Combined Sewer Overflow (CSO) Long-Term Control Plan Consent Decree

Case 1:10-CV-02895-DCN

Semi-Annual Progress Report No. 19

July 30, 2021

Northeast Ohio Regional Sewer District

July 30, 2021
Via email

EES Case Manager
Environmental and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
Re: DOC No. 90-5-1-1-08177/1

Chief
Environmental Enforcement Section
Office of the Ohio Attorney General
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3400

Chief
Water Enforcement & Compliance Assurance Branch
U.S. Environmental Protection Agency Region 5
77 West Jackson Blvd., Mail Code ECW-15J
Chicago, IL 60604-3590
Re: Northeast Ohio Regional Sewer District
Consent Decree

Chief
Division of Surface Water
Ohio Environmental Protection Agency
50 West Town Street, Suite 700
Columbus, Ohio 43215

Ohio Environmental Protection Agency
Northeast District Office, Division of Surface Water
ATTN: Enforcement Supervisor
2110 East Aurora Road
Twinsburg, OH 44087

Re: Consent Decree Case 1:10-CV-02895-DCN
Semi-Annual Progress Report No. 19

To Whom It May Concern:

The NEORSD is pleased to submit the enclosed Semi-Annual Progress Report (Progress Report) pursuant to Section IX of the above referenced Consent Decree. This Progress Report covers the period from January 1, 2021 through June 30, 2021.

Sincerely,

Kyle Dreyfuss-Wells

Digitally signed by Kyle Dreyfuss-Wells
Date: 2021.07.30 11:35:18 -04'00'

Kyle Dreyfuss-Wells
Chief Executive Officer

Cc: E. Luckage
D. Marshall/Project Clean Lake File

TABLE OF CONTENTS

1. Current Reporting Period Consent Decree Requirements (IX. Paragraph 46.a.)

2. Current Work and Next Reporting Period Projected Work (IX. Paragraph 46.b.)

3. Current Reporting Period Consent Decree Submissions (IX. Paragraph 46.c.)

4. Certification Statement (IX. Paragraph 48)

ATTACHMENT 1: Appendix 3 Green Infrastructure Site-Specific Flow Monitoring Performance Summaries

Buckeye Green Infrastructure

E140 Street Green Infrastructure

Site-Specific Flow Monitoring Data (provided via ShareFile)

APPENDIX 1: Current CSO and Bypass Reports Submitted to OEPA (IX. Paragraph 46.d.).

1. Current Reporting Period Consent Decree Requirements (IX. Paragraph 46.a.)

"A statement setting forth the deadlines and other terms that NEORSD is required by this Consent Decree to meet since the date of the last Semi-Annual Progress report, whether and to what extent NEORSD has met these requirements, and the reasons for any noncompliance."

Table 1: Current Reporting Period CD Requirements

Reference	Description	Milestone(s) in CD	Calendar Milestone(s)	Compliance Status
Consent Decree Paragraph 36/ Appendix 6	State Supplemental Environmental Project – Canal Pump Station Operation and Maintenance	Commence operation and maintenance of pump station following completion of Canal Pump Station construction Or Payment of $800,000 to USEPA within sixty (60) days after NEORSD receives notice from OEPA that the Canal Diversion Dam Removal will not be implemented, or by January 31, 2012 whichever occurs later	TBD	In compliance: Work by others on the pump station electrical system and discharge piping into the canal is on-going. Delivery of the pump is expected sometime in the Fall.

Table 1: Current Reporting Period CD Requirements

Reference	Description	Milestone(s) in CD	Calendar Milestone(s)	Compliance Status
Consent Decree Appendix 2 Section 2.6.2	Progress Reports to the Public	Public outreach activities will continue with periodic updates using various media	N/A	In compliance: • Six blog posts, plus ongoing social media interaction regarding Project Clean Lake-related projects, funding, or initiatives between January and June 2021. • Six monthly Capital Improvement Program updates presented publicly to Trustees at our Board meetings, including reports on Project Clean Lake progress. • Six meetings with council members discussing Project Clean Lake construction and green infrastructure updates.

2. Current Work and Next Reporting Period Projected Work (IX. Paragraph 46.b.)

"A general description of the work completed within the Six-month Period, and a projection of work to be performed pursuant to this Consent Decree during the next or succeeding Six-month Period. Notifications to the U.S. EPA and Ohio EPA of any anticipated delay shall not, by itself, excuse the delay."

Table 2: Description of this Reporting Period's Current Work and Next Reporting Period's Projected Work

Reference	Description	Milestone(s) in CD	Calendar Milestone(s)	Current Period Work Summary	Next Period Projected Work
Appendix 3	Implementation of GI Plan	All Green Infrastructure control measures planned to meet the 44 MG capture requirement shall be completed within eight (8) years of entry of the Consent Decree. Submit Green Infrastructure Performance Report within ten years of entry of the Decree, in order to demonstrate the effectiveness of implementation of the Green Infrastructure control measures.	July 7, 2019 July 7, 2021	Continued Easterly GI sewershed-specific post-construction monitoring program for Buckeye, E140, Fairhill MLK, and University Circle GI projects. Continued evaluation and development of GI Performance Report.	Complete Easterly GI sewershed-specific post-construction monitoring program for Buckeye, E140, Fairhill MLK, and University Circle. Complete GI Performance Report. District and EPA executed a non-material modification on July 15, 2021 to adjust the date for the GI Performance Report submittal to January 3, 2022.
Appendix 1 Control Measure 2	Treatment and Disinfection of CSO 001 Using CEHRT	Work Plan Submittal Pilot Testing Report within 42 months of Work Plan Approval Design Commencement within 6 months of Pilot Testing Report Approval Construction Award within 24 months of Pilot Testing Report Approval Construction Completion Within 54 months of Pilot Testing Report Approval	January 1, 2011 March 20, 2015 Pending Pilot Testing Report Approval	August 5, 2020 Updated Modification Request withdrawn May 27, 2021.	Continue assessing technical issues associated with the implementation of CM 2. Re-engage with US EPA on how to move forward with CEHRT.
Appendix 1 Control Measure 3-2	Treatment of CSO 002 using chemically enhanced high rate treatment (CEHRT)	Construction Award: Within 24 months of entry of the Second Amended CD[1] Achievement of Full Operation: Within 78 months of entry of the Second Amended CD[1]	March 16, 2023 September 16, 2027	The Second Amended Consent Decree was entered on March 16, 2021. Continued design consistent with the Second Amended Consent Decree.	Continue design consistent with the Second Amended Consent Decree.

[1] Milestone updated to reflect Second Amended Consent Decree.

Table 2: Description of this Reporting Period's Current Work and Next Reporting Period's Projected Work

Reference	Description	Milestone(s) in CD	Calendar Milestone(s)	Current Period Work Summary	Next Period Projected Work
Appendix 1 Control Measure 4	Southerly WWTP - Treatment of Primary Effluent Bypass Demonstration/Pilot Project	Work Plan Submittal Pilot Testing Report within 42 months of Work Plan Approval	January 1, 2011 March 20, 2015	The Second Amended Consent Decree was entered on March 16, 2021. All work for Control Measure 4 is complete.	Control Measure 4 is complete.
Appendix 1 Control Measure 5-1	Increase Secondary Treatment Capacity at Southerly Wastewater Treatment Plant (WWTP)	Achievement of Full Operation	December 31, 2024	The Second Amended Consent Decree was entered on March 16, 2021. Continued construction of the Southerly Second Stage Settling Improvements project.	Continue construction of the Southerly Second Stage Settling Improvements project.
Appendix 1 Control Measure 5-2	Treatment of Primary Effluent Bypass with chemically enhanced high rate treatment (CEHRT)	Achievement of Full Operation: Within 68 months of entry of the Second Amended Consent Decree[1]	November 16, 2026	The Second Amended Consent Decree was entered on March 16, 2021. Southerly Chemically Enhanced High Rate Treatment Upgrades (SCEHRT): Began design.	Continue design of SCEHRT.
Appendix 1 Control Measure 6	Euclid Creek Tunnel/Dugway Storage System	Bid Year 2010 Achievement of Full Operation 2020 Submit Control Measure Report within 24 months of Achievement of Full Operation	December 31, 2010 December 31, 2020 December 31, 2022	Began CM 6 post-construction compliance activities.	Continue CM 6 post-construction compliance activities.
Appendix 1 Control Measure 7	Shoreline Tunnel System	Bid Year 2021 Achievement of Full Operation 2027	December 31, 2021 December 31, 2027	Shoreline Storage Tunnel (SST): Bid and awarded construction contract. Shoreline Consolidation Sewer (SCS): Continued design.	Shoreline Storage Tunnel (SST): Issue construction Notice to Proceed. Shoreline Consolidation Sewer (SCS): Bid construction contract.

[1] Milestone updated to reflect Second Amended Consent Decree.

Table 2: Description of this Reporting Period's Current Work and Next Reporting Period's Projected Work

Reference	Description	Milestone(s) in CD	Calendar Milestone(s)	Current Period Work Summary	Next Period Projected Work
Appendix 1 Control Measure 8	Doan Valley Tunnel System	Bid Year 2017 Achievement of Full Operation 2021	December 31, 2017 December 31, 2021	Doan Valley Tunnel (DVT): Continued construction and activated most of the flow inputs to the tunnel. Doan Valley Relief and Consolidation Sewer: Continued operation. Doan Valley Regulators/Relief Sewers: Continued construction. Continued discussion with regulators regarding 5/14/2020 force majeure request.	Achievement of Full Operation of CM 8. Doan Valley Tunnel (DVT): Complete construction. Doan Valley Relief and Consolidation Sewer: Continue operation. Doan Valley Regulators/Relief Sewers: Complete construction. District withdrew force majeure request on 7/12/2021.
Appendix 1 Control Measure 14	Westerly Tunnel System	Bid Year 2020 Achievement of Full Operation 2024	December 31, 2020 December 31, 2024	Westerly Tunnel Dewatering Pump Station: Continued construction. Westerly Storage Tunnel: Continued construction. W. 3rd Quigley/Westerly Miscellaneous CSO Control: Continued construction. The Second Amended Consent Decree was entered on March 16, 2021.	Westerly Tunnel Dewatering Pump Station: Continue construction. Westerly Storage Tunnel: Continue construction. West 3rd Quigley / Westerly Miscellaneous CSO Control: Complete construction.
Appendix 1 Control Measure 15	Columbus Road Storage	Bid Year 2018 Achievement of Full Operation 2019 Submit Control Measure Report within 24 months of Achievement of Full Operation	December 31, 2018 December 31, 2019 December 31, 2021	Continued post-construction compliance activities. The Second Amended Consent Decree was entered on March 16, 2021.	Complete post-construction compliance activities.
Appendix 1 Control Measure 16	Center Street Storage	Bid Year 2023 Achievement of Full Operation 2024 Submit Control Measure Report within 24 months of Achievement of Full Operation	December 31, 2023 December 31, 2024 December 31, 2026	Continued post-construction compliance activities. The Second Amended Consent Decree was entered on March 16, 2021.	Complete post construction compliance activities.
Appendix 1 Control Measure 17	West Third Street Separation	Bid Year 2024 Achievement of Full Operation 2025	December 31, 2024 December 31, 2025	Miscellaneous CSO Improvements: Continued construction. The Second Amended Consent Decree was entered on March 16, 2021.	Miscellaneous CSO Improvements: Continue construction.

Table 2: Description of this Reporting Period's Current Work and Next Reporting Period's Projected Work

Reference	Description	Milestone(s) in CD	Calendar Milestone(s)	Current Period Work Summary	Next Period Projected Work
Appendix 1 Control Measure 19	Jefferson Avenue Separation	Bid Year 2027 Achievement of Full Operation 2028	December 31, 2027 December 31, 2028	Construction of Control Measure 19 partially completed under the Mary Street Pump Station Upgrade project (Control Measure 18). Jefferson Avenue Separation: Remaining sewer separation not addressed by Mary Street Pump Station Upgrade project was added to the Morgana & Burke System Improvements project (Control Measure 21) and then moved into a separate project, Miscellaneous CSO Improvements, which continued construction.	Miscellaneous CSO Improvements: Continue construction.
Appendix 1 Control Measure 20	West 3rd/Quigley Separation	Bid Year 2021 Achievement of Full Operation 2021	December 31, 2021 December 31, 2021	West 3rd Quigley / Westerly Miscellaneous CSO Control: CM 20 will be achieved through sewer separation and conversion of CSO-089 to a stormwater-only outfall. Continued construction. The Second Amended Consent Decree was entered on March 16, 2021.	Achievement of Full Operation of CM 20. West 3rd Quigley / Westerly Miscellaneous CSO Control: Complete construction.
Appendix 1 Control Measure 21	Southerly Tunnel System	Bid Year 2024 Achievement of Full Operation 2030	December 31, 2024 December 31, 2030	Morgana & Burke System Improvements (formerly Morgana Run Relief Sewer): Continued construction. Burke Open Channel Improvements: Continued construction. Southerly Tunnel and Consolidation (SOTC): Issued Request for Proposals for design of SOTC. The Second Amended Consent Decree was entered on March 16, 2021.	Morgana Burke System Improvements (formerly Morgana Run Relief Sewers): Continue construction. Burke Open Channel Improvements: Continue construction. Southerly Tunnel and Consolidation: Issue design Notice to Proceed.
Appendix 1 Control Measure 23	CSO 045 Storage Tank	Bid Year 2021 Achievement of Full Operation 2023	December 31, 2021 December 31, 2023	Pearl & Jennings Road Storage Tanks and Pump Station Upgrades: Continued design at alternate storage tank site. District took extra effort to minimize schedule impacts. Participated in various conversations with regulators to discuss 12/24/2020 force majeure request stemming from the environmental issues on the original storage tank site. Submitted supplemental information to support force majeure request, as requested by regulators.	Pearl & Jennings Road Storage Tanks and Pump Station Upgrades: Bid and award construction contract. Continue to monitor Force Majeure Event for Control Measure 23 – Jennings Road Pump Station. In accordance with June 22, 2021 request from EPA, the District will stay further discussion of this force majeure notice until closer to the AFO date.

3. Current Reporting Period Consent Decree Submissions (IX. Paragraph 46.c.)

"A summary of the submissions under this Decree that were sent to U.S. EPA and/or Ohio EPA, including the dates submitted."

Table 3: Current Reporting Period Consent Decree Submissions

Reference	Deliverable Description	Milestone in CD	Calendar Milestone	Actual Submittal Date
Consent Decree IX Reporting Requirements Paragraph 46	Semi-Annual Report No. 18	On a semi-annual basis on January 31 and July 31, each 6-month period commencing with the first full 6-month period after entry of the Consent Decree	January 31, 2021	January 29, 2021

4. Certification Statement (IX. Paragraph 48)

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 assure that qualified personnel properly gather and evaluate 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 a fine and imprisonment for knowing violations.

Kyle Dreyfuss-Wells

Digitally signed by Kyle Dreyfuss-Wells
Date: 2021.07.30 11:36:03 -04'00'

Kyle Dreyfuss-Wells, Chief Executive Officer 7/30/2021