

ST. JOSEPH RIVER BASIN COMMISSION

MINUTES December 2, 2014

The fourth quarterly meeting of the St. Joseph River Basin Commission was held on December 2, 2014, in the Elkhart County Public Services Building, in Goshen, Indiana. Daragh Deegan, Chairman, called the meeting to order at 10:00 a.m. Roll call was taken and it was noted a quorum was present with the following members in attendance:

MEMBERS PRESENT: Daragh Deegan
Dona Hunter
Bill Hartsuff
Jon Roberts
Martin Franke
Alfredo Garcia
Ron Niezgodski
Paula Reinhold
Karl Kopec
Craig Williams

OTHERS PRESENT: Joseph Zakas, Legal Representative, Thorne Grodnik LLP
Jack Wittman, INTERA Inc., Bloomington, IN

Others in attendance are listed on the Attendance Sheet and made a part of these minutes.

MINUTES OF SEPTEMBER 9, 2014

There were no corrections or additions to the minutes of the September 9, 2014 meeting. The following action was taken.

MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 9, 2014 MEETING WAS MADE BY RON NIEZGODSKI AND SECONDED BY KARL KOPEC. THE MOTION CARRIED.

FINANCIALS

Financial Report

Lori reviewed the SJRBC Financial Report for the period ending September 30, 2014 and then asked for any questions. There being none, Lori asked for the Commission's approval of the September 30, 2014 Financial Report.

MOTION TO APPROVE THE FINANCIAL REPORT AS PRESENTED WAS MADE BY MARTIN FRANKE AND SECONDED BY RON NIEZGODSKI. THE MOTION CARRIED.

Approval of Claims

A list of the quarterly SJRBC claims and a description of the bills paid by MACOG were distributed to the Commission members for their review. Once approved, Ron Niezgodski, SJRBC Second Signatory Treasurer, signed the checks.

MOTION TO APPROVE THE SJRBC CLAIMS FOR THE JULY, AUGUST AND SEPTEMBER 2014 MACOG REIMBURSEMENTS AND FOR THE DECEMBER ATTORNEY FEE WAS MADE BY CRAIG WILLIAMS AND SECONDED BY PAULA REINHOLD. THE MOTION CARRIED.

OLD BUSINESS

Basin Updates – Basin Commission Members

Martin Franke reported that at the end of September, LaGrange County SWCD completed the 319 watershed management implementation grant for Pigeon River to improve soil and water quality issues. Next, the 205j watershed management plan grant for the Fawn River drainage area will be completed in July of 2015. Lastly, a new grant is underway through the Great Lakes Commission for sediment and erosion control in the Little Elkhart River watershed.

New SJRBC Website

James reported that the new SJRBC Website is progressing nicely. The functioning, partially updated, version of the sjrbc.com website should be completed by the end of January. Highlighted features on the new website will include a home page discussing the mission of the SJRBC, information on the structure of the Board and its members, meeting information, maps, photos, and access to subwatershed fact sheets. There will be a robust *resources* page, and the website will be mobile responsive from a phone, tablet or desktop. The goal of the website is to have more functional and aesthetic appeal for the viewer.

Paula Reinhold asked if the website will include data sharing. James said the *resources* page will have a section with information on the SJRBC water quality testing results. The page will also have the ability to include testing results collected from other organizations. Jeremy encouraged the Commission to view the website and give suggestions on what useful information could be included on the *resources* page making it informative but clutter free.

Water Quality Testing Program

Jeremy Reiman referred to the handouts distributed to the SJRBC members, which gave an update of the Water Quality Testing Program sites and results from the first eight months of testing in the Elkhart River Watershed. It was noted that some of the test sites did not meet the water quality targets. The three main areas of concern were E. coli, nitrate-nitrite, and phosphorus. Dave Arrington, with SNRT, will be at the next SJRBC meeting to present a full analysis of the data collected thus far and provide an intuit explanation of the high chemical levels.

In early January 2015, Dave and Jeremy will choose 10 additional sites, with testing to begin in the spring of 2015. Jeremy invited the Commission to assist in the selection of the next 10 sites. Karl Kopec stated he has never seen Biochemical Oxygen Demand (BOD) expressed in percent. Jeremy

said he will contact Dave and e-mail the Commission with an explanation of how the percent is represented.

Ontwa Township Wastewater Treatment Facility

James reported that plans to proceed with the Ontwa Township Wastewater Treatment Facility have come to an end. The MDEQ offered a public comment period and held a public meeting regarding the controversial sewage treatment plant proposal in Ontwa Township. Various organizations submitted letters of opposition for the facility, including the SJRBC. Because of the amount of comment and interest, the EPA got involved. Thereafter, the local citizens signed a petition to recall the board members. On November 2, four of the members were replaced by new individuals. On November 10, one of the first orders of business for the reconstituted body was to halt the sewer plant plans. In addition, the Ontwa Township new board is renewing a dialog with the City of Elkhart to fix the current situation of fines and to address the wastewater issue appropriately.

Paula asked what caused the EPA to get involved. James said the EPA said since the project straddled state lines and there was an abundance of comment and interest, the MDEQ could not make a determination. Following EPAs involvement, the new Ontwa Township Board pulled the project and cancelled it. Martin Franke asked who would have benefited from the facility, if it would have moved forward. James said Ontwa Township hoped to create new jobs, increased revenue, and possibly capitalize on connecting into the Granger area. But they neglected to address what would happen to aquatic life such as the fish population. Joe Zakas complimented James and the SJRBC for the outstanding presentation made to MDEQ. He asked if there was something the Commission could do to oversee the use of the Elkhart treatment plant in order to prevent ongoing pollution. Daragh said the chairman of the Elkhart Board of Public Works is optimistic on working with the new Ontwa Township Board in resolving the wastewater issues, since the new Ontwa Township chairman has a background in wastewater.

NEW BUSINESS

Meeting Schedule for 2015

Daragh Deegan presented the following meeting schedule for calendar year 2015.

March 3, 2015

May 15, 2015 – Indiana-Michigan St. Joseph River Basin Symposium, Fernwood

June 2, 2015

September 1, 2015

December 1, 2015

All meetings will be located at the Elkhart County Public Services Building.

Election of 2015 Officers

Daragh Deegan presented the following slate of officers chosen for calendar year 2015. It was noted that the 2014 officers agreed to serve in their respective office for a second term.

Chairman: Daragh Deegan
Vice-Chairman: Jon Roberts
Secretary-Treasurer: Paula Reinhold

MOTION TO CLOSE THE NOMINATIONS AND ACCEPT THE SLATE OF CANDIDATES AS PRESENTED AS 2015 OFFICERS, WAS MADE BY MARTIN FRANKE AND SECONDED BY RON NIEZGODSKI. THE MOTION CARRIED.

Watershed Partnerships

Jeremy explained that the Michiana Stormwater Partnership (MSP) is an educational group represented by nine local entities in the Michiana area. The focus of the group is to educate the public on the importance of good responsible management of all the rivers and streams in the area. The group recently installed signs along major waterways. The signs are intended to draw attention to the local waterways with the hope that with visual reminders of the presence of the water resources, residents will be more likely to think about way to take care of the precious local waterways. Daragh asked who is included in the MSP. James said besides MACOG and the SJRBC, the partnership includes St. Joseph County, City of South Bend, Ivy Tech College, Town of Roseland, City of Mishawaka, Bethel College, and Town of Osceola. Jeremy asked the Commission for possible suggestions to move forward with volunteer projects or other educational outreach efforts in 2015.

Jeremy reported an informational meeting is scheduled for December 17 at 1:00 in the Elkhart County Public Services Building conference room, to discuss the implementation of a Stormwater Contractors Workshop. Contractors who work with Rule 5 or Rule 13 stormwater permits in the St. Joseph River Basin, would be invited to the workshop and receive up-to-date information on best management practices (BMP), item updates, and potential upcoming audits. For further information on the workshop, contact Nancy Brown, Elkhart County SWCD or attend the informational meeting. Ron Niezgodski asked if the workshop would be a certification. Jeremy said it is a possibility, since INDOT has discussed doing a certification for rule 5 and rule 13, but it is only in the development phase.

James informed the Commission the St. Joseph County Health Department approached MACOG to discuss the water quality issues in Granger, particularly with nitrates. The health department is pursuing any available grants with opportunities to educate the public on water quality issues through workshops, presentation, pamphlets, or videos. MACOG is looking into the possibility of developing a website for the health department that would provide the public with simplified water quality information. Daragh asked if MACOG has contacted other health departments regarding their groundwater issues. James said MACOG would be willing to assist other health departments with their water quality concerns on request.

FEMA Flood Risk MAP Discovery Project

Jeremy informed the Commission that the meeting packet included an e-mail regarding the FEMA Flood Risk MAP Discovery Project, which is coming to the St. Joseph River Basin area. The projects undertaking is to assess whether there is a high risk of flooding within the basin and to develop plans based on the results. The Discovery Process is the first step in determining whether a

Risk MAP project is needed within the watershed. Jeremy plans to attend the Discovery Project webinar on December 4th and will send the Commission a summary of what was discussed. For anyone interested in attending a December webinar or a Discovery Meeting in January, the dates are listed in the e-mail.

2015 Indiana Watershed Leadership Academy

Jeremy informed the Commission that he and Zach Dripps, MACOG Principal Planner, will be attending the Indiana Watershed Leadership Academy. The main purpose of the program is to guide stakeholders in protecting and restoring our water resources. The enrollment period is closed. However, there are still openings available if any Commission member is interested in registering. Daragh asked if the SJRBC had funds available to pay for Commission members interested in attending the Academy. James said it is something that could be considered in the future, if authorized funds would be available.

MOTION TO EXPLORE THE POTENTIAL TO DEVELOP A SCHOLARSHIP PROGRAM FOR INTERESTED MEMBERS OF THE COMMISSION TO ATTEND THE INDIANA WATERSHED LEADERSHIP ACADEMY WAS MADE BY PAULA REINHOLD AND SECONDED BY CRAIG WILLIAMS. THE MOTION CARRIED.

St. Joseph River Basin Filter Strip Initiative

Jeremy discussed the development of the St. Joseph River Basin Filter Strip Initiative. The idea came from the Indiana's Filter Strip Law brochure that Karen Mackowiak compiled, before her recent retirement. The mission of the initiative is to increase the St. Joseph River Basins knowledge and participation in filter strips, with the hope that more people implement filter strips, and therefore produce better water quality across the basin.

The five phase program would start in March and conclude in December of 2015. First, a committee would be established consisting of a minimum of 6 persons, one from each county, represented by the SJRBC. Then an application process would be developed. After brainstorming for potential filter strip law education and outreach activities, the implementation of the program would begin. In December, an evaluation process would begin to assess the success of the program and determine the direction to take for the following year.

Daragh asked if there were any incentives for landowners, other than the property tax incentive, for using filter strips. James said the development of an outreach program, to promote the use of filter strips and to explain their environmental benefits, could go a long way in encouraging the use of filter strips. Daragh asked if any SJRBC members would be interested in participating in the committee. Martin Franke volunteered his services.

PRESENTATION

Modernizing the State's Approach to a Critical Resource – Jack Wittman, Principal Geoscientist, INTERA Inc., Bloomington, IN

Jack Wittman, Principal Geoscientist with INTERA Inc., explained that a six-month study on water resources in Indiana was released on August 8, 2014. The results indicated while Indiana currently has abundant supplies of water compared to many areas of the country, the state ranks first in the United States in the percentage of its economy that depends on water. Proper management and a long term plan are needed to ensure adequate fresh water for citizens and businesses in the future.

It is necessary to begin discussions on developing a statewide water plan. Some specific recommendations include creating widespread awareness about the need for water supply planning, coordinating current efforts, including the funding of additional water research, and more robust monitoring of water resources. Finally, developing standardized systems for data analysis and water resource management.

It was found that in Southern Indiana local water resources are not always able to meet anticipated future needs for business development. There are few aquifers or perennial streams in the area. Continued population growth in Central Indiana leads to projections of an additional 50 million gallons of water per day to meet the needs of the region by 2050. Water is relatively abundant in Northern Indiana. However, the area is seeing significant increases in water usage for irrigation. These seasonal fluctuations require additional monitoring, to determine impact on other water users.

The study sets the stage for creation of a long-needed, long-range water plan for the state. Not only does water matter today, but management of water will be even more essential in the future. The study is a good first step in starting the important dialogue about water use in the State of Indiana. If Indiana would plan properly for the future, those resources will continue to be an economic advantage. It will take a team effort going forward to achieve a much-needed statewide water resource plan. Communities in northern, southern, and central Indiana must come up with a regional approach within a larger statewide plan. A comprehensive water plan for the whole state will have to be a long and slow process. A credible plan may take three to five years.

Daragh asked the Commission if they would be willing to participate in gathering water resource data in the St. Joseph River basin area for future water plans in Indiana. It was agreed upon. So, Joe Zakas, SJRBC attorney, offered to distribute a request for help in gathering data to the Indiana State Legislative Committee at the next session, which begins in January.

A MOTION WAS MADE BY RON NIEZGODSKI AND
SECONDED BY CRAIG WILLIAMS TO DEVELOP A NEEDS
REPORT TO PRESENT TO THE STATE LEGISLATIVE STUDY
COMMITTEE EXPLAINING THE EFFORT OF THE SJRBC
CONCERNING WATER RESOURCE ISSUES AND REQUESTING
ASSISTANCE TO MOVE FORWARD. THE MOTION CARRIED.

Jack Wittman entertained several questions from the SJRBC members and was thanked for his informative presentation.

ITEMS FROM THE FLOOR

Ron Niezgodski regretted to announce that Margaret Smith, Friends of the St. Joe River co-founder, passed away on November 3, 2014.

Daragh reported that since plans to proceed with the Ontwa Township Wastewater Treatment Facility have come to an end, there has been discussion about potentially developing a watershed management plan in the Cobus Creek Watershed, to produce more protective data. Daragh will further discuss the matter with Jeremy on the possibility of applying for a 319 grant for the Cobus Creek Watershed.


Daragh inquired if it would be possible to look into the matter of being able to take formal action in matters outside of having meetings. Joe Zakas explained that under the current State law, the ability to conduct some sort of long distance meeting is available for some organizations in Indiana, but not for the SJRBC. Mr. Zakas recommended that the Commission create a resolution, which he would present to the State Legislative Committee, supporting the use of electronic or other means to take official action on matters outside of having meetings.

MOTION TO APPROVE THE CREATION OF A RESOLUTION, FOR JOE ZAKAS TO PRESENT TO THE STATE LEGISLATIVE COMMITTEE, SUPPORTING THE USE OF ELECTRONIC OR OTHER MEANS TO TAKE OFFICIAL ACTION ON MATTERS OUTSIDE OF HAVING MEETING WAS MADE BY MARTIN FRANKE AND SECONDED BY RON NIEZGODSKI. THE MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the Basin Commission, the following action was taken.

MOTION TO ADJOURN WAS MADE BY CRAIG WILLIAMS AND SECONDED BY RON NIEZGODSKI. THE MEETING WAS ADJOURED.



Daragh Deegan, Chairman