs relative to performance criteria. Various CSO metrics (e.g., activations per year and overflow volume per year) will be tabulated along with rainfall metrics (e.g. total annual depth). These relationships for 2016 will then be compared back to the same relationships for the pre-construction period.
- This data review and summary will continue on an annual basis beyond 2016, allowing the City to build an archive documenting the performance of the St. Joseph CSOs relative to annual rainfall metrics.
- The data summaries and conclusions described above will need to account for the fact that the performance criteria are defined in terms of a "typical" year, whereas any real precipitation year will likely have characteristics that are not "typical". For example, if 2016 emerges as a very wet year in terms of total rainfall, the St. Joseph CSOs may exceed the "typical year" performance criteria for that single year.
- The overflow data collected in 2016, along with data from the City's long-term flow monitoring program, will also serve as the basis for applying the model-based approach to assessing compliance for the St. Joseph River CSOs as outlined in Section 4.6.4.1 of the Post-Construction Monitoring Program. As explained in that section, the model-based approach is the formal mechanism for assessing compliance with the "typical" year performance criteria. The results of this assessment will be presented in the Milestone Report for the St. Joseph River Watershed, to be submitted by the end of 2017 as outlined in Section 4.6.6.1 of the Post-Construction Monitoring Program.

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.

The attached Appendix 2 contains copies of monthly monitoring and other reports submitted to IDEM concerning the Reporting Period pertaining to CSOs, discharges from

the City's separate sanitary sewer system, and bypasses. Additional information regarding the discharges described on the reports included within Appendix 2 follows.

The City experienced multiple catastrophic wet weather events, well in excess of 10-year storm events, during the Reporting Period. Most significantly, record rainfall beginning in late May and extending through early July created unprecedented flood conditions and river levels (well in excess of a 10-year event). June alone saw rainfall in excess of 11.98 inches, making it the wettest month in Fort Wayne's history by more than 3 inches according to records of the National Weather Service. The record rainfall also caused the St. Mary's River to reach its second highest crest in recorded history. The significant adverse weather during this period resulted in many unavoidable discharges and actions to avoid further significant property loss. The end of June also saw extreme winds (60 to 70 mile per hour) which caused property damage and thousands of Fort Wayne residents to lose power. Reports of the discharges during this period are attached at Appendix 2A.

All remaining incident reports associated with the Reporting Period are provided at Appendix 2B. Many of the reports submitted during the Reporting Period concerned discharges which did not reach a regulated waterbody (typically small volume) but were reported at IDEM's request for information purposes. Most of those reports concerned basement backup events which were reported in an abundance of caution and at IDEM's request for information purposes even though they may not have arisen due to the City's sewer system.

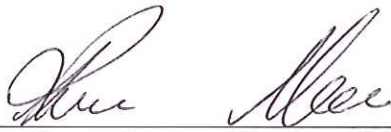
Other discharges from sanitary sewer system occurred on March 26th during significant precipitation conditions believed to be equivalent to those of a 10-year event. Discharges described on reports dated April 11th and May 7th respectively concerned grease blockage (approximately 150 gallons) and malfunctioned circuit breakers which were promptly repaired. Two other reported discharges were caused solely by improper actions of contractors of third parties but were nonetheless reported by the City for IDEM's information. All incidents occurred notwithstanding the City's timely accomplishment of all CMOM requirements, compliance with applicable NPDES permit provisions, and customary best efforts. In addition to responsive activities identified in the submitted reports, the City continues to distribute numerous 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.

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 March 1, 2015 – August 31, 2015.

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

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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

Achievement of Full Operation was accomplished for CSO Control Measures 7 & 8 -- St. Joseph Relief Sewers. All such work is believed to have met applicable design criteria.

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)

- Construction was completed on the Effluent Pump Station Project. The Effluent Pump Station was made operational and is believed to be able to achieve its hydraulic objectives.
- Construction continued and is nearing completion on Primary & Secondary Treatment Capacity Improvements project.

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). Note: The below listing includes one or more outfalls which the City is voluntarily working to improve in connection with this CSO Control Measure although such is not required by the Consent Decree.

- CSO Outfalls 005– Final design was completed and the bidding process began.
- CSO Outfalls 007 (phase i) & 056 (phase i) – Construction continued.
- CSO Outfalls 007 (phase ii) & 056 (phase ii) – Final design work was completed; bids were solicited and received.
- CSO Outfall 013 (K06 290 A portion) - Construction was completed.
- CSO Outfalls 026 (phase i), 027 (phase i), 033 (phase i) - Final design continued.
- CSO Outfalls 026 (phase ii), 027 (phase ii), 033 (phase ii) – Selected consultant and began preliminary design.
- CSO Outfall 048 (although not required by the Consent Decree, the City is voluntarily undertaking additional separation work for this outfall) – Selected consultant and began preliminary design.

CSO Control Measures 7 & 8 -- St. Joseph Relief Sewers

- CSO Outfalls 052 – Achievement of Full Operation.
- CSO Outfalls 044, 045 & 068 – Construction was completed and Achievement of Full Operation accomplished
- Construction was completed on the St. Joseph Interceptor control structure and Achievement of Full Operation was accomplished.

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CSO Control Measure 9 – Satellite Disinfection – (Satellite disinfection facilities)

- CSO Outfalls 061 and 062 – Selected consultant and began preliminary design.

CSO Control Measures 11 & 12 – Wayne Street & St. Mary’s Parallel Interceptors – (Parallel interceptors to capture combined sewer overflows for conveyance to WPCP/Wet Weather Ponds)

Wayne Street (West of WPCP)/3RPORT

- Public outreach continued.
- Preliminary design continued on 3RPORT.

Wayne Street (East of WPCP)

- Selected consultant and began preliminary design.

CSO Control Measure 13 – Late Floatables Control – (Overflow-specific solids and floatables controls)

- CSO Outfall 004 – Final design continued.
- CSO Outfalls 036 – Bids were received and construction was completed.
- CSO Outfalls 044, 045, 051, 053 & 068 – Construction was completed.
- CSO Outfalls 058, 060, 061 & 062 – Selected consultant and began preliminary design

CSO Control Measure 14 – Satellite Storage – (Satellite storage facilities)

- CSO Outfall 064 – Advanced facilities planning continued to optimize final control technologies accounting for flow reductions resulting from implementation of CSSCIP under CSO Control Measure 4.

Warfield SSD System – Outfalls 070 & 071

- Although not required by the Consent Decree, the City is working to further improve the collection system in this area.
- Continued construction of sewer and storm improvements in the Hillcrest Neighborhood.

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

- Although not required by the Consent Decree, the City is working to further improve the collection system in this area.
- Performed additional field work, flow metering, lift station performance analyses, and began refinement of the hydraulic model.

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

- Advanced facility planning continued.

III. WORK CONTEMPLATED BY CONSENT DECREE APPENDIX 3 AND APPENDIX 5 ANTICIPATED FOR COMPLETION DURING THE NEXT REPORTING PERIOD

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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)

- Operate and monitor hydraulics of the Effluent Pump Station.
- Complete construction on Primary & Secondary Treatment Capacity Improvements project.

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) Note: the below listing includes one or more outfalls which the City is voluntarily working to improve in connection with this CSO Control Measure although such is not required by the Consent Decree.

- CSO Outfalls 005– Bids to be received and construction to begin.
- CSO Outfalls 007 (phase i) & 056 (phase i) – Construction to be completed.
- CSO Outfalls 007 (phase ii) & 056 (phase ii) – Construction to begin.
- CSO Outfalls 026 (phase i), 027 (phase i), 033 (phase i) - Final design will continue.
- CSO Outfalls 026 (phase ii), 027 (phase ii), 033 (phase ii) – Complete preliminary design and begin final design.
- CSO Outfall 048 (although not required by the Consent Decree, the City is voluntarily undertaking additional separation work for this outfall) – Complete preliminary design and begin final design.

CSO Control Measure 9 – Satellite Disinfection – (Satellite disinfection facilities)

- CSO Outfalls 061 and 062 – Complete preliminary design and begin final design.

CSO Control Measure 10 – Morton Street/O10101 Reroute – (Reroute overflow pumps station discharge to Wet Weather Pond 1)

- CSO Outfall 048 – Work anticipated in future reporting periods.

CSO Control Measures 11& 12 – Wayne Street and St. Mary’s Parallel Interceptors – (Parallel interceptors to capture combined sewer overflows for conveyance to WPCP/Wet Weather Ponds)

Wayne Street (West of WPCP)/3RPORT

- Public outreach to continue.
- Preliminary design to be completed and final design to begin on 3RPORT.

Wayne Street (East of WPCP)

- Complete preliminary design and begin final design.

CSO Control Measure 13 – Late Floatables Control – (Overflow-specific solids and floatables controls)

- CSO Outfall 004 – Final design to be completed, bids to be received and construction to begin.

APPENDIX 1
Six-Month Status Report #14 (03/01/2015 – 08/31/15)

- CSO Outfalls 058, 060, 061 & 062 - Complete preliminary design and begin final design.

CSO Control Measure 14 – Satellite Storage – (Satellite storage facilities)

- CSO Outfall 064 – Advanced facilities planning to continue to optimize final control technologies accounting for flow reductions resulting from implementation of CSSCIP under CSO Control Measure 4.

Warfield SSD System – Outfalls 070 & 071

- Continue construction of Hillcrest Neighborhood improvements.

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

- Continue I/I removal projects.
- Finalize refinement and calibration of the hydraulic model.
- Evaluate possible additional system improvement projects.

North Maumee SSD System – Outfalls 077 & 078

- Advanced facility planning to continue.