

**AGENDA**  
**UTILITIES SERVICE BOARD MEETING**

Utilities Service Board Room  
City of Bloomington Utilities  
600 E. Miller Dr.  
Bloomington, Indiana 47402

Julie Roberts, President  
Jim Sherman, Vice President  
Jason Banach  
Amanda Burnham  
Jean Capler  
Jeff Ehman  
Sam Frank  
Terri Porter, ex-officio  
Jim Sims, ex-officio

**Monday March 18, 2019**  
**5:00 P.M. Regular Meeting**

- I. Call to Order
- II. Approval of the Minutes of Previous Meeting (March 4)
- III. Approval of the Claims
  - a. Standard Invoices
  - b. Utility Bills
  - c. Wire Transfers
  - d. Customer Refunds
- IV. Approval of Consent Agenda
  - a. Milestone Contractors LP - \$10,491.73 – Change order #1 for Fullerton Pike Corridor Reconstruction, Phase II
- V. Request for Approval of Permanent Sanitary Sewer Line Easement from Glick Arlington Park LLC – Chris Wheeler
- VI. Old Business
- VII. New Business
- VIII. Request Approval of Resolution 2019-04 – Troy Powell
- IX. Request Approval of Resolution 2019-05 – James Hall
- X. Staff Reports
- XI. Petitions And Communications\*
- XII. Adjournment

\* Public comment will be limited to 5 minutes per person.

## UTILITIES SERVICE BOARD MEETING

March 4, 2019

***Utilities Service Board meetings are recorded electronically and are available during regular business hours in the office of the Director of Utilities.***

Board President Roberts called the regular meeting of the Utilities Service Board to order at 5:00 p.m. The meeting was held in the Utilities Service Board room at the City of Bloomington Utilities Service Center 600 East Miller Drive, Bloomington, Indiana.

Board members present: Julie Roberts, Jim Sherman, Jason Banach, Amanda Burnham, Jean Capler, Sam Frank, and Jeff Ehman.

Staff members present: Chris Wheeler, James Hall, Michelle Waldon, Kriste Lindberg, Brandon Prince, Brad Schroeder, Nolan Hendon, Kevin White, Phil Peden, Kelsey Thetonia, Mike Hicks, Holly McLaughlin, Laura Pettit, and Vic Kelson.

### AMEND AGENDA

***Board member Capler moved and Board member Frank seconded the motion to approve amending the agenda to add an item between items six and seven. Motion carried, 7 ayes.***

### MINUTES

***Board Vice President Sherman moved and Frank seconded the motion to approve the minutes of the February 18th meeting. Motion carried, 7 ayes.***

### CLAIMS

***Sherman moved and Frank seconded the motion to approve standard claims as follows:***

Vendor invoices submitted included \$311,834.36 from the Water Utility, \$194,020.49 from the Wastewater Utility, and \$37,543.13 from the Stormwater Utility. Total Claims approved: \$543,397.98.  
***Motion carried, 7 ayes.***

***Sherman moved and Frank seconded the motion to approve the utility claims as follows:***

Utility invoices submitted included \$9,212.32 from the Water Utility, \$22,388.12 from the Wastewater Utility, and \$0.00 from the Stormwater Utility. Total Claims approved: \$31,600.44.  
***Motion carried, 7 ayes.***

***Sherman moved and Frank seconded the motion to approve the wire transfers, fees, and payroll in the amount of \$348,195.16. Motion carried, 7 ayes.***

***Sherman moved and Frank seconded the motion to approve customer refunds as follows:***

Refunds submitted included \$0.00 from the Water Utility, \$174.85 from the Wastewater Utility, \$0.00 from the Stormwater Utility, and \$0.00 from Sanitation. Total Claims approved: \$174.85.  
***Motion carried, 7 ayes.***

### **APPROVAL OF CONSENT AGENDA**

CBU Director Kelson presented the following agreements recommended by staff for approval: SSI Services - \$11,580.00 - MWTP Pipe Removal and Deckard - \$10,500.00 - Land Survey at WT. As they weren't removed from consent agenda by the Board, agreements approved.

### **REQUEST FOR APPROVAL OF AGREEMENT WITH EVERETT J PRESCOTT FOR ADVANCED METERING**

***Sherman moved and Frank seconded the motion to approve agreement. Motion carried, 7 ayes.***

Assistant Director - Finance Pettit presented an agreement with EJP for meter hardware, software install, and 5 years of software support for the Advanced Metering Infrastructure project. The agreement is for \$6,765,551.00. There will be about 27,000 iPERL and Omni Sensus meters ordered which CBU will own. There is no installation fee for customers; the funds are from the 2016 rate increase. New meters are generally more accurate than old meters, so slight increased revenue is anticipated. The meters' batteries are warranted for 20 years. CBU has been doing some public outreach with bill inserts and a website. The installer (UMS) will also be doing public outreach with door hangers and press releases as installation nears. Capler suggested a map showing approximate dates for different neighborhoods.

### **REQUEST FOR APPROVAL OF AGREEMENT WITH SWOVA FOR GIS**

***Sherman moved and Frank seconded the motion to approve agreement. Motion carried, 7 ayes.***

Assistant Director - Engineering Schroeder presented an agreement to hire Swova to create the web portal for CBU for ArcGIS. Chuck Winkle the GIS Coordinator at CBU has been working already to upload all of CBU's data into ArcGIS and started to maintain this as the GIS platform. Swova will design the look and feel of the web portal and deploy to all users. The new GIS will be accessible via tablets to employees in the field. The contract is for \$27,050.00.

### **REQUEST FOR APPROVAL OF 3rd AMENDMENT WITH BRUCE WILDS SECURITY**

***Sherman moved and Frank seconded the motion to approve agreement. Motion carried, 7 ayes.***

Wheeler with City Legal presented the third amendment to the Bruce Wilds Security contact for 24/7 security at the decommissioned Griffy water treatment plant. People continue to be turned away daily so that they do not go into the plant and undo all the good work VET and CBU are doing to clean up the plant. This amendment extends the contract to the end of August, adding \$130,272.00 making the new not-to-exceed total \$247,272.00. This is all under the CBU Water budget and cannot be charged to other City funds.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**SUBCOMMITTEE REPORTS:** Burnham reported that the Rules & Regulations subcommittee reviewed the application and review process for the residential stormwater grant program. Burnham says it is a good project with an ambitious timeline. There will be a review committee; anyone who wants to volunteer or has a recommendation contact Vic Kelson. The subcommittee recommends approval of Resolution 2019-03 which expresses Board support of the grant program.

**REQUEST FOR APPROVAL OF RESOLUTION 2019-03**

*Sherman moved and Board member Ehman seconded the motion to approve resolution. Motion carried, 7 ayes.*

**STAFF REPORTS:** Kelson reported that Jason Wenning has filled the Pretreatment Coordinator position.

Kelson also thanked Board for attending the annual retreat.

**PETITIONS AND COMMUNICATIONS:** Capler asked if there was a recent main break. Kelson confirmed that there had been a break in a 12 inch main at the roundabout near Goat Farm but it was now repaired.

**ADJOURNMENT:** Sherman moved to adjourn and the meeting was adjourned at 5:18 p.m.

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Julie Roberts, President

DATE

**UTILITIES SERVICE BOARD MOTION  
MEETING ON MARCH 18, 2019  
PAYDATE: 03/22/19**

To: Utilities Service Board	From: Kim Robertson
Dept.	Dept. Accounts Payable
Sub: Claims list filed: 03/13/19	Date: 03/13/19
USB: 3/18/2019	
For Period: 02/16/19 - 03/01/19	Paydate: 03/22/19
G/L Date: 03/22/19	

Utilities Department invoices filed with the City Controller March 13, 2019 and signed by the Utilities Service Board for payment March 22, 2019 as in accordance with the Utilities Service Board Resolution of August 7, 1973, be hereby approved and entered into the minutes of today's meeting. A copy of the list is filed, with any exceptions noted, is hereby attached and made a part of these proceedings.

Water Operations & Maintenance	563,507.96
Water Construction	21,400.00
Water Meter Deposit	0.00
Water Sinking	0.00
Water Hydrant Meter Rental	0.00
 Total of Water Utilities as per the invoice list:	 <u><u>\$584,907.96</u></u>
 Wastewater Operations & Maintenance	 802,800.18
Wastewater Construction	0.00
Wastewater Sinking	0.00
 Total of Wastewater Utilities as per the invoice list:	 <u><u>\$802,800.18</u></u>
 Stormwater	 86,135.99
Stormwater Construction	0.00
 Total of Stormwater Utility as per the invoice list:	 <u><u>\$86,135.99</u></u>
 <b>Total Water Utility:</b>	 <u><u>\$584,907.96</u></u>
 <b>Total Wastewater Utility:</b>	 <u><u>\$802,800.18</u></u>
 <b>Total Stormwater Utility:</b>	 <u><u>\$86,135.99</u></u>
 <b>TOTAL WATER, WASTEWATER &amp; STORMWATER UTILITIES</b>	 <u><u>\$1,473,844.13</u></u>

City of Bloomington Utilities  
 Accounts Payable by G/L Distribution Report  
 Paydate: 03/22/19

Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Water Construction	Wastewater O&M	Stormwater O&M
Aecom Technical Services	2000178819	W17-4102 - Dyer Tank Environmental Services to 02/08/19-ENG	11,108.00	11,108.00			
Air-Master Heating & Air Conditioning	E1933	BP19-045 R&R electric motor in grit bldg heater, replace motor	2,026.00			2,026.00	
Aramark Uniform & Career Apparel Group, INC	02/28/19 SUPPLY	Weekly supplies & mats - February 2019 - LAB, MN, SC, BP, DR	1,472.98	579.46		893.52	
Aramark Uniform & Career Apparel Group, INC	02/28/19 uniform	Uniform service - February 2019 - TD, ENG, BP, DR, DIR, PUR, MN	289.76	119.78		169.98	
Aramark Uniform & Career Apparel Group, INC	21330814	PUR19-092 Class 2 three season jacket XL TD	55.19	22.08		33.11	
Aramark Uniform & Career Apparel Group, INC	21365066	PUR19-094 2 Class 2 three season jacket XL-L Douglas & Brothers	113.36	45.34		68.02	
Aramark Uniform & Career Apparel Group, INC	21438360	PUR19-093 2 Class 2 three season jacket 2XL Hoene & Boden	113.36	45.34		68.02	
Asbury Gabriel Corp (ESG Laboratories)	19002332	Testing - Digester Grab - 02/18/19 - DR	149.00			149.00	
B L Anderson Co., INC	12299	DM19-035 LCD display, local control, knob assy, window kit, train	1,043.15			1,043.15	
Ben's Quarry, LLC	1012025	#53 Stone - Stock - 12/12/18 - TD	74.93	29.97		44.96	
Ben's Quarry, LLC	1012265	#11 Stone - Sewer @ Micro Motors - 02/11/19 - TD	109.62			109.62	
Ben's Quarry, LLC	1012296	Stone for Dillman landfill & Micro Motors -02/18-02/20/19-DR,TD	413.07			413.07	
Biochem, INC	17875	K144L Praestol Polymer for belt press - BP	4,252.53			4,252.53	
Black Lumber Co. INC	393229	Door sweep - SC	15.16	6.06		9.10	
Black Lumber Co. INC	393241	2 Concrete trowels, 1/2" tuck pointer, bar clamp - SW, TD	60.95				60.95
Black Lumber Co. INC	393959	Misc concrete bits for shop - TD	49.98	49.98			
Bloomington Paint & Wallpaper Co	00404441	2.5 gal super spec pearl pastel base paint - BP	314.70			314.70	
Bloomington Paint & Wallpaper Co	00404442	Red rosin paper 36X140' - BP	10.95			10.95	
Bloomington Paint & Wallpaper Co	00404486	Paint thinner, paint, roller frame, trays, extend pole - BP	88.85			88.85	
Bloomington Paint & Wallpaper Co	00404727	Paint tray liners, pro brush, 1 qt mix & measure - BP	34.91			34.91	
Bloomington Sandwich Co, LLC	ADMIN19-019	Sandwiches for Quarterly Wholesale Meeting - 02/08/19 - DIR	96.66	38.66		58.00	
Brenntag Mid-South, INC	BMS204738	2 Robin 120 Polymer - 4600 @ 1.1290 delivered 02/11/19 - MN	5,193.40	5,193.40			
Brenntag Mid-South, INC	BMS210241	Sodium hydroxide - 1.4258 @ 625.00 delivered 02/14/19 - MN	7,141.13	7,141.13			
Brenntag Mid-South, INC	BMS214413	Robin 120 Polymer - 4,600 @ 1.1290 delivered 02/22/19 - MN	5,193.40	5,193.40			
Brenntag Mid-South, INC	BMS220397	Sodium hydroxide - 1.15895 @ 625.00 delivered 03/01/19 - MN	7,243.44	7,243.44			
Bruce Wilds Security, LLC	10892	24/7 Security of Griffy Plant grounds - 02/16-03/01/19 - PUR	9,912.00	9,912.00			
Chemtrade Chemicals Corporation	92585040	Alum - 11.298 @ 434.00 delivered 02/26/19 - MN	4,903.33	4,903.33			
Cintas First Aid & Safety #2	5012896674	Restock first aid cabinet @ Dillman - 02/21/19 - DR	124.63			124.63	

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Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Water Construction	Wastewater O&M	Stormwater O&M
Cintas First Aid & Safety #2	5012948655	Restock first aid cabinet @ Blucher - 02/13/19 - BP	652.14			652.14	
Cintas First Aid & Safety #2	5013195141	Restock first aid cabinet @ Monroe - 02/28/19 - MN	54.89	54.89			
City Of Bloomington	2019 Benefits #1	Jan-June 2019 Health Insurance /Flex/Basic Life - ACCT	1,227,564.00	428,220.00		713,700.00	85,644.00
CSX Transportation, INC	8368048	Pipeline sewer crossing #CSX025900 04/30/19-04/29/20 - ENG	533.60			533.60	
Eurofins Eaton Analytical, INC	S312367	Testing - Haloacetic Acids, Trihalomethanes - MN	190.00	190.00			
Eurofins Eaton Analytical, INC	S316098	Testing - Haloacetic Acids, Trihalomethanes - MN	190.00	190.00			
Eurofins Eaton Analytical, INC	S326019	Testing - Haloacetic Acids, Trihalomethanes - MN	190.00	190.00			
Fastenal Company	INBLM205289	Credit memo for Restock supplies in machine - 04/18/18 - PUR	(19.05)	(6.59)		(12.46)	
Fastenal Company	INBLM206783	Credit memo for Restock supplies in machine - 07/03/18 - PUR	(50.72)	(20.29)		(30.43)	
Fastenal Company	INBLM210642	Restock supplies in machine - 02/15/19 - PUR	253.93	109.56		144.37	
Fastenal Company	INBLM210678	Misc nuts, screws, drill bits, clamps & misc small parts - DR	553.88			553.88	
Fastenal Company	INBLM210679	Misc screws, washers, nuts, & small parts - DR	956.57			956.57	
Fastenal Company	INBLM210735	Restock supplies in machine - 02/22/19 - PUR	187.53	92.57		94.96	
First Financial Bank / Credit Cards	ENV19-027	ENV19-027 Registration for 2019 WSA FOG Forum for K. White	325.00			325.00	
Fisher Scientific Company, LLC	6550664	2 cs Safety glasses - MN	396.60	396.60			
Fisher Scientific Company, LLC	7540605	Hardness indicator for lab - MN	86.11	86.11			
Gray Matter Systems, LLC	SIN009092	WS18-20605 - SCADA System Improvements to 02/28/19 - ENG	2,145.00	858.00		1,287.00	
HACH Company	11320658	MN19-057 2 Ferric ion solution 100ml, ferrover iron reagent 1000	306.79	306.79			
HACH Company	11351319	DL19-016 16 Ammonia LR-TN7831	1,192.23			1,192.23	
Hall Signs INC	340793	PUR19-070 2 Signs to say "Blucher Poole Visitors Please Call"	77.64			77.64	
Harrell Fish, INC	W43997	PUR19-079 Replaced ignition stepper board, blower relay & labor	4,247.65	1,699.06		2,548.59	
HD Supply Facilities Maintenance - (USA Bluebook)	797042	BP19-023 BOD bottles 300ml with top for lab testing	187.17			187.17	
HD Supply Facilities Maintenance - (USA Bluebook)	799431	BP19-027 6 9L (2 gal) Nalgene HDPE carboys	580.08			580.08	
HD Supply Facilities Maintenance - (USA Bluebook)	802327	BP19-029 Black pipet fillers, orange/yellow swirl pipet fillers	63.65			63.65	
HD Supply Facilities Maintenance - (USA Bluebook)	807254	BP19-035 Hach BOD nutrient buffer pillows, glucose glutamic acid	510.92			510.92	
HD Supply Facilities Maintenance - (USA Bluebook)	809692	DM19-029 6 Sodium hypochlorite for filters	1,157.28			1,157.28	
Heflin Industries, INC	124076	W18-4205 - Monroe Filter Air Scour Valve Actuator Repair - ENG	2,332.50	2,332.50			
Horner Industrial Services, INC	903789	ENG18-091 W18-4216 700HP Pump motor evaluation Low Service Pump	8,226.00	8,226.00			
HP Products Corporation	I4308995	XL & XXL Gloves, tissue, lotion, wipes - DR	154.56			154.56	

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Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Water Construction	Wastewater O&M	Stormwater O&M
HP Products Corporation	I4310283	1 CS Sani-cloth wipes - DR	56.41			56.41	
HP Products Corporation	I4315595	1 CS Hand lotion - DR	101.66			101.66	
HP Products Corporation	I4317876	XL & Large Nitrile gloves, 3 cs kitchen towels - BP	307.95			307.95	
Indiana Army Surplus, INC	192019277	TD19-20 Storage container for storage on the hill.	1,800.00	720.00		990.00	90.00
Indiana Geographic Information Council, INC	ZVNPHDST4C2	ENG19-018 IGIC Membership for Chuck Winkle	75.00	30.00		45.00	
Indiana Oxygen Company, INC	9196805	Monthly cylinder rental - DR	183.58			183.58	
Indiana Oxygen Company, INC	9201605	3 6x8 Pnl orange vinyl screen (welding protective panels) - BP	257.36			257.36	
Indiana Oxygen Company, INC	9208279	Argon & acetylene - LAB, DR	611.73			611.73	
Indiana Underground Plant Protection Service, INC	75808	Monthly per ticket fee-01/01-01/31/19 - 1,774 @ .95 ea - TD	1,685.30	674.12		1,011.18	
Irving Materials, INC	10669097	Concrete - Water @ 2300 Linden Hill - 02/14/19 - TD	806.50	806.50			
Irving Materials, INC	10670122	Concrete - Water @ 560 N Morton - 02/19/19 - TD	2,283.00	2,283.00			
Irving Materials, INC	10670123	Concrete - Sewer @ Walnut & Davis - 02/19/19 - TD	237.00			237.00	
Irving Materials, INC	10670474	Concrete - Water @ 1911 Wilton Ct - 02/20/19 - TD	522.75	522.75			
Irving Materials, INC	10670629	Concrete - Sewer @ Walnut & Davis - 02/21/19 - TD	1,277.00			1,277.00	
Irving Materials, INC	10671009	Concrete - Storm @ 302 S College Ave - 02/22/19 - SW, TD	182.25				182.25
Irving Materials, INC	10672626	W18-4213 - Concrete - 3230 S Walnut St - 02/28/19 - TD	591.50	591.50			
JCI Jones Chemicals, INC	782543	Sodium hypochlorite - 4,726 @ .7960 delivered 02/26/19 - MN	3,761.90	3,761.90			
JCI Jones Chemicals, INC	783432	Sodium hypochlorite - 4,684 @ .7960 delivered 03/05/19 - MN	3,728.46	3,728.46			
JJ's Concrete Construction, LLC	45533	Concrete - Water @ 526 N Morton - 02/19/19 - TD	2,277.00	2,277.00			
John Bethell Title Company, INC	53-62754	ENG19-005 Title search for Winston Thomas property	504.00			504.00	
John Deere Financial (Rural King)	JRNL#D70399/62	Cordless grease gun - BS, LS, TD	269.99	90.00		179.99	
John Deere Financial (Rural King)	JRNL#D72179/62	Hose, light duty belts, adapters, metric set, stall mat - BP	97.43			97.43	
John Deere Financial (Rural King)	JRNL#D77795/62	Jumper cables for truck #616 - TD	11.99	11.99			
Kelly M Boatman (Core Projective, LLC)	INV101821	Professional consulting for Environmental - 02/01-02/28/19 -ACCT	3,166.25	1,266.50		1,899.75	
Kelsey Thetonia	ENV19-022	Reimbursement for SWCD Meeting Registration 3/02/19 - DIR	12.24				12.24
Kirby Risk Corp	S110223501.001	2 Nason switch KRPNM - DR	347.98			347.98	
Kirby Risk Corp	S110236278.001	W18-4213 - 240' PVC SCH80 pipe/conduit - TD, PUR	698.57	698.57			
Kirby Risk Corp	S110236278.002	W18-4213 - 160' PVC SCH80 pipe/conduit - TD, PUR	574.77	574.77			
Kirby Risk Corp	S110248890.001	1 Heater for the chemical building - MN	678.91	678.91			
Kirby Risk Corp	S110255206.001	Misc LED Lights - MN	320.90	320.90			
Kleindorfer Hardware & Variety	02/25/19 CBU	W18-4213 - Misc parts & supplies - 01/29-02/21/19-MN,TD,DR,SW	1,440.05	342.70		1,081.72	15.63
Komline Sanderson Engineering Corporation	42042104	DM19-036 2 Pneumatic belt tracking sensor assy	765.53			765.53	



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Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Water Construction	Wastewater O&M	Stormwater O&M
Koorsen Fire & Security, INC	4681890	Annual fire extinguisher inspection @ Monroe WTP - MN	674.85	674.85			
Koorsen Fire & Security, INC	4696810	Fire alarm service @ Service Center - 04/01-06/30/19 - SC	97.89	39.16		58.73	
Lawson Products, INC	9306393226	Magnetic wand - BP	75.32			75.32	
Lawson Products, INC	9306465261	Misc nipples, ball valve, lock nuts, hook & pick set - BP	251.56			251.56	
Logical Concepts, INC (Omnisite)	64603	Monthly cellular fee for XR-50 Omni-Site - 03/01-03/31/19 - ENG	1,150.00			1,150.00	
MacAllister Machinery Co, INC	867297167703	Rental of 6" 28' suction head trash pump w/cam-lock- Griffy -ENG	1,701.00			1,701.00	
MacAllister Machinery Co, INC	867297167704	Credit memo for faulty pump - Griffy - ENG	(761.00)			(761.00)	
Menards, INC	17905	PVC SCH 80, Ell PVC 80, Bushings, diehard charger & misc - BP	285.07			285.07	
Menards, INC	18047	PVC 80, PVC SCH 80, plug-in dhime, 90 Ell PVC 80, adapters - BP	84.05			84.05	
Menards, INC	18573	Racking beam, steel end frame, stackable bins, tubing - MN	449.18	449.18			
Menards, INC	18786	4 Stack bins, hose, steel end frame, racking beam - MN	397.07	397.07			
Menards, INC	19034	2 heater fans, 1 25' SE PRO 3-tap - PUR	55.21	22.08		33.13	
Nalco U.S. 2, INC (Nalco Water Pretreatment)	2316218	E-MBI-016F-XX DI EXPRESS IT exchanger, filter - DR	152.28			152.28	
Nugent, INC (Utility Supply Company)	1269039	Credit memo for returned Small Pent Nuts - MS, TD	(143.00)	(57.20)		(85.80)	
Nugent, INC (Utility Supply Company)	1269688	TD18-511 25 Tyler spiral for meter covers	162.25	64.90		97.35	
Nugent, INC (Utility Supply Company)	1273382	TD18-563 4" Honda trash pump	2,045.88	2,045.88			
Nugent, INC (Utility Supply Company)	1275208	Credit memo for returned Spiral meter lid nuts - MS, TD	(175.00)	(70.00)		(105.00)	
Office Depot, INC	2270288870	Copy paper, markers, pens, flex journal, 3" binder, chair mat-BP	200.18			200.18	
Office Depot, INC	245626739001	Address labels, magnetic clips - DIR	11.74	4.70		7.04	
Office Depot, INC	245626739002	Desk pad calendar - DIR	10.29	4.12		6.17	
Office Depot, INC	252345229001	Staple cartridge, 2 bookends - DIR	34.39	13.76		20.63	
Office Depot, INC	255561877001	5 Portfolio folders - ENV, DIR	4.95	1.98		2.97	
Office Depot, INC	255561878001	10 handheld calculators - DIR	22.10	8.84		13.26	
Office Depot, INC	265538248001	Portable clip-on mirror for K Lindburg cubical - DIR	23.99			23.99	
Office Depot, INC	265538249001	Self-seal bubble mailers - DIR	28.99	28.99			
Office Depot, INC	270125183001	Mouse pad, mesh letter trays - PUR	11.74	4.70		7.04	
Office Depot, INC	270604734001	Deodorizer, 6 door stops - PUR	53.41	21.36		32.05	
Office Depot, INC	270604735001	4 Outlet surge protectors - PUR	71.56	28.62		42.94	
Office Depot, INC	271643456001	3 32GB flash drives - MN	64.95	64.95			
Office Depot, INC	271643457001	1 256GB flash drive - MN	73.00	73.00			

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Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Water Construction	Wastewater O&M	Stormwater O&M
Office Depot, INC	271643458001	2 pk. 64GB flash drives - MN	27.99	27.99			
Office Depot, INC	271643459001	1. 128GB flash drive - MN	25.99	25.99			
Office Depot, INC	272016089001	30-key security key cabinet - SW, TD	67.49	27.00		37.12	3.37
Office Depot, INC	272062034001	1 Roll of adhesive magnet strip - SW, TD	43.69	17.48		24.03	2.18
Office Depot, INC	272519640001	"Scanned" stamp, scissors, single hold punch - PUR	10.01	4.00		6.01	
Office Depot, INC	273855229001	Legal pads, ballpoint pens - DR	11.58			11.58	
Office Depot, INC	273865230001	Writing pads, clip boards, sticky notes, sharpies - DR	15.23			15.23	
Office Depot, INC	273909715001	1 dox each black, blue & red pens - DIR	22.99	9.20		13.79	
Office Depot, INC	274679179001	8 Door file hangers, 1 cs copy paper - MN	66.77	66.77			
Office Depot, INC	274679180001	6 Foam poster boards - MN	69.54	69.54			
Office Depot, INC	274679181001	2020 Daily log book - MN	68.69	68.69			
Office Depot, INC	274679182001	2019 Daily log book - MN	18.39	18.39			
Office Depot, INC	274779533001	4 Steno books, adding machine ribbon & paper-AR, ACCT	51.10	20.44		30.66	
Office Depot, INC	277209383001	2. Wireless solar keyboards - MN	119.98	119.98			
Office Depot, INC	277209384001	3 .9mm pencil lead - MN	7.20	7.20			
Office Depot, INC	277371909001	2 Bx standard staples - SW, TD	4.34	1.74		2.39	.21
Office Depot, INC	277371910001	Sharpies, monitor screen wipes - MS, TD	45.07	18.03		26.76	.28
Office Depot, INC	277371911001	Steno tablets, erasers - MS, TD	13.10	5.24		7.78	.08
Office Depot, INC	277383934001	2 Dymo label maker tape cartridges - MS, TD	41.98	16.79		25.19	
Pace Analytical Services, INC	1950105646	1631E Mercury testing for Dillman NPDES Permit - LAB, DR	540.00			540.00	
Paragon Micro, INC	860087	5 Eaton 3S UPS - stock - DIR	324.95	129.98		194.97	
PerkinElmer Health Sciences, INC	5304197494	DL18-114 Graphite tubes with advanced platforms and end caps	723.00			723.00	
Republic Services, INC	0694-002266345	Trash removal @ Dillman & Serv Center - 03/01-03/31/19 - DR	557.19	47.46		509.73	
Republic Services, INC	0694-002267852	Trash removal @ Monroe WTP - 02/01-02/28/19 - MN	117.75	117.75			
Republic Services, INC	0694-002267853	Trash removal @ Blucher WWTP - 02/01-02/28/19 - BP	117.75			117.75	
Richard's Small Engine, INC	329387	LH Skid shoe kit w/bracket, RH Skid shoe w/bracket for #794 - DR	115.84			115.84	
Richard's Small Engine, INC	330042	Connector for hose, blade spacer, air filter cap for mowers - TD	174.68	69.87		104.81	
Ricoh USA, INC	505595429 CBU	Ricoh copier maintenance - 01/17-02/16/19 - BP, MN, DR, SC	154.69	46.10		108.59	
Rogers Group, INC	0071168954	Sand, #11 & #53 stone - stock - 12/26-12/27/18 - TD	991.04	396.42		594.62	
Rogers Group, INC	0071169112	#11 & #53 Stone - Water, sewer & stock - 01/08-01/11/19 TD	1,435.48	208.50		1,226.98	
Rosen & Rosen Industries (R&R Industries)	554651	PUR19-062 10 Med & 10 Large Ansi 3 industrial rain coats	584.70	233.88		321.58	29.24
Rosen & Rosen Industries (R&R Industries)	555209	PUR19-072 Ansi 3 industrial rain coat small long for Kelsey	38.68				38.68

City of Bloomington Utilities  
Accounts Payable by G/L Distribution Report  
Paydate: 03/22/19

Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Water Construction	Wastewater O&M	Stormwater O&M
Royce Rolls Ringer Co	99924	Ricoh copier maintenance - 01/17-02/16/19 - BP, MN, DR, SC	552.81	221.12		331.69	
South Central Community Action Program, INC	2019-02	Admin expense for Assistance Program - February 2019 - ACCT	350.35	140.14		192.69	17.52
South Central GWB Company, INC	S3401295.001	Misc elbows, unions, socket & threaded ends, adapter - DR	546.21			546.21	
South Central GWB Company, INC	S3402589.001	3 Male adapters for valves - DR	43.96			43.96	
South Central GWB Company, INC	S3402589.002	3 Male adapters for valves - DR	43.96			43.96	
South Central GWB Company, INC	S3402969.001	2" sweat union CXC no lead for chemical valves - DR	73.76			73.76	
Southern Indiana Parts, INC (Napa Auto Parts)	249539	3 Wiper blades for 2012 Van - DR	23.04			23.04	
Southern Indiana Parts, INC (Napa Auto Parts)	249541	1 Wiper blade for 2012 Van - DR	6.19			6.19	
Southern Indiana Parts, INC (Napa Auto Parts)	251106	2 Batteries & core deposit for backup generator - BP	555.14			555.14	
Southern Indiana Parts, INC (Napa Auto Parts)	251194	4 15W 40 oil - DR	39.96			39.96	
Southern Indiana Parts, INC (Napa Auto Parts)	251254	Credit memo for core deposit for backup generator - BP	(144.00)			(144.00)	
SSW Enterprises, LLC (Office Pride)	CITYNAT102201903	Monthly cleaning service - February 2019 - DR, BP, MN, SC	5,694.28	2,019.05		3,675.23	
State Of Indiana	000285306	W18-4204-Oversight of Dyer Tank Remediation-11/18-12/29/18-ENG	1,218.75	1,218.75			
State Of Indiana	000285429	W19-4304 - Oversight of Griffy WTP Remediation to 12/29/18 - ENG	618.75	618.75			
State Of Indiana	02/04/19 CBU	Water usage - 01/01-01/31/19 - MN	14,839.61	14,839.61			
State Of Indiana	03/07/19 CBU	Water usage - 02/01-02/28/19 - MN	14,605.04	14,605.04			
Sunbelt Rentals, INC	36862834-001	Drive belt & saw blades for truck #629 - SW, TD	307.38	122.95		169.06	15.37
Synchrony Bank	435338994575	iPhone 7 Otterbox case, screen protector, headphone-C Eberle-PLUR	51.95	20.78		31.17	
Synchrony Bank	437993775466	ENV19-013 Cole-Parmer submersible sampling pump	153.16	153.16			
Synchrony Bank	439554755686	TD19-86 5 400W Car power inverters for trucks #697 693 702 532	240.60	96.24		144.36	
Synchrony Bank	494465445757	ENG19-013 Besthunter Nylon/PVC chest waders & boots orange	33.59	13.44		20.15	
Synchrony Bank	787594684395	MN19-061 2 Theory and Practice of Water and Wastewater Treatment	260.96	260.96			
Tricor Direct, INC (Emedco)	9339086696	DR19-005 1000 Tag-safety inspection	349.95			349.95	
Tri-State Bearing Co, INC	1080452-00	4 Coupling sleeves, 2 Coupling flanges for poly feed system - MN	36.84	36.84			
Tyler Technologies, INC	045-243766 CBU-2	Support & update licensing 01/01-12/31/19 - payment shortage-DJR	3,000.00	1,200.00		1,800.00	
Tyler Technologies, INC	045-244860	New World Services: Custom Utility Bill Form - ACCT	640.00	256.00		384.00	

City of Bloomington Utilities  
 Accounts Payable by G/L Distribution Report  
 Paydate: 03/22/19

Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Water Construction	Wastewater O&M	Stormwater O&M
ULINE, INC	105864802	PUR19-069 Industrial steel shelving, weatherproof labels	718.05	287.22		430.83	
United Parcel Service, INC	0000430948089	Shipping charges - 02/14-02/20/19 - LAB, DR, PUR	53.42	53.42			
University Enterprises, INC	0000006911	MN19-001 Small Water System Operation and Maint class Don G.	912.00	912.00			
University Enterprises, INC	0000006939	MN19-002 CE29 class for S Ira, MN19-082 CE288 Class for S Tracey	1,824.00	1,824.00			
University Enterprises, INC	774468	PUR18-463 Books on Water & wastewater treatment operations	272.00	108.80		163.20	
Virtuoso Sourcing Group, LLC	25984	Collection agency fee - 02/25/19 - AR	11.29	4.52		6.77	
W.W. Grainger, INC	9085152297	ENG19-009 Otterbox defender series case for Iphone 7/8 Marathon	46.65	18.66		27.99	
W.W. Grainger, INC	9091290545	DM19-037 3 1/2 HP Dewatering pump tsurumi	863.55			863.55	
Wenning (VHW Engineering), Victor H	2018 #53-3	2018 Inspection of Griffy Reservoir Dam #5303 - ENG	4,945.00	4,945.00			
Wessler Engineering, INC	33074	W18-4218 - N Old SR 37 Water Main to 01/31/19 - ENG	21,400.00		21,400.00		
Wessler Engineering, INC	33095	S19-6302 - Dillman WWTP Filter Control Upgrade to 01/31/19 -ENG	24,050.52			24,050.52	
Young Trucking, INC	100494	Hauling sludge from Blucher WWTP - 02/18-02/22/19- BP, OP	2,100.29			2,100.29	
Young Trucking, INC	100495	Hauling sludge from Dillman WWTP - 02/22/19- DR, OP	6,122.13			6,122.13	
Young Trucking, INC	100566	Hauling sludge from Blucher WWTP - 02/26-02/28/19 - BP, OP	1,339.76			1,339.76	
Young Trucking, INC	100567	Hauling sludge from Dillman WWTP - 02/26-02/28/19 - DR, OP	6,837.10			6,837.10	

Grand total:

1,473,844.13	563,507.96	21,400.00	802,800.18	86,135.99
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**ACH**  
**INTERDEPARTMENTAL**  
**MEMO**

To: Utilities Service Board  
Sub: Scheduled ACH payment

From: Kim Robertson  
Dept. Accounts Payable  
Date: 03/13/19

**G/L DATE: 03/18/19**

Water Operations & Maintenance	0.00
Water Construction	0.00
Water Meter Deposit	0.00
Water Sinking	200,236.53
Water Hydrant Meter Rental	0.00
Water Debt Reserve	0.00

Total of Water Utilities as per the claims list:	<u><u>\$200,236.53</u></u>
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Wastewater Operations & Maintenance	0.00
Wastewater Construction	0.00
Wastewater Sinking	0.00
Wastewater Debt Reserve	0.00

Total of Wastewater Utilities as per the claims list:	<u><u>\$0.00</u></u>
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Stormwater	0.00
Stormwater Construction	0.00

Total of Stormwater Utility as per the claims list:	<u><u>\$0.00</u></u>
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<b>Total Water Utility:</b>	<u><u>\$200,236.53</u></u>
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<b>Total Wastewater Utility:</b>	<u><u>\$0.00</u></u>
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<b>Total Stormwater Utility:</b>	<u><u>\$0.00</u></u>
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<b>TOTAL WATER, WASTEWATER &amp; STORMWATER UTILITIES</b>	<u><u>\$200,236.53</u></u>
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ACH - Bank of New York - 2011 SRF Loan Payment - March 2019

City of Bloomington Utilities  
Accounts Payable by G/I Distribution Report  
Paydate: 03/18/19

SRF Payment Due March 2019

Vendor	Invoice No.	Invoice Description	Invoice Amount	Water Sinking
Bank Of New York	ACCT19-112-3	SRF Bloomington TAS#610026-2011 SRF Loan - Mar 2019	200,236.53	200,236.53
Grand total:			200,236.53	200,236.53

**UTILITIES SERVICE BOARD MOTION  
MEETING ON MARCH 18, 2019  
UTILITY BILLS**

To: Utilities Service Board  
Dept.  
Sub: Claims list filed: 03/13/19  
USB: 3/18/2019  
For Period: 02/27/19 - 02/12/19  
G/L Date: 03/14/19

From: Kim Robertson  
Dept. Accounts Payable  
Date: 03/13/19  
  
**Paydate: 03/14/19**

Utilities Department invoices filed with the City Controller March 13, 2019 and signed by the Utilities Service Board for payment March 14, 2019 as in accordance with the Utilities Service Board Resolution of August 7, 1973, be hereby approved and entered into the minutes of today's meeting. A copy of the list is filed, with any exceptions noted, is hereby attached and made a part of these proceedings.

Water Operations & Maintenance	107,721.10
Wastewater Operations & Maintenance	95,108.57
Stormwater	
<b>Total Water Utility:</b>	<b><u><u>\$107,721.10</u></u></b>
<b>Total Wastewater Utility:</b>	<b><u><u>\$95,108.57</u></u></b>
<b>Total Stormwater Utility:</b>	<b><u><u>\$0.00</u></u></b>
<b>TOTAL WATER, WASTEWATER &amp; STORMWATER UTILITIES</b>	<b><u><u>\$202,829.67</u></u></b>

City of Bloomington Utilities  
Accounts Payable by G/L Distribution Report  
Paydate: 03/14/19

Utility bills

Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Wastewater O&M
AT&T	8123311353 02/19	Service - S Washington St Storage - 02/22-03/21/19 - SC	189.46	75.78	113.68
AT&T	8123315400 02/19	Service - Centrex Main Line - 02/22-03/21/19 - SC	6,299.81	2,519.92	3,779.89
Comcast Cable Communications, INC	03/02/19	Service - Service Center - #8529201190490580 03/15-04/14/19 - SC	22.21	8.88	13.33
Duke Energy	03/12/19	Service - Feb - March 2019 - LS, BS, SC, TD, DR, MN	185,632.68	103,038.42	82,594.26
Indiana Paging Network, INC	13853917 03/2019	Pager fees - 04/01-06/30/19 - PUR, TD, MS, MN, BP, DR	89.14	36.83	52.31
Smithville Telephone Co Inc	03/02/19 BP	Service - Blucher, fax, modem - 02/02-03/01/19 - BP	277.82		277.82
Smithville Telephone Co Inc	03/02/19 DR	Service - Dillman, fax - 02/02-03/01/19 - DR	246.10		246.10
Smithville Telephone Co Inc	03/02/19 MN	Service - Monroe, fax, intake, internet - 02/02-03/01/19 - MN	291.06	291.06	
Utilities District of Western Indiana REMC	52184-001 03/19	Service - Fieldstone LS - 02/01-03/01/19 - LS	744.00		744.00
Utilities District of Western Indiana REMC	75843-001 03/19	Service - Stonechase LS - 02/01-03/01/19 - LS	131.00		131.00
Vectren	N0833866 03/19	Service - Blucher Poole - 01/30-02/27/19 - BP	3,867.82		3,867.82
Vectren	N1035813 03/19	Service - Monroe WTP - 02/04-03/04/19 - MN	1,750.21	1,750.21	
Vectren	N1059811 03/19	Service - Dillman WWTP - 02/04-03/04/19 - DR	3,197.71		3,197.71
Vectren	N1236302 03/19	Service - Tamarron LS - 02/01-03/01/19 - LS	90.65		90.65
Grand total:			<u>202,829.67</u>	<u>107,721.10</u>	<u>95,108.57</u>



**WIRE TRANSFERS, FEES & PAYROLL FOR THE MONTH OF FEBRUARY, 2019**

<u>INDIANA DEPARTMENT OF REVENUE</u> (SALES TAX - JANUARY, 2019)	<u>\$60,198.61</u>
<u>INDIANA DEPARTMENT OF REVENUE - RECEIPTS TAX</u> 1ST QUARTER UTILITY RECEIPTS TAX	<u>\$0.00</u>
<u>NPC</u> CHARGE CARD FEES - JANUARY, 2019	<u>\$27,903.09</u>
<u>FIRST FINANCIAL</u> ACCOUNT ANALYSIS FEES - JANUARY, 2019	<u>\$908.26</u>
<u>GROSS PAYROLL</u> 3/15/2019	<u>\$323,412.51</u>
<u>FICA TAX</u> 3/15/2019	<u>\$23,393.54</u>
<u>TOTAL</u>	<u>\$435,816.01</u>

**UTILITIES SERVICE BOARD MOTION  
MEETING ON MARCH 18, 2019  
CUSTOMER REFUNDS**

To: Utilities Service Board	From: Kim Robertson
Dept.	Dept. Accounts Payable
Sub: Claims list filed: 03/13/19	Date: 03/13/19
USB: 3/18/2019	
For Period: 02/26/19 - 03/08/19	<b>Paydate: 03/22/19</b>
G/L Date: <b>03/22/19</b>	

Utilities Department invoices filed with the City Controller March 13, 2019 and signed by the Utilities Service Board for payment March 22, 2019 as in accordance with the Utilities Service Board Resolution of August 7, 1973, be hereby approved and entered into the minutes of today's meeting. A copy of the list is filed, with any exceptions noted, is hereby attached and made a part of these proceedings.

Water Operations & Maintenance	90.00
Wastewater Operations & Maintenance	66.30
Stormwater	0.00
Sanitation	0.00
<b>Total Water Utility:</b>	<b>\$90.00</b>
<b>Total Wastewater Utility:</b>	<b>\$66.30</b>
<b>Total Stormwater Utility:</b>	<b>\$0.00</b>
<b>Total Sanitation Department:</b>	<b>\$0.00</b>
 <b>TOTAL WATER, WASTEWATER &amp; STORMWATER UTILITIES</b>	 <b>\$156.30</b>

**CUSTOMER REFUNDS**

City of Bloomington Utilities  
 Accounts Payable by G/L Distribution Report  
 Paydate: 03/14/19

Vendor	Invoice No.	Invoice Description	Invoice Amount	Check No.	Reason for refund	Water Funds	Wastewater Funds	Stormwater Funds	Sanitation
Vivian Lebeau	45570-003	Customer refund	\$14.96	26015	Meter misread, adjusted 3 units of water and sewer, leaving a credit bal when finalized		\$14.96		
Rebecca Reott	48143-005	Customer refund	\$51.34	26016	Customer overpaid on their Feb/final bill, overpayment caused credit bal.		\$51.34		
Jeffrey Woods	5714-002	Customer refund	\$90.00	26017	Approved refund of shut off/turn on fees.	\$90.00			

\$156.30  
\$156.30

\$90.00    \$66.30    \$0.00    \$0.00



MEMORANDUM

**TO:** Mayor & Controller  
**FROM:** Jane Fleig, Utilities  
**DATE:** March 11, 2019  
**RE:** Request for Approval of Change Order No. 1 re: Fullerton Pike Phase II – Water Main and Sanitary Sewer Relocation Agreement with Milestone Contractors, LP

**Funding Source:** 009-U10500 and 010-U10500

**Total Dollar Amount of Contract:** Original Agreement: \$662,000.00  
Change Order No. 1: \$10,491.73  
**New Total: \$672,491.73**

**Expiration Date of Contract:** December 31, 2019

**Department Head Initials of Approval:**

**Due Date For Signature:** March 14, 2019

**Record Destruction Date (Legal Dept to fill in):** 12/31/2029

**Legal Department Internal Tracking #:** 19-144

**PREVIOUSLY REVIEWED BY & RETURN SIGNED CONTRACT TO THIS ATTORNEY:**

Christopher J. Wheeler

**ATTORNEY IS TO RETURN SIGNED CONTRACT TO THIS DEPARTMENTAL EMPLOYEE:**

Jane Fleig

**Summary of Contract:** Add additional length of 12" DIRJ pipe and 1" polyethylene pipe.

City of Bloomington Utilities

Fullerton Pike Corridor Reconstruction Phase II  
Water Main and Sanitary Sewer Relocation

CBU Project No. WS19-20701

CONTRACT CHANGE ORDER NO. 1

Prepared March 11, 2019

SCOPE:

This Change Order No. 1 provides for modifications to City of Bloomington Utilities Contract with Milestone Contractors, L.P. as follows:

Item No. 1: Line W2 Alignment revision

Description: Provide all material, labor, and equipment necessary to revise the alignment of Line W2 water main substantially as shown on the revised plan sheet provided by American Structurepoint, Inc. on January 25, 2019. Change includes additional length of 12" DIRJ pipe and 1" polyethylene pipe.

Reason: The original alignment of Line W2 was going to conflict with the other private utility relocations from approximate Sta 20+75 to approximate Sta 22+10.

CONTRACT CHANGE ORDER NO. 1

CBU Project No. WS19-20701

Prepared March 11, 2019

Name of Project: CITY OF BLOOMINGTON UTILITIES  
Fullerton Pike Sanitary and Water Relocation

Contractor: Milestone Contractors, L.P.

Changes are hereby made to the Contract Sum as follows:

<u>Item</u>	<u>Description of Change</u>	<u>Decrease</u>	<u>Increase</u>
No. 1	Revise alignment of Line W-2		\$10,491.73
	Total Increase		\$10,491.73
	Total Decrease	(\$0.00)	
	Net Change		\$10,491.73

The sum of \$10,491.73 is hereby added to the current Contract Amount of \$662,000.00. Therefore, with the approval of this Change Order No. 1, the adjusted Contract Sum is not to exceed \$672,491.73.

No changes are made to the Contract Times.

Contract Times Summary

Original Substantial Completion	July 17, 2019
Original Final Completion	July 31, 2019
<u>Adjustment to Contract Times</u>	<u>+0 days</u>
Adjusted Substantial Completion	July 17, 2019
Adjusted Final Completion	July 31, 2019

Change Order Summary

Original Contract Sum	\$662,000.00
Change Order No. 1	<u>\$10,491.73</u>
Adjusted Total Contract Sum	\$672,491.73

This document shall become an amendment to the Agreement. All other terms and conditions of the Agreement not otherwise affected by this amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties to this Change Order have hereunto set their hands.

CITY: CITY OF BLOOMINGTON, INDIANA  
UTILITIES SERVICE BOARD

By: \_\_\_\_\_  
Julie Roberts DATED  
President, Utilities Service Board

\_\_\_\_\_  
Vic Kelson DATED  
Director of Utilities

\_\_\_\_\_  
John Hamilton DATED  
Mayor of Bloomington

CONTRACTOR: MILESTONE CONTRACTORS, L.P.

By: Brent Foster  
Contractor Representative DATED

Brent Foster  
Printed Name

General Superintendent  
Title of Contractor Representative

**PERMANENT SANITARY SEWER LINE EASEMENT**

**THIS INDENTURE WITNESSETH**, that Glick Arlington Park, LLC, an Indiana limited liability company, hereinafter called GRANTOR, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to CITY OF BLOOMINGTON UTILITIES, hereinafter called GRANTEE, a perpetual non-exclusive easement and right-of-way across and beneath that portion (and only that portion) of the real estate located in Monroe County, Indiana, described in a deed recorded at Instrument Number 2013020163 in the Office of the Recorder of Monroe County, Indiana ("Parent Parcel"), which is more particularly described in the legal description attached hereto and made a part hereof as Exhibit "A-3," and which is depicted in the depiction attached hereto and made a part hereof as Exhibit "B-3" ("Easement Area"). GRANTOR intends the easement and right-of-way granted herein to run with the land.

This Easement shall constitute a right-of-way and is granted for the purpose of permitting the GRANTEE, its employees, agents, assigns and independent contractors the right to enter upon the Easement Area for the purposes of constructing, installing, maintaining, repairing and replacing sanitary sewer lines as necessary.

It is further understood and agreed that as an additional consideration for the granting of this Easement, GRANTEE hereby promises and agrees that after such construction, installation, maintenance, repair, or replacement of sanitary sewer lines, GRANTEE shall repair or cause to be repaired any and all damage done to the Easement Area and the Parent Parcel (and any personal property thereon) and agrees to place such land in as good a condition as the same was immediately prior to the execution of this Easement and prior to such construction, installation, maintenance, repair or replacement. Other conditions of the Easement are:

1. No permanent structures or alterations within the Easement will be permitted, including, but not limited to, trees, signs, structures, or fences.
2. The GRANTOR shall be permitted to use the surface of the land within the Easement for paving, parking, and landscaping, or changing the grade of the land if plans for such improvements or grading are approved in writing by the GRANTEE prior to construction.
3. GRANTOR shall have ingress and egress access to the Parent Parcel during any construction, installation, maintenance, repair or replacement.
4. To the extent permitted by Indiana law, GRANTEE and its successors and assigns shall indemnify and hold harmless (a) GRANTOR and its successors and assigns, (b) the Gene B. Glick Family Housing Foundation, Inc., and its successors and assigns, and (c) the Gene B. Glick Company, Inc., and its successors and assigns, from and against all claims, damages, causes of action, losses, liabilities, demands, suits, judgments, fines, penalties, costs and expenses, including, without limitation, attorney's fees, and for all losses to property or injuries to or death of persons arising out of or resulting from the negligent act or omission or willful misconduct of the GRANTEE, its successors and assigns, and its employees and/or contractors in performing any construction, installation, maintenance, repair or replacement work, using the rights granted herein, and/or using the Easement Area.
5. This Easement is subject to any and all easements, conditions and restrictions of record.

The GRANTOR states that it is the sole owner of the Easement Area.

IN WITNESS WHEREOF, the GRANTOR and GRANTEE have hereunto set their hand and seal this 5<sup>th</sup> day of March, 2019.





STATE OF INDIANA            )  
  ) SS:  
COUNTY OF MONROE        )

Before me, the undersigned a Notary Public in and for said county and state, personally appeared, Vic Kelson, Director of City of Bloomington Utilities, the Grantee in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be his voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Signature

County of Residence: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

The mailing address to which statements should be mailed under IC 6-1.1-22-8.1 is Glick Arlington Park, LLC, 8801 River Crossing Boulevard, Suite 200, Indianapolis, Indiana 46240.

This instrument prepared by Christopher J. Wheeler, Assistant City Attorney,  
City of Bloomington Legal Department, P. O. Box 100, Bloomington, Indiana 47402

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Christopher J. Wheeler, Attorney at Law

**EXHIBIT "A-3"**

**Project:** 17<sup>th</sup> Street Reconstruction

Sheet 1 of 1

**Parcel:** 3 Permanent Sanitary Sewer Line Easement

**Tax ID:** 53-05-29-305-002.000-005

A part of the West half of the Southwest quarter of Section 29, Township 9 North, Range 1 West, Monroe County, Indiana, being a part of Lot 2, Arlington Park, Phase 1, a subdivision recorded in Cabinet C, Envelope 196, Monroe County Records, described as follows:

COMMENCING at the Southeast corner of the Southwest quarter of the Southwest quarter of said Section 29;

THENCE along the South line of said Section 29 North  $89^{\circ}28'28''$  West, a distance of 299.99 feet;

THENCE North  $00^{\circ}19'51''$  West, a distance of 23.27 feet to the existing North right of way line of 17<sup>th</sup> Street;

THENCE along said existing right of way line North  $89^{\circ}19'04''$  West, a distance of 218.92 feet to the POINT OF BEGINNING;

THENCE continuing along said existing right of way line North  $89^{\circ}19'04''$  West, a distance of 78.18 feet;

THENCE leaving said right of way line North  $00^{\circ}32'50''$  East, a distance of 17.30 feet;

THENCE South  $89^{\circ}19'04''$  East, a distance of 8.00 feet;

THENCE North  $00^{\circ}32'50''$  East, a distance of 4.00 feet;

THENCE South  $89^{\circ}19'04''$  East, a distance of 103.46 feet to the Northwest corner of an existing sanitary sewer easement recorded as Instrument No. 2010005714, Monroe County Records;

THENCE along the west line of said existing sanitary sewer easement South  $00^{\circ}35'14''$  West, a distance of 16.74 feet;

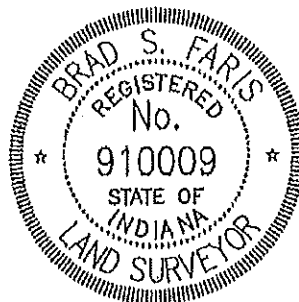
THENCE leaving the west line of said existing sanitary sewer easement North  $89^{\circ}27'10''$  West, a distance of 33.27 feet;

THENCE South  $00^{\circ}32'50''$  West, a distance of 4.48 feet to the POINT OF BEGINNING.

Containing 2,192 Sq. Ft. (0.05 acres)  $\pm$ .

This description was prepared for the City of Bloomington, Indiana under the supervision of Brad S. Faris, Indiana Registered Land Surveyor, License Number LS 910009, on the 9<sup>th</sup> day of January, 2019.

*Brad S Faris*



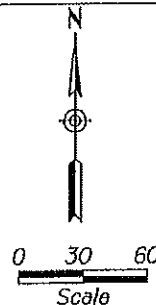
**DATA TABLE**

- L1: N89°28'28"W 299.99'
- L2: N00°19'51"W 23.27'
- L3: N89°19'04"W 218.92'
- L17: N89°19'04"W 78.18'
- L18: N00°32'50"E 17.30'
- L19: S89°19'04"E 8.00'
- L20: N00°32'50"E 4.00'
- L21: S89°19'04"E 103.46'
- L22: S00°35'14"W 16.74'
- L23: N89°27'10"W 33.27'
- L24: S00°32'50"W 4.48'

**EXHIBIT "B-3"**

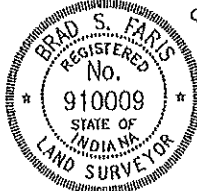
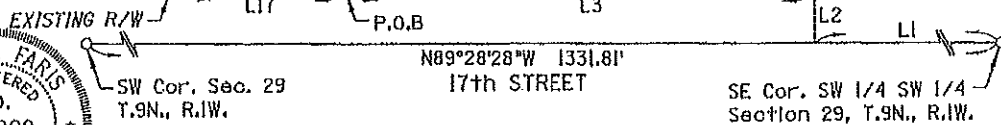
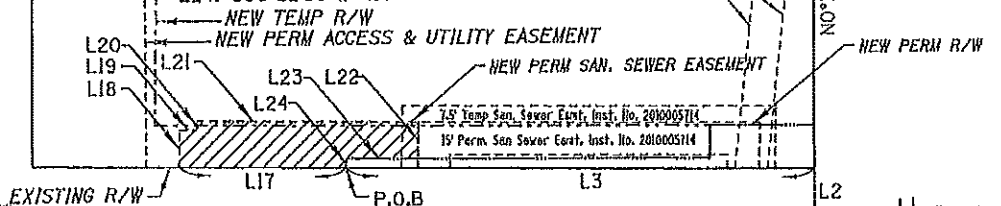
LOT 2  
ARLINGTON PARK, PHASE I  
Cabinet C, Envelope 196

15' Perm. San Sewer  
Esmt. Bk. 48, Pg. 213



N0°26'03"W 979.43'

N0°19'51"W 200.00'



= NEW PERMANENT SANITARY SEWER EASEMENT

**SURVEYOR'S STATEMENT**

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Inst. No. 2018008162 in the Office of the Recorder of Monroe County, Indiana, incorporated and made a part hereof by reference, comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 ("Rule 12").

Brad S. Faris  
Reg. Land Surveyor No. 910009  
State of Indiana

1/11/19  
Date

**AZTEC** 319 W. Elm Street, Suite 100  
Bloomington, IN 47404  
Tel: 317-333-2555  
Fax: 317-333-2511  
www.aztec.com

17th Street Reconstruction and Mulluse Path

PARCEL:	Parcel 3
OWNER:	Glick Arlington Park LLC.
TAXID:	33-05-29-305-002.000-005
SHEET NO.:	1 OF 1

**RESOLUTION 2019-04  
TO DESIGNATE SURPLUS PROPERTY FOR GIFTING**

**WHEREAS**, the City of Bloomington Utilities Department ("CBU") is in possession of a Mueller fire hydrant top that used to be a part of the City's infrastructure but was removed from service approximately two months ago, is in disrepair and no longer has any functional value to the CBU; and

**WHEREAS**, the CBU wishes to make a gift of this fire hydrant to City Church to be used as a display; and

**WHEREAS**, Indiana Code § 5-22-22-8, permits the City of Bloomington Utilities Service Board to declare that this fire hydrant has no market value since the value of the hydrant, if any, is less than the estimated cost of the sale and transportation (delivery) of the hydrant.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The CBU Mueller fire hydrant is hereby declared to have no market value and therefore worthless surplus property.
2. CBU shall gift the fire hydrant within thirty (30) days of this Resolution being signed by the City of Bloomington Utilities Service Board to City Church.

**SO ADOPTED** by the City of Bloomington Utilities Service Board at its regularly scheduled meeting of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Julie Roberts, President

\_\_\_\_\_  
Jeff Ehman, Member

\_\_\_\_\_  
Steven J. Sherman, Vice President

\_\_\_\_\_  
Sam K. Frank, Member

\_\_\_\_\_  
Jason Banach, Member

\_\_\_\_\_  
Jean Capler, Member

\_\_\_\_\_  
Amanda Burnham, Member

Attest:

\_\_\_\_\_  
Holly McLauchlin, Secretary  
Utilities Service Board

**UTILITY SERVICE BOARD  
CITY OF BLOOMINGTON, INDIANA  
RESOLUTION NO. 2019-05**

**TO AMEND THE EMERGENCY RESPONSE PLAN FOR ADMINISTRATIVE  
ENFORCEMENT OF THE TITLE 10 PRETREATMENT PROGRAM**

**WHEREAS,** Bloomington Municipal Code Title 10, titled Wastewater, is the City of Bloomington Wastewater Utility's sewer use ordinance which, in part, is where the City of Bloomington Wastewater Utility Pretreatment Program is located; and

**WHEREAS,** the City of Bloomington Wastewater Utility recently proposed extensive revisions to Title 10 which were reviewed and approved by the Common Council for the City of Bloomington on February 20, 2019, and

**WHEREAS,** Bloomington Municipal Code Title 10 references administrative enforcement of Title 10 through an Enforcement Response Plan; and

**WHEREAS,** the City of Bloomington Wastewater Utility has an Enforcement Response Plan duly enacted by this Board which sets out the administrative procedures by which the City of Bloomington Wastewater Utility will address Title 10 violations and the steps that may be taken to enforce Title 10; and

**WHEREAS,** in an effort to effectively address certain internal concerns and implementation issues, the City of Bloomington Wastewater Utility also revised its Enforcement Response Plan, a copy of the proposed Revised Enforcement Response Plan is attached hereto as **Exhibit "A"**; and

**WHEREAS,** the United States Environmental Protection Agency reviewed and provisionally approved the proposed Revised Enforcement Response Plan, pending approval of the same by this Board; and

**WHEREAS,** this Board has reviewed the Enforcement Response Plan and finds it to be acceptable.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The City of Bloomington Utilities Service Board hereby approves the revised Enforcement Response Plan in the form attached hereto as **Exhibit "A"**.

**SO ADOPTED** by the City of Bloomington Utilities Service Board at its regularly scheduled meeting of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Julie Roberts, President

\_\_\_\_\_  
Jeff Ehman, Member

\_\_\_\_\_  
Steven J. Sherman, Vice President

\_\_\_\_\_  
Sam K. Frank, Member

\_\_\_\_\_  
Jason Banach, Member

\_\_\_\_\_  
Jean Capler, Member

\_\_\_\_\_  
Amanda Burnham, Member

**ATTEST:**

\_\_\_\_\_  
Holly McLauchlin, Secretary  
Utilities Service Board

# **EXHIBIT A**



CITY OF BLOOMINGTON UTILITIES  
Bloomington, Indiana

PRETREATMENT PROGRAM  
ENFORCEMENT RESPONSE PLAN

Approved by the City of Bloomington, Indiana  
Utilities Service Board

---

Date of Revision

## Statement of Authority

This document is the City of Bloomington, Indiana Utilities' Enforcement Response Plan (ERP) for its Pretreatment Program. Federal regulation (40 CFR 403.8(f)(5)) requires the City of Bloomington Utilities (CBU) to develop an ERP as part of its Pretreatment Program. Where applicable, this plan will be consulted in the event enforcement action against Industrial Users becomes necessary.

The regulation as stated in 40 CFR 403.8(f)(5) is as follows:

The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of Industrial User noncompliance. The plan shall, at a minimum:

- (i) Describe how the POTW will investigate instances of noncompliance;
- (ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of Industrial User violations and the time periods within which responses will take place;
- (iii) Identify (by title) the official(s) responsible for each type of response;
- (iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8(f)(1) and (f)(2).

The Pretreatment Program was developed as required by 40 CFR 403.8(a). The Director has the legal authority to:

- i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit;
- ii) Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;
- iii) Control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 403.3(v), this control shall be achieved through individual permits.

This plan is tailored as recommended by the United States Environmental Protection Agency (USEPA) to include a range of enforcement responses available to the City of Bloomington Utilities in the event Industrial Users violate its rules and regulations. This ERP complies with federal and state regulations governing Industrial User discharges as set forth in the federal **Clean Water Act** and the **General Pretreatment Regulations (40 CFR Part 403)**. Additionally, this plan is to be consulted in the enforcement of local laws and regulations governing discharges to the POTW and collection systems. Local laws and regulations are found in Title 10 of the "**Bloomington Municipal Code**" (BMC) and in the CBU's "**Rules, Regulations, and Standards of Service.**"

The City of Bloomington Utilities intends to adhere to these guidelines when appropriate; however, enforcement responses may differ from those specified in this plan when unusual or extenuating circumstances exist. Variance from these guidelines may depend upon considerations such as degree of variance from Pretreatment Standards, duration of violations and the enforcement history of the violator. In no case shall this ERP be construed as to limit the enforcement discretion of the CBU.

**Right of Appeal:** Any person or entity aggrieved by any enforcement action taken by the Director of CBU may appeal to the Utilities Service Board for relief. The appellant must file a written request outlining the nature of the grievance within 14 days of being notified of the CBU enforcement action. The appeal shall be directed to the President of the Utilities Service Board and mailed to PO Box 1216, Bloomington, Indiana, 47402-1216. Appeals may also be delivered to the Office of the Director, City of Bloomington Utilities, 600 E. Miller Drive, Bloomington, Indiana 47401 (see Title 10, Chapter 10.30 of the "Bloomington Municipal Code").

**Other Governmental Enforcement Authority:** The Indiana Department of Environmental Management (IDEM) and the USEPA have separate and distinct authority to pursue entities that violate federal and state regulations and local pretreatment program rules. Nothing in this ERP shall be construed as to limit or diminish the enforcement authority of IDEM or USEPA. Both federal and state governments may pursue penalties against CBU in the event CBU fails to take appropriate enforcement action against violators.

CBU will notify the IDEM Office of Water Management regarding an enforcement action taken against any violator determined to be in Significant Noncompliance status.

## THE ENFORCEMENT PROCESS

Title 10 of the "Bloomington Municipal Code" and CBU's "Rules, Regulations, and Standards of Service" state that the Director of CBU, or his/her designee, is responsible for enforcement of CBU rules and regulations. The CBU Director (hereafter the Director) shall carry out informal enforcement actions. In most cases, the Director relies upon the Pretreatment Coordinator and program staff to fulfill this obligation. The Utilities Service Board (USB), upon the recommendation of the Director and the City's attorney(s), direct enforcement actions that require legal action. Below is a list of enforcement responses and typical responsibilities for Pretreatment Program staff:

Pretreatment Coordinator – The Pretreatment Coordinator (PC) is responsible for the day to day implementation and enforcement of the City's Industrial Pretreatment Program. Other Pretreatment Program staff may also participate with enforcement responses similar to the PC's responsibilities. Enforcement responses carried out by the PC include:

1. Informal notices (verbal and written)
2. Site visits
3. Notices of Violation
4. Compliance Schedules
5. Pretreatment Equipment Installations

6. Informal Meetings
7. Press Releases
8. Referrals to the city attorney for civil litigation (Judicial Enforcement)
9. Referrals to the state or EPA for criminal action (Additional Remedy)

Director – The Director has the responsibility to monitor the PC's actions and to initiate the following enforcement actions at the recommendation of the PC:

1. Revocation of permit
2. Administrative fines
3. Compliance schedules, when issued by the City
4. Administrative Orders
5. Emergency suspensions of discharge
6. Termination of discharge
7. Referrals to the city attorney for civil litigation (Judicial Enforcement)
8. Referrals to the state or EPA for criminal action (Additional Remedy)

City Attorney – The City Attorney will provide legal consultation as requested by the Director on enforcement actions and will take the lead on referrals for civil litigation.

The Director shall evaluate the response required by this ERP. The ERP provides uniform and equitable treatment to all violators. The Director may vary from the ERP requirements when unusual or extenuating circumstances exist.

This ERP outlines the type of noncompliance and the range of responses available to the Director. In promulgating the ERP, the CBU intends to accomplish four primary objectives:

1. The ERP shall recommend enforcement responses that are appropriate to the nature, severity and impact of the violation.
2. The ERP shall promote uniform responses to violations.
3. The ERP shall serve as advance notice to CBU customers that enforcement action is contemplated in the event federal, state or local rules are violated.
4. The ERP shall communicate the importance of adherence to federal, state and local regulations.

### Violation Categories

This ERP groups violations into two categories:

1. Industrial User violations.
2. Food Service Establishment violations.

Violations are typically investigated through record reviews, site visits, inspections, and sampling. These actions are typically performed by the Pretreatment Coordinator and program staff. Pretreatment staff reviews data to determine its reliability and conformance to EPA standards for analysis. Pretreatment records, including enforcement records, are kept for a minimum of 3 years.

### Enforcement Response Actions

Typical enforcement response actions include telephone/email notices (TXN), site visits (SV), Notice of Violation (NOV), Compliance Schedule (CS), Administrative Order (AO), Pretreatment Equipment Installation (PEI), Compliance Schedules (CS), Administrative Fines (AF), Emergency Suspension of Discharge (ES), Termination of Discharge (TD), Revocation of Permit (RP), Press Release (PR), Judicial Enforcement (JE), and Additional Remedy (AR) against violators. These actions are more fully discussed below. All enforcement response actions may require a response from the violator.

**Telephone Notices (TXN)** are utilized for instances where very minor violations have occurred and/or continue to occur. The Director may provide notice of said violations by telephonic or electronic mail (email) to any User so violating. TXN may be used in conjunction with other enforcement responses. TXN should be performed within 30 days of the City becoming aware of the violation.

**Site Visits (SV).** The Director may conduct site visits of any User, and shall have the right to enter the premises of any User, to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued herein. SV may also be used to discover violations. A SV may or may not include a sampling event(s). A SV report is placed on file in the Pretreatment Coordinator's office. SVs may be used in conjunction with other enforcement responses. SVs should be performed within 30 days of the City becoming aware of the violation.

**Notice of Violation (NOV).** An NOV is a written notice to the User which clearly identifies the nature of the violation and directs the User to come into compliance within a specified period of time. The NOV may also require the User to provide a written response to the violation and/or corrective action measures within a specified period of time typically ranging from 24 hours to 30 days.

**Compliance Schedules (CS).** Compliance Schedules may be required when a User has violations. Such a document shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as an Administrative Order pursuant to Section 10.30.030 (g) of the BMC and shall be judicially enforceable. The Director may, at his discretion, issue a CS or allow the User to propose a Compliance Schedule for approval. Compliance Schedules are typically required to be submitted or issued within 30-60 days of notice to the User and are typically completed within 12-18 months of approval.

**Administrative Orders (AO).** AOs are enforcement documents that direct Industrial Users to undertake and/or cease specified activities by specified deadlines. The terms of an AO may or

may not be negotiated with Industrial Users. AOs may incorporate compliance schedules, administrative penalties, termination of service and show cause orders. AOs are typically issued within 60 days of CBU becoming aware of the violation.

**Pretreatment Equipment Installation (PEI).** The Director may require an industrial user or food service establishment to install approved pretreatment equipment, such as a grease interceptor, within a specified timeframe. All equipment installations must include the submittal of adequate engineering and/or plumbing plans. PEIs may be used in conjunction with other enforcement responses. The requirement for PEIs should be issued within 30 days of the City becoming aware of the violation. The Director shall require the PEI to be installed within a reasonable timeframe.

**Administrative Fines (AF).** Any User that has violated, or continues to violate, any provisions of BMC Title 10, wastewater discharge permit, or order issued in accordance with BMC Title 10, or any other pretreatment standard or requirement, shall be subject to a fine of not more than two thousand five hundred dollars. Such fine shall be assessed on a per-violation, per-day basis, and in accordance with BMC Title 10. Factors which may be taken into account when assessing AFs include, but are not limited to, the type and severity of the violation, number of violations cited, duration of noncompliance, impact of the violation on the receiving water, sludge quality, and POTW operation, whether the violation threatened public health, the economic benefit or savings the industrial user gained from the noncompliance, compliance history of the industrial user, and the whether the industrial user is making a good faith effort to comply. AFs may be used in conjunction with other enforcement responses. AFs should be issued within 30 days of the City becoming aware of the violation.

**Emergency Suspension of Discharge (ES).** The Director may immediately suspend a User's discharge whenever actual or threatened discharge reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, whenever discharge presents, or may present, an endangerment to the environment, or whenever discharge threatens to interfere with the operation of the POTW. The Director shall notify the User that an Emergency Order for Suspension of Discharge has been issued before suspension occurs. ESs should be issued within 60 days of the City becoming aware of the violation, depending on the severity of the violation.

**Termination of Discharge (TD).** The Director may terminate the discharge of any User who commits fails to comply with any wastewater discharge permit conditions, fails to accurately report the wastewater constituents and characteristics of its discharge, fails to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge, refuses access to the User's premises for the purpose of inspection monitoring or sampling, or fails to comply with any of the pretreatment standards in Chapter 10.12 of the BMC. TDs may be used in conjunction with other enforcement responses and should be issued within 60 days of the City becoming aware of the violation, depending on the severity of the violation.

**Revocation of Permit (RP).** The Director may revoke the permit of any industrial discharger for good cause, including, but not limited to the following reasons:

- (1) Failure to factually report the wastewater constituents and characteristics of its discharge;
- (2) Failure to report significant changes in wastewater constituents or characteristics prior to changed discharge;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports and certification statements;
- (5) Tampering with monitoring equipment;
- (6) Failure to meet effluent limitations;
- (7) Failure to pay fines;
- (8) Failure to pay sewer charges;
- (9) Failure to meet compliance schedules;
- (10) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (11) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- (12) Refuses reasonable access to the industrial discharger's premises by representatives of the City for the purpose of inspection or monitoring;
- (13) Violates the conditions of any Pretreatment Standard or Requirement, its permit, or this title, or any final judicial order entered with respect thereto;
- (14) Causes the POTW to violate its NPDES permit; or
- (15) Failure to adhere to the terms of a special agreement.

RPs may be used in conjunction with other enforcement responses. RPs should be performed within 60 days of the City becoming aware of the violation.

**Press Release (PR).** When the Director finds that a User has violated, or continues to violate, any provision BMC Title 10, a wastewater discharge permit or order issued in accordance with BMC Title 10, or any other pretreatment standard or requirement, the Director may issue a press release to a local paper providing information regarding any and all violations. This information may also be included in any annual wastewater performance report to IDEM. PRs may be used in conjunction with other enforcement responses. PRs should be issued within 1 year of becoming aware of the violation.

**Judicial Enforcement (JE).** When the Director finds that a User has violated, or continues to violate, any provision of BMC Title 10, a wastewater discharge permit, any order issued in accordance with BMC Title 10, or any other pretreatment standard or requirement, the Director may seek judicial enforcement remedies through the City Legal Department in a court of competent jurisdiction, including injunctive relief or civil penalties.

**Additional Remedy (AR).** Violations of BMC Title 10, a wastewater discharge permit or order issued in accordance with BMC Title 10, or any other pretreatment standard or requirement may be referred for further enforcement, investigation, and/or prosecution.

## SIGNIFICANT NONCOMPLIANCE

Significant Industrial Users (SIUs) and Industrial Users who commit violations that meet one or more of the criteria below are in Significant Noncompliance (SNC) status:

1. Chronic violations of discharge limits where 66 percent or more of all measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
2. Technical Review Criteria violations where 33 percent or more of all measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
3. Any other discharge violation that the Director believes has caused alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 45 days after the due date, any required reports including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local Pretreatment program.

SIUs and Industrial Users found to be in Significant Noncompliance status (SNC) are required to submit a draft compliance schedule for review and approval by the Director, within 45 days of the date of receipt of notification of SNC status. The Director may order emergency suspension of service in any circumstance where the SNC status may create damage to human health, the environment or the POTW.

In addition to conventional penalties required in this ERP, the Director is required to publish a legal notice of the SNC status, in a newspaper of general circulation that provides meaningful



public notice within the jurisdictions served by the POTW, a list of all SIUs and Industrial Users in SNC status for the reasons listed above. This notice shall include a definition of SNC status, the reason for being designated as significantly noncompliant, and the time period required for the correction of the problem. The Director shall approve this notice prior to publication.

In some cases, the Director may require Industrial Dischargers in SNC status to submit a formal pollution prevention audit prepared by a qualified consultant or employee. In-house personnel may perform this audit if they are deemed qualified by the Director.

## City of Bloomington Utilities Pretreatment Program Violation and Enforcement Response Matrix for Industrial Users

Type of Violation	Range of Response
<b>Monitoring and Reporting Violations</b>	
Failure to sample, monitor or report (including incomplete reports, reports with errors, etc.)	TXN or SV, NOV, AF, TD, ES, RP, JE
Failure to notify an effluent limitation violation	NOV, AF, TD, ES, RP, JE
Failure to notify a slug discharge	AF, TD, ES, RP, JE
Falsification of information or data	AF, TD, ES, RP, JE, AND Referral to EPA Criminal Investigations
Tampering with monitoring equipment	AF, TD, ES, RP, JE, AND Referral to EPA Criminal Investigations
Altering discharge to affect compliance status with any Pretreatment Standards (including dilution, non-representative sampling schemes, etc.)	AF, TD, ES, RP, JE, AND Referral to EPA Criminal Investigations
Unapproved analytical procedures used for sample analysis	SV or TXN, NOV, AF, TDES, RP, JE
Failure to comply with monitoring waiver requirements	NOV, AF, TD, ES, RP, JE
<b>Discharge Violations</b>	
Exceeding final limits	NOV, CS, AO, AF, TD, ES, RP, JE
Exceeding final limits which are SNC	NOV, CS, AO, AF, TD, ES, RP, JE & PR
Exceeding interim limits	TXN, NOV, CS, AO, AF, TD, ES, RP, JE
Slug discharge	TXN, NOV, CS, AO, AF, TD, ES, RP, JE
Slug discharge which causes discharge limitation violation(s)	NOV, CS, AO, AF, TD, ES, RP, JE
Slug discharge which causes interference or pass through	AF, TD, ES, RP, JE
Discharge without permit or approval	NOV, AF, TD, ES, RP, JE
Discharge that causes the POTW to violate its NPDES permit	AF, TD, ES, RP, JE
Unauthorized discharge through manhole, or other components of the collection system or components which are connected to the collection system	AF, TD, ES, RP, JE, AND Referral to EPA Criminal Investigations
<b>Miscellaneous Violations</b>	
Use of dilution to change characteristics of discharge	AF, TD, ES, RP, JE
Violation of permit conditions not otherwise covered	TXN, NOV, CS, AO, AF, TD, ES, RP, JE
Missed interim date in a Compliance Schedule	NOV, CS, AO, AF, ES, RP, JE
Missed final date in a Compliance Schedule	AF, TD, ES, RP, JE
Failure to install equipment required by a Compliance Schedule	AF, TD, ES, RP, JE
Incomplete files or missing files	TXN/SV, NOV, CS, AO, AF, TD, ES, RP, JE

Legend	
TXN - Telephone or Email Notice	AF - Administrative Fine
SV - Site Visit	ES - Emergency Suspension of Discharge
NOV - Notice of Violation and Compliance Schedule	RP - Revocation of Permit
CS - Compliance Schedule	PR - Press Release
AO - Administrative Order	JE - Judicial Enforcement

\*In general, enforcement response will increase when violations increase in frequency or magnitude. However, enforcement responses may be skipped and escalated due to severity of violation. In addition, more than one enforcement response may be used for each violation. In the event a violation occurs which is not covered in this matrix, the Director will use Best Professional Judgement (BPJ) to provide an adequate and fair enforcement response.

## City of Bloomington Utilities Pretreatment Program Violation and Enforcement Response Matrix for Food Service Establishments

Type of Violation	Range of Response per Offense				
	1st	2nd	3rd	4th	5th
Failure to install grease removal device	Tier I	Tier II	Tier III	Tier IV	Tier V
Failure to comply with Best Management Practices	Tier I	Tier II	Tier III	Tier IV	Tier V
Failure to comply with maintenance requirements	Tier I	Tier II	Tier III	Tier IV	Tier V
Grease removal device unable to be inspected due to inaccessibility of equipment	Tier I	Tier II	Tier III	Tier IV	Tier V
Installation of an unapproved grease removal device	Tier II	Tier III	Tier IV	Tier V	Tier V
Failure to receive approval for the installation of a grease removal device, including associated plumbing and utility plans	Tier II	Tier III	Tier IV	Tier V	Tier V
FSE refuses or hinders inspection of facility	Tier III	Tier IV	Tier V	Tier V	Tier V
Falsification of self monitoring or maintenance information	Tier III	Tier IV	Tier V	Tier V	Tier V
Unauthorized discharge into sanitary sewer or grease removal devices	Tier III	Tier IV	Tier V	Tier V	Tier V
Failure to meet Compliance Schedule milestones or Compliance Schedule directives	Tier III	Tier IV	Tier V	Tier V	Tier V
Improper disposal of waste from a grease removal device	Tier III	Tier IV	Tier V	Tier V	Tier V
Creating conditions which result in or contribute to failure of the collection system, private sanitary sewer, or lateral, such as causing or contributing to a sanitary sewer overflow	Tier VI	Tier VI	Tier VI	Tier VI	Tier VI

Legend
NOV - Notice of Violation & Compliance Schedule
AF - Administrative Fine
TD - Termination of Discharge
PEI - Pretreatment Equipment Installation
PR - Press Release
JE - Judicial Enforcement

Enforcement Tier Levels
Tier I - NOV
Tier II - \$100 AF & NOV
Tier III - \$250 AF & NOV
Tier IV - \$500 AF & NOV & TD
Tier V - \$1000 AF & NOV & TD & JE & PR
Tier VI - PEI & AFs for additional offenses

\*In general, enforcement response will increase when violations increase in frequency or magnitude. However, enforcement responses may be skipped and escalated due to severity of violation. In addition, more than one enforcement response may be used for each violation. In the event a violation occurs which is not covered in this matrix, the Director will use Best Professional Judgement (BPJ) to provide an adequate and fair enforcement response.