

ROBERT L. KRUSZYNSKI  
County Surveyor  
SKY K. MEDORS, P.E.  
County Engineer  
WILLIAM S. SCHALLIOL, ESQ.  
Executive Dir. of Economic Development  
ABBY E. WILES, AICP  
Executive Dir. of Area Plan Commission



# ST. JOSEPH COUNTY

ESTABLISHED 1830

## DEPARTMENT OF INFRASTRUCTURE, PLANNING & GROWTH DRAINAGE BOARD

### MEMBERS

Thomas Schlarb – Board President  
Randall Matthys – Board Vice President  
John Summers  
John Linn, P.E.  
Derek D. Dieter – County Commissioner  
Robert L. Kruszynski – County Surveyor  
Marcellus Lebbin, Esq. – Board Counsel

The Title VI Coordinator has made available at this meeting/hearing a voluntary Public Involvement Survey to collect demographic data to monitor and demonstrate St. Joseph County's compliance with its non-discrimination obligations under Title VI and Federal Regulation 23CFR 200.9(b)(4), and more importantly, ensure that affected communities and interested persons are provided equal access to public involvement. Compliance is voluntary. However, in order to demonstrate compliance with the federal regulation, the information requested must be documented when provided. It will not be used for any other purpose, except to show that those who are affected or have an interest in proceedings, or the proposed project have been given an opportunity to provide input

### AGENDA

#### St. Joseph County Drainage Board Monday, September 11, 2023 4<sup>th</sup> floor Chambers, County-City Building

#### **Present:**

Thomas Schlarb – President  
Randall Matthys – Vice President  
John Linn – Member  
Robert Kruszynski – Surveyor  
Morgan Ealy – Secretary  
Marcellus Lebbin - Counsel

#### **Absent:**

John Summers – Member  
Derek Dieter - Commissioner

#### **Drainage Board Meeting 8:30 A.M.**

#### **1. Call to Order**

*Audio Position (0:00:00)*

#### **2. Approval of July 10, 2023 and September 11, 2023 Minutes**

*Audio Position (0:00:05)*

Mr. Randall Matthys made a motion to approve the July 10, 2023, minutes, being seconded by Mr. John Linn and carried unanimously, 3-0.

Mr. John Linn made a motion to approve the September 11, 2023, minutes, being seconded by Mr. Randall Matthys and carried unanimously, 3-0.

John Linn: Wasn't it just the last meeting that we talked about the Ethanol plant and the spill? Was that two meetings ago?

Randall Matthys: We've had two different issues with discharges into the Kankakee. July and again in August.

#### **3. Surveyors Report**

*Audio Position (0:02:33)*

PLANNING & ZONING | PUBLIC WORKS | SURVEYOR | DRAINAGE | ENVIRONMENTAL | ECONOMIC DEVELOPMENT

## A. Payment to Contractors

Robert Kruszynski: Any questions with the few that we have that are on the sheet?

Thomas Schlarb: Last month, I turned one in for H&D for spraying and I see it wasn't in there to approve.

John Law: I do remember seeing that.

Robert Kruszynski: Was that the one for \$3,100 or something like that?

John Law: Maybe.

Robert Kruszynski: I remember seeing something for Kevin. I thought we paid that.

John Law: Once I look at them, sign them, and I hand them off.

Thomas Schlarb: I don't know it was that much. It was 18,000 feet that he sprayed.

John Law: I remembered that he and I drove a couple of the Birks and the East Bunch. I do remember us talking about it and he said he did it and he gave that bill to you.

Thomas Schlarb: I brought it in the last meeting.

John Law: I'll double check Tom. We'll make sure it gets paid. I'm pretty sure I looked at it and signed off on it.

Robert Kruszynski: I thought we did too. I thought we paid it.

Thomas Schlarb: There was another one that we had paid them on some ditch work they did before.

Robert Kruszynski: That could've been the \$3,100.

Thomas Schlarb: It was about a month before.

Robert Kruszynski: That could've been on the Pittman where we assessed them last year and we owe them for overassessment.

John Law: If we didn't get it paid, we'll definitely get it paid. If Kevin hasn't said anything about not receiving payment.

Thomas Schlarb: I haven't talked to him since he brought that over.

Randall Matthys: The Niespodziany Ditch Lawson-Fisher reconstruction. That's for engineering work?

Robert Kruszynski: We were going to talk about that and give you an update, but Redevelopment is doing that.

Randall Matthys: This \$12,000 to Lawson-Fisher is the Drainage Board? He just mentioned Redevelopment is doing it. Do they bill it to them instead of the Drainage Board?

John Linn: We're holding a contract for...is that grant funded?

John Law: The Niespodziany is funded by Redevelopment. Bill pays that.

John Linn: We're holding the contract. I remember approving that when Lawson-Fisher made a presentation.

John Law: Yes, and Bill Schalliol. Economic Development is responsible for the \$12,000. We may have paid it, but then we get reimbursed by Redevelopment.

John Linn: It had to run through us for some reason.

John Law: We did the CA-386 which is a state law where all the agencies get together and meet on site and look at the plan and then before the permits are submitted. They already know what the permits are. In order to do that, I believe we have to be responsible, but then Economic Development will pay us back.

Randall Matthys: So, we paid it then we will be reimbursed for that?

Robert Kruszynski: Yes, we were going to update you on that too.

John Linn: What's the secure large log?

John Law: On Juday Creek, that's a trout area. A lot of times when the trees come down, instead of taking them all the way out, we'll cut them up, get the big trunks, put them into the bag, and then you take the duckbill anchor and drive it down until it tilts up and secures it or latch to a tree so that log stays up on the bank for erosion control. That was a big tree that came down. Douglas and 23 behind the daycare is where this is at. It's a huge tree that was secured to the bank.

John Linn: It seems like a lot.

John Law: There was more to it. The big tree came down and it was one of those ponds. We had to clean the inlet and the outlet to get that working again and then there were probably more than a couple trees. It was a huge job. They had to bring in a mini excavator and put mats down to get all the way back. It was all hands-on deck. I got the bill that breaks down how many hours they put into it. The scope of the work is for what they had to do. It's not like you can go in there with a big excavator and pull that thing out. It has to be moved, placed, anchored, and then cleaned up.

Mr. John Linn made a motion to approve the Payment to Contractors of the months of August and September, being seconded by Mr. Randall Matthys and carried unanimously, 3-0.

#### B. Change of Assessments – No Change of Assessments

None.

Robert Kruszynski: We only have a few changes of assessments that will be on the agenda next month. There are only probably about six or eight. We can't turn them in anyway because we can't do anything with them until January.

John Linn: Was there more of an update on the Niespodziany?

John Law: We met with Bill Schalliol and Jared with the Lawson-Fisher team last week. They have the plan that they're working on that plan to re-route the Niespodziany. We met with all the agencies a couple months ago. Lawson-Fisher submitted all the permits except for the one through Army Corp. The engineers had to have a public hearing and that takes 30 days. They put that out for comment. The 30 days ended last Thursday. As far as we know, the only letter of demonstration is from Debra Durell. She sent that to the Army Corp, but it doesn't get to the actual project, she just says that she's against it. That doesn't mean anything to the agency. The agency puts it out for public hearing in case there is something missed, or they don't know about. The only comment they got back was a rambling manifesto. Our guess is the Army Corp permit will be approved. This will be the last permit. Once that's done, then Lawson-Fisher will put together a presentation and come present it to the Drainage Board. Then it will be up to the Board to approve that project. It'll be before the end of this year. There is a lot of work and behind the scenes stuff involved with the land owners and the battery plant.

Randall Matthys: The route that it's going to be relocated was presented to us earlier this year. It was going straight north from the culvert at SR 2 going straight north.

John Law: It goes east a bit at Strawberry from Larrison to Fillmore. The ditch makes an angle down.

Randall Matthys: Are they going to use existing culverts?

John Law: Yes. That's another thing that slowed them down. The state is replacing that culvert under SR 2. They've been in talks back and forth. Lochmueller is doing their design. So, Lawson-Fisher and Lochmueller are working together for that structure. There's nothing that is going to that structure right now as the state is also looking at doing some improvement at that intersection. That will all come in together. It might be down the road, but yes, we're going to use the same culvert at that location and then it will go back into the original channel and at that angle, hit strawberry and go southbound. North of SR goes a bit east, then straight north, and finally, straight west to where it comes in under Fillmore.

Thomas Schlarb: Is that the same 1,400 feet of Niespodziany that runs across the angle originally?

John Law: Yes.

Thomas Schlarb: He proposed that if they have to go into the west boundary, they have to put zig zags in.

John Law: That was the original plan. They had to create some route to wiggle from that ditch. They've abandoned that. This one is on the east side of that property or west of Larrison Road and over.

Marcellus Lebbin: Did they fix the grade issues? When we were originally talking, there was an issue about if we were going to have enough flow because it's so flat out there.

John Law: Yes. By doing what they're doing, that was a big part of the equation was how to do that. I think they figured that out by going the route they're going. Their numbers work out engineering wise.

Robert Kruszynski: That structure on SR 2, they haven't decided what they want to do there in the state when they start that paving project next year, they're going to bypass that area because Lochmueller is working on that, and they had one design. With the amount of traffic there, they're thinking about an interchange now and with what's coming in addition to the battery plant, they're back to the drawing board. I think they've got the state's ear saying it could be an interchange now.

John Law: I think down the road, the long-term plan is the state wants it to combine it there. Instead of having SR 2 go up farther north through New Carlisle then on its own, they'll bring it down to the already four lane highway, then put an exchange.

John Linn: They'll bring 20 down to 2?

John Law: You get the traffic on the improved road, the four-lane road. It's quite a project. I expect that presentation before the year I would guess.

*Audio Position (0:19:55)*

John Law: Last Friday, I toured the ethanol plant with Mark Espich from the Health Department, some gal that does the environmental stuff for the Health Department, and the environmental person for the ethanol plant. She took us around and showed us what's going on. They make moonshine out of corn and they have three by-products. They make ethanol and corn mash. They sell the good stuff off to hog farmers, the other stuff they sell up to Canada. They get it by rail and take it up.

Thomas Schlarb: The DDG? The Dry Distillers Grain?

John Law: Yes. The other by product is beer. It's like a craft beer. You walk through the plant and there are two big pipes running overhead. One says ethanol and the other said beer. It's real beer. They take it and mix it in with the mash.

Thomas Schlarb: What about the sludge pit?

John Law: There is one pond that you can see from the air by the fence. That is a fire pit. That's water for the fire department. There are two dry hydrants coming in so the fire department can pull up there and pump water out. The big pond is the cooling pond that South Bend uses. That hasn't been maintained or dredged since it's been built 40 years ago. That's on the west side of the tracks. There is another one on site that handles the runoff from the plant. They have ground water pumps on each corner so if the water gets down to a certain level, they don't want the ground water to force up the liner, so once the water in the pond gets down to a certain level, the water pump will start pumping the water table down and discharging into the cooling pond to keep the water table below their sledge pond. Once that sledge gets to the bottom, there's a pipe on top that will discharge into the cooling pond. It's like a septic system. The solids settle out

and the clean water goes off into the big settling pond. That settles and goes through an eight acre pond and out through a pipe.

Thomas Schlarb: Which one of these run in the ditch?

Randall Matthys: The one that hasn't had any maintenance in 40 years. That's the one that discharges into the ditch.

John Law: This is a German company that bought the ethanol. When you buy an old, used house, you're going to find things the owner didn't tell you about. That's exactly what they're finding out are the pipes running underneath the parking lots that they didn't know about and weren't on any plans. That was one of the pipes that leaked during the latest event.

Robert Kruszynski: It was an old storm line that was brick plugged and failed. It discharged accidentally.

John Law: The number one priority for them is to fix all that. They've installed alarms on the pipes, marking what every pipe, inlet, and manhole on the site, abandoning the pipes they don't need by physically pulling them out of the ground. They aren't going to need those tall tanks anymore because they use natural gas to burn, not coal. They are going to level all the coal storage, so essentially the entire west half of the plant. They're going to put in more fermenting tanks, so they're increasing size, but they're doing everything they can to make it more environmentally friendly and preventing as much discharge as they can. They eliminated it from the city sewer and using that one outlet from that pond. The German company has only owned it for 2 years, so their plans are to go long-term so they're cleaning it all up. They've already found all the pipes they didn't know about and all the valves they didn't know about. She showed us the plan and there are red marks where pipes were that weren't on the plan. They had circled where the valves were. They've all been eliminated.

Robert Kruszynski: We had that second one in September.

John Law: Stormwater rusted out the pipe where it wasn't the mash, but something in between got into the city storm sewer that discharged into the 40-year-old ditch.

Robert Kruszynski: If you can recall when Brent and Shantel were here, Commissioner Dieter wanted them to come to their Board meeting on the next day Tuesday, but at the same time, we recommended to get the city involved. That's what Derek did. We made a phone call to the Councilman over there and she came out there. She got Eric Korvath involved. They went out there and TV'd it and saw where the plug failed. There were three letters that came in September, one from the ethanol plant and two from the city on what they were going to do to take care of that issue.

Thomas Schlarb: It sounds like they're doing the right thing.

John Law: When I walked with the Health Department, they were happy with what was going on. The environmental person with the ethanol plant is working really close with the Health Department. She didn't have a lot of good things to say about the city. They haven't been very cooperative.

Thomas Schlarb: If you go out onto Shively Road, Waste Management. This has gone on about two months. The new gas plant that's going in. The manager there said that somehow, they don't need all the electric coming out of the methane. They're building this gas plant and they're changing the methane over to natural gas and put it in the big pipe. They're out of Texas and work seven days a week, weather permitting. They've been there probably two months. They have another month to go. There's a plant in Illinois and one in southern Indiana. They're robbing parts off the one in Illinois to try to get the one up in southern Indiana. They think it will be a couple years before they get it online but changing the methane out of the landfill over to natural gas. It's quite a structure.

**4. Privilege of the Floor**

*Audio Position (0:34:35)*

None.

**5. Adjournment**

*Audio Position (0:34:45)*

Mr. John Linn made a motion to adjourn the meeting at 9:08 a.m., being seconded by Mr. Randall Matthys and carried unanimously, 3-0.

**St. Joseph County Drainage Board**

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**Thomas Schlarb, President**

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**John Summers**

\_\_\_\_\_  
**Randall Matthys**

\_\_\_\_\_  
**Derek D. Dieter, County Commissioner**

\_\_\_\_\_  
**John Linn**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.



St. Joseph County Drainage Board

*Tom Schlarb*

Thomas Schlarb, President

*John Summers*

John Summers

*Randall Matthys*

Randall Matthys

*Derek D. Dieter*

Derek D. Dieter, County Commissioner

*John Linn*

John Linn

Dated this 13<sup>th</sup> day of November, 2023.