

**Dearborn County Water Quality Management Plan Update  
Advisory Committee  
June 13, 2011  
Summary of Discussion**

**ATTENDED BY:**

Committee Members:

Tom Orschell	Randy Turner*	James Deaton**	Heather Wirth
Duane Drockelman	Margaret Minzner	Jennifer Hughes	Jeff Tucker
Mel Davis	Steve Renihan***	Dan Lansing	Chuck Hail
Rita Cutter	E.B. Seitz	Steve Lampert	Michael Rozow
Bruce Keller			

\*Member Randy Turner had been identified by member Bill Neyer prior to the meeting to cast Bill Neyer's proxy vote in addition to his own.

\*\*Member James Deaton had been identified by member Scott Fortner prior to the meeting to cast Scott Fortner's proxy vote in addition to his own.

\*\*\*Member Steve Renihan had to leave partway through the meeting and had identified Frank Kramer prior to the meeting as his alternate.

Alternates:

John Grace for Doug Baer	Steve Canter for Andy Bischoff	Ray Rodmaker for Paul Grimsley	Bob Hrezo for Floyd Ogden
Frank Kramer for Steve Renihan			

Guests:

Jerald Jacobsen, Richard Butler, Art Wenzel, Brett Fehrmann, Doug Hedrick

OKI Staff:

Robert Lakeberg, Travis Miller, Jane Wittke

**The Process for Getting to the End Product of the Meeting**

Committee chairman Jim Deaton began the meeting at 7:00 p.m. by requesting a moment of silence in memory of John Getzendanner, who had represented Oxbow, Inc. on the Advisory Committee until his death on May 15.

Jim noted that the June 13<sup>th</sup> meeting is the final one scheduled for the Advisory Committee, and that the end product of the meeting would be final recommendations for the water quality management plan update. He noted that those recommendations would be submitted to a vote at the end of the meeting, and read aloud a list of the people who were eligible to vote as members of the committee or as alternates or proxy voters who were identified to staff by committee members (see attached list).

He explained that the purpose of agenda item #2 was to summarize where the plan recommendations would go and how they would be used, and that the purpose of agenda item #3 was to hear about the feedback received on the draft recommendations presented at the May 9<sup>th</sup> public meeting and posted simultaneously on the county's website, noting that survey responses and comments had been requested by June 8. Agenda item #4 was to provide time for discussion about the feedback, the modified

recommendations sent to the committee for review on June 10, and whether the committee wanted to make any additional modifications. The last agenda item (#5) was for voting on final recommendations, including any modifications to which the committee had agreed in Item #4.

### **Process of Plan Update Submission, Adoption, Certification, and Consistency Reviews**

Jane Wittke summarized where the final plan recommendations would go and how they would be used. The Indiana Department of Environmental Management (IDEM) expects to receive the final draft plan by August 2. The final draft plan will also be presented to OKI for adoption, probably either in August or September. OKI's action on the plan will also be forwarded to IDEM, and IDEM will consider the plan for certification (a review and comment process) before forwarding it to U.S. EPA for approval.

Once finalized, plan recommendations are to be used by federal law when permits for wastewater discharges are being considered, referred to as National Pollution Discharge Elimination System (NPDES) permits. If a question arises with a state agency such as IDEM about the consistency of a potential NPDES permit with plan recommendations, then the planning agency such as OKI will do a consistency review of the relevant project. If the project and potential permit is found consistent, and the state finds no other types of impediments, the NPDES permit is typically granted. If the project and potential permit is found inconsistent, the NPDES permit is typically not granted. In cases where circumstances have changed since plan recommendations were developed, a plan amendment may be sought which could enable a project and NPDES permit to be found consistent.

Jane gave some examples of how this process has worked with existing plan recommendations during the time since the plan update was undertaken. She described how during the summer of 2010, OKI conferred with IDEM regarding a then-pending NPDES permit for St. Leon's current treatment plant expansion to .57 million gallons per day. As St. Leon is not identified as a designated management agency (DMA) with a specified facility planning area (FPA) in the existing plan, OKI did not find the pending permit consistent, but because of meeting with St. Leon officials and information they provided to OKI about the capacity being needed for their existing service area, OKI did not object to the issuance of the NPDES permit.

Another example was the December 2010 request by the Dearborn County Commissioners for an amendment to the existing plan to identify most of the West Harrison Tax Increment Financing District as an FPA under the designated management of the Dearborn County Regional Sewer District (DCRSD). The DCRSD committed funding to construct sewer lines in the eastern portion of the West Harrison TIF, and the County Commissioners wanted to ensure that current development prospects in the West Harrison TIF District and the jobs associated with them are not lost. Following a public notice and comment period, February 28<sup>th</sup> public hearing and consideration of a staff report, the OKI Executive Committee adopted Amendment #34 unanimously in March and submitted it to IDEM for consideration. In April IDEM indicated to OKI that they would be in touch if they needed anything else to process Amendment #34, and OKI heard nothing more from them about it.

### **Feedback on the May 9<sup>th</sup> Draft Plan Update Recommendations** ***Comments from the Public Meeting Discussion and Revised Map***

Travis Miller noted that a summary of the comments from the May 9<sup>th</sup> public meeting had been posted on the county website and sent out to the committee in advance. He explained that at the display stations for the May 9<sup>th</sup> public meeting, representatives from the LMH Utility Company and St. Leon had agreed that a slight modification should be made to the map of proposed FPAs, in which a small area should be moved to the proposed LMH FPA from the proposed St. Leon FPA because of a

combination of existing sewer lines and topography. He also noted that St. Leon representatives had requested that the western boundary of St. Leon's proposed FPA be extended from the Kelso Township boundary to Trackville Road. Both modifications had been made in the FPA map within the revised point source management summary that had been sent to the committee in advance and that was being displayed during this meeting. Travis also explained that some acreages in Table 5-1 in the point source management summary had changed slightly both to reflect these changes and areas where half section lines were involved.

### **Survey Responses and Revised Text**

Jane Wittke distributed copies of a survey responses summary showing the results from a total of ten surveys that had been received in hard copy, via email, and electronically via the Dearborn County website link to Survey Monkey. (The survey responses summary is posted on the county website with the other May 9<sup>th</sup> public meeting materials.) She noted that for each of the seven items on the survey, a response could be selected from among the choices of Strongly Agree, Agree, Neutral, Disagree and Strongly Disagree. For the items #1 through #4 and item #7, the 50 responses generally ranged from neutral to strongly agree with only two responses of "disagree."

There was a greater diversity of responses for item #5 (four responses of "agree," three of "neutral," one of "disagree," and two of "strongly disagree") and item #6 had the greatest diversity of responses (one response of "strongly agree," three of "agree," two of "neutral," two of "disagree," and two of "strongly disagree"). In addition, four survey respondents chose to write in comments which are reproduced verbatim in the survey responses summary, with their names and affiliations when they provided them.

Jane also went over the revised text of the point source management summary, which included clarifications about the responsibilities of designated wastewater management agencies along with some additional information provided and/or modifications requested by Dillsboro, Moores Hill, St. Leon, Aurora, and the DCRSD. (The final draft text is posted on the county website.)

### **Comments from the Dearborn County Health Department**

John Grace of the Dearborn County Health Department briefly commented on his email of May 13, 2011 to Jane Wittke of OKI (which had been distributed to the committee and is also posted on the county website) and his desire to have local private and municipal drinking water suppliers involved in water quality planning. He said that he realized that his suggestion came just a short time before plan recommendations needed to be finalized, and that he was pleased to see that drinking water suppliers had been added to the list of stakeholders in the draft plan.

### **Comments from St. Leon Representatives**

Chuck Hail of the St. Leon Sewer Board read a statement indicating that St. Leon's position hasn't changed since it was first discussed with OKI in July of 2010 and then subsequently with the advisory committee in the fall of 2010 and this spring. He said that St. Leon cannot support the plan recommendations as proposed, that the first phase of St. Leon's treatment plant expansion is underway, and that particularly where Amendment #34 was concerned, St. Leon has been treated as if they are not part of the county.

Steve Canter said that the St. Leon planning process has been ongoing since 2005 and that it addresses short and long term capacity needs. He stated that St. Leon was approached by the DCRSD in 2006-2007 to expand capacity and treat sewage for them, and when Dearborn County Council decided not to

fund the capacity expansion, St. Leon went on to address their own needs and focus on the West Harrison TIF district.

Steve said that during the plan update process OKI contacted the Indiana Department of Environmental Management (IDEM) and asked them to delay and possibly deny the NPDES permit for St. Leon's Expansion. He commented that OKI regards the existing St. Leon plant as in conflict with the original 208 plan, but since St. Leon did not exist when the original plan was made it is not in conflict. He also stated that OKI planning fails to recognize the potential negative impact of service area modifications to system users of existing treatment facilities.

Steve then made several remarks related to Amendment #34, saying that it has not been officially accepted by the state and that it involves much more area than is required for the new user and the proposed jobs on which its urgency was based. Steve said that action by OKI had been based on a staff report that St. Leon had issues with, including: that the report fails to mention that the Harrison wastewater treatment plant had been cited by Ohio EPA about enforcement of its pretreatment requirements; that the Indiana USDA state engineer had told St. Leon that he denied what was attributed to him in the staff report regarding service for the West Harrison TIF district not being reflected in St. Leon's documentation for USDA funding; and that while St. Leon has been vilified for forced hook-ups, now DCRSD will not answer whether or not it will require forced hook-ups in the Amendment #34 area, based on interaction with one of St. Leon's employees about an easement.

Chuck Hail concluded St. Leon's comments by saying that St. Leon would like to continue to work with the county to meet future sewer needs. Additional detail is included in materials provided by St. Leon that are related to the June 13<sup>th</sup> committee meeting and posted on the county website, including: a letter of June 7, 2011 to OKI from Andy Bischoff of St. Leon; a map of the Amendment #34 area annotated by St. Leon; a copy of Ohio EPA findings and orders issued to the City of Harrison on February 3, 2011; a copy of St. Leon's 2009 preliminary engineering report to the USDA; a letter of June 3, 2011 from Frank Kramer to a property owner (whose name was redacted by St. Leon) concerning an easement for the DCRSD; a list of typewritten questions for Mr. Hrezo with handwritten notes; and a summary of St. Leon's comments from the June 13<sup>th</sup> committee meeting sent by St. Leon to OKI on June 15, 2011 "to be part of the public record."

#### **Comments from Greendale's Attorney**

Richard Butler, Greendale's attorney, commented on a letter of June 8, 2011 from Greendale mayor Doug Hedrick to OKI requesting that the draft plan recommendations presented at the May 9<sup>th</sup> public meeting be revised. He summarized Greendale's concerns by saying that the practical effect of those draft recommendations would be to give the DCRSD a discharge permit when there is already excess treatment capacity in the county, that the DSRSD would create another layer of bureaucracy between sewer providers and consumers, and that more and bigger government is not more efficient. He directed the committee to the June 8<sup>th</sup> letter for more detail (this letter is posted on the county website).

#### **Response from OKI**

Jane Wittke said that OKI has documentation for all the items in the staff report prepared when Amendment #34 was being considered, and they would be happy to share it with anyone who is interested. She stated that the Indiana USDA state engineer had previewed the specific language in the staff report and had sent explicit written approval of it to OKI in advance. She also added that based on OKI's history of more than 30 years of water quality planning, OKI's understanding differs from Greendale's in their June 8<sup>th</sup> letter.

## **Discussion to Finalize the Plan Update Recommendations**

A lengthy discussion ensued, highlights of which follow:

- Frank Kramer
  - The voting process on plan recommendations should not be anonymous.
  - The bottom line for the DCRSD is to get the best quality sewer service to unincorporated areas at the lowest price.
  - People in unincorporated areas do not have a voice, which is why DCRSD exists.
  - Most sewer districts don't have the resources to get service to unincorporated areas.
  - The state of Indiana through IDEM has recognized the DCRSD as the entity authorized to provide service in unincorporated areas, and an Indiana Supreme Court case has established legal precedent about providing service in unincorporated areas.
  - DCRSD's current policy is to not force hookups, but they can't make a promise that it will never happen in the long run, as circumstances could change over the next 30 years.
- Margaret Minzner
  - Are there alternatives that would persuade people to vote yes on the plan?
- Steve Canter
  - If DCRSD were to be designated the management agency (DMA) for collection only and St. Leon the DMA for treatment in the proposed northwestern DCRSD FPA, St. Leon would vote yes.
- Jane Wittke
  - Separate designations for collection and treatment have been made in areas like the South Dearborn Regional Sewer District (SDRSD) FPA, but they've been based on existing systems of wastewater collection. OKI has not previously made separate designations in an area that has yet to be served.
- Mike Rozow
  - The County Economic Development Initiative sees potential for St. Leon to provide wastewater service in a north/south orientation, for instance especially to Franklin County.
  - It's important to build trust with economic development prospects that sewer service will be available in a timely manner and it's much simpler to deal with one management entity.
  - The unincorporated part of the county needs a "go to" person for providing sewer service, which is the function of the DCRSD; it's not an additional layer of government, but instead a "go to" function.
- Tom Orschell
  - While the county doesn't care where the FPA boundary lines are, the next hot spot of failing septic tanks to fix is Guilford. If Greendale doesn't want it, we'll go somewhere else.
  - No matter where the problems are in the unincorporated areas of the county, the people living with the problems need a voice and the DCRSD is it.
- Steve Lampert
  - The sewer providers should have sat down together and figured this all out earlier.
  - If cost-effectiveness is the main consideration, then in outlying areas small package plants are likeliest to be the most cost-effective, even though they often fail.
  - The logic behind the latest draft plan FPA boundaries still isn't clear.
- Jane Wittke
  - OKI has provided work maps for the sewer providers to use in developing consensus at

- the last three advisory committee meetings, which they declined to pursue each time.
- DCRSD was proposed as the designated management agency (DMA) for areas that they have agreed to plan for, planning which is expected of a DMA. Other wastewater management agencies expressed that these problems were not their responsibility if they lay outside corporate boundaries, and they did not intend to spend money on them or plan for them.
  - In the most recent draft recommendations, the DCRSD is identified as the DMA for a fairly large area and at the same time it is stated in the plan that the DCRSD is expected to always consider excess capacity at existing treatment plants before all other alternatives.
- Steve Lampert
    - The DCRSD could have fixed these problems years ago.
    - Why can't the DCRSD be a DMA for collection only?
  - Steve Canter
    - The West Harrison TIF district should have the DCRSD designated as the management agency for wastewater collection from Johnson Fork Road west to St. Leon, and St. Leon should be designated as the management agency for wastewater treatment for that area.
  - Mike Rozow
    - There are capacity issues for developing the West Harrison TIF district beyond what's available at St. Leon.
    - We're in discussions now with other economic development prospects involving areas in the West Harrison TIF district west of Johnson Fork Road that are also going to need wastewater treatment. This treatment must happen in Harrison because they have over a million gallons of excess capacity, and they offer pre-treatment for the particular industries considering this area.
    - This area needs to start developing now, and switching to St. Leon for treatment would halt that.

### **Voting on Final Plan Update Recommendations**

Mel Davis made a motion to accept the FPA map which had been revised by OKI staff based on comments received at the May 9<sup>th</sup> public meeting. (The participants in the meeting referred to this version as the May map; note that it was presented at and displayed with the date of the June 13<sup>th</sup> meeting; it is attached to this meeting summary.) Steve Lampert seconded the motion. The motion was defeated 13 to 10.

Steve Lampert made a motion to accept the FPA map which had been proposed by OKI staff in February based on discussion at the January 24<sup>th</sup> advisory committee meeting. (The participants in the meeting referred to this version as the February map; it is attached to this meeting summary.) Mel Davis seconded the motion. When in discussion it became apparent that some wastewater management agencies preferred the FPAs shown for them on the May map, Steve Lampert retracted his motion, suggesting that each agency clarify what area they wanted to see for their FPA before calling for a vote.

In the ensuing discussion, the Moores Hill representative and some representatives of the SDRSD stated that they wanted their FPA boundaries to reflect what was on the February map. The LMH Utility Company and Dillsboro representatives stated that they wanted their FPA boundaries to reflect what was on the May map. The St. Leon representatives stated that they wanted their FPA boundaries to reflect what was on the May map with the inclusion of the western portion of the West Harrison TIF

area as far east as Johnson Fork Road. Steve Lampert made a motion to accept an FPA map with the modifications identified in the discussion. Steve Canter seconded the motion.

In the ensuing discussion, Frank Kramer protested, saying that the committee could not vote for FPA boundary changes in an area where a plan amendment had already been passed (the West Harrison TIF district area) and where a sewer line project had already been started with a large investment of public money.

Steve Canter responded that the area requested by St. Leon is west of Johnson Fork Road, an area which is not in the DCRSD's current construction contract.

Frank Kramer stated that the DCRSD's current construction contract does in fact go past Johnson Fork Road, and that the DCRSD agrees with the FPA boundary as proposed in the May map.

The motion was defeated 15 to 7. (One of the committee members had left the meeting after the first vote, which made the total number of possible votes 22 rather than 23.)

Bob Hrezo made a motion to accept the FPA map most recently revised by OKI staff based on comments at the May 9<sup>th</sup> public meeting, which was being called the May map; no one seconded the motion.

Mel Davis made a motion to accept an FPA map that combined the boundaries shown on the February map for Moores Hill and SDRSD with the boundaries shown on the May map for the LMH Utility Company, Dillsboro and St. Leon (the May map did not include the western portion of the West Harrison TIF district as far east as Johnson Fork Road in the St. Leon FPA), with the remainder of the county to be identified with DCRSD as the DMA. Duane Drockelman seconded the motion. The motion passed 20 to 2 with no additional discussion.

The resulting final proposed map is attached to this summary. Chairman Jim Deaton thanked everyone for their service and adjourned the meeting at 10:15 p.m.

**Dearborn County Water Quality Management Plan Update  
Advisory Committee Members, Alternates, & Proxy Vote Designations  
June 13, 2011**

**City of Aurora**

Randy Turner, Director of Utilities

**Dearborn Co. Chamber of Commerce**

Mike Rozow, President and COO

**Dearborn Co. Board of Commissioners**

Tom Orschell

**Dearborn Co. Council**

Dan Lansing, Councilman

**Dearborn Co. Geographic Information Systems**

Margaret Minzner, GIS Specialist

**Dearborn Co. Health Department**

Doug Baer, Director

Alternate: John Grace

**Dearborn Co. Plan Commission**

Mark McCormack, Director of Planning & Zoning

**Dearborn Co. Regional Sewer District**

Steve Renihan, President of the Board

Alternate: Frank Kramer

**Dearborn Co. Soil and Water Conservation District**

Rita Cutter, District Coordinator

**Dearborn Co. Stormwater Coordinator**

Jennifer Hughes

**Dillsboro Sewer Board**

Scott Fortner

Proxy Vote Assigned to: Jim Deaton

**Town of Dillsboro**

Jim Deaton

**City of Greendale**

Steve Lampert, City Manager

**Hidden Valley Lake Prop. Owners Assn.**

Bruce Keller, Community Manager

**Lawrenceburg Conservancy District**

E.B. Seitz

**City of Lawrenceburg**

Mel Davis, Utility Director

**Logan-Miller-Harrison Utilities**

Jeff Tucker, Tucker Homes

**Moore's Hill Sewage Treatment**

Paul Grimsley

Alternate: Ray Rodmaker

**South Dearborn Regional Sewer District**

Bill Neyer, Superintendent

Proxy Vote Assigned to: Randy Turner

**South Laughery Creek Watershed Group**

Duane Drockelman, Coordinator

**St. Leon Sewer Board**

Chuck Hail

Alternate: Steve Canter

**Town of St. Leon**

Andy Bischoff

Alternate: Steve Canter

**Tanners Creek/Hogan Creek Watershed Groups**

Heather Wirth, Coordinator

**Valley Rural Utility Company**

Floyd Ogden

Alternate: Bob Hrezo

**Town of West Harrison**

Christina Swafford