



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Carol S. Comer
Commissioner

October 20, 2016

Sent Via Email To: mayor@bloomington.in.gov

The Honorable John Hamilton, Mayor
City of Bloomington
401 N. Morton ST.
Suite 210
Bloomington, Indiana 47404

Dear Mayor Hamilton:

Re: Status Reminder
Sewer Ban Early Warning
City of Bloomington - Dillman Road
Wastewater Treatment Plant
NPDES IN0035718
Monroe County

This letter serves as a reminder that pursuant to administrative rule 327 Indiana Administrative Code (IAC) 4-1-3, a Sewer Ban Early Warning notice was given to the City of Bloomington's Dillman Road WWTP on April 13, 1999. Rule 327 IAC 4-1-3 states that when a wastewater treatment plant has reached or is approaching 90% of its hydraulic or organic design capacity, the Commissioner (or the Commissioner's delegate) shall notify it that the imposition of a Sewer Connection Ban may be necessary.

The Office of Water Quality has evaluated the City of Bloomington's discharge records for the past two years and finds that the chronic hydraulic overload condition that existed when the Sewer Ban Early Warning was issued still exists. This determination is based on a review of the reported effluent flow for the annual periods of 2014 and 2015 which shows that the annual average rates of discharge for these years were 95% and 94% respectively, based on the design flow of 15 MGD. Additionally, there were 14 bypass/overflow events in 2014 and 13 bypass/overflow events in 2015 which represent wastewater flows not included in the above totals.

We view the early warning notification process as a service to local government officials. The early warning notification is intended to alert the owners and operators of wastewater treatment systems to potential problems, and initiate a process for evaluation of existing conditions, plan for future solutions, and arranging for funding in case capital improvements are required.

One impact of the early warning notification is that if additional connections to the wastewater collection and treatment system are requested that would require a construction permit, they will be subject to close scrutiny by this department. The approval of any future connections would have to be evaluated for the possibility of significant additional load to the wastewater treatment plant or contribution to bypassing or the discharge of insufficiently treated sewage.

Furthermore, the rule which governs the overload condition of wastewater treatment facilities also contains a provision for the imposition of a ban on future wastewater connections. A sewer connection ban may be imposed if the excessive hydraulic and/or organic loading to the wastewater treatment plant continues, or the addition of wastewater from new sources is likely to result in the bypassing or the discharge of insufficiently treated sewage. Although a sewer connection ban is not being issued at this time, your flow records indicate that your community could qualify for such at this time. An excerpt from 327 IAC 4 is included for your reference.

Within 30 days of receipt of this letter, we are requesting that a written detailed response describing a plan for resolving this hydraulic loading issue be submitted to this office. Failure to respond with an adequate plan may result in the escalation to a Sewer Connection Ban pursuant to 327 IAC 4-1-4. Please direct your written response to Kim Rohr at:

Indiana Department of Environmental Management
Office of Water Quality; IGCN 1255
100 N. Senate Avenue
Indianapolis, IN 46204-2251.

If you have any questions, please do not hesitate to contact Kim Rohr 317-719-1666 or KRohr@idem.IN.gov.

Sincerely,

A handwritten signature in black ink that reads "Bridget S. Murphy". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Bridget S. Murphy, Chief
Wastewater Inspections Section
Compliance Branch
Office of Water Quality

Attachment

The following is an excerpt from 327 IAC 4, which applies to this correspondence:

327 IAC 4-1-1 Purpose

This article is promulgated in order to prevent the excessive hydraulic or organic, or both, overloading of POTWs or semipublic facilities resulting in the subsequent discharge or bypassing of insufficiently treated wastewater due to:

- (1) new sewer connections to; or
 - (2) poor operation and maintenance of;
- the facilities.

327 IAC 4-1-3 Early warning system

Whenever, in the determination of the commissioner, a semipublic facility or POTW has reached or is approaching ninety percent (90%) of its hydraulic or organic design capacity, the commissioner shall notify the semipublic facility or POTW that it may be necessary, because of such condition, to impose a sewer connection ban if action is not taken by the semipublic facility or POTW to accommodate additional flow or loading. The notification shall be:

- (1) by certified mail, return receipt requested; and
- (2) directed to the:
 - (A) principal executive officer;
 - (B) ranking elected official; or
 - (C) authorized agent;

of the semipublic facility or POTW.

Failure of the commissioner to provide the notification to the semipublic facility or POTW shall not preclude the imposition of a sewer connection ban as authorized by this article.

327 IAC 4-1-4 Imposition of sewer connection bans

(a) The commissioner may impose a ban on further sewer connections to the semipublic facility or POTW whenever, in the determination of the commissioner:

- (1) hydraulic or organic overloading of a semipublic facility or POTW exists or is impending and the introduction into the semipublic facility or POTW of additional wastewater from new or existing sources is likely to result in the discharge or bypassing of insufficiently treated wastewater; or
- (2) poor operation and maintenance practices have, or are likely to, result in the discharge or bypassing of insufficiently treated wastewater.

(b) The sewer connection ban shall prohibit the connection or introduction of additional wastewater into the semipublic facility or POTW, except as otherwise provided under this article.

327 IAC 4-1-5 Notification of imposition of sewer connection ban

(a) Whenever the commissioner has determined to impose a ban on further sewer connections to a POTW, the commissioner shall notify the principal executive officer, the ranking elected official, or the authorized agent or representative of the POTW of such determination by certified mail, return receipt requested.

(b) Whenever the commissioner has determined to impose a ban on further sewer connections to a semipublic facility, the commissioner shall notify the owner, chief executive officer, or authorized agent or representative of the semipublic facility of such determination by certified mail, return receipt requested.

327 IAC 4-1-6 Grounds and procedures for obtaining waivers of sewer connection bans

(a) Requests for connections from new or existing sources to a semipublic facility or POTW where a sewer connection ban is in effect may be approved if it is determined by the commissioner that any of the following conditions exist:

- (1) The:
 - (A) connection will eliminate an existing health hazard; and
 - (B) resulting public health benefit is considered to outweigh the adverse impact of any reduction in the effluent quality from the semipublic facility or POTW.
- (2) A semipublic facility or POTW expansion project:

- (A) is under construction; and
- (B) will be completed in such time as to accommodate the new connections.
- (3) An equivalent amount of infiltration or wastewater is removed from the system, thus assuring that the additional wastewater will receive treatment.
- (4) The commissioner is assured that additional water pollution treatment/control facilities, such as chemical feed equipment, will be provided such that the effluent from the semipublic facility or POTW will not deteriorate beyond its present quality.
- (5) Other assurances are provided that the additional wastewater to be discharged into the semipublic facility or POTW shall receive adequate treatment.

(b) Requests by POTWs for the waiver of a sewer connection ban for new or existing sources should be submitted by the principal executive officer or ranking elected official of the POTW to the commissioner. Requests by semipublic facilities for the waiver of a sewer connection ban for new or existing sources should be submitted by the owner, chief executive officer, or authorized agent or representative of the semipublic facility to the commissioner. The request for waiver of a sewer ban should contain, at a minimum, the projected:

- (1) flow and pollutant loadings from the proposed connection or connections; and
- (2) impact upon the semipublic facility or POTW.

327 IAC 4-1-7 Grounds for termination of sewer connection ban

A sewer connection ban may be terminated by the commissioner when either of the following exist:

- (1) A demonstrated wastewater treatment facility improvement to meet applicable NPDES permit limitations has been completed.
- (2) It is demonstrated to the satisfaction of the commissioner that an existing hydraulic/organic overloaded condition has been or will be discontinued for a continuous period of twelve (12) months from the date additional connections will be made.

327 IAC 4-1-8 Exclusions from sewer connection bans

The following shall be excluded from the requirements of sewer connection bans:

- (1) Single-family dwellings erected on vacant lots served by an existing sanitary sewer.
- (2) Projects that possess a valid construction permit issued under 327 IAC 3-2 prior to the imposition of a sewer connection ban.

bcc: Don Worley, OWQ Facilities Construction
Missy Nunnery, Inspector
Kim Rohr, Sewer Ban Coordinator
VFC