Save the Dunes Conservation Fund

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DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY

February 16, 2010

Ms. Janet Pittman, Rules Development Branch
Office of Legal Counsel, MC 65-46
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Re: Comments on Indiana's Proposed 2010 List of Impaired Waters

Dear Ms. Pittman,

Save the Dunes submits the following comments on the draft Indiana Impaired Waters list pursuant to §303(d) of the federal Clean Water Act. We have been an active participant in this effort over the years and have watched the list evolve over time. We have specific comments on aspects of the listings.

E. coli A significant portion of Indiana's surface waters are impaired for E. coli. This poses an increased health risk to the public, especially for fill body contact. Most of the causes are nonpoint sources, along with continued problems from Combined Sewer Overflows. We urge IDEM look at causes and focus on solutions. Even one targeted watershed that shows some significant improvement would serve as a demonstration to the public that there are solutions. While out of the focus for this list, the CSO problem needs to be addressed in a coordinated manner with all other stakeholders.

Phosphorus We urge IDEM to fully address Phosphorus. This nutrient promotes algae growth leading to problems with DO and Impaired Biotic Communities. In addition, sedimentation is a huge problem in many of our waterways, primarily from nonpoint sources. There is a relationship between nutrients/sediment/DO/Impaired Biotic Communities and algae. It may be a combination of those impairments needs to be addressed in conjunction with each other.

Grand Calumet River IDEM points out that the Grand Calumet River is highly altered and complex. Save the Dunes completed the Grand Calumet River Lagoons Watershed Plan in 1999 and have worked to implement parts of the plan for the past several years. As the headwaters of the Grand Calumet River, the Lagoons are another artificial

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remnant of the altered hydrology. We do not agree and are not sure why IDEM states the AU from 2002 do not reflect the complexities of the system. The site-specific criterion for Cyanide was based on inaccurate information as far as the fish species to protect. Since salmonids are present in the system, the site-specific criterion should have been one-half of the limit that was allowed.

Wastewater accounts for as much as 90% of the flow in the east branch of the Grand Calumet River. We question how the one-mile stretch of the Grand Calumet can meet cyanide standards, if the upstream segment is in violation. We assert that the dilution from Outfall 005 of as much as 180 million gallons/day is a factor and should be discounted since that alone alters the concentration of Cyanide and other pollutants. We do not think pulling out a one mile stretch of river where millions of gallons of non-contact cooling water is discharged is a appropriate method to protect existing and designated uses.

The headwaters of the Grand Calumet River are impaired for Ammonia, Cyanide, Impaired Biotic Communities, Oil & Grease, as well as PCBs in fish. Since they flow downstream and there are no point source discharges other than stormwater, we ask where is the source of the pollutants. We are aware of waste disposal sites adjacent to the Lagoons and urge IDEM take an aggressive approach for some of the cleanups that have waited over 15 years.

Re-segmentation We understand the reasoning behind re-segmentation of waterways. We have reviewed the list, especially for the Salt Creek watershed, and have found all the transfers from the old AU to the new AU. We do have concerns for the re-segmentation of the Grand Calumet River based on the above-mentioned reasons. While we can understand dividing a river into several mile segments to better assess more local concerns, the one-mile segment seems artificial and driven by other motives.

Trail Creek Much planning and implementation has been completed for Trail Creek. We were surprised by the listing for Sulfates and ask if the source is known. E. coli is a problem in Trail Creek, like most surface waters in Indiana. We hope current projects will help water quality for this and other pollutants. While a TMDL has been completed for Trail Creek, the issue now is implementation.

Sulfates We notice some listings for sulfates in Lake Michigan and Trail Creek. Do you know the source? It seems these are industrial sources.

TMDLs TMDLs have been developed for many streams and waterways in Indiana. However, without requiring implementation, the improvements to water quality will not happen. We encourage IDEM to continue to work with the DNR LARE program and other alternative partnerships to develop creative ways to address impaired waters. We would agree with comments submitted by the Hoosier Environmental Council (HEC) that without implementing TMDLs, we cannot see how IDEM can de-list a stream when it still does not meet the WQS. In the extreme, we would have TMDLs for all impaired waters, then have no Impaired Waters? Water quality could be the same or worse? We cannot follow the logic of that as an outgrowth of the federal Clean Water Act.

In conclusion, we realize the new §303(d) list is limited as far as how it can help improve water quality. However, we urge IDEM to take an aggressive approach to water quality improvements. One item lacking is trend data. While some waterways have been listed for many, many cycles, are they getting better or worse? That would be helpful to encourage more citizen participation in watershed management activities.

Sincerely,

Thomas R. Anderson
Executive Director