

Public Infrastructure Application Submission Checklist

All applications will be screened for completeness. Applicants must complete and submit this checklist with the application. **All pages of the application must be sequentially numbered.** Use the right-hand column, labeled "Page Number" to indicate the page for each item.

- Original grant application (*indicate the "original" on the cover*)
 Two complete copies of the grant application

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Letter of Transmittal

June 12, 2020

Director's Office
Illinois Department of Commerce and Economic Opportunity
500 East Monroe
Springfield, Illinois 62701

Dear Director:

The City of Bloomington is submitting an application for a public infrastructure grant under the Rebuild Illinois program. The grant request is in the amount of \$4,504,294 to be used to construct Phase 2 of the Locust/Colton Combined Sewer Overflow Elimination Project, which includes installation of new sanitary sewer in some locations and new storm sewer in other locations to separate storm and sanitary flow in the Locust/Colton sewershed; installation of new water main to upgrade the water system within the construction limits; new curb and gutter along with a new hot mix asphalt street overlay on Moore Street and Warner Street; and curb-to-curb resurfacing on Washington Street, Mercer Avenue, and Grove Street. Additional funds in the amount of \$170,000 to be used for the completion of the project will come from the Sanitary Sewer Fund (5110) (\$50,000), Storm Water Fund (5310) (\$50,000), and Water Fund (5010) (\$70,000).

I certify that this application meets the eligibility thresholds as outlined in the Notice of Funding Opportunity and Rebuild Illinois Guidebook. In addition, I certify that the application has been approved by the unit of local government named in the application.

Very truly yours,


Tari Renner,
Mayor



**Illinois
Department of Commerce
& Economic Opportunity**

Uniform Application for State Grant Assistance

Agency Completed Section

1. Type of Submission Pre-Application
 Application
 Changed / Corrected Application
2. Type of Application New
 Continuation (i.e. multiple year grant)
 Revision (modification to initial application)

3. Date/Time Received By State (Completed by State Agency upon Receipt of Application)

4. Name of Awarding State Agency

Illinois Department of Commerce and Economic Opportunity

5. Catalog of State Financial Assistance (CSFA) Number

420-75-2373

6. CSFA Title

REBUILD ILLINOIS COMPETITIVE PUBLIC INFRASTRUCTURE PROGRAM

Catalog of Federal Domestic Assistance (CFDA)

Not Applicable (No federal funding)

7. CFDA Number

8. CFDA Title

9. CFDA Number

10. CFDA Title

Additional CFDA Number, if required

Additional CFDA Title, if required

Funding Opportunity Information

11. Funding Opportunity Number

RIPI (92-1)

12. Funding Opportunity Title

REBUILD ILLINOIS PUBLIC INFRASTRUCTURE PROGRAM

13. Competition Identification Number

14. Competition Identification Title

Applicant Completed Section

Applicant Information

15. Legal Name (Name used for DUNS registration and grantee pre-qualification)

16. Common Name (DBA)

17. Employer/Taxpayer identification number (EIN, TIN)

18. Organizational DUNS Number

19. SAM Cage Code

20. Business Address (Address 1) (Address 2) (City), (State), (zip - 4)

Applicant's Organizational Unit

21. Department Name

22. Division Name

Applicant's Name and Contact Information for Person to be Contacted for **Program** Matters involving this Application.

23. First Name

24. Last Name

25. Suffix

26. Title

27. Organizational Affiliation

28. Telephone Number

29. Fax Number

30. E-mail Address

Applicant's Name and Contact Information for Person to be Contacted for **Business/Administrative Office** Matters involving the Application.

31. First Name

32. Last Name

33. Suffix

34. Title

35. Organizational Affiliation

36. Telephone Number

37. Fax Number

38. E-mail Address

Areas Affected

39. Areas Affected by the Project (cities, counties, state-wide, add attachments e.g. maps)

40. Legislative and Congressional District of Applicant

41. Legislative and Congressional Districts or Program Project

Applicant's Project

42. Description Title of Applicant's Project

43. Proposed Project Term
Start Date
End Date

44. Estimated Funding (Include all that apply)

Amount Requested from the State

Applicant Contribution (e.g., in kind, matching)

Local Contribution

Other Source of Contribution

Program Income

Total Amount

Applicant Certification:

By signing this application, I certify (1) to the statements contained in the list of certifications* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil or administrative penalties. (U.S. Code, Title 18, Section 1001)

(*) The list of certification and assurances, or an internet site where you may obtain this list is contained in the Notice of Funding Opportunity. If a NOFO was not required for the award, the state agency will specify required assurances and certifications as an addendum to the application.

I Agree

Authorized Representative

45. First Name

46. Last Name

47. Suffix

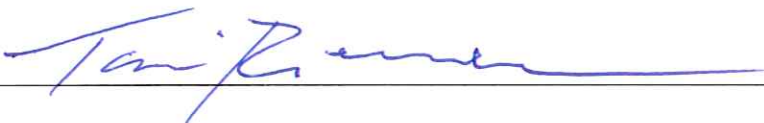
48. Title

49. Telephone Number

50. Fax Number

51. E-mail Address

52. Signature of Authorized Representative



53. Date Signed



APPLICANT PROJECT INFORMATION

REBUILD ILLINOIS PUBLIC INFRASTRUCTURE

Type of project? Waste Disposal Systems; Flood and Drainage; Water distribution and purification facilities

If this project is "on behalf of" another entity, what is the entity:

Not applicable

I. PROJECT LOCATION ADDRESS:

Street Address Project location includes Washington, Grove, Mercer, Moore and Warner
(required)

City Bloomington State Illinois Zip Code 61701

The project location will be utilized to verify inclusion in an opportunity zone and/or DCEO underserved area.

II. PROJECT BENEFIT INFORMATION

Provide the total number of persons served based upon the Census: 76,610 (2010)

CENSUS TRACT NUMBER(s) – Use additional sheet, if necessary.

McLean County, Illinois Tract 3.02 #17113000302	McLean County, Illinois Tract 11.05 #17113001105	McLean County, Illinois Tract 13.02 #17113001302	McLean County, Illinois Tract 14.04 #17113001404	McLean County, Illinois Tract 18 #17113001800	McLean County, Illinois Tract 59 #17113005900
McLean County, Illinois Tract 5.05 #17113000505	McLean County, Illinois Tract 11.06 #17113001106	McLean County, Illinois Tract 13.03 #17113001303	McLean County, Illinois Tract 15 #17113001500	McLean County, Illinois Tract 21.01 #17113002101	
McLean County, Illinois Tract 11.03 #17113001103	McLean County, Illinois Tract 12 #17113001200	McLean County, Illinois Tract 14.02 # 17113001402	McLean County, Illinois Tract 16 #17113001600	McLean County, Illinois Tract 51.01 #17113005101	
McLean County, Illinois Tract 11.04 #17113001104	McLean County, Illinois Tract 13.01 #17113001301	McLean County, Illinois Tract 14.03 #17113001403	McLean County, Illinois Tract 17 #17113001700	McLean County, Illinois Tract 58 #17113005800	

Is this project located in an Enterprise Zone? Yes No

Is this project located in an Empowerment Area? Yes No

Is this project located in a Tax Increment Financing District? Yes No

What is the current unemployment rate of the County? 12.8% (April) (from IDES Non-Seasonally Adjusted, available at: https://www2.illinois.gov/ides/lmi/Pages/Local_Area_Unemployment_Statistics.aspx)

III. APPLICATION WRITER

CONTACT PERSON:

TITLE:

Jennifer Toney _____ Grant Administrator _____

ADDRESS AND PHONE NUMBER:

Firm Name City of Bloomington _____

Street Address 115 East Washington Street _____ P.O. Box 3157 _____

City Bloomington _____ State Illinois _____ Zip Code 61702-3157 _____
(include + 4)

E-Mail jtoney@cityblm.org _____
(required)

BUSINESS PHONE: (309) 261-2425 _____ FAX PHONE: (309) 434-2201 _____

FEDERAL EMPLOYER IDENTIFICATION NUMBER: 37-6001563 _____
(required)

IV. PROJECT ENGINEER, if selected

CONTACT PERSON: _____ TITLE: _____

Kevin Kothe, P.E. _____ Director of Public Works _____

ADDRESS AND PHONE NUMBER:

Firm Name City of Bloomington _____

Street Address 115 East Washington Street _____ P.O. Box 3157 _____
(required) (Only if no street address)

City Bloomington _____ State Illinois _____ Zip Code 61701 _____
(include + 4)

E-Mail kkothe@cityblm.org _____
(required)

BUSINESS PHONE: (309) 434-2225 _____ FAX PHONE: (309) 434-2201 _____

FEDERAL EMPLOYER IDENTIFICATION NUMBER: 37-6001563 _____
(required)

State of Illinois -- Uniform Budget Template -- General Instructions

This form is used to apply to individual State of Illinois discretionary grant programs. Applicants should submit budgets based upon the total estimated costs for the project including all funding sources. Pay attention to applicable program specific instructions, if attached. The applicant organization should refer to 2 CFR 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" cited within these instructions.

You must consult with your Business Office prior to submitting this form for any award restrictions, limitations or requirements when filling out the narrative and Uniform Budget Template.

Section A – Budget Summary

STATE OF ILLINOIS FUNDS

All applicants must complete Section A and provide a break-down by the applicable budget categories shown in lines 1-17. **Please read all instructions before completing form.**

STATE OF ILLINOIS GRANT FUNDS

Provide a total requested State of Illinois Grant amount for each year in the Revenue portion of Section A. The amount entered in Line (a) will equal the total amount budgeted on Line 18 of Section A.

BUDGET SUMMARY – STATE OF ILLINOIS FUNDS

All applicants must complete Section A and provide a break-down by the applicable budget categories shown in lines 1-17.

Line 18: Show the total budget request for each fiscal year for which funding is requested.

Please use detail worksheet and narrative section for further descriptions and explanations of budgetary line items

Section A (continued) Indirect Cost Information: *(This information should be completed by the applicant's Business Office)*. If the applicant is requesting reimbursement for indirect costs on line 17, the applicant's Business Office must select one of the options listed on the Indirect Cost Information page under Section-A Indirect Cost Information (1-4).

Option (1): The applicant has a Negotiated Indirect Cost Rate Agreement (NICRA) that was approved by the Federal government. A copy of this agreement must be provided to the State of Illinois' Indirect Cost Unit for review and documentation. This NICRA will be accepted by all State of Illinois Agencies up to any statutory, rule-based or programmatic restrictions or limitations. *If this option is selected by the applicant, basic information is required for completion of this section. See bottom of "Section-A Indirect Cost Information"*

NOTE: The applicant may not have a Federally Negotiated Indirect Cost Rate Agreement. Therefore, in order for the applicant to be reimbursed for Indirect Costs from the State of Illinois, the applicant must either:

- A) Negotiate an Indirect Cost Rate with the State of Illinois' Indirect Cost Unit with guidance from our State Cognizant Agency on an annual basis.**
- B) Elect to use the de minimis rate of 10% modified total direct cost (MTDC) which may be used indefinitely on State of Illinois Awards.**
- C) Use a Restricted Rate designated by programmatic statutory policy. (See Notice of Funding Opportunity for Restricted Rate Programs)**

Option (2a): The applicant currently has a Negotiated Indirect Cost Rate Agreement with the State of Illinois that will be accepted by all State of Illinois Agencies up to any statutory, rule-based or programmatic restrictions or limitations. The applicant is required to submit a new Indirect Cost Rate Proposal to the Indirect Cost Unit within six (6) months after the close of each fiscal year (2 CFR 200 Appendix IV (C)(2)(c)). **Note:** *If this option is selected by the applicant, basic information is required for completion of this section. See bottom of "Section-A Indirect Cost Information"*

Option (2b): The applicant currently does not have a Negotiated Indirect Cost Rate Agreement with the State of Illinois. The applicant must submit its initial Indirect Cost Rate Proposal (ICRP) immediately after the applicant is advised that the State award will be made and, in no event, later than three (3) months after the effective date of the State award (2 CFR 200 Appendix IV (C)(2)(b)). The initial ICRP will be sent to the State of Illinois' Indirect Cost Unit. **Note:** *The applicant should check with the State of Illinois awarding Agency for information regarding reimbursement of indirect costs while its proposal is being negotiated*

Option (3): The applicant elects to charge the de minimis rate of 10% modified total direct cost (MTDC) which may be used indefinitely on State of Illinois awards (2 CFR 200.414 (c)(4)(f) & (200.68). **Note:** *The applicant must be eligible, see 2 CFR 200.414 (f), and submit documentation on the calculation of MTDC within your Budget Narrative under Indirect Costs. Note the applicant may only use the 10 percent de minimis rate if the applicant does not have an Approved Indirect Cost Rate Agreement. The applicant may not use the de minimis rate if it is a Local government, or if your grant is funded under a training rate or restricted rate program .*

Option (4): If you are applying for a grant under a Restricted Rate Program, indicate whether you are using a restricted indirect cost rate that is included on your approved Indirect Cost Rate Agreement, or whether you are using a restricted indirect cost rate that complies with statutory or programmatic policies. **Note:** *See Notice of State Award for Restricted Rate Programs*

Section B - Budget Summary

NON-STATE OF ILLINOIS FUNDS

NON-STATE OF ILLINOIS FUNDS: If the applicant is required to provide or volunteers to provide cost-sharing or matching funds or other non-State of Illinois resources to the project, the applicant must provide a revenue breakdown of all Non-State of Illinois funds in lines (b)-(d). the total of "Non-State Funds" should equal the amount budgeted on Line 18 of Section B. If a match percentage is required, the amount should be entered in this section.

BUDGET SUMMARY – NON STATE OF ILLINOIS FUNDS

If the applicant is required to provide or volunteers to provide cost-sharing or matching funds or other non-State of Illinois resources to the project, these costs should be shown for each applicable budget category on lines 1-17 of Section B.

Lines 1-17: For each project year, for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Line 18: Show the total matching or other contribution for each fiscal year.

Please see detail worksheet and narrative section for further descriptions and explanations of budgetary line items

Section C - Budget Worksheet & Narrative

[Attach separate sheet(s)]

Pay attention to applicable program specific instructions, if attached.

All applicants are required to submit a budget narrative along with Section A and Section B. The budget narrative is sometimes referred to as the budget justification. The narrative serves two purposes: it explains how the costs were estimated and it justifies the need for the cost. The narrative may include tables for clarification purposes. The State of Illinois recommends using the State of Illinois Uniform Budget Template worksheet and narrative guide provided.

1. Provide an itemized budget breakdown, and justification by project year, for each budget category listed in Sections A and B.
2. For non-State of Illinois funds or resources listed in Section B that are used to meet a cost-sharing or matching requirement or provided as a voluntary cost-sharing or matching commitment, you must include:
 - a. The specific costs or contributions by budget category;
 - b. The source of the costs or contributions; and
 - c. In the case of third-party in-kind contributions, a description of how the value was determined for the donated or contributed goods or services.

[Please review cost sharing and matching regulations found in 2 CFR 200.306.]

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
4. If the applicant is requesting reimbursement for indirect costs on line 17, this information should be completed by the applicant's Business Office. Specify the estimated amount of the base to which the indirect cost rate is applied and the total indirect expense. Depending on the grant program to which the applicant is applying and/or the applicant's approved Indirect Cost Rate Agreement, some direct cost budget categories in the applicant's grant application budget may not be included in the base and multiplied by your indirect cost rate. Please indicate which costs are included and which costs are excluded from the base to which the indirect cost rate is applied.
5. Provide other explanations or comments you deem necessary.

Keep in mind the following—

Although the degree of specificity of any budget will vary depending on the nature of the project and State of Illinois agency requirements, a complete, well-thought-out budget serves to reinforce your credibility and increase the likelihood of your proposal being funded.

- A well-prepared budget should be reasonable and demonstrate that the funds being asked for will be used wisely.
- The budget should be as concrete and specific as possible in its estimates. Make every effort to be realistic, to estimate costs accurately.
- The budget format should be as clear as possible. It should begin with a budget narrative, which you should write after the entire budget has been prepared.
- Each section of the budget should be in outline form, listing line items under major headings and subheadings.
- Each of the major components should be subtotaled with a grand total at the end.

Your budget should justify all expenses and be consistent with the program narrative:

- Salaries should be comparable to those within the applicant organization.
- If new staff is being hired, additional space and equipment are considered, as necessary.
- If the budget lists an equipment purchase, it is the type allowed by the agency.
- If additional space is rented, the increase in insurance is supported.
- If an indirect cost rate applies to the proposal, the division between direct and indirect costs is not in conflict, and the aggregate budget totals refer directly to the approved formula. Indirect costs are costs that are not readily assignable to a particular project, but are necessary to the operation of the organization and the performance of the project (like the cost of operating and maintaining facilities, depreciation, and administrative salaries).

§200.308 Revision of budget and program plans

(e) The Federal/State awarding agency may, at its option, restrict the transfer of funds among direct cost categories or programs, functions and activities for Federal/State awards in which the Federal/State share of the project exceeds the Simplified Acquisition Threshold and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent or \$1,000 per detail line item, whichever is greater of the total budget as last approved by the Federal/State awarding agency. The Federal/State awarding agency cannot permit a transfer that would cause any Federal/State appropriation to be used for purposes other than those consistent with the appropriation.

STATE OF ILLINOIS		UNIFORM GRANT BUDGET TEMPLATE		Commerce & Economic Opportunity	
Organization Name:	City of Bloomington	DUNS#	60864170	NOFO #	2373-1362
CSFA Number:	420-75-2373	CSFA Description:	Rebuild Illinois	Fiscal Year:	2020
SECTION A -- STATE OF ILLINOIS FUNDS				Grant #	
Revenues				TOTAL REVENUE	
(a). State of Illinois Grant Amount Requested				\$ 4,504,294.00	
BUDGET SUMMARY STATE OF ILLINOIS FUNDS					
Budget Expenditure Categories		OMB Uniform Guidance Federal Awards Reference 2 CFR 200		TOTAL EXPENDITURES	
1. Design/Engineering				\$ -	
2. Building/Land Purchase				\$ -	
3. Equipment/Materials/Labor				\$ -	
4. Equipment				\$ -	
5. Wiring/Electrical				\$ -	
6. Mechanical System				\$ -	
7. Paving/Concrete/Masonry				\$ -	
8. Plumbing				\$ -	
9. Construction Management/Oversight				\$ -	
10. Construction				\$ 4,504,294.00	
11. Other Construction Expenses				\$ -	
12. Excavation/Site Prep/Dem				\$ -	
13. Site Work				\$ -	
14. Demolition & Removal				\$ -	
15. Contingency				\$ -	
16. Total Direct Costs (lines 1-15)				\$ 4,504,294.00	
17. Total Costs State Grant Funds (16 &17)				\$ 4,504,294.00	

Organization Name: City of Bloomington NOFO # 2373-1362

SECTION - A (continued) Indirect Cost Rate Information

If your organization is requesting reimbursement for indirect costs on line 17 of the Budget Summary, please select one of the following options.

1) Our Organization receives direct Federal funding and currently has a Negotiated Indirect Cost Rate Agreement (NICRA) with our Federal Cognizant Agency. A copy of this agreement will be provided to the State of Illinois' Indirect Cost Unit for review and documentation before reimbursement is allowed. This NICRA will be accepted by all State of Illinois Agencies up to any statutory, rule-based or programmatic restrictions or limitations.

NOTE: (If this option is selected, please provide basic Negotiated Indirect Cost Rate Agreement information in area designated below)

Your Organization may not have a Federally Negotiated Indirect Cost Rate Agreement. Therefore, in order for your Organization to be reimbursed for Indirect Costs from the State of Illinois, your Organization must either:

- A. Negotiate an Indirect Cost Rate with the State of Illinois' Indirect Cost Unit with guidance from your State Cognizant Agency on an annual basis.
- B. Elect to use the de minimis rate of 10% modified total direct cost (MTDC) which may be used indefinitely on State of Illinois Awards.
- C. Use a Restricted Rate designated by programmatic or statutory policy. (See Notice of Funding Opportunity for Restricted Rate Programs)

2a) Our Organization currently has a Negotiated Indirect Cost Rate Agreement with the State of Illinois that will be accepted by all State of Illinois Agencies up to any statutory, rule-based or programmatic restrictions or limitations. Our Organization is required to submit a new Indirect Cost Rate Proposal to the Indirect Cost Unit within six (6) months after the close of each fiscal year (2 CFR 200 Appendix IV (C)(2)(c)).

NOTE: (If this option is selected, please provide basic Indirect Cost Rate information in area designated below)

2b) Our Organization currently does not have a Negotiated Indirect Cost Rate Agreement with the State of Illinois. Our Organization will submit our initial Indirect Cost Rate Proposal (ICRP) immediately after our Organization is advised that the State award will be made and, in no event, later than three (3) months after the effective date of the State award (2 CFR 200 Appendix IV (C)(2)(b)). The initial ICRP will be sent to the State of Illinois' Indirect Cost Unit.

NOTE: (Check with your State of Illinois Agency for information regarding reimbursement of indirect costs while your proposal is being negotiated)

3) Our Organization has never received a Negotiated Indirect Cost Rate Agreement from either the Federal government or the State of Illinois and elects to charge the de minimis rate of 10% modified total direct cost (MTDC) which may be used indefinitely on State of Illinois awards (2 CFR 200.414 (c)(4)(f) & (200.68)).

NOTE: (Your Organization must be eligible, see 2 CFR 200.414 (f), and submit documentation on the calculation of MTDC within your Budget Narrative under Indirect Costs)

4) For Restricted Rate Programs (check one) -- Our Organization is using a restricted indirect cost rate that:

_____ Is included as a "Special Indirect Cost Rate" in our NICRA (2 CFR 200Appendix IV (5) Or;

_____ Complies with other statutory policies (please specify):

The Restricted Indirect Cost Rate is _____ %

5) No reimbursement of Indirect Cost is being requested. (Please consult your program office regarding possible match requirements)

Basic Negotiated Indirect Cost Rate Agreement information if Option (1) or (2a) is selected

Period Covered by the NICRA: From: _____ To: _____ (mm/dd/yyyy)

Approving Federal/State agency (please specify): _____


The Indirect Cost Rate is: _____ 0 % The Distribution Base is: _____

STATE OF ILLINOIS	UNIFORM GRANT BUDGET TEMPLATE	Commerce & Economic Opportunity 15
Organization Name: City of Bloomington	NOFO # 2373-1362	Fiscal Year 2020
SECTION B -- NON STATE OF ILLINOIS FUNDS		Grant Number:
Revenues		TOTAL REVENUE
	Private	Public
NON-STATE Funds Total	\$ -	\$ 170,000.00
BUDGET SUMMARY NON-STATE OF ILLINOIS FUNDS		
Budget Expenditure Categories	TOTAL Private EXPENDITURES	TOTAL Public EXPENDITURES
1. Design/Engineering	\$ -	\$ -
2. Building/Land Purchase	\$ -	\$ -
3. Equipment/Materials/Labor	\$ -	\$ -
4. Equipment	\$ -	\$ -
5. Wiring/Electrical	\$ -	\$ -
6. Mechanical System	\$ -	\$ -
7. Paving/Concrete/Masonry	\$ -	\$ -
8. Plumbing	\$ -	\$ -
9. Construction Management/Oversight	\$ -	\$ -
10. Construction	\$ -	\$ 170,000.00
11. Other Construction Expenses	\$ -	\$ -
12. Excavation/Site Prep/Dem	\$ -	\$ -
13. Site Work	\$ -	\$ -
14. Demolition & Removal	\$ -	\$ -
15. Contingency	\$ -	\$ -
16. Total Direct Costs (lines 1-15)	\$ -	\$ 170,000.00
17. Total Costs NON -State Grant Funds (16 &17)		\$ 170,000.00

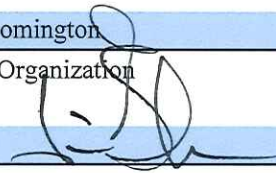
CERTIFICATION	STATE OF ILLINOIS UNIFORM GRANT BUDGET TEMPLATE	16 AGENCY: Commerce & Economic Opportunity
Organization Name: City of Bloomington	CSFA Description: Rebuild Illinois Infrastructure Project	NOFO # 2373-1362
CSFA #: 420-75-2373	DUNS # 60864170	Fiscal Year(s): 2020

(2 CFR 200.415)

“By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate and that any false, fictitious, or fraudulent information or the omission of any material fact, could result in the immediate termination of my grant award(s).

City of Bloomington
 Institution/Organization

 Signature

Scott Rathbun
 Name of Official
 Finance Director
 Title
 Chief Financial Officer (or equivalent)
 6/10/20
 Date of Execution

City of Bloomington
 Institution/Organization

 Signature

Tim Gleason
 Name of Official
 City Manager
 Title
 Executive Director (or equivalent)
 6/11/20
 Date of Execution

Note: The State awarding agency may change required signers based on the grantee’s organizational structure. The required signers must have the authority to enter into contractual agreements on behalf of the organization.

Section C - Budget Worksheet & Narrative

1). **Design/Engineering** -- Costs associated with planning, design, and construction observation or related services for the proposed project including environmental services, testing, surveys, etc. Costs associated with creation of the project's architectural drawings, engineering studies and/or fees, etc., including costs of plans & specs and/or printing costs if specifically identified as such within the project description. Copies of contracts will be required.

Purpose	Description of Work	Item Cost
		\$ -
		\$ -
		\$ -
		\$ -
	<i>State Total</i>	\$ -
		\$ -
		\$ -
	<i>Private Non-State Total</i>	\$ -
		\$ -
		\$ -
	<i>Public Non-State Total</i>	\$ -
	<i>Total</i>	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

2). **Building/Land Purchase** -- Costs to purchase, either in whole or in part a building, structural shell, condominium, land, and/or easement including, but not limited to: the net purchase price itself, closing costs charged to the buyer on the closing document, legal fees, etc. Additionally, costs associated with Right-of-Way, appraisals, property/boundary surveys, legal fees, etc.

Purpose	Description of Work	Item Cost
		\$ -
		\$ -
		\$ -
		\$ -
	<i>State Total</i>	\$ -
		\$ -
		\$ -
	<i>Private Non-State Total</i>	\$ -
		\$ -
		\$ -
	<i>Public Non-State Total</i>	\$ -
	<i>Total</i>	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

3). Equipment/Materials/Labor (2 CFR 200.474)-- Purchase of materials and/or purchase/lease of equipment, to use or install for the project, such as: steel, drywall, lumber, wiring, doors, windows, roofing, rock, etc. including labor/installation costs, as identified - within the project description

Item	Quantity	Cost Rate	Item Cost
			\$ -
			\$ -
			\$ -
			\$ -
		<i>State Total</i>	\$ -
			\$ -
			\$ -
		<i>Private Non-State Total</i>	\$ -
			\$ -
			\$ -
		<i>Public Non-State Total</i>	\$ -
			\$ -
		<i>Total</i>	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

4). **Equipment** (2 CFR 200.439) -- All costs associated with equipment that is not associated with any other contracts related to the grant.

Item	Quantity	Cost	Equipment Cost
			\$ -
			\$ -
		<i>State Total</i>	\$ -
			\$ -
			\$ -
		<i>Private Non-State Total</i>	\$ -
			\$ -
			\$ -
		<i>Public Non-State Total</i>	\$ -
			\$ -
		<i>Total Equipment</i>	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

5). Wiring/Electrical (2 CFR 200.94) -- Purchase of materials necessary for completion of the project scope such as electrical wiring, conduit, outlets, switches, etc. including associated labor/installation costs, as identified within the project description.

Item	Quantity/ Duration	Cost per Item	Item Cost
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
		<i>State Total</i>	\$ -
			\$ -
			\$ -
		<i>Private Non-State Total</i>	\$ -
			\$ -
			\$ -
		<i>Public Non-State Total</i>	\$ -
			\$ -
		<i>Total</i>	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

6). **Mechanical System** -- Purchase of materials necessary for completion of the project scope such as HVAC, elevators, fire alarm, sprinkler, or ventilation system, etc. including associated labor/installation costs, as identified within the project description.

Item	Quantity/ Duration	Cost per Item	Item Cost
			\$ -
			\$ -
			\$ -
			\$ -
		<i>State Total</i>	\$ -
			\$ -
			\$ -
		<i>Private Non-State Total</i>	\$ -
			\$ -
			\$ -
		<i>Public Non-State Total</i>	\$ -
			\$ -
		<i>Total</i>	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

7). **Paving/Concrete/Masonry** (2 CFR 200.459) -- Purchase of materials necessary for completion of the project scope such as bituminous pavement, concrete, rock, bricks, blocks, mortar, tuckpointing, etc. including associated labor/installation costs, as identified within the project description.

Item	Quantity	Cost per Item	Item Cost
			\$ -
			\$ -
		State Total	\$ -
			\$ -
			\$ -
		Private Non-State Total	\$ -
			\$ -
			\$ -
		Public Non-State Total	\$ -
			\$ -
		Total	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

8). **Plumbing**-- Purchase of materials necessary for completion of the project scope such as internal or external pipes for water, gas, and/or sewage; fixtures; etc. including associated labor/installation costs, as identified within the project description.

Item	Quantity	Cost per Item	Item Cost
			\$ -
			\$ -
		<i>State Total</i>	\$ -
			\$ -
			\$ -
		<i>Private Non-State Total</i>	\$ -
			\$ -
			\$ -
		<i>Public Non-State Total</i>	\$ -
			\$ -
		<i>Total</i>	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

9). **Construction Management/Oversight** -- Costs associated with managing the construction activities and/or overseeing all aspects of the construction project, either by contractor personnel or grantee personnel, but limited to verifiable time working on this project.

Purpose	Description of Work	Item Cost
		\$ -
		\$ -
		\$ -
	<i>State Total</i>	\$ -
		\$ -
		\$ -
	<i>Private Non-State Total</i>	\$ -
		\$ -
		\$ -
	<i>Public Non-State Total</i>	\$ -
		\$ -
	<i>Total</i>	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

City of Bloomington

10). Construction -- All costs associated with physical construction and construction related services provided by the contractor(s) of the facility.

Purpose	Description of Work	Item Cost
Replacement of sewer, sewer laterals, water main, curb and gutter, and street resurfacing work to phase in the elimination of a combined sewer overflow.	The project includes installation of 1,750 feet of new separate sanitary sewer and 20 to 30 new service laterals connecting resident's homes to the new sanitary sewer line. It also includes replacing 450 feet of aged water main in the areas disturbed by sewer construction. Moore Street and Warner Street will receive new curb and gutter along with a new hot mix asphalt street overlay. Washington Street, Mercer Avenue and Grove Street will be resurfaced curb to curb in the areas impacted by the construction.	\$ 4,504,294.00 \$ - <hr/> State Total \$ 4,504,294.00 \$ - \$ - <hr/> Private Non-State Total \$ -
Replacement of sewer, sewer laterals, water main, curb and gutter, and street resurfacing work to phase in the elimination of a combined sewer overflow.	The project includes installation of 1,750 feet of new separate sanitary sewer and 20 to 30 new service laterals connecting resident's homes to the new sanitary sewer line. It also includes replacing 450 feet of aged water main in the areas disturbed by sewer construction. Moore Street and Warner Street will receive new curb and gutter along with a new hot mix asphalt street overlay. Washington Street, Mercer Avenue and Grove Street will be resurfaced curb to curb in the areas impacted by the construction.	\$ 170,000.00 \$ - <hr/> Public Non-State Total \$ 170,000.00 <hr/> Total \$ 4,674,294.00

Narrative (State):

The project is Phase Two of the city's larger Locust/Colton Combined Sewer Overflow Elimination Project, which began in December 2011. Phase Two is ready to bid. Subject to award of grant funds from Rebuild Illinois, the City would begin Phase 2 construction in March 2021. The project will benefit approximately 46 homes in the area bounded by Washington Street on the north, Grove Street on the south, Mercer Avenue on the east, and Moore Street on the west.

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

The City has budgeted \$170,000 out of the various enterprise funds in fiscal year 2021 to serve as a match toward this phase of the construction project.

Section C - Budget Worksheet & Narrative

11). Other Construction Expenses -- Costs that cannot be easily broken out to or covered by individual/specific budgetary line items such landscaping, hauling, equipment, rental, insurance, environmental fees, loan payments, etc. as identified within the project description.

Purpose	Description of Work	Item Cost
		\$ -
		\$ -
		\$ -
	<i>State Total</i>	\$ -
		\$ -
		\$ -
	<i>Private Non-State Total</i>	\$ -
		\$ -
		\$ -
	<i>Public Non-State Total</i>	\$ -
		\$ -
	<i>Total</i>	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

12). Excavation/Site Prep/Demo -- Costs associated with demolition of existing structures on the project site and/or preparation of the project site including excavation, etc. ahead of actual new construction/renovation activities.

Purpose	Description of Work	Item Cost
		\$ -
		\$ -
		\$ -
	<i>State Total</i>	\$ -
		\$ -
		\$ -
	<i>Private Non-State Total</i>	\$ -
		\$ -
		\$ -
	<i>Public Non-State Total</i>	\$ -
	<i>Total</i>	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

13), Site Work - All costs associated with work outside of the 5-foot building line, including grading, excavation, filtration systems, parking lots, sidewalks, utilities, etc.

Purpose	Description of Work	Item Cost
		\$ -
		\$ -
	State Total	\$ -
		\$ -
	Private Non-State Total	\$ -
		\$ -
	Public Non-State Total	\$ -
	Total	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

14). Demolition and Removal --All costs associated with removal of any structures required to accommodate new construction and approved as part of the grant.

Purpose	Description of Work	Item Cost
		\$ -
		\$ -
		\$ -
		\$ -
	<i>State Total</i>	\$ -
		\$ -
		\$ -
	<i>Private Non-State Total</i>	\$ -
		\$ -
		\$ -
	<i>Public Non-State Total</i>	\$ -
	<i>Total</i>	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

15). Contingency - Coverage of potential cost overruns in any of the utilized grant budget line items.

Purpose	Description of Work	Item Cost
		\$ -
		\$ -
	State Total	\$ -
		.
		\$ -
	Private Non-State Total	\$ -
		\$ -
		\$ -
	Public Non-State Total	\$ -
	Total	\$ -

Narrative (State):

Narrative (Private Non-State) i.e. "Match" or "Other Funding"

Narrative (Public Non-State) i.e. "Match" or "Other Funding"

Section C - Budget Worksheet & Narrative

Budget Narrative Summary--When you have completed the budget worksheet, transfer the totals for each category to the spaces below to the uniform template provided (SECTION A & B). Verify the total costs and the total project costs. Indicate the amount of State requested funds and the amount of non-State funds that will support the project.

<i>Budget Category</i>	<i>State</i>		<i>Private Match</i>		<i>Public Match</i>		<i>Total</i>
<i>1. Design/Engineering</i>	\$	-	\$	-	\$	-	\$ -
<i>2. Building/Land Purchase</i>	\$	-	\$	-	\$	-	\$ -
<i>3. Equipment/Materials/Labor</i>	\$	-	\$	-	\$	-	\$ -
<i>4. Equipment</i>	\$	-	\$	-	\$	-	\$ -
<i>5. Wiring/Electrical</i>	\$	-	\$	-	\$	-	\$ -
<i>6. Mechanical System</i>	\$	-	\$	-	\$	-	\$ -
<i>7. Paving/Concrete/Masonry</i>	\$	-	\$	-	\$	-	\$ -
<i>8. Plumbing</i>	\$	-	\$	-	\$	-	\$ -
<i>9. Construction Management/Oversight</i>	\$	-	\$	-	\$	-	\$ -
<i>10. Construction</i>	\$	<i>4,504,294.00</i>	\$	-	\$	<i>170,000.00</i>	\$ <i>4,674,294.00</i>
<i>11. Other Construction Expenses</i>	\$	-	\$	-	\$	-	\$ -
<i>12. Excavation/Site Prep/Dem</i>	\$	-	\$	-	\$	-	\$ -
<i>13. Site Work</i>	\$	-	\$	-	\$	-	\$ -
<i>14. Demolition & Removal</i>	\$	-	\$	-	\$	-	\$ -
<i>15. Contingency</i>	\$	-	\$	-	\$	-	\$ -
<i>State Request</i>	\$	<i>4,504,294.00</i>					
<i>Private Match</i>			\$	-			
<i>Public Match</i>					\$	<i>170,000.00</i>	
TOTAL PROJECT COSTS							\$ <i>4,674,294.00</i>

Project	50-03-33144-07-02
Route	Locust Colton Phase 2
Agency	City of Bloomington
County	McLean

ESTIMATE OF COST

LOCUST COLTON CSO ELIMINATION AND WATER MAIN REPLACEMENT PHASE 2

CODE NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
	BASE BID				
* 20100110	TREE REMOVAL (6 TO 15 UNITS DIAMETER)	UNIT	30	\$75.00	\$2,250.00
* 20100210	TREE REMOVAL (OVER 15 UNITS DIAMETER)	UNIT	160	\$75.00	\$12,000.00
* 20101200	TREE ROOT PRUNING	EACH	60	\$160.00	\$9,600.00
* 20101300	TREE PRUNING (1 TO 10 INCH DIAMETER)	EACH	10	\$210.00	\$2,100.00
* 20101350	TREE PRUNING (OVER 10 INCH DIAMETER)	EACH	60	\$210.00	\$12,600.00
20200100	EARTH EXCAVATION	CU YD	509	\$38.00	\$19,342.00
* 20201200	REMOVAL AND DISPOSAL OF UNSUITABLE MATERIAL	CU YD	70	\$40.00	\$2,800.00
20400800	FURNISHED EXCAVATION	CU YD	68	\$80.00	\$5,440.00
* 20800150	TRENCH BACKFILL	CU YD	6,317	\$45.00	\$284,265.00
* 21000300	GRANULAR EMBANKMENT, SPECIAL	TON	140	\$38.00	\$5,320.00
* 21001000	GEOTECHNICAL FABRIC FOR GROUND STABILIZATION	SQ YD	210	\$4.00	\$840.00
* 21101625	TOPSOIL FURNISH AND PLACE, 6"	SQ YD	5,900	\$13.00	\$76,700.00
* 25000110	SEEDING, CLASS 1A	ACRE	1.2	\$2,600.00	\$3,120.00
25000400	NITROGEN FERTILIZER NUTRIENT	POUND	108	\$3.00	\$324.00
25000500	PHOSPHORUS FERTILIZER NUTRIENT	POUND	108	\$3.00	\$324.00
25000600	POTASSIUM FERTILIZER NUTRIENT	POUND	108	\$3.00	\$324.00
* 25100125	MULCH, METHOD 3	ACRE	1.2	\$2,600.00	\$3,120.00
25100630	EROSION CONTROL BLANKET	SQ YD	200	\$6.00	\$1,200.00
* 25200100	SODDING	SQ YD	100	\$27.00	\$2,700.00
* 25200200	SUPPLEMENTAL WATERING	UNIT	60	\$200.00	\$12,000.00
28000400	PERIMETER EROSION BARRIER	FOOT	100	\$5.00	\$500.00
28000500	INLET AND PIPE PROTECTION	EACH	2	\$200.00	\$400.00
28000510	INLET FILTERS	EACH	52	\$250.00	\$13,000.00
35101600	AGGREGATE BASE COURSE, TYPE B 4"	SQ YD	6,837	\$8.00	\$54,696.00
35102000	AGGREGATE BASE COURSE, TYPE B 8"	SQ YD	2,958	\$16.00	\$47,328.00
* 35300510	PORTLAND CEMENT CONCRETE BASE COURSE 10½"	SQ YD	5,111	\$80.00	\$408,880.00
40200800	AGGREGATE SURFACE COURSE, TYPE B	TON	3	\$55.00	\$165.00
40201000	AGGREGATE FOR TEMPORARY ACCESS	TON	50	\$55.00	\$2,750.00
40600275	BITUMINOUS MATERIALS (PRIME COAT)	POUND	7,810	\$3.00	\$23,430.00
40600290	BITUMINOUS MATERIALS (TACK COAT)	POUND	7,460	\$3.00	\$22,380.00
40600400	MIXTURE FOR CRACKS, JOINTS, AND FLANGWAYS	TON	1	\$1,200.00	\$1,200.00
40600827	POLYMERIZED LEVELING BINDER (MACHINE METHOD), IL-4.75, N50	TON	441	\$170.00	\$74,970.00
40600990	TEMPORARY RAMP	SQ YD	628	\$50.00	\$31,400.00
40603153	POLYMERIZED HOT-MIX ASPHALT SURFACE COURSE, STONE MATRIX ASPHALT, N80	TON	1,025	\$170.00	\$174,250.00
40701801	HOT-MIX ASPHALT PAVEMENT (FULL-DEPTH), 6"	SQ YD	3,309	\$57.00	\$188,613.00
40800050	INCIDENTAL HOT-MIX ASPHALT SURFACING	TON	38	\$300.00	\$11,400.00
42300200	PORTLAND CEMENT CONCRETE DRIVEWAY PAVEMENT, 6 INCH	SQ YD	151	\$85.00	\$12,835.00
42300400	PORTLAND CEMENT CONCRETE DRIVEWAY PAVEMENT, 8 INCH	SQ YD	98	\$95.00	\$9,310.00
42400300	PORTLAND CEMENT CONCRETE SIDEWALK 6 INCH	SQ FT	2,991	\$12.00	\$35,892.00
42400800	DETECTABLE WARNINGS	SQ FT	168	\$38.00	\$6,384.00
44000100	PAVEMENT REMOVAL	SQ YD	8,673	\$16.00	\$138,768.00
44000159	HOT-MIX ASPHALT SURFACE REMOVAL, 2½"	SQ YD	9,987	\$8.00	\$79,896.00
44000200	DRIVEWAY PAVEMENT REMOVAL	SQ YD	290	\$16.00	\$4,640.00
44000500	COMBINATION CURB AND GUTTER REMOVAL	FOOT	3,055	\$10.00	\$30,550.00
44000600	SIDEWALK REMOVAL	SQ FT	3,228	\$3.00	\$9,684.00

CODE NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
550A0050	STORM SEWERS, CLASS A, TYPE 1 12"	FOOT	211	\$80.00	\$16,880.00
550A0340	STORM SEWERS, CLASS A, TYPE 2 12"	FOOT	583	\$90.00	\$52,470.00
550A0360	STORM SEWERS, CLASS A, TYPE 2 15"	FOOT	230	\$105.00	\$24,150.00
550A0380	STORM SEWERS, CLASS A, TYPE 2 18"	FOOT	329	\$115.00	\$37,835.00
550A0410	STORM SEWERS, CLASS A, TYPE 2 24"	FOOT	302	\$125.00	\$37,750.00
* 55100400	STORM SEWER REMOVAL 10"	FOOT	33	\$20.00	\$660.00
* 55100500	STORM SEWER REMOVAL 12"	FOOT	941	\$20.00	\$18,820.00
* 56103100	DUCTILE IRON WATER MAIN 8"	FOOT	1,473	\$90.00	\$132,570.00
* 56104400	WATER VALVES 1"	EACH	78	\$700.00	\$54,600.00
* 56104600	WATER VALVES 2"	EACH	1	\$800.00	\$800.00
* 56105000	WATER VALVES 8"	EACH	13	\$1,850.00	\$24,050.00
* 56201400	CORPORATION STOPS 1"	EACH	78	\$600.00	\$46,800.00
* 56400500	FIRE HYDRANTS TO BE REMOVED	EACH	7	\$750.00	\$5,250.00
* 56400820	FIRE HYDRANT WITH AUXILIARY VALVE AND VALVE BOX	EACH	8	\$7,500.00	\$60,000.00
* 59300100	CONTROLLED LOW-STRENGTH MATERIAL	CU YD	20	\$250.00	\$5,000.00
* 60218300	MANHOLES, TYPE A, 4'-DIAMETER, TYPE 1 FRAME, OPEN LID	EACH	5	\$3,200.00	\$16,000.00
* 60221000	MANHOLES, TYPE A, 5'-DIAMETER, TYPE 1 FRAME, OPEN LID	EACH	5	\$4,500.00	\$22,500.00
* 60221200	MANHOLES, TYPE A, 5'-DIAMETER, TYPE 3 FRAME AND GRATE	EACH	1	\$4,600.00	\$4,600.00
* 60235700	INLETS, TYPE A, TYPE 3 FRAME AND GRATE	EACH	12	\$1,700.00	\$20,400.00
* 60236200	INLETS, TYPE A, TYPE 8 GRATE	EACH	1	\$1,600.00	\$1,600.00
* 60240210	INLETS, TYPE B, TYPE 1 FRAME, OPEN LID	EACH	1	\$2,300.00	\$2,300.00
* 60240220	INLETS, TYPE B, TYPE 3 FRAME AND GRATE	EACH	7	\$2,400.00	\$16,800.00
60255500	MANHOLES TO BE ADJUSTED	EACH	1	\$700.00	\$700.00
60500040	REMOVING MANHOLES	EACH	10	\$900.00	\$9,000.00
60500060	REMOVING INLETS	EACH	15	\$500.00	\$7,500.00
67100100	MOBILIZATION	L SUM	1	\$240,000.00	\$240,000.00
72000100	SIGN PANEL - TYPE 1	SQ FT	17	\$55.00	\$935.00
72800100	TELESCOPING STEEL SIGN SUPPORT	FOOT	31	\$35.00	\$1,085.00
78000100	THERMOPLASTIC PAVEMENT MARKING - LETTERS AND SYMBOLS	SQ FT	167	\$12.00	\$2,004.00
78000400	THERMOPLASTIC PAVEMENT MARKING - LINE 6"	FOOT	3,660	\$8.00	\$29,280.00
78000650	THERMOPLASTIC PAVEMENT MARKING - LINE 24"	FOOT	158	\$25.00	\$3,950.00
78008200	POLYUREA PAVEMENT MARKING TYPE I - LETTERS AND SYMBOLS	SQ FT	152	\$20.00	\$3,040.00
* X0322748	BICYCLE LANE MARKING	EACH	2	\$250.00	\$500.00
* X0487700	SANITARY SEWER REMOVAL 10"	FOOT	10	\$20.00	\$200.00
* X0840000	SANITARY SEWER REMOVAL 8"	FOOT	210	\$20.00	\$4,200.00
* X4230710	PORTLAND CEMENT CONCRETE DRIVEWAY PAVEMENT, 6 INCH, SPECIAL	SQ YD	40	\$95.00	\$3,800.00
* X4230800	PORTLAND CEMENT CONCRETE DRIVEWAY PAVEMENT, 8 INCH, SPECIAL	SQ YD	40	\$105.00	\$4,200.00
* X4240460	PORTLAND CEMENT CONCRETE SIDEWALK 8 INCH, SPECIAL	SQ FT	594	\$18.00	\$10,692.00
* X5610744	WATER MAIN LINE STOP 4"	EACH	1	\$3,800.00	\$3,800.00
* X5610746	WATER MAIN LINE STOP 6"	EACH	2	\$4,100.00	\$8,200.00
* X5610748	WATER MAIN LINE STOP 8"	EACH	1	\$4,500.00	\$4,500.00
* X5630706	CONNECTION TO EXISTING WATER MAIN 6"	EACH	3	\$7,000.00	\$21,000.00
* X5630708	CONNECTION TO EXISTING WATER MAIN 8"	EACH	2	\$7,500.00	\$15,000.00
* X5630712	CONNECTION TO EXISTING WATER MAIN 12"	EACH	5	\$6,500.00	\$32,500.00
* X6020076	INLETS, SPECIAL, WITH SPECIAL FRAME AND GRATE	EACH	22	\$2,300.00	\$50,600.00
* X6026050	SANITARY MANHOLES TO BE ADJUSTED	EACH	2	\$1,600.00	\$3,200.00
* X6060048	COMBINATION CONCRETE CURB AND GUTTER, TYPE B-6.18 (SPECIAL)	FOOT	3,047	\$55.00	\$167,585.00
* X7010216	TRAFFIC CONTROL AND PROTECTION, (SPECIAL)	L SUM	1	\$80,000.00	\$80,000.00
* X7015005	CHANGEABLE MESSAGE SIGN	CAL DA	84	\$200.00	\$16,800.00
* Z0013798	CONSTRUCTION LAYOUT	L SUM	1	\$45,000.00	\$45,000.00
* Z0033700	LONGITUDINAL JOINT SEALANT	FOOT	12,290	\$4.00	\$49,160.00
* Z0056648	STORM SEWERS, TYPE 1, WATER MAIN QUALITY PIPE, 12"	FOOT	93	\$90.00	\$8,370.00
* Z0056668	STORM SEWERS, TYPE 2, WATER MAIN QUALITY PIPE, 12"	FOOT	217	\$100.00	\$21,700.00
* Z0056669	STORM SEWERS, TYPE 2, WATER MAIN QUALITY PIPE, 15"	FOOT	170	\$115.00	\$19,550.00
* Z0056670	STORM SEWERS, TYPE 2, WATER MAIN QUALITY PIPE, 18"	FOOT	27	\$125.00	\$3,375.00

	CODE NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
*	Z0059500	SANITARY SEWER, TYPE 2 6"	FOOT	934	\$85.00	\$79,390.00
*	Z0059600	SANITARY SEWER, TYPE 2 8"	FOOT	1,300	\$95.00	\$123,500.00
*	Z0059800	SANITARY SEWER, TYPE 2 12"	FOOT	27	\$115.00	\$3,105.00
*	Z0060200	SANITARY SEWER, TYPE 2 24"	FOOT	8	\$140.00	\$1,120.00
*	Z0060800	SANITARY SEWER, TYPE 3 6"	FOOT	72	\$90.00	\$6,480.00
*	Z0060900	SANITARY SEWER, TYPE 3 8"	FOOT	338	\$100.00	\$33,800.00
*	Z0061300	SANITARY SEWER, TYPE 3 18"	FOOT	427	\$130.00	\$55,510.00
*	XX002082	SANITARY SEWER REMOVAL 24"	FOOT	5	\$55.00	\$275.00
*	XX004360	SANITARY SEWER BYPASS PUMPING	L SUM	1	\$18,500.00	\$18,500.00
*	XX005478	DUCTILE IRON WATER MAIN 6" RESTRAINED JOINT TYPE	FOOT	124	\$95.00	\$11,780.00
*	XX005479	DUCTILE IRON WATER MAIN 8" RESTRAINED JOINT TYPE	FOOT	1,868	\$100.00	\$186,800.00
*	P0001	HIGH-EARLY-STRENGTH PORTLAND CEMENT CONCRETE BASE COURSE 10½"	SQ YD	137	\$105.00	\$14,385.00
*	P0002	POINT REPAIRS	L SUM	1	\$75,000.00	\$75,000.00
*	S0001	STORM SEWERS, CLASS B, TYPE 1 6"	FOOT	664	\$55.00	\$36,520.00
*	S0002	CONNECTION TO EXISTING MANHOLE, SPECIAL	EACH	4	\$3,200.00	\$12,800.00
*	S0003	CONCRETE COLLAR	EACH	14	\$850.00	\$11,900.00
*	S0004	PIPE GROUTING	CU YD	14	\$550.00	\$7,700.00
*	S0005	SANITARY MANHOLES, 4' DIA., WITH SPECIAL FRAME AND CLOSED LID	EACH	8	\$8,500.00	\$68,000.00
*	S0006	SANITARY MANHOLES, 5' DIA., WITH SPECIAL FRAME AND CLOSED LID	EACH	2	\$9,500.00	\$19,000.00
*	S0007	DROP SANITARY MANHOLE, 5' DIA., WITH SPECIAL FRAME AND CLOSED LID	EACH	1	\$10,000.00	\$10,000.00
*	S0008	SANITARY SEWER CONNECTION REMOVAL AND CAPPING	EACH	3	\$1,300.00	\$3,900.00
*	S0009	SANITARY SEWER SERVICE REMOVAL AND PLUGGING	EACH	15	\$1,300.00	\$19,500.00
*	S0010	12" SEWER LINING AND REHABILITATION	FOOT	1,158	\$45.00	\$52,110.00
*	S0011	24" SEWER LINING AND REHABILITATION	FOOT	303	\$95.00	\$28,785.00
*	S0012	MANHOLE LINING AND REHABILITATION	EACH	1	\$4,200.00	\$4,200.00
*	S0013	RECONNECTION OF EXISTING ACTIVE SEWER CONNECTIONS, ALL PIPE DIAMETERS	EACH	13	\$200.00	\$2,600.00
*	S0014	REMOVAL OF PROTRUDING SERVICES, ALL PIPE DIAMETERS	EACH	1	\$400.00	\$400.00
*	W0001	ABANDON EXISTING WATER MAIN	L SUM	1	\$35,000.00	\$35,000.00
*	W0002	CASING PIPE 16" DIA.	FOOT	22	\$130.00	\$2,860.00
*	W0003	WATER SERVICE LINE 1"	EACH	62	\$900.00	\$55,800.00
*	W0004	CASED WATER SERVICE LINE 1"	EACH	16	\$950.00	\$15,200.00
*	W0005	WATER SERVICE LINE 2"	EACH	1	\$950.00	\$950.00
*	W0006	TAPPING VALVE 4"	EACH	1	\$1,600.00	\$1,600.00
BASE BID TOTAL						\$4,311,421.00

	CODE NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
		ALTERNATE BID				
*	X7010216	TRAFFIC CONTROL AND PROTECTION, (SPECIAL)	L SUM	1	\$15,000.00	\$15,000.00
*	S0015	10" SEWER LINING AND REHABILITATION	FOOT	451	\$38.00	\$17,138.00
*	S0016	12" SEWER LINING AND REHABILITATION	FOOT	2,949	\$45.00	\$132,705.00
*	S0017	30" SEWER LINING AND REHABILITATION	FOOT	854	\$145.00	\$123,830.00
*	S0018	MANHOLE LINING AND REHABILITATION	EACH	17	\$4,200.00	\$71,400.00
*	S0019	REMOVAL OF PROTRUDING SERVICES, ALL PIPE DIAMETERS	EACH	7	\$400.00	\$2,800.00
ALTERNATE BID TOTAL						\$362,873.00

PROJECT TOTAL	\$4,674,294.00
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* See Special Provisions

Created by: RLH 10.02.2014

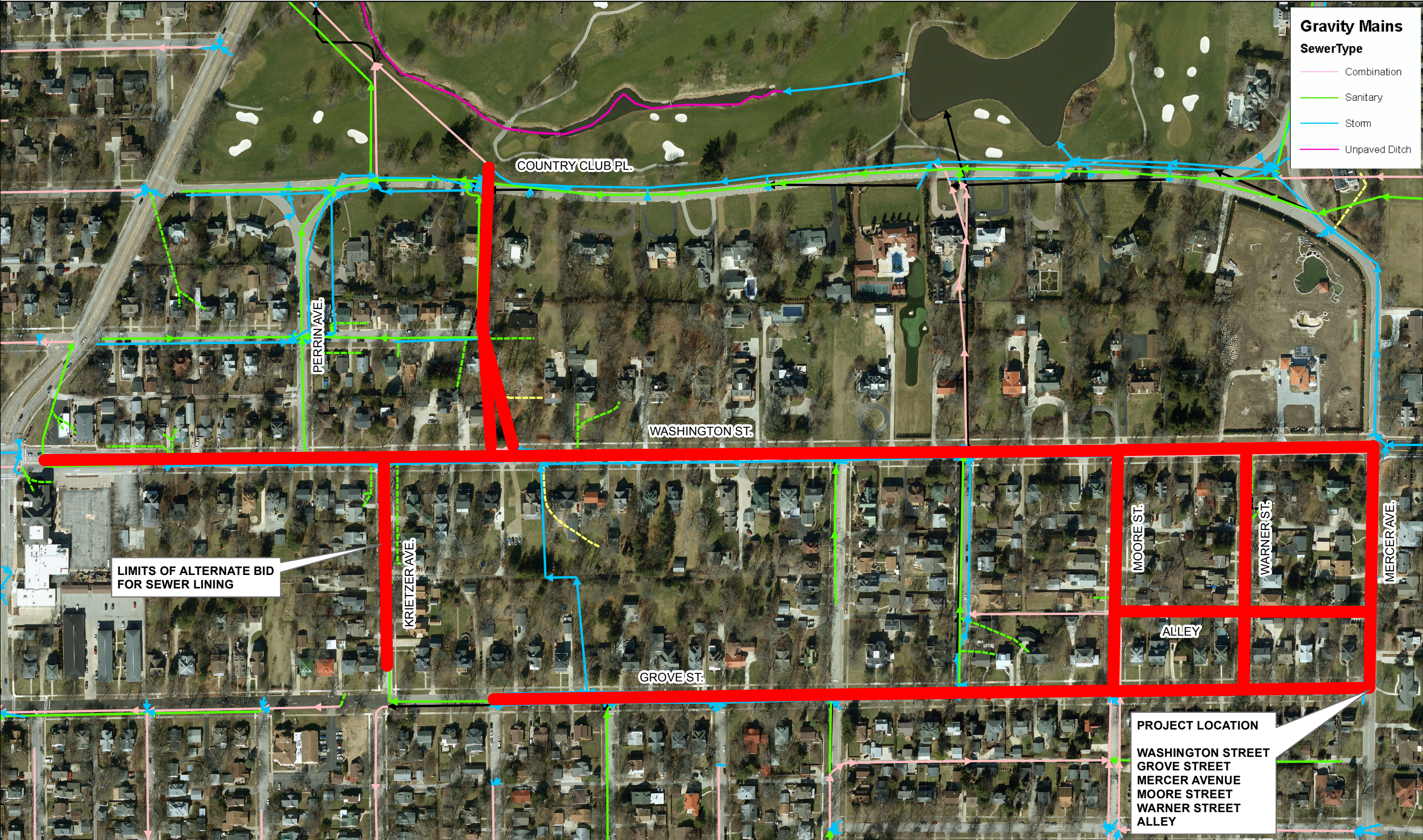
Revised by: JAJ / CSG 05.16.2019

Revised by: JAJ / CSG 05.26.2020

LOCATION MAP LOCUST COLTON PHASE 2

Gravity Mains
SewerType

- Combination
- Sanitary
- Storm
- Unpaved Ditch



LIMITS OF ALTERNATE BID FOR SEWER LINING

PROJECT LOCATION
WASHINGTON STREET
GROVE STREET
MERCER AVENUE
MOORE STREET
WARNER STREET
ALLEY

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies the FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or flood plan management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or flood plan management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

In the State of Illinois, any portion of a stream or watercourse that lies within the **floodway fringe** of a studied (AE) stream may have a state regulated floodway. The FIRM may not depict these state regulated floodways.

Floodways restricted by anthropogenic features such as bridges and culverts are drawn to reflect natural conditions and may not agree with the model computed widths listed in the Floodway Data table in the Flood Insurance Study report.

Multiple **topographic sources** may have been used in the delineation of Special Flood Hazard Areas. See Flood Insurance Study report for details on source resolution and geographic extent.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 16. The horizontal datum was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services, NOAA, NNGS12
National Geodetic Survey SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Base map information shown on this FIRM was provided in digital format by the United States Geological Survey. Digital orthorectified imagery with a spatial resolution of 0.5 meter ground sample distance were photogrammetrically compiled from aerial photography acquired during the leaf-off period of spring 2005.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The Special Flood Hazard Areas and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

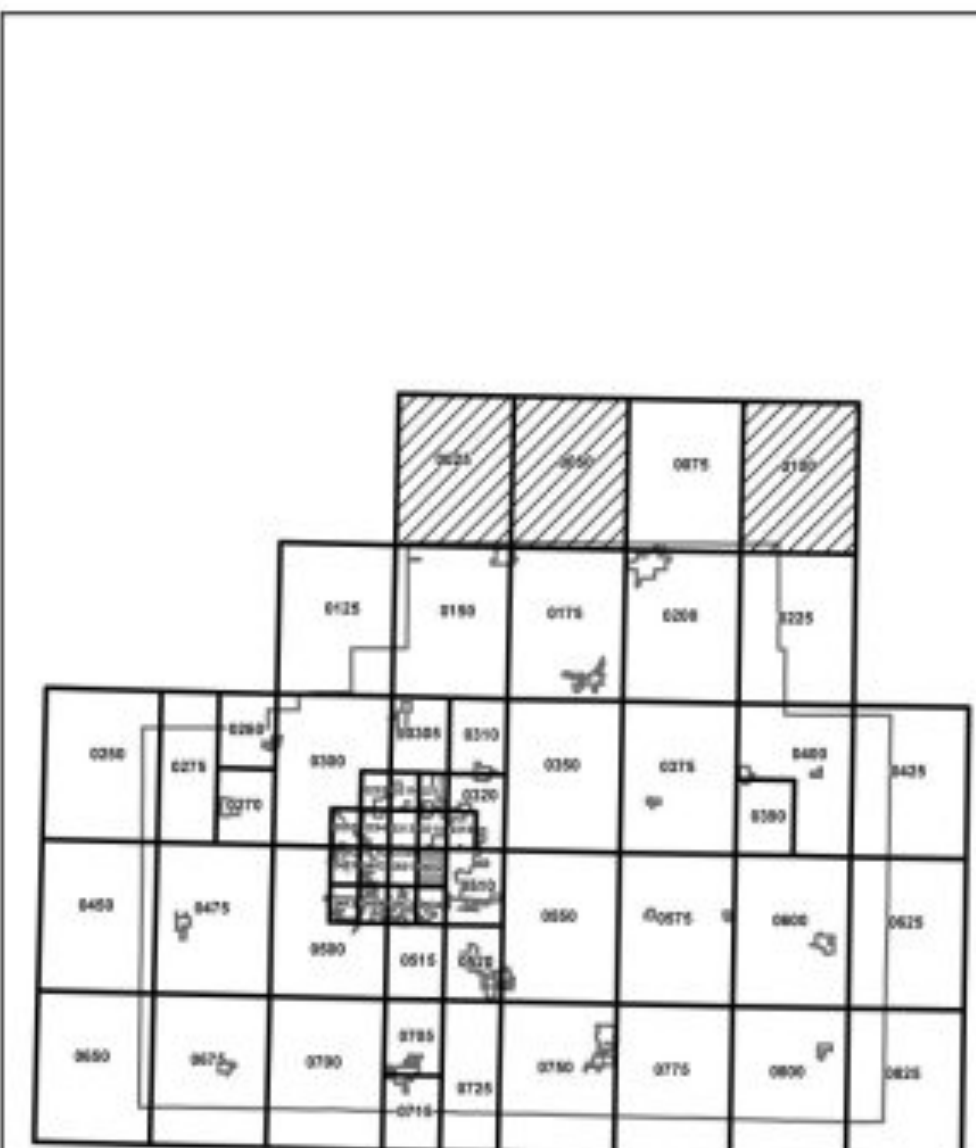
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital version of this map. The FEMA Map Service Center may also be reached by fax at 1-800-358-9620 and its website at www.msc.fema.gov.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at www.fema.gov/business/irfp/.

PANEL INDEX



Panel Not Printed



Location of
Locust/Colton
Separation Phase 2

LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, AP, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A
No Base Flood Elevations determined.
Base Flood Elevations determined.

ZONE AE
Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

ZONE AH
Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently decommissioned. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

ZONE AR
Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

ZONE AP
Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE VE
Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X
Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE D
Areas determined to be outside the 0.2% annual chance floodplain.
Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary
0.2% annual chance floodplain boundary
Floodway boundary
Zone D boundary
CBRS and OPA boundary

Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
Base Flood Elevation line and value; elevation in feet*
Base Flood Elevation value where uniform within zone; elevation in feet*
(EL 987)

*Referenced to the North American Vertical Datum of 1988

— A — A — Cross section line
— 23 — 23 — Transsect line
45° 02' 08" 93° 02' 12" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83)
— 1565000 FT — 5000-foot grid tick: Illinois State Plane East Coordinate System, 37F zone (FIPS ZONE 1201) Transverse Mercator
DX5510x Bench mark (see explanation in Notes to Users section of this FIRM panel)
• M1.5 River Mile

MAP REPOSITORIES
Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
FEBRUARY 9, 2001

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
July 16, 2008 - to incorporate previously issued Letters of Map Revision - to update road names, to change Special Flood Hazard Areas, to update corporate limits.

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-438-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET
150 0 150 300 METERS

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0502E

FIRM
FLOOD INSURANCE RATE MAP
MCLEAN COUNTY,
ILLINOIS
AND INCORPORATED AREAS

PANEL 502 OF 825
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BLOOMINGTON, CITY OF	170490	0502	E
NORMAL, TOWN OF	170502	0502	E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
17113C0502E
MAP REVISED
JULY 16, 2008

Federal Emergency Management Agency

Rebuild Illinois Public Infrastructure Project Summary

Relationship to Governor’s Five-Year Economic Plan – Explain how this project relates to the principles, goals, challenges or key industries identified in the Governor’s Five-Year Economic Plan.

The main vision of the Governor’s Five-Year Economic Plan is to reinvigorate our economy and spur equitable growth. Bloomington is a key downstate community in Illinois and is home to multiple, large employers, including State Farm, the Illinois Agricultural Association (Country Financial / GROWMARK / Illinois Farm Bureau), Ferrero Confections, and Illinois Wesleyan University. These four major employers account for over 18,000 local jobs in the sectors of insurance, agribusiness, information technology, education, and manufacturing. Investing in the infrastructure of the City of Bloomington would help to reinvigorate the Illinois economy and align with the state’s task to invest in downstate infrastructure.

According to the plan, downstate revitalization is key to addressing the challenge of outmigration, which is driven particularly by migration among young people, minorities, and rural populations. To overcome this issue, the state is focusing on downstate revitalization and will work closely with towns and cities throughout downstate Illinois to, among other things, re-envision outdated infrastructure to renew connections between industry and communities. Eliminating a Combined Sewer Overflow (CSO), which is an outdated method of waste disposal and storm water drainage, and replacing it with a separated sanitary sewer and storm water piping system will modernize the infrastructure and eliminate potential sewer backups into residents’ homes in the area resulting from storm water. Bloomington is dedicated to modernizing its infrastructure system, to help retain and attract businesses and reduce outmigration, Bloomington is committed to making the proposed project a success as part of the five-year plan to rebuild Illinois.

Connections to Other Capital Investments

The multi-phase Locust/Colton CSO project involves construction of new sanitary sewers, conversion of the existing combined sewer into a storm sewer, and laying new water main. The sewer portion of the project, with nine phases, is projected to cost nearly \$14 million and last through most of the decade. [Click here to view maps of all planned phases of this project.](#) Phase One was completed in 2013. As part of the overall project, the City is implementing the philosophy of improving the overall infrastructure, including pavements, sidewalks and curb and gutters so that additional work will not be needed in the area for multiple decades. This comprehensive approach connects well with the revitalization efforts discussed in the five-year plan.

Impact Amplification / Project Description

The project proposed for the Rebuild Illinois is Phase Two of the city’s Locust/Colton Combined Sewer Overflow Elimination Project, which began in December 2011. The project includes installation of 1,750 feet of new separate sanitary sewer and 20 to 30 new service laterals connecting resident’s homes to the new sanitary sewer line. It also includes replacing 450 feet of aged water main in the areas disturbed by sewer construction. Moore Street and Warner Street will receive new curb and gutter along with a new hot mix asphalt street overlay. Washington Street, Mercer Avenue and Grove Street will be resurfaced curb to curb in the areas impacted by the construction. Phase Two construction plans and bid documents are complete, and the project is ready to move forward but the project has not yet been bid. Subject to award of grant funds from Rebuild Illinois, the City would begin Phase 2 construction in March 2021. The City held a public hearing on June 22, 2020, to allow residents to view the construction plans and to learn about the project and its impacts on their property. There are no usage agreements needed for this project.

The project will benefit approximately 46 homes in the area bounded by Washington Street on the north, Grove Street on the south, Mercer Avenue on the east, and Moore Street on the west. The median market value of

these 46 homes according to real estate service Zillow.com is \$173,000 which is slightly less than the median home sales price for the city as a whole (\$174,321 as of March 31, 2020 per Zillow.com). The project will not only help the City to achieve its CSO elimination goals but will also help to maintain the values of the homes in the project area which in turn support multiple units of local government through property taxes.

Minority Inclusion Plan –Provide a Plan or at minimum, a narrative on how minority and women-owned businesses in the area will be included in the project.

The City of Bloomington will meet grant requirements in setting a minimum goal that 14.2% of contracted companies be owned by minorities, females or persons with disabilities. We will also establish a minimum goal that 20% of the project dollar amount be awarded to companies owned and controlled by persons who are minority, female or who have disabilities as required by the Business Enterprise Program for Minorities, Females and Persons with Disabilities Act. The City will clearly specify goals in all project bid documents and will partner with community service agencies, churches, advocacy organizations and extend communications outside of standard media outlets in an effort to effectively reach minority populations and meet or exceed established goals.

Health, Safety and Infrastructure Condition

The US Environmental Protection Agency has mandated that Cities pursue programs to eliminate Combined Sewer Overflow (CSO) discharging directly to receiving bodies of water. The City performed a study of the CSO at Locust and Colton Streets, near Bloomington High School, which defined what construction of sanitary and storm sewer would be necessary to eliminate CSO at this location. The study then separated the total construction into 10 separate phases, each being \$1 to \$1.5 million. Phase 1 Construction is complete. At this time the phases of the Locust-Colton CSO Elimination Project are included in our IEPA permit showing completion of the entire project in 2030. If we do not make progress towards completing the project as required in the permit the IEPA has the option of issuing a consent decree which would then force the City to complete the project.

How long has the problem existed? Address the severity and immediacy of the problem.

Under the U.S. Clean Water Act, the City is required to make progress toward eliminating these Combine Sewer Overflows (CSOs). Since 1995, four of seven CSOs throughout the city have been addressed. Eventually, all CSOs citywide will be eliminated. The process usually involves sewer separation. A new, parallel sewer line is built solely for sanitation. All users are connected to the new sewer line. The old sewer connections on the old line are blocked, and the old line becomes a storm-only sewer. It is an expensive but worthwhile endeavor. Separate sewers enable the channeling of storm water to a creek and wastewater to a treatment plant.

The passage of the Clean Water Act in 1972 led to the U.S. EPA prohibiting CSOs and required municipalities to eliminate them unless an economic hardship could be proven by said municipality. The BNWRD facility requested a waiver of this requirement based upon economic hardship in 1983 as it was estimated the cost to comply with this mandate would be roughly \$40 million. The U.S. EPA also required entities that have CSOs to implement a Long Term CSO Control Plan. The BNWRD staff created Illinois' first Long Term CSO Control Plan to be approved by the U.S. EPA. The City of Bloomington NPDES Permit specifies the progress that must be made to eliminate the current CSOs.

Justification of the local government's need for assistance in relation to its overall financial capability, including discussion of outstanding indebtedness.

On September 14, 2015, the Bloomington City Council voted to approve the City of Bloomington Stormwater and Sanitary Sewer Master Plans. A team comprising of Foth Infrastructure & Environment, OHM Advisors and Michael Baker Jr., Inc. produced the Stormwater and Sewer Master Plans to enable short-term and long-term planning. The project team produced more than 1,000 pages of research and recommendations.

The Plans take into account stormwater, sanitary sewer, combined sewer and asset management needs over 20 years. It identifies the need for over **\$136,000,000** in system improvements over that time period. The level of service (the ability to fund the projects) depends largely on funding support from sanitary sewer user fees and the stormwater utility fee. On September 25, 2017, the Bloomington City Council approved rate increases for sanitary sewer and stormwater utility fees, with annual, three percent increases for the sanitary sewer consumption fee, sanitary sewer fixed fee, and the storm water fixed fee (based on impervious area).

While projections indicate that the rate increases will fully fund the master plan improvements for the full 20-year period, the award of the requested Rebuilding Illinois grant would speed up the process to eliminate the CSO, create construction jobs in the near term, and result in a more immediate impact to property values in the project area. User fee funds not allocated to the CSO project could then be reprogramed to address the city's backlog of needed infrastructure work. The fund reserve for Bloomington's Storm Water Fund is \$851,046, and the fund reserve for Bloomington's Sanitary Sewer Fund is \$3,212,173.

MINORITY BENEFIT/AFFIRMATIVE HOUSING STATEMENT

a. What is the percentage of the minority group(s) population residing in the community? 14.2%

Identify the characteristics of the population of the project area by specific ethnic group. This information may be obtained from the most recent Census Data for the "applicant community." If submitting an "on behalf of" application for a project in an unincorporated area, use Census Data for the project's County.

Racial Group	Total Persons	# of Hispanic / Latino Ethnicity
White	59,353	4,308
Black/African American	7,770	
Asian	5,343	
American Indian/Alaskan Native	231	
Native Hawaiian/Other Pacific Islander	28	
American Indian/Alaskan Native and White	0	
Asian and White	0	
Black/African American and White	0	
American Indian/Alaskan Native and Black/African American	1,667	
Other Individuals Reporting more than One Race	2,218	
# of Female Headed Households		

With the exception of "Female Heads of Households", the above numbers should equal the total number of persons to benefit from the project ("targeted" area). 76,610

b. What is the goal for the percentage of funded contracts to be awarded to minority contractors? 14.2 %

c. If the percentage goal in *b* is substantially less than the percentage of minorities residing in the community, please explain. _____

d. The applicant agrees to affirmatively further fair housing by posting Fair Housing Posters and by making HUD Fair Housing Complaint Forms available to the public.
 In addition, the unit of local government
 Already has a Fair Housing Resolution on file. (Indicate Number and Date Passed Ordinance 1996-08 _____)
 If funded, will pass a Fair Housing Resolution.

Signature of Chief Elected Official:  Date 6/12/20

JOB CREATION DOCUMENTATION

Engineer providing cost estimate should assist with this information

How many days of construction is anticipated? 180 - 220

Provide a list of all **personnel that will be necessary to complete construction**. Include the Job Title, the total number of people that will hold that job title, and the total number of hours that job title is anticipated to be utilized. Use additional pages as needed.

Job Title	Number in Job Title	Number of Hours Utilized
Removals		
Operator	1	120
Laborer	2	240
Truck Driver	4	480
Water Main		
Foreman	1	400
Operator	1	400
Laborer	2	800
Sanitary & Storm Sewer		
Foreman	1	480
Operator	1	480
Laborer	2	960
Aggregate & Concrete		
Foreman	1	240
Operator / Finisher	4	960
Laborer	2	480
Milling & HMA Paving		
Foreman	1	80
Operator	4	320
Laborer	6	480
Truck Driver	4	320
Landscaping		
Foreman	1	40
Laborer	3	120
Close Out		
Foreman	1	80
Operator	1	80
Laborer	2	160
Management		
Project Manager	1	1440
Office Administrator	1	1440

IMPACT PER CAPITA DETERMINATION

Please provide the following information relative to the project for which funds are being requested:

- a. **Total Project Cost:** \$ 4,674,294 (must match Total Project Costs indicated on the Uniform Capital Budget Template, Budget Narrative Summary)
- b. **Rebuild Illinois Grant Requested:** \$ 4,504,294 (must match State Request indicated on the Uniform Capital Budget Template, Budget Narrative Summary)
- c. **Total # of Persons Served:** # 76,610 (must match Project Information page, I. Project Benefit Information)
- d. **Cost per Capita:** \$ 58.80 (Line b divided by Line c)



www.cityblm.org

Public Works Department
Engineering Division
115 E. Washington St., PO BOX 3157
Bloomington, IL 61702-3157
Phone: 309-434-2225
Fax: 309-434-2201

June 8, 2020

RE: Summary of project readiness

The project will be ready for construction once a contractor is selected through competitive bidding and the City issues a notice to proceed. This process can be completed and work can begin within the grant timeframe.

Required permits: All of the permits for this project have been acquired and are attached to this grant application.

Right of way: The projects occur within existing City right of way and no additional right of way is needed.

Water/wastewater treatment agreement: No treatment agreement is needed for this project.

Owners/land acquisition: No land acquisition or private property easements are required.

Additional funding commitments: No matching funds/additional funding commitments are proposed.

Railroad, county highway, IDOT permissions: Does not apply to the project.

Phased project: The multi-phase Locust/Colton CSO project involves construction of new sanitary sewers, conversion of the existing combined sewer into a storm sewer, and laying new water main. The sewer portion of the project, with nine phases, is projected to cost nearly \$14 million and last through most of the decade. [Click here to view maps of all planned phases of this project.](#) Phase One was completed in 2013.

A handwritten signature in cursive script that reads "Dominic Kallas".

Dominic Kallas, Civil Engineer I
Project Engineer
City of Bloomington



May 22, 2020

Illinois Department of Commerce & Economic Opportunity
Office of Community Development
ATTN: Wendy Bell, Deputy Director
500 East Monroe
Springfield, IL 62701

RE: Letter of Support
Locust Colton Elimination & ADA Sidewalk Improvement - Rebuild Illinois Grant Application

Dear Deputy Director Bell:

The mission of the Economic Development Council of the Bloomington-Normal is to grow the local economy by assisting with local business expansion, recruiting new businesses to the area, and encouraging the next wave of entrepreneurs to establish their business here.

The City of Bloomington is directly assisting with this mission by applying for two Rebuild Illinois Public Infrastructure Grants from the Department of Commerce and Economic Opportunity (DCEO). The two projects are as follows:

- The Locust Colton Combined Sewer Overflow (CSO) Elimination Phase 2 project would help employ 47 jobs with local underground construction firms. The project would help modernize the sewer and water infrastructure, which is a critical foundation for a community with business development and retention. This is one of the vital aspects of the Governor's Five-Year Economic Development Plan.
- The ADA Sidewalk Improvement project provides needed safety and pedestrian mobility along major street corridors to help with businesses. The Wood Street sidewalk corridor improvement, for example, will help multiple businesses with their pedestrian connectivity. Providing connectivity to businesses also supports the Governor's Five-Year Economic Development Plan.

Please give the City all due consideration for both Rebuild Illinois Grant submissions. The EDC supports both these grant projects.

Thank you for your consideration of this letter of support for this vital project.

Sincerely,

Patrick Hoban CEO
BNEDC

Illinois Department of Commerce & Economic Opportunity
Office of Community Development
ATTN: Wendy Bell, Deputy Director
500 East Monroe
Springfield, IL 62701

The McLean County Chamber of Commerce exists to help the business community prosper. The City of Bloomington is directly assisting with this mission by applying for two Rebuild Illinois Public Infrastructure Grants from the Department of Commerce and Economic Opportunity (DCEO). The two projects are as follows:

- The Locust Colton Combined Sewer Overflow (CSO) Elimination Phase 2 project would help employ 47 jobs with local underground construction firms. The project would help modernize the sewer and water infrastructure which is a critical foundation for a community with business development and retention. This is one of the key aspects of the Governor's Five-Year Economic Development Plan.
- The ADA Sidewalk Improvement project provides needed safety and pedestrian mobility along major street corridors to help with businesses. The Wood Street sidewalk corridor improvement for example will help multiple businesses with their pedestrian connectivity. Just a sampling of businesses positively impacted include Jewel-Osco, Green Top Groceries, Annie's Eats, Parkview Inn, Anju Above, and Rosie's Pub. Providing connectivity to businesses also supports the Governor's Five-Year Economic Development Plan.

Please give the City all due consideration for both Rebuild Illinois Grant submissions.



Charles Moore
CEO
McLean County Chamber of Commerce



BLOOMINGTON PUBLIC SCHOOLS⁴⁹
District 87

300 E. Monroe St. Bloomington, IL 61701
309-827-6031
www.district87.org

June 8, 2020

To Whom It May Concern:

Bloomington School District 87 supports the Rebuild Illinois Public Infrastructure Grant submission by the City of Bloomington for Phase 2 of the Locust Colton Combined Sewer Overflow (CSO) Elimination Project.

The City of Bloomington and Bloomington School District 87 have partnered on the removal of this combined sewer overflow since the original project planning document. All phases of the project are within the school district and improving the infrastructure and water quality helps further our district mission.

Although no matching funds are involved in this grant, Bloomington is investing millions of dollars into improving its infrastructure by replacing aging watermains, sewers, sidewalks and streets. This investment demonstrates a commitment to maintaining the infrastructure that is vital to the health, safety, commerce and quality of life of the community.

Please give Bloomington's application all due consideration.

Sincerely,

A handwritten signature in cursive script that reads "Barry M. Reilly".

Dr. Barry M. Reilly, Superintendent

RESOLUTION NO. 2020 - 19

A RESOLUTION COMMITTING LOCAL FUNDS

WHEREAS, the City Council of the City of Bloomington, Illinois has taken action to submit a Rebuild Illinois competitive public infrastructure application; and

WHEREAS, receipt of Rebuild Illinois grant assistance is essential to allow the City of Bloomington to undertake the project to construct Phase 2 of the Locust/Colton Combined Sewer Overflow Elimination Project, which includes installation of new sanitary sewer in some locations and new storm sewer in other locations to separate storm and sanitary flow in the Locust/Colton sewershed; installation of new water main to upgrade the water system within the construction limits; new curb and gutter along with a new hot mix asphalt street overlay on Moore Street and Warner Street; and curb-to-curb resurfacing on Washington Street, Mercer Avenue, and Grove Street; and

WHEREAS, criteria are such that financial participation by the grantee is required in conjunction with Rebuild Illinois funds; and

WHEREAS, the City of Bloomington has certain monies allocated for the above-referenced project with cash on hand, as needed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington, McLean County, Illinois:

That the City of Bloomington does hereby commit funds from Sanitary Sewer Fund (5110) (\$50,000), Storm Water Fund (5310) (\$50,000), and Water Fund (5010) (\$70,000), for use in conjunction with a Rebuild Illinois Public Infrastructure Grant, such funds to equal 3.6% of the estimated total project cost of \$4,674,294, or \$170,000.

PASSED this 24th day of June 2020.

APPROVED this 25th day of June 2020.

CITY OF BLOOMINGTON

Tari Renner
Tari Renner, Mayor

ATTEST

Leslie Yocum
Leslie Smith-Yocum, City Clerk



Customer Ad Proof

51

60072323 City of Bloomington

Order Nbr 83532

Publication

BLM Pantagraph

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Amount Due 1403.01

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Insertions 7
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Keywords 83532 PUBLIC HEARING City of B

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Notes

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83532

PUBLIC HEARING

City of Bloomington will hold a virtual public hearing at <https://www.cityblm.org/live> on June 22, 2020, at 6:00 PM, to provide interested parties an opportunity to express their views on the proposed Rebuild Illinois Public Infrastructure Grant (RIPI) project. To testify live in the public hearing or provide live public comment you must register at <https://www.cityblm.org/register>.

Email public comment to publiccomment@cityblm.org.

Emails and registrations required at least 15min prior to the start of the meeting. For questions, contact the City Clerk Dept at cityclerk@cityblm.org, or by calling 309-434-2240, TTY 309-829-5115.

On or about June 30, 2020, the City intends to apply to the Illinois Department of Commerce and Economic Opportunity for a grant from the Rebuild Illinois program. This program is funded by state funds as included in the 2019 Capital Bill. These funds are to be used for a community development project that will include the following activities: Locust-Colton Phase 2 Elimination Project which is a sewer separation project located mainly on the following streets: Washington, Grove, Mercer, Moore and Warner. The total amount of Rebuild Illinois funds to be requested is \$4,504,294.00. The City also proposes to expend \$170,000 in non-Rebuild Illinois funds on the project. These non-Rebuild Illinois funds will be derived from the sewer, storm water and water enterprise funds.

Information related to this project will be available for review prior to the public hearing as of June 13, 2020 at www.cityblm.org/rebuildil. Interested residents are invited to provide comments regarding these issues either at the public hearing or by prior written statement. For additional information concerning the proposed project, please contact Jim Karch, 309-434-2385 or write to Jim Karch, 109 E. Olive Street, Bloomington, IL 61701.

CLASSIFIEDS

Meeting Notices

FRIENDS CEMETERY
Annual Meeting
June 28, 2020, 2PM.
Located Friends Meeting House.
Please bring a face mask.
Social distancing required.
We will try to have it outside if weather permits.
Sec. Russell J. Benjamin

Accounting-Bookkeeping

PUBLISHER'S NOTICE Federal and state laws prohibit employment advertisements that express a discriminatory preference on the basis of race, age, color, religion, sex, national origin, disability or marital status. The Pantagraph will not knowingly accept any advertisement that violates these laws.

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TECHIE BRAINS Incorporated has openings for the position DevOps Engineer with Master's degree in Computer/Information Science, Engineering(Any), Technology or related to assist with all stages of test data, perform script maintenance and updates. Automate the deployment and various other steps involved in Application Life Cycle management using the PowerShell. Create the build pipelines in Azure DevOps to deploy .Net code to Microsoft Azure cloud services. Design, develop, test, implement, support power handling capabilities and consolidating the database backup and recovery. Work location is Normal, IL with required travel to client locations throughout the USA. Please mail resumes to: 1713 Fort Jesse Road, Suite #3, Normal, IL 61761 (or) e-mail :naveen@techiebrains.com

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General

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Apts for Rent Bloomington

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Farms for Sale

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HAVE IT ALL NEAR ALL! Spacious, well-equipped, individual entry row homes. \$605 - 2 bed/1 bath and \$795 - 3 bed/2 bath units. Washer dryer connections, 1 pet allowed. Private street, near Constitution Trail, and shopping. Income restrictions apply. Summer/tee Rentals. 309-451-5555

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308 S. Monroe, Mackinaw Estate Sale, June 13 and 14, 9 to 5. Toys, games, books, clothes, tools, fixtures, household goods, furniture. Much vintage. Masks required, 5 people at a time, no kids/pets inside.

Pets & Supplies



AKC DOBERMAN pups, 5 wks old. Big and healthy. Shots and wormed, \$800 ea. Teutopolis, IL 217-343-4420

AUSTRALIAN SHEPHERD Blue Heeler mix puppies, Born May 6th. Make great pet! \$300 each. Ph. 217-543-2251, leave message.

TEDDY BEAR puppies, cute & playful, shots and dewormed, health guarantee, \$1,000. Call (217) 543-4090. Leave message.

KITTENS - 9 week old kittens free to good home. Litter trained, Tabby with white paws. Text 309-224-9363 for info.

Pets & Supplies

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3 YR. OLD Welsh Corgi female, spayed, housetrained, knows basic commands. \$700. 217-268-3344

AGUG AGUAWAY Siberian Husky mixed puppies, 8 wks old, 4 handsome males, blue eyes, markings like their mother. \$100. Ph. 217-763-6431.

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DODGE-2015 Grand Caravan SE, Stow-n-Go, Bluetooth, very nice, 104,000 miles.....\$10,900 CustomAutoSalesonline.com Bloomington•Ph.309-838-3809

Truck's-SUV's-Van's



2015 JEEP Wrangler Sahara 2 Dr. \$23,600. 26,300 Miles, Automatic with Premium, Soft Top, Speakers and Wheels, Original Owner, Never Damaged. Well cared for and garaged in Mattoon. Cell: 309-830-1442.



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FORD-2014 Explorer XLT, 4X4, leather, navigation, V6, clean, 105,000 mi.....\$14,900 CustomAutoSalesonline.com Bloomington•Ph.309-838-3809

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Forest River - 2004 Wildcat 27RL \$9,995 East Peoria, 800-528-9787 www.FOURWINDSRV.com

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Campers-Motorhomes



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Conquest - 2006 Gulf Supreme 295FKS \$11,595 Maroa, 800-528-9787 www.FOURWINDSRV.com



Jayco - 2020 Jay Flight 34RSBS \$36,995 Maroa, 800-528-9787 www.FOURWINDSRV.com



Jayco - 2020 White Hawk 32KBS \$39,995 Maroa, 800-528-9787 www.FOURWINDSRV.com



Thor - 2020 Compass 237W RVU \$85,995 Maroa, 800-528-9787 www.FOURWINDSRV.com



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Legal Inside

83532 PUBLIC HEARING
City of Bloomington will hold a virtual public hearing at https://www.cityblm.org/live on June 22, 2020, at 6:00 PM, to provide interested parties an opportunity to express their views on the proposed Rebuild Illinois Public Infrastructure Grant (RIP) project. To testify live in the public hearing or provide live public comment you must register at https://www.cityblm.org/register. Email public comment to publiccomment@cityblm.org. Emails and registrations required at least 15min prior to the start of the meeting. For questions, contact the City Clerk, Dept. at cityclerk@cityblm.org, or by calling 309-434-2240, TTY 309-829-5115.

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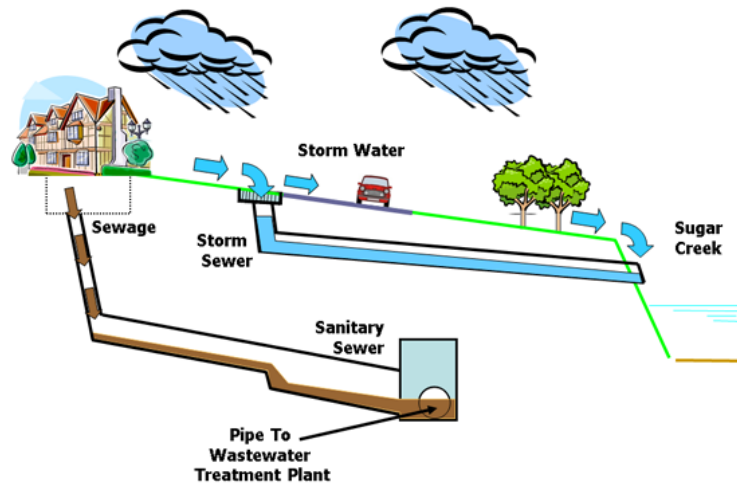
Locust/Colton CSO Elimination and Water Main Replacement Project

The City of Bloomington is requesting a \$4,504,294 grant through the Rebuild Illinois Public Infrastructure Grant, with a local match of \$170,000, for Phase Two of this project. The total Phase Two cost estimate is \$4,674,294. The City will hold a public hearing on June 22, 2020, to allow residents to view the construction plans and to learn about the project and its impacts on their property.

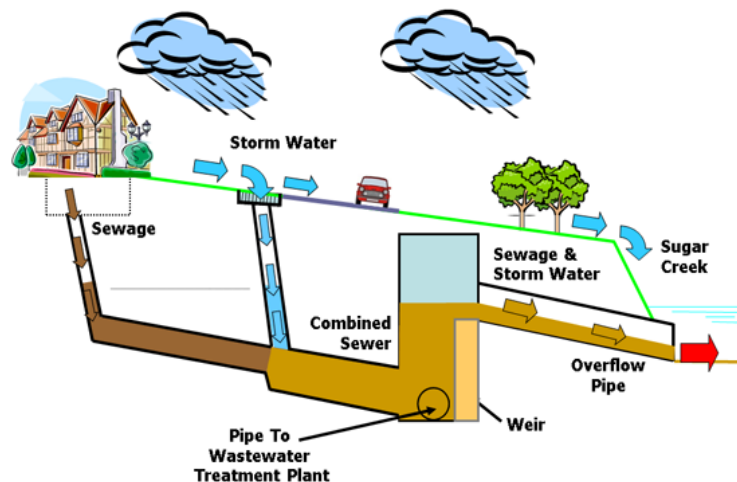
[Click here to view the City of Bloomington's Rebuild Illinois Public Infrastructure Grant Application for this project.](#)

The multi-phase Locust/Colton CSO project involves construction of new sanitary sewers, conversion of the existing combined sewer into a storm sewer, and laying new water main. The sewer portion of the project, with nine phases, is projected to cost nearly \$14 million and last through most of the decade. [Click here to view maps of all planned phases of this project.](#) Phase One was completed in 2013. As part of the overall project, the City is implementing the philosophy of improving the overall infrastructure, including pavements, sidewalks and curb and gutters so that additional work will not be needed in the area for multiple decades. This comprehensive approach connects well with the revitalization efforts discussed in the Governor's Five-Year Economic Plan.

SEPARATED SEWER SYSTEM



COMBINED SEWER SYSTEM



A combined sewer overflow (CSO) can occur when storm water run-off combines with the sanitary flow, usually during a heavy rain event, and discharges to an open body of water such as a creek or stream (left image above). This project continues the work of installing new sewer lines to separate the sanitary flow from the storm flow so that all sanitary flow is treated at the Bloomington Normal Water Reclamation District (BNWRD) Waste Water Treatment Plant (WWTP) prior to being discharged to Sugar Creek (right image above). In addition, older water main will be replaced within the project limits while the area is under construction. [Click here to learn more about Combined Sewers](#) and [click here to learn more about Combined Sewer Overflow](#).

Phase Two

The project proposed for the Rebuild Illinois grant is Phase Two of the city's Locust/Colton Combined Sewer Overflow Elimination Project, which began in December 2011. The project includes installation of 1,750 feet of new separate sanitary sewer and 20 to 30 new service laterals connecting resident's homes to the new sanitary sewer line. It also includes replacing 450 feet of aged water main in the areas disturbed by sewer construction. Moore Street and Warner Street will receive new curb and gutter along with a new hot mix asphalt street overlay. Washington Street, Mercer Avenue and Grove Street will be resurfaced curb to curb in the areas impacted by the construction. Phase Two construction plans and bid documents are complete, and the project is ready to move forward but the project has not yet been bid. Subject to award of grant funds from Rebuild Illinois, the City would begin construction in March 2021. [Click here for an overview map of the Phase 2 project limits](#).

Phase Two completion will:

- Provide revitalization in a key downstate community in Illinois that supports multiple, large employers, including State Farm, Country Companies, and Illinois Wesleyan University
- Help retain and attract businesses and addresses the challenge of outmigration with infrastructure modernization in downstate Illinois
- Eliminate outdated combined sewers by separating sanitary and storm water flow
- Remove the potential for sewer backups resulting from storm water into residents' homes in the area

Phase One

Phase 1 was completed in 2013. [Click here to view the Phase 1 Location Map](#)

Phase Three

Phase 3 of the "Locust/Colton CSO Elimination and Water Main Replacement Project" continues the multi-phase project to eliminate the CSO at Locust and Colton Street. Phase 3 began in March of 2020 with survey and design work.

STATE OF ILLINOIS)
)
 COUNTY OF McLEAN) ss:
)
 CITY OF BLOOMINGTON)

I, LESLIE SMITH-YOCUM, the duly appointed and qualified City Clerk of the City of Bloomington, Illinois do hereby certify that the foregoing is a perfect and complete copy of the City of Bloomington’s draft City Council meeting minutes for the Public Hearing and vote on the City’s Rebuild Illinois Grant Resolution and Application, which was presented, passed and approved at a regular meeting of said City Council held on the 24th day of June, 2020, by an affirmative vote of the majority of all members then holding office, the vote having been taken by yeas and nays and entered on the record of the proceedings of said Council.

Witness my hand and the seal of the said

City this 26th day of June, 2020

Leslie Yocum

Leslie Smith-Yocum
 City Clerk





**MINUTES
REGULAR SESSION CITY COUNCIL MEETING
WEDNESDAY, JUNE 24, 2020, 7:30 P.M.**

For the purpose of enabling the City's submission of the Rebuild Illinois Grant Application, these draft minutes have been condensed.

This meeting was conducted under Governor Pritzker's Executive Order 2020-07, Section 6 implemented in response to COVID-19, which suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The City Council convened in Regular Session both in-person in City Hall's Council Chambers and virtually via zoom conferencing at 7:30 p.m., Wednesday, June 24, 2020. The meeting was called to order by Mayor Tari Renner.

Roll Call

Attendee Name	Title	Status	Arrived
Tari Renner	Mayor	Remote	
Jamie Mathy	Ward 1	Absent	
Donna Boelen	Ward 2	Remote	
Mboka Mwilambwe	Ward 3	Remote	
Julie Emig	Ward 4	Remote	
Joni Painter	Ward 5	Remote	
Jennifer Jazmin Carrillo	Ward 6	Remote	
Scott Black	Ward 7	Remote	
Jeff Crabill	Ward 8	Remote	
Kim Bray	Ward 9	Remote	

Public Hearing

Item 9B. Public Hearing on a Resolution Committing Local Funds, and the City of Bloomington's Rebuild Illinois Grant Application for Phase 2 of the Locust/Colton Combined Sewer Overflow Elimination Project, as requested by the Public Works Department and the Administration Department. (Recommended Motion: None; presentation and public comment only.)

Mayor Renner opened the Public Hearing at 7:47 p.m.

Kevin Kothe, Public Works Director, addressed Council. He stated that the City would be applying for funding of the Phase 2 Locust and Colton Streets Combined Sewer Overflow Elimination Project (Locust/Colton Project) as part of the Rebuild Illinois Grant (RIG) Program. He explained that the RIG Program was a competitive public infrastructure grant program and that it was created to aid local governments with vital public infrastructure projects. He explained that the Locust/Colton Project was a multi-phase project and noted that the City had already completed Phase 1 of 9. He provided a brief history of the project, and then highlighted Phase 2 repairs, upgrades, and curb-to-curb resurfacing for portions of

the streets. Mr. Kothe stated that the RIG Program could award up to \$5 million dollars per project and explained that the Locust/Colton Project construction cost was \$4,674,294, but that only \$4,504,294 of funding would be requested as \$170,000 of this project would be funded from the current City budget. He then listed multiple benefits of the Locust/Colton Project and explained the reasoning for the needed improvements and comparing a combined sewer system to a separated sewer system. Mr. Kothe highlighted updates that had been made to the application to ensure minority inclusion.

Mayor Renner opened the meeting for public comment. Mrs. Yocum explained no individuals had registered speak, nor had emailed public comments.

Mayor Renner expressed interest in creating a standard City Minority Inclusion Policy.

Council Member Carrillo thanked Mr. Kothe for his presentation and the descriptive graphics, which she believed helped citizens understand the project. She expressed appreciation for the minority inclusion language highlighted.

Council Member Crabill echoed appreciation of the minority inclusion language, the presentation graphics, and echoed interest in developing a City Minority Inclusion Policy.

Mr. Gleason discussed the minority inclusion language further and stated that staff had been remiss from highlighting it previously.

Council Member Emig on behalf of Ward 4, thanked Mr. Kothe for the presentation and noted the National Institutes of Health (NIH) and Environmental Protection Agency (EPA) recommended the separation of sewers as it was beneficial to the environment.

Mayor Renner closed the Public Hearing at 7:48 p.m.

Regular Agenda

The following item was presented:

Item 10.A. Consideration and action to approve a Resolution Committing Local Funds and the City of Bloomington's Rebuild Illinois Grant Application for Phase 2 of the Locust/Colton Combined Sewer Overflow Elimination Project, as requested by the Public Works Department and the Administration Department.

Mr. Kothe addressed Council, and that the previous presentation during the Public Hearing had covered all the information he had prepared to share. He stated that he was available for any additional questions.

Council had no additional comments or questions.

Council Member Carrillo made a motion, seconded by Council Member Boelen, that the proposed Resolution and Grant Application be approved.

Mrs. Yocum confirmed that the motion on the floor included the revised grant application. Mayor Renner confirmed the motion with Council Members Carrillo and Boelen.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

AYES: Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

ABSENT: Mathy

Motion carried.

Adjournment

Council Member Carrillo made a motion, seconded by Council Member Boelen, that the meeting be adjourned.

Motion carried (viva voce).

The meeting adjourned at 8:47 p.m.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Amanda Mohan, Deputy City Clerk

DRAFT

LOCAL GOVERNMENT CERTIFICATIONS

On this **12th** of June, 2020, the Mayor Tari Renner of City of Bloomington hereby certifies to the Department of Commerce and Economic Opportunity in regard to an application and award of funds through the Rebuild Illinois Grant that:

- 1. It confirms that no aspect of the project for assistance has or shall commence prior to the award of funds to the community and the receipt of an environmental clearance from the Department.
- 2. It will comply with the Interagency Wetland Policy Act of 1989 including the development of a plan to minimize adverse impacts on wetlands, or providing written evidence that the proposed project will not have an adverse impact on a wetland. It confirms that Project must also comply with Federal Wetlands Protection regulations at 24-CFR 58.5(b)(2) and Executive Order 11990, which may require preparation of an Eight-Step Wetlands Review.
- 3. It will comply with the Illinois Endangered Species Protection Act and the Illinois Natural Area Preservation Act by completing the consultation process with the Endangered Species Consultation Program of the Illinois Department of Natural Resources, or providing written evidence that the proposed project is exempt.
- 4. It will identify and document all appropriate permits necessary to the proposed project, including, but not limited to: building, construction, zoning, subdivision, IEPA and IDOT.
- 5. No legal actions are underway or being contemplated that would significantly impact the capacity of the (name of local government) to effectively administer the program, and to fulfill the requirements of the program.
- 6. It will coordinate with the County Soil and Water Conservation District regarding standards for surface and sub-surface (tile) drainage restoration and erosion control in the fulfillment of any project utilizing Rebuild Illinois funds and involving construction.
- 7. It is understood that the obligation of the State will cease immediately without penalty of further payment being required if in any fiscal year the Illinois General Assembly or federal funding source fails to appropriate or otherwise make available sufficient funds for this agreement.
- 8. It acknowledges the applicability of Illinois prevailing wage rate requirements to construction projects; a wage rate determination must be obtained prior to commencement of any construction or equipment installation; and, it shall discuss these requirements with the contractor.
- 10. It will comply with OMB 2 CFR 200 and applicable areas of Illinois' Grant Accountability and Transparency Act (GATA).
- 11. The area, in whole or in part, in which project activities will take place, IS or **IS NOT** (circle one) located in a floodplain.

A FEMA Floodplain map is included in the application (as required) and is located on Page 26

If yes, does it participate in the National Flood Insurance Program? Yes No

If no, provide an explanation as to why it does not participate: _____




Signature of Chief Elected Official
Date

MANDATORY DISCLOSURES

Award applicants and recipients of awards from the State of Illinois (collectively referred to herein as "Grantee") must disclose, in a timely manner and in writing to the State awarding agency, all violations of State or federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the award. See 30 ILCS 708/40; 44 Ill. Admin Code § 7000.40(b)(4); 2 CFR § 200.113. Failure to make the required disclosures may result in remedial action.

Please describe all violations of State or federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the awarding of a grant to your organization:

Grantee has a continuing duty to disclose to the Department of Commerce and Economic Opportunity (the "Department") all violations of criminal law involving fraud, bribery or gratuity violations potentially affecting this grant award.

By signing this document, below, as the duly authorized representative of the Grantee, I hereby certify that:

- All of the statements in this Mandatory Disclosure form are true, complete and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil or administrative penalties. (U.S. Code, Title 18, Section 1001).
- There is no action, suit or proceeding at law or in equity pending, nor to the best of Grantee's knowledge, threatened, against or affecting the Grantee, before any court or before any governmental or administrative agency, which will have a material adverse effect on the performance required by the grant award.
- Grantee is not currently operating under or subject to any cease and desist order, or subject to any informal or formal regulatory action, and, to the best of the Grantee's knowledge, it is not currently the subject of any investigation by any state or federal regulatory, law enforcement or legal authority.
- If Grantee becomes the subject of an action, suit or proceeding at law or in equity that would have a material adverse effect on the performance required by an award, or an investigation by any state or federal regulatory, law enforcement or legal authority, Grantee shall promptly notify the Department in writing.

Grantee Organization: **City of Bloomington**

By: 
Signature of Authorized Representative

Printed Name: **Tari Renner**

Printed Title: **Mayor**

Date: 

CONFLICT OF INTEREST DISCLOSURE

Award applicants and recipients of awards from the State of Illinois (collectively referred to herein as “Grantee”) must disclose in writing to the awarding State agency any actual or potential conflict of interest that could affect the State award for which the Grantee has applied or has received. See 30 ILCS 708/35; 44 Ill. Admin Code § 7000.40(b)(3); 2 CFR § 200.112. A conflict of interest exists if an organization’s officers, directors, agents, employees and/or their spouses or immediate family members use their position(s) for a purpose that is, or gives the appearance of, being motivated by a desire for a personal gain, financial or nonfinancial, whether direct or indirect, for themselves or others, particularly those with whom they have a family business or other close associations. In addition, the following conflict of interest standards apply to governmental and non-governmental entities.

- a. **Governmental Entity.** If the Grantee is a governmental entity, no officer or employee of the Grantee, member of its governing body or any other public official of the locality in which the award objectives will be carried out shall participate in any decision relating to a State award which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested, or which affects the personal interest of a spouse or immediate family member, or has any financial interest, direct or indirect, in the work to be performed under the State award.
- b. **Non-governmental Entity.** If the Grantee is a non-governmental entity, no officer or employee of the Grantee shall participate in any decision relating to a State award which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested, or which affects the personal interest of a spouse or immediate family member, or has any financial interest, direct or indirect, in the work to be performed under the State award.

The Grantee shall also establish safeguards, evidenced by policies, rules and/or bylaws, to prohibit employees or officers of Grantee from engaging in actions, which create or which appear to create a conflict of interest as described herein.

The Grantee has a continuing duty to immediately notify the Department of Commerce and Economic Opportunity (the “Department”) in writing of any actual or potential conflict of interest, as well as any actions that create or which appear to create a conflict of interest.

Please describe all current potential conflict(s) of interest, as well as, any actions that create or which appear to create a conflict of interest related to the State award for which your organization has applied.

If the Grantee provided information above regarding a current potential conflict of interest or any actions that create or appear to create a conflict of interest, the Grantee must immediately provide documentation to the applicable Department grant manager to support that the potential conflict of interest was appropriately handled by the Grantee’s organization. If at any later time, the Grantee becomes aware of any actual or potential conflict of interest, the Grantee must notify the Department’s grant manager immediately, and

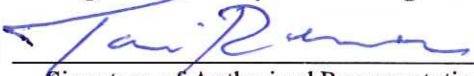
provide the same type of supporting documentation that describes how the conflict situation was or is being resolved.

Supporting documentation should include, but is not limited to, the following: the organization’s bylaws; a list of board members; board meeting minutes; procedures to safeguard against the appearance of personal gain by the organization’s officers, directors, agents, and family members; procedures detailing the proper internal controls in place; timesheets documenting time spent on the award; and bid documents supporting the selection of the contractor involved in the conflict, if applicable.

By signing this document, below, as the duly authorized representative of Grantee, I hereby certify that:

- All of the statements in this Conflict of Interest Disclosure form are true, complete and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil or administrative penalties. (U.S. Code, Title 18, Section 1001).
- If I become aware of any situation that conflicts with any of the representations herein, or that might indicate a potential conflict of interest or create the appearance of a conflict of interest, I or another representative from my organization will immediately notify the Department’s grant manager for this award.
- I have read and I understand the requirements for the Conflict of Interest Disclosure set forth herein, and I acknowledge that my organization is bound by these requirements.

Grantee Organization: **City of Bloomington**

By: 
Signature of Authorized Representative

Printed Name: **Tari Renner**

Printed Title: **Mayor**

Date: 6/12/20

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EXECUTIVE SUMMARY

The City of Bloomington, Illinois is in the process of eliminating Combined Sewer Overflows (CSOs) in an effort to minimize CSO volumes and meet the requirements of the City's NPDES CSO permit.

The Locust Street CSO was found to have a potential for frequent combined sewer overflows, as eight separate CSO events were observed at the Locust Street CSO during the detailed monitoring period conducted from April to August 2006. The existing combined sewer lines upstream of the CSO are 66-inch diameter and through extensive modeling of the collection system it was determined that these sewers have sufficient capacity to serve as separate storm sewers.

This Facility Plan is an investigation of the required improvements to the combined sewer service areas that includes descriptions of the current system, the need for the project, environmental issues, opinion of probable cost, impact on user fees and schedule for the project.

The City of Bloomington is seeking Illinois Environmental Protection Agency (IEPA) State Revolving Fund (SRF) Low Interest Loan monies to pay for the engineering services (including design and construction) and construction costs required to complete the proposed CSO Elimination Project. The separation of sanitary sewers will eliminate CSO events at the Locust Street CSO, which will remove a major public health hazard.

The City of Bloomington is seeking IEPA approval for this CSO Elimination Project through this Facility Plan document in order to secure funding needed to design and construct the proposed sanitary/storm sewer lines within the Locust Street CSO Sewershed in conjunction with the Water Main Replacement Project.

Chapter 1 CURRENT SYSTEM

1.1 Description of Locust/Colton CSO Sewershed

The Locust/Colton CSO sewershed, measured at the Empire/Colton intersection, is just over 1 square mile. The northern portion of the sewershed includes the Bloomington Middle School and High School, the Bloomington Country Club, Eastland Mall, and a strip mall north of Empire. The southern portion of the sewershed consists of older homes and infrastructure, which is where most of the combined sewer service area is located.

Much of the sewershed consists of separate storm sewer and separate sanitary sewer (especially the northern and northeastern portions of the sewershed). The interaction between the combined sewer areas and separate sewer areas occurs only at the northwest (downstream) corner of the study area (Locust Street and Colton Avenue).

Detailed analysis was performed in October 2007 to identify the wet weather response of the existing combined sewer system tributary to the Locust Street and Colton Avenue CSO locations, near Bloomington High School. Empire Street (Route 9) was designated by City Staff as the downstream limit of the study. The sewershed and sub-basins were delineated upstream of Empire Street using 0.5 meter contours, GIS sewer data, and field reconnaissance. The study is limited to sewer flows and surface runoff tributary to the Empire/Colton intersection.

Flooding has been observed throughout the study area, especially along the eastern edge of the sewershed. This flooding is the result of undersized storm sewers and combined sewers. This has resulted in basement flooding (largely due to undersized separate storm sewer) and surface flooding near Eastland Mall.

1.2 Existing Population and Customers

The City of Bloomington and Bloomington-Normal Water Reclamation District (BNWRD) West Oakland WWTP serves approximately 100,000 residents within the City of Bloomington, Town of Normal and surrounding areas. The WWTP service area is approximately 30.8 square miles with an average design flow of 22.5 mgd and a design maximum flow of 45.0 mgd. Residents account for approximately 98% of the total flow, with the remaining 2% attributed to industrial clients.

1.3 Future Population and Customers

The City of Bloomington is a community that has experienced steady growth for several years due to the presence of Illinois Wesleyan University in Bloomington and Illinois State University in Normal, as well as growing businesses such as State Farm Insurance and Country Financial. The Central Illinois Regional Airport, one of the fastest growing airports in the country, provides jobs and promotes growth in nearby communities.

The City of Bloomington is one of the fastest growing metropolitan areas in Illinois with an estimated 65.3% increase in population between 1980 and 2010. The trend of the federal census data, as shown in Figure 1-1 indicates that a growth rate of about 1.2% per year can be expected over the next 20 years, projecting a population of about 104,877 in 2040.

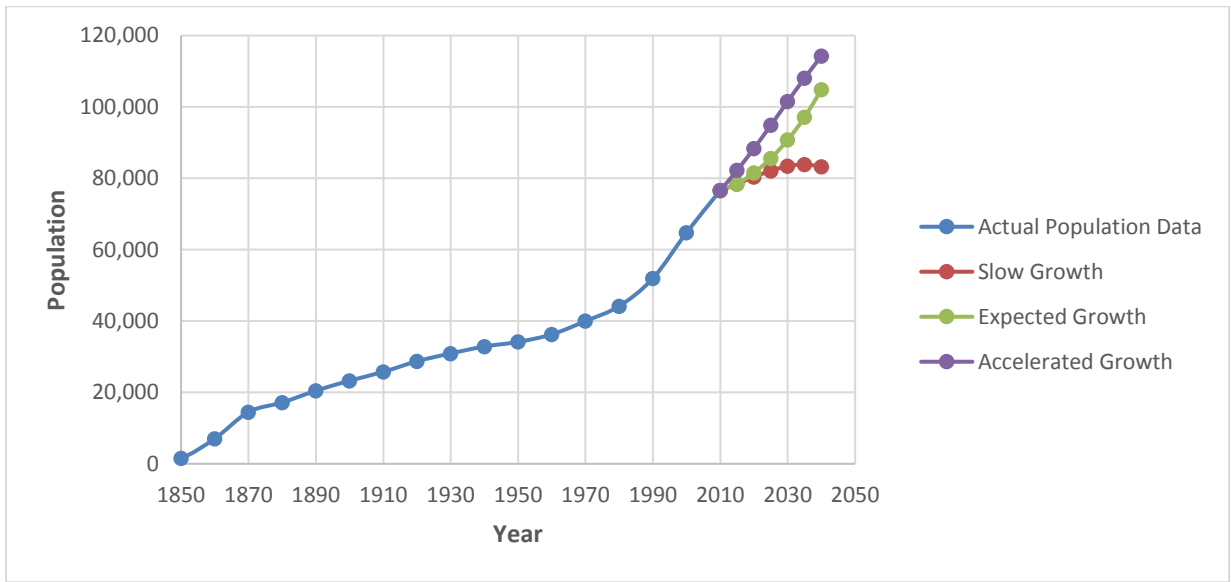


Figure 1-1 Population data for Bloomington, IL

As the population grows, water consumption is also expected to slightly grow. The predicted average daily sanitary flows treated by BNWRD for the year 2030 is 25.0 mgd. Flows from the project areas are expected to remain fairly stable as the project area is fully developed and there are no plans for the land use to change within the project area in the foreseeable future.

Chapter 2 PROJECT PLAN

The City of Bloomington desires to develop a phased approach to full sewer separation, thus eliminating or limiting the wet weather flow volumes directed into the BNWRD interceptor sewers downstream. This chapter presents the options that were evaluated for reducing combined sewer wet weather flow rates and flow volumes. Costs in Section 2.1 are from the 2007 study and so should be used for comparative purposes only.

2.1 Evaluation of Alternatives

There are a number of alternatives that were considered to eliminate the CSO problems at the Locust Street CSO and Colton Avenue CSO. Each alternative has its advantages and disadvantages. This section discusses each of these alternatives.

2.1.1 Full Sewer Separation

Eliminate the combined sewers tributary to the Locust Street CSO through a sewer separation project. Convert existing larger-diameter combined sewers into separate storm sewers and construct new separate sanitary sewers. The sanitary sewer would consist of new separate sanitary sewer mains, guaranteeing a “tight” sewer system with controlled points of inflow.

The separation can be implemented in up to nine (9) phases at an estimated cost of \$16.4 million (2007 dollars).

The Engineering Department is coordinating with the Bloomington Water Department during the sewer separation process to identify opportunities where watermain replacement projects can be integrated with the sewer separation projects. This aims to help reduce construction mobilization and design costs.

2.1.2 Colton CSO Elimination

Eliminated the Colton Avenue CSO by installing a plug in the sewer connecting the combined sewer and storm sewer. No sewer separation was required prior to this action. The cost for this improvement was negligible and this effort was completed soon after the study was completed.

2.1.3 Off-line Storage

Construct a 1.1-million-gallon underground storage facility immediately south of Locust Street. This storage facility would temporarily store wet weather flows and pump the combined sewage back into the combined sewer, thereby protecting against CSOs up to a 5-year recurrence interval flow event. This improvement would cost (2007 dollars) approximately \$3.0 million for the underground storage component and an additional \$900,000 for flood abatement in the Mercer/Jackson and Bellemont neighborhoods, in addition to annual operation and maintenance costs. This improvement is intended as a substitute for the Full Sewer Separation Option.

2.1.4 Partial Sewer Separation – Downstream System Modifications

Reduce the sewer separation costs by leaving a 60-acre area as combined sewer service area. This improvement would protect against CSOs up to a 5-year recurrence interval flow event. This improvement would cost approximately \$8.4 million (2007 dollars) and is intended as a substitute for full sewer separation.

2.1.5 Separate Storm Sewer Improvements

Replace undersized storm sewers between the Bloomington Country Club and Eastland Mall. Larger sewers are necessary to prevent frequent surface flooding in this area. These improvements will cost approximately

\$750,000 (2007 dollars).

The decision to construct separate sewers or construct underground storage should be based on the City’s goals with respect to CSO reduction vs elimination. Complete sewer separation will eliminate the Locust Street CSO. Partial sewer separation or underground storage will drastically reduce CSO frequency to about 5-year recurrence interval, but not eliminate the CSO. The City ultimately decided on the full sewer separation scenario to eliminate the Locust Street CSO.

2.2 Full Sewer Separation Phases

The Locust Street CSO Elimination Project will be executed in conjunction with the water main replacement project. These two projects have been divided into nine unique phases that will be completed over several years as the funds become available. Table 2-1 shows a preliminary timeline for the expected completion for each of the phases. The phases listed in this document coincide with the phases listed in the Water Main Planning Document.

Table 2-1 Proposed Timeline for Project Phases

Phase	Completion Year
Separation Phase 2	April 30, 2020
Separation Phase 3	April 30, 2022
Separation Phase 4	April 30, 2024
Separation Phase 5	April 30, 2026
Separation Phase 8	April 30, 2028
Separation Phase 9	April 30, 2030

The CSO Elimination Project is divided between Phases 1, 2, 3, 4, 5, 8, 9, which will be implemented in conjunction with the Water Main Replacement Project. Phase 1 was expanded and ultimately included all of Phase 1, 6, 7, as well as parts of Phase 2 and 3. All other phases will follow the Locust/Colton CSO Elimination Study.

Chapter 3 PROJECT PHASES

Project phasing was based on the need to construct key downstream sewer segments in the initial phases, then branching out to construct additional sewers in the outlying service areas. Each phase was selected to create a manageable construction project while minimizing disruption to utilities, traffic, and quality of living in the residential neighborhoods served by the combined sewer. Description of each of the phases are in sections that follow. An overall map of all the phases is shown in

Figure 3-1

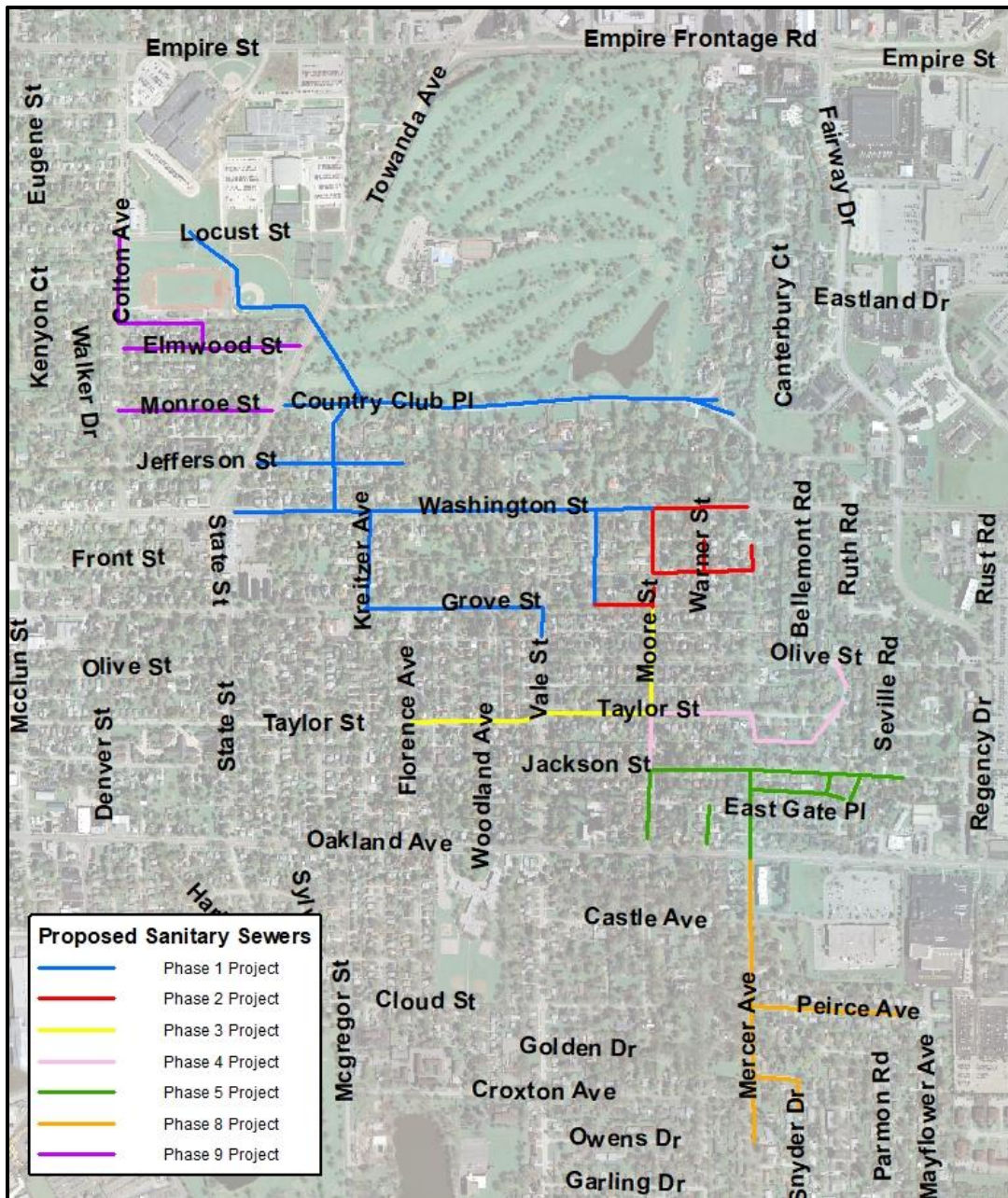


Figure 3-1 Locust Street CSO Elimination Phases

3.1 Expanded Phase 1

3.1.1 Phase 1

The Phase 1 work is complete. It was treated as an expanded phase that included Phase 1, 6 and 7, as well as parts of Phase 2 and 3.

A total of 12,200 feet of new sanitary sewer of diameter ranging from 8-inch to 30-inch and approximately 1,200 feet of new local storm sewer of 12-inch to 21-inch diameter was required, including lining 1,600 feet of existing combined sewer for structural damage and lateral connections to construct a new separate sanitary sewer collection system and rehabilitate the existing sewer system to rededicate the existing sewers as separate storm sewers.

Figure 3-2 illustrates the Phase 1 Sewer Separation Project.



Figure 3-2 Phase 1 (Expanded) Sewer Separation Project

3.2 Phase 2

Approximately 3,100 feet of sanitary sewers of diameter ranging from 6-inch to 18-inch will be constructed along Grove Street, Moore Street, Warner Street, and Mercer Avenue. 1,400 feet of sewer lining will occur in the alley between Washington Street and Grove Street, from Moore Street to Mercer Avenue and also along Washington Street and Moore Street.

With the completion of Phase 2, 5,358 feet of the 7645-foot-long interceptor sewer will be constructed, and 121 acres of the 232-acre combined sewershed will be served by separate storm and sanitary sewers.

Figure 3-3 illustrates the Phase 2 Sewer Separation Project



Figure 3-3 Phase 2 Sewer Separation Project

3.3 Phase 3

Phase 3 consists of approximately 2,280 ft of new separate sanitary sewer of diameter ranging from 8-inch to 18-inch in the following areas:

- Taylor Street between Florence Avenue and Moore Street
- Moore Street, north of Taylor Street

Figure 3-4 illustrates the Phase 3 Sewer Separation Project areas



Figure 3-4 Phase 3 Sewer Separation Project

3.4 Phase 4

Phase 4 consists of approximately 2,110 feet of sanitary sewer of diameter ranging from 8-inch to 18-inch in the following areas:

- Taylor Street, between Moore Street and Mercer Avenue
- Grant Road and the surrounding neighborhood
- Moore Street, between Taylor Street and Jackson Street

Figure 3-5 illustrates Phase 4 of the Sewer Separation Project

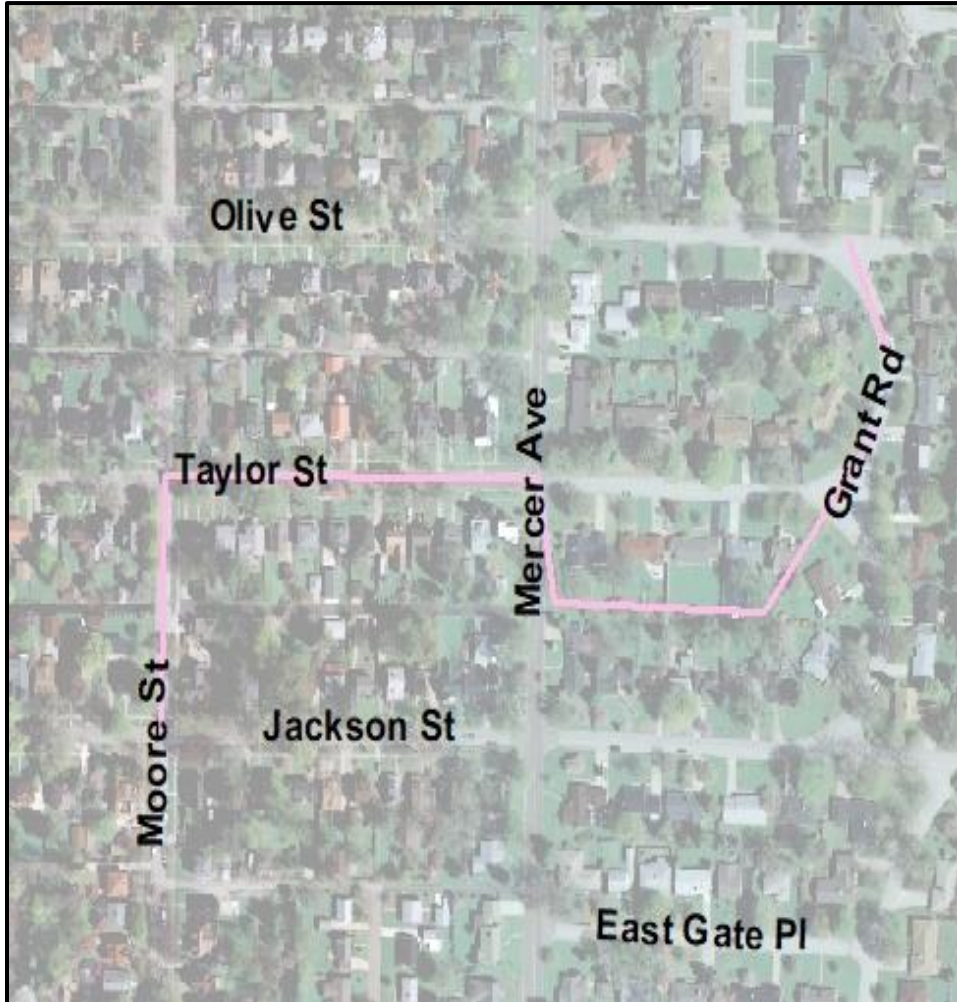


Figure 3-5 Phase 4 Sewer Separation Project

3.5 Phase 5

During Phase 5 approximately 3,910 feet of new sanitary sewer of diameter ranging from 8-inch-15-inch will be installed in the following areas:

- Moore Street, south of Taylor Street
- Mercer Avenue, Jackson Street to Oakland Avenue
- Jackson Street, Between Moore Street and Guido Circle
- Oakland Court, north of Oakland Avenue
- Patterson Drive, between Jackson Street and East Gate Place

Figure 3-6 illustrates Phase 5 of the Sewer Separation Project.



Figure 3-6 Phase 5 Sewer Separation Project

3.6 Phase 8

During Phase 8, approximately 3,350 feet of new sanitary sewer of diameter ranging from 8-inch to 12-inch will be constructed in the following areas:

- Mercer Avenue, between Oakland Avenue and Kemmer Lane
- Peirce Avenue, between Mercer Avenue and Parmon Road
- Dunbar Drive to Snyder Drive

Figure 3-7 illustrates Phase 8 Sewer Separation Project.



Figure 3-7 Phase 8 Sewer Separation Project

3.7 Phase 9 – Optional Sewer Separation Area

This phase is included in the total budget calculations but is an optional phase that would not impact the Locust Street CSO removal, as the tributary area discharges downstream of the Locust Street CSO; however, this is a known combined sewer service area and so has been included in this effort to remove combined sewer areas in the project vicinity.

During the last phase, approximately 3,470 feet of 8-inch sanitary sewer line will be installed along Elmwood and Monroe Street. New connections will also be done along Colton Avenue.

Figure 3-8 illustrates Phase 9 Sewer Separation Project.

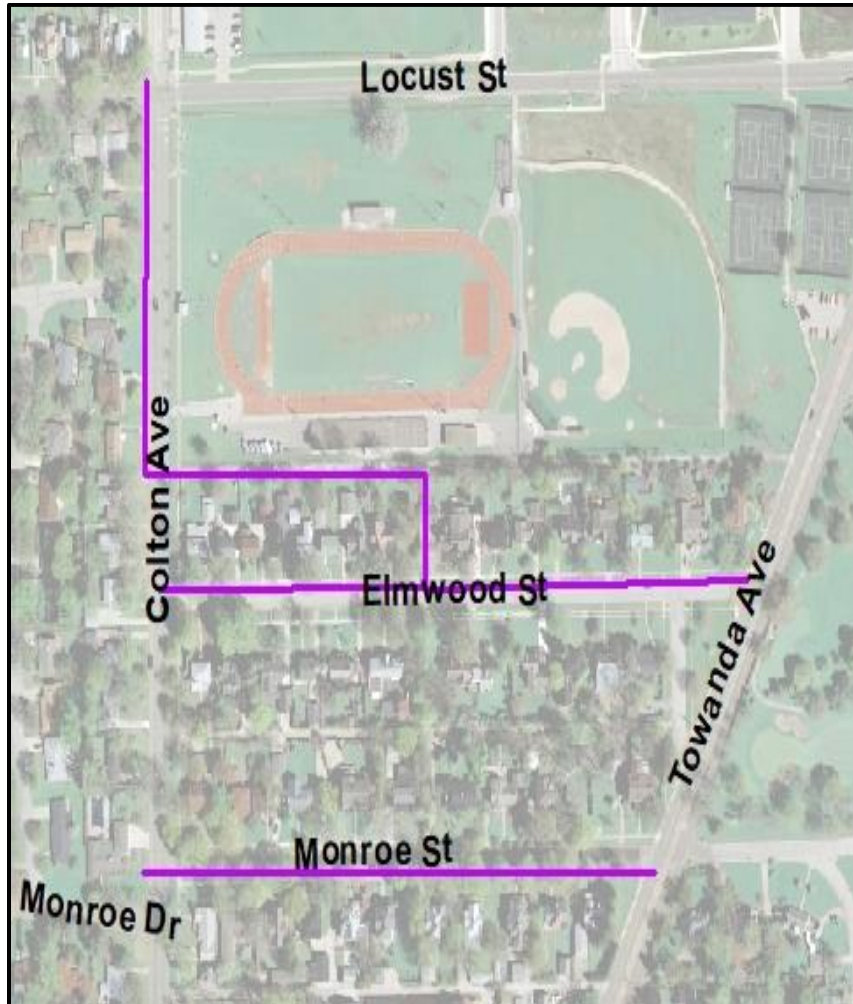


Figure 3-8 Phase 9 Sewer Separation Project

Chapter 4 – ENVIRONMENTAL IMPACT

Environmental waivers for this project have been requested from the appropriate entities, covering both the water main and sewer projects. The following section discusses the specific environmental issues and sign off letters.

4.1 National Historic Preservation Act

A revised letter was sent to the Illinois Historic Preservation Agency (IHPA) on November 19, 2018. It is believed that no historic areas will be affected by this project as no issues were identified when IHPA clearance was requested several years ago for this project area. This project will be constructed along City streets and right of ways and on previously disturbed grounds. A copy of this letter is included in the Appendix.

4.2 Illinois Endangered Species, Natural Areas Preservation, and Interagency Wetlands Protection Act

The ECOCAT Ecological Compliance Assessment Tool was used on November 19, 2018 to query the Illinois Natural Heritage Database. The results from that query show that no record of state listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves are in the vicinity of the Phase 2 project location. The query of the National Wetland Inventory did not show any wetlands within 250 feet of this project location.

4.3 Rivers, Lakes, and Streams Act

No waterways will be impacted by this project as all construction will occur along existing roadways.

4.4 Prime Agricultural Farmland

This project does not involve the conversion of prime agricultural land as this project area is completely developed.

4.5 Secondary Environmental Impacts

The project does not include an allowance that provides for more than a 30% reserve growth capacity in the service area.

The project is not anticipated to impact sensitive ecosystems directly or indirectly. The City through the authority of its Council, planning commission, or other means will ensure that future development, as well as future collection system or treatment projects connecting to SRF funded facilities, will not adversely impact wetlands, archaeological/historical/structural resources, or other sensitive environmental resources. The City will require new development and treatment works projects to be constructed within the guidelines of the U.S. Fish and Wildlife Service, IDNR, and other environmental review authorities.

Chapter 5 – FINANCIAL IMPACTS

5.1 Opinion of Probable Construction Cost

The City of Bloomington is seeking IEPA SRF Loan monies to complete with the Locust Street CSO Elimination Project. The loan will include construction costs, design engineering, and construction engineering monies. The tables below show the costs for the projects defined in this report.

Table 5-1. Project Costs – Phase 1

Description	Total Cost
Total Base Bid (Water) Amount	\$2,743,855.00
Total Base Bid (Sewer) Amount	\$4,546,406.00
Total Base Bid (Transportation) Amount	\$1,736,287.51
Total Base Bid	\$9,026,548.51

Table 5-2. Opinion of Probable Project Costs – Phase 2

Item No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	Tree removal (6 to 15 units diameter)	15	ea	\$40.00	\$600
2	Tree removal (over 15 units diameter)	80	ea	\$70.00	\$5,600
3	Tree root pruning	30	ea	\$115.00	\$3,500
4	Tree pruning (1 to 10 inch diameter)	5	ea	\$110.00	\$600
5	Tree pruning (over 10 inch diameter)	30	ea	\$125.00	\$3,800
6	Earth excavation	312	cu yd	\$35.00	\$10,900
7	Removal and disposal of unsuitable material	35	cu yd	\$25.00	\$900
8	Trench backfill	4,387	cu yd	\$40.00	\$175,500
9	Granular embankment, special	70	ton	\$30.00	\$2,100
10	Geotechnical fabric for ground stabilization	105	sq yd	\$3.50	\$400
11	Topsoil furnish and place, 6"	2,950	sq yd	\$12.00	\$35,400
12	Seeding, Class 1A	0.6	acre	\$2,000.00	\$1,200
13	Nitrogen fertilizer nutrient	54	pound	\$3.00	\$200
14	Phosphorous fertilizer nutrient	54	pound	\$3.00	\$200
15	Potassium fertilizer nutrient	54	pound	\$3.00	\$200
16	Mulch, method 3	0.6	acre	\$2,000.00	\$1,200
17	Erosion control blanket	100	sq yd	\$5.00	\$500
18	Sodding	50	sq yd	\$25.00	\$1,300
19	Supplemental watering	30	unit	\$200.00	\$6,000
20	Perimeter erosion barrier	50	ft	\$4.00	\$200
21	Inlet and pipe protection	2	ea	\$200.00	\$400
22	Inlet filters	42	ea	\$190.00	\$8,000
23	Aggregate Base course, Type A 8"	5,309	sq yd	\$15.00	\$79,600
24	Portland cement concrete base course 8"	2,919	sq yd	\$65.00	\$189,700
25	Aggregate surface course, type B	3	ton	\$55.00	\$200
26	Aggregate for temporary access	25	ton	\$50.00	\$1,300
27	Bituminous materials (prime coat)	4,143	pound	\$1.00	\$4,100
28	Bituminous materials (tack coat)	3,202	pound	\$1.00	\$3,200
29	Mixture for cracks, joints, and flangeways	0.5	ton	\$500.00	\$300
30	Temporary ramp	244	sq yd	\$40.00	\$9,800

31	Polymerized Hot-mix Asphalt surface course , mix "D", N50	733	ton	\$140.00	\$102,600
32	Hot-Mix Asphalt Pavement (Full depth), 6"	1,760	sq yd	\$38.00	\$66,900
33	Incidental Hot-Mix Asphalt Surfacing	19	ton	\$200.00	\$3,800
34	Portland Cement concrete driveway pavement, 6 inch	76	sq yd	\$80.00	\$6,100
35	Portland cement concrete driveway pavement, 8 inch	49	sq yd	\$100.00	\$4,900
36	Portland Cement Concrete Sidewalk 6 inch	1,204	sq ft	\$10.00	\$12,000
37	Detectible warnings	48	sq ft	\$25.00	\$1,200
38	Pavement removal	4,769	sq yd	\$15.00	\$71,500
39	Driveway Pavement removal	145	sq yd	\$15.00	\$2,200
40	Combination Curb and Gutter removal	1,528	ft	\$8.00	\$12,200
41	Sidewalk removal	1,441	sq ft	\$2.00	\$2,900
42	Strip reflective crack control treatment	2,910	ft	\$2.50	\$7,300
43	Storm sewers, Class A, Type 1 12"	211	ft	\$85.00	\$17,900
44	Storm sewers, Class A, Type 2 12"	583	ft	\$100.00	\$58,300
45	Storm sewers, Class A, Type 2 15"	230	ft	\$110.00	\$25,300
46	Storm sewers, Class A, Type 2 18"	329	ft	\$120.00	\$39,500
47	Storm sewers, Class A, Type 2 24"	302	ft	\$130.00	\$39,300
48	Storm sewer removal 10"	33	ft	\$12.00	\$400
49	Storm sewer removal 12"	941	ft	\$13.00	\$12,200
50	Controlled Low-strength material	10	cu yd	\$100.00	\$1,000
51	Manholes, Type A, 4'-Diameter, type 1 frame, closed lid	5	ea	\$2,800.00	\$14,000
52	Manholes, Type A, 5'-Diameter, type 1 frame, closed lid	5	ea	\$3,600.00	\$18,000
53	Manholes, Type A, 5'-Diameter, type 3 frame and grate	1	ea	\$3,800.00	\$3,800
54	Inlets, Type A, Type 3 Frame and Grate	12	ea	\$1,500.00	\$18,000
55	Inlets, Type A, Type 8 Grate	1	ea	\$1,400.00	\$1,400
56	Inlets, Type B, Type 1 Frame, Open Lid	1	ea	\$2,100.00	\$2,100
57	Inlets, Type B, Type 3 Frame and Grate	7	ea	\$2,300.00	\$16,100
58	Manholes to be adjusted	1	ea	\$500.00	\$500
59	Removing manholes	10	ea	\$800.00	\$8,000
60	Removing Inlets	15	ea	\$400.00	\$6,000
61	Mobilization	0.55	ls	\$160,000.00	\$88,000
62	Thermoplastic pavement marking - letters and symbols	94	sqft	\$10.00	\$900
63	Thermoplastic pavement marking - line 6"	856	ft	\$7.00	\$6,000
64	Thermoplastic pavement marking - line 24"	76	ft	\$25.00	\$1,900
65	Sanitary sewer removal, 10"	10	ft	\$20.00	\$200
66	Sanitary sewer removal, 8"	210	ft	\$15.00	\$3,200
67	Portland cement concrete driveway pavement 6 inch, special	20	sq yd	\$90.00	\$1,800
68	Portland cement concrete driveway pavement 8 inch, special	20	sq yd	\$100.00	\$2,000
69	Portland cement concrete sidewalk 8 inch, special	297	sq ft	\$15.00	\$4,500
70	Hot-mix Asphalt surface removal, 2" special	6,284	sq yd	\$7.00	\$44,000
71	Inlets, Special, with frame and grate	22	ea	\$2,000.00	\$44,000
72	Sanitary Manholes to be adjusted	2	ea	\$1,500.00	\$3,000
73	Combination Concrete Curb and Gutter, Type B-6.18 (special)	1,526	ft	\$55.00	\$83,900
74	Traffic Control and Protection	0.55	ls	\$32,000.00	\$17,600
75	Changeable message sign	42	cal da	\$150.00	\$6,300
76	Construction layout	0.55	ls	\$30,000.00	\$16,500
77	Storm Sewers, Type 1, Water main quality pipe, 12"	93	ft	\$80.00	\$7,400
78	Storm Sewers, Type 2, Water main quality pipe, 12"	217	ft	\$75.00	\$16,300
79	Storm Sewers, Type 2, Water main quality pipe, 15"	170	ft	\$110.00	\$18,700
80	Storm Sewers, Type 2, Water main quality pipe, 18"	27	ft	\$120.00	\$3,200
81	Sanitary Sewer, Type 2 6"	934	ft	\$80.00	\$74,700
82	Sanitary Sewer, Type 2 8"	1,300	ft	\$90.00	\$117,000
83	Sanitary Sewer, Type 2 12"	27	ft	\$110.00	\$3,000
84	Sanitary Sewer, Type 2 24"	8	ft	\$135.00	\$1,100
85	Sanitary Sewer, Type 3 6"	72	ft	\$85.00	\$6,100

86	Sanitary Sewer, Type 3 8"	338	ft	\$95.00	\$32,100
87	Sanitary Sewer, Type 3 18"	427	ft	\$120.00	\$51,200
88	Sanitary sewer removal 24"	5	ft	\$30.00	\$200
89	Sanitary sewer bypass pumping	1	ls	\$15,000.00	\$15,000
90	Salvaged Aggregate material 8"	1,242	sq yd	\$10.00	\$12,400
91	Storm sewers, Class B, Type 1 6"	664	ft	\$28.00	\$18,600
92	Connection to existing manhole, special	4	ea	\$3,000.00	\$12,000
93	Concrete collar	14	ea	\$800.00	\$11,200
94	Pipe grouting	14	cu yd	\$400.00	\$5,600
95	Sanitary Manholes, 4" Dia, With Special Frame and Closed lid	8	ea	\$7,000.00	\$56,000
96	Sanitary Manholes, 5" Dia, With Special Frame and Closed lid	2	ea	\$8,000.00	\$16,000
97	Drop Sanitary Manhole, 5" Dia, With Special Frame and Closed lid	1	ea	\$8,500.00	\$8,500
98	Sanitary sewer connection removal and capping	3	ea	\$1,200.00	\$3,600
99	Sanitary sewer service removal and plugging	15	ea	\$1,200.00	\$18,000
100	12" sewer lining and rehabilitation	1,158	ft	\$40.00	\$46,300
101	24" sewer lining and rehabilitation	303	ea	\$85.00	\$25,800
102	Manhole lining and rehabilitation	1	ea	\$3,500.00	\$3,500
103	Reconnection of existing active sewer connections, all pipe diameters	13	ea	\$120.00	\$1,600
104	Removal of protruding services	1	ea	\$300.00	\$300
105	Traffic Control and Protection, (Special)	1	ls	\$12,000.00	\$12,000
106	10" Sewer lining and rehabilitation	451	ft	\$35.00	\$15,800
107	12" Sewer lining and rehabilitation	2,949	ft	\$40.00	\$118,000
108	30" Sewer lining and rehabilitation	854	ft	\$105.00	\$89,700
109	Removal of protruding services, All pipe diameters	7	ea	\$350.00	\$2,500
110	Manhole lining and rehabilitation	17	ea	\$3,500.00	\$59,500
				Phase 2 Subtotal	\$2,329,000
				Engineering (6%)	\$140,000
				Construction (8.2%)	\$191,000
				Contingency (25%)	\$582,000
				Phase 2 Construction Total	\$3,240,000

Notes

1 Costs are in 2019 dollars.

Table 5-3. Opinion of Probable Project Costs – Phase 3

Item No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	8-inch San Sewer, 9-12 ft deep, with Granular Backfill	1,589	lf	\$190	\$301,900
2	18-inch San Sewer, 9-12 ft deep, with Granular Backfill	689	lf	\$260	\$179,100
3	Precast Manhole (Sanitary), 4-ft diameter, 9-12 ft deep	17	ea	\$7,000	\$119,000
4	Surface Replacement, Bituminous Concrete, Class 1	5,528	lf	\$100	\$552,800
5	Surface Restoration	1	ls	\$70,000	\$70,000
6	Sanitary Lateral Connection	51	ea	\$5,000	\$255,000
7	Abandon Existing Sanitary Lateral Connection	51	ea	\$680	\$34,700
8	Sanitary Sewer Connection	4	ea	\$5,400	\$21,600
9	15-inch Storm Sewer, 9-12 ft deep, with Granular Backfill	2,288	lf	\$210	\$480,500
10	21-inch Storm Sewer, 9-12 ft deep, with Granular Backfill	962	lf	\$250	\$240,500
11	Precast Manhole (Storm), 4-ft diameter, 9-12 ft deep	4	ea	\$5,600	\$22,400
12	Precast Manhole (Storm), 4-ft diameter, 12-15 ft deep	10	ea	\$6,500	\$65,000
13	Storm Sewer Inlet Repair or Replace	12	ea	\$2,700	\$32,400
General Items					
14	Traffic Control (3.5%)	1	ls	\$83,000	\$83,000
15	Mobilization/Demobilization (2%)	1	ls	\$47,000	\$47,000
16	General Cost Items, Lump Sum (6%)	1	ls	\$142,000	\$142,000
Phase 3 Subtotal					\$2,642,000
Engineering (6%)					\$159,000
Construction (8.2%)					\$217,000
Contingency (25%)					<u>\$661,000</u>
Phase 3 Construction Total (2021)					\$3,679,000
<u>Notes</u>					
1	Costs are in 2021 dollars and assume 3% inflation per year.				
2	BMF 4 is granular backfill, BMF 2 is standard backfill. Backfill costs include hauling and disposal of unsuitable material, unless indicated.				
3	All costs are estimated from Phase 1 bid results and Phase 2 planning estimates.				

Table 5-4. Opinion of Probable Project Costs – Phase 4

Item No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	8-inch Sanitary Sewer, 6-9 ft deep, with No Granular Backfill	705	lf	\$140	\$98,700
2	8-inch Sanitary Sewer, 9-12 ft deep, with Granular Backfill	1,028	lf	\$200	\$205,600
3	18-inch Sanitary Sewer, 9-12 ft deep, with Granular Backfill	374	lf	\$280	\$104,700
4	Precast Manhole (Sanitary), 4-ft diameter, 9-12 ft deep	9	ea	\$7,500	\$67,500
5	Surface Replacement, Bituminous Concrete, Class 1	1,402	lf	\$100	\$140,200
6	Surface Restoration	1	ls	\$30,000	\$30,000
7	Sanitary Lateral Connection	42	ea	\$5,300	\$222,600
8	Abandon Existing Sanitary Lateral Connection	42	ea	\$720	\$30,200
9	Sanitary Sewer Connection	4	ea	\$5,800	\$23,200
General Items					
10	Traffic Control (3.5%)	1	ls	\$32,000	\$32,000
11	Mobilization/Demobilization (2%)	1	ls	\$18,000	\$18,000
12	General Cost Items, Lump Sum (6%)	1	ls	\$55,000	\$55,000
Phase 4 Subtotal					\$1,025,000
Engineering (6%)					\$62,000
Construction (8.2%)					\$84,000
Contingency (25%)					<u>\$256,000</u>
Phase 4 Construction Total (2023)					\$1,427,000
<u>Notes</u>					
1	Costs are in 2023 dollars and assume 3% inflation per year.				
2	BMF 4 is granular backfill, BMF 2 is standard backfill. Backfill costs include hauling and disposal of unsuitable material, unless indicated.				
3	All costs are estimated from Phase 1 bid results and Phase 2 planning estimates.				

Table 5-5. Opinion of Probable Project Costs – Phase 5

Item No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	8-inch Sanitary Sewer, 6-9 ft deep, with No Granular Backfill	757	lf	\$150	\$113,600
2	8-inch Sanitary Sewer, 6-9 ft deep, with Granular Backfill	1,366	lf	\$190	\$259,500
3	8-inch Sanitary Sewer, 9-12 ft deep, with Granular Backfill	544	lf	\$210	\$114,200
4	15-inch Sanitary Sewer, 9-12 ft deep, with Granular Backfill	1,244	lf	\$260	\$323,400
5	Precast Manhole (Sanitary), 4-ft diameter, 9-12 ft deep	19	ea	\$7,900	\$150,100
6	Surface Replacement, Bituminous Concrete, Class 1	4,986	lf	\$110	\$548,500
7	Surface Restoration	1	ls	\$80,000	\$80,000
8	Sanitary Lateral Connection	66	ea	\$5,600	\$369,600
9	Abandon Existing Sanitary Lateral Connection	66	ea	\$760	\$50,200
10	Sanitary Sewer Connection	4	ea	\$6,100	\$24,400
11	15-inch Storm Sewer, 6-9 ft deep, with Granular Backfill	613	lf	\$210	\$128,700
12	30-inch Storm Sewer, 9-12 ft deep, with Granular Backfill	597	lf	\$270	\$161,200
13	36-inch Storm Sewer, 9-12 ft deep, with Granular Backfill	622	lf	\$310	\$192,800
14	Precast Manhole (Storm), 4-ft diameter, 6-9 ft deep	4	ea	\$5,900	\$23,600
15	Precast Manhole (Storm), 5-ft diameter, 9-12 ft deep	5	ea	\$7,200	\$36,000
16	Storm Sewer Inlet Repair or Replace	20	ea	\$3,100	\$62,000
General Items					
17	Traffic Control (3.5%)	1	ls	\$92,000	\$92,000
18	Mobilization/Demobilization (2%)	1	ls	\$53,000	\$53,000
19	General Cost Items, Lump Sum (6%)	1	ls	\$158,000	\$158,000
Phase 5 Subtotal					\$2,943,000
Engineering (6%)					\$177,000
Construction (8.2%)					\$241,000
Contingency (25%)					<u>\$736,000</u>
Phase 5 Construction Total (2025)					\$4,097,000

Notes

- 1 Costs are in 2025 dollars and assume 3% inflation per year.
- 2 BMF 4 is granular backfill, BMF 2 is standard backfill. Backfill costs include hauling and disposal of unsuitable material, unless indicated.
- 3 All costs are estimated from Phase 1 bid results and Phase 2 planning estimates.

Table 5-6. Opinion of Probable Project Costs – Phase 8

Item No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	8-inch Sanitary Sewer, 9-12 ft deep, with Granular Backfill	2,377	lf	\$220	\$522,900
2	12-inch Sanitary Sewer, 9-12 ft deep, with Granular Backfill	974	lf	\$290	\$282,500
3	Precast Manhole (Sanitary), 4-ft diameter, 9-12 ft deep	14	ea	\$8,400	\$117,600
4	Surface Replacement, Bituminous Concrete, Class 1	4,643	lf	\$120	\$557,200
5	Surface Restoration	1	ls	\$75,000	\$75,000
6	Sanitary Lateral Connection	63	ea	\$6,000	\$378,000
7	Abandon Existing Sanitary Lateral Connection	63	ea	\$810	\$51,000
8	Sanitary Sewer Connection	4	ea	\$6,500	\$26,000
9	15-inch Storm Sewer, 6-9 ft deep, with Granular Backfill	1,292	lf	\$220	\$284,200
10	Precast Manhole (Storm), 4-ft diameter, 6-9 ft deep	8	ea	\$6,300	\$50,400
11	Storm Sewer Inlet Repair or Replace	39	ea	\$3,300	\$128,700
General Items					
12	Traffic Control (3.5%)	1	ls	\$86,000	\$86,000
13	Mobilization/Demobilization (2%)	1	ls	\$49,000	\$49,000
14	General Cost Items, Lump Sum (6%)	1	ls	\$148,000	\$148,000
				Phase 8 Subtotal	\$2,753,000
				Engineering (6%)	\$165,000
				Construction (8.2%)	\$226,000
				Contingency (25%)	<u>\$688,000</u>
				Phase 8 Construction Total (2027)	\$3,832,000
<u>Notes</u>					
1	Costs are in 2027 dollars and assume 3% inflation per year.				
2	BMF 4 is granular backfill, BMF 2 is standard backfill. Backfill costs include hauling and disposal of unsuitable material, unless indicated.				
3	All costs are estimated from Phase 1 bid results and Phase 2 planning estimates.				

Table 5-7. Opinion of Probable Project Costs – Phase 9

Item No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	8-inch Sanitary Sewer, 9-12 ft deep, with Granular Backfill	570	lf	\$240	\$136,800
2	8-inch Sanitary Sewer, 12-15 ft deep, with Granular Backfill	1,882	lf	\$280	\$527,000
3	8-inch Sanitary Sewer, 15-18 ft deep, with Granular Backfill	1,014	lf	\$340	\$344,800
4	Precast Manhole (Sanitary), 4-ft diameter, 9-12 ft deep	2	ea	\$8,900	\$17,800
5	Precast Manhole (Sanitary), 4-ft diameter, 12-15 ft deep	8	ea	\$11,100	\$88,800
6	Precast Manhole (Sanitary), 4-ft diameter, 15-18 ft deep	5	ea	\$12,000	\$60,000
7	Surface Replacement, Bituminous Concrete, Class 1	3,947	lf	\$120	\$473,600
8	Surface Restoration	1	ls	\$70,000	\$70,000
9	Sanitary Lateral Connection	48	ea	\$6,300	\$302,400
10	Abandon Existing Sanitary Lateral Connection	48	ea	\$860	\$41,300
11	Sanitary Sewer Connection	4	ea	\$6,900	\$27,600
12	12-inch Storm Sewer, 12-15 ft deep, with Granular Backfill	481	lf	\$260	\$125,100
13	Precast Manhole (Storm), 4-ft diameter, 12-15 ft deep	3	ea	\$8,600	\$25,800
14	Storm Sewer Inlet Repair or Replace	18	ea	\$3,500	\$63,000
General Items					
15	Traffic Control (3.5%)	1	ls	\$81,000	\$81,000
16	Mobilization/Demobilization (2%)	1	ls	\$46,000	\$46,000
17	General Cost Items, Lump Sum (6%)	1	ls	\$138,000	\$138,000
Phase 9 Subtotal					\$2,565,000
Engineering (6%)					\$154,000
Construction (8.2%)					\$210,000
Contingency (25%)					<u>\$641,000</u>
Phase 9 Construction Total (2029)					\$3,570,000
Notes					
1	Costs are in 2029 dollars and assume 3% inflation per year.				
2	BMF 4 is granular backfill, BMF 2 is standard backfill. Backfill costs include hauling and disposal of unsuitable material, unless indicated.				
3	All costs are estimated from Phase 1 bid results and Phase 2 planning estimates.				

The total Locust Street CSO Elimination Project costs are summarized in Table 5-8.

Table 5-8. Total Project Cost for Locust Street CSO Elimination

Phase No.	Phase Construction Cost
Phase 2	\$3,240,000
Phase 3	\$3,679,000
Phase 4	\$1,427,000
Phase 5	\$4,097,000
Phase 8	\$3,832,000
Phase 9	\$3,570,000
Total	\$19,850,000

5.2 User Fee Impacts

A sewer rate study was completed by the City to determine the rate increases needed to provide adequate revenues to build reserves for operation and maintenance and to fund debt services on improvement projects. The increases to the sanitary and storm sewer rates will provide sufficient revenue to pay back the IEPA Loan.

Based upon a total project cost of \$19.9 million that is to be funded by a 2.5% (1.25% for Phase 1) interest loan to be paid back over a 20 year period, it is estimated that the City would have an annual debt service of approximately \$1,531,000 to cover the principal and interest of the entire project (all phases).

The sanitary and storm sewer rate increase ordinance was passed by the City Council and became effective on May 1, 2018. The sanitary sewer rates in 2019 will increase by 50% and the 2019 storm sewer rates will increase by 30%. Subsequent years will be increased by 3% each Fiscal Year (FY) starting on May 1, 2020. Starting in fiscal year 2018/2019 the sanitary sewer rates will increase as follows:

Table 5-9. Sewer Rates for the City of Bloomington

Fiscal Year	Sanitary Sewer Rates				Storm Sewer Rates	
	Consumption Fee per 100 cft	Projected Revenue	Monthly Fixed Fee	Projected Revenue	Rate per IAU	Projected Revenue
FY 2018	\$1.60	\$4,166,288	\$1.50	\$526,479	\$1.45	\$2,803,291
FY 2019	\$2.40	\$6,249,432	\$2.25	\$789,719	\$1.89	\$3,644,278
FY 2020	\$2.47	\$6,436,915	\$2.32	\$813,411	\$1.94	\$3,753,607
FY 2021	\$2.55	\$6,630,022	\$2.39	\$837,813	\$2.00	\$3,866,215
FY 2022	\$2.62	\$6,828,923	\$2.46	\$862,947	\$2.06	\$3,982,201
FY 2023	\$2.70	\$7,033,790	\$2.53	\$888,836	\$2.12	\$4,101,667

The sanitary and storm sewer fee revenues (with an assumed annual 3% rate increase continued) from customers within the City of Bloomington will be more than sufficient to cover the principal and reserve account payments for the IEPA loans.

Table 5-10. Approximate Sewer Operating Budget for the City of Bloomington

	Expenses													
	2007 Bond Issue P & I	Operating Expenses	Other Expenses	Sewer Depreciation Fund	Locust/Colton CSO Elimination Phase 1 (\$4,500,000, 20-years, 1.25%)	Locust/Colton CSO Elimination Phase 2 (\$3,240,000, 20-years, 2.5%)	Locust/Colton CSO Elimination Phase 3 (\$3,679,000, 20-years, 2.5%)	Locust/Colton CSO Elimination Phase 4 (\$1,427,000, 20-years, 2.5%)	Locust/Colton CSO Elimination Phase 5 (\$4,097,000, 20-years, 2.5%)	Locust/Colton CSO Elimination Phase 8 (\$3,832,000, 20-years, 2.5%)	Locust/Colton CSO Elimination Phase 9 (\$3,570,000, 20-years, 2.5%)	Downs Pump Station (\$3,000,000, 20-years, 2.5%)	I-74 Pump Station and FM (\$1,500,000, 20-years, 2.5%)	Substandard Sewer Replacement
FY18/19	\$418,063	\$2,613,000	\$300,000	\$300,000	\$256,000							\$200,000	\$100,000	\$250,000
FY19/20	\$418,063	\$2,688,000	\$300,000	\$300,000	\$256,000	\$140,000						\$200,000	\$100,000	\$250,000
FY20/21	\$418,063	\$2,765,000	\$3,250,000	\$300,000	\$256,000	\$208,000	\$160,000					\$200,000	\$100,000	\$250,000
FY21/22	\$418,063	\$2,844,000	\$5,962,500	\$300,000	\$256,000	\$208,000	\$236,000					\$200,000	\$100,000	
FY22/23	\$418,063	\$2,926,000	\$4,360,000	\$300,000	\$256,000	\$208,000	\$236,000	\$65,000				\$200,000	\$100,000	
FY23/24	\$418,063	\$3,010,000	\$3,830,000	\$300,000	\$256,000	\$208,000	\$236,000	\$92,000				\$200,000	\$100,000	
FY24/25	\$418,063	\$3,096,000	\$3,750,000	\$300,000	\$256,000	\$208,000	\$236,000	\$92,000	\$180,000			\$200,000	\$100,000	
FY25/26	\$418,063	\$3,185,000	\$300,000	\$300,000	\$256,000	\$208,000	\$236,000	\$92,000	\$263,000			\$200,000	\$100,000	
FY26/27	\$418,063	\$3,276,000	\$300,000	\$300,000	\$256,000	\$208,000	\$236,000	\$92,000	\$263,000	\$165,000		\$200,000	\$100,000	
FY27/28	\$418,063	\$3,370,000	\$300,000	\$300,000	\$256,000	\$208,000	\$236,000	\$92,000	\$263,000	\$246,000		\$200,000	\$100,000	
FY28/29	\$418,063	\$3,467,000	\$300,000	\$300,000	\$256,000	\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$155,000	\$200,000	\$100,000	
FY29/30	\$418,063	\$3,566,000	\$300,000	\$300,000	\$256,000	\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$230,000	\$200,000	\$100,000	
FY30/31	\$418,063	\$3,668,000	\$300,000	\$300,000	\$256,000	\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$230,000	\$200,000	\$100,000	
FY31/32		\$3,773,000	\$300,000	\$300,000	\$256,000	\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$230,000	\$200,000		
FY32/33		\$3,881,000	\$300,000	\$300,000	\$256,000	\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$230,000			
FY33/34		\$3,992,000	\$300,000	\$300,000		\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$230,000			
FY34/35		\$4,106,000	\$300,000	\$300,000		\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$230,000			
FY35/36		\$4,224,000	\$300,000	\$300,000		\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$230,000			
FY36/37		\$4,345,000	\$300,000	\$300,000		\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$230,000			
FY37/38		\$4,469,000	\$300,000	\$300,000		\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$230,000			
FY38/39		\$4,597,000	\$300,000	\$300,000		\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$230,000			
FY39/40		\$4,729,000	\$300,000	\$300,000		\$208,000	\$236,000	\$92,000	\$263,000	\$246,000	\$230,000			

Table 5-11. Approximate Sewer Operating Budget for the City of Bloomington

	Total Expenses	Project Revenues (Assumes no additional rate increases)	Annual Net	Annual Cumulative
FY18/19	\$4,437,063	\$6,970,000	\$2,532,937	\$2,532,937
FY19/20	\$4,652,063	\$9,894,000	\$5,241,937	\$7,774,874
FY20/21	\$7,907,063	\$10,191,000	\$2,283,937	\$10,058,811
FY21/22	\$10,524,563	\$10,497,000	(\$27,563)	\$10,031,248
FY22/23	\$9,069,063	\$10,812,000	\$1,742,937	\$11,774,185
FY23/24	\$8,650,063	\$11,136,000	\$2,485,937	\$14,260,122
FY24/25	\$8,836,063	\$11,471,000	\$2,634,937	\$16,895,059
FY25/26	\$5,558,063	\$11,816,000	\$6,257,937	\$23,152,996
FY26/27	\$5,814,063	\$12,171,000	\$6,356,937	\$29,509,933
FY27/28	\$5,989,063	\$12,537,000	\$6,547,937	\$36,057,870
FY28/29	\$6,241,063	\$12,914,000	\$6,672,937	\$42,730,807
FY29/30	\$6,415,063	\$13,302,000	\$6,886,937	\$49,617,744
FY30/31	\$6,517,063	\$13,702,000	\$7,184,937	\$56,802,681
FY31/32	\$6,104,000	\$14,114,000	\$8,010,000	\$64,812,681
FY32/33	\$6,012,000	\$14,538,000	\$8,526,000	\$73,338,681
FY33/34	\$5,867,000	\$14,975,000	\$9,108,000	\$82,446,681
FY34/35	\$5,981,000	\$15,425,000	\$9,444,000	\$91,890,681
FY35/36	\$6,099,000	\$15,888,000	\$9,789,000	\$101,679,681
FY36/37	\$6,220,000	\$16,365,000	\$10,145,000	\$111,824,681
FY37/38	\$6,344,000	\$16,856,000	\$10,512,000	\$122,336,681
FY38/39	\$6,472,000	\$17,362,000	\$10,890,000	\$133,226,681
FY39/40	\$6,604,000	\$17,883,000	\$11,279,000	\$144,505,681

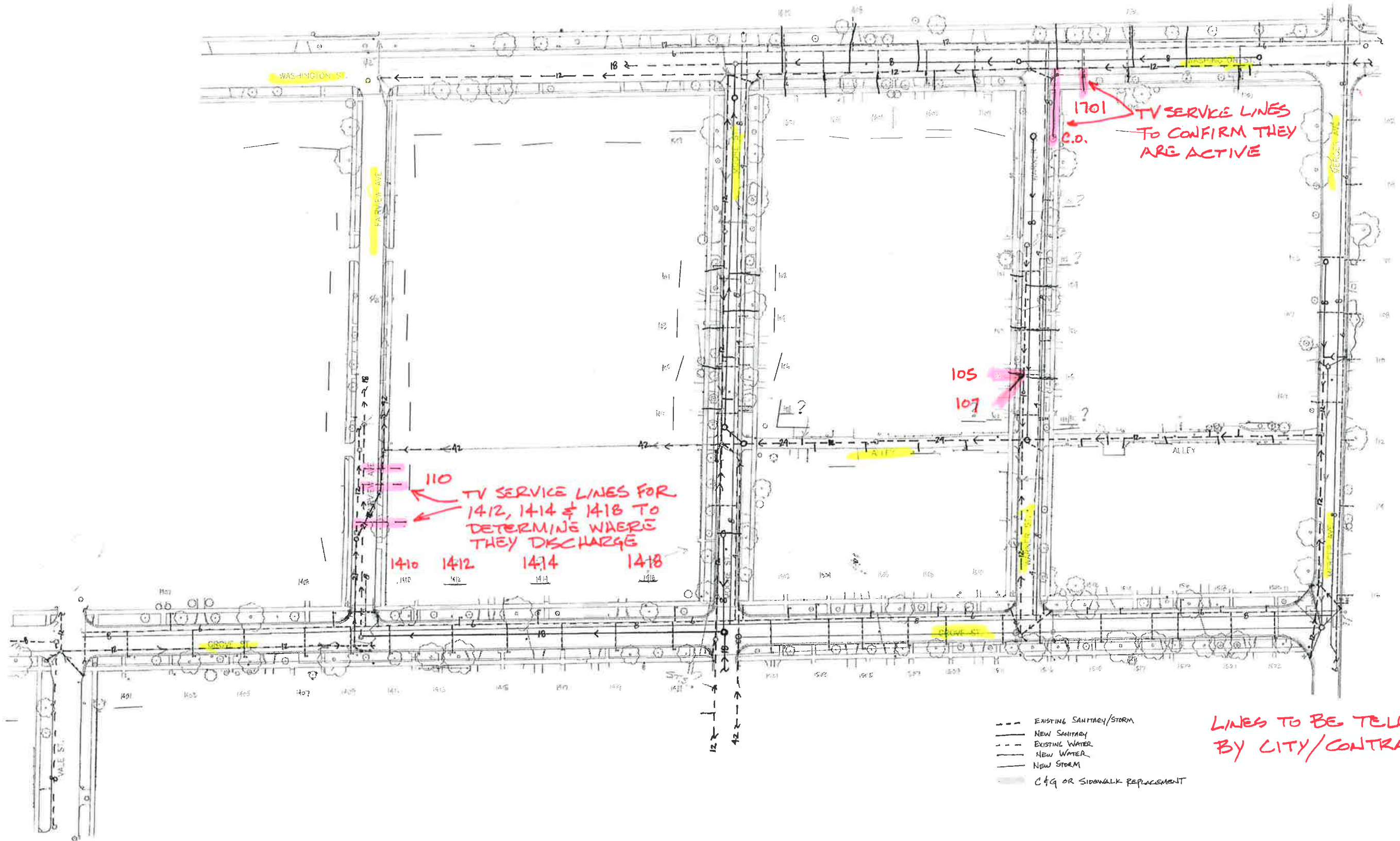
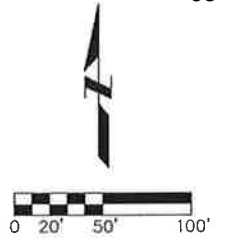
Chapter 6 – SCHEDULE OF WORK

The Phase 1 work is now complete and the City will follow every other year schedule for the remaining phases. Design will occur in even years and construction will occur during odd years for the remaining phases of the project. This more conservative schedule will allow the City to more closely look at local drainage, sidewalk, pavement, and water and sanitary services issues, rather than only just separating the combined sewer.

The Project Schedule for Phase 2 Locust Street CSO Elimination Project is shown below:

Submission of Project Planning Documents to IEPA	January 2019
Submission of Plan and Specification	March 2019
Award of Construction Contract	Early Spring 2020
Construction Completion	Fall 2020

APPENDIX



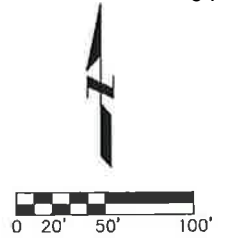
110 TV SERVICE LINES FOR 1412, 1414 & 1418 TO DETERMINE WHERE THEY DISCHARGE
1410 1412 1414 1418

1701 TV SERVICE LINES TO CONFIRM THEY ARE ACTIVE
C.O.

105
107

- EXISTING SANITARY/STORM
- NEW SANITARY
- EXISTING WATER
- NEW WATER
- NEW STORM
- C & G OR SIDEWALK REPLACEMENT

LINES TO BE TELEVIEWED BY CITY/CONTRACTOR



TV SEWER EAST FROM M.H. TO DETERMINE LENGTH & IF IT IS STORM OR SANITARY OR HAS LATERALS

MANHOLE

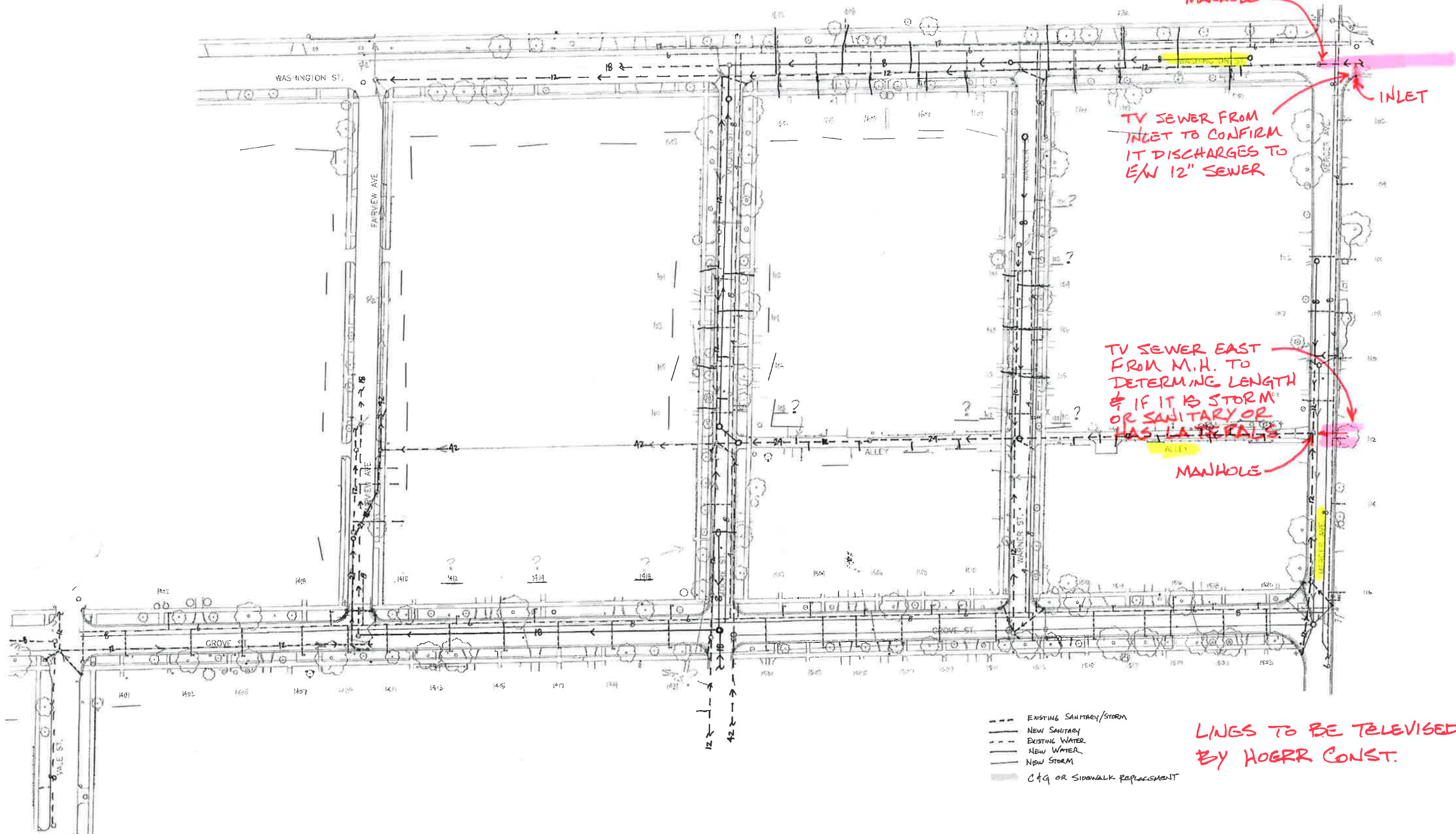
TV SEWER FROM INLET TO CONFIRM IT DISCHARGES TO E/W 12" SEWER

TV SEWER EAST FROM M.H. TO DETERMINE LENGTH & IF IT IS STORM OR SANITARY OR HAS LATERALS

MANHOLE

LINES TO BE TELEVISIONED BY HOERR CONST.

- EXISTING SANITARY/STORM
- NEW SANITARY
- EXISTING WATER
- NEW WATER
- NEW STORM
- C&G OR SIDEWALK REPLACEMENT



Televised Sanitary Lateral Report

August 12, 2013

Washington St. MH-5 to MH-9

- #1602 - 11.5' from main, multiple narrow cracks, 12 o'clock
joint offset at main
- #1601 - 24.4' from main, joint offset
- #1603 - 3.7' from main, hole and broken tile, 1 o'clock
- #1608 - roots in Joint at main and 16.8' and 18.5' from main
- #1605 - None
- #1607 - 20% debris blockage at main
- #1609 - None

Washington St. MH-9 to MH-10

- #1612 - None
- #100 Warner - 10% debris blockage at main
- #1701 - None
- #1703 - 6.6' from main, 20% debris blockage
- #1706 - 24.8' from main, pipe type (Cast Iron)
16.2' from main, pipe type (Clay)
12.1' from main, large Joint separation
- #1706 - medium joint offset at main
- #1707 - 30% debris blockage at main
- #1707 - None

Moore St. MH-3 to MH-4

#107 - None

#105 - None

#106.2 - None

#106 - None

#103 - None

#104 - None

#102 - None

#101 - None

1502 Grove - None

Warner St. MH-2 to MH-2A

#106/#108 - None

#105/#107 – 2.6' from main, 10% debris

1.5' from main, lateral (107?) 9 o'clock

#104 - 13.1' from main, pipe type (PVC)

9.1' from main, pipe type (Clay)

30% debris blockage at main

#103 - None

#102 - broken hole, 12 o'clock at main

#101 - 16.4' from main, root intrusion in joint

14.2' from main, joint infiltration in joint

Totals (Not including services in alley or 3 unknown service locations on Grove St.)

30 service laterals

12 have pipe problems or blockages (10 under the street and 2 under the sidewalk)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ⁹⁷

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-0610

January 10, 2020
City of Bloomington
ATTN: Engineering Division
P.O. Box 3157
Bloomington, Illinois 61702

Re: City of Bloomington
City of Bloomington - CSO
NPDES Permit No. IL0072001
Bureau ID W1130200058
Final Permit

Gentlemen:

The Illinois Environmental Protection Agency has reviewed the request for modification of the above-referenced NPDES Permit and issued a public notice based on that request. The final decision of the Agency is to modify the Permit as follows:

1. Change the construction completion dates of Separation Phase 2 from April 30, 2020 to April 30, 2022 and Separation Phase 3 from April 30, 2022 to April 30, 2023 in Special Condition 10.
2. Update the language in Special Condition 6 to current language.

Enclosed is a copy of the modified Permit. You have the right to appeal this modification to the Illinois Pollution Control Board within a 35 day period following the modification date shown on the first page of the permit.

Should you have questions concerning the Permit, please contact Corey Branson at 217/782-0610.

Sincerely,

Amy L. Dragovich, P.E.
Manager, Permit Section
Division of Water Pollution Control

ALD:CWB:19092601.cwb

Attachments: Final Permit

cc: Records Unit
Champaign FOS
Compliance Assurance Section
Billing

NPDES Permit No. IL0072001

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Modified (NPDES) Permit

Expiration Date: October 31, 2022

Issue Date: October 31, 2017

Effective Date: November 1, 2017

Modification Date: January 10, 2020

Name and Address of Permittee:

City of Bloomington
P. O. Box 3157
Bloomington, Illinois 61702

Facility Name and Address:

Bloomington CSOs
Bloomington, Illinois
(McLean County)

Receiving Waters: Sugar Creek Country Club Branch, Goose Creek

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of the Ill. Adm. Code, Subtitle C, Chapter I, and the Clean Water Act (CWA), the above-named Permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the Effluent Limitations, Monitoring, and Reporting requirements; Special Conditions and Attachment H Standard Conditions attached herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the Permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.



Amy L. Dragovich, P.E.
Manager, Permit Section
Division of Water Pollution Control

ALD:CWB:19092601.cwb

NPDES Permit No. IL0072001

Special Conditions

SPECIAL CONDITION 1.

AUTHORIZATION OF
COMBINED SEWER AND TREATMENT PLANT DISCHARGES

The IEPA has determined that at least a portion of the collection system consists of combined sewers. References to the collection system and the sewer system refer only to those parts of the system which are owned and operated by the Permittee unless otherwise indicated. The Permittee is authorized to discharge from the overflow(s)/bypass(es) listed below provided the diversion structure is located on a combined sewer and the following terms and conditions are met:

<u>Discharge Number</u>	<u>Location</u>	<u>Receiving Water</u>
014	Colton Avenue CSO	Sugar Creek Country Club Branch
015	Locust Street CSO	Sugar Creek Country Club Branch
019A	Valley CSO	Goose Creek
019B	Valley CSO	Goose Creek
019C	Valley CSO	Goose Creek

A. CSO Monitoring, Reporting and Notification Requirements

1. The Permittee shall monitor the frequency of discharge (number of discharges per month) and estimate the duration (in hours) of each discharge from each outfall listed in this Special Condition. Estimates of storm duration and total rainfall shall be provided for each storm event.

Start Date	Rainfall Duration (hrs.)	Rainfall Amount (in.)	CSO Outfall #	Outfall Description	Estimated Duration of CSO Discharge (hrs.)	Estimated Volume of CSO Discharge (MG)
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For frequency reporting, all discharges from the same storm, or occurring within 24 hours, shall be reported as one. The date that a discharge commences shall be recorded for each outfall. Reports shall be in the form specified by the IEPA and on forms provided by the IEPA (e.g., Form IL 532-2471, or updated form of same). These forms shall be submitted to the IEPA monthly with the DMRs and covering the same reporting period as the DMRs. Parameters (other than flow frequency and volume), if required in this Permit, shall be sampled and reported as indicated in the transmittal letter for such report forms.

2. All Submittals listed in this Special Condition can be mailed to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
Attention: CSO Coordinator, Compliance Assurance Section

All submittals hand carried shall be delivered to 1021 North Grand Avenue East.

B. CSO Treatment Requirements

1. All combined sewer overflows shall be given sufficient treatment to prevent pollution and the violation of applicable water quality standards. Sufficient treatment consists of the following:
 - a. All dry weather flows, and storm flows, to the extent required by PCB 84-40 and dated June 29, 1984 shall be conveyed to the Bloomington/Normal Water Reclamation District- Main STP for treatment. The terms and conditions of this Board Order are hereby incorporated by reference as if fully set forth herein.
 - b. Any additional treatment, necessary to comply with all applicable water quality based requirements of this Permit including, but not limited to, the requirement that discharges from CSOs not cause or contribute to violations of

NPDES Permit No. IL0072001

Special Conditions

applicable water quality standards or cause use impairment in the receiving water.

2. All CSO discharges authorized by this Permit shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203 and to prevent depression of oxygen levels below the applicable water quality standards.
3. Overflows during dry weather are prohibited. Dry weather overflows shall be reported to the IEPA pursuant to Standard Condition 12(f) of this Permit (24 hour notice).
4. The collection system shall be operated to optimize transport of wastewater flows and to minimize CSO discharges and the treatment system, if applicable, shall be operated to maximize treatment of wastewater flows.

C. CSO Nine Minimum Controls

1. The Permittee shall comply with the nine minimum controls contained in the National CSO Control Policy published in the Federal Register on April 19, 1994. The nine minimum controls are:
 - a. Proper operation and maintenance programs for the sewer system and the CSOs;
 - b. Maximum use of the collection system for storage;
 - c. Review and modification of pretreatment requirements to assure CSO impacts are minimized;
 - d. Maximization of flow to the POTW for treatment;
 - e. Prohibition of CSOs during dry weather;
 - f. Control of solids and floatable materials in CSOs;
 - g. Pollution prevention programs which focus on source control activities;
 - h. Public notification to ensure that citizens receive adequate information regarding CSO occurrences and CSO impacts; and,
 - i. Monitoring to characterize impacts and efficiency of CSO controls.

A CSO pollution prevention plan (PPP) shall be developed by the Permittee unless one has already been prepared for this collection system. Any previously-prepared PPP shall be reviewed, and revised if necessary, by the Permittee to address the items contained in Chapter 8 of the U.S. EPA guidance document, Combined Sewer Overflows, Guidance For Nine Minimum Controls, and any items contained in previously-sent review documents from the IEPA concerning the PPP. Combined Sewer Overflows, Guidance For Nine Minimum Controls is available on line at <http://www.epa.gov/npdes/pubs/owm0030.pdf>. The PPP (or revised PPP) shall be presented to the general public at a public information meeting conducted by the Permittee annually during the term of the effective date of this Permit. The Permittee shall submit documentation that the pollution prevention plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the effective date of this Permit and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "CSO Pollution Prevention Plan Certification" one (1) with original signatures. This certification form is available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/cso-pol-prev.pdf>. Following the public meeting, the Permittee shall implement the pollution prevention plan and shall maintain a current pollution prevention plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The pollution prevention plan revisions shall be submitted to the IEPA one (1) month from the revision date. The most recent Pollution Prevention Plan was dated February 2007.

D. Sensitive Area Considerations

1. Pursuant to Section II.C.3 of the federal CSO Control Policy of 1994, sensitive areas are any water likely to be impacted by a CSO discharge which include one or more of the following criteria: (1) designated as an Outstanding National Resource Water;

Special Conditions

(2) found to contain shellfish beds; (3) found to contain threatened or endangered aquatic species or their habitat; (4) used for primary contact recreation; (5) National Marine Sanctuaries; or, (6) within the protection area for a drinking water intake structure.

Within six (6) months of the effective date of this Permit, the Permittee shall submit two (2) copies of documentation indicating which of the outfalls listed in this Special Condition either do, or do not discharge to sensitive areas. Such documentation shall include information regarding the use of the receiving water for primary contact activities (swimming, water skiing, jet skiing, etc.). If the Permittee believes that it is not possible for primary contact recreation to occur in the areas impacted or potentially impacted by the CSOs listed in this Special Condition, then justification as to why primary contact recreation is not possible shall be submitted. Adequate justification shall include, but is not limited to: (1) inadequate water depth; (2) presence of physical obstacles sufficient to prevent access to or for primary contact recreation; and, (3) uses of adjacent land sufficient to discourage primary contact activities. The IEPA will make a determination based on this documentation and other information available to the IEPA. Evidence of existing use of waterway for primary contact recreation activities will likely negate such potential "no-use" justifications.

Should the IEPA conclude that any of the CSOs listed in this Special Condition discharge to a sensitive area, the IEPA will notify the Permittee in writing. Upon the date of notification, or such other date contained in the notification letter, the Permittee shall revise the LTCP and schedule to either eliminate or relocate these outfalls. If elimination or relocation is not economically feasible or technically achievable, the Permittee shall revise the plan and schedule for treating the discharge. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy.

E. CSO Operational and Maintenance Plans

1. The Permittee shall implement measures to reduce, to the greatest extent practicable, the total loading of pollutants and floatables entering the receiving stream to ensure that the Permittee ultimately achieves compliance with water quality standards. These measures shall include, but not be limited to developing and implementing a CSO O&M plan, tailored to the permittee's collection and waste treatment systems, which shall include mechanisms and specific procedures where applicable to ensure:
 - a. Collection system inspection on a scheduled basis;
 - b. Sewer, catch basin, and regulator cleaning and maintenance on a scheduled basis;
 - c. Inspections are made and preventive maintenance is performed on all pump/lift stations;
 - d. Collection system replacement, where necessary;
 - e. Detection and elimination of illegal connections;
 - f. Detection, prevention, and elimination of dry weather overflows;
 - g. The collection system is operated to maximize storage capacity and the combined sewer portions of the collection system are operated to delay storm entry into the system; and,
 - h. The treatment and collection systems are operated to maximize treatment.

The IEPA received a revised CSO operational and maintenance plan "CSO O&M plan" for this sewerage system on March 15, 2007. The Permittee shall fully implement the plan and review and revise, if needed, the CSO O&M plan to reflect system changes and any comments previously sent to the Permittee by the IEPA.

The CSO O&M plan shall be presented to the general public at a public information meeting conducted by the Permittee within nine (9) months of the effective date of this Permit or within nine (9) months of the CSO system being modified. The Permittee shall submit documentation that the CSO O&M plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the effective date of this Permit or within three (3) months of the public meeting and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "CSO Operational Plan Checklist and Certification", one (1) with original signatures. Copies of the "CSO Operational Plan Checklist and Certification" are available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/cso-checklist.pdf>. Following the public meeting, the Permittee shall maintain a current CSO O&M plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The CSO O&M plan revisions shall be submitted to the IEPA one (1)

Special Conditions

month from the revision date.

F. Sewer Use Ordinances

1. The Permittee, within six (6) months of the effective date of this Permit, shall review and where necessary, modify its existing sewer use ordinance to ensure it contains provisions addressing the conditions below. If no ordinance exists, such ordinance shall be developed, adopted, and implemented within six (6) months from the effective date of this Permit. Upon completion of the review of the sewer use ordinance(s), the Permittee shall submit two (2) copies of a completed "Certification of Sewer Use Ordinance Review", one (1) with original signatures. Copies of the certification form can be obtained on line at <http://www.epa.state.il.us/water/permits/waste-water/forms/sewer-use.pdf>. The Permittee shall submit copies of the sewer use ordinance(s) to the IEPA upon written request. Sewer use ordinances are to contain specific provisions to:
 - a. prohibit introduction of new inflow sources to the sanitary sewer system;
 - b. require that new sanitary sewer construction tributary to the combined sewer system be designed to minimize and/or delay inflow contribution to the combined sewer system;
 - c. require that inflow sources on the combined sewer system be connected to a storm sewer, in accordance with any approved Long Term Control Plan;
 - d. provide that any new building domestic sewage connection shall be distinct from the building inflow connection;
 - e. assure that CSO impacts from industrial and/or commercial sources are minimized and control by determining which industrial and/or commercial discharges, are tributary to CSOs; and,
 - f. assure that the owners of all publicly owned systems with sewers tributary to the Permittee's collection system have procedures in place adequate to ensure that the objectives, mechanisms, and specific procedures given in Paragraph E.1 of this Special Condition are achieved.

The Permittee shall enforce the applicable sewer use ordinances.

G. CSO Long-Term Control Planning and Compliance with Water Quality Standards

1. a. Pursuant to Section 301 of the federal Clean Water Act, 33 U.S.C. § 1311 and 40 CFR § 122.4, discharges from the CSOs, including the outfalls listed in this Special Condition and any other outfall listed as a "Treated Combined Sewage Outfall", shall not cause or contribute to violations of applicable water quality standards or cause use impairment in the receiving waters. In addition, discharges from CSOs shall comply with all applicable parts of 35 Ill. Adm. Code 306.305(a), (b), (c), and (d).
- b. Based on the number of CSO events reported over the past five (5) years, the Permittee experiences more than four (4) events per year. Therefore, the Permittee shall develop a revised Long-Term CSO Control Plan (LTCP) for assuring that the discharges from the CSOs (treated or untreated) authorized in this Permit comply with Paragraph 1.a above and all applicable standards, including water quality standards. Three (3) copies of the LTCP shall be submitted to the IEPA within thirty six (36) months of the effective date of this Permit. The LTCP shall contain all applicable elements of Paragraph 1.c below including a schedule for implementation and provisions for re-evaluating compliance with applicable standards and regulations after implementation. The LTCP shall be:
 1. Consistent with Section II.C.4.a.i of the Policy; or,
 2. Consistent with either Section II.C.4.a.ii, Section II.C.4.a.iii, or Section II.C.4.b of the Policy and be accompanied by data sufficient to demonstrate that the LTCP, when completely implemented, will be sufficient to meet water quality standards.
- c. Pursuant to the Policy, the required components of the LTCP include the following:
 1. Characterization, monitoring, and modeling of the Combined Sewer System (CSS);
 2. Consideration of Sensitive Areas;
 3. Evaluation of alternatives;
 4. Cost/Performance considerations;
 5. Revised CSO Operational Plan;
 6. Maximizing treatment at the treatment plant;

Special Conditions

7. Implementation schedule;
8. Post-Construction compliance monitoring program; and
9. Public participation.

Following submittal of the revised LTCP, the Permittee shall respond to any initial IEPA review letter in writing within ninety (90) days of the date of such a review letter, and within thirty (30) days of any subsequent review letter(s), if any. Implementation of the LTCP shall be as indicated by IEPA in writing or other enforceable mechanism.

2. A public notification program in accordance with Section II.B.8 of the federal CSO Control Policy of 1994 shall be developed employing a process that actively informs the affected public. The program shall include at a minimum public notification of CSO occurrences and CSO impacts, with consideration given to including mass media and/or Internet notification. The Permittee shall post and maintain signs in waters likely to be impacted by CSO discharges at the point of discharge and at points where these waters are used for primary contact recreation. The signs message should be visible from both shoreline and water vessel approach (if appropriate), respectively. Provisions shall be made to include modifications of the program when necessary and notification to any additional member of the affected public. The program shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall conduct the public information meeting providing a summary and status of the CSO control program annually during the term of this Permit. The Permittee shall submit documentation that the public information meeting was held, shall submit a summary of all significant issues raised by the public and the Permittee's response to each issue and shall identify any modifications to the program as a result of the public information meeting within 60 days of holding the public meeting. The Permittee shall submit copies of the public notification program to the IEPA upon written request.
3. If any of the CSO discharge points listed in this Special Condition are eliminated, or if additional CSO discharge points, not listed in this Special Condition, are discovered, the Permittee shall notify the IEPA in writing within one (1) month of the respective outfall elimination or discovery. Such notification shall be in the form of a request for the appropriate modification of this NPDES Permit.

H. Summary of Compliance Dates in this CSO Special Condition

1. a. The following summarizes the dates that submittals contained in this Special Condition are due at the IEPA (unless otherwise indicated):

Submission of CSO Monitoring Data (Paragraph A.1)	25th of every month
Submission of Revised CSO O&M Plan (Paragraph E.1)	1 month from revision date
Elimination of a CSO or Discovery of Additional CSO Locations (Paragraph G.3)	1 month from discovery or elimination
Control (or Justification for No Control) of CSOs to Sensitive Areas (Paragraph D.1)	6 months from the effective date of this Permit
Certification of Sewer Use Ordinance Review (Paragraph F.1)	6 months from the effective date of this Permit
Conduct Pollution Prevention, and PN Public Information Meeting (Paragraphs C.1 and G.2) No Submittal Due with this Milestone	Annually
Conduct OMP Public Information Meeting (Paragraph E.1) No Submittal Due with this Milestone	9 months from the effective date of this Permit
Submit Pollution Prevention Certification and OMP Certification (Paragraphs C.1 and E.1)	12 months from the effective date of this Permit
Submit PN Information Meeting Summary (Paragraph G.2)	60 days after the public meeting
Submit Revised CSO Long-Term Control Plan (Paragraph G.1)	36 months from the effective date of this Permit

All submittals listed in this Special Condition can be mailed to the following address:

Special Conditions

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Attention: CSO Coordinator, Compliance Assurance Section

All submittals hand carried shall be delivered to 1021 North Grand Avenue East.

I. Reopening and Modifying this Permit

1. The IEPA may initiate a modification for this Permit at any time to include requirements and compliance dates which have been submitted in writing by the Permittee and approved by the IEPA, or other requirements and dates which are necessary to carry out the provisions of the Illinois Environmental Protection Act, the Clean Water Act, or regulations promulgated under those Acts. Public Notice, of such modifications and opportunity for public hearing shall be provided.

SPECIAL CONDITION 2. This Permit may be modified to include different final effluent limitations or requirements which are consistent with applicable laws and regulations. The IEPA will public notice the permit modification.

SPECIAL CONDITION 3. The IEPA may request in writing submittal of operational information in a specified form and at a required frequency at any time during the effective period of this permit.

SPECIAL CONDITION 4. The effluent, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302 and 303.

SPECIAL CONDITION 5. Consistent with the permit modification procedures in 40 CFR 122.62 and 63, this Permit may be modified to include requirements for the Permittee on a continuing basis to evaluate and detail its efforts to effectively control sources of infiltration and inflow into the sewer system and to submit reports to the IEPA if necessary.

SPECIAL CONDITION 6. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) electronic forms using one such form for each outfall each month.

In the event that an outfall does not discharge during a monthly reporting period, the DMR Form shall be submitted with no discharge indicated.

The Permittee is required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA unless a waiver has been granted by the Agency. More information, including registration information for the NetDMR program, can be obtained on the IEPA website, <https://www2.illinois.gov/epa/topics/water-quality/surface-water/netdmr/pages/quick-answer-guide.aspx>.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 25th day of the following month, unless otherwise specified by the permitting authority.

Permittees that have been granted a waiver shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attention: Compliance Assurance Section, Mail Code # 19
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

SPECIAL CONDITION 7. The Permittee shall work towards the goals of achieving no discharges from sanitary sewer overflows or basement back-ups and ensuring that overflows or back-ups, when they do occur do not cause or contribute to violations of applicable standards or cause impairment in any adjacent receiving water. Overflows from sanitary sewers are expressly prohibited by this permit, Section 301(a) of the Clean Water Act and by Ill. Adm. Code 306.304. As part of the process to ultimately achieve compliance through the elimination of and mitigating any adverse impacts of any such overflows, the Permittee shall (A) identify and report to IEPA all SSOs

Special Conditions

that do occur, and (B) develop, implement and submit to the IEPA a Capacity, Management, Operations, and Maintenance (CMOM) plan which includes an Asset Management strategy within 24 months of the effective date of this Permit or review and revise any existing plan accordingly. The Permittee shall modify the Plan to incorporate any comments that it receives from IEPA and shall implement the modified plan as soon as possible. The Permittee should work as appropriate, in consultation with affected authorities at the local, county, and/or state level to develop the plan components involving third party notification of overflow events. The Permittee may be required to construct additional sewage transport and/or treatment facilities in future permits or other enforceable documents should the implemented CMOM plan indicate that the Permittee's facilities are not capable of conveying and treating the flow for which they are designed.

The CMOM plan shall include the following elements:

A. Measures and Activities:

1. A complete map and system inventory for the collection system owned and operated by the Permittee;
2. Organizational structure; budgeting; training of personnel; legal authorities; schedules for maintenance, sewer system cleaning, and preventative rehabilitation; checklists, and mechanisms to ensure that preventative maintenance is performed on equipment owned and operated by the Permittee;
3. Documentation of unplanned maintenance;
4. An assessment of the capacity of the collection and treatment system owned and operated by the Permittee at critical junctions and immediately upstream of locations where overflows and backups occur or are likely to occur; use flow monitoring and/or sewer hydraulic modeling, as necessary;
5. Identification and prioritization of structural deficiencies in the system owned and operated by the Permittee; Include preventative maintenance programs to prevent and/or eliminate collection system blockages from roots or grease, and prevent corrosion or negative effects of hydrogen sulfide which may be generated within the collection system;
6. Operational control, including documented system control procedures, scheduled inspections and testing; list of scheduled frequency of cleaning (and televising as necessary) of sewers;
7. The Permittee shall develop and implement an Asset Management strategy to ensure the long-term sustainability of the collection system. Asset Management shall be used to assist the Permittee in making decisions on when it is most appropriate to repair, replace or rehabilitate particular assets and develop long-term funding strategies; and
8. Asset Management shall include but is not limited to the following elements:
 - a. Asset Inventory and State of the Asset;
 - b. Level of Service;
 - c. Critical Asset Identification;
 - d. Life Cycle Cost; and
 - e. Long-Term Funding Strategy.

B. Design and Performance Provisions:

1. Monitor the effectiveness of CMOM;
2. Upgrade the elements of the CMOM plan as necessary; and
3. Maintain a summary of CMOM activities.

C. Overflow Response Plan:

1. Know where overflows and back-ups within the facilities owned and operated by the Permittee occur;
2. Respond to each overflow or back-up to determine additional actions such as clean up;
3. Locations where basement back-ups and/or sanitary sewer overflows occur shall be evaluated as soon as practicable for excessive inflow/infiltration, obstructions or other causes of overflows or back-ups as set forth in the System Evaluation Plan;
4. Identify the root cause of the overflow or basement backup, and document to files; and
5. Identify actions or remediation efforts to reduce risk of reoccurrence of these overflows or basement backups in the future, and document to files.

D. System Evaluation Plan:

1. Summary of existing SSO and Excessive I/I areas in the system and sources of contribution;
2. Evaluate plans to reduce I/I and eliminate SSOs;
3. Evaluate the effectiveness and performance in efforts to reduce excessive I/I in the collection system;
4. Special provisions for Pump Stations and force mains and other unique system components; and

Special Conditions

5. Construction plans and schedules for correction.

E. Reporting and Monitoring Requirements:

1. Program for SSO detection and reporting; and
2. Program for tracking and reporting basement back-ups, including general public complaints.

F. Third Party Notice Plan:

1. Describes how, under various overflow scenarios, the public, as well as other entities, would be notified of overflows within the Permittee's system that may endanger public health, safety or welfare;
2. Identifies overflows within the Permittee's system that would be reported, giving consideration to various types of events including events with potential widespread impacts;
3. Identifies who shall receive the notification;
4. Identifies the specific information that would be reported including actions that will be taken to respond to the overflow;
5. Includes a description of the lines of communication; and
6. Includes the identities and contact information of responsible POTW officials and local, county, and/or state level officials.

For additional information concerning USEPA CMOM guidance and Asset Management please refer to the following web site addresses. http://www.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf and http://water.epa.gov/type/watersheds/wastewater/upload/guide_smallsystems_assetmanagement_bestpractices.pdf

SPECIAL CONDITION 8. During January of each year the Permittee shall submit annual fiscal data regarding sewerage system operations to the Illinois Environmental Protection Agency/Division of Water Pollution Control/Compliance Assurance Section. The Permittee may use any fiscal year period provided the period ends within twelve (12) months of the submission date.

Submission shall be on forms provided by IEPA titled "Fiscal Report Form For NPDES Permittees".

SPECIAL CONDITION 9. The provisions of 40 CFR Section 122.41 (m) & (n) are incorporated herein by reference.

SPECIAL CONDITION 10. Schedule of Compliance with Final Effluent Limitations

Project Description: Separation of Storm and Sanitary Sewers

The Permittee shall achieve compliance with the final effluent limitations as specified in this Permit for Discharge Number(s) 014, 015, and 019 (A, B, & C) by completion of the project described above in accordance with the following compliance schedule:

<u>ITEM</u>	<u>COMPLETION DATE</u>
Separation Phase 2	April 30, 2022
Separation Phase 3	April 30, 2023
Separation Phase 4	April 30, 2024
Separation Phase 5	April 30, 2026
Separation Phase 8	April 30, 2028
Separation Phase 9	April 30, 2030

Interim Progress Reports shall also be submitted semiannually, beginning six months after the effective date of this permit until completion of construction of the final phase listed above.

This Permit may be modified, with Public Notice, to include revised compliance dates set out in this Permit.

Special Conditions

In addition, the IEPA may initiate a modification of the compliance schedule set out in this Permit at any time, to include other dates which are necessary to carry out the provisions of the Illinois Environmental Protection Act, the Federal Clean Water Act or regulations promulgated under those Acts. Public Notice of such modification and opportunity for public hearing shall be provided.

Reporting

The Permittee shall submit a report no later than fourteen (14) days following the completion dates indicated for each lettered item in the compliance schedule, indicating, a) the date the item was completed, or b) that the item was not completed. All reports shall be submitted to IEPA at the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attention: Compliance Assurance Section, Mail Code #19
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Attachment H

Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, 415 ILCS 5 as Amended.

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L 92-500, as amended. 33 U.S.C. 1251 et seq.

NPDES (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Maximum Daily Discharge Limitation (daily maximum) means the highest allowable daily discharge.

Average Monthly Discharge Limitation (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Discharge Limitation (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Aliquot means a sample of specified volume used to make up a total composite sample.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

24-Hour Composite Sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

8-Hour Composite Sample means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

Flow Proportional Composite Sample means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.
- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:
 - (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records

- must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
 - (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
 - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
- (a) **Application.** All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.
 - (c) **Changes of Authorization.** If an authorization under (b)

- is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(12) **Reporting requirements.**

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
 - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
- (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
 - (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.

- (f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (2) Any upset which exceeds any effluent limitation in the permit.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.
The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
- (h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Bypass.**
- (a) Definitions.
 - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
 - (c) Notice.
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
 - (d) Prohibition of bypass.
 - (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph (13)(c).
 - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
 - (4) The permittee complied with any remedial measures required under paragraph (4).
 - (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

- (b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
- (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
 - (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
 - (4) The level established by the Agency in this permit.
 - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
 - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.
- (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.



Final NPDES Electronic Reporting Rule

On 24 September 2015, Administrator Gina McCarthy signed the final National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule for publication in the Federal Register. The publication of this rule is the latest step in an extensive multi-year outreach effort with EPA's state, tribal and territorial partners. This rule will replace most paper-based Clean Water Act (CWA) NPDES permitting and compliance monitoring reporting requirements with electronic reporting.

Purpose of the Final Rule

This final rule is designed to save authorized state, tribe, or territorial NPDES programs considerable resources, make reporting easier for NPDES-regulated entities, streamline permit renewals, ensure full exchange of basic NPDES permit data between states and EPA, improve environmental decision-making, and better protect human health and the environment.

This final rule requires that NPDES regulated entities electronically submit the following permit and compliance monitoring information instead of using paper reports:

- Discharge Monitoring Reports (DMRs);
- Notices of Intent to discharge in compliance with a general permit; and
- Program reports.

Authorized NPDES programs will also electronically submit NPDES program data to EPA to ensure that there is consistent and complete reporting nationwide, and to expedite the collection and processing of the data, thereby making it more accurate and timely. Importantly, while the rule changes the method by which information is provided (i.e., electronic rather than paper-based), it does not increase the amount of information required from NPDES regulated entities facilities under existing regulations.

Overview of Benefits

EPA anticipates that the final rule will save significant resources for states, tribes, and territories as well as EPA and NPDES permittees, while resulting in a more complete, accurate, and nationally-consistent set of data about the NPDES program. With full implementation (5 years after the effective date), the anticipated savings are:

- Authorized State NPDES programs: \$22.6 million annually,
- NPDES regulated entities: \$0.5 million annually, and
- EPA: \$1.2 million annually.

As an example demonstrating the benefits of electronic reporting is the State of Ohio's electronic reporting program for Discharge Monitoring Reports, which has a 99.9 percent adoption rate. This program has increased data quality and improved environmental protection, while also saving significant time and resources (e.g., Ohio was able to shift resources from five full-time staff to less than one to support the DMR program). The benefits of this final rule should allow NPDES-authorized programs in states, tribes, and territories to shift precious resources from data management activities to those more targeted to solving water quality issues.

Separate from this rulemaking, to promote transparency and accountability, EPA intends to make this more complete set of data available to the public, providing communities and citizens with information on facility and government performance. This can serve to elevate the importance of permitting and compliance information and environmental performance within regulated entities, providing opportunities for them to quickly address any potential environmental problems.

The final rule will also lighten the reporting burden currently placed on the states. Upon successful implementation, the final rule would provide states with regulatory relief from reporting associated with the Quarterly Non-Compliance Report, the Annual Non-Compliance Report, the Semi-Annual Statistical Summary Report, and the biosolids information required to be submitted to EPA annually by states.

Implementation

EPA will phase in the requirements of the rule over a five year period following the effective date of the final rule.

Phase 1 – One year after effective date of final rule

In Phase 1, EPA will begin to electronically receive information from authorized states, tribes, and territories regarding inspections, violation determinations, and enforcement actions. EPA, states, tribes, and territories will electronically receive Discharge Monitoring Report (DMR) information from NPDES permittees – the largest volume of data for the NPDES program. Also included in Phase 1 are the Sewage Sludge/Biosolids Annual Program Reports for the 42 states where EPA implements the Federal Biosolids Program.

Additionally, one year after the effective date of the final rule, authorized NPDES programs will submit an implementation plan for meeting the Phase 2 data requirements for EPA to review.

Phase 2—Five years after effective date of final rule

For Phase 2, EPA and authorized state NPDES programs have five years to begin electronically collecting, managing, and sharing the remaining set of NPDES program information. This information includes: general permit reports (e.g. Notice of Intent to be covered (NOI); Notice of Termination (NOT); No Exposure Certification (NOE); Low Erosivity Waiver and Other Waivers from Stormwater Controls (LEW)); Sewage Sludge/Biosolids Annual Program Report (where the state is

the authorized NPDES biosolids program); and all other remaining NPDES program reports. These program reports include:

- Sewage Sludge/Biosolids Annual Program Reports [40 CFR 503] (for the 8 states that implement the Federal Biosolids Program)
- Concentrated Animal Feeding Operation (CAFO) Annual Program Reports [40 CFR 122.42(e)(4)]
- Municipal Separate Storm Sewer System (MS4) Program Reports [40 CFR 122.34(g)(3) and 122.42(c)]
- Pretreatment Program Reports [40 CFR 403.12(i)]
- Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs [40 CFR 403.12(e) and (h)]
- Sewer Overflow/Bypass Event Reports [40 CFR 122.41(l)(4), (l)(6) and (7), (m)(3)]
- CWA Section 316(b) Annual Reports [40 CFR 125 Subpart J]

How the final rule addresses comments

In response to concerns about implementation raised during the comment periods, the final rule provides authorized NPDES programs more flexibility to implement the final rule by providing them up to three additional years to electronically collect, manage, and share their data. Authorized NPDES Programs will also have more flexibility in how they can grant electronic reporting waivers.

Further Information

For additional information, please contact Messrs. John Dombrowski, Director, Enforcement Targeting and Data Division (202-566-0742) or Carey A. Johnston (202-566-1014), Office of Compliance (mail code 2222A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC, 20460; e-mail addresses: dombrowski.john@epa.gov or johnston.carey@epa.gov.

Useful Final Rule Link:

Email sign up for outreach events

<https://public.govdelivery.com/accounts/USAEPAOECA/subscriber/new?>



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY¹⁵

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-0610

October 24, 2019

City of Bloomington
ATTN: Engineering Division
P.O. Box 3157
Bloomington, Illinois 61702

Re: City of Bloomington
City of Bloomington - CSO
NPDES Permit No. IL0072001
Bureau ID W1130200058
Public Notice Permit

Gentlemen:

Please post the attached Public Notice for the subject discharge for at least a period of thirty days from the date on the Notice in a conspicuous place on your premises.

We have enclosed a copy of the draft NPDES permit on which this official Public Notice is based. If you wish to comment on the draft permit, please do so within 30 days of the Public Notice date. If there are any questions, please contact Corey Branson at the indicated telephone number and address.

Thank you for your cooperation.

Sincerely,

Amy L. Dragovich, P.E.
Manager, Permit Section
Division of Water Pollution Control

ALD:CWB:19092601.cwb

Attachments: Draft Permit, Public Notice/Fact Sheet

cc: Records Unit
Champaign FOS

NPDES Permit No. IL0072001

Notice No. CWB:19092601.cwb

Public Notice Beginning Date: **October 24, 2019**

Public Notice Ending Date: **November 25, 2019**

National Pollutant Discharge Elimination System (NPDES)
Permit Program

PUBLIC NOTICE/FACT SHEET
of
Draft Modified NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois EPA
Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-0610

Name and Address of Discharger:

City of Bloomington
P. O. Box 3157
Bloomington, Illinois 61702

Name and Address of Facility:

Bloomington CSOs
Bloomington, Illinois
(McLean County)

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue a NPDES Permit to discharge into the waters of the state and has prepared a draft Permit and associated fact sheet for the above named discharger. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. All comments on the draft Permit and requests for hearing must be received by the IEPA by U.S. Mail, carrier mail or hand delivered by the Public Notice Ending Date. Interested persons are invited to submit written comments on the draft Permit to the IEPA at the above address. Commentors shall provide his or her name and address and the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues. Commentors may include a request for public hearing. Persons submitting comments and/or requests for public hearing shall also send a copy of such comments or requests to the Permit applicant. The NPDES Permit and notice numbers must appear on each comment page.

The application, engineer's review notes including load limit calculations, Public Notice/Fact Sheet, draft Permit, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicates a significant degree of public interest in the draft Permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. Response to comments will be provided when the final Permit is issued. For further information, please call Corey Branson at 217/782-0610.

The following water quality and effluent standards and limitations were applied to the discharge:

Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter I: Pollution Control Board and the Clean Water Act were applied in determining the applicable standards, limitations and conditions contained in the draft Permit.

The applicant is engaged in operating combined sewer overflows for the City of Bloomington.

The length of the Permit is approximately 5 years.

This Permit includes Discharge Numbers 014, 015 and 019. The seven day once in ten year low flow (7Q10) of the receiving streams, Sugar Creek Country Club Branch and Goose Creek, are all 0 cfs.

The flow from these discharges is intermittent based on precipitation events.

This permit is being modified in the following manner:

1. Modifying the compliance dates for phases 2 and 3 of the sewer separation project in Special Condition 10.
2. Modifying the language in Special Condition 6 to current language.

Comments will be accepted on the modifications listed above.

The following information identifies the discharge point, receiving stream and stream classifications:

Outfall	Receiving Stream	Latitude	Longitude	Stream Classification	Integrity Rating
014	Sugar Creek Country Club Branch	40° 29' 12" North	88_ 58' 39" West	General Use	Not Rated
015	Sugar Creek Country Club Branch	40° 29' 6" North	88_ 58' 33" West	General Use	Not Rated
019 (A,B,&C)	Goose Creek	40° 27' 38" North	88_ 59' 38" West	General Use	Not Rated

This Permit authorizes discharge from 5 CSOs in accordance with 35 Ill. Adm. Code 306.305 and PCB Order 84-40, dated June 29, 1984 into the following waters:

Sugar Creek Country Club Branch and Goose Creek.

The stream segment(s) receiving the discharge from Outfalls 014, 015 and 019(A,B,&C) are not on the 303(d) list of impaired waters.

To assist you further in identifying the location of the discharge(s) please see the attached map.

This draft Permit also contains the following requirements as special conditions:

1. An authorization of combined sewer and treatment plant discharges.
2. Reopening of this Permit to include different final effluent limitations.
3. Submission of the operational data in a specified form and at a required frequency at any time during the effective term of this Permit.
4. Prohibition against causing or contributing to violations of water quality standards.
5. Controlling the sources of infiltration and inflow into the sewer system.
6. Recording the monitoring results on Discharge Monitoring Report Forms using one such form for each outfall each month and submitting the forms to IEPA each month.
7. Capacity, Management, Operations and Maintenance (CMOM) requirements.
8. Submission of annual fiscal data.
9. Bypass provisions of 40 CFR Section 122.41 (m) & (n).
10. Compliance Schedule for sewer separation.

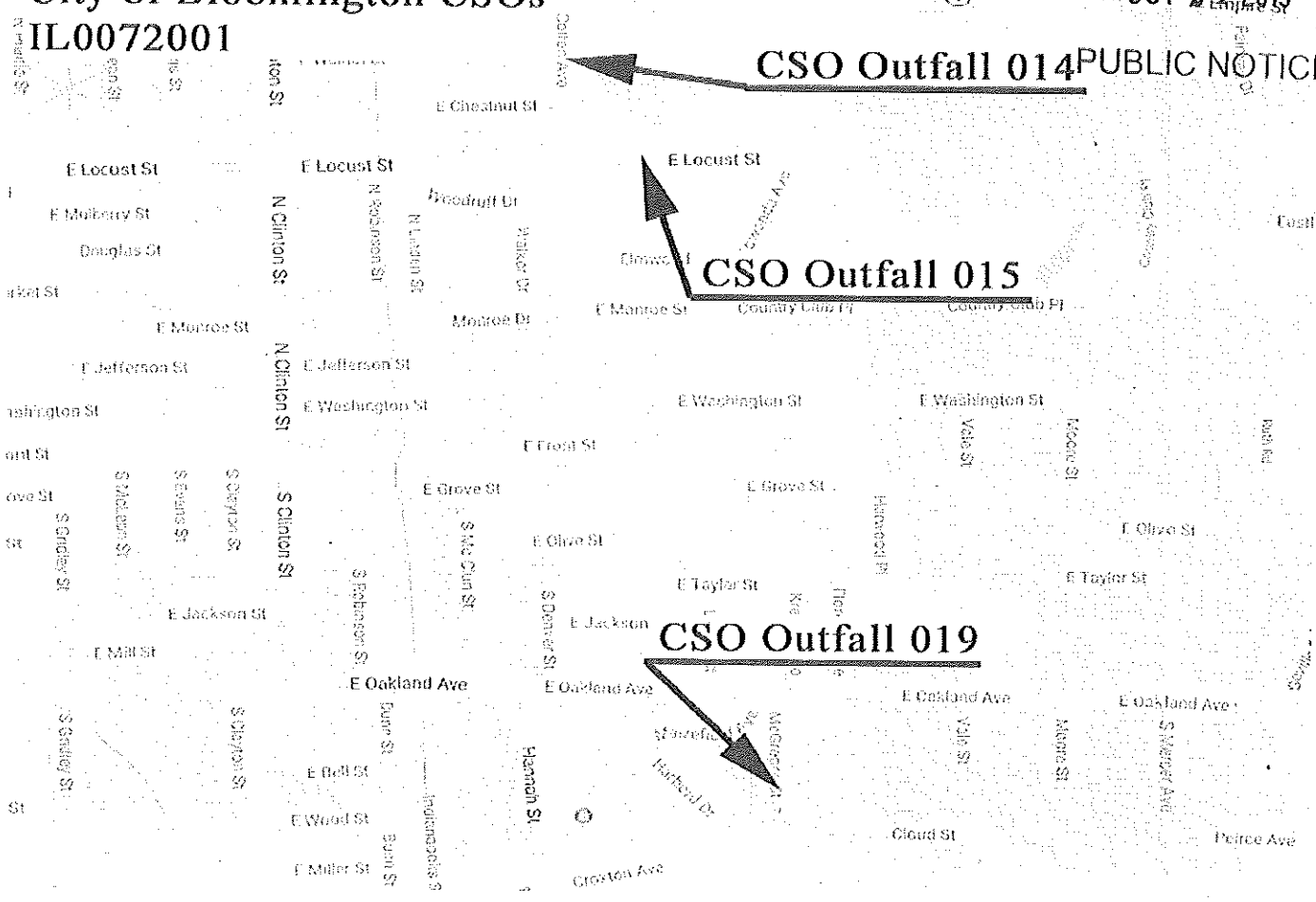
DRAFT

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City of Bloomington CSOs

IL0072001

PUBLIC NOTICE



DRAFT**OCT 24 2019****PUBLIC NOTICE**

NPDES Permit No. IL0072001

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Modified (NPDES) Permit

Expiration Date: October 31, 2022

Issue Date: October 31, 2017

Effective Date: November 1, 2017

Modification Date:

Name and Address of Permittee:

City of Bloomington
P. O. Box 3157
Bloomington, Illinois 61702

Facility Name and Address:

Bloomington CSOs
Bloomington, Illinois
(McLean County)

Receiving Waters: Sugar Creek Country Club Branch, Goose Creek

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of the Ill. Adm. Code, Subtitle C, Chapter I, and the Clean Water Act (CWA), the above-named Permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the Effluent Limitations, Monitoring, and Reporting requirements; Special Conditions and Attachment H Standard Conditions attached herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the Permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.

Amy L. Dragovich, P.E.
Manager, Permit Section
Division of Water Pollution Control

ALD:CWB:19092601.cwb

NPDES Permit No. IL0072001

Special ConditionsSPECIAL CONDITION 1.

AUTHORIZATION OF
COMBINED SEWER AND TREATMENT PLANT DISCHARGES

The IEPA has determined that at least a portion of the collection system consists of combined sewers. References to the collection system and the sewer system refer only to those parts of the system which are owned and operated by the Permittee unless otherwise indicated. The Permittee is authorized to discharge from the overflow(s)/bypass(es) listed below provided the diversion structure is located on a combined sewer and the following terms and conditions are met:

<u>Discharge Number</u>	<u>Location</u>	<u>Receiving Water</u>
014	Colton Avenue CSO	Sugar Creek Country Club Branch
015	Locust Street CSO	Sugar Creek Country Club Branch
019A	Valley CSO	Goose Creek
019B	Valley CSO	Goose Creek
019C	Valley CSO	Goose Creek

A. CSO Monitoring, Reporting and Notification Requirements

1. The Permittee shall monitor the frequency of discharge (number of discharges per month) and estimate the duration (in hours) of each discharge from each outfall listed in this Special Condition. Estimates of storm duration and total rainfall shall be provided for each storm event.

Start Date	Rainfall Duration (hrs.)	Rainfall Amount (in.)	CSO Outfall #	Outfall Description	Estimated Duration of CSO Discharge (hrs.)	Estimated Volume of CSO Discharge (MG)
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For frequency reporting, all discharges from the same storm, or occurring within 24 hours, shall be reported as one. The date that a discharge commences shall be recorded for each outfall. Reports shall be in the form specified by the IEPA and on forms provided by the IEPA (e.g., Form IL 532-2471, or updated form of same). These forms shall be submitted to the IEPA monthly with the DMRs and covering the same reporting period as the DMRs. Parameters (other than flow frequency and volume), if required in this Permit, shall be sampled and reported as indicated in the transmittal letter for such report forms.

2. All Submittals listed in this Special Condition can be mailed to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
Attention: CSO Coordinator, Compliance Assurance Section

All submittals hand carried shall be delivered to 1021 North Grand Avenue East.

B. CSO Treatment Requirements

1. All combined sewer overflows shall be given sufficient treatment to prevent pollution and the violation of applicable water quality standards. Sufficient treatment consists of the following:
- a. All dry weather flows, and storm flows, to the extent required by PCB 84-40 and dated June 29, 1984 shall be conveyed to the Bloomington/Normal Water Reclamation District- Main STP for treatment. The terms and conditions of this Board Order are hereby incorporated by reference as if fully set forth herein.
 - b. Any additional treatment, necessary to comply with all applicable water quality based requirements of this Permit including, but not limited to, the requirement that discharges from CSOs not cause or contribute to violations of

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applicable water quality standards or cause use impairment in the receiving water.

2. All CSO discharges authorized by this Permit shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203 and to prevent depression of oxygen levels below the applicable water quality standards.
3. Overflows during dry weather are prohibited. Dry weather overflows shall be reported to the IEPA pursuant to Standard Condition 12(f) of this Permit (24 hour notice).
4. The collection system shall be operated to optimize transport of wastewater flows and to minimize CSO discharges and the treatment system, if applicable, shall be operated to maximize treatment of wastewater flows.

C. CSO Nine Minimum Controls

1. The Permittee shall comply with the nine minimum controls contained in the National CSO Control Policy published in the Federal Register on April 19, 1994. The nine minimum controls are:
 - a. Proper operation and maintenance programs for the sewer system and the CSOs;
 - b. Maximum use of the collection system for storage;
 - c. Review and modification of pretreatment requirements to assure CSO impacts are minimized;
 - d. Maximization of flow to the POTW for treatment;
 - e. Prohibition of CSOs during dry weather;
 - f. Control of solids and floatable materials in CSOs;
 - g. Pollution prevention programs which focus on source control activities;
 - h. Public notification to ensure that citizens receive adequate information regarding CSO occurrences and CSO impacts; and,
 - i. Monitoring to characterize impacts and efficiency of CSO controls.

A CSO pollution prevention plan (PPP) shall be developed by the Permittee unless one has already been prepared for this collection system. Any previously-prepared PPP shall be reviewed, and revised if necessary, by the Permittee to address the items contained in Chapter 8 of the U.S. EPA guidance document, Combined Sewer Overflows, Guidance For Nine Minimum Controls, and any items contained in previously-sent review documents from the IEPA concerning the PPP. Combined Sewer Overflows, Guidance For Nine Minimum Controls is available on line at <http://www.epa.gov/npdes/pubs/owm0030.pdf>. The PPP (or revised PPP) shall be presented to the general public at a public information meeting conducted by the Permittee annually during the term of the effective date of this Permit. The Permittee shall submit documentation that the pollution prevention plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the effective date of this Permit and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "CSO Pollution Prevention Plan Certification" one (1) with original signatures. This certification form is available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/cso-pol-prev.pdf>. Following the public meeting, the Permittee shall implement the pollution prevention plan and shall maintain a current pollution prevention plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The pollution prevention plan revisions shall be submitted to the IEPA one (1) month from the revision date. The most recent Pollution Prevention Plan was dated February 2007.

D. Sensitive Area Considerations

1. Pursuant to Section II.C.3 of the federal CSO Control Policy of 1994, sensitive areas are any water likely to be impacted by a CSO discharge which include one or more of the following criteria: (1) designated as an Outstanding National Resource Water;

Special Conditions

(2) found to contain shellfish beds; (3) found to contain threatened or endangered aquatic species or their habitat; (4) used for primary contact recreation; (5) National Marine Sanctuaries; or, (6) within the protection area for a drinking water intake structure.

Within six (6) months of the effective date of this Permit, the Permittee shall submit two (2) copies of documentation indicating which of the outfalls listed in this Special Condition either do, or do not discharge to sensitive areas. Such documentation shall include information regarding the use of the receiving water for primary contact activities (swimming, water skiing, jet skiing, etc.). If the Permittee believes that it is not possible for primary contact recreation to occur in the areas impacted or potentially impacted by the CSOs listed in this Special Condition, then justification as to why primary contact recreation is not possible shall be submitted. Adequate justification shall include, but is not limited to: (1) inadequate water depth; (2) presence of physical obstacles sufficient to prevent access to or for primary contact recreation; and, (3) uses of adjacent land sufficient to discourage primary contact activities. The IEPA will make a determination based on this documentation and other information available to the IEPA. Evidence of existing use of waterway for primary contact recreation activities will likely negate such potential "no-use" justifications.

Should the IEPA conclude that any of the CSOs listed in this Special Condition discharge to a sensitive area, the IEPA will notify the Permittee in writing. Upon the date of notification, or such other date contained in the notification letter, the Permittee shall revise the LTCP and schedule to either eliminate or relocate these outfalls. If elimination or relocation is not economically feasible or technically achievable, the Permittee shall revise the plan and schedule for treating the discharge. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy.

E. CSO Operational and Maintenance Plans

1. The Permittee shall implement measures to reduce, to the greatest extent practicable, the total loading of pollutants and floatables entering the receiving stream to ensure that the Permittee ultimately achieves compliance with water quality standards. These measures shall include, but not be limited to developing and implementing a CSO O&M plan, tailored to the permittee's collection and waste treatment systems, which shall include mechanisms and specific procedures where applicable to ensure:
 - a. Collection system inspection on a scheduled basis;
 - b. Sewer, catch basin, and regulator cleaning and maintenance on a scheduled basis;
 - c. Inspections are made and preventive maintenance is performed on all pump/lift stations;
 - d. Collection system replacement, where necessary;
 - e. Detection and elimination of illegal connections;
 - f. Detection, prevention, and elimination of dry weather overflows;
 - g. The collection system is operated to maximize storage capacity and the combined sewer portions of the collection system are operated to delay storm entry into the system; and,
 - h. The treatment and collection systems are operated to maximize treatment.

The IEPA received a revised CSO operational and maintenance plan "CSO O&M plan" for this sewerage system on March 15, 2007. The Permittee shall fully implement the plan and review and revise, if needed, the CSO O&M plan to reflect system changes and any comments previously sent to the Permittee by the IEPA.

The CSO O&M plan shall be presented to the general public at a public information meeting conducted by the Permittee within nine (9) months of the effective date of this Permit or within nine (9) months of the CSO system being modified. The Permittee shall submit documentation that the CSO O&M plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the effective date of this Permit or within three (3) months of the public meeting and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "CSO Operational Plan Checklist and Certification", one (1) with original signatures. Copies of the "CSO Operational Plan Checklist and Certification" are available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/cso-checklist.pdf>. Following the public meeting, the Permittee shall maintain a current CSO O&M plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The CSO O&M plan revisions shall be submitted to the IEPA one (1)

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month from the revision date.

F. Sewer Use Ordinances

1. The Permittee, within six (6) months of the effective date of this Permit, shall review and where necessary, modify its existing sewer use ordinance to ensure it contains provisions addressing the conditions below. If no ordinance exists, such ordinance shall be developed, adopted, and implemented within six (6) months from the effective date of this Permit. Upon completion of the review of the sewer use ordinance(s), the Permittee shall submit two (2) copies of a completed "Certification of Sewer Use Ordinance Review", one (1) with original signatures. Copies of the certification form can be obtained on line at <http://www.epa.state.il.us/water/permits/waste-water/forms/sewer-use.pdf>. The Permittee shall submit copies of the sewer use ordinance(s) to the IEPA upon written request. Sewer use ordinances are to contain specific provisions to:
 - a. prohibit introduction of new inflow sources to the sanitary sewer system;
 - b. require that new sanitary sewer construction tributary to the combined sewer system be designed to minimize and/or delay inflow contribution to the combined sewer system;
 - c. require that inflow sources on the combined sewer system be connected to a storm sewer, in accordance with any approved Long Term Control Plan;
 - d. provide that any new building domestic sewage connection shall be distinct from the building inflow connection;
 - e. assure that CSO impacts from industrial and/or commercial sources are minimized and control by determining which industrial and/or commercial discharges, are tributary to CSOs; and,
 - f. assure that the owners of all publicly owned systems with sewers tributary to the Permittee's collection system have procedures in place adequate to ensure that the objectives, mechanisms, and specific procedures given in Paragraph E.1 of this Special Condition are achieved.

The Permittee shall enforce the applicable sewer use ordinances.

G. CSO Long-Term Control Planning and Compliance with Water Quality Standards

1. a. Pursuant to Section 301 of the federal Clean Water Act, 33 U.S.C. § 1311 and 40 CFR § 122.4, discharges from the CSOs, including the outfalls listed in this Special Condition and any other outfall listed as a "Treated Combined Sewage Outfall", shall not cause or contribute to violations of applicable water quality standards or cause use impairment in the receiving waters. In addition, discharges from CSOs shall comply with all applicable parts of 35 Ill. Adm. Code 306.305(a), (b), (c), and (d).
- b. Based on the number of CSO events reported over the past five (5) years, the Permittee experiences more than four (4) events per year. Therefore, the Permittee shall develop a revised Long-Term CSO Control Plan (LTCP) for assuring that the discharges from the CSOs (treated or untreated) authorized in this Permit comply with Paragraph 1.a above and all applicable standards, including water quality standards. Three (3) copies of the LTCP shall be submitted to the IEPA within thirty six (36) months of the effective date of this Permit. The LTCP shall contain all applicable elements of Paragraph 1.c below including a schedule for implementation and provisions for re-evaluating compliance with applicable standards and regulations after implementation. The LTCP shall be:
 1. Consistent with Section II.C.4.a.i of the Policy; or,
 2. Consistent with either Section II.C.4.a.ii, Section II.C.4.a.iii, or Section II.C.4.b of the Policy and be accompanied by data sufficient to demonstrate that the LTCP, when completely implemented, will be sufficient to meet water quality standards.
- c. Pursuant to the Policy, the required components of the LTCP include the following:
 1. Characterization, monitoring, and modeling of the Combined Sewer System (CSS);
 2. Consideration of Sensitive Areas;
 3. Evaluation of alternatives;
 4. Cost/Performance considerations;
 5. Revised CSO Operational Plan;
 6. Maximizing treatment at the treatment plant;

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- 7. Implementation schedule;
- 8. Post-Construction compliance monitoring program; and
- 9. Public participation.

Following submittal of the revised LTCP, the Permittee shall respond to any initial IEPA review letter in writing within ninety (90) days of the date of such a review letter, and within thirty (30) days of any subsequent review letter(s), if any. Implementation of the LTCP shall be as indicated by IEPA in writing or other enforceable mechanism.

- 2. A public notification program in accordance with Section II.B.8 of the federal CSO Control Policy of 1994 shall be developed employing a process that actively informs the affected public. The program shall include at a minimum public notification of CSO occurrences and CSO impacts, with consideration given to including mass media and/or Internet notification. The Permittee shall post and maintain signs in waters likely to be impacted by CSO discharges at the point of discharge and at points where these waters are used for primary contact recreation. The signs message should be visible from both shoreline and water vessel approach (if appropriate), respectively. Provisions shall be made to include modifications of the program when necessary and notification to any additional member of the affected public. The program shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall conduct the public information meeting providing a summary and status of the CSO control program annually during the term of this Permit. The Permittee shall submit documentation that the public information meeting was held, shall submit a summary of all significant issues raised by the public and the Permittee's response to each issue and shall identify any modifications to the program as a result of the public information meeting within 60 days of holding the public meeting. The Permittee shall submit copies of the public notification program to the IEPA upon written request.
- 3. If any of the CSO discharge points listed in this Special Condition are eliminated, or if additional CSO discharge points, not listed in this Special Condition, are discovered, the Permittee shall notify the IEPA in writing within one (1) month of the respective outfall elimination or discovery. Such notification shall be in the form of a request for the appropriate modification of this NPDES Permit.

H. Summary of Compliance Dates in this CSO Special Condition

- 1. a. The following summarizes the dates that submittals contained in this Special Condition are due at the IEPA (unless otherwise indicated):

Submission of CSO Monitoring Data (Paragraph A.1)	25th of every month
Submission of Revised CSO O&M Plan (Paragraph E.1)	1 month from revision date
Elimination of a CSO or Discovery of Additional CSO Locations (Paragraph G.3)	1 month from discovery or elimination
Control (or Justification for No Control) of CSOs to Sensitive Areas (Paragraph D.1)	6 months from the effective date of this Permit
Certification of Sewer Use Ordinance Review (Paragraph F.1)	6 months from the effective date of this Permit
Conduct Pollution Prevention, and PN Public Information Meeting (Paragraphs C.1 and G.2) No Submittal Due with this Milestone	Annually
Conduct OMP Public Information Meeting (Paragraph E.1) No Submittal Due with this Milestone	9 months from the effective date of this Permit
Submit Pollution Prevention Certification and OMP Certification (Paragraphs C.1 and E.1)	12 months from the effective date of this Permit
Submit PN Information Meeting Summary (Paragraph G.2)	60 days after the public meeting
Submit Revised CSO Long-Term Control Plan (Paragraph G.1)	36 months from the effective date of this Permit

All submittals listed in this Special Condition can be mailed to the following address:

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Illinois Environmental Protection Agency
 Division of Water Pollution Control
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

Attention: CSO Coordinator, Compliance Assurance Section

All submittals hand carried shall be delivered to 1021 North Grand Avenue East.

I. Reopening and Modifying this Permit

1. The IEPA may initiate a modification for this Permit at any time to include requirements and compliance dates which have been submitted in writing by the Permittee and approved by the IEPA, or other requirements and dates which are necessary to carry out the provisions of the Illinois Environmental Protection Act, the Clean Water Act, or regulations promulgated under those Acts. Public Notice of such modifications and opportunity for public hearing shall be provided.

SPECIAL CONDITION 2. This Permit may be modified to include different final effluent limitations or requirements which are consistent with applicable laws and regulations. The IEPA will public notice the permit modification.

SPECIAL CONDITION 3. The IEPA may request in writing submittal of operational information in a specified form and at a required frequency at any time during the effective period of this permit.

SPECIAL CONDITION 4. The effluent, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302 and 303.

SPECIAL CONDITION 5. Consistent with the permit modification procedures in 40 CFR 122.62 and 63, this Permit may be modified to include requirements for the Permittee on a continuing basis to evaluate and detail its efforts to effectively control sources of infiltration and inflow into the sewer system and to submit reports to the IEPA if necessary.

SPECIAL CONDITION 6. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) electronic forms using one such form for each outfall each month.

In the event that an outfall does not discharge during a monthly reporting period, the DMR Form shall be submitted with no discharge indicated.

The Permittee is required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA unless a waiver has been granted by the Agency. More information, including registration information for the NetDMR program, can be obtained on the IEPA website, <https://www2.illinois.gov/epa/topics/water-quality/surface-water/netdmr/pages/quick-answer-guide.aspx>.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 25th day of the following month, unless otherwise specified by the permitting authority.

Permittees that have been granted a waiver shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

Illinois Environmental Protection Agency
 Division of Water Pollution Control
 Attention: Compliance Assurance Section, Mail Code # 19
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

SPECIAL CONDITION 7. The Permittee shall work towards the goals of achieving no discharges from sanitary sewer overflows or basement back-ups and ensuring that overflows or back-ups, when they do occur do not cause or contribute to violations of applicable standards or cause impairment in any adjacent receiving water. Overflows from sanitary sewers are expressly prohibited by this permit, Section 301(a) of the Clean Water Act and by Ill. Adm. Code 306.304. As part of the process to ultimately achieve compliance through the elimination of and mitigating any adverse impacts of any such overflows, the Permittee shall (A) identify and report to IEPA all SSOs

Special Conditions

that do occur, and (B) develop, implement and submit to the IEPA a Capacity, Management, Operations, and Maintenance (CMOM) plan which includes an Asset Management strategy within 24 months of the effective date of this Permit or review and revise any existing plan accordingly. The Permittee shall modify the Plan to incorporate any comments that it receives from IEPA and shall implement the modified plan as soon as possible. The Permittee should work as appropriate, in consultation with affected authorities at the local, county, and/or state level to develop the plan components involving third party notification of overflow events. The Permittee may be required to construct additional sewage transport and/or treatment facilities in future permits or other enforceable documents should the implemented CMOM plan indicate that the Permittee's facilities are not capable of conveying and treating the flow for which they are designed.

The CMOM plan shall include the following elements:

A. Measures and Activities:

1. A complete map and system inventory for the collection system owned and operated by the Permittee;
2. Organizational structure; budgeting; training of personnel; legal authorities; schedules for maintenance, sewer system cleaning, and preventative rehabilitation; checklists, and mechanisms to ensure that preventative maintenance is performed on equipment owned and operated by the Permittee;
3. Documentation of unplanned maintenance;
4. An assessment of the capacity of the collection and treatment system owned and operated by the Permittee at critical junctions and immediately upstream of locations where overflows and backups occur or are likely to occur; use flow monitoring and/or sewer hydraulic modeling, as necessary;
5. Identification and prioritization of structural deficiencies in the system owned and operated by the Permittee; Include preventative maintenance programs to prevent and/or eliminate collection system blockages from roots or grease, and prevent corrosion or negative effects of hydrogen sulfide which may be generated within the collection system;
6. Operational control, including documented system control procedures, scheduled inspections and testing; list of scheduled frequency of cleaning (and televising as necessary) of sewers;
7. The Permittee shall develop and implement an Asset Management strategy to ensure the long-term sustainability of the collection system. Asset Management shall be used to assist the Permittee in making decisions on when it is most appropriate to repair, replace or rehabilitate particular assets and develop long-term funding strategies; and
8. Asset Management shall include but is not limited to the following elements:
 - a. Asset Inventory and State of the Asset;
 - b. Level of Service;
 - c. Critical Asset Identification;
 - d. Life Cycle Cost; and
 - e. Long-Term Funding Strategy.

B. Design and Performance Provisions:

1. Monitor the effectiveness of CMOM;
2. Upgrade the elements of the CMOM plan as necessary; and
3. Maintain a summary of CMOM activities.

C. Overflow Response Plan:

1. Know where overflows and back-ups within the facilities owned and operated by the Permittee occur;
2. Respond to each overflow or back-up to determine additional actions such as clean up;
3. Locations where basement back-ups and/or sanitary sewer overflows occur shall be evaluated as soon as practicable for excessive inflow/infiltration, obstructions or other causes of overflows or back-ups as set forth in the System Evaluation Plan;
4. Identify the root cause of the overflow or basement backup, and document to files; and
5. Identify actions or remediation efforts to reduce risk of reoccurrence of these overflows or basement backups in the future, and document to files.

D. System Evaluation Plan:

1. Summary of existing SSO and Excessive I/I areas in the system and sources of contribution;
2. Evaluate plans to reduce I/I and eliminate SSOs;
3. Evaluate the effectiveness and performance in efforts to reduce excessive I/I in the collection system;
4. Special provisions for Pump Stations and force mains and other unique system components; and

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PUBLIC NOTICE

Special Conditions

- 5. Construction plans and schedules for correction.

E. Reporting and Monitoring Requirements:

- 1. Program for SSO detection and reporting; and
- 2. Program for tracking and reporting basement back-ups, including general public complaints.

F. Third Party Notice Plan:

- 1. Describes how, under various overflow scenarios, the public, as well as other entities, would be notified of overflows within the Permittee's system that may endanger public health, safety or welfare;
- 2. Identifies overflows within the Permittee's system that would be reported, giving consideration to various types of events including events with potential widespread impacts;
- 3. Identifies who shall receive the notification;
- 4. Identifies the specific information that would be reported including actions that will be taken to respond to the overflow;
- 5. Includes a description of the lines of communication; and
- 6. Includes the identities and contact information of responsible POTW officials and local, county, and/or state level officials.

For additional information concerning USEPA CMOM guidance and Asset Management please refer to the following web site addresses.
http://www.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf and
http://water.epa.gov/type/watersheds/wastewater/upload/guide_smallsystems_assetmanagement_bestpractices.pdf

SPECIAL CONDITION 8. During January of each year the Permittee shall submit annual fiscal data regarding sewerage system operations to the Illinois Environmental Protection Agency/Division of Water Pollution Control/Compliance Assurance Section. The Permittee may use any fiscal year period provided the period ends within twelve (12) months of the submission date.

Submission shall be on forms provided by IEPA titled "Fiscal Report Form For NPDES Permittees".

SPECIAL CONDITION 9. The provisions of 40 CFR Section 122.41 (m) & (n) are incorporated herein by reference.

SPECIAL CONDITION 10. Schedule of Compliance with Final Effluent Limitations

Project Description: Separation of Storm and Sanitary Sewers

The Permittee shall achieve compliance with the final effluent limitations as specified in this Permit for Discharge Number(s) 014, 015, and 019 (A, B, &C) by completion of the project described above in accordance with the following compliance schedule:

<u>ITEM</u>	<u>COMPLETION DATE</u>
Separation Phase 2	April 30, 2022
Separation Phase 3	April 30, 2023
Separation Phase 4	April 30, 2024
Separation Phase 5	April 30, 2026
Separation Phase 8	April 30, 2028
Separation Phase 9	April 30, 2030

Interim Progress Reports shall also be submitted semiannually, beginning six months after the effective date of this permit until completion of construction of the final phase listed above.

This Permit may be modified, with Public Notice, to include revised compliance dates set out in this Permit.

NPDES Permit No. IL0072001

Modification Date:

Special Conditions

In addition, the IEPA may initiate a modification of the compliance schedule set out in this Permit at any time, to include other dates which are necessary to carry out the provisions of the Illinois Environmental Protection Act, the Federal Clean Water Act or regulations promulgated under those Acts. Public Notice of such modification and opportunity for public hearing shall be provided.

Reporting

The Permittee shall submit a report no later than fourteen (14) days following the completion dates indicated for each lettered item in the compliance schedule, indicating, a) the date the item was completed, or b) that the item was not completed. All reports shall be submitted to IEPA at the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attention: Compliance Assurance Section, Mail Code #19
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Attachment H
Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, 415 ILCS 5 as Amended.

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L 92-500, as amended. 33 U.S.C. 1251 et seq.

NPDES (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Maximum Daily Discharge Limitation (daily maximum) means the highest allowable daily discharge.

Average Monthly Discharge Limitation (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Discharge Limitation (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Allquot means a sample of specified volume used to make up a total composite sample.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

24-Hour Composite Sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

8-Hour Composite Sample means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

Flow Proportional Composite Sample means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.

(9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) **Monitoring and records.**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
- (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

(11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.

- (a) **Application.** All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.
- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(12) **Reporting requirements.**

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
 - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
- (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).

(2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.

(f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
- (2) Any upset which exceeds any effluent limitation in the permit.
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.

The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.

(g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).

(h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.

(13) **Bypass.**

(a) **Definitions.**

- (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) **Bypass not exceeding limitations.** The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).

(c) **Notice.**

- (1) **Anticipated bypass.** If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (2) **Unanticipated bypass.** The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).

(d) **Prohibition of bypass.**

(1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:

- (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (iii) The permittee submitted notices as required under paragraph (13)(c).

(2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).

(14) **Upset.**

(a) **Definition.** Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) **Conditions necessary for a demonstration of upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
- (4) The permittee complied with any remedial measures required under paragraph (4).

(d) **Burden of proof.** In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:

- (a) **Transfers by modification.** Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
- (b) **Automatic transfers.** As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:

- (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
 - (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
 - (4) The level established by the Agency in this permit.
 - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
 - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.
- (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

Motion by Alderman Matejka, seconded by Alderman Sprague that the Proposal from Hanson Engineers be accepted in an amount not to exceed \$14,000.00 and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

Ayes: Alderman Fruin, Sprague, Whalen, Markowitz, Matejka, Kroutil and Bittner.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Analysis of Revisions to Human Relations Ordinance

The purpose of this memo is to better inform you of the changes proposed by the Human Relations Commission to Chapter 22.2 of the City Code, and to point out areas where the staff is recommending revisions to the proposed changes.

Section 1- Declaration of Policy

No changes are suggested in this section with the exception of the addition of the categories of familial status, sexual orientation, and source of income discrimination, which will be addressed later in this memo.

Section 2- Establishment and Guidelines of the Human Relations Commission

Several changes are made in this section to clarify the composition of the Commission.

Presently, the Chairperson of the Commission is appointed by the Mayor and ratified by the City Council for a term of 2 years. Six Commissioners are appointed by the Mayor and ratified by the City Council for a term of 3 years. The revision has the Mayor appointing 7 commissioners with the advice and consent of the City Council. The Commissioners serve terms of three years. By majority vote of the Commission, they select from their own ranks a Chairperson and Vice-Chairperson.

The position of Human Relations Associate is defined in the revision (the current ordinance does not mention this position). The Associate is authorized to serve as an investigator of

discrimination complaints filed with the Commission and is required to make reasonable efforts to attend all meetings of the Commission.

The duties and authorities of the Commission include new references to the Commission's jurisdiction to investigate claims of discrimination on the basis of familial status, sexual orientation, and source of income.

Section 3- Definitions

Numerous changes are made to the current ordinance. Many of these revisions are proposed with the intent to bring the language of the City Code into conformance with language used by similar statutes at the federal and state level, or to reflect current practices of the Commission which at present are set forth only in the Commission's by-laws. This report will reference only the major changes.

"Disability"- this definition tracks the definition of disability used by the Americans with Disabilities Act. As with the federal act, impairments relating to the illegal use, possession or distribution of controlled substances are excluded.

"Familial status"- Discrimination on the basis of familial status in real estate transactions has been prohibited by the City Code and Illinois law for several years. The only substantive change is that the City Code currently makes it unlawful to discriminate on the basis that a person under the age of 14 years is living with the applicant. The provision is revised to prohibit discrimination on the basis that a person under 18 years of age is living with the applicant, which tracks the language used by the Illinois statute.

"Hearing officer"- the revision permits public hearings to be conducted by less than the full Commission. It also permits the Commission to appoint an attorney at law to conduct the hearing to receive evidence and make findings of fact.

"Probable cause"- Many of the procedures set forth in the Code are triggered by the Commission's determination of whether probable cause of a violation of the ordinance exists. This language is a standard definition of probable cause.

"Sexual harassment"- definitions of sexual harassment in the context of housing, public accommodation, and financing transactions are included, which are consistent with federal and state case law.

Sexual Orientation

"Sexual orientation"- This language is copied from the language used in the Cook County ordinance. The proposed language is as follows:

"Sexual orientation" means the status or expression, whether actual or perceived, of heterosexuality, homosexuality, or bisexuality.

Four major issues are involved with this definition:

- (1) Whether discrimination on the basis of sexual orientation should be prohibited by the City Council;
- (2) Whether an exception should exist when persons assert that obeying a prohibition against discrimination on the basis of sexual preference is an infringement on their religious beliefs;
- (3) Whether homosexual or bisexual conduct between consenting adults is illegal under the criminal laws of Illinois; and
- (4) Whether the proposed language is too vague.

(1) Whether discrimination on the basis of sexual orientation should be prohibited by the City Council. *No.* The staff recommends against adoption of the language prohibiting discrimination on the basis of sexual orientation. The reason for this recommendation is that the original intent of the City of Bloomington when it enacted its Human Relations ordinance was to give victims of discrimination as defined by federal and state law a local option to obtain justice in an expedited manner. (The exception to this has been that the City ordinance has always been the only option available to employees or job applicants if the employer has fewer than 15 employees.) Although the federal and state anti-discrimination laws may have been controversial when first enacted, by the time they were copied at the level of local government a consensus had developed among society as a whole that such laws were both necessary and in the public interest. It is the position of the staff that such a consensus does not exist on the issue of whether persons should be placed in a protected class by local government on the basis of their sexuality, and until or unless such a consensus develops, the City should not reach out to prohibit conduct which is not prohibited by federal or state law. However, in the event the City Council decides to enact the provisions prohibiting sexual orientation discrimination, the staff has drafted additional language in this area, which will be set forth later in this memo.

(2) Whether an exception should exist when persons assert that obeying a prohibition against discrimination on the basis of sexual preference is an infringement of their religious beliefs. *Yes.* It is the opinion of the Legal Department that the Religious Freedom Restoration Act of 1993 (42 United States Code §2000bb et seq.) requires the City to exempt persons and institutions from any ordinance which prohibits discrimination on the basis of sexual orientation when those persons or institutions assert that obeying such an ordinance would substantially burden the exercise of their religious beliefs unless the City can prove that it has a compelling interest in enforcement of the ordinance and that it has taken the narrowest means possible of enforcing that interest. Although there is sometimes a debate on the difference between a "religious" belief on the one hand and an "ethical" belief on the other, as a practical matter a religious belief is whatever a person says it is. The real issue is whether the City has a "compelling state interest" in requiring persons to obey an ordinance which conflicts with their religious beliefs. (The "compelling state interest" test is the strictest test used by courts against a government when the government is required to justify its actions.) It is the opinion of the staff

that the City lacks a compelling state interest which would permit it to enforce a sexual orientation provision against a religious defense for the following reasons: (1) neither the federal government nor the state of Illinois has found it necessary to prohibit such discrimination; and (2) no studies exist, to the staff's knowledge, which prove that homosexuals or bisexuals experience a substantial disadvantage in finding or keeping employment or housing when compared to heterosexuals. Therefore, the staff has drafted language which would write the "religious exemption" into the ordinance if the Council decides to enact the sexual orientation provisions.

(3) Whether homosexual or bisexual conduct between consenting adults is illegal under the criminal laws of Illinois. *No.* The criminal laws of Illinois prohibit both adultery and fornication. Some persons have suggested that prohibiting discrimination on the basis of sexual orientation would be sanctioning violations of state law. In the Corporation Counsel's opinion, the criminal laws of Illinois do not make private homosexual conduct between consenting adults illegal. At least one older case interpreted the fornication statute as applying to male/female sexual intercourse. In addition, at the time the legislature enacted the prohibitions against adultery and fornication, it also enacted a law prohibiting sodomy. If homosexual conduct were already illegal by reason of the laws against adultery and fornication, there would have been no reason for a separate sodomy law. However, the prohibition against sodomy was repealed when the Illinois Criminal Code was revised in 1961. Finally, according to legal scholars, the criminal prohibitions against adultery and fornication were originally made part of the common law, not to enforce religious morality, but to punish conduct which caused the birth of illegitimate children and interfered with the orderly inheritance of property. Therefore, it is the Legal Department's opinion that enacting a sexual preference provision would not conflict with Illinois criminal law.

(4) Whether the proposed language is too vague. *No.* These objections have been voiced because discrimination would be prohibited against someone who is "perceived" to be homosexual or bisexual, even if he or she is not. In the Corporation Counsel's opinion, this language is no more difficult to apply than the prohibition in federal and state law against discriminating against someone who is "perceived" to be handicapped. As a practical matter, perception is usually the basis for discrimination on the basis of sexual orientation, since an employer/landlord/store owner is rarely going to have actual knowledge that a person engages in a particular type of sexual conduct. It has also been pointed out that effeminate men or masculine women who are actually heterosexual may be subject to discrimination because they are mistakenly perceived to be homosexual.

The language which prohibits discrimination on the basis of the "expression" of sexual conduct is more problematic, but again the Corporation Counsel believes this language is adequate when interpreted (as all laws must be) in a reasonable manner. Conduct which would be disruptive to the workplace or a place of public accommodation if engaged in by heterosexuals (such as loud behavior, inappropriate displays of affection, or exhibitionism), could properly be prohibited by employers or store owners against homosexuals as well without violating the ordinance.

In the final analysis, the City Council must decide whether enactment of an ordinance which will be enforced exclusively against persons *without* religious objections to homosexual or bisexual conduct will have any substantive effect and, if not, whether the Council desires to make a largely symbolic statement that homosexual or bisexual status should be subject to more toleration by society at large.

Source of Income

This definition is new and is not a form of discrimination prohibited by either state or federal law. The staff is recommending against passage of the provisions regarding source of income discrimination for the same reasons as its recommendation against passage of the sexual orientation provisions- this is an area which is not addressed by either state or federal law. However, the staff is adding language which it recommends be included in the ordinance in the event the City Council decides to enact the prohibition against source of income discrimination.

The staff is adding language to the definition of "source of income" to clarify that it is not unlawful to make a decision on the basis of source of income if it is based on the applicant's ability to pay using recognized standards of credit worthiness as applied by lending institutions.

At the public hearings conducted on the proposed ordinance, the Commission discussed whether the prohibition against source of income discrimination would cause landlords to be liable if they did not accept tenants who are subsidized under the federal Section 8 program, even if those landlords were not participants in the program. In response to these concerns, the staff has inserted language which clarifies that these provisions do not require landlords to apply for Section 8 certification. (This language is identical to an exception contained in the Cook County ordinance).

The staff is also adding language which would exempt landlords from the provisions prohibiting source of income discrimination when the prospective tenant's source of income is unemployment compensation and the term of the lease would last longer than the unemployment compensation.

Section 4- Employment

The current ordinance groups the prohibitions against discrimination in employment, housing, public accommodations and financing into one section. The Commission and the staff believe that separating the different types of discrimination into separate sections will be less confusing.

The section on employment adds to the list of prohibited discriminatory practices familial status, sexual orientation, and source of income discrimination, which have been addressed previously. The only other substantive change added by the Commission was language which tracks the requirements of the Americans with Disabilities Act, requiring employers to make reasonable accommodations to permit disabled persons equal opportunities in employment, but which permits employers to assert a defense of undue hardship.

The staff has added the following language to Section 4:

Sexual Orientation. Nothing in this Chapter shall be interpreted as prohibiting discrimination on the basis of sexual orientation when employment without regard to the sexual orientation of the potential or current employee would substantially burden the employer in the exercise of the employer's religious beliefs.

This language is added to clarify that the City intends to follow federal law in accommodating religious beliefs.

Section 5- Housing

In addition to adding sexual orientation and source of income discrimination to the list of prohibited forms of discrimination, the ordinance adds the "reasonable accommodation/undue hardship" language in the area of disability discrimination.

Under the "Exemptions" section, the Commission has added language exempting owner-occupied housing (in which the owner shares bathroom or kitchen areas with the prospective tenant) from all of the housing discrimination provisions. It also exempts housing intended for persons age 55 or older. It permits religious organizations to restrict non-commercial housing to members of its religion (except where membership in the religion is restricted on account of race, color, or national origin). Finally, it permits housing to be restricted to persons of one sex where compelling privacy reasons exist.

The staff has added language which clarifies that the prohibition against sexual orientation discrimination in the area of housing does not apply to persons or institutions who assert that such a practice would substantially burden the exercise of their religious beliefs.

The staff has also added language which clarifies that the City ordinance does not require landlords to apply for Section 8 certification.

Section 6- Public Accommodations

The proposed ordinance adds familial status, sexual orientation, and source of income discrimination to the list of prohibited practices. It also adds language the "reasonable accommodation/undue hardship language" to clarify the tests used in disability discrimination cases.

An exemption contained in the ordinance is the provision which permits housing accommodations to be restricted to persons of one sex when compelling privacy reasons exist. This provision is primarily included to clarify that private schools are not required to provide co-ed dormitories.

The staff has added language exempting persons who have religious objections from compliance with the "sexual orientation" discrimination provisions.

Section 7- Financing

This section adds the prohibition against discrimination on the basis of familial status, sexual orientation, and source of income in financing. It also includes the "reasonable accommodations/undue hardship" language in the area of disability discrimination.

Section 8- Additional Civil Rights Violations

No substantive changes have been made in this section. It continues to prohibit retaliation against persons who file complaints with the Commission; it prohibits the aiding and abetting of any persons in the violation of the Code; and prohibits the willful interference with the Commissioners or the staff in the performance of their duties.

Section 9- Jurisdictional Authority

No substantive changes have been made in this section. The unlawful practices must have been committed within the corporate limits of the City in order for the Commission to have jurisdiction.

Section 10- Complaint Resolution Process

The current ordinance is, for the most part, silent as to the procedures to be used by the parties to the Complaint process. This section is a reflection of the complaint resolution process which is set forth in the by-laws of the Commission.

Most of the provisions set forth in this Section are non-controversial, with the exception of the remedies provisions, which are greatly increased from the current ordinance. Under the current ordinance, the total of all fines, damages, benefits and/or back-pay which may be awarded by the Commission is \$2,500.00 for each offense, of which not more than \$1,000.00 may be assessed as a fine. It is the opinion of the Commission and the staff that these amounts are unrealistically low. Section 10(K)(1) of the proposed ordinance increases the maximum fine which may be assessed by the Commission to \$2,500.00 per offense. As drafted by the Commission, there are currently no caps on the amount of actual damages or compensatory damages which may be reasonably assessed by the Commission. In addition, the Commission has the authority to require payment by the Respondent of the Complainant's attorney's fees (the City's Legal Department represents the staff and the Commission; it does not represent Complainants).

Actual damages are intended to reimburse the Complainant for out-of-pocket losses, such as lost pay. Compensatory damages are intended to reimburse the Complainant for other losses which the law recognizes as compensable, such as pain and suffering.

It is the staff's position that a cap of \$50,000.00 in damages should be written into the ordinance. Such a cap exists under federal discrimination law and it is the staff's belief that the City's ordinance should not permit more relief to a Complainant than is available under federal law.

Section 11- Settlement

This section was not approved by the Commission, and has been added by the staff. It was the position of the Commission that once a person has filed a charge of discrimination against the City, it should not be settled between the parties until the Commission has had the opportunity to determine probable cause. The position of the staff has been that the City Code should encourage the parties to a discrimination complaint to reach a voluntary settlement of the matter at any time and that the most favorable time for settlement with a minimum of disruption to the lives of all concerned is at an early stage in the process. The language as drafted still requires, not only the agreement of the parties, but the approval of the Commission, in order for a settlement agreement to dispose of the charge. The Commission would continue to retain jurisdiction over the matter in the event the settlement agreement is breached.

Chapter 12- Equal Employment Opportunity and Contract Compliance

This section is essentially unchanged from the current ordinance. It requires persons who contract with the City to provide written commitments that it provides equal employment opportunities in recruiting, training, and utilizing workers.

Section 13-16 Judicial Relief, Limitations, Penalty, and Severability

These sections are unchanged from the current ordinance, with the exception that the 90 day statute of limitations in Section 14 is amended to 180 days to be consistent with the rest of the ordinance.

Conclusion

The Commission and the staff have devoted a great deal of time to this comprehensive revision of the Human Relations Ordinance. It is the recommendation of the staff that, with the exception of the provisions relating to sexual orientation and source of income discrimination, the ordinance be passed as it has been drafted by the Commission and amended by the staff. The staff has highlighted the language pertaining to sexual orientation discrimination in italics and the provisions pertaining to source of income discrimination in underlines; if the Council chooses to follow the staff's recommendation, the motion should state that the proposed ordinance be passed with the exception of the italicized and underlined language, which is to be deleted from the ordinance.

Respectfully,

J. Todd Greenburg
Corporation Counsel

Emily Bell
Human Resources Director

Richard Bailey
Assistant City Manager

Tom Hamilton
City Manager

ORDINANCE NO. 1996 - 8**AN ORDINANCE REPEALING CHAPTER 22.2 OF THE BLOOMINGTON CITY CODE (HUMAN RELATIONS) AND ENACTING A COMPREHENSIVE REVISION OF CHAPTER 22.2**

BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

SECTION 1. Chapter 22.2 of the Bloomington City Code, 1960, as amended, is further amended by deleting said Chapter in its entirety and substituting therefore a new Chapter 22.2, a copy of which is attached hereto, labeled "Exhibit "A" and incorporated by reference.

SECTION 2. That except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 3. The repeal of Chapter 22.2 shall in no way affect the validity of any enforcement proceedings or causes of action which shall have been pending or which may have accrued prior to the effective date of this Ordinance.

SECTION 4. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 6. This Ordinance shall take effect ten (10) days after publication.

PASSED this 22nd day of January, 1996.

APPROVED this 23rd day of January, 1996.

APPROVED:

JESSE R. SMART
Mayor

ATTEST:

TRACEY COVERT
City Clerk

Exhibit "A"

CHAPTER 22.2

HUMAN RELATIONS

SEC. 1 DECLARATION OF POLICY

It is the intent of the City of Bloomington in adopting this article, to secure an end in the city to discrimination, including, but not limited to, discrimination by reason of race, color, sex, religion, age, national origin, marital status, familial status, *sexual orientation*, source of income, or physical or mental disability unrelated to ability. The protections of this ordinance are administered by the Bloomington Human Relations Commission.

SEC. 2 ESTABLISHMENT AND GUIDELINES OF THE HUMAN RELATIONS COMMISSION

There is hereby established a Commission to be referred to and known as the Bloomington Human Relations Commission:

- (A) **Organization and Members of the Commission.** The following designated persons shall be the members of the Human Relations Commission.
- (1) **Chairperson.** The Chairperson shall be selected from among the Commissioners by a majority vote of the Commission for a term of two (2) years. The term as Chairperson shall not affect the original appointment term of the Commissioner chosen to serve as Chairperson. The Chairperson shall receive no salary, but may be compensated for expenses incurred in the performance of the Commission duties. The Chairperson shall supervise the activities and duties of the Human Relations Commission and shall preside over all of its meetings in addition to the powers enumerated below. The Chairperson shall participate in all matters and shall vote on all issues before the Commission.
 - (2) **Vice-Chairperson.** The Vice-Chairperson shall be selected from among the Commissioners by a majority vote of the Commission for a term of two (2) years which shall coincide with the term of the Chairperson. The term as Vice-Chairperson shall not affect the original appointment term of the Commissioner chosen to serve as Vice-Chairperson. The Vice-Chairperson shall receive no salary, but may be compensated for expenses incurred in the performance of the Commission duties. The Vice-Chairperson shall act as Chairperson at meetings and functions of the Commission from which the Chairperson is absent.

- (3) **Commissioners.** Seven (7) persons, who shall be referred to and known as Human Relations Commissioners, shall be appointed by the Mayor with the advice and consent of the City Council for terms of three (3) years. Commission members may be reappointed at the discretion of the Mayor with the advice and consent of the Council. Commissioners shall receive no salary, but may be compensated for expenses incurred in the performance of Commission duties. The Mayor shall make appointments to the Human Relations Commission which reflect a broad diversity of backgrounds within the community in the areas of race, ethnic groups, sex and age.
- (4) **Staff.** The following designated persons shall assist the Commission in the execution of its responsibilities.
- (a) **Community Relations Coordinator.** The Community Relations Coordinator shall be hired by the Director of Human Resources and shall advise the Commission, serve as a resource person to the Commission, coordinate and develop human relations projects of the Commission and act as a liaison with the City administration. The Community Relations Coordinator shall make reasonable efforts to attend all meetings and functions of the Commission and shall have a voice in all proceedings, but shall not vote on issues before the Commission.
- (b) **Human Relations Associate.** The Human Relations Associate shall be hired by the Director of Human Resources and shall investigate discrimination complaints filed with the Commission, as well as individual instances and patterns of conduct that appear to be in violation of this Chapter, and shall assist in the coordination and development of human relations projects of the Commission. The Human Relations Associate shall make reasonable efforts to attend all meetings of the Commission and shall have a voice in complaint related issues, but shall not vote on complaint related issues before the Commission.
- (c) **Legal Representation.** The Commission shall be represented by the City's Corporation Counsel Office, or in the case of a conflict of interest, the Commission shall engage the services of a private attorney.
- (B) **Removal.** The Chairperson and Commissioners appointed herein may be removed for cause by the City Council.
- (C) **Meetings.** The Chairperson of the Human Relations Commission shall call meetings of the Commission on a regular basis, not less than once a month on a schedule to be established and published by the Chairperson as required by law. The Chairperson or any four (4) Commissioners may call additional meetings as may be deemed necessary by giving notice of the time and place of such meetings to all other Commissioners, to the

Chairperson, to the news media as required by law, and to the Community Relations Coordinator not less than twenty-four (24) hours prior to such meetings.

- (D) **Duties and Authority.** It shall be the duty and authority of the Human Relations Commission to:
- (1) Conduct research, publish, and utilize studies in the field of intergroup relations and to develop and implement procedures to educate the community, equalize opportunities, eliminate discrimination, and promote good will among all persons;
 - (2) Receive and record any complaint whether initiated by the Human Relations Commission or by the filing of a complaint with the Commission, alleging discrimination against any person because of race, color, age, sex, religion, national origin, marital status, familial status, *sexual orientation*, source of income, or physical or mental disability unrelated to ability in violation of this Chapter.
 - (3) Seek to resolve conflicts between persons involved in complaints which are within the jurisdiction of the Commission.
 - (4) Recommend to the appropriate agency or person legislative, administrative, legal or other ameliorative action to be taken to eliminate discrimination and foster good will.
 - (5) Invite and enlist the cooperation of any citizen, organization, or committee which can be of benefit in fulfilling the responsibilities of the Human Relations Commission in carrying out specific programs designed to lessen conflicts and in improving understanding in the community.
 - (6) Adopt such bylaws, rules of procedure and regulations as may be deemed necessary to conduct its meetings, conciliation conferences, public hearings, and general operations and to carry out the purposes and provisions of this Ordinance.
 - (7) The Commission may also cooperate and assist any person who requests such cooperation or assistance for the purpose of developing or maintaining equal employment opportunity programs.
 - (8) Prepare and submit annually to the City Council, at or shortly after the end of each fiscal year, a report of its activities during such fiscal year.
 - (9) Refer individuals and/or information to other agencies or persons when appropriate. Serve as a resource/liaison for information, training, education, and outreach efforts.

SEC. 3 DEFINITIONS

As used herein, unless a different meaning appears clearly from the content, the following words or phrases shall have the meanings provided in this section:

"Age" as used in this Chapter shall be limited to individuals who are at least forty (40) years of age.

"Aggrieved person" includes any person who (1) claims to have been injured by a discriminatory practice; or (2) believes that such person will be injured by a discriminatory practice that is about to occur.

"Answer" means a formal certified written response to the allegations in a complaint which shall be filed by the Respondent in the manner and form herein specified in accordance with the established time tables herein specified.

"Commission" means the City of Bloomington Human Relations Commission.

"Complainant" means the Commission, Staff, or an aggrieved person who files a complaint with the Commission alleging a violation of this Chapter.

"Complaint" means a written and signed statement alleging one or more discriminatory acts or practices.

"Conciliation Agreement" means a written agreement setting forth the resolution of the issues in conciliation.

"Conciliation Conference" means a meeting of the parties arranged by the Commission in an attempt to resolve a complaint by a signed agreement of the parties.

"Conciliator" means one or more members of the Commission or any other person authorized by the Commission to conduct a conciliation conference.

"Contractor" means any person who contracts with or proposes to contract with the City to provide goods and/or services in an amount greater than \$5,000.00 for the current fiscal year or who has contracted with the City for a total of \$5,000.00 during the last preceding fiscal year.

"Disability" means (1) a physical or mental impairment that substantially limits one or more of the major life activities of an individual; (2) record of such an impairment; or (3) being regarded as having such an impairment. Excluded from this definition is an impairment relating to the illegal use, possession or distribution of "controlled substances" as defined in schedules I through V of the Controlled Substances Act (21 U.S.C. 812).

"Discriminate" means to make a difference in treatment, or favor any person because of race, color, sex, religion, age, national origin, marital status, familial status, *sexual orientation*, source of income, or physical or mental disability unrelated to ability.

"Employee" means (1) any individual whether paid or unpaid who performs services under the direction and control of and for any employer; or (2) an applicant for employment.

"Employer" includes any person within the City of Bloomington, including, but not limited to owners, managers, supervisors, and others who serve a supervisory function, who hires or employs any employee whose services are to be partially or wholly performed in the City of Bloomington, but excluding any religious or fraternal corporation, association, society, or organization with respect to the hiring or employment of individuals from their membership.

"Employment agency" means any person regularly undertaking, with or without compensation, to procure employees for an employer, or to procure for employees opportunities to work for an employer, or to recruit, refer or place employees.

"Familial status" means one or more individuals, who have not attained the age of 18 years, being domiciled with a parent or person having legal custody of such individual or individuals; or (1) the designee of such parent or other person having such custody, with the written permission of such parent or other person; or (2) any person who is pregnant or is in the process of securing legal custody of one or more individuals who have not attained the age of 18 years.

"Hearing officer" shall mean one or more members of the Commission or any attorney duly licensed by the State of Illinois who may be designated by the Commission to conduct a Public Hearing.

"Housing accommodations" include all buildings, structures, or any portions thereof, within the City of Bloomington which are used or occupied, or are maintained, arranged or designed to be used or occupied as a home, residence or sleeping place for one (1) or more persons.

"Marital status" means the status of being single, married, divorced, separated or widowed.

"National origin" means the place in which an individual or one of his or her ancestors was born.

"Owner" means any person who holds legal or equitable title to, or owns any beneficial interest in, any real property or who holds legal or equitable title to share of, or holds any beneficial interest in, any real estate cooperative which owns any real property, or any person who is acting as the agent, manager or employee of the owner.

"Party" or "parties" means either the Complainant or the Respondent. These terms shall also refer to the Commission when used in the context of a written agreement which is to be or has been signed by the Commission or its authorized representative as the resolution of the allegations contained in a complaint.

"Person" includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, joint stock companies, mutual companies, trustees, trustees in bankruptcy, receivers, employment agencies, labor unions, or union labor organizations and any other incorporated or unincorporated organized group. The term includes, but is not limited to, any real estate owner, lessor, assignor, builder, manager, broker, salesman or agent, any lending institution, the City of Bloomington, any other unit of local government and any department, unit, officer or employee of any of the above.

"Probable cause" means on the basis of all available information there exists a state of facts which leads an objective person to reasonably believe that a violation of this Chapter may have occurred. These facts need not be proved "beyond a reasonable doubt", as in criminal cases, or by "clear and convincing evidence", or by a "preponderance of the evidence" as in civil matters. The Commission is not a court. It functions on an administrative, investigative level. It seeks only reasons to believe that facts exist which establish a violation of local civil rights laws.

"Public accommodation" means all places, businesses or individuals offering goods, services or accommodations to the general public. This paragraph shall not apply to any public school system.

"Public hearing" shall mean an administrative hearing of the allegations in a complaint by the Commission or by an impartial Hearing Officer pursuant to the procedures set forth in this Chapter.

"Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to employers. "Religion" with respect to employers includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

"Respondent" means any person accused in a complaint of having committed a discriminatory practice or act.

"Response" means an informal written statement by a Respondent or a Respondent's legal representative stating that person's initial position with respect to the allegations contained in a complaint.

"Sexual harassment" (in Employment) means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's employment; or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

"Sexual harassment" (in Housing) means any unwelcome sexual advance, request for sexual favors or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's real estate transaction; or (2) submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's real estate transaction, or creating an intimidating, hostile, or offensive environment with respect thereto.

"Sexual harassment" (in Public Accommodation) means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's access to, participation in, or full use of a public accommodation; or (2) submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's access to, participation in, or full use of a public accommodation; or (3) such conduct has the purpose or effect of substantially interfering with an individual's access to, participation in, or full use of any public accommodation, or creating an intimidating, hostile, or offensive environment with respect thereto.

"Sexual harassment" (in Financing) means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of any portion of the loan process; or (2) submission to or rejection of such conduct by an individual is used as the basis for any loan decision affecting the individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's access to any part of the loan process, or creating an intimidating, hostile, or offensive environment with respect thereto.

"Sexual orientation" means the status or expression, whether actual or perceived, of heterosexuality, homosexuality, or bisexuality.

"Source of income" means the lawful manner by which an individual supports himself or herself and his or her dependents when the individual has the ability to pay for goods, services, or living accommodations using recognized standards of credit worthiness as applied by lending institutions.

"Staff" includes the Community Relations Coordinator, the Human Relations Associate, as well as individuals hired in or assigned to the Human Relations Office.

SEC. 4 EMPLOYMENT

"Discrimination" as applied under this section shall mean any differences in treatment based on race, color, sex, religion, age, national origin, marital status, familial status, *sexual orientation*, source of income, or physical or mental disability unrelated to ability.

- (A) **Discriminatory Acts.** It shall be illegal for any person to commit any of the following acts of discrimination in employment.
- (1) To permit or take action which discriminately affects a person's selection, status, or eligibility for employment, promotion or transfer, or for apprenticeship or membership, or conditions and privileges or benefits directly or indirectly related to one's employment.
 - (2) To cause or permit to be published or circulated, any notice, advertisement, job order, requisition or request for applicants for employment or apprenticeship or for the referral thereof which makes or has the effect of making race, color, religion, sex, age, national origin, marital status, familial status, *sexual orientation*, source of income, or physical or mental disability unrelated to ability as a condition of applying for employment or of referral therefor or indicates the existence of such a condition except for a bona fide occupational qualification.
 - (3) To refuse to make reasonable accommodations for persons with disabilities in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity in employment. It shall be an affirmative defense to this subsection for the employer to show that such accommodations would constitute an undue hardship upon the employer.
 - (4) For an employer, employment agency or labor organization to inquire on a written application whether a job applicant has ever been arrested or to use such knowledge of an arrest as a reason for denial or termination of employment. This section shall not be construed to prohibit any employer, employment agency or labor organization from requesting or using information or records concerning the conviction of any individual.
- (B) **Exemptions.**
- (1) It shall not be unlawful practice for any person to develop a bona fide affirmative action plan designed to overcome the effects of past discrimination and to take action not otherwise prohibited by this Chapter or State or Federal law to carry out such affirmative action plan.

- (2) *Sexual Orientation.* Nothing in this Chapter shall be interpreted as prohibiting discrimination on the basis of sexual orientation when employment without regard to the sexual orientation of the potential or current employee would substantially burden the employer in the exercise of the employer's religious beliefs.

SEC. 5 HOUSING

"Discrimination" as applied under this section shall mean any differences in treatment based on race, color, sex, religion, age, national origin, marital status, familial status, *sexual orientation*, source of income, or physical or mental disability unrelated to ability.

- (A) **Discriminatory Acts.** It shall be illegal for any person to commit any of the following acts of discrimination in housing.

- (1) To directly or indirectly discriminate against any person in any manner in the sale, rental, lease or occupancy of any residential real estate in the City of Bloomington, specifically relating to, but not limited to the price, terms, conditions or privileges of any kind relating thereto or in the furnishing of any services or facilities in connection therewith including advertisements therefore.
- (2) To refuse to allow, permit or assist any person in the examination of any listing of real estate or real estate otherwise for sale within the City of Bloomington, except for nondiscriminatory reasons applicable to all persons.
- (3) To solicit either orally or in writing or to distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation in the City of Bloomington, to sell or refuse to sell or lease his or her property because of any present or prospective change in the race, color, sex, religion, age, national origin, marital status, familial status, *sexual orientation*, source of income, or physical or mental disability of persons in the neighborhood.
- (4) To refuse to make reasonable accommodations for persons with disabilities in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity in housing. It shall be an affirmative defense to this subsection for the respondent to show that such accommodations would constitute an undue hardship upon the respondent.

- (B) **Exemptions.**

- (1) **Owner Occupied.** Nothing in this Chapter shall be construed to apply to the rental or leasing of housing accommodations in that portion of a building in which the owner, or members of his/her family, occupy one of the living units and in which the owner-occupant anticipates the necessity of sharing a kitchen or bathroom with a prospective tenant, not related to the owner-occupant.

- (2) **Housing For Older Persons.** No provision in this section regarding familial status shall apply with respect to older persons.
- (a) As used in this section, "housing for older persons" means housing:
- (i) provided under any State or Federal program that the Secretary of Housing and Urban Development has determined to be specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or
 - (ii) intended for and solely occupied by persons 62 years of age or older; or
 - (iii) intended and operated for occupancy by at least one person 55 year of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Commission shall develop regulations which require at least the following:
 - (aa) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practical, that such housing is necessary to provide important housing opportunities for older persons; and
 - (bb) that at least 80% of the units are occupied by at least one person 55 years of age or older per unit; and
 - (cc) the publication of, and adherence to, policies and procedure which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.
- (b) Housing shall not fail to meet the requirements for housing for older persons by reason of:
- (i) persons residing in such housing as of the effective date of this Ordinance who do not meet the age requirements of subsections (a)(ii) or (iii); provided, that the new occupants of such housing meet the requirements of subsections (a)(ii) or (iii) of this subsection ; or
 - (ii) unoccupied units; provided, that such units are reserved for occupancy by persons who meet the age requirements of subsections (a)(ii) or (iii) of this subsection.

- (3) **Religion.** Nothing contained in this section shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.
- (4) **Sex.** Nothing contained in this section shall prohibit restricting the rental of rooms in a housing accommodation to persons of one sex where compelling privacy reasons exist.
- (5) **Unemployment Compensation.** Nothing contained in this section shall prohibit an owner or manager of dwelling units from refusing to rent or lease housing to a person whose only source of income is unemployment compensation if the term of the lease proposed is longer than the maximum period of eligibility of the potential lessee for unemployment compensation.
- (6) Section 8 Housing. Notwithstanding anything to the contrary contained in this Ordinance, nothing contained in this section shall require any person who does not participate in the federal Section 8 housing assistance program (42 U.S.C. 1437f) to accept any subsidy, payment assistance, voucher, or contribution under or in connection with such program or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part of the rent for such housing accommodation.
- (7) *Sexual Orientation. Nothing in this Chapter shall be interpreted as prohibiting discrimination on the basis of sexual orientation when sale, rental or lease or occupancy of residential real estate without regard to the sexual orientation of the person seeking to purchase, rent or occupy the residential real estate would substantially burden the vendor, lessor, owner or manager of the residential real estate in the exercise of the religious beliefs of such vendor, lessor, owner or manager.*

SEC. 6 PUBLIC ACCOMMODATIONS

"Discrimination" as applied under this section shall mean any differences in treatment based on race, color, sex, religion, age, national origin, marital status, familial status, *sexual orientation*, source of income, or physical or mental disability unrelated to ability.

- (A) **Discriminatory Acts.** It shall be illegal for any person to commit any of the following acts of discrimination in public accommodations.

- (1) To discriminate against any person in the full enjoyment of goods, services, facilities, advantages or privileges of any public accommodation.
- (2) To refuse to make reasonable accommodations for persons with disabilities in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity in public accommodations. It shall be an affirmative defense to this subsection for the respondent to show that such accommodations would constitute an undue hardship upon the respondent.

(B) Exemptions.

- (1) **Sex.** Nothing contained in this section shall prohibit restricting the rental of rooms in a housing accommodation to persons of one sex where compelling privacy reasons exist.
- (2) **Sexual Orientation.** *Nothing contained in this section shall be interpreted as prohibiting discrimination on the basis of sexual orientation when providing public accommodation without regard to the sexual orientation of the person seeking public accommodation would substantially burden the exercise of the religious beliefs of the person providing public accommodations.*

SEC. 7 FINANCING

"Discrimination" as applied under this section shall mean any differences in treatment based on race, color, sex, religion, age, national origin, marital status, familial status, *sexual orientation*, source of income, or physical or mental disability unrelated to ability.

- (A) Discriminatory Acts.** It shall be illegal for any person to commit any of the following acts of discrimination in financing.
- (1) To discriminate or to participate directly or indirectly in discrimination in connection with the terms of loans, guaranteeing loans, accepting mortgages or otherwise making available funds for loans, provided that lending money is one of the principal aspects of the person's business or is incidental to the person's principal business
 - (2) To refuse to make reasonable accommodations for persons with disabilities in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity in financing. It shall be an affirmative defense to this subsection for the respondent to show that such accommodations would constitute an undue hardship upon the respondent.

SEC. 8 ADDITIONAL CIVIL RIGHTS VIOLATIONS

- (A) **Retaliation.** It shall be illegal for any person to discriminate or take retaliatory action against any other person because such person has opposed any practice forbidden by this Chapter or because such person has made a charge, filed a complaint, testified or assisted in any manner in any investigation, proceeding or hearing under this Chapter.
- (B) **Aiding and Abetting.** It shall be illegal for any person to aid, incite, compel, coerce or participate directly or indirectly in the doing of any act or practice declared in this Chapter to be prohibited.
- (C) **Interference.** It shall be unlawful for any person to willfully interfere with the performance of a duty or the exercise of a power by the Commission or one of its members or Staff.

SEC. 9 JURISDICTIONAL AUTHORITY

The Human Relations Commission shall have jurisdiction to take the actions authorized herein if the alleged act of unlawful discrimination or practice prohibited herein occurred within the corporate limits of the city of Bloomington, Illinois. For the purposes of this Section, the discriminatory practice shall be deemed to have occurred within the corporate limits of the city of Bloomington if:

- (A) all or part of the employment services in a position held or applied for by a Complainant are to be performed within the city of Bloomington; or
- (B) the housing accommodation sought, occupied, or formerly occupied by Complainant is located within the city of Bloomington; or
- (C) the public accommodation is located within the city of Bloomington; or
- (D) the person allegedly discriminating in financing is located or has a principal office within the city of Bloomington or is offered property within the city as collateral for any loan.

SEC. 10 COMPLAINT RESOLUTION PROCESS

(A) **Complaint.**

(1) **Who May File.**

- (a) Any person claiming to be aggrieved by a discriminatory practice or act committed within the limits of the city of Bloomington may file a complaint with the Bloomington Human Relations Commission.
- (b) Staff may investigate individual instances and patterns of conduct which the Commission or Staff feel are in violation of the provisions of this chapter, and may file complaints in connection therewith.

- (c) The Commission may file a complaint against any person who is alleged to have committed a discriminatory act within the jurisdiction of the Commission. Each complaint filed by the Commission shall be signed by four or more Commissioners.
- (2) **Dual Filing of Complaint Prohibited.** The Commission and Staff shall not process any complaint if a similar complaint is filed before the Illinois Department of Human Rights, or the Equal Employment Opportunity Commission, or Housing and Urban Development Department. The Commission shall dismiss any complaint filed with it where it is discovered that a similar complaint has been filed with any of the above said agencies.
- (3) **Content.** A complaint shall contain the following:
- (a) The name, address and telephone number, if any, of the Complainant or if a Commission or Staff complaint, of the Commission or Human Relations Office.
 - (b) The full name, address and telephone number of the Respondent, if known; if not known, the complaint shall so state.
 - (c) The alleged discriminatory practice(s) and/or act(s) together with a plain and concise statement of the particulars thereof.
 - (d) The date or dates of the alleged discriminatory practice(s) and/or act(s) and if alleged to be of a continuing nature, the dates between which said continuing practices or acts of discrimination are alleged to have occurred.
- (4) **Place of Filing.** A complaint shall be filed at the Human Relations Office at the Bloomington City Hall.
- (5) **Time of Filing.** A complaint must be filed no later than 180 days after the date of the last alleged occurrence of a discriminatory practice or act or 180 days after the date of discovery of an alleged discriminatory practice or act, which ever is later. The Respondent shall be informed by Staff promptly by certified mail of the filing of a complaint and of the Commission's responsibility to resolve such complaints. A copy of the complaint shall be enclosed with said letter.
- (6) **Withdrawal.** Complaints may be voluntarily withdrawn at the request of the Complainant at any time prior to the completion of the Public Hearing. The circumstances accompanying such withdrawal may be fully investigated by the Commission or Staff.

- (B) **Notification of Formal Complaint.** The Respondent shall be informed by Staff promptly by certified mail or by personal service of the filing of such complaints and of the Commission's responsibility to resolve such complaints. A copy of the complaint shall be enclosed with said letter.
- (C) **Response.**
- (1) **Time of Filing.** A response shall be filed by the Respondent at the Human Relations Office within fourteen (14) days from the date of service of the complaint or at such later time as the Commission or Staff may allow.
 - (2) **Content of Response.** The response shall contain the full name, address and telephone number of the Respondent, and if the Respondent is represented by an attorney, the name, address and telephone number of said attorney. The response shall contain specific information stating the Respondent's position with respect to the allegations contained in the complaint.
 - (3) **Failure to File Response.** If no response is filed within the permitted time, it shall be presumed that the complaint is not denied. Failure to file a response shall not operate to delay the proceeding.
- (D) **Party Representation.** Both the Complainant and the Respondent may be represented by counsel at any stage of conciliation, investigation, or hearing on the complaint. Representatives of parties shall be entitled to the notices specified herein only after they have entered their appearances in a case in writing by mailing or delivering same to the Human Relations Office wherein they identify the party they represent, and state their name and the address and telephone number where they may be contacted and to which all such notices may be mailed or delivered. Evidence that notices were mailed or delivered to such addresses shall be prima facie proof that all such notices were properly served.
- (E) **Investigation Process.**
- (1) **Investigation.** After the filing of a complaint, an investigation of the allegations in the complaint shall be conducted by Staff. The findings of the investigation will be reported to the Commission and the Commission shall determine on the basis of all available information if there is probable cause to believe that the allegations made in the complaint are true or if further investigation is required for its determination.
 - (2) **Additional Respondents.** A person who is not named as a Respondent in a complaint, but who is identified as a Respondent in the course of an investigation, may be joined as an additional or substitute Respondent upon written notice to such person from the Human Relations Office. Such notice shall explain the basis for the belief that the person to whom the notice is addressed is properly joined as

a Respondent. This Respondent will be notified per subsection B of this Section, and shall be held to the response requirements of subsection C of this section.

- (3) **Subpoena Power.** The Commission shall issue subpoenas for the appearance of witnesses, the production of evidence, or both, in the course of the investigation. Subpoenas will be issued where necessary for a thorough investigation. A subpoena shall be served in the same manner as subpoenas issued under subsection (I) (5) of this Section.
- (4) **Failure to Cooperate.** The Commission may dismiss a complaint or may enter an order of default against a party for failure to cooperate with the investigation.
- (5) **No Prima Facie Case.** The Commission may reject without prejudice and without investigation any complaint that fails to set forth sufficient evidence to state a prima facie case of a violation of this Chapter.

(F) **Findings.**

- (1) **Probable Cause.** If the Commission determines from the investigation of a complaint that there is probable cause to believe a violation has occurred, the Commission shall direct Staff to give notice to all parties that a probable cause determination has been made by the Commission. This notice shall be mailed to all parties within fourteen (14) days of the Commission's decision or at such other time as may be approved by the Commission.

(a) **Basis for Establishing Probable Cause.**

"Probable cause" means on the basis of all available information there exists a state of facts which leads an objective person to reasonably believe that a violation of this Chapter may have occurred. These facts need not be proved "beyond a reasonable doubt", as in criminal cases, or by "clear and convincing evidence", or by a "preponderance of the evidence" as in civil matters. The Commission is not a court. It functions on an administrative, investigative level. It seeks only reason to believe that facts exist which establish a violation of this Chapter.

Probable cause is established when one or more of the following eleven (11) factors are uncovered.

- (i) Prima facie evidence uncovered is on its face discriminatory, e.g., notices printed and distributed by the Respondent.

- (ii) The Respondent admits orally or in writing to the investigator, Complainant or witnesses that the action taken was because of the race, color, sex, etc. of the Complainant, class, associate of the Complainant--and the admissions are documented, witnessed, or under the circumstances of the case, the Commission has probable cause to believe the admissions were made.
- (iii) The Respondent violates equal opportunity regulations and ordinances and those guidelines which have the same effect as the law.
- (iv) Disparate treatment, e.g., a comparison between the Complainant of the protected class and similarly situated others of different race, color, sex, religion, etc., depending on what is alleged in the complaint.
- (v) Disparate effect--effect of neutral standards equally applied having a discriminatory impact.
- (vi) A pattern exists of a class being isolated from the other members of the total group or being restricted to certain areas, departments, use of certain facilities, creating a bona fide segregated situation.
- (vii) A discriminatory pattern exists. It has been determined that the pattern was created by and is maintained by specific Respondent policies, practices, and procedures. Those practices tend to exclude, channel into a limited or specified area, or otherwise deny equal opportunity to a given class.
- (viii) The Respondent violated his/her own policies, rules, regulations, recognized business practices in regard to the Complainant, denying the Complainant an opportunity he or she would otherwise have had, and there are comparisons that can be made of similarly situated others of another class.
- (ix) When the evidence that would enable a finding to be made has been mysteriously lost or destroyed, tampered with, altered or partly withheld, or the evidence is conflicting and shifting.
- (x) The action of the Respondent is, on its face, so outrageous that even in the absence of any other damaging comparisons as indicated above it is presumed to have resulted from discriminatory bias against persons in the protected class.

(xi) The Respondent's decision (to discipline, fire, refuse service, etc.) was based on his/her prejudice or his/her reliance on information from biased sources and the information relied upon can be shown to be untrue. There may or may not be any other comparisons that can be made in accordance with the above criteria.

(2) **No Probable Cause.** If the Commission determines from the investigation of a complaint that there is not probable cause to believe the Respondent has engaged in any discriminatory practice or act as alleged in the complaint, it shall state its findings in writing, dismiss the complaint and notify the parties by mail.

(G) **Reconsideration.**

A Complainant may apply to the Commission for a reconsideration of a dismissal of his/her complaint. Such application must be in writing, state specifically the grounds upon which it is based, and be filed with the Human Relations Office within fourteen (14) days from the date of the mailing of the notice of dismissal. A copy of said application shall be sent to the Respondent by certified mail. The Respondent shall have fourteen (14) days from the date of mailing of said application to the Respondent to file a written objection with the Commission, which shall be filed with the Human Relations Office. The Commission may order the complaint reinstated at its next special or regular meeting, but in no event earlier than fourteen (14) days after such application has been mailed to the Respondent or at any time after an objection from the Respondent is filed.

(H) **Conciliation.**

(1) **Conciliation Conference.** If the Commission determines that probable cause exists for the allegations made in the complaint, it shall designate one or more of its members or Staff to undertake a conciliation conference with the parties in an attempt to resolve the complaint by mutual agreement. Within thirty (30) days after the probable cause finding or at such other time as may be approved by the Commission, a notice stating the time and place of the conciliation conference shall be sent to all parties and their legal representatives, if any. If the Complainant fails to attend the conciliation conference, the complaint may be dismissed, unless such absence is excused by the Conciliator for just cause. Each party at a conciliation conference may be represented by one person of his/her choice. If the Respondent fails to attend the conciliation conference, the Conciliator shall notify the Commission of same and the case shall proceed to a Public Hearing.

(2) **Successful Conciliation.** If the conciliation conference is successful in resolving the complaint, the Conciliator shall have the terms of the settlement prepared and agreed to in writing by the parties. The Conciliator shall submit the settlement agreement to the Commission for its review and final decision thereon. All such agreements shall become effective only after they are approved by the Human

Relations Commission. Except as prohibited by law, the Commission may be a party to such agreement, which may be signed by the Chairperson of the Commission, or by a majority of the Commission (which may include the Chairperson).

- (3) **Unsuccessful Conciliation.** If the conciliation conference is unsuccessful in resolving the complaint, the Conciliator shall notify the Commission of same and the case shall proceed to a Public Hearing.
- (I) **Public Hearing**
 - (1) **Notice of hearing.** In case of failure of conciliation efforts, or in advance of such efforts, as determined by the Commission, and after finding probable cause, Staff shall cause to be issued and served in the name of the Commission, a written notice, together with a copy of the complaint, as the same may have been amended, requiring the Respondent to answer to the charges of such complaint at a Public Hearing. The notice shall specify the time, date and place of such hearing. Notice shall be served by registered or certified mail, return receipt requested, or by personal service.
 - (2) **Complaint.** A complaint may be amended as a matter of right by the Complainant, or in the case of a Staff filed complaint, by the Staff, or in the case of a Commission filed complaint, by the Commission at any time prior to the filing of an answer by the Respondent. A complaint may thereafter be amended only with the consent of all parties or with the consent of the Hearing Officer on application duly made in writing therefor. An amended complaint must be in the form as the original complaint; however, an amendment to a complaint filed by the Commission may be signed only by the Chairperson and need not be notarized.
 - (3) **Answer.**
 - (a) **Time of Filing.** The Respondent shall file a written verified answer within seven (7) days, or by such time as agreed to by all parties, from the date of the mailing of the notice of the Public Hearing and this requirement shall be stated in said notice. The answer shall be filed at the Human Relations Office. Upon written application, Staff may extend the time within which the answer may be filed up to seven (7) days prior to the Public Hearing.
 - (b) **Form of Answer.** The answer shall contain an admission or denial of each allegation contained in the complaint or a statement that the Respondent does not have adequate knowledge or information sufficient to form a belief with respect to particular allegations. The answer shall contain a statement of any matters which constitute a defense to the allegations contained in the complaint.

- (c) **Amendment to Answer.** An answer may be amended as a matter of right seven (7) or more days prior to the date of the Public Hearing and thereafter may be amended only in the discretion of the Hearing Officer on application duly made in writing therefor. All answers shall contain the full name, address and telephone number of the Respondent and if the Respondent is represented by an attorney, the name, address and telephone number of said attorney. In any case where a complaint has been amended, the Respondent shall have an equal opportunity to amend his/her answer within the time specified in this Chapter and remaining for the filing of an answer or in such additional time as may be allowed by the Hearing Officer on application duly made therefor to the Hearing Officer.
- (4) **Procedure Without Answer.** Regardless of whether a Respondent files an answer within the time provided herein, a hearing may be held at the time and place specified in the Notice of Hearing, and Findings of Fact and orders may be entered upon testimony taken at the hearing.
- (5) **Subpoenas.**
- (a) The Hearing Officer or any of the members of the Commission who preside at a Public Hearing may issue subpoenas upon the application of any party to the proceeding whenever necessary to compel the attendance of witnesses, or to require the production for examination of any books, records, correspondence, documents, papers or any other evidence relating to any matter under investigation or hearing before the Commission or at a Public Hearing.
- (b) When a subpoena is issued upon the motion of a party of the proceeding other than the Commission, the customary legal cost of service, witness and mileage fees shall be paid by the party at whose request the subpoena is issued. Where a subpoena is issued upon the motion of the Commission, the cost of such service, witness and mileage fees shall be paid by the Commission.
- (c) Any witness summoned may petition the Hearing Officer or the members of the Commission who are to preside over a Public Hearing to vacate or modify a subpoena. Prompt notice of the petition to vacate or modify a subpoena shall be given to the party, if any, who requested the issuance of the subpoenas. After such investigation as the Hearing Officer or the Commission members consider appropriate, the petition may be granted in whole or in part upon a finding that the testimony, or the evidence whose production is required, does not relate to any matter in question, or that a subpoena for the production of evidence is unreasonable and oppressive.

- (d) Upon failure of any person to comply with a subpoena issued as herein provided, the Commission may authorize its legal representative on its behalf to petition any court of competent jurisdiction to compel the attendance before the Commission or Hearing Officer of the person subpoenaed and to compel the production of subpoenaed evidence. If any person fails to obey any such court order, the Commission through its authorized legal representative may petition the court to hold such person in contempt of court. Such person may be assessed a fine by the Commission not in excess of \$1,000.00 for each offense, provided the person to whom the subpoena is issued is so notified on said subpoena that such fine may be assessed. Each such person shall be immediately notified of the amount of each such fine and each fine shall be paid within thirty days (30) days after it is assessed. In the event any such fines are not so paid, they shall be considered to be debts to the City of Bloomington and shall be collectible in the same manner provided by law for the collection of all other debts.
- (e) All subpoenas issued hereunder shall be served upon the party to whom they are directed by members of the Bloomington Police Department or by any other means which show that the subpoena has been received by the person to whom it was directed.
- (6) **Rules of Evidence.** The rules of evidence prevailing in the courts of law in this State shall not be applicable to nor bind any party, the representative of any party, nor any administrative person or body in any proceeding hereunder but such parties, persons and bodies shall consider any and all reliable, probative, and substantial evidence, statistical or otherwise, produced by anyone at any proceeding hereunder which may tend to prove or disprove any act or acts of discrimination alleged in the complaint under consideration. All testimony in any proceeding hereunder shall be given under oath. The Complainant has the burden of proving his or her case by a preponderance of the evidence.
- (7) **Written Record of the Hearing.** The written record of the Public Hearing shall consist of the notice of hearing, the complaint, the answer, the recorded transcript of the testimony taken at the hearing, the exhibits in evidence, motions, stipulations, oral arguments and the finding and orders of the Hearing Officer and of the Commission.
- (8) **Close of Hearings.** The Hearing Officer shall specifically inquire of all parties whether they have further proofs to offer or witnesses to be heard. Upon receiving negative replies, the Hearing Officer shall declare the hearing closed. If briefs are to be filed, the hearing shall be declared closed as of the final date set by the Hearing Officer for the receipt of briefs.

(9) **Findings and Recommendations.**

- (a) The Hearing Officer shall report his/her recommended findings to the Commission in writing within thirty (30) days of the close of the hearing. The Commission shall at its next meeting, or within a reasonable time after receipt of said Hearing Officer's report, adopt, modify, or reject in whole or in part and in writing the findings, recommendations, damages and/or the proposed fine of the Hearing Officer which, upon being signed by the Chairperson or by all members of the Commission attending such hearing shall constitute a final order of the Commission. A copy of the final order of the Commission shall be served by certified mail, or personal service on each party directly affected thereby.
- (b) If the Commission conducts said Public Hearing, its findings, determinations, recommendations, damages to be paid to the Complainant and/or the fine shall be stated in writing which upon being signed by the Chairperson or by all members of the Commission who presided at the hearing shall constitute a final order of the Commission.

- (10) **Review of Decision.** Review of all decisions and final orders made at any public hearing provided for herein shall be by writ of certiorari and all appeals must be filed within thirty-five (35) days from the date that a copy of the decision or final order sought to be reviewed was served upon the party affected thereby.

(K) **Remedies**

- (1) Relief may include, but is not limited to, an order:
 - (a) to cease the illegal conduct complained of and to take steps to alleviate the effect of the illegal conduct complained of;
 - (b) to pay actual damages, as reasonably determined by the Commission, for injury or loss suffered;
 - (c) to pay compensatory damages, as reasonably determined by the Commission;
 - (d) to hire, reinstate, or upgrade the Complainant, with or without back pay, or to provide such fringe benefits as the Complainant may have been denied;
 - (e) to sell or lease housing in question to the Complainant;
 - (f) to admit the Complainant to a public accommodation;

- (g) to extend to the Complainant the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the Respondent;
 - (h) to pay the Complainant all or a portion of the costs, including reasonable attorney's fees, expert witness fees, witness fees, and duplicating costs, incurred in pursuing the complaint before the Commission or at any stage of judicial review;
 - (i) to take such action as may be necessary to make the Complainant whole, including, but not limited to awards of interest on the actual damages and back pay from the date of the violation;
 - (k) to file with the Commission a report as to the manner of compliance;
 - (l) to post in a conspicuous place notices which the Commission may publish or cause to be published setting forth requirements for compliance with this Ordinance, or other relevant information which the Commission determines necessary to explain this Ordinance; and
 - (m) to pay a fine of up to \$2,500 for each offense.
- (2) The total amount of actual and compensatory damages in the Commission's order shall not exceed \$50,000.00.
 - (3) The Commission may file with the Department of Professional Regulation of the State of Illinois a notice in the event that any licensed real estate broker or salesperson violates this Ordinance.

SEC. 11 SETTLEMENT

- (A) **Circumstances.** A settlement of any charge prior to a finding of probable cause may be effectuated at any time upon agreement of the parties and the approval of the Commission. A settlement of any charge after a finding of probable cause shall be effectuated as specified in Section 10(H)(1) and (2) of this Chapter.
- (B) **Form.** Settlements of charges prior to a finding of probable cause shall be reduced to writing by the staff, signed by the parties, and submitted by the staff to the Commission for approval. Settlements of charges after a finding of probable cause shall be effectuated as specified in Section 10(H)(1) and (2) of this Chapter.
- (C) **Violation.**
 - (1) When either party alleges that a settlement order has been violated, the staff shall conduct an investigation into the matter.

- (2) Upon finding substantial evidence to demonstrate that a settlement has been violated, the staff shall file notice of a settlement order violation with the Commission and serve all parties. The Commission shall have the authority to order appropriate sanctions permitted by this Code against the party found to have violated a settlement agreement.

SEC. 12 EQUAL EMPLOYMENT OPPORTUNITY AND CONTRACT COMPLIANCE

- (A) The City of Bloomington shall not contract in any amount exceeding \$5,000.00 in any year with any contractor or vendor, or maintain any financial relationship with any financial institution, which does not first submit to the City a written commitment to provide equal employment opportunity in recruiting, training, and utilizing workers and to require all subcontractors to provide equal employment opportunity in recruiting, training and utilizing workers.
- (B) The Commission shall have the authority to subpoena for records or testimony any financial institution within the city of Bloomington or any contractor or vendor contracting with the City of Bloomington for the purpose of investigating compliance with the provisions of this Section 12. Subpoenas shall be severed in the same manner as subpoenas issued under Section 10 (I) (5) of this Chapter.
- (C) Any financial institution within the city of Bloomington or any contractor or vendor contracting with the City of Bloomington will be required on request to submit compliance reports in writing to the Human Relations Commission showing the implementation of and the extent of the effectiveness of their equal employment opportunity program in recruiting, training and hiring minority and women workers.
- (D) In the event that any contractor, vendor or financial institution contracting with the City of Bloomington fails to comply with the Equal Employment Opportunity and/or Contract Compliance provisions of this Chapter, the City upon recommendation of the Human Relations Commission may deny, cancel, terminate, or suspend the contract in whole or in part and/or may recover the sum of \$50.00 for each day a party fails to comply with the provisions of this Chapter as liquidated damages and not as a penalty.
- (E) Upon the request of the Commission, the services of all City departments and agencies shall be made available through the City Manager by their respective department heads to the Commission and upon request, relevant information in the possession of any department or agency shall be furnished to the Commission.

SEC. 13 JUDICIAL RELIEF

Whenever deemed necessary in order to protect the rights of a Complainant or to preserve the power of the Commission to resolve a complaint, the Legal Department of the City of Bloomington, or the legal representative of the Commission, may apply to a court of competent jurisdiction for an injunction or other judicial relief to accomplish such purpose.

SEC. 14 LIMITATIONS

Any action under Section 12 shall be commenced within one (1) year after the cause of action accrued and any other action hereunder shall be commenced within ninety (90) days after the cause of action accrued or after discovery thereof.

SEC. 15 PENALTY

If fines or other damages due hereunder are not paid within thirty (30) days after they are assessed, they shall be considered to be debts to the City of Bloomington or to the party to whom they are owed and shall be collectible in the same manner provided by law for the collection of all other debts.

SEC. 16 SEVERABILITY

If any section, paragraph, sentence or clause of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of any other part of this Chapter.

Todd Greenburg, Corporation Counsel, presented the staff report. He stated that the Human Relations Ordinance had been revised. He stated that the Commission and City staff had held numerous work sessions and public commentary was taken. The goals of this revision were 1.) the terminology used in the City Ordinance should be consistent with the language used by the Federal and State governments, 2.) clarify the procedures used by the Commission, (these procedures have been removed from the Commission by-laws and incorporated into the Ordinance), and 3.) establish adequate penalties. Penalties will address actual and compensatory damages. The penalty for an offense may be a fine of up to \$2,500. The total amount of actual and compensatory damages shall not exceed \$50,000.00.

Mr. Greenburg stated that there were three areas of disagreement between the Commission and City staff. The first area involved a penalty cap. City staff supported a limit of \$50,000.00 which is found in Federal law. The Commission did not limit the amount of damages which could be awarded. The Commission recommended that two (2) forms of discrimination be included into the City Code, 1.) discrimination based upon a person's lawful source of income, and 2.) discrimination based upon the sexual orientation of an individual. The final area of disagreement involves the issue of voluntary settlement of complaints.

He addressed the question of policy versus legal recommendation. The City staff's recommendation to not include the two new areas of discrimination was a policy decision. The City is not prohibited from including these two areas. However, the addition would put the City in the forefront and raise the question of interpretation. The legal issue involved is that there is no precedent. There are no guidelines regarding how to apply this Ordinance.

In addition, the City staff requested clarification to the area regarding source of income. Source of income should be defined as a person's ability to pay for goods and services using recognized credit standards which are used by financial institutions. City staff recommended two (2) additions in the area of housing. First, landlords would not be guilty of discrimination, if the source of income is unemployment compensation and the terms of the lease would be longer than the length of unemployment compensation. Second addition, landlords would not be guilty of discrimination based on source of income, if they did not apply for Federal Section 8 certification.

Next, he addressed the issue of sexual orientation. If the section on sexual orientation is included, then language would have to address the issue of a religious exemption. If the City did not include this language, then the Courts would impose a religious exemption on the City. Federal law will not permit the City to burden an individual's religious beliefs, unless 1.) the city has a compelling interest to do so and 2.) the City must use the least restrictive means to advance that compelling interest. The City would be on the cutting edge and could not look to Federal or State law for guidance on this issue. He stated that he had reviewed Court cases and could not locate one regarding sexual orientation. He stated that the Courts in California and Massachusetts had addressed the issue of unmarried persons living together. In those cases, the Courts found that the State did not have a compelling interest. He stated his opinion that the issue and results would be the same if the case involved homosexuality or bisexuality. The City staff has attempted to chart the direction the Courts might take. The City could be forced to pay damages and attorney's fees if an individual mounted a religious belief defense.

For the reasons presented, the City staff recommended that the language pertaining to sexual orientation and source of income be deleted from the Ordinance. Finally, he stated that there was an error in Section 14. The statute of limitations should have been 180 days. The City staff requested that the motion on adoption of this Ordinance specify that Section 14 be amended from 90 to 180 days.

Motion by Alderman Sprague, seconded by Alderman Matejka that the rules be suspended.

The Mayor directed the Clerk to call the roll which resulted as follows:

Ayes: Alderman Fruin, Sprague, Whalen, Markowitz, Matejka, Kroutil and Bittner.

Nays: None.

Motion carried.

Mayor Smart stated that debate would be limited to ten (10) minutes for each side. He stated that six (6) individuals would be recognized. Three (3) will speak for including the language addressing sexual orientation and three (3) will speak against. The procedure has been that those in support address the Council first.

Marc Miller, 1418 N. Clinton, addressed the Council. As a member of the Commission, he stated that the work of correcting administrative problems with the current Ordinance took two (2) years. The Commission addressed the issue of diversity and tolerance for it. He added that the Commission reviewed past discriminatory practices. He stated that the community must be tolerant of private thoughts and behaviors. He stated his belief that the City would be a better community if the Ordinance were adopted as presented by the Commission.

Jerry Pope, 1105 N. Prairie, addressed the Council. He stated his support for the Ordinance as presented by the Commission. He reviewed past discriminatory practices. He stated that with the passage of time, many of these practices have been seen as wrong. He questioned society's view of homosexuality. He raised four (4) questions, 1.) what if a family member or close friend was homosexual, 2.) which side of this debate has treated all with dignity and respect, 3.) when did advocating human rights become controversial and radical, and 4.) how many people believe in basic human rights for all people?

Peggy Burton, 34 Chiswick Circle, addressed the Council. She stated her support for the Ordinance as presented by the Commission. She addressed the issue of peace and an end to violence. She stated the City has the responsibility to defend and protect all of its citizens. She stated that the Commission exposed the prejudice which exists in the community. She defined prejudice as encouraging individuals to see others as less human and less important. She stated that Civil Rights would not have happened if it had required a majority of the popular vote. She stated that prejudice divides the City and that the time for adoption of this Ordinance is now. This Ordinance would protect those who are the target of discrimination. She stated that adoption of the Ordinance as presented by the Commission would be a step toward unifying the community.

Jesse Parker, 1513 W. Locust, addressed the Council. He stated his opposition to the Ordinance as presented by the Commission. He stated that as a former Alderman, he knew of the pressure the Council was under. He stated that the City is a nice place to live. He stated his belief that the morality of this country has been chipped away. This country was founded on biblical principles. He stated that too many items are being labeled as Civil Rights. He stated that he reviewed the newspaper daily. He referred to the Bible, and read from Leviticus 19: 22 - 23, and 20:13. He also referred to the Illinois Combined Statutes, (ILCS) Section 720, 512-12, Subsection F. He requested that the Council not approve the Ordinance as presented by the Commission, because it would force him to honor something that God condemns. He stated that he loves his neighbors, but he does not love their sins.

Scott Shaffer, 3208 Suffolk Way, addressed the Council. He stated his opposition to the Ordinance as presented by the Commission. He stated that he felt no ill will to the supporters of the Ordinance. He stated that rejection of the proposal does not equal rejection of the proponents. He stated his belief that the government should not provide special legal rights based on an individual's sexual behavior. He also stated his belief that the government should not approve of homosexual or bisexual behavior. He stated three reasons for his beliefs. First, these special legal rights are unnecessary. No objective statistics have been provided demonstrating the need for this proposal. Second, these special legal rights are not required by Federal and State law. One of the stated goals of the Commission was for the Ordinance to be consistent with Federal and State law. Neither the Federal nor State Civil Rights statutes grant special legal rights based upon sexual behavior. Homosexuals prosperity, political power and demonstrated ability to leave this behavior are well documented. This group fails the criteria used by the United States Supreme Court for granting special legal rights granted to minorities. Finally, providing these special legal rights will promote litigation. He stated that the proposal would violate the Federal Religious Freedom Restoration Act. He stated that the burden would be widespread, because Christianity, Judaism and Islam all teach that homosexual behavior is wrong. He stated his belief that the proposal would institute intolerance.

Motion by Alderman Matejka, seconded by Alderman Whalen to return to order.

The Mayor directed the Clerk to call the roll which resulted as follows:

Ayes: Alderman Fruin, Sprague, Matejka, Anderson, Whalen, Markowitz, Kroutil and Bittner.

Nays: None.

Motion carried.

Alderman Fruin questioned if Section X contained an item labeled J. Mr. Greenburg responded negatively and added that the error would be corrected. Alderman Fruin questioned if any community that had adopted a similar ordinance chose at a later date to rescind it. Mr. Greenburg responded negatively, but added that his knowledge was limited to the State of Illinois.

Motion by Alderman Matejka to adopt the Ordinance as presented by the Commission. Motion failed for lack of a second. He stated his support for the Ordinance. He stated his belief that the City was a tolerant, caring and compassionate community. At this time, the City has gained national attention. He questioned if the City was stuck in the past or was prepared to move forward into the future. This Ordinance provides the City with the opportunity to protect, learn and grow.

Alderman Markowitz made a statement for the record. "I believe that persons with an alternative lifestyle deserve to live peacefully and equally. However, I am not sure we should be expected to legislate policy tonight for a special group. I will follow the recommendation of our Corporation Counsel and staff, who because of compelling legal ramifications, are recommending against adoption of this portion of the Ordinance. I was elected to represent a broad range of constituents and their points of view. Overwhelmingly, those I represent at this time, have asked me not to vote in favor of this Ordinance. Quite honestly, if I dishonor this request, I face the fact that I may lose the trust of these citizens whom I have worked so hard to represent. My constituents, the past seven years, are from all religious upbringings, but mostly they are moderate, long time Bloomington residents, who call this their home. People with whom I come into contact and talk with daily, and to a person, they do not want any more government interference in their lives. Since November, when we were told this Ordinance would be brought to us tonight, my main personal objection has been government intrusion. I believe the mood of many citizens all over the United States, is that government should be less intrusive, not more. How many of you on either side of this issue want government to step into your life and tell you what to do about anything? I believe that for the well being of all Bloomington residents, the resolution of this issue needs to be win-win, and tonight is not win-win. If this Ordinance does not pass and is to come to us again in the future, I would expect the Human Relations Commission, the Advocacy Council for Human Rights, and the Coalition for Diversity and Reconciliation, to take on the job of trying to foster understanding of this issue throughout the community. See what support develops, but avoid simply preaching to the converted. I am still waiting to see or read even a single letter from any community leader publicly affirming support for this Ordinance. If we on the Council are to make a change in the Ordinance, we should expect that change to occur when we are encouraged and joined in vocal support by community leaders and business persons. At that time, we will have a community at peace."

Alderman Sprague stated his agreement with the statements made by both Aldermen Matejka and Markowitz. He stated that he did not see this issue as a religious one. He stated that individuals on both sides of the issue have professed to be Christians. He stated that all Christians are challenged not to be judgmental. He stated that there would not be a winner and a loser based upon this vote. He added that this issue has divided the community that we all call our home. This division is wrong. Violence is wrong regardless of which side of the issue you support. He challenged all to work to make our community better and stronger.

Mayor Smart stated his agreement with Alderman Sprague's comments. He stated that the Council needed to vote on the issue so that the healing might begin. He added that the issue has been an emotional one. Petitions were submitted by individuals representing both sides of the issue. He stated that regardless of the vote, the sun would come up in the morning. We all live as one community, and the citizens can live with the decision of the Council. He challenged the residents of Bloomington to prove that the City does not need this Ordinance.

Motion by Alderman Bittner, seconded by Alderman Markowitz that the proposed ordinance be passed with the exception of the italicized and underlined language, which will be deleted from the ordinance with the amendment to Section 14 changing the 90 day statute of limitations to 180 days.

The Mayor directed the Clerk to call the roll which resulted as follows:

Ayes: Alderman Fruin, Sprague, Whalen, Markowitz, Kroutil and Bittner.

Nays: Alderman Matejka.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Revised annexation agreement submitted by Charles W. Palmer requesting annexation and B-2, C-1, R-3A, R-2, R-1B, and S-2 zoning for various portions of a 713.11 acre tract located along both sides of Cabintown Road, (Road 1000N), east of Road 1025E and 1050E, west of the Southern Pacific Railroad and west and south of the Fox Creek Country Club Subdivision. (Case Z-26-95)

Background Information:

Adjacent Zoning Districts

North - A - Agriculture & R-1B and S-2
South - A - Agriculture
East - A - Agriculture
West - A - Agriculture

Adjacent Land Uses

North - agriculture & single family
South - agriculture & single family
East - agriculture & single family
West - agriculture

The property in question now consists of the original 713.11 acres that Mr. Palmer included in the first draft of his proposed annexation agreement. On December 12, 1995, Mr. Frank Miles, Mr. Palmer's legal counsel, met with the neighbors along Cabintown Road and Six Points Road to discuss modifications to Mr. Palmer's plans which will accomplish the following:

1. Lessen the traffic on Fox Creek Road and
2. Lessen the impact of the commercial / office area on the Kohaus and Knutson properties.

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Name (as shown on your income tax return)
City of Bloomington

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification:
 Individual/sole proprietor C Corporation S Corporation Partnership Trust/estate
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
 Other (see instructions) ▶ _____ **Municipality**

Exemptions (see instructions):
 Exempt payee code (if any) 3
 Exemption from FATCA reporting code (if any) C

Address (number, street, and apt. or suite no.)
109 East Olive Street

City, state, and ZIP code
Bloomington, IL 61701

List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

			-				-				
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Employer identification number

3	7	-	6	0	0	1	5	6	3
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Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below), and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ *Carla A. Murillo* Date ▶ *10/31/19*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

SAM Search Results
List of records matching your search for :

173

Record Status: Active
CAGE Code: 3utr4

ENTITY CITY OF BLOOMINGTON	Status: Active
DUNS: 060864170 +4:	CAGE Code: 3UTR4 DoDAAC:
Expiration Date: 12/19/2020	Has Active Exclusion?: No Debt Subject to Offset?: No
Address: 109 E OLIVE ST City: BLOOMINGTON ZIP Code: 61701-5217	State/Province: ILLINOIS Country: UNITED STATES



**Department of the Treasury
Internal Revenue Service
Ogden, UT 84201**

In reply refer to: 0441457889
Jul 29, 2009 LTR 147C
37-6001563

**CITY OF BLOOMINGTON
COUNTY OF MCLEAN
% FINANCE DEPT
PO BOX 3157
BLOOMINGTON IL 61702-3157 000**

Taxpayer Identification Number: 37-6001563

Form(s):

Dear Taxpayer:

This letter is in response to your telephone inquiry of July 29th, 2009.

Your Employer Identification Number (EIN) is 37-6001563. Please keep this number in your permanent records. You should enter your name and your EIN, exactly as shown above, on all business federal tax forms that require its use, and on any related correspondence documents.

If you have any questions regarding this letter, please call our Customer Service Department at 1-800-829-0115 between the hours of 7:00 AM and 10:00 PM. If you prefer, you may write to us at the address shown at the top of the first page of this letter. When you write, please include a telephone number where you may be reached and the best time to call.

Sincerely,

Roger Moon
01-44579

Customer Service Representative

INDEPENDENT AUDITORS' REPORT

To the City Council
City of Bloomington, Illinois

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Bloomington, Illinois, as of and for the year ended April 30, 2019, and the related notes to the financial statements, which collectively comprise the City of Bloomington's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the financial statements of the Miller Park Zoological Society, a discretely presented component unit. We also did not audit the financial statements of the Police Pension Fund, a fiduciary fund of the City, which represents 42 percent, 44 percent, and 40 percent, respectively, of the assets/deferred outflows of resources, fund balance/net position, and revenues/additions of the aggregate remaining fund information. Those statements were audited by other auditors whose report has been furnished to us, and our opinion, insofar as it relates to the amounts included for Miller Park Zoological Society and Police Pension Fund, is based solely on the report of the other auditors. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. The financial statements of the Library Foundation, Miller Park Zoological Society, Police Pension Fund, and Firefighters' Pension Fund were not audited in accordance with *Government Auditing Standards*.

To the City Council
City of Bloomington, Illinois

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control over financial reporting relevant to the City of Bloomington's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the City of Bloomington's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, based on our audit and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Bloomington, Illinois, as of April 30, 2019 and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note I, the City of Bloomington adopted the provisions of GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*, effective May 1, 2018. Our opinions are not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the required supplementary information as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

To the City Council
City of Bloomington, Illinois

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Bloomington's basic financial statements. The supplementary information as listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America by us and other auditors. In our opinion, based on our audit, the procedures performed as described above, and the report of the other auditors, the supplementary information is fairly stated in all material respects, in relation to the basic financial statements as a whole.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Bloomington's basic financial statements. The introductory and statistical section are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated October 14, 2019 on our consideration of the City of Bloomington's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City of Bloomington's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City of Bloomington's internal control over financial reporting and compliance.

Baker Tilly Virchow Krause, LLP

Oak Brook, Illinois
October 14, 2019