



POLICY COMMITTEE

June 13, 2014

1:30 – 3:00 p.m.

Council Chambers (#115)

- I. Call to Order
- II. Approval of Minutes
 - a. May 9, 2014
- III. Communications from the Chair
- IV. Reports from Officers and/or Committees
 - a. Citizens Advisory Committee
 - b. Technical Advisory Committee
- V. Reports from the MPO Staff
 - a. MTP Task Force
 - b. Quarterly Tracking Report
 - c. I-69 Section 4 Erosion Control Responses
- VI. Old Business
- VII. New Business
 - a. New TIP Management Practices
- VIII. Communications from Committee Members (*non-agenda items*)
 - a. Topic Suggestions for Future Agendas
- IX. Upcoming Meetings
 - a. Technical Advisory Committee – June 25, 2014 at 10:00 a.m. (McCloskey Room)
 - b. Citizens Advisory Committee – June 25, 2014 at 6:30 p.m. (McCloskey Room)
 - c. Policy Committee – August 8, 2014 at 1:30 p.m. (Council Chambers)

Adjournment

**Action Requested / Public comment prior to vote (limited to five minutes per speaker)*

Policy Committee Meeting Minutes
May 9, 2014 Council Chambers 115, City Hall

Policy Committee minutes are transcribed in a summarized outline manner.

Policy Committee: Kent McDaniel (BT), Michelle Allen (FHWA), Jason Banach (IU Real Estate), Dan Swafford (Town of Ellettsville), Jack Baker (City Plan Commission), Laurel Cornell (CAC), Iris Kiesling (County Plan Commission), Tony McClellan (INDOT), Scott Wells (Plan Commission), Tom Micuda,

Others: Janelle Lemon (INDOT—Section 4 office), Sandra Flum (INDOT—Section 5 office), M. Reschke (H-T), Jeremy Kieffner (Bernardin Lochmueller), Sarah Ryterband (CAC), Mark Stoops (IN State Senate), and Tom Tokarski (citizen).

MPO Staff: Josh Desmond, Anna Dragovich, and Jane Weiser

- I. **Call to Order**---Mr. McDaniel called the meeting to order.
- II. **Approval of Minutes**
 - a. **April 11, 2014**—Mr. Baker moved approval, Ms. Cornell seconded. The minutes were approved by unanimous voice vote.
- III. **Communications from the Chair** ---- Mr. McDaniel said that he would miss the next PC meeting and Mr. Baker would chair the meeting.
- IV. **Reports from Officers and/or Committees**
 - a. **Citizens Advisory Committee** – Ms. Cornell presented the report. They had a report on the City Civil Streets initiative. This was funded through a grant from the Indiana Criminal Justice Institute.
 - b. **Technical Advisory Committee** – Mr. Micuda reported. The TAC agenda was essentially the same as today’s agenda without the erosion control program. The TAC enthusiastically endorsed the UPWP.
- V. **Reports from the MPO Staff**
 - a. **MTP Task Force** – Mr. Desmond reported. There was no meeting last month. The next meeting is scheduled for May 19th. We will focus on reviewing future land use and growth expectations.
 - b. **Administrative Amendment to the TIP** – Ms. Dragovich reported on the one administrative amendment to the TIP. This amendment moved money from FY 2014 to FY 2015 for the Heritage Trail in Ellettsville.
- VI. **Old Business**
 - a. **Fiscal Years 2015-2016 UPWP***--Mr. McDaniel noted that this is an action item so there will be public comment. Mr. Desmond highlighted the UPWP. Once this gets adopted, we will make necessary edits and submit it to INDOT to start receiving reimbursement. The TAC and the CAC endorsed this UPWP. There was no public comment. ***Ms. Cornell moved approval. Mr. Baker seconded. The motion was approved by unanimous voice vote.
- VII. **New Business**
 - a. **I-69 Section 4 Erosion Control Presentation**—Mr. McDaniel noted that the PC has had some discussions about I-69 Section 4 erosion control issues. Ms. Lemon from INDOT came to the last meeting and offered to accept written questions from the PC and the public. We have some questions. We have agreed that this will be responses to the written questions. There won’t be back and forth discussion today. Ms. Lemon explained that she would be presented a portion of the video that was

presented at Road School. Jeremy Kieffner of Bernardin Lochmueller will present the film. Erosion creates sediment. The terms aren't interchangeable. You need control of both. Erosion control is 90-95% effective. Once sediment is moving it can only be controlled by about 50%. Transportation projects are challenging. Construction should occur on one side at a time to minimize erosion. He presented various methods of sediment control. Silt fences are for flat areas. Wood chips berms work better than silt fences. He reported on construction entrances. He discussed several kinds of sediment traps. All these features need to be maintained. Federally certified professionals take oaths of honesty, responsibility and providing quality work.

Mr. McDaniel said that the ban on questions on the presentations was really meant for some of the contentious questions that had been submitted to her. Would she agree to questions about the video presentation?

Ms. Lemon said she objected to questions at this time. She received the questions but had not had time to answer them yet. She will bring answers to the June meeting. She apologized for the delay.

Scott Wells thanked Mr. McDaniel for giving him the opportunity to speak. The Monroe County Plan Commission has had 2 complaints. He said he couldn't find the Nov. 8, 2013 meeting minutes or record of meeting. He discussed transparency and said he appreciated that INDOT will listen to our concerns. He has been working on erosion control problems for about a year. The County Plan Commission received so many complaints from residents in the Section 4 area that they sent their first complaint to INDOT. INDOT responded 2 months later and said our concerns were caused by catastrophic rain events. The presentation today was nice but why aren't we doing this? He noted that they submitted a second complaint to INDOT and FWHA on March 20. He presented pictures of muddy slopes with no erosion control in place. One picture showed how silt runoff goes into a spring and people's wells. We were upset with the highway coming through but we accepted that it was coming. All they ask is to please do it right. These pictures were normal rainfall events.

Mr. Ruff presented photographs of water levels on limestone. The pictures showed erosion. Residents in the area are seeing more sediment and muddy water coming from springs than ever before. He appreciated Jeremy's presentation but disagreed with the phrase "water becoming discolored." It should be "water becoming polluted." Sediment smothers animals that live in the water damaging that part of the food chain. We were promised that the stream resources would be protected. The law stipulates that these resources must be protected. The frustration is that it is possible to do this right. It takes time and it costs money. The fast-tracking and on-the-cheap construction policy under Governor Daniels is largely responsible for these problems that we are seeing.

Mr. Wells said he wondered why there is no public comment. He would think the agencies would want to protect their good name by fixing what they did wrong. If the erosion and sediment controls were installed correctly. The second letter that they mailed to Mr. Marquis was sent by 8 different boards and commissions from Monroe County signed the letter. There were 50 different signatures, as well. There was a 1-page response on April 14 by Mr. Marquis. The complaint showed 3 major design flaws. He referred to the Sediment Loading Report that discussed 19 different sites in Section that all have serious problems with the loading factor in the streams. There were problems with choice of erosion control techniques, materials or timing of installation. He wished Mr. Marquis had attended this meeting. He asked if the erosion and sediment controls were designed right, installed correctly, and working properly, how, Mr. Marquis, could you write in your response to our I-69 complaint that "sediment controls remain a high priority on the project" when we are still recording from these lapses very high sediment loading of our waterways in the construction of Section 4 over one year later?

Ms. Allen said she would take the comments back to Mr. Marquis. FHWA does take this issue as a high priority and have been working a lot with INDOT. Some of the pictures were actually showing sediment

basins. She has visited the site during rain events and seen the measures while it is raining. Sometimes cloudy water leaves the basins. She relies on experts. IDEM goes out there very often.

Ms. Munson said she has still been taking pictures of different locations. Her pictures are on her Facebook page. In one picture there was sediment in a stream after a one-inch rain. She has heard repeated claims that some of the silt is coming from agricultural disturbance. She said we do no-till farming in Monroe County so agriculture can't be blamed for creating erosion. She saw stagnant water that could not drain. Who will be responsible after I-69 is built to fix impacts on private property? She will keep monitoring Section 4. There are still problems that need action.

Mr. Ruff said the streams will have their capacities diminished with the addition of silt.

VIII. Communications from Committee Members (*non-agenda items*)

a. Topic Suggestions for Future Agendas

IX. Upcoming Meetings

- a. Technical Advisory Committee – May 21, 2014 at 10:00 a.m. (McCloskey Room)**
- b. Citizens Advisory Committee – May 21, 2014 at 6:30 p.m. (McCloskey Room)**
- c. Policy Committee – June 13, 2014 at 1:30 p.m. (Council Chambers)**

Adjournment

**Action Requested / Public comment prior to vote (limited to five minutes per speaker)*

These minutes were adopted by the Policy Committee at their meeting held on _



MEMORANDUM

To: MPO Policy Committee
From: Anna Dragovich, Senior Transportation Planner
Date: June 6, 2014
Re: Quarterly Tracking Report for Third Quarter of FY 2014

Background

The BMCMPPO Unified Planning Work Program includes project tracking as a task to be accomplished on a quarterly basis. The report includes, a brief summary of each project status as of the Quarterly Tracking Meeting on April 7 as well as two graphs illustrating project timeline and budget to date.

Project updates are also warranted pursuant to the Complete Streets Policy adopted in January 2009. The rationale behind these project updates is to keep the committees of the MPO informed of project development in the hopes that projects stay on schedule and on budget. Each of the projects listed in the following report can also be found in the 2014-2017 Transportation Improvement Program available online at www.bloomington.in.gov/mpo

Recommendations

No Action Required

Monroe County Projects

Fullerton Pike Phase 1 (DES # 0801059)

Project Manager: Bill Williams

- Draft environmental documents anticipated to be submitted for review by April 2014.

Karst Farm Trail Phase 1 (DES # 0600370)

Project Manager: Bill Williams

- All submittals, certifications and permits have been submitted and approved for letting date

Karst Farm Trail Phase 2a (DES # 0902263)

Project Manager: Bill Williams

- Stage 3 design is complete and approved by INDOT. Four of five land parcels have been secured.

Karst Farm Trail Phase 3 (DES # 1382431)

Project Manager: Bill Williams

- Project recently awarded TAP funding. Preparing RFP to make consultant selection and negotiate a contract.

Mt. Tabor Bridge Replacement over Jack's Defeat Creek (DES # 0801060)

Project Manager: Bill Williams

- Anticipate letting in April 2015. Project costs have not changed since last report.

Bloomington Projects

N. Dunn Street & Old State Route 37 (DES # 1297060)

Project Manager: TBD

- Some right of way is required. Anticipate construction in 2015.

17th & Jordan Ave. (DES # 0901710)

Project Manager: TBD

- Little change from previous quarterly report, however, is on schedule for December 2014 letting

Tapp Rd. & Rockport Rd. (DES # 0901730)

Project Manager: TBD

- Decided on intersection improvement over roundabout design. Have acquired right of way for nineteen parcels. Consultant exploring various design alternatives.

W. 2nd Street Study (DES # 1382427)

Project Manager: TBD

Letting: To Be Determined

- This project would be an early environmental and utility study where the traffic study portion would be performed in-house. No progress has been made to date.

Black Lumber Trail (DES # 1382429)

Project Manager: Dave Williams

- Matching money was not approved in City's budget for 2014. Project is on hold until matching money can be secured.

Ellettsville Projects**Heritage Trail Phase 2 (DES # 1297579)**

Project Manager: Connie Griffin

- In right of way acquisition; ruled out 401 permit with IDEM

Discussion

The following table depicts the anticipated letting dates for all local projects in the TIP. Since the end of the third quarter, two projects have let; the University Court brick restoration project as well as the 17th & Arlington project.

Upcoming Project Lettings		
Project Name	Letting Date FY 14 Q2	Letting Date FY 14 Q3
<i>University Court Brick Restoration</i>	<i>January 2014</i>	<i>January 2014</i>
<i>17th St. & Arlington Rd. Roundabout</i>	<i>February 2014</i>	<i>February 2014</i>
Karst Farm Greenway Phase 1	March 2014	July 2014
Heritage Trail Phase 2	August 2014	August 2014
17th St. & Jordan Ave. Intersection	December 2014	December 2014
Black Lumber Trail Spur	March 2015	On Hold
Old SR 37 & Dunn St. Intersection	April 2015	April 2015
Mt. Tabor Rd. Bridge	April 2015	April 2015
Karst Farm Greenway Phase 2a	April 2015	July 2014
Tapp Rd. & Rockport Rd. Intersection	February 2016	February 2017
Fullerton Pike Phase 1	July 2016	July 2017
Karst Farm Greenway Phase 3	Not Determined	May 2016
W. 2nd Street Feasibility Study	Not Determined	Not Determined
*Italics indicate recent lettings		

Figure 1 illustrates the project costs as of the end of the third quarter. The solid bar labeled “Original Program Amount” is the amount of funding associated with the project when it was first adopted into the TIP. This amount includes *both* local matching funds and Federal funds. Local match funding was calculated so long as it was associated with federal funding. The lighter bar shows the funding amount reported at the quarterly tracking meeting. It should be noted that any funding that was awarded with the most recent HSIP and TAP selection processes have been included in this graph. Overall, it may appear that project costs have a tendency to creep upwards from their initial programming amount. This may or may not necessarily be a bad thing depending on the MPO’s goals for transportation investments in the region. It comes down to how much deviation from that original amount is enough to raise a red flag.

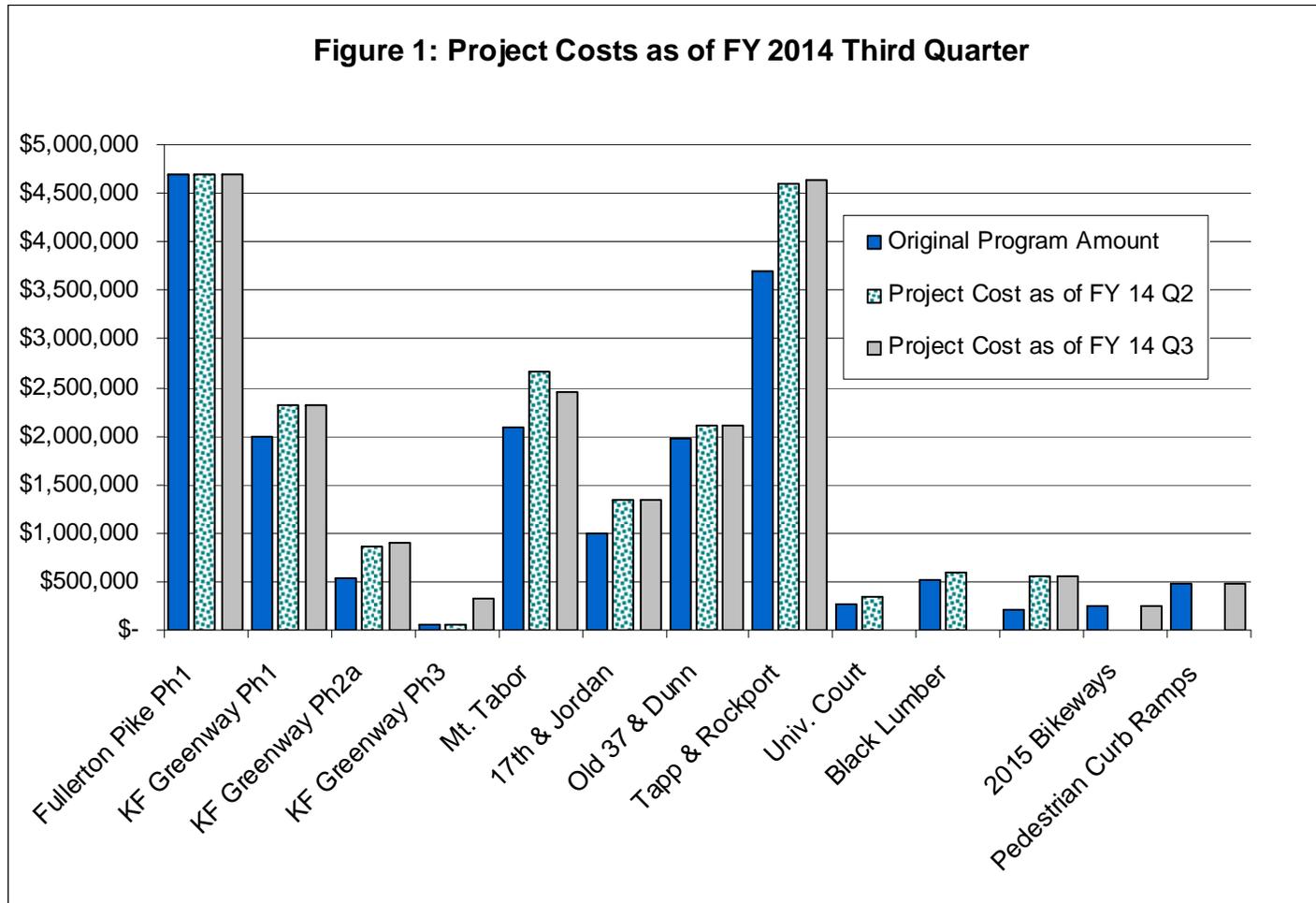
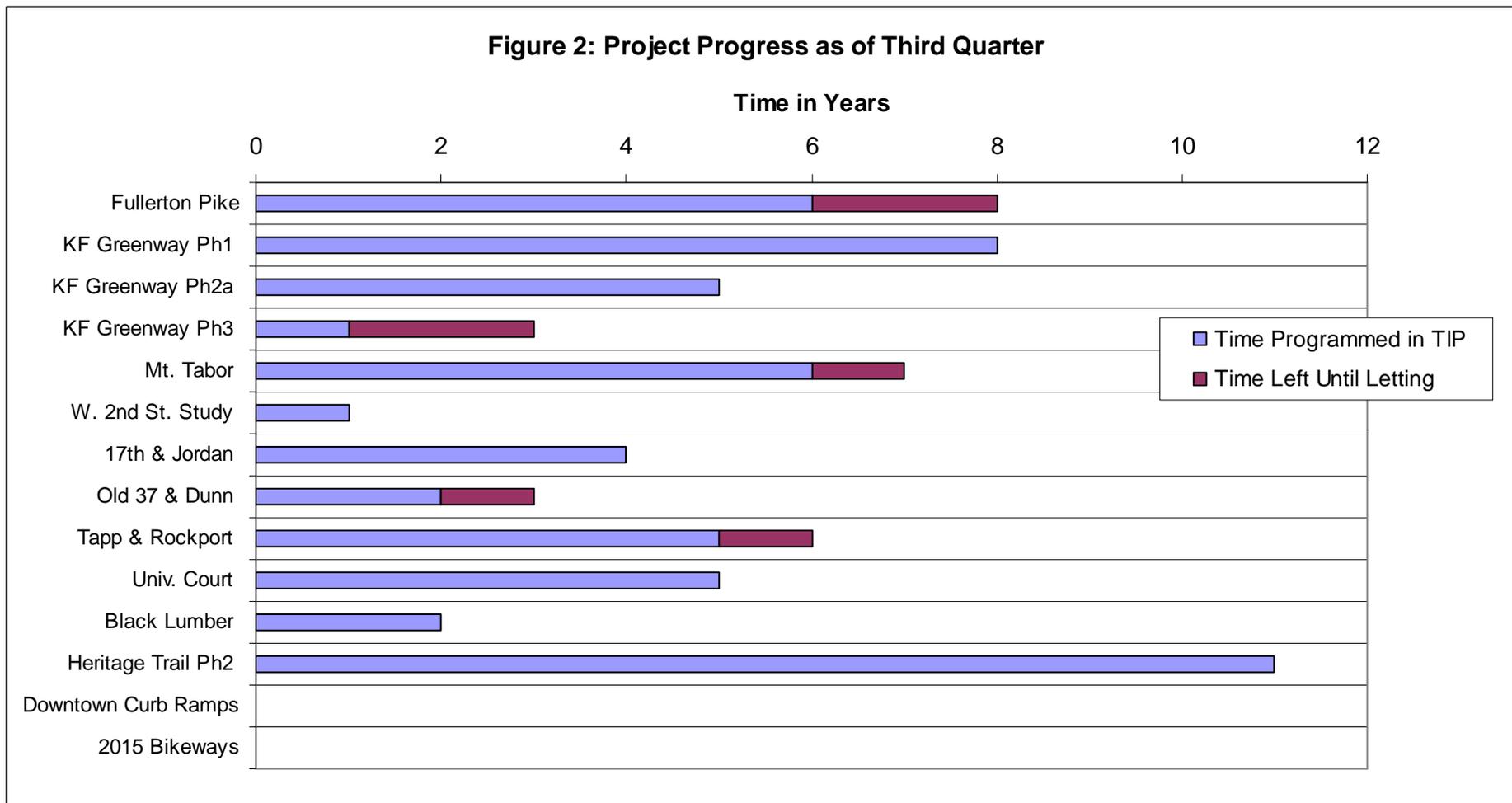


Figure 2 below illustrates project progress from initial adoption in to the TIP to the most recent quarterly tracking meeting. Ideally projects would get through the process from adoption into the TIP through construction in four years. The four year baseline is illustrated as the vertical yellow line. For many reasons, projects don't always make this deadline. This is often to no fault of their own. Nonetheless, four years serves as a good baseline comparison. The lighter pink color illustrates the amount of time left until project letting, or project completion.





MEMORANDUM

To: MPO Policy Committee
From: Joshua Desmond, AICP
MPO Director
Date: June 6, 2014
Re: I-69 Section 4 Erosion and Sediment Control Responses from INDOT

During recent meetings of the MPO Policy Committee, committee members have discussed concerns about erosion and sediment control problems with the I-69 Section 4 construction project. The MPO has expressed these concerns to INDOT and engaged in some dialogue regarding these issues. Leading up to the May 9 meeting, committee members were given an opportunity to submit written questions about erosion control on Section 4, to which INDOT would be expected to respond at a future meeting. During the May 9 meeting, INDOT presented a general overview of erosion and sediment control best practices in order to educate the committee about the techniques being used on Section 4. There were no responses to the written questions provided at this meeting.

Since that time, INDOT has prepared written responses. These responses are provided in the meeting packet after this memo. The first part is a response to the questions that were submitted by committee members. The second part is a response to a letter (dated March 20, 2014) submitted by Monroe County. INDOT is unable to provide a representative to discuss these responses at the June 6 meeting of the Policy Committee. As such, this material appears only as a Staff Report and not as a business item for Committee discussion. Committee members are asked to review the written responses and advise MPO staff if they wish to request an INDOT staff member to address them at a future meeting.

BMCMPO Questions from April 28, 2014 and Answers Provided by INDOT

June 5, 2014

1) MPO question:

Why was the tree-planting mitigation site on Breeden Road left to erode for over 4 months and what will be done to correct this mess of failed plantings and mud?

INDOT answer:

The bank work on this site occurred in the early summer of 2013 and it was vegetated by the end of the year. All required erosion control measures were installed on the site in accordance with the plans and the Rule 5 Permit. In addition to measures provided under the plans, erosion control blanket was also installed in the bottom of the constructed streams that feed into Indian Creek. This additional measure was implemented to assist in preventing sediment from entering the creek.

Within days of the contractor completing the tree plantings on the Breeden Road mitigation site, a storm event occurred resulting in 0.47 inches of rain on December 20th and 4.82 inches on December 21st, 2013, according to information gathered for Bloomington from the Weather Underground website. According to data from that website, over the next month temperatures plummeted, causing freezing conditions. Daytime highs normally ranged from 20-40 degrees and nighttime lows ranged from below zero to high teens/low 20s. Additional work could not be completed under these conditions. Temperatures finally reached 51 degrees on February 18th and continued for a few days. On February 18th the contractor was onsite and installed erosion control blanket on bare banks caused by flooding of Indian Creek. They repaired any erosion control blanket still in place which needed attention as a result of the flooding, and made repairs to silt fence around waste areas even though the ground was still covered in snow. INDOT believes that the work completed at that time was sufficient to address damages.

On March 20th the contractor placed temporary mulch on areas that were bare or had thin vegetation. On March 24th, the contractor removed any unnecessary silt fence. On April 1st, temporary mulch was placed on any areas of deposition along Breeden Rd. These were areas where the flood had deposited sediment on the site.

On April 2nd, the Bloomington area received 1.19 inches of rain, and on April 3rd and 4th additional rain events occurred, depositing 1.74 inches of rain and 0.72 inches of rain, respectively. On April 4th the mitigation site was flooded again. On April 10th-11th temporary mulch was placed on new bare areas and in locations where the temporary erosion control blanket had been damaged. On April 21st, the contractor mobilized to the site and began making flood repairs to creek banks. The contractor stabilized mulched and seeded areas immediately after work was completed. On May 9th some additional work was done on the site and on May 19th crews finalized stabilizing all areas. The replanting of all damaged/washed away trees has been completed.

2) MPO question:

Denuded ground is required to be treated within 7 days except in active work areas. People see no work being done in areas of bare soil for far longer than the 7 day rule, and the areas have not been covered with seed/straw or other protection. Why is this? When will the rules be enforced and who is going to make sure they are?

INDOT answer:

The requirement to stabilize bare soil within seven days is an INDOT contract requirement. Oftentimes, there are construction activities taking place that are not easily identified by people who are not actively involved with the construction activities. If properly designed, installed and maintained, erosion control devices are in place they will contain this sediment and allow the dislodged sediment to settle out of the water in the sediment traps and sediments basins. Seven day seeding is a condition placed in INDOT's I-69 Section 4 401 Water Quality Certification, which is regulated by IDEM.

3) MPO question:

If the erosion and sediment controls were installed correctly and working properly, why are we still recording very high sediment loading of our waterways in the I-69 Corridor Construction of Section 4 over one year later in normal rainfall events?

INDOT answer:

The regulatory agencies have conducted numerous inspections/site visits of the I-69 construction corridor and the associated receiving streams. Such visits normally occur on a monthly basis. Discolored water leaving the construction limits is a common and expected sight to trained stormwater compliance personnel. The claims that photographs show "very high sediment loads" cannot be substantiated. The amount of sediment contained in flowing water cannot be measured by the visual eye.

Additionally, please note the email responses below from Jason Randolph, IDEM, in response to similar questions posed by Thomas Tokarski on 4/29/14.

Tokarski question:

"It appears that there may be design flaws in the construction plans for Section 4 with the result that heavily sediment-laden water is being discharged from the construction site even when all required erosion and sediment controls are in place. Is this possible? If not, how do you explain the runoff waters that have been documented to be silt laden?"

Randolph response:

"In my previous email I provided you with the legal citation for Rule 5 and the intent of it so I am not going to restate it here. I will however provide some additional information. First, it is important to note that the erosion and sediment control measures are designed to handle a certain amount of contributing watershed for a certain storm event. Measures are designed to be overtopped during storm events that exceed the design standard. When you have storm events that last for several days you will typically exceed the design measures. This is not a flaw but the measures doing what they are supposed to do. It is an issue when

the measure completely blows out and the sediment within it is washed downstream. The following webpage link takes you to Chapter 7 of the Indiana Storm Water Quality Manual so that you can see some of the design measures: <http://www.in.gov/idem/files/chap7.pdf>. Suspended fine clay particles which cause the water to be a cappuccino color are so small that they typically bypass these measures but the large sediment particles are trapped."

Tokarski question:

"In your response, you said everything is working as intended. Does this mean that the sediment laden runoff coming off-site was intended?"

Randolph response:

"Water naturally flows away from the project site so the water must leave the site. I think I addressed this comment above. Measures are designed to minimize sediment discharges and are designed to overtop at a controlled location when the design measures are exceeded. There will be times as explained above when the design standard is exceeded and the measures won't function as intended. When that occurs, it is INDOT's responsibility to perform maintenance on the measures, remove accumulated sediment behind the measure and remove any offsite sediment discharges."

4) MPO question:

In another area, near the Tokarski property also on Evans Road, netting placed to prevent slumping on slopes has failed to hold soil in place, so soil erodes. When will the slopes be stabilized and covered?

INDOT Answer:

Slope slumping (as depicted in the picture below) is caused by wet soil and ground seepage on the thin overburden of soil on cut slopes. Due to the excessive precipitation received over the winter months, several areas along the corridor experienced similar slumping. These areas were identified by construction staff once the snow melted and ground thawing occurred. Field personnel requested that geotechnical experts conduct a field review to provide guidance to verify the cause of the slumping and to propose appropriate treatments for the slumping areas. INDOT's geotechnical staff visited the areas and has provided recommendations on all repairs. To date, most of the slumps have been addressed with appropriate methodologies. While INDOT awaited the geotechnical assessment and recommendations, all runoff from those slumping areas was treated by sediment control measures prior to discharge from the I-69 right of way. Project reports do not show that any direct discharges of sediment resulted from the slump areas. For clarification, the "netting" referenced in the question is not intended to prevent slumping on slopes. The "netting" is actually thin plastic reinforcement within erosion control blanket that is placed to cover seed in lieu of placing straw mulch on steep slopes.



Photo submitted by Scott Wells during MPO meeting on 5/9/14 and through email communication

5) MPO question:

Silt-laden water draining from the construction area is running off the construction area and into swallow holes on private land, the Wisniewski property on Evans Road. When will this problem be corrected?

INDOT answer:

The storm water runoff exiting the construction corridor is directed through sediment control measures prior to exiting the right of way. Additionally please note the responses below from Jason Randolph, IDEM, in response to similar questions posed by Thomas Tokarski on 4-29-2014.

Tokarski question:

"You did not mention the large swallow hole on the Wisniewski property that fills with deeply discolored water after significant rains. As you know, this karst feature is directly connected to the runoff from the construction site."

Randolph response:

"I inspected it on April 3, 2014, and have photos that document the site conditions during the multi-day storm event. All water being discharged from the construction site was being treated by erosion and sediment control measures. The measures are designed to filter the run-off, not prevent the discharge. Due to the high clay content of the soil, run-off flowing from the construction site will more than likely be discolored and may at times be a cappuccino color until the area is permanently stabilized."

Tokarski question:

"Also, as mentioned in my last complaint, did you note and document the channel that was constructed to carry water from the construction site into another swallow hole on

the Wisniewski property? Is it your understanding that runoff from the construction site can be channelled into a swallow hole?"

Randolph response:

"Due to the existing topography of the land, it is difficult to manipulate drainage to avoid all karst features. It becomes more difficult during construction until final grades and elevations are met. It is not a violation to drain storm water to a karst feature. It is a violation to discharge untreated storm water to a karst feature."

INDOT received additional questions from Cheryl Munson and Scott Wells during the storm event of May 14-16th concerning the Wisniewski area.

The email on May 14, 2014 at 11:51 p.m. from Cheryl stated:

"I received a phone msg (after 9:00 pm) from Phil and Karen Wisniewski (7525 W. Evans Road, 812-825-5566) who reported that heavily silt-laden water coming from I-69 onto their property and across their driveway is higher than it has ever been, even after large rains last summer. (The water that comes from I-69 leaves silt behind on their property and creates standing pools of still-water outside the ROW that breeds insects.) The immediately adjacent stream is reported to be running clear (I wish I had a picture of these two streams together). These good people have a terrible problem with the impacts to their property after even a small rain, which I have personally seen, so I can't imagine the way it looks now. It was too dark to run up there to see anything when I learned about this. But the effects will probably still be evident tomorrow, and so if you are interested I urge you to contact the Wisniewski's and see for yourselves "the mess." You probably will not be able to look at the constructed drainage-ways put in by INDOT's contractor, since the slopes are steep and will be muddy, but it is the entirety of the newly constructed drainage system that is faulty in this location. (Most of that constructed new drainage system has already been covered by fill for the road construction.) Mr. Phil Wisniewski will be home tomorrow between 10:30 and 3:30, and you may contact him. You should park along the road or at their driveway. I would be very interested in hearing from each person who observes and overflow drainage onto the Wisniewski's and its affects. I always appreciate expertise, and I especially want to know from the experts addressed in this email HOW and when this drainage problem off the I-69 ROW and onto private property is going to be corrected. For I-69 construction: the current and future environmental affects of the new construction, and the continuing and long-term adverse affects on nearby property owners are what matter now. What are the solutions?"

The email from Scott Wells on May 16, 2014 at 2:33 p.m. stated:

"I received a phone msg (after 9:00 pm) from Phil and Karen Wisniewski (7525 W. Evans Road, 812-825-5566) who reported that heavily silt-laden water coming from I-69 onto their property and across their driveway is higher than it has ever been, even after large rains last summer. (The water that comes from I-69 leaves silt behind on their property and creates standing pools of still-water outside the ROW that breeds insects.) The

immediately adjacent stream is reported to be running clear (I wish I had a picture of these two streams together). These good people have a terrible problem with the impacts to their property after even a small rain, which I have personally seen, so I can't imagine the way it looks now. It was too dark to run up there to see anything when I learned about this. The problem is that there are serious Stormwater Design Flaws; otherwise, we would not be seeing such sediment loading as this over one year later in the same area. Now, after normal rainfall events, the Wisniewski Property swallow hole is draining very slowly and is "plugged" from all of the silt and sediment that has accumulated from all the repeated, soil runoff insults coming from the I-69 Corridor Construction over 12 months later. It is important to mention that part of the Wisniewski Property swallow hole drains underground into Harp Spring -- which was a potable water source for the Mr. and Mrs. Jack (late) Knapp of 8995 W. Graves Road. Their water source became so polluted last year from the choking siltation and sedimentation, it became undrinkable. A well had to be drilled, but the water had so much sulfur concentrations in it that it was unuseable as well. The picture attachment sequence shows a cause and effect relationship -- One of the faulty Stormwater Design Failure scenarios: Picture one above shows a Rock Filter Berm that was substituted for a Designed Sediment Basin which should have been put in a strategic position upslope of the Wisniewski Property (WP) swallow hole to capture the Stormwater Runoff which would have captured most of the sediment and silt. How come that was not done? Was it too expensive? Would it take too much time? The picture on 4-2-14 shows the WP swallow hole full of soil laden water after a normal rainfall event which is not draining well. The next picture on 4-7-14 shows the same Wisniewski Property swallow hole which finally drained into Harp Spring leaving a plethora of dried up silt and sediment on the surface of the ground lining the swallow hole. Another Picture taken on 4-7-14 shows a collapsed slope by a drainage channel (another example of failed erosion control over one year later) which contributes to the polluted streams in general in Indian Creek Twsp: I-69, Section 4. Finally, the last picture taken on 11-01-13 shows the polluted Harp Spring which is no longer a potable water source for the Mrs. Knapp (Jack died last year). As a member of the Monroe County Plan Commission, I presented this information at the last MPO Meeting on Friday, May 9th as it related to the I-69 Formal Complaint Document sent on March 20, 2014; and, Mr. Marquis one page incomplete response (see attachment). It is disconcerting that INDOT, which was reported in the Herald-Times newspaper on April 12th, that an "Official to Speak on I-69 Erosion" did not really materialize; because, they never addressed any of the probing questions which they were given and were suppose to answer after having weeks to prepare for. Why did they not answer our questions?

Once again, I ask INDOT to read pages 8-39 (numbering in the upper right corner) of the I-69 Formal Complaint Document and specifically note the three bulleted items that is listed below as it pertains to their Stormwater Design Flaws. The most important flaw that needs to be corrected is the installation of Designed Sediment Basins which should have been constructed in a very strategic position upslope of the Wisniewski Property swallow hole. That would have minimized most of the choking siltation and sedimentation that has entered the WP swallow hole and hence, polluted Harp Spring. Other Design Flaws are mentioned below as well. The Sediment Loading Report in the "Complaint" taken from 19 different Sites proves the case that the soil runoff coming from the I-69 Corridor Construction is severe. If in doubt, just look at the pictures that are taken after normal rainfall events that proves soil runoff is entering our waterways

because of Erosion and Sediment Control Failures. All of these pictures were taken after normal rainfall event -- not "catastrophic" as INDOT had previously replied to our first I-69 Complaint sent July 18, 2014.

Some of the Stormwater Design flaws are the following:

1. Rock Filter Berms have been substituted for designed sediment basins, and silt fences should have been installed (in some cases a double row with periodic J hooks).

2. Erosion and Sediment Controls have been installed AFTER the highway plans have been substantially completed.

3. Denuded ground has been allowed to be left unstabilized for more than 7 days (when not being worked or re-graded) in many of the I-69 construction areas which is in direct violation of INDOT's own plans and agreements with contractors.

Enforcement Action is needed to help solve these repeated, ongoing Stormwater and Erosion Control Design problems."

INDOT's response to the Munson and Wells' emails:

Members of the I-69 environmental team conducted field reviews on May 12th, 13th and 14th with several regulatory agencies (including IDEM and EPA). The group visited the Wisniewski property on the 12th based on past complaints received by EPA and returned on May 14th to look at concerns raised in Cheryl's email. According to information gathered from those field reviews, the sediment control measures at the edge of the right-of-way at the Wisniewski area did not fail. In the vicinity of the Wisniewski property and the area of the right-of-way that drains to the swallow hole located on the Wisniewski property, temporary rock filter berms were designed in the erosion and sediment control plans for the initial clearing phase of construction. In the Wisniewski area, during the initial grading phase of construction temporary sediment traps were installed and have been maintained to control drainage from the right-of-way to the area and the swallow hole. During the rain event on May 14th, these traps functioned to remove sediment and also detained runoff from the right-of-way, which would have reduced the peak discharge rate compared to preconstruction.

The photo included in Mr. Wells' email and referenced as Picture 1, is not of the portion of the right-of-way near the Wisniewski property; it appears to be from a location approximately 3 miles closer to Bloomington (near Rockport Road) in Segment #8 of I-69 construction. These measures have been very effective in protecting drainage features from sediment discharges. The photo file's properties indicate that it was taken on 3/3/2013. You can see a slight skiff of snow or frost on the North side of the wood chip berms. This photo actually shows very adequate erosion and sediment controls implemented along with phasing of operations. Assuming that date contained in the photo file is accurate, the photo was taken during the tree clearing phase of the project which occurred in late winter of 2012. The photo shows that the wood chip berms are parallel along the edges of the jurisdictional stream, protecting the jurisdictional stream from any sediment that might result from the small amount of bare soil. The tree

stumps have not been disturbed or excavated from the jurisdictional stream and adjacent areas between the wood chip berms. The tree harvesting equipment did not operate in the stream; rather, it reached over the wood chip berms and mechanically cut the trees and lifted them from the stream. Stream flow is towards the photographer and exits from view in the lower right of the photo. The black ductile iron pipes in the foreground are from waterline relocation work conducted in the area by the local rural water entity.



Wells Picture 1, Design failure-Rock filter berm in heavy rains.jpg

Another photo in Mr. Wells' email (apparently taken 4/12/14, and titled "Karst Feature, Soil Pollution from I-69, ICT Pic7.jpg"), is of ponded water in the swallow hole. Contrary to the assertions in Mr. Wells' email, the fact that water is ponding in the swallow hole does not indicate that it is "not draining well". A rainfall amount of 1", which is slightly less than the recorded rainfall for the date of the photo, would generate enough runoff volume that ponding would be expected at the feature. Inspection of a similar feature in the right-of-way (4-0173, located at Sta 1237+50, Rt, on the upstream side of the right-of-way), which does not receive any runoff from the construction area, showed that it also ponded during this April 12th rainfall event, and showed sediment staining on the vegetation in the swallow hole. Both the ponding of water during a storm event and the deposition of sediments around the swallow hole on the Wisniewski parcel from the ponded runoff would be expected for this feature even in the absence of the I-69 construction.



Wells photo, 4-12-14 Karst Feature, Soil Pollution from I-69, ICT Pic7.jpg

The photo of Harp Spring taken on 11/01/13 and contained in Mr. Wells' email shows turbidity during a storm flow at the spring which would be expected during a storm flow event. Preconstruction monitoring of Harp Spring also showed increased turbidity (92.5 NTU) at Harp Spring during a storm event which would also have resulted in cloudy discoloration. That preconstruction storm flow sample was taken during a flow estimated at one third of the flow rate estimated on 11/1/13 (600 gpm vs 1,800 gpm). INDOT measured a turbidity of 219 NTU at Harp Spring on 11/1/13. This is less turbidity than what was measured in Indian Creek prior to I-69 construction as part of the data provided by Monroe County in the March 20th letter.



Wells' photo, 11-01-13 Opening to Harp Spring to Indian Creek.jpg

INDOT received a call from Jack Knapp on 6/26/13 concerning turbid water at Harp Springs. As a result of his concerns, the environmental team conducted a field review the next day with Mr. Knapp at the spring. He informed our staff at that time that he used the spring as his water source for his home. During that visit he stated that the spring did typically flow discolored for 2-3 days following a storm event. However, the duration of spring flow turbidity following the June 25-26, 2013 rain event was 7-8 days. The June 25-26, 2013 storm event has been referenced as catastrophic because it resulted 5.3 inches of total rainfall being recorded during a 7 hour period having a statistical return period of over 100 years, or less than a 1% probability of occurrence in any given year.

Five karst features (4-1804, 4-0204, 4-0173, 4-0171 and 4-1787) in the right of way have been positively connected to Harp Spring (4-0282, the spring owned by Mr. Jack Knapp) by dye traces. Four additional karst features outside of the right-of-way (4-0175, 4-0203, 4-1504 and 4-0166) have also been dye traced to cross the right-of-way and connect to Harp Spring. During additional field reviews in the days following Mr. Knapp's complaint, INDOT's environmental team identified a sediment discharge off right-of-way in the tributary at Station 1250 (which flows to feature 4-0166), and also found private clearing activity along Evans Road just west of Harmony Road which was supplying an increased sediment load to feature 4-1504. On July 3rd, Todd Stevenson, Monroe County Drainage Engineer and MS4 Coordinator, was contacted concerning the private clearing activity off INDOT right of way. According to communication from Todd Stevenson to Janelle Lemon on 7/31/13, he and Tammy Behrman had met with Dean and Jim Smith on their property off of Evans Road near Harmony Road (where the private

tree clearing activity had been identified by INDOT staff on 7/3) the week prior and were working to correct erosion control issues on that property.

Although INDOT had been able to identify other contributing sources to the turbidity experienced at Harp Spring as a result of the June 25-26th storm event, it could not be conclusively determined that the active construction of I-69 did not also contribute. Mr. Knapp contacted INDOT again on July 1st indicating that he was still having problems with his pump getting clogged, and that turbidity was still causing issues with his use of the spring for water. He conveyed that he was interested in a long term solution for the issue. The only short term solution INDOT could provide was to bring him water until the turbidity subsided. INDOT looked into the option of providing them a public water supply and contacted Eastern Heights Utilities who have a 3" water main on the west side of Breeden Rd serving this area. It was found that this would also be a feasible long term option for them. However, Mr. Knapp mentioned the possibility of a well being drilled. He informed INDOT that his daughter lived "downstream" from him and her well was only 45 feet deep and was running clear. Based on his desire for a long term solution and the fact that INDOT could not confirm that the construction of I-69 did not contribute to his damages, INDOT agreed to reimburse the Knapp family for the costs associated with drilling a well. On August 9th the well was installed. A follow up visit was conducted on September 3rd with Mr. Knapp by Ronnie Boehm. Ronnie reported that Mr. Knapp stated he was not fully accustomed to the taste of the water from the well but he was satisfied that he now had a usable drinking water supply.

Over the course of the last few weeks INDOT was informed through information from Scott Wells and Thomas Tokarski that the well installed last summer for the Knapp family was not being used due to concerns with sulfur. The Knapp family also contacted the INDOT project staff around this time reporting sulfur odor coming from the new well that made them uncomfortable with using it as a drinking source. Norma Knapp, Jack Knapp's widow, did advise that she was using it for other purposes. The INDOT project engineer is working with the Knapp family to complete testing on the well and determine what can be done to address the sulfur concerns. It appears that sulfur water is common in wells drilled in shale and sandstone areas. Other than the storm event recorded on June 25-26th, INDOT does not have any measured data or observations that suggest that the spring has been substantially altered from preconstruction conditions. INDOT does not agree with the conclusion that the quality of Harp Springs has been deteriorated to a point that water from the spring is no longer usable. It appears that these claims are based solely on the fact that the State provided the Knapp family with a new well.

INDOT Responses to Monroe County Letter Dated March 20, 2014

INDOT received a copy of the letter that was sent to Federal Agencies on March 20. INDOT offers responses to certain statements contained in the letter.

- 1) Monroe County Concern: Citizen's complaints about degradation of water quality.

Response: INDOT does not have and is not aware of any data that would support a conclusion that overall water quality in Monroe County near the I-69 Project site has degraded to "unprecedented levels". INDOT has reviewed the data provided along with the Plan Commission's March 20 Letter, which included primarily turbidity data. Turbidity data is a limited data set, and considered alone does not provide a complete and accurate measure of water quality over a broad area. While the data may show increased turbidity from I-69 construction in some smaller tributaries, it does not show increases in turbidity for Indian Creek.

- 2) Monroe County Concern: Compliance with Rule 5 erosion and sediment control requirements and the updated Karst Agreement.

Response: INDOT takes compliance with the Rule 5 Permit and the Section 4 Karst MOU very seriously. While the County's Letter makes reference to "serious deficiencies in erosion and sediment control measures and violations of the updated Karst Agreement and erosion control Rule 5 observed on August 20, 2013", the Letter provides no specific information or references as to what those "deficiencies" and "violations" may have been. INDOT is happy to review and, if needed, investigate any specific claims that the County would care to bring to our attention. INDOT believes that it has followed the requirements of the Karst MOU and Karst Agreement established for Section 4 of I-69, including coordination of designed treatments and implementation of storm water BMPs. Further, INDOT has been working diligently to ensure that its contractors are complying with Rule 5 Permit requirements, and has assessed quality adjustments against contractors who have failed to correct deficiencies.

- 3) Monroe County Concern: Questions about some of INDOT's answers in a September 20, 2013 response.

Response: While the County's letter notes that "there were serious questions about the validity of some of INDOT's claims" in the report INDOT provided to the County on September 20, 2013, it lists only one such question: namely, with regard to INDOT's characterization of certain rainfall events being as "catastrophic". The primary event that has generated this label was the June 25-26, 2013 storm event, which resulted in sediment discharges off the I-69 right-of-way. This storm event was considered catastrophic based on the 5.3 inches of total rainfall recorded during a seven hour period, and having a statistical return period of over 100 years, or less than a 1% probability of occurrence in any given year.

INDOT believes that the information provided to the County in the September 20 Report was accurate, and would be happy to provide additional information or responses to specific questions from Plan Commission members.

4) Monroe County Concern: Heavy silt and sediment loading of a stream in Indian Creek Township.

Response: The County's letter states that "heavy silt and sediment loading of a stream in Indian Creek Township was recorded from a November 6, 2013 rainfall of 0.3". INDOT is not aware of any data to indicate that "heavy silt and sediment loading" occurred in a stream from the rain event identified, and did not receive any data which the County may have "recorded" concerning this event. In order to agree with the conclusion that "heavy silt and sediment loading" occurred, INDOT would need to review turbidity readings and analysis of total suspended solids in the affected waters, among other factors. INDOT has reviewed some photos submitted by the County and shows turbidity that may be resulting from runoff derived from I-69. However, site inspections on the I-69 right-of-way following the November 6 rain event identified no sediment control issues and no discharges of sediment.

5) Monroe County Concern: Quality of Water from Harp Spring is degraded and is no longer potable for humans and most aquatic organisms.

Response: INDOT is not aware of any data that would suggest that water quality at Harp Spring is degraded to a degree that it would no longer be potable, and INDOT did not find any data concerning water quality for Harp Spring accompanying the County's letter. The sampling conducted by INDOT at Harp Spring does not suggest any substantial change in the quality of the water at the spring from preconstruction samples to those collected during construction. Regardless of the limited variation of the water quality samples INDOT has collected, we would not consider this to be sufficient data to make determinations relating to the suitability of the spring water for human consumption, either preconstruction or currently.

6) Monroe County Concern: Possible Extirpation of a troglodytic freshwater shrimp (*Pseudocandona jeanneli*) in Harp Spring.

Response: INDOT has not received and is not aware of any data that would support this conclusion. The I-69 Biota Study that identified the species *Pseudocandona jeanneli* identified the following description of the cave "The substrate of the stream is primarily mud/silt, with a small area near the entrance floored with stones... Limited areas of mudbanks are present along both walls." Based on the data that INDOT has regarding Harp Spring, we have no reason to believe that *Pseudocandona jeanneli* would be extirpated in the cave/spring.

7) Monroe County Concern: Sediment is entering Harp Spring from large swallow holes adjacent to I-69.

Response: To the best of INDOT's knowledge, the I-69 karst studies are the most extensive evaluation of Harp Spring completed to date. Data from the I-69 karst studies does identify nine positive dye traces from the area described that all contribute to Harp Spring. However, based on the scope of the I-69

study, the identified traces and recharge (defined by our study) only identify the northeastern limits of the recharge area for the spring; there is likely much additional recharge area to the south and east which are yet undefined. Of the positively dye traced features connected to Harp Spring, not all of these features receive runoff from I-69 construction. One positively traced feature connected to Harp Spring that does not receive runoff from I-69 construction was observed to have clearing activities occurring in its immediate watershed from a local project unassociated with I-69. This local project had no erosion or sediment control protection measures in place during the time of the June 25-26, 2013 storm event that resulted in increased turbidity and sediment at Harp Spring. In addition to the unprotected disturbed soil in the immediate watershed of one connected sink feature, tree stumps, rootwads and soil were also discharged directly into another sink feature connected to Harp Spring. The private clearing and disposal of soil and soil laden debris directly into a sinkhole are very likely sources of increased sediment and turbidity at Harp Spring. INDOT did not cause, and could not have regulated these two likely contributing events. In addition, the unmapped southern and eastern limits of the recharge area are likely as large or larger than the currently mapped area and likely contain as many or more sink features that contribute to Harp Spring as those that have been positively connected by I-69 studies. We are not aware of these areas being dye traced for drainage area delineation or evaluated for potential sediment discharges or sources.

8) Monroe County Concern: Sufficiency of INDOT's Commitment to Compliance with Rule 5 Requirements.

Response: The County's letter opines that "all of the evidence gathered from all of the inquiries to date suggest that the lack of sufficient commitment in both erosion and sediment control has caused almost all of the sediment loading and problems in almost all of the streams from the I-69 Corridor Construction". INDOT cannot agree with this characterization, and isn't clear from the information provided to INDOT what "evidence" the statement refers to. If it is based primarily on photos showing turbidity during storm flows, INDOT notes that such turbidity is to be expected given the soils present in the area, and that turbidity alone is not a complete and accurate measure of the efficacy of erosion and sediment control measures in meeting the applicable requirements of Rule 5. The limited turbidity data provided to INDOT shows both increases and decreases in turbidity readings from preconstruction to during construction timeframes, including a decreasing turbidity reading on the main stem of Indian Creek during construction compared to preconstruction. Increased turbidity is to be expected during construction. Further, it isn't clear from the information provided what specific, negative effects and problems have been identified from the County's inquiries. As always, INDOT is happy to review data or other information about specific concerns.



MEMORANDUM

To: MPO Policy Committee
From: Joshua Desmond, AICP
MPO Director
Date: June 6, 2014
Re: Changes to TIP Management Practices

Important changes to the way that the MPO manages Federal funding via the Transportation Improvement Program are being put in place beginning with Fiscal Year 2015 (July 1, 2014). Staff will be making a presentation detailing these changes at the meeting on June 13. Attached to this memo is a letter from INDOT detailing the commitment that INDOT and the MPOs have made to refine the way we manage our funding programs. No action is being requested of the Committee at this time, although it is likely that significant changes to our TIP will need to occur in the near future as a result of the changing practices. Further detail and discussion will be provided at the upcoming meeting.



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Michael R. Pence, Governor
Karl B. Browning, Commissioner

May 21, 2014

Sandra Seanor
Executive Director, MACOG
227 W. Jefferson Blvd. Room 1120
South Bend, Indiana 46601

Dan Avery
Executive Director, NIRCC
City-County Building, Room 830
One East Main Street
Fort Wayne, Indiana 46802

Dear Sandi and Dan,

Thank you for taking the time to request clarification concerning INDOT's position on developing a four to five year plan in order for us to clearly advance in building and improving Indiana's infrastructure together. INDOT is committed to working with each MPO to ensure that all funds are obligated as we move forward.

On August 9, 2013, INDOT informed the MPOs that all past balances from SAFETEA-LU and all 2013-2014 MAP 21 Funds must be obligated by September 26, 2014, or they would lose them. INDOT is willing to rescind that statement with the agreement that as we move forward with FY 2015 and beyond, each MPO will be required to obligate their yearly obligation limitation. Holistically, the MPOs need to obligate 100% of their spending authority per fiscal year. Carryover balances will no longer be allowed starting with FY 2015.

As we work together to accomplish this goal, meeting certain timelines will be critical to our success. Below is a recap from last month's MPO Council Meeting.

1. Most MPOs have identified their full four to five year plan. For the few that need to make a call for projects for later years, please do so as soon as possible.
2. Each MPO should work with INDOT Finance (Karen Hicks) to come to an agreement on their balances. No balances can be used until we have come to an agreement on that amount. Once that amount is determined, INDOT Finance and the LPA Program will work with each MPO to help identify those projects that the balances will be used on, and will be programmed into SPMS accordingly.
3. INDOT has met with all of the MPOs to date and has updated SPMS with your identified four to five year plans. INDOT will send out a report no later than Tuesday, May 27, 2014, for your review. For those MPOs that are over their spending authority amount for 2015, INDOT requests that you work with your respective Program Director at each INDOT District to move out, by June 13, 2014, the dollar amount in projects that you over-programmed. Those projects

should be moved to FY 2016; however, development should not stop as these projects can be shelf-ready and moved back into FY 2015 if needed.

4. After all of the MPOs have worked with INDOT and adjusted their 2015 program, and SPMS has been updated, INDOT will again run a report to see how those funds align against the yearly spending authority amount for FY 2015 for each MPO. Once 2015 is locked down, we will then start to work on 2016, 2017, etc.

5. A special funding code will be created specifically to track the balances and associated projects in SPMS, allowing INDOT and the MPOs to differentiate between the yearly spending authority and the carryover balances.

6. After all projects are uploaded into SPMS, and individual MPO balances have been agreed upon, we will then run another report to see what the MPO four to five year plan looks like.

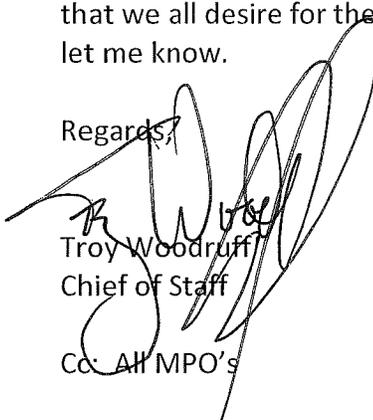
7. This whole exercise needs to be completed as soon as possible, but INDOT realizes this is a work in progress.

8. INDOT will allow each MPO to create two to three DES numbers for identified future projects, without approved funding. This will give the MPOs control in moving projects in or out in order to obligate their yearly obligation limitation.

9. For clarification, any SAFETEA-LU obligation limitation remaining after a project is closed out does not go back into the MPO balance of SAFETEA-LU limitation.

INDOT is ready to work with you and each MPO Council to achieve the goals and expectations that we all desire for the betterment of the State of Indiana. If you have any questions, please let me know.

Regards,



Troy Woodruff
Chief of Staff

Cc: All MPO's