

**RESOLUTION NO. 2013-23**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SPEEDWAY, INDIANA APPROVING AN ENGINEERING CONTRACT WITH COMMONWEALTH ENGINEERING, INC. FOR WORK RELATED TO ASSESSMENT OF AND IMPLEMENTATION OF ANY ADMINISTRATIVE REQUIREMENTS RELATED TO IDEM RULES ON INTERNAL COMBUSTION ENGINES USED BY THE TOWN OF SPEEDWAY**

WHEREAS, the Town of Speedway, Indiana (the "Town") has heretofore established, constructed and financed a municipal sanitary sewer works and other departments for the benefit and provision of services to the Town's residents; and

WHEREAS, the Town has determined that technical assistance is required to determine the regulatory and operational impact of rules being developed by the Indiana Department of Environmental Management; and

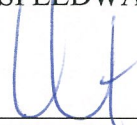
WHEREAS, Commonwealth Engineering, Inc. has the expertise to provide these services.

NOW THEREFORE BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF SPEEDWAY, INDIANA:

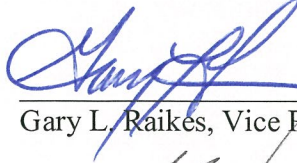
1. The Council approves a contract in an aggregate amount not to exceed \$11,000 as outlined in "Attachment A" hereto payable from funds through the Sanitation Operating account.
2. The Council authorizes the Town Manager to execute the Amendment to the contract and take the administrative steps necessary to approve the contract.

PASSED BY the Speedway Town Council this 26<sup>th</sup> day of August 2013.

TOWN COUNCIL OF THE TOWN OF  
SPEEDWAY, INDIANA



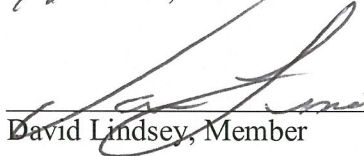
Eileen Fisher, President



Gary L. Raikes, Vice President



Jeff Hartman, Member

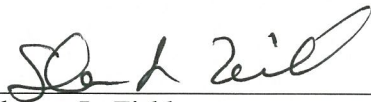


David Lindsey, Member



William Suffel, Member

ATTEST



Sharon L. Zishka  
Clerk-Treasurer

SUGGESTED FORM OF  
TASK ORDER

Resol.  
2013-23

This is Task Order No. 2013-02,  
consisting of 4 pages.

**Task Order**

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In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated March 12, 2013 ("Agreement"), Owner and Engineer agree as follows:

1. Specific Project Data

A. Title: Town of Speedway – Air Permit for IC Engines

B. Description: Internal Combustion Engine Notification and Air Permitting Evaluation and/or Development

C. Number of Construction Contracts

The Specific Project is anticipated to be constructed under N/A Construction Contracts.

2. Services of Engineer

☐ Study and Report Services

☐ Design Services

☐ Bidding or Negotiating Services

☐ Construction and Commissioning Services

☐ Resident Project Representative Services

☐ Other Services

☒ Additional Services Requiring an Amendment to Task Order

Part 6 of Exhibit A is incorporated by reference unless otherwise noted.

- a. Prepare an emissions inventory of all stationary internal combustion engines based on emissions factors established in AP-42 in accordance with Indiana Department of Environmental Management (IDEM) Municipal and Drinking Water/Waste Water Stationary Combustion Engines Initiative (IC Initiative) as outlined in the letter dated March 28, 2013 and attached to this agreement.

SUGGESTED FORM OF  
TASK ORDER

- b. Prepare a notification form and supporting information via email correspondence to be submitted to the IDEM indicating the Town's intent to comply with IC Initiative (completed Wednesday June 26, 2013 and attached).
- c. Prepare a Figure that includes the location and emission estimates for MSD's Internal Combustion Engines to review with IDEM OHA to determine necessity of Registration Source Specific Operation Agreement (SSOA) type of permit.
- d. Prepare a permit for submittal to the IDEM, Office of Air Quality prior to September 30, 2013. The Air Permit shall be either a Registration or SSOA type of permit.
- e. Upon issuance of the permit, meet with the Town to review permit compliance monitoring and reporting requirements.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 and in Exhibit B, subject to the following: None.

4. Times for Rendering Services

Phase

Completion Date

Notification Form

June 28, 2013 – Completed

Create Figure with IC Engines and Meet with IDEM OAH to determine necessity of Permit

August 15, 2013

File Permit Application with IDEM OAH

As Necessary

5. Payments to Engineer

A. Owner shall pay Engineer for services rendered as follows:

<i>Category of Services</i>	<i>Compensation Method</i>	<i>Lump Sum, or Estimate of Compensation for Services</i>
Additional Services Requiring an Amendment to Task Order	Choose <u>One</u> : A. <u>[Omitted]</u> B. Standard Hourly Rates	\$11,000.00

B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

6. Consultants: None.

7. Other Modifications to Agreement: None.



SUGGESTED FORM OF  
TASK ORDER

8. Attachments:

- Municipality and Drinking Water/Waste Water Stationary Combustion Engines Initiative Letter Dated March 28, 2013.
- Commonwealth Engineers, Inc., Standard Hourly Rates and Reimbursable Expenses Schedule, July 1, 2013 – June 30, 2014
- Certificate of No Investment Activities in Iran
- E-Verify Affidavit

9. Documents Incorporated By Reference: None

10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

SUGGESTED FORM OF  
TASK ORDER

The Effective Date of this Task Order is Aug. 26,, 2013.

OWNER  
TOWN OF SPEEDWAY

By: Barbara A. Lawrence

Name: Barbara Lawrence

Title: Town Manager

Date Signed: 8/26/13

Attest:

By: Stan R. Zell  
Title: Chief Treasurer

DESIGNATED REPRESENTATIVE FOR  
TASK ORDER:

Name: Norman Berry

Title: Superintendent

Address: 1450 N. Lynhurst Drive

Speedway, IN 46224

E-Mail

Address: nberry@speedwayutilities.org

Phone: (317) 246-4111

Fax: (317) 241-1322

ENGINEER  
COMMONWEALTH ENGINEERS, INC.

By: Albert C. Stong

Name: Albert C. Stong, P.E.

Title: President

Engineer License or Firm's  
Certificate No. 10201336  
State of: Indiana

Date Signed: 7-11-13

Attest:

By: Donald B. Larson  
Title: Vice President

DESIGNATED REPRESENTATIVE FOR TASK  
ORDER:

Name: Brady M. Dryer

Title: Compliance Manager

Address: 7256 Company Drive

Indianapolis, IN 46237

E-Mail

Address: bdryer@contactcei.com

Phone: (317) 888-1177

Fax: (317) 887-8641





## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

Michael R. Pence  
Governor

Thomas W. Easterly  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

March 28, 2013

Re: Municipality and Drinking  
Water/Waste Water Stationary  
Internal Combustion Engines  
Initiative

Dear Indiana Municipality or Drinking Water/Waste Water Operator:

Do you operate stationary internal combustion engines (e.g. generators, pumps, blower engines)? The Indiana Department of Environmental Management (IDEM) has become aware that entities like you may operate stationary internal combustion engines that are subject to Indiana's air permitting requirements, and federal regulations such as the Reciprocating Internal Combustion Engine (RICE) National Emission Standards for Hazardous Air Pollutants (NESHAP).

### **You need to determine if your engines require an air permit**

Air permitting requirements can apply to stationary internal combustion engines as small as seventy-four (74) horsepower for diesel-fired engines, about 100 horsepower for gasoline-fired engines, or about 0.5 million Btu/hr (fuel input) for natural gas-fired engines. These thresholds indicate a permit is needed, whether the threshold is equaled or exceeded by a single engine or the total combined horsepower or fuel input of multiple engines. To begin to determine whether you need a permit, you must identify all of your stationary internal combustion engines, their power ratings/capacities, and the dates the engines were constructed/installed. You also must determine whether each engine has ever been used for non-emergency purposes, or contracted to operate as part of a peak shaving program, or other program where you received benefits, such as reduced utility rates for the availability to operate the engine, whether the engine was actually operated or not. If your engines require a permit and you participate in this initiative as specified in the Limited Liability section below, IDEM will work with you to help you obtain the proper permit and minimize penalties for certain air permit violations discovered as a part of this initiative as long as compliance is achieved and all necessary permit applications are submitted to IDEM no later than September 30, 2013.

### **Calculating air emissions from stationary internal combustion engines**

The level of air permit required is based upon the engine's potential to emit air pollution. Please see Appendix A for helpful examples on how to do these calculations. If you need help, please contact IDEM's Compliance and Technical Assistance Program at (800) 988-7901, [ctap@idem.in.gov](mailto:ctap@idem.in.gov), or visit <http://www.in.gov/idem/ctap/2328.htm>.

### **Before submitting an air permit application involving multiple engines**

If you have a stationary internal combustion engine at more than one location, please contact Melissa Cline at (317) 234-5132 and request a pre-application meeting to discuss your situation considering those multiple locations. Engines at multiple locations may



require multiple applications and permits. Information you need to provide about engines at multiple locations to help with that determination includes:

- Are the engines located on the same property or contiguous properties?
- If on separate properties, what is the shortest distance between each of the properties?
- A description of any physical connection between the sources such as a pipeline or private road.
- A listing of any employees common to both sources such as administrative staff, production staff, repair staff, security, or managers. For each type of employee, how often do they travel between the sources?
- Is the production process split in any way between the sources? Does one serve as a backup or bypass for the other?
- Are any materials transferred between the sources? If so, for each material how often is it transferred and how is it transferred?

#### **Reciprocating Internal Combustion Engine (RICE) NESHAP**

RICE NESHAP requirements apply even if you do not need an air permit. Some RICE requirements apply to you unless you are an area source of hazardous air pollutants (HAP) and your only stationary internal combustion engines are located at institutional establishments such as police and fire stations, correctional facilities, and libraries, and construction of the engines commenced before June 12, 2006.

#### **Information you need to help determine what RICE NESHAP Requirements apply**

Please see Appendix B for helpful information about the RICE NESHAP. For each engine, you need the power rating/capacity, the date the engine was constructed/installed, and whether the engine is compression ignition or spark ignition. For spark ignition engines, is the engine two stroke, four stroke lean burn, four stroke rich burn, does it combust landfill gas/digester gas? Are you an area source or a major source (see Appendix B) of hazardous air pollutants? Is the engine an emergency engine or non-emergency engine under the RICE NESHAP, which uses different criteria for emergency/non-emergency use than for permitting determinations? Please read Appendix B. If you need help, please contact IDEM's Compliance and Technical Assistance Program at (800) 988-7901, [ctap@idem.in.gov](mailto:ctap@idem.in.gov), or visit <http://www.in.gov/idem/ctap/2328.htm>.

#### **Limited Liability**

To participate in this initiative, you must complete the "Notification" enclosed with this letter and return it to IDEM's OAQ by **June 28, 2013** at the address provided on the Notification. You must submit all necessary permit applications to IDEM no later than September 30, 2013. As part of the Municipality and Drinking Water/Waste Water Stationary Internal Combustion Engines Initiative, IDEM will limit the monetary fines assessed to participants which have been operating in violation of existing laws. This is referred to as Limited Liability. **For the purposes of the Municipality and Drinking Water/Waste Water Stationary Internal Combustion Engines Initiative, Limited Liability means:** Any municipality or drinking water/waste water operator that has been operating stationary internal combustion engines without the required permit and voluntarily applies for the required air permit during this time, will be assessed the following reduced civil penalties:



- For municipally owned and operated sources requiring a Title V permit or a Federally Enforceable State Operating Permit, the civil penalty will be reduced by 90%, and will not exceed a total of \$1,125.
- For privately owned or operated drinking and waste water facilities requiring a Title V permit or a Federally Enforceable State Operating Permit, the civil penalty will be reduced by 75%, and will not exceed a total of \$2,800.
- For operations requiring a Minor Source Operating Permit or Source Specific Operating Agreement (SSOA), no civil penalties will be assessed provided that actual emissions of any criteria pollutant are less than 25 tons per year. The source will receive only a Violation Letter. If actual emissions exceed 25 tons per year, any civil penalty will be reduced as noted above.
- For operations requiring a Registration or which qualify for Permit-by-Rule, no civil penalties will be assessed. The source will receive only a Violation Letter.

Please note that the civil penalties listed above are a onetime offer only as part of this Limited Liability Initiative. This offer does not extend to any operation which is not a municipality or a drinking water/waste water operator, or that is found in violation of air permit regulations by an IDEM inspection or other IDEM compliance activity (for example: a complaint investigation).

If you have any questions concerning the Municipality and Drinking Water/Waste Water Stationary Internal Combustion Engines Initiative please contact Angie Willoughby at (812) 358-2027 or [awilloug@idem.IN.gov](mailto:awilloug@idem.IN.gov).

Sincerely,



Keith Baugues  
Assistant Commissioner  
Office of Air Quality

Enclosures

**COMMONWEALTH ENGINEERS, INC.**  
**STANDARD HOURLY RATES AND REIMBURSABLE EXPENSES SCHEDULE**  
**July 1, 2013 – June 30, 2014**

Billing Class	Rate Per Hour	Billing Class	Rate Per Hour
Principal III	\$ 80.55	Environmental Compliance Manager	\$ 36.06
Principal II	\$ 73.91		
Principal I	\$ 62.55	Resident Project Representative IV	\$ 31.59
		Resident Project Representative III	\$ 27.87
Project Manager IV	\$ 66.85	Resident Project Representative II	\$ 25.16
Project Manager III	\$ 62.55	Resident Project Representative I	\$ 22.44
Project Manager II	\$ 51.01		
Project Manager I	\$ 45.92	Clerical III	\$ 24.53
		Clerical II	\$ 19.65
Project Engineer IV	\$ 51.75	Clerical I	\$ 15.39
Project Engineer III	\$ 41.26		
Project Engineer II	\$ 38.71	Reproduction Processor	\$ 19.21
Project Engineer I	\$ 35.90		
		Trainee	\$ 12.88
Engineering Intern III	\$ 33.31		
Engineering Intern II	\$ 28.08	CADD Specialist IV	\$ 31.64
Engineering Intern I	\$ 25.53	CADD Specialist III	\$ 28.74
		CADD Specialist II	\$ 24.57
Designer IV	\$ 39.60	CADD Specialist I	\$ 19.68
Designer III	\$ 33.65		
Designer II	\$ 30.95	IT Manager	\$ 40.42
Designer I	\$ 26.85	Multimedia Coordinator	\$ 35.01
Grants Manager	\$ 38.45	Surveyor	\$ 27.93

In order to arrive at the total billing rate, the above direct payroll rates shall be multiplied by factors of 40% and 96.4286% to account for payroll and general overhead costs respectively. In addition, a 15% profit level is then added to arrive at total labor costs. This is a total multiplier factor of 3.1625 times direct payroll rates.

**Reimbursable Expenses**

1. Travel from the office shall be at the then currently approved rate by the U.S. Internal Revenue Service plus 15% profit
2. Actual cost, plus 15% profit, of subsistence and lodging.
3. Actual cost, plus 15% profit, of long distance telephone calls, telegrams, express charges, and postage, other than first class mail.
4. Paper prints at \$0.75 per square foot, plus 15% profit.
5. Actual costs, plus 15% profit, of special tests and services of special consultants (not used without specific written consent of Owner).


It is agreed that the Owner will make payment of each invoice presented by Commonwealth within thirty (30) days from the date of the invoice. Payments received after this time shall be subject to an interest charge of 1% per month.

**CERTIFICATE OF NO INVESTMENT ACTIVITIES IN IRAN**  
**(IC 5-22-16.5-13)**

1. Indiana Code. Reference is hereby made to Indiana Code 5-22-16.5 (the "Code"), specifically to Section 5-22-16.5-13 of the Code. Terms used herein, not otherwise defined herein, shall have the meanings ascribed to them in the Code.
2. Contract. Reference is hereby made to that certain Agreement between Owner and Engineer for Professional Services (Stipulated Price), by and between Commonwealth Engineers, Inc., ("Engineer") and Town of Speedway a Governmental Body ("Owner") respecting that certain project known as Air Permit for IC Engines (the "Project").
3. Certification. Pursuant to Section 5-22-16.5-13(b) of the Code, Engineer hereby certifies to Owner that Engineer is not engaged in Investment Activities in Iran.
4. Contract File. Pursuant to Section 5-22-16.5-13(c) of the Code, this Certificate shall be placed in the Contract File for the Project.

In Witness Whereof, Engineer has executed this Certificate as of 7-11, 2013.

COMMONWEALTH ENGINEERS, INC.  
(Engineer)

By:   
(Signature)

Printed Name: Albert C. Stong, P.E.


Title: President

STATE OF INDIANA

SS:

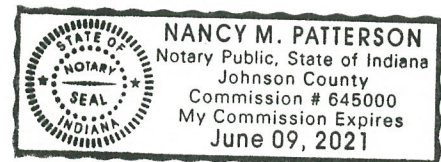
COUNTY OF MARION

Subscribed and sworn to before me this 11th day of July, 2013.

My commission expires: June 9, 2021 (Signed) 

Residing in Johnson County Printed Name: Nancy M. Patterson

State of Indiana






**E-Verify Affidavit**

Pursuant to Indiana Code 22-5-1.7-11, the Engineer entering into a contract with the Owner is required to enroll in and verify the work eligibility status of all its newly hired employees through the E-Verify program. The Engineer is not required to verify the work eligibility status of all its newly hired employees through the E-Verify program if the E-Verify program no longer exists.

The undersigned, on behalf of the Engineer, being first duly sworn, deposes and states that the Engineer does not knowingly employ an unauthorized alien. The undersigned further affirms that, prior to entering into its contract with the Owner, the undersigned Engineer has enrolled in and agrees to verify the work eligibility status of all its newly hired employees through the E-Verify program.

Engineer: Commonwealth Engineers, Inc.

By (Written Signature): 

Printed Name: Albert C. Stong, P.E.

Title: President


*Important - Notary Signature and Seal Required in the Space Below*

STATE OF INDIANA

SS:

COUNTY OF MARION

Subscribed and sworn to before me this 14th day of July, 2013.

My commission expires: June 9, 2021 (Signed) 

Residing in Johnson County Printed Name: Nancy M. Patterson

State of Indiana

