

Board Minutes for the Board of Sanitary Commissioners Meeting of November 13, 2024

THE BOARD OF SANITARY COMMISSIONERS conducted a regularly scheduled meeting.

Board members present; Stephen Brand, President; Adam Leach, Vice President; Tim Overton, Board Secretary David Smith, Board Member; and Aaron Clark, Board Member.

Department managers and staff present; Rick Conrad, District Administrator; Joe Rhetts, Legal Counsel; Thom Noble, Director of Engineering; Jason Donati, Sanitation Superintendent; Chuck Jones, Director of BWQ; Jason Ingram, WPCF Superintendent; Tim Stover, IT Administrator; Deana Cox, Financial Manager; John Anderson, District Engineer; Melanie Lanich, Insurance Administrator; and Maggie Bales, Executive Office Manager.

Public present: Tim Healy; Greg Martz; and Alec Goodall.

Public Comments: None.

Consideration of Minutes: Mr. Brand entertained a motion to approve the minutes as presented. Mr. Leach moved to approve the Board Meeting Minutes as submitted for the meeting of October 30, 2024. Mr. Smith seconded the motion. The motion was passed (5-0).

Consideration of Claims: Mr. Brand entertained a motion to consider the register of claims totaling \$641,726.75. Mr. Leach stated a claim on page thirteen in the amount of \$23,107.25 to Christopher Burke for tie-back levee design that is ongoing. Mr. Brand stated a claim on page three to East Central Recycling for various disposal at ECR in the amount of \$78,161.55. He stated a claim on page six to East central Recycling for tipping fees of street sweepers in the amount \$4,149.38. Mr. Overton moved to approve the consideration of claims. Mr. Leach provided second. Motion passed (5-0).

District Administrator Update – Mr. Conrad stated there are no current traffic restrictions for MSD. He stated that CSO 13 has been sealed as of last week and will be removed from the permit. Mr. Conrad stated that brings the total to nine remaining CSO's. He stated that leaf season is going to continue for about another three weeks. Mr. Conrad stated as a reminder to set the bagged leaves on the curb and separate from regular trash. He stated to not put leaves in the trash toter. He stated that there is more rain predicted in the forecast and for those to be mindful of the storm drains to keep them clear of leaves and debris. Mr. Conrad stated that old pumpkins can be disposed of in the containers at West Side, McCulloch, and Halteman parks. He stated that this will continue to the end of the month. Mr. Conrad stated that we are now receiving natural gas credits for usage. He stated for the first month, October, a credit of \$6,500 will be received. Mr. Smith stated a congratulations to Mr. Conrad and Mr. Donati on the work to receive the \$6,500 in RNG credits.

Department Head Update – None.

Old Business: None.

New Business:

1. Amendment to Build Operate Transfer Lease Agreement – Greg Martz (GM Development) and Alec Goodall (Bowen Engineering). Mr. Martz stated that this is about the seventh time he has come before the board for this project. He thanked the board for allowing the discussion of the project and hopefully finalizing the project. Mr. Martz provided some history of the project. He stated that a request for proposals was sent by the board in July of 2020 that included potential solar and sewer improvements

that were undefined at the time of the RFQ. Mr. Martz stated that a scoping period began and lasted until 2021. He stated that the first results of the scoping period were presented in May and June of 2021. He stated that at that time the scope was still in progress of being finalized. Mr. Martz explained that the City's financial advisors had discussed increasing interest rates. He explained that in July of 2021 the financing was closed in order to lock in the 2.57% rate. Mr. Martz stated that earlier this year the solar portion of the project was approved by the board, so the scope and cost has been locked in. He stated that the remainder of the scope was preliminarily discussed, being the sewer portion of the project. Mr. Martz stated that this is the south levee tie-back where the design has continued and once the design was complete enough a final scope of work would be presented. He stated that the dollar amount presented in May has remained the same. Mr. Martz asked the board to consider and approve the budget that was previously responded with knowing that the project is ready to move forward. He stated that upon approval the costs are final, and no change orders will be requested. Mr. Leach stated that the scope of the agreement is particular to levee work so that is what the amendment is going to do in addition to the solar that was previously approved. He stated that MSD has a good relationship with Bowen Engineering. Mr. Leach stated that this work is required to keep our levee system certified and/or working toward being certified. Mr. Rhett stated on page two section two he would recommend adding the word final before project in the final premises definition. He stated that it would read "final premises shall mean the completed project on the final project site depicted in Exhibit B." Mr. Rhett stated that this clarifies the definition in comparison to other definitions in the amendment. Mr. Martz agreed with the change. Mr. Clark made a motion to amend. Mr. Overton provided second. Motion passed (5-0). Mr. Brand entertained a motion to approve as amended. Mr. Leach moved to approve. Mr. Smith provided second. Mr. Clark abstained. Motion passed (4-1).

2. Long-term Control Plan Presentation – Tim Healy, TYLin (Greely and Hanson). Mr. Healy stated that he comes before the board to provide a presentation to provide an update on the ongoing negotiations related to the combined sewer overflow long-term control plan. He stated that the purpose of the presentation is to explain what the Long-Term Control Plan is, why the LTCP is important, show the history of MSD's LTCP, show past, current, and future projects, explain the costs, and the schedule. Mr. Healy stated that this is intended to inform the Citizens Advisory Committee (CAC) of the planning of activities including updates of combined sewer overflow long term control plan, negotiations to date to reduce costs of this unfunded mandate, projects that have been completed to date, and future projects. He provided definitions for combined sewer system; sanitary wastewater and stormwater is collected and transported in one pipe, and combined sewer overflow; occurs when the wastewater treatment capacity or local sewer conveyance capacity is exceeded during heavy rain events. He stated that when Muncie was founded in 1865 this was state-of-the-art technology, it helped to get rainwater and sewage out of the community. Mr. Healy explained that rainwater from the street goes into the catch basin inlet goes into the same sewer pipe underground as showers, toilets, sinks. He stated that the systems work great in dry weather, but in wet weather too much water can be in and causes an overflow into the White River or Buck Creek. Mr. Healy explained that the pipes going to the treatment facility only have so much capacity and the treatment plant only has so much capacity. He stated that this is very common for communities with the same age. Mr. Healy provided a map to show similar communities. He stated that the long-term control plan is the plan to address these combined sewer overflows. Mr. Healy stated that this is an unfunded mandate, but the key is that it keeps a path to achieving compliance with the Clean Water Act. He stated that it keeps us out of a federal consent decree, or anything more challenging. Mr. Healy stated that the importance of the LTCP is to reduce CSO's, improve the water quality in the White River, upgrade and replace aging infrastructure, and catch the first flush of combined sewage. He stated that CSO 15 and CSO 13 are large areas so those come with larger projects. Mr. Healy stated that CSO 13 was a relatively small area that contributes to the overflow. He explained the history of MSD's long-term control plan as follows: 1999 the first CSO reduction program was developed, 2002 the initial LTCP developed, 2005 treatment plant improvements, 2007 the LTCP was updated, 2011 the LTCP was approved, 2011 to 2022 \$90 million of separation and WPCF improvements were performed, 2022 the

new LTCP was submitted, 2023 CSO flow meters were installed, 2024 the Muncie stormwater model was re-evaluated, and 2024 the new LTCP was developed. Mr. Healy provided a detailed history of the number of CSO's in a typical year based on 2011 and 2024 data. He stated that CSO 007 was done on Wheeling Avenue where it reduced on average about 11 million gallons of sewage into the river in a typical year. Mr. Healy stated that CSO 009 reduced on average about 7 million gallons of sewage into the river in a typical year. He stated that CSO 023 reduced on average about 18 million gallons of sewage into the river in a typical year. Mr. Healy stated that CSO 028 reduced on average almost 70 million gallons of sewage into the river in a typical year. He stated that a lot of important expansion and improvements have been made at the treatment plant, the wetland, and the storage facility. Mr. Healy stated that this allows the treatment plant to expand into the future. He explained that the current LTCP would require zero overflows in an average year. Mr. Healy stated that Mr. Conrad, Mr. Leach, and other members of the team have been working to negotiate with the state to significantly reduce that. He explained that the state has not pushed back on the idea of moving to 8 overflows in an average year. Mr. Healy explained that eight overflows is the best place to stop whereas if you continue on the curve gets really steep. He stated that this means the cost to continue increases and the benefit decreases. Mr. Healy stated that with the investment to date if we go to zero it could be upwards of \$500 million in capital to get to that with very little benefit to the community. He stated that with the eight overflow that has been proposed starting at the treatment plant and build out with the key to build on the smart investments to date and expand the treatment plant capacity to 60 MGD. Mr. Healy stated to expand the pumping capacity into the wetland that is already there. He stated that this is a benefit as pumping the water faster can reduce the number of overflows. Mr. Healy stated that the Kilgore interceptor will provide storage and conveyance for flow from the treatment plant up into the city past CSO 027 and CSO 015. He stated that those are the major backbones of the plan. Mr. Healy stated separation would continue at CSO 007, CSO 028, CSO 023, and a storage tank at CSO 022. He stated that this is a very large burden of an unfunded mandate on the community in terms of cost. Mr. Healy stated that with the eight overflows plan the total capital cost that could be required is upward of \$157 million. He provided a draft schedule that has been shared by the state, not approved by the state. Mr. Healy stated that we are striving for an additional five years to be added to the schedule. Mr. Clark asked if the CSO 022 storage facility would be above or below ground. Mr. Healy stated that at his time it is anticipated to be below ground. Mr. Clark asked if that would be combined going into that. Mr. Healy stated that is correct. Mr. Overton stated that last year the Supreme Court overruled the Chevron Doctrine which mandates deference to the EPA. He stated that this is an unfunded mandate so with the repeal of the Chevron Doctrine there is some standing in court that we would not have otherwise have in trying to minimize costs. Mr. Overton asked what the chances are of challenging some of these unfunded mandates in court. Mr. Healy stated that he does not have an answer as to what that does for us.

3. Public Comment Opportunity for Long-term Control Plan Presentation.

1. No Public Comments.
2. Mr. Brand made the public aware that there would be another informational meeting tonight at 6:00 pm held at Minnetrista.

Additional Board Topics:

1. Mr. Leach stated that it has been a pretty good year, and budget-wise things are wrapping up. He stated that Department Heads are buckled down and have made some tough decisions. Mr. Leach stated that hard work has been done on continuous improvement efforts and is starting to bear fruit. He stated that he appreciates everyone buckling down and seeing their way through it. Mr. Leach expressed appreciation to Department Heads and staff of MSD for continuing to do great things for the community.
2. Mr. Brand gave recognition to all Veterans who work in the Sanitary District for their work every day for the people and a thank you for their service. He gave a general thank you to all Veterans. Mr. Brand

stated that some work is being done at the Engineering and Sewer Maintenance facility. He stated that this is for the plans to put a building up to house equipment to minimize theft and to make mobilization easier in the mornings during the winter. Mr. Brand stated that leaf pick up is a nice service and will probably see some changes in the coming year. He stated that leaf pickup is an ever-expanding challenge. Mr. Brand stated that paper bags might be required in the future to minimize health and safety concerns with the current way the bags are handled. He stated that the in-house construction has been expanding and the most valuable thing that has come out of that is that MSD did not have to outsource on a single job this year for small construction projects.

Adjourn: Mr. Brand stated our next regularly scheduled meeting will be held on Wednesday, November 27, 2024, at 11:30 a.m. in the City Hall Auditorium. Mr. Brand stated he would accept a motion to adjourn. Mr. Leach made a motion to adjourn the meeting for November 13, 2024. Mr. Clark seconded the motion. Motion passed (5-0).

Respectfully Submitted,


Maggie Bales, Executive Office Manager

*Approved by the Board of Sanitary Commissioners
Muncie Sanitary District*


Stephen Brand, President

Tim Overton, Secretary


Adam Leach, Vice President


David Smith, Board Member


Aaron Clark, Board Member