Corporation Counsel
Philippa M. Guthrie

City Attorney
Patricia M. Mulvihill

City of Bloomington
Legal Department

Assistant City Attorneys
Anahit Behjou
Thomas D. Cameron
Barbara E. McKinney
Jacquelyn F. Moore
Michael M. Rouker
Christopher J. Wheeler

February 19, 2016
Mr. Ken Nunn
Ken Nunn Law Office
Franklin Place
104 South Franklin Road
Bloomington, IN 47404

Dear Mr. Nunn,

The City of Bloomington has received your public record request on February 19, 2016 regarding Volatile Organic Compound ("VOC") and the City's drinking water.

We are currently investigating our files to provide you with the requested information. We will follow up with you when the investigation is complete. In the meantime, please feel free to contact me with any questions regarding your request.

Sincerely,

Anahit Behjou

--
Anahit Behjou
Assistant City Attorney
City of Bloomington Legal Dept.
401 N. Morton St., P.O. Box 100
Bloomington, IN 47402-0100
Telephone: 812-349-3426
Facsimile: 812-349-3441

RE: Request Pursuant to Freedom of Information Act

The City of Bloomington (Hereinafter referred to as "The City") responds to the forty-three paragraphs contained in the Request Pursuant to Freedom of Information Act received on the 16th day of December, 2015 as follows:

General Response: Lake Monroe is wholly owned by the United States Army Corps of Engineers and is managed by the Indiana Department of Natural Resources. Lake Monroe is bordered by two counties: Brown County and Monroe County. In addition to Brown County and Monroe County, two other counties, Jackson and Lawrence, are within five miles of the shores of Lake Monroe and these two counties may have properties upon which drainage ultimately enters Lake Monroe. The United States Environmental Protection Agency, United States Army Corps of Engineers, Indiana Department of Natural Resources, Indiana Department of Environmental Management, Brown County, Jackson County, Lawrence County and Monroe County are all governmental units and agencies that may have some regulatory control and responsibility over the waters of and lands surrounding Lake Monroe and/or some of the issues you are addressing in your request for information. The City has no regulatory control over any of the waters or lands surrounding Lake Monroe.

Response 1: The City does not have any records on the number of houses, apartments, condos, and businesses within five miles of Lake Monroe. The only records relating to any source of sewage existing within five miles of Lake Monroe relate to the City of Bloomington Utilities Department (CBU) and its sewer inventory. Particularly, the Dillman Road Wastewater Treatment Plant (WWTP), located at 100 W. Dillman Rd. sits approximately 3 miles away from the closest "finger" of Lake Monroe. The entire outfall from the plant discharges into Clear Creek, which never enters the Lake Monroe watershed. The City also has records relating to a contractual relationship with the Indiana Department of Natural Resources' (IDNR) Monroe Reservoir State Recreation Areas and the South Central Regional Sewer District's Caslon and Briarwood plants to accept their sludge at the CBU's Dillman Road WWTP.

Response 2 & 3: The City does not collect and has not collected any property taxes against any property located on or within 5 miles of Lake Monroe in the past four years. The City has no records for any other governmental taxing units. The four counties that surround Lake Monroe and regulate these concerns may have records on these matters.

Response 4: The City does not have any records on this information. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters.

Response 5: The City does not have any records on this information. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters.

Responses 6, 7, 8 & 9: The City does not have any records on this information. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters.

Responses 10, 11, 12 & 13: The City does not have any records on this information. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters.

Response 14: The City has records relating to a contractual relationship with the Indiana Department of Natural Resources' Monroe Reservoir State Recreation Areas and the South Central Regional Sewer District's Caslon and Briarwood plants to accept their sludge at the CBU's Dillman Road WWTP. CBU Dillman Road WWTP dries and then places the sludge in CBU's onsite sludge landfill and/or hauls the sludge to an offsite commercial landfill. The City does not have any other records relating to how sewage is handled, controlled and managed from recreational areas, camp sites and similar sources in a five mile area surrounding Lake Monroe. The City does not have any records pertaining to any raw sewage flowing directly into Lake Monroe. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters.

Response 15: The City does not have any records indicating whether there has been any research conducted on the amount of seepage or run off of pesticides and/or fertilizer into Lake Monroe from any sources. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters.

Response 16 & 17: The City does not have any records of any chemical spills into Lake Monroe. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters.

Response 18: The City does not have any records of any landfills with leachate that has the potential to drain to Lake Monroe. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters.

Response 19, 20, 21: The City does not have any records of any gasoline tanks within 5 miles of Lake Monroe. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters.

Response 22: The City does not have any records relating to these matters. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters.

Response 23: The City of Bloomington operates a surface water intake facility near the Moore's Creek cove at Lake Monroe which brings the water from Lake Monroe to the treatment plant and then to the City. Raw water is pumped through 36" reinforced concrete pipes to the treatment plant. Treated water is then pumped to the City through 36" reinforced concrete pipes. The pipes from Lake Monroe to the processing plant are not a source of contamination. The City has no records for Monroe County.

Response 24: The City does not have any water treatment plants within the city limits of Bloomington, Indiana.

Response 25: The City owns and operates one treatment plant (Monroe Water Treatment Plant) which sits outside City Limits and is located at 7470 Shields Ridge Road.

Response 26: The Monroe Water Treatment Plant was put into service in 1967. The plant has undergone the following upgrades: 1977, 1988, 1999, 2000, 2006, and 2013. The plant is not currently scheduled for an upgrade.

Response 27: The City has no records for Indiana University.

Response 28: The City has not increased the number of its water treatment plants. In 2013, the City completed a forty three million dollar expansion of CBU's Monroe Water Treatment Plant and its related distribution system. The project increased the 'firm' output from the treatment plant from 24 million gallons per day (mgd) to 30 mgd. The City anticipates this expansion will meet demand increases for the next 15+ years. The City has no records for Monroe County.

Response 29: CBU conducts periodic water testing and reporting to the United States Environmental Protection Agency and Indiana Department of Environmental Management all in accordance with Federal and State regulation. Monitoring and testing on the quality of water is conducted at regular intervals up to as much as every 15 minutes of every day all in accordance with Federal and State regulation. Reporting of all monitoring and testing is done in accordance with Federal and State regulation. Review and feedback of CBU's reports by the Environmental Protection Agency and Indiana Department of Environmental Management dictates whether plant design and size is adequate. The City has no records for Monroe County.

Response 30: CBU's 2016 budget for the Monroe Water Treatment Plant is $2,993,338.72. This reflects an 8.14 % increase over the 2015 budget for the plant. The total Water Utility Fund for 2016 is projected to be $15,548,602.00. Approximately $9 million of this total is for Operation & Maintenance and $5.3 million is for Debt Service and Existing Obligations. The City has no records for Monroe County.

Response 31: The City does not test the water in Lake Monroe. The City does test the raw water that enters the Monroe Water Treatment Plant. Raw water contaminant testing (both compliance and non-compliance) is done for the following additional contaminants: Total organic carbon, iron, manganese, cryptosporidium, giardia, e-coli, temperature and pH.

Response 32: See Response #29. The City is required to comply with the regulations for water quality set forth by the United States Environmental Protection Agency's Safe Drinking Water Act. The City will continue to follow and comply with the regulations set forth by these regulatory agencies in the next four years and beyond. The City expects that remaining in compliance with these regulations will enable continued provision of safe drinking water for the next four years and beyond.

Response 33: See Response #28. The Safe Drinking Water Act requires Public Water Systems to maintain adequate facilities in regards to the supply and demand of water. In 2013 the Monroe Water Treatment Plant was expanded for future capacity. IDEM has approved CBU's facilities and they are well below the threshold for future water planning studies. The City has no records for Monroe County.

Response 34: CBU's sewer system does not enter into the Lake Monroe Watershed and does not impact Lake Monroe. The City does not have any records as to any Monroe County sewer systems.

Response 35: The City assumes your use of the term "holding ponds" refers to storm water retention ponds. There are approximately 200 storm water retention ponds within the City of Bloomington. CBU's Dillman Road Waste Water Treatment Plant has an equalization basin that holds sewage during periods of high flow (e.g. rain events/snow melt events). The sewage from this equalization basin is eventually released into the Waste Water Treatment Plant for treatment once the high-flow period has subsided.

Response 36: The City has no records for Monroe County.

Response 37: The City has no records of any such structures.

Response 38: The City currently has no regulatory authority over the plumbing materials private citizens choose to use to bring water from the CBU infrastructure into their homes. In 1997 the City ceded all regulation, review and issuance of building permits to Monroe County. To that extent, Monroe County regulates, inspects and approves the installation of all private plumbing fixtures and systems in Monroe County, including the City of Bloomington. The City Council is the legislative body for the City and has the authority to enact ordinances that do not supersede state statutes. The City does not currently have any ordinance directly regulating the installation and use of plumbing materials by private citizens. The City has no records for Monroe County. The City has no record of how other cities handle this problem.

Response 39: The City believes the best solution for removing lead from drinking water is to not use any lead based materials in any private or public water lines. The City continues to address this issue. The City has no records of filters that can be used to prevent lead from getting into the water supply. The City recommends seeking information from the Environmental Protection Agency on the efficacy of lead removal by various point of use filtering systems. The source of lead in the City's drinking water is from the continued use of lead based plumbing materials in both the public and private systems. The City still has some cast iron water mains that are in use in its inventory. These cast iron water mains were installed circa 1910-1926 when it was common to use lead soldering to hold the pipes together. Similarly, the City still has some service lines (service lines run from the water main to each customer's water meter) that contain lead components (lead service lines with lead soldered joints and copper service lines with lead soldered joints) that are still in use in its inventory. Many of the older buildings in the City still have plumbing materials with lead piping and/or lead components for their private service lines (from meter to house) and still have plumbing materials with lead piping and/or lead components inside

their homes. The City has no information on what is or is not available to other cities. The City has no records for Monroe County.

Response 40: The CBU failed to pull a water sample by the required deadline of September 30, 2014, and instead the water sample was pulled on October 2, 2014. The test results of the October 2, 2014, water sample indicate that the CBU was operating within normal contaminant level parameters for water quality. This oversight resulted in a sampling violation, but not a Maximum Contaminant Level violation. CBU conducted additional training for all employees responsible for pulling samples to ensure that sampling dates are met and timely sampling is conducted and reported.

Response 41: The City has no record as to what percentage of the water drinking population in the City of Bloomington received a copy of the pamphlet. Federal Regulation under the Safe Drinking Water Act mandates that the CBU mail a copy of the Consumer Confidence Report to each CBU customer. All customers were either mailed a copy of the pamphlet through the United States Postal Service, or, if they receive an e-bill (not a paper bill), they were sent a pdf version of the report via email. Indiana University, as the customer of the CBU, was provided multiple hard copies of the pamphlet as well as the pdf version. The City has no record as to whether Indiana University then notified each and every Indiana University student. CBU received hundreds of pamphlets back as undeliverable.

Response 42: The City has no record of contamination levels at Lake Monroe in its first year of creation. The City has no record of contamination, or what may be causing the same, of Lake Monroe. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters. The City has no records for Monroe County.

Response 43: The City does not regulate land use around Lake Monroe and does not regulate use of Lake Monroe itself. The entities identified in the above General Response may be responsible for regulating these concerns and may have records on these matters. The City has no records for Monroe County.