

Upper White River Watershed Alliance, Inc.
Technical Committee Minutes
June 20, 2002

The meeting was called to order at 2:10 PM Thursday June 20, 2002. Those present were as follows: Mrs. Tricia Banta, Hamilton County Surveyor's Office; Ms. Cindy Fort, American Consulting; Mr. David Heighway, R. W. Armstrong; Mr. Jason Hignite, J. F. New & Associates; Mr. Don Anthis, City of Noblesville; Mr. Steve Hall, Goode & Associates.

Review of Minutes of April 18, 2002 Meeting:

There were no changes made. The minutes were approved.

UWRWA Proposed GIS Project:

Mr. Hall stated that the 319 Grant has been awarded to the Polis Center and is going to be called a State Water Quality Atlas. It will be an on line GIS database consolidating all of water resource data layers that is available on a state and federal basis. Water quality monitoring stations from IDEM associated data, hydrology information, geology, geography will be consolidated in one place, however that project is scheduled to occur over several years. They are going to do a pilot for the Upper White River area and make that go away when they created the statewide data set. The Upper White Alliance has proposed a pilot to remain in tact as a portal for the UWRWA. The statewide information would be there, but they would create a peephole to look through that would only look at the Upper White River Watershed and all the data layers that are available. The intention of this proposal has a couple of multiple objectives. The first is to provide a centralized location for GIS information to help communities that are putting together a stormwater plan, doing watershed planning to help watershed groups, that are out there working in the White River, have a central depository of information. The second purpose of the project is that their proposal has about another \$50,000.00 versus \$60,000.00 allocated in it to get local pieces of GIS information within the White River and bring them into this portal as well. There would be local information for the White River, this is where they are willing to work with Hamilton County, IMAGIS, Marion County GIS, Hendricks County, Anderson, Muncie and Martinsville. They are all bringing in GIS on line. They wanted to bring in the local pieces of data they would like to share.

Mr. Anthis entered at this time.

Mr. Anthis stated that they have their proposal letter signed and out.

Mr. Hall stated that the third component to the project is a proposal to do water quality monitoring based on funds that are available from the Guide Settlement to do additional water quality monitoring, chemical monitoring and biological monitoring in the watershed at 45 to 50 sites.

Mrs. Banta asked who would do that?

Mr. Hall stated that they would probably send out an RFP. It is proposed by Jim Gammond who is a retired professor from Depaw University. He is kind of a guru of biological monitoring, he is just proposing the project and proposing that someone is allocated and he is not too particular about who manages the project. He just thinks that it is important that the monitoring occur.

Mr. Heighway stated that it looks like that may go through.

Mr. Hall stated that he spoke with Mr. Gammond two weeks ago on another project they are working with him on and he is feeling pretty confident that this will happen and the Citizen Advisory Boards seems to like the idea. Part of this proposal is that the website or GIS could also house that information.

Mr. Heighway asked if the IDEM sampling cycles would be the sole source of water quality data?

Mr. Hall stated that he was not sure what the breadth and width of the 319 grant that Polis Center has right now. He knows that it includes IDEM data and federal data and USGS information, but he did not know what the details were.

Mr. Anthis asked what the quality of the data was?

Mr. Hall stated that he did not know.

Mr. Anthis asked if there was going to be a way of seeing it?

Mr. Hall stated that he knew that the GIS information for monitoring locations in IDEM, they have special locations of monitoring sites and meet federal geographic data standards. The accuracy of the water quality data itself is another issue. The State Board of Health uses three primary laboratories for that data and two contractual labs have had questionable quality control over the years.

Mr. Anthis asked if Larry Beard from the Hamilton County Health Department got the samples for them?

Mr. Hignite stated that he was not sure if there was any venue for DNR's layer program projects that have data or maybe the more reputable riverwatch folks.

Mr. Hall stated that he was meeting with the project manager from Polis Center tomorrow and he could find out some more on that.

Mr. Hignite stated that the layer program projects now have to be submitted in a digital web ready format. Most of that is going strictly to GIS so he could not imagine that this would be too difficult to import that data since it would already be in digital format. Mr. Hignite stated that IDEM samples chemical and biological data at two separate times and at two separate locations. The only time they ran into a problem with it is in the layer program where the simple sample chemical had fairly low readings, as did they, but where they sampled microbiological the chemical data at that point was drastically different from the chemical data. So if they were trying to correlate their biological with their chemical at two separate locations they had drastic chemical differences, it just was not real accurate. He stated that he had asked why were they not sampling biological where they were sampling chemical if they were trying to make that correlation.

Mr. Anthis stated that a portion of the Great Lake Commission deals with animal waste. He stated that he assumes that with Rule 13 water quality standards are being included in that rule, along with the total daily maximum limits, which has not been adopted by IDEM to his knowledge. It sounds like it could get real challenging three to five years out if they are dealing with animal waste as portions of the water quality standards for the State of Indiana and development of the total daily maximum load limits. Is there a risk this could go that way? He stated that the reason he wants to go joint is because he wants to hear what their concerns are and what they would like to see achieved. He is getting tired of hearing second and third hand from IDEM and see if there is a way to find out what they want and find a way to achieve it.

Mr. Hignite stated that most of the projects that he has been involved with the Friends of the White River definitely have more to do with water quality from Habitat aspect and from biological concerns, chemical concerns having to do with human exposure issues, recreational issues and such. He stated that he has not heard them deal too much with Stormwater issues.

Mr. Hall stated that tomorrow he was meeting with John Beekler, who is the project manager at the Polis Center, they will be giving a live demonstration of the proposed site using a couple of data layers that they have been able to pull into the project already. They had presented this project and have been asked to come back two different times because the citizens advisory group for the project do not have a fundamental understanding of GIS and so they will be talking about all the things they can do with GIS. Their initial proposal was talking about all the things they could do with GIS and then found out at a subsequent meeting that they needed to back up because they did not really know what GIS was or how it could be used. They will be going to the next meeting to try and get into a more basic format of what GIS was and how it can be used as a tool in water resource management. Polis Center is going to give the presentation because they are a third party with no major interest. He stated that three different people have spoken to this group on behalf of the Upper White Alliance and they have all been accused of having personal interest in the project, but several different members feel that Polis Center does not so they want to hear from them.

Ms. Fort entered at this time.

Mr. Hall stated that they are trying to get as many letters of support as possible from the various communities with this project.

Stormwater Phase II Rule Update:

Mr. Hall stated that the Water Pollution Control Board met on June 10 and IDEM was trying a preliminary adoption of the rule. IACT and about twenty other people did not want this to be adopted at this time. They continued the hearing so additional comments could be filed. This was partly done because response to comments prepared and sent out by IDEM left rule revisions and published revised rules two days before the hearing and most people did not feel they had enough time to evaluate the rule. He stated that there were several comments made and the response to the comments was 'We feel it was appropriate' and some people did not like the response and made their points at the Water Pollution Control Board meeting. As a result they have another month at least for any communities that have some concerns about Stormwater and would like to get some comments on file. IACT is putting together some additional comments.

Comments on Draft Rule – Section 513-3 of the rule some of the initial comments on the rule were that there were designated population thresholds in the federal rule saying that if you meet the special you are in the program and if you do not you're out. IDEM wrote the rule. Some comments were made that there was not anything included in Indiana's rule saying if a communities population fell below a threshold maybe they are there now, but maybe over the next five years population diminishes, if they go below that threshold they should be able to get out. There is nothing in the rule about that. Some comments were made and response to comments came up with an empty phrase that says 'an entity outside of the mapped urbanized area not already designated may be designated for permit coverage of its discharge is to sensitive waters'. It goes on to discuss how entities in urbanized areas can get out of the program only if they are outside of an urbanized area. Cities outside the urban area do not necessarily have to have a program to begin with unless the Commissioner designates them. It was a little inconsistent and some comments that they will probably send is that a population threshold is a population threshold, either you are in or you are out.

Mr. Hignite asked how would issues where small communities that have a small college or university where the population would double when the students were in?

Ms. Fort stated that universities fall under their own category.

Mr. Hall stated that it has been addressed two ways. Universities, penal facilities or large manufacturing areas have their own category in the rule. In addition some language has been added to the rule for some communities where seasonal population based on students or universities, basically an annual average figure where it buffers the fluctuation associated with students.

Rule 3279(c)5-13-7 - includes discussion characterizing your receiving streams in your urbanized areas. An investigation of land usage and an assessment of structural and non-structural stormwater BMP locations as a requirement of that overall characterization. There were concerns voiced in some meetings that they have been in about what is the land usage characterization actually mean. They have asked for some clarification on that.

Programmatic Indicators – 5-13-8: There was a list of 34 programmatic indicators. In the first draft of the rule most folks interpreted those 34 things as examples of indicators that communities could use.

Ms. Fort asked if it was to characterize land use?

Mr. Hall stated that it was to characterize overall stormwater program. It includes a detailed description of the program, narrative and maps. The status of your mapping, the status of your land use evaluations, the status of your characterization of your streams, etc. Comments from their end are that they are good long list of indicators, but 34 indicators and requiring, you have to report on all those indicators whether that community wants to use that particular indicator or not. It is a pretty long list and they should probably come up with some categories that those things should fall into. It was suggested that communities should have the flexibility to develop their own indicators to evaluate the program, which coincides with their strategic goals and such. It was also suggested that categories be used to coincide with this minimum control. The last item for him was that communities are going to be required in urbanized areas to develop a program to manage construction sites erosion control. Also an MS operator shall submit monthly construction site summaries to IDEM. All other reporting and requirements in the rule are on an annual basis. They suggested that monthly reporting might be a little excessive.

Ms. Fort stated that some things like construction sites where you are going to be doing one thing one month and that site closes and you pick up four more the next month, it would make more sense to keep track of it by the month.

Mr. Hall stated that this comment has nothing to do with tracking. Having to generate one more monthly report is difficult.

Ms. Fort stated that from a program management point it should be done.

Mr. Anthis stated that irregardless of what IDEM wants, they should be generating monthly reports anyway.

Ms. Fort stated that the only way they are going to have an effect on the erosion control program is to have staff to keep up with what is going on. It would not be easy to do this annually.

Mr. Anthis stated that this would be the most immediate thing they could do for water quality that would probably be the most effective.

Mr. Hall stated that a community that does not track it is setting themselves up for failure, but most communities have to send enough things into IDEM.

Mr. Hignite asked how possible it would be for them to require these communities to maintain monthly reporting, but only submit that to IDEM once a year.

Mr. Anthis asked what would be wrong with them getting a joiner agreement with qualified state agents that are all over and let them do it?

Mr. Hall stated that the requirement for tracking is already in the rule, it is just that this is an additional requirement for reporting it back.

Mr. Hall stated that IACT CD ROM is out there. He stated that they put together the BMP's. One of the responses to comments from the last meeting on the Rule was that IDEM should provide resources on BMP's. The response from IDEM was that if it is demonstrated that multiple communities want that they would do it. Mr. Ward informed them of the toolbox that was put together and was planning on bringing that before them again today.

Ms. Fort asked about the Water Pollution Board hearing in July?

Mr. Hall stated that the hearing would be continued. He stated that they need to come loaded because they did not feel their comments were responded to appropriately the first time.

Ms. Fort asked if the timeline for turning things in changed?

Mr. Hall stated that Ms. Fort was correct.

CSO Notification Rule:

Mr. Hall stated that they are basing their premise for the whole CSO Notification Rule on 4-31 and it says that communities should be required to notice the public of the dangers of CSO's. The environmental lobbyist has interpreted that as individual notifications, so every individual within a five mile radius of every CSO.

Mr. Anthis stated that this would be sending notifications to people who live in Indianapolis.

Ms. Fort stated that the Indianapolis director told them that he was doing their CSO notification by Website and a hotline telephone number.

Mrs. Banta asked if they could post signs?

Ms. Fort stated that everyone has plaques at every outfall. There are few complaints that they are too high, hidden behind a tree or knocked over.

Mr. Hall stated that originally in the rule there was no limitation as to who could request to be notified in every event, so IACT filed comments that people from foreign countries could request to be notified about this. There are lots of comments filed across the board on this, but the primary concern with the rule was that this was notifying individuals about CSO events. The bottom line premise there is 'if it rains there is going to be a CSO event', so instead of worrying about predicting the weather and suggesting that within the next 24 hours they may have an event, the message should just be 'if it rains the CSO's are present'. He stated that the education should be much more simplified, it should not be keyed to specific events it should be 'if it rains the CSO's flow'. Mr. Hall stated that the CSO Rule is out of its second comment period so comments filed on the Rule from here on out will have to go before the Water Pollution Control Board meeting and the hearings associated with the Rule through preliminary adoption.

Mr. Anthis asked who was threatening litigation on the Rule so far?

Mr. Hall stated that in terms of municipalities no one.

Proposed Watershed Based Effluent Trading Policy:

Mr. Hall presented a handout on this with a web address on the second page. This is a proposal that effluent trading should occur just like trading works on the airside. A market driven approach suggesting that within the same watershed if a regulated entity could reduce a pollutant load based on a permit requirement by IACT community for example to reduce sediment, bacteria, etc. through best management practices. The same pollutant reduction could be achieved for less money by doing it through the acts rather than through technology or treatment.

Mr. Anthis stated that he did not have any problems supporting a family owned farm, but a business farm is another issue.

Mr. Hall stated that comments must be received by midnight July 1.

Set Meeting Date:

The next meeting was set for Thursday August 29, 2002 at 2:00 PM.

The meeting was adjourned.

Kenton C. Ward
UWRWA Technical Committee Chairman