

Members

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Sen. Robert Meeks
Sen. John Waterman
Sen. James Lewis
Sen. Katie Wolf
Sen. Richard Young
Rep. Claire Leuck, Vice-Chairperson
Rep. Susan Crosby
Rep. Ron Herrell
Rep. William Friend
Rep. Jack Lutz
Rep. Michael Smith



WATER RESOURCES STUDY COMMITTEE

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MEETING MINUTES¹

Meeting Date: October 20, 1999
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Harold Wheeler, Chairperson; Sen. Robert Meeks; Sen. John Waterman; Sen. James Lewis; Sen. Katie Wolf; Rep. Claire Leuck, Vice-Chairperson; Rep. Susan Crosby; Rep. Ron Herrell; Rep. William Friend; Rep. Jack Lutz.

Members Absent: Sen. Richard Young; Rep. Michael Smith.

The Chairperson called the meeting to order at 10:15 A.M. and called upon Jim Hebenstreit, Indiana Department of Natural Resources (DNR), for a report concerning drought conditions.

Mr. Hebenstreit distributed printouts from the weather service that mapped out crop moisture indices and drought severity indices for September 25, 1999, and October 16, 1999 (see Exhibit 1). While both maps for September 25, 1999, indicate severely dry or drought conditions for much of Indiana, by October 16, 1999, heavy rains had brought conditions from severe drought to moderate drought or near normal conditions in most of

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

the state. The dry conditions had led to a danger of fire for much of the state, which had been reduced by the rains. DNR will continue to monitor the situation, which Mr. Hebenstreit indicated still included low flow conditions for much of the state. Mr. Hebenstreit stated that while groundwater levels had not been a concern during the previous summer, there could be a problem next year if there is a low moisture winter, as groundwater supplies generally replenish over the winter.

Glenn Pratt, an environmental consultant, distributed a statement concerning HCR 88-1999, which encouraged the Governor to appoint a permanent water shortage task force (see Exhibit 2). This resolution passed the House during the 1999 session. Mr. Pratt encouraged the Committee to endorse the reintroduction of HCR 88 during the 2000 session, as well as to talk with the Governor's office about moving ahead with such a task force independently.

Mr. Hebenstreit indicated that DNR would have some concerns about the role of a permanent task force, including issues of authority to implement a water shortage plan. Currently, much of what the task force would be charged with doing can be done by the State Emergency Management Agency if the Governor declares a state of emergency. Currently, DNR has informal arrangements in place with other state agencies to work together during a drought to implement the water shortage plan after the Governor declares a state of emergency.

Mr. Pratt explained that the task force would monitor water supply situations and encourage agencies, cities, and other entities to develop emergency plans for water shortages. He stated that the task force would be a purely advisory body that would make recommendations to the Governor and legislature as well as providing a forum for ongoing study and evaluation of water supplies.

After discussion, the Committee decided against recommending the reintroduction of HCR 88-1999, but decided to hold a joint meeting of the House and Senate Natural Resources Committees in January to get a report from DNR concerning progress on updating the 1994 water shortage plan.

Bill Hayden pointed out that current statutes allow the Natural Resources Commission to regulate water withdrawals from navigable streams for all uses except for use by a municipality.

The Chairperson then called upon Sen. Waterman to introduce the issue of coal combustion waste (CCW) disposal. Sen. Waterman explained that in the southwest region of Indiana, concerns had been raised over the potential impact that disposing of CCW in mine shafts may have on groundwater supplies. The Hoosier Environmental Council (HEC) has indicated that proposed DNR rules that would allow ash to be dumped into active mines that are slated to be reclaimed would put the waste in direct contact with groundwater. In addition, long term monitoring of groundwater in the area is not occurring.

Jeff Stant, HEC, provided the Committee with a written statement concerning CCW disposal (see Exhibit 3). In addition, he pointed out that the proposed rules contain no standards for groundwater in the areas in which CCW disposal occurs. He stated that there are 61 sites around the United States in which ground water has been contaminated by CCW.

Brian Wright, HEC, stated that he had conducted the search for CCW damage sites (see Exhibit 4) by looking for impacts on drinking and irrigation water and searching for levels of contaminate in water that would render it unfit for use. In addition, he looked for damage to fish populations and amphibian deformities.

Charles Norris, a hydrologist speaking of behalf of HEC, stated that CCW is not just dirt, but has been fundamentally chemically altered. It is not benign, and it will damage groundwater when disposed of. Damage to groundwater from CCW is greater than the damage caused by the mining itself. He pointed out that anything that gets into groundwater will eventually be found in streams, and that attenuation is not effective on fly ash.

Nat Noland, representing coal producers, stated that the disposal of CCW is a contentious issue. He would disagree with some of the information presented by HEC, as have experts who testified to the proposed rules.

Dr. Bradley Paul, Southern Illinois University, explained experiments his school had carried out. In these experiments, a mine was filled with a quarter of a ton of CCW after wells on the site and 15 feet away had been monitored for a year. In the test site, which has been monitored for eight years, no problems with groundwater have arisen, and in some instances, the CCW has decontaminated water in the wells by filtering out manganese. Dr. Paul explained that CCW is dirt that has been heated to 3000 degrees Fahrenheit, so that it is oxidized into a glass phase in which most minerals are immobilized. CCW has a very low hydrologic conductivity, so that water does not easily percolate through it. In his opinion, the proposed rules from DNR are conservative, as they allow only one-tenth to one-quarter as much CCW as the EPA has determined to be safe.

Deb Lawrence, DNR, distributed copies of the preliminary rule, which DNR hopes to have in effect by spring (see Exhibit 5). Under the rules, groundwater reports will go to DNR, which has jurisdiction over mines, but the groundwater must meet Indiana Department of Environmental Management standards.

The Committee adopted the draft of its final report by a vote of 10-0. The meeting was adjourned at 11:50 A.M.