

Upper White River Watershed Alliance, Inc.  
Technical Committee Minutes  
December 19, 2002

The meeting was called to order at 2:10 PM Thursday December 19, 2002. Those present were as follows: Mr. Kenton Ward, Hamilton County Surveyor; Mr. Robert Thompson, Hamilton County Surveyor's Office; Mr. Rusty Spiars, Woolpert; Mr. Steve Hall, Goode & Associates; Ms. Cindy Fort, American Consulting, Inc.

**Review of Minutes of October 24, 2002 Meeting:**

There were no changes made. The minutes were approved.

**UWRWA GIS Proposal:**

Mr. Hall stated that as a result of the last meeting with Bob Myer and the trustees, they indicated to Mr. Myer that they thought that the number of estimates that finally got in for doing the project gave a range of basically \$20,000.00 to \$40,000.00. They felt comfortable with the range, but they subtly indicated that they thought it would be a good project for Polis to do. As a result they suggested that several other people with the Upper White had suggested that this would probably be a good project for Polis as well. Mr. Myer scheduled a meeting and six to seven people from the Upper White that came to that including Bob Weaver from the Board and a couple of the Water Shed groups, they had Phil Tebus who was representing the Muncie and Delaware County Water Shed Project and a few of the people from Polis come to a meeting and Mr. Myer explained to them then that what he was instructed to do was to provide a document to the Trustees prior to their next formal meeting, which is in February. Mr. Myer was given the impression that, presented with a suitable document that explains what a feasibility study is. They are going to pull together a document that outlines what this feasibility study or scope of work would be for actually completing the larger GIS project. In the discussion they focused around what the necessary components of this feasibility would include, those being an inventory of existing GIS data sources that would be suitable for use in GIS analysis and there would be interviews of potential suppliers of data, folks that are participating in the Upper White and elsewhere and the watersheds that would be likely candidates for contributing data to the project as well as interviews of individual users that would use the final product that would make sure they had a good sense of what they need, or what they would be looking for. Based on those interviews and somewhat of an inventory of existing data sources a technically oriented scope for this project would be developed. That would discuss the functionality of the tool that they are proposing, the necessary hardware and software and a discussion of any of the potential obstacles that may be involved with pulling it together as well as a detailed estimate of cost completing the entire body of work. The folks at the Polis Center sent a 2 ½ page discussion on scopes and specifications of work for another feasibility they had done. They e-mailed it to him for him to look over and see if it was suitable. It is just a generic scope of work for another feasibility study and certainly needs some tweaking to clarify the specific needs for this GIS project. Out of all the estimates they had for doing this project, they had the lowest estimate for doing it. He stated that he believed that the intent at this point would be to take this proposal, after tweaking it, to the Trustees sometime in January. Mr. Myer believes that the Trustees could confer amongst themselves and decide to fund the feasibility study even prior to their next official meeting in February.

Ms. Fort asked if it would then go out for an RFP?

Mr. Hall stated that it would.

Mr. Spiars asked if the feasibility study would go out for an RFP? He asked if they were going to soul source it with Polis?

Mr. Hall stated that they discussed it, but it is a decision that ultimately the Board has to make. He stated that he believed that there was an interest in the Trustees and an interest in Mr. Myer and Mr. Beaver that have been participating in the smaller meetings on this to go with Polis and get it done, but again that is a decision for the Board to make.

Mr. Ward stated that he had lunch with John Hannel from Woolpert and they were talking about mapping for Phase II and just mentioned what they were doing with Upper White. He asked Mr. Hannel if he knew of any other projects like what they were trying to put together for the Upper White and he went back and found something from Ohio. It was an RFP that was sent out for a multi-jurisdictional, kind of regional, GIS in Ohio which had some interesting things that they may be able to use.

Mr. Hall stated that the thing that needs to happen next is putting together a document that can be presented to the Trustees. He stated that he had offered to help Mr. Myer evaluate the documents and pull something together for him to take. If anyone has any comments on how this should be put together or the content, let him know then he can help Mr. Myer pull that document together and when they have a good working draft they will send it out to everyone for a final.

Mr. Ward asked if the meeting was February 7, 2003?

Mr. Hall stated that it was the first week of February, but he was not sure on the date. They have been meeting the fist Tuesday of the month.

Mr. Ward asked if Mr. Hall would like comments back the by the first week of January?

Mr. Hall stated that he would like the comments back by the 3<sup>rd</sup> of January so he could send it out to a broader audience for comment. If he gets it done by next week and he has not heard anything from anyone he would probably start tweaking some on his own. He stated that Mr. Myer did feel that if they get a document to them even before the meeting they can talk amongst themselves and decide whether to fund the feasibility study, but that Beth Admire is basically leading the Trustees anyway and she is the one most interested in this project.

Mr. Ward asked if there was any other updates?

Mr. Hall stated that at the last meeting they had none of the Trustees showed up. Mr. Tebus had a conversation with Ms. Admire about some other projects they are looking at in the Muncie area, or are considering proposing, and he made a comment about the wheels not spinning too fast. He was informed that they were getting ready to slow things down.

**EPA Memo on Stormwater TMDLs:**

Mr. Hall stated that he has had some conversations with Mark and Laurie in the Stormwater program at IDEM. What this lays out is the same kind of “maximum extent possible” flexible approach that was laid out in the Stormwater Phase II Rule and taking that same kind of approach and applying it to Stormwater oriented TMDLs. Instead of the TMDL that comes up with specific affluent limitation and requires you to have a permit and requires you to have all the monitoring that comes with the permit that a BMP, in affect, has a proven design spec of removing X number of pollutants in a given scenario, could be substituted in lieu of the permit and the follow-up monitoring. He stated that he had some conversations with some people about this, that it sounds well and fine, but sense IDEM has been standing on the position that every permit they issue is in their interpretation, requires that as a result of that permit is water quality standards must be met out of every NPDES permit they written, that this potentially poses a problem.

Ms. Fort stated that it was because on the general permit they would have to write that same thing.

Mr. Hall stated that was correct.

Ms. Fort stated that part of Rule 13 that nobody likes that says you’re going to meet water quality standards even though the stream is not there now.

Mr. Hall stated that given that as laying the foundation for the decisions and way of thinking they don’t, in theory, wouldn’t allow the flexibility that this memo suggests could be available in a stormwater TMDL. At least this was his interpretation of the other decisions that IDEM had made. He stated that he called Mark and Laurie and asked if they were somewhat familiar with the memo and they said that they were and that they completely supported that memo and thought that it was a great idea and a flexible approach like this should be something that they embrace.

Mr. Ward stated that they were talking out of both sides of their mouth.

Mr. Hall stated that he was correct.

Ms. Fort asked if the EPA was willing to do it this way and go back; it does not sound like in this document that you have to hit the nail on the head the first time.

Mr. Hall stated that it almost mirrors the language out of the Federal Stormwater Rule in that it describes an inter-related approach, but IDEM’s insistence that even your first year of Stormwater Phase II permit must result in meeting water quality standards kind of flies in the face of this.

Mr. Spiars stated that even right now, even though you’re not on a permit, nobody in the State has permission to not meet a water quality permit, even though there is no standard program.

Ms. Fort asked what they were going to do in a national forest when the stream doesn’t meet water quality standards from e-coli, even though there is not a person that lives in that watershed.

Mr. Spiars asked if this was oriented towards specific pollutants? The TMDL did not seem to be addressing anything else.

Mr. Hall stated that a TMDL would only be developed for a specific pollutant that was considered to be the impairment for that water body. He stated that he went to the meeting on Monday night that was the White River and 96<sup>th</sup> Street to Waiverly TMDL meeting and he asked some questions to feel them out and see what some of their answers would be. Using either of those two examples, the White River from 96<sup>th</sup> Street to Waiverly is listed for e-coli, Cyanide and ammonia and they basically went through different available sets of data and discounted everything but e-coli. They proceeded by saying that they were going to develop load allocations and waste load allocations, load allocations for point sources and waste load allocations for non-point sources, but that they affectively had no regulatory mechanism to actually deal with the non-point source things so they were going to rely on things like the 319 grant program to try and implement voluntary solutions to a non-point source problems.

Ms. Fort stated that maybe just the concept to using a waste load allocation for something like e-coli when it is not something that the stream can assimilate anyway. It is not like you're putting out an organic or ammonia load into the stream that is causing the stream to degrade because of the oxygen demand; it is the water quality or water use issue. She stated that she had trouble when they call it a waste load allocation because they could have the whole waste load allocation taken up by wildlife and one septic system would tip it over.

Mr. Hall stated that there are a lot of kinds of good faults in the way this has been laid out and he kept thinking on the White River if they are going to rely on the 319 to deal with the non-point source stuff, but what kind of projects does 319 fund, it funds the buffer strips, filter strips and the BMP kinds of things. In that light that approach is consistent with what is in the memo.

Mr. Ward asked if the 319 approach they have been is only if it's on education. It doesn't go for the hard, structural or even the soft BMP's.

Mr. Hall stated that they are saying that they plan to address non-point source things through 319, but the 319 program will only do education in urban areas, although it will do BMP's in the rural areas. Any area that is not identified as Stormwater Phase II area can get funding for structures or BMP's, but if you're in an urbanized area you can't get 319 money to address non-point source pollutants.

Mr. Thompson asked if that was the case even if it was listed as an impaired water?

Mr. Hall stated that the only way they could get 319 money to deal with water quality problem in an urbanized area is if you were applying for money to do a TMDL.

Mr. Spiars stated that they mentioned buffer strips; he asked if those could increase E-Coli.

Mr. Thompson stated that there are different types of E-Coli, animal and human, and without doing genetic markings you don't know what you have. He stated that he did not see anyway around genetic testing. There has been a number of studies that do that. There is one particular E-Coli that is more threatening than the others and if that is one that you are looking out for and they have the means to test for it. They are measuring this particular one because it is the one that is the pathogen for children, elderly and impaired people.

Mr. Hall stated that the E-Coli they are testing for is not a harmful E-Coli.

Mr. Spiars stated that there is probably one water shed where they couldn't find any sources of E-Coli, Bean Creek in Indianapolis, they couldn't find any sources for it all; in that case they may have to do a genetic breakdown of it, but in other places they knew they had CSO's and failing septic systems so they would tag those.

Mr. Thompson stated that in order to do monitor E-Coli they need baseline information in order to access programs.

Mr. Hall stated that they are doing some pilot projects for DNA typing and they are also doing some antibiotic resistant studies, trying to look for the antibodies that are particular to different livestock or even to try and use that as a tracer. In some regard there are a lot of inconsistencies here and one of the things that makes it even more interesting is in discussing the use of BMP's in lieu of MPDS permit limits for a particular pollutant. Mark says that this will be great and fine, but they don't have any BMP data that is specific to the mid-west or Indiana that would be suitable in providing the burden of proof that a particular BMP would work in the mid-west and achieve the pollutant reductions.

Ms. Fort asked why the mid-west was so different than in Seattle, California or Florida?

Mr. Spiars stated that if it is E-Coli, that is not generally a pollutant from Urban areas unless you get failing septic systems or agriculture. The urbanized areas that this applies to is primarily from industrial areas, parking lots, pavement, nutrients from lawns and those are all different types of pollutants and are showing up on the TMDL's.

Mr. Hall stated that over 70% of the impairment list is E-Coli.

Ms. Fort asked why they were not targeting sediment as an impairment to the river?

Mr. Thompson stated that the river is the one they should be gearing towards right now.

Mr. Hall stated that there is only one stream on the 303(d) list that is listed for sediment right now.

Mr. Spiars stated that the MPDF programs is going to target all these pollutants, but will not hit the ones that are specifically that are causing impairments. If you do much of wet basins, it will only increase your E-Coli.

Ms. Fort stated that E-Coli grows in the stream beds.

Mr. Hall stated that he asked this questions at the TMDL meeting. They did not like him asking that question. After Mark told him that they would support this approach, but he did not think there was appropriate BMP performance data for Indiana or the mid-west.

Mr. Ward stated that they are looking for someone to do their work for them.

Mr. Hall stated that he called Mark back and told him that what they are telling him is the 104(b)3 project waiting to happen. 104(b)3 is a grant to support coordination, information sharing, etc. for the MPDF program. He stated that he believed that this will all go back to the attorneys based on the way they are saying that any MPDS permit has to meet water quality standards.

Mr. Ward stated that they will see that in either 2004 or 2005 legislation. The cities, towns and counties will be tired of all of this and they will go to their legislators and get them pulled back and reined in again.

Ms. Fort asked why is E-Coli different in Washington than the mid-west, the cows are the same.

Mr. Hall stated that he asked the same question.

Ms. Fort stated that it does not seem like it will go over very well for the communities. What IDEM is trying to turn it into is unreasonable, unmanageable, not fundable, etc.

Mr. Spiars asked if they impose these TMDL's and the communities start responding with their BMP's, they are saying that they will start rejecting those?

Mr. Hall stated that according to Mark any entity that has a Stormwater MPDS Permit and has a 303(d) list, if a TMDL was completed that identified stormwater regulated outfalls to be contributing to E-Coli in a waste load allocation, because of the lack of BMP performance data in Indiana that their only alternative would be to give whoever has that permitted affluent limitations and say that it is up to them to figure out what they are going to do, but they have to meet these discharge limits.

Ms. Fort stated that this would be more expensive for them to implement and manage and more difficult for the communities to do. It's not going to come up with anything different or better that will make the streams improve any faster because you're still going to put that BMP in and see if it works.

Mr. Hall stated that they will be required to by the stormwater program.

Ms. Fort stated that if it doesn't work then they will try something else, but you're going to try something first. You're going to go to the national database and say this looks like it will work for E-Coli, let's try this.

Mr. Hall stated that he asked Mark, DNR is putting together the Indiana Stormwater Quality Manual and it is suppose to be the handbook for erosion control in urbanized areas re-visited, so he asked if they were going to have BMP performance data in there that says to use different BMP's to be expected to perform to certain standards so that communities know that a particular BMP is something that is generally approved by the agency or DNR and he told them they weren't thinking anything like that, they were just going to recommend practices.

Mr. Thompson stated that those that were listed in Chapter 700 in Indianapolis's Stormwater, have listed the expected results from BMP's.

Mr. Spiars stated that Indianapolis is already setting a trend by implementing this.

Mr. Hall stated that at the Hamilton County Stormwater Shop, Kevin Kirk was saying that the State was in the process of looking at their permit and that some of those discussions suggested that they are trying to basically move Indianapolis's program into the same form and function that their outlying for Stormwater Phase II.

Mr. Thompson asked how long Indianapolis's program has been in effect?

Mr. Hall stated that he believed that they were issued a permit in 1992.

Mr. Thompson asked if there was enough baseline information gathered at that time from any sources and then re-evaluated at the end of the five years to see if there was any improvement?

Mr. Spiars stated that there was. He believed that Clark-Dietz did a fourth report and it was supposed to be used as part of their renewal to see what has been happening.

Mr. Hall stated that he did not believe that there were any water quality measures per say. Mark suggested that somebody needs to go after 104(b)3 grant to do local or a statewide BMP study, but 104(b)3 only gives out about 100 grants.

Mr. Ward stated that they could do 3 or 4.

Ms. Fort stated that they could find some that are already installed and test upstream and downstream.

Mr. Ward asked if there was enough in Indianapolis?

Ms. Fort stated that they have been required to put ponds in for such a long time although they have never been maintained.

Mr. Thompson stated that all the ponds have probably been adding to the E-Coli if you filter out the geese you would probably be in pretty good shape.

Mr. Ward asked if this was something that this group would want to try and tackle?

Mr. Hall stated that it requires a 25% match.

Mr. Thompson asked if that could include the Guide Settlement?

Mr. Hall stated that you would think so.

Mr. Thompson stated that it seems like with money there not being spent and this project would be directly related to water and water quality, there has to be a connection there.

Mr. Ward stated that this is information that can be turned around and used by all the communities upstream and downstream.

Ms. Fort stated that it has a tremendous benefit, but it doesn't seem where the money is going, but it wouldn't hurt to ask. She asked when the application deadline was?

Mr. Hall stated that it was July 31, 2003. He stated that he believes that it will go to the attorneys, it is just a matter of if it is sooner or later. In the mean time if the Alliance wanted to pursue a grant, something that could be done, and it would definitely have to be using existing BMP's so there would be enough money to build something and monitor it per say.

Mr. Ward asked if there was any work on the money that they have to Build Indiana?

Mr. Hall stated that he had not heard anything out of that in quite a while.

Mr. Ward asked if he knew how much it was?

Mr. Hall stated that it was \$105,000.00.

Mr. Ward asked if it was all earmarked?

Mr. Hall stated that 50% of it said Upper White River Watershed Alliance the other 50% said Upper White River Watershed Alliance GIS Proposal.

Ms. Fort stated that if they get the Guide money to do the GIS then they could use some of that money to do the match.

Mr. Hall stated that potentially they could, but he had no idea what the status of that is.

Mr. Ward stated that the way he looked at it, it seems like there is about \$60,000.00 there that is going to GIS and another \$45,000.00 out there that is un-earmarked. The Guide Settlement is like a shot in the dark as to what is going to come in. That is how the state is balancing the budget right now.

Ms. Fort stated that the Guide money is there, they just need to get approval to use it. If they were successful in the grant; she asked if they need to say in the grant application how they are going to match it?

Mr. Hall stated that you have to say, but there is no burden of proof. You don't have to show a bank statement that shows how much money you have.

Mr. Hall stated that he talked to the White River TMDL people after the meeting and asked them about a stream in Lake County that is listed for sediment. He told them that the stream sediment is pretty small, it is listed for sediment, it is in an urbanized area and he asked if anyone thought to let Stormwater Phase II Program do it's thing to try and address sediment as a pollutant or doing a TMDL. The answer was two fold; one, they probably don't have money to do a TMDL, but if it was scheduled they could not see how they could not do it.

Mr. Ward asked if they thought that this was worth trying?

Ms. Fort stated that she couldn't see what it would hurt.

Mr. Ward asked if this was something that needs to go to policy or are they just loose canons.

Mr. Hall stated that they may be loose canons, he did not know.

Mr. Ward asked if they just wanted to go ahead and do it?

Ms. Fort asked if he meant doing it without asking for permission? Their next Board meeting is not until after they need to make a decision.

Mr. Ward stated that he would call the Board and feel them out and see if they would have a problem with that. He asked if this was due January 31<sup>st</sup>?

**Set Meeting Date:**

The next meeting was is for Thursday Feb 13<sup>th</sup>, 2003 at 2:00 PM.

The meeting was adjourned.

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Kenton C. Ward  
UWRWA Technical Committee Chairman