



# SANITARY DISTRICT OF HIGHLAND

Highland Municipal Building • 3333 Ridge Rd  
Highland, Indiana 46322  
219-838-1080 • Fax 219-972-5097

Incorporated in  
1910

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January 31, 2025

EES Case Management Unit  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611

Chief, Water Enforcement and Compliance  
Assurance Branch (WC-15J)  
U.S. Environmental Protection Agency,  
Region V  
77 W. Jackson Boulevard  
Chicago, IL 60604

Chief, Environmental Section  
Office of The Attorney General  
Indiana Government Center South, 5<sup>th</sup> Floor  
402 West Washington Street  
Indianapolis, IN 46204

Chief, Compliance Branch  
Office of Water Quality, Mail Code 65-40  
Indiana Department of Environmental  
Management  
100 N. Senate Avenue  
Indianapolis, IN 46204-2251

Office of Legal Counsel  
Mail Code 60-01  
100 North Senate Street  
Indianapolis, IN 46204-2251

RE Sanitary District of Highland  
Consent Decree  
Civil Action No. 2:22-cv-00086  
January 2025 Semi-Annual Report

ATTN: United States Department of Justice  
U.S. Environmental Protection Agency, Region 5  
Indiana Attorney General  
Indiana Department of Environmental Management

Pursuant to Section VIII of the above captioned Consent Decree (Decree) entered December 09, 2022, the Sanitary District of the Town of Highland, Indiana (Highland) hereby submits its Semi-Annual Report (Report) through January 31, 2025.

**Describe the work, and associated deadlines, that Highland completed under the Decree during the preceding six-month period and include documentation (e.g. as-built diagrams, photographs, etc.) of the work and the deadlines met:**

**1. SECTION VI: CIVIL PENALTY**

*Within 60 days after the Effective Date, Highland shall pay a civil penalty in the amount of \$87,500 to the United States and \$87,500 to the State for the violations alleged against Highland in the Complaint, together with interest from the Date of Lodging of the Decree accruing at the rate specified in 28 U.S.C. § 1961 as of the Date of Lodging.*

**Deadline: February 7, 2023**

Highland has complied with the penalty requirement.

**2. SECTION VII: COMPLIANCE REQUIREMENTS**

**A. Implementing SSO Remedial Measures**

*Within 30 Days of the Effective Date, Highland shall begin implementing the SSO Remedial Measures Plan, as provided in Appendix A of the Decree.*

**SSO Remedial Measures Plan**

**Phase 1, Division A Project**

**Consent Decree Completion Date: February 28, 2025**

Construction of the Phase 1, Division A Project has reached substantial completion since the July 31, 2024 Report and is 100% operational. Exhibit A contains monthly construction progress meeting notes from August through November 2024. Exhibit A also contains the certificate of substantial completion from December 2024. The contractor will complete several minor surface restorations related to grass and asphalt repair when warmer conditions return during the spring of 2025, and a certificate of final completion and remaining retainage will be issued to the contractor.

**Phase 1, Divisions B & C Projects**

**Consent Decree Completion Date: August 31, 2027**

The Phase 1, Divisions B & C Projects reached 30% design on schedule. Exhibit A contains the 30% drawings, 30% list of technical specifications, 30% cost estimates, basis of design report, and 30% design workshop meeting notes.

Highland reported a force majeure event caused by the Hammond Sanitary District's (HSD) revised LTCP implementation schedule, as described in Highland's Force Majeure Report submitted on November 20, 2024. The force majeure event has impacted Highland's ability to stay on schedule with its Phase 1, Divisions B & C Projects per the current consent decree completion date of August 31, 2027. Highland's next milestone is the 60% design submittal.

Below is a detailed list of design activities that Highland will advance as much as possible in the interim before the Government approves HSD's revised LTCP implementation schedule.

#### 60% Construction Drawings, Specifications, and Bidding Documents

- Develop technical specifications and bidding documents.
- Refine and elevate the lift station structure, site layout, and catastrophic emergency pumping.
- Coordinate with the Engineer's geotechnical and trenchless subconsultants to identify potential trenchless alternative force main alignments.
- Develop the maintenance of traffic plan and road replacement details.
- Refine and elevate the demolition and restoration of the lift station site and force main alignments.
- Develop electrical, mechanical, and plumbing drawings and specifications, which include Highland's preferences related to PLCs, alarming, SCADA, etc.
- Develop structural/architectural drawings and specifications related to the lift station structure and electrical control building.
- Coordinate with vendors and manufacturers related to pumps, hatches, valves, cranes, generators, and instrumentation and control equipment.

#### 60% Field Work

- Perform geotechnical borings along the approved force main alignments and prepare the geotechnical report.
- Pothole existing utilities along the approved force main alignments.
- If the approved force main alignment differs from the proposed alignment, perform additional surveying if needed.
- Confirm the discharge elevation of the existing N. 5<sup>th</sup> Street Lift Station force main to the HSD's collection system.
- Confirm the proposed catastrophic emergency pumping connection.

#### 60% Hydraulic Analyses

- Finalize pump selections and set points for the dry, wet, and catastrophic emergency pumping.
- Perform Computational Fluid Dynamic (CFD) Modeling of the proposed lift station.
- Perform surge modeling of the proposed lift station and force mains.

#### Draft Permits

- Perform early coordination activities with the following permitting agencies: United States Army Corps. of Engineers (USACE) and Indiana Department of Environmental Management (IDEM).

- Draft the Storm Water Erosion Prevention Plan and associated permit.
- Draft the Indiana Department of Natural Resources (IDNR) construction in a floodway permit.
- Draft the IDEM 401 Water Quality Certification permit.

The following items pertaining to the status of the SSO Remedial Measures Plan are attached as **Exhibit A:**

1. Phase 1, Division A Construction Progress Meeting Notes 8-8-2024
2. Phase 1, Division A Construction Progress Meeting Notes 9-12-2024
3. Phase 1, Division A Construction Progress Meeting Notes 10-10-2024
4. Phase 1, Division A Construction Progress Meeting Notes 11-14-2024
5. Phase 1, Division A Certificate of Substantial Completion 12-20-24
6. Phase 1, Division B 30% Drawings 8-29-2024
7. Phase 1, Division B 30% List of Technical Specifications 8-29-2024
8. Phase 1, Division B 30% Cost Estimate 8-29-2024
9. Phase 1, Division C 30% Drawings 8-29-2024
10. Phase 1, Division C 30% List of Technical Specifications 8-29-2024
11. Phase 1, Division C 30% Cost Estimate 8-29-2024
12. Phase 1, Divisions B & C Basis of Design Report 8-29-2024
13. Phase 1, Divisions B & C Design Workshop Meeting Notes 9-18-2024

### **3. SECTION VII: COMPLIANCE REQUIREMENTS**

#### **B. SSO Flow Monitoring and Reporting Requirements**

**SSO Flow Monitors.** *Within 30 Days of the Effective Date, or within 30 Days from the date of discovering any additional SSO Location, Highland shall install and operate flow monitoring technology at each SSO Location, if it has not already done so, in order to detect and record when an SSO may occur or actually occurs at each SSO Location and to Measure and record the volume of SSO discharged. To mitigate the adverse effect of any SSO, the flow monitoring device at each SSO Location shall instantaneously and automatically alert Highland to an SSO event. Highland shall install and operate the flow monitoring detailed in Section VII B at Paragraph 23 (a) and (b).*

**Deadline: January 9, 2023.**

As of the date of this Report, Highland is in compliance with its obligation to install and operate flow monitoring technology at each SSO Location as provided in Section VII of the Decree.

**Reporting all SSO's.** *Highland shall report all SSO's from its SSCS. This reporting shall include procedure contained in Section VII B at Paragraph 24 (a) and (b).*

As of the date of this Report, Highland is in compliance with its obligation to report all SSO's from its SSCS as provided in Section VII of the Decree.

**Semi-Annual Overflow Logs.** *By July 31<sup>st</sup> (for the reporting period of January – June) and January 31<sup>st</sup> (for the reporting period of July – December) of each year beginning the calendar year after the Decree is lodged, Highland shall submit copies of its final and completed electronic reports to IDEM and EPA using State Form 48373 for each SSO location at which an SSO occurred during the reporting period. Highland shall also complete and submit to IDEM and EPA the SSO reporting Table attached to the Decree as Appendix C for every SSO that occurred during the reporting period.*

Highland’s Semi-Annual Overflow Log for the reporting period of July – December, 2024 is attached as **Exhibit B**. The Semi-Annual Overflow Log has also been posted on the Town website.

#### **4. SECTION VII: COMPLIANCE REQUIREMENTS**

##### **C. Miscellaneous Compliance Provisions**

**Capacity, Management Operation and Maintenance Plan (CMOM).** On March 29, 2024, Highland submitted a revised draft CMOM to EPA and IDEM for review and approval. On October 25, 2024, USEPA Region 5 approved Highland’s revised draft CMOM. Highland has begun implementing the approved CMOM Plan. The final approved CMOM has also been posted on the Town website.

**Over Emergency Response Plan (OERP).** On March 25, 2022, Highland was notified by the Department of Justice, via email, that its OERP was approved. Highland has begun implementing the OERP.

#### **5. SECTION IX: PUBLIC WEBSITE**

*Within 30 days from the Effective Date, Highland shall have an operable Website for the posting of Decree Deliverables and the Consent Decree. Highland shall announce the availability of the Website by a press release, and the Town of Highland’s official homepage, [www.highland.in.gov](http://www.highland.in.gov), shall include a link to the Website. The Website may be a part of Highland’s website on the Town of Highland’s official website. All posted Deliverables shall be readily accessible, electronically searchable and accurately labeled. The Website shall include: the Consent Decree; Consent Decree Submissions; SSO Public Notification; and Other Public Presentations and Education Materials.*

**Deadline: January 9, 2023.**

As of the date of this Report, Highland maintains an operable Website which meets the requirements of Section IX of the Decree. The website can be accessed directly at: [highland.in.gov/sanitary-district/highland-consent-decree](http://highland.in.gov/sanitary-district/highland-consent-decree). Highland continues to update the website with Consent Decree Submissions, SSO Public Notifications and Other Public Presentations and Educational Materials.

**Describe any non-compliance with any requirement of the Decree, explaining the reasons for any non-compliance and the remedial steps taken, or to be taken, to minimize such non-compliance or prevent its recurrence.**

As of the date of the date of this Report, Highland is not aware of any non-compliance with any requirement of the Decree.

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 HAVE NO PERSONAL KNOWLEDGE THAT THE INFORMATION SUBMITTED IS OTHER THAN 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.



Mark Knesek

CC: Highland Sanitary Board  
Robert F. Tweedle  
Susan Franzetti  
Alison McGregor – USDOJ  
Robert Thompson – USEPA  
Keith Middleton – USEPA  
Ryan Bahr - USEPA  
Beth Admire – IDEM

# **EXHIBIT A**

- 1. Phase 1, Division A Construction Progress Meeting Notes 8-8-2024**
- 2. Phase 1, Division A Construction Progress Meeting Notes 9-12-2024**
- 3. Phase 1, Division A Construction Progress Meeting Notes 10-10-2024**
- 4. Phase 1, Division A Construction Progress Meeting Notes 11-14-2024**
- 5. Phase 1, Division A Certificate of Substantial Completion 12-20-24**
- 6. Phase 1, Division B 30% Drawings 8-29-2024**
- 7. Phase 1, Division B 30% List of Technical Specifications 8-29-2024**
- 8. Phase 1, Division B 30% Cost Estimate 8-29-2024**
- 9. Phase 1, Division C 30% Drawings 8-29-2024**
- 10. Phase 1, Division C 30% List of Technical Specifications 8-29-2024**
- 11. Phase 1, Division C 30% Cost Estimate 8-29-2024**
- 12. Phase 1, Divisions B & C Basis of Design Report 8-29-2024**
- 13. Phase 1, Divisions B & C Design Workshop Meeting Notes 9-18-2024**

**EXHIBIT A ITEMS CAN BE DOWNLOADED FROM THE FOLLOWING LINK:**

**<https://commonwealtheng->**

**[my.sharepoint.com/personal/bdesharnais\\_contactcei\\_com/\\_layouts/15/onedrive.aspx?id=%2Fpersonal%2Fbdesharnais%5Fcontactcei%5Fcom%2FDocuments%2FHighland%20Exhibit%20A%20files&ga=1](https://commonwealtheng-my.sharepoint.com/personal/bdesharnais_contactcei_com/_layouts/15/onedrive.aspx?id=%2Fpersonal%2Fbdesharnais%5Fcontactcei%5Fcom%2FDocuments%2FHighland%20Exhibit%20A%20files&ga=1)**

# **EXHIBIT B**

## **SEMI ANNUAL OVERFLOW LOG JULY-DECEMBER 2024**

1. SSO Reporting Table (Per Consent Decree Appendix C)



**Town of Highland, Indiana**  
**Summary of Sanitary Sewer Overflows and Property Backups**  
**July 1, 2024 – December 31, 2024**

Event Number and Type	Date and Time Release Began/Ended	Drainage Basin Location	Location of Release	Description of Area Impacted	Reason for SSO	Amount of Flow Released	Rainfall Information and Classification	Name of Receiving Waters Impacted	Did Highland Follow its Overflow Emergency Response Plan?	Actions Taken to Prevent, Minimize or Mitigate Damage, Including Clean-up and Treatment of Affected Area	Actions Taken or Planned to Prevent Recurrence	Did Highland Exceed its Contractual Peak Flow Rate?	Comments
#1 – SSO	07-16-2024 1:45 AM to 07-16-2024 10:23 AM	5 <sup>th</sup> Street Basin	East Side of Bike Trail (Behind 9036 O'Day Drive)	Reached Public Land Reached Receiving Water (Pipe Failure – 41 <sup>st</sup> Street Lift Station Force Main)	Cast Iron Force Main Pipe Failed	31,461* gal (19,715 gal reached receiving waters)	N/A	Cady Marsh Ditch	Yes	Town staff installed sandbag dam and started portable pump at 8:20 AM on 7/16/24 to pump from swale behind the houses on O'Day Drive to sanitary sewer MH 5015 in O'Day Drive, preventing a portion of the SSO from reaching the Cady Marsh Ditch. Pump station was shutdown at 10:23 AM on 7/16/24 and the pipe repair was complete at 12:00 PM on 7/16/24. Station was re-started at 12:08 PM on 7/16/24 after pipe repair was complete.	Highland Sanitary District is implementing its SSO Remedial Action Plan as part of its Consent Decree with IDEM, EPA and DOJ.	No	*Total volume of leak discharged to land: 31,461 Gal.  Volume not reaching Cady (leak after dam install): 11,746 Gal.  Remaining volume of SSO that reached Cady: <u>19,715 Gal.</u>  (31,461 - 11,746 = 19,715)
#2 – Property Backup	09-08-2024 4:25 PM	5 <sup>th</sup> Street Basin	9929 Delaware Place	Basement Backup	Pipe Blockage	30 gal	N/A	None	Yes	Town staff jetted main line to clear blockage.	Highland Sanitary District is implementing its SSO Remedial Action Plan as part of its Consent Decree with IDEM, EPA and DOJ.	No	Sewage backup in house around drain. Sewage drained back to sanitary system once blockage was removed.