



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Signature

Frank O'Bannon
Governor

John M. Hamilton
Commissioner

April 13, 1999

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Indianapolis, Indiana 46206-6015
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(800) 451-6027
www.ai.org/idem

CERTIFIED MAIL P 126 010 260

Mr. Michael Phillips, Director
Water & Wastewater Utilities
City of Bloomington
P.O. Box 1216
Bloomington, Indiana 47402-1216

Dear Mr. Phillips:

Re: Sewer Ban Early Warning Notification
Noncompliance with the Indiana
Code, Indiana Administrative Code,
and NPDES Permit No. IN0035718
City of Bloomington

WARNING OF NONCOMPLIANCE

You are hereby notified that this office has reviewed the compliance status of the Dillman Road wastewater treatment facility. This review revealed violations of the Indiana Code (IC), Indiana Administrative Code (IAC) and NPDES Permit No. IN0035718. The violations are based on the following:

1. 327 IAC 5-2-8(8), which states, in part, that the permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee and which are necessary for achieving compliance with the terms and conditions of the permit.
2. 327 IAC 5-2-8(1), which states, in part, that the permittee must comply with all terms and conditions of the permit.
3. Attachment A (page 18) of the NPDES permit issued in 1987, which states, in part, that overflow or bypass points present in the sanitary sewer system or at the wastewater treatment facility are expressly prohibited from discharging at any time.
4. IC 13-30-2-1, which states, in part, that a person may not discharge, emit, cause, allow, or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor either alone or in combination with contaminants from other sources, into the environment in any form that causes or would cause pollution that violates or would violate rules, standards,

or discharge or emission requirements adopted by the appropriate board under the environmental management laws.

5. IC 13-18-4-5 states that a person may not: (1) throw, run, drain, or otherwise dispose into any of the streams or waters of Indiana; or (2) cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise dispose into any waters; any organic or inorganic matter that causes or contributes to a polluted condition of any waters.

6. Part I of the NPDES permit sets forth the final effluent limitations and monitoring requirements applicable to the discharge from outfall 001A

7. 327 IAC 5-2-2 states that any discharge of pollutants into waters of the state as a point source discharge, except for exclusions made in 327 IAC 5-2-4, is prohibited unless in conformity with a valid NPDES permit obtained prior to the discharge.

A review of Discharge Monitoring Reports for the period beginning January 1999 revealed that your facility failed to meet NPDES effluent limitations as follows:

<u>Parameter</u>	<u>Outfall</u>	<u>Months</u>	
BOD5	001A	January	1999
		February	1999
Total Suspended Solids	001A	February	1999

Furthermore, the City of Bloomington has a 100% sanitary sewer system. Therefore, no bypasses or overflows are allowed. Bypasses and/or overflows were reported on nineteen (19) days in 1997 and on twenty-nine (29) days in 1998.

In addition to the violations noted above, we have noted that the average hydraulic load to the Dillman Road plant in 1998 was 13.21 million gallons per day. That loading is eighty-eight percent (88%) of the average design capacity of the treatment plant. Article 4 of Indiana Administrative Code (327 IAC 4-1-3) requires that our Department notify a municipality when the actual flow from the community's wastewater treatment system approaches ninety percent (90%) of its hydraulic design capacity. This notification must explain that it may become necessary, because of such condition, to impose a sewer connection ban if action is not taken by the City to accommodate additional flow.

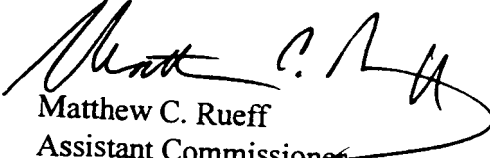
It is the belief of this office that the above noted violations are of a serious nature and deserve your immediate attention to return to compliance with the terms and conditions of the NPDES permit, Indiana Code, and Indiana Administrative Code. It is our understanding, however, that the City is already planning corrections to this condition. It is therefore requested that you advise the Compliance Evaluation Section, Office of Water Management, in writing,

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If you have any questions concerning this notice, please contact Mr. Len Ashack at 317/232-8631.

Sincerely,


Matthew C. Rueff
Assistant Commissioner
Office of Water Management

Enclosure

cc: Monroe County Health Department
US EPA, Region V, Water

bcc: Jeff Feller, Inspections
Ron Pearson, Inspections
Chuck Dunn, Data Management
Gary Starks, Compliance
Len Ashack, Permits/Compliance
P file