INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

August 23, 2011

Hendricks County Regional Sewer District
355 South Washington Street
Danville, IN 46122

Dear District:

Re: Hendricks County Regional Sewer District

Pursuant to Indiana Code (IC) 13-26, the Recommended Order forming a district, known as the Hendricks County Regional Sewer District (RSD), was issued by the Indiana Department of Environmental Management (IDEM), on September 13, 1988.

IDEM received a letter from the Hendricks County Commissioners and a copy of the Hendricks County Regional Sewer District Board minutes on or about July 12, 2011, clarifying the inclusion of territory of the regional district.

If you have any questions, please feel free to contact Lynne Newlon, Regional District Coordinator at 317-233-0476.

Sincerely,

Lynne Newlon
Regional District Coordinator
Surface Water, Operations and Enforcement Branch
Office of Water Quality
Indiana Department of Environmental Management

BOSE
McKINNEY
& EVANS LLP

ATTORNEYS AT LAW

J. Christopher Janak
Direct Dial: (317) 684-5249
Fax: (317) 223-0249
E-Mail: JJanak@boselaw.com

July 12, 2011

Via E-Mail and First Class Mail

Ms. Lynne L. Newlon
Office of Water Management
Indiana Department of Environmental Management
100 North Senate Avenue, Rm. N1255
Mail Code 65-40
Indianapolis, IN 46204-2251

Re: Inclusion of Territory within Hendricks County Regional Sewer District ("District")

Dear Ms. Newlon:

Attached please find an application from an eligible entity, the Hendricks County Commissioners ("Commissioners"), seeking ratification and certification that certain unincorporated areas ("Area") in Hendricks County, Indiana be included within the District's territory.

At its meeting on June 28, 2011, the Board of Trustees for the District accepted the application from the Commissioners. A copy of the minutes from the District's June 28, 2011 meeting is also attached to this letter.

Pursuant to Indiana Code § 13-26-8-2, please let this letter serve as Notice to the Indiana Department of Environmental Management that the Area is included within the District's service territory.

At your earliest convenience, please forward acknowledgement and acceptance of filing. If you have any questions, please do not hesitate to contact me.

Sincerely,

J. Christopher Janak

JCJ:lln
Attachment

111 Monument Circle, Suite 2700 | Indianapolis, Indiana 46204 Main Telephone: 317-684-5000 | Main Fax: 317-684-5173
www.boselaw.com

Board of Commissioners
HENDRICKS COUNTY

Bob Gentry
Phyllis A. Palmer
Eric L. Wathen

Hendricks County Government Center
355 South Washington St. #204
Danville, Indiana 46122-1759

June 28, 2011

Hendricks County Regional Sewer District
355 South Washington Street
Danville, IN 46122

Re: Ratification, Certification, and Acceptance of Certain Property for Inclusion Within Territory of Hendricks County Regional Sewer District ("District")

Dear District:

I am writing on behalf of the Hendricks County Commissioners ("Commissioners") to request that the District ratify and certify that all areas in Hendricks County, Indiana, that are served by the District or unserved by any provider (collectively, the "Area") shall be included in the District's service territory. The Area shall include, but is not limited to, all properties within the following general boundaries: the Conrail Rail Yards on the south, Marion County line on the east, Boone County line on the north, and County Road 900 East on the west.

Since the District's inception in 1988, the District and its contractual operator, Aqua Indiana, LLC ("Aqua") have performed multiple engineering, legal, and accounting analyses and invested more than $20 million in public and private monies in an effort to serve the Area. The District and Aqua have made these investments in reliance on the fact that the Area has been and will continue to be within the District's service territory. At present, the District has approximately 5,000 customers in the Area.

To avoid any uncertainty regarding this issue, the Commissioners hereby request that the District ratify and certify that the Area is and shall continue to be included within the District. Considering the investment previously made by the District and Aqua and the history of safe and affordable service to the District's customers, the Commissioners believe that the inclusion of the Area within the District: (i) is necessary for the Area to receive sanitary sewer service in an orderly fashion; (ii) will be conducive to the public health, safety, convenience, and welfare; and (iii) is both practical and feasible for the Area to continue to be included in the District.

Thank you for your consideration of this letter.

Sincerely,

Hendricks County Board of Commissioners

Eric L. Wathen
President

Phyllis A. Palmer
Vice President

Bob Gentry
Member

*317) 745-9221 * FAX (317) 745-9457 * E-MAIL: jwyeth@co.hednricks.in.us

June 28, 2011

The Hendricks County Regional Sewer Board met for their regular meeting on Tuesday, June 28, 2011, at 1:12 PM in the Commissioners' Meeting Room on the first floor in the Hendricks County Government Center with the following in attendance:

Bob Gentry)
Phyllis A. Palmer) Hendricks County Regional Sewer Board
Eric L. Wathen)
Gregory E. Steuerwald
Michael E. Graham
Judith Wyeth

President Wathen opened the meeting with a quorum of all three Board Members present and led the Pledge to the Flag.

MINUTES

There was discussion of the wording on a motion in the June 14, 2011 minutes. The change included the property at 1427 N CR 900E and release of the property to be served by West Central Conservancy with conditions on it connecting back to the Hendricks County Regional Sewer District if the Regional Sewer District service becomes available. Board Member Palmer moved to approve the minutes of the June 14, 2011 meeting, as corrected. Board Member Gentry seconded the motion and the motion was approved unanimously 3-0-0.

AQUA INDIANA

Kieran Tansy presented the May 24, 2011 Aqua Indiana Utility Operations Report, stating the customer and EDU count remain unchanged and the treatment plant operations also remain unchanged. He gave the Hendricks County Regional Sewer District Disconnection Report stating since the first of January 2011 they have sent 151 certified letters, hung 363 doorhangers and disconnected 41 customers for non-payment.

Kieran Tansy gave the following Growth Update:

> Several of the homes that have paid the lower connection fee have now been connected with only a couple of homes remaining to connect. One homeowner is still working with Kruse Consulting to design a plan for connection.
>
> On the Reagan Park project, located on the north side of CR 100N, just west of the Ronald Reagan Parkway, an additional 22' of line is necessary after the actual location of the stub was located. The developer has proposed a change order that reflects this addition as well as an increased coring of the manhole and the supporting of the water main as it is crossed with the sewer line. This change order is under review by Aqua and Structurepoint.
>
> In Reagan Crossing, located on the south side of CR 100N, on the west side of CR 1050E and directly south of Clarian West Hospital, Benchmark Consulting has provided a concept to preliminary review which consists of several town homes and a large building, all for assisted living type use.
>
> We received plans for the proposed Jack in the Box restaurant, to be located in Gables of Avon, and we received a call from representatives of Moe's regarding a proposed restaurant in Rockville Station.

Board Member Palmer expressed appreciation to Tom Bruns for the Aqua sponsored tour last week of their new wastewater treatment plant on the east side.

AMERICAN STRUCTUREPOINT, INC.

Kent Elliott gave the June 28, 2011 American Structurepoint, Inc., semi-monthly report. He reported American Structurepoint has had recent contact with the developers or engineers for the following projects located within the Hendricks County Regional Sewer District:

a. Jack in the Box – Gables of Avon (plan review)

b. Moe's – Rockville Station (preliminary plan review)

c. Townhome Development submitted by Benchmark Consulting – Reagan Crossing (preliminary plan review)

Kent Elliott presented the Short Form of Agreement between Owner and Engineer for Professional Services between Hendricks County Regional Sewer Board and American Structurepoint, Inc. for a three year Agreement that can be renewed for additional 3-year increments upon written consent of Owner and Engineer and included Appendix 1 listing the Standard Hourly Rates subject to annual review and adjustment and that these hourly rates for services are in effect until July 31, 2012. The Board requested Attorney Greg Steuerwald to review the contract. After review, Board Member Palmer moved to approve the contract between Hendricks County Regional Sewer Board and American Structurepoint, Inc., as presented, and authorize the President to sign on behalf of the Board. Board Member Gentry seconded the motion and the motion was approved unanimously 3-0-0.

EXIT 59

Kent Elliott reported on June 16, 2011, per the request of Mark Egbert of Sweeney Brothers and with the approval of the Regional Sewer Board, American Structurepoint submitted a proposal to Cecil Koger for the redesign of the proposed sanitary sewer extension to the Koger / Love's property at Exit 59. He stated Cecil Koger has since decided to hire Holloway and Associates to perform the redesign.

Kieran Tansy stated J&J at Exit 59 needs an odor control bacteria and Aqua Indiana is working on this matter.

Mike Graham referenced the June 20, 2011 letter from Mark Runkel, Engineer for the Town of Monrovia, relative to the Wholesale Wastewater Treatment Agreement Certification of Cost of Facilities in Morgan County. The letter stated the Hendricks County Regional Sewer District agreed to provide it's calculation of the certified costs to the Town in writing and inquired the reason for delay in providing this information. Kent Elliot stated American Structurepoint will provide this information this week.

BROWNSBURG ANNEXATION PETITION

Mike Graham presented the June 28, 2011 letter to the Hendricks County Regional Sewer District from the Hendricks County Board of Commissioners relative to ratification, certification, and acceptance of certain property for inclusion within territory of Hendricks County Regional Sewer District. The letter stated the inclusion of the Area within the District (i) is necessary for the Area to receive sanitary sewer service in an orderly fashion; (ii) will be conducive to the public health, safety, convenience, and welfare; and (iii) is both practical and feasible for the Area to continue to be included in the District. Board Member Gentry moved, on the recommendation of Mr. Graham, to ratify and certify that the Hendricks County Regional Sewer District Service area includes the area currently served under contract with Aqua Indiana and to notify IDEM of the inclusion of this service area. Board Member Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Board Member Wathen reported Attorney Chris Janak, Bose McKinney & Evans; Tom Bruns, Aqua Indiana; Jim Kovacs, American Structurepoint; Mike Graham, Administrator to the Commissioners; and he attended the Tuesday, June 21, 2011 Brownsburg second annexation hearing.

Mike Graham announced Tom Bruns of Aqua Indiana and he will meet with Dale Cheetam, Brownsburg Town Manager, at 9 AM on June 29, 2011 to discuss the proposed Brownsburg annexation plan.

CLAIMS:

Mike Graham presented the following claims for consideration:

American Structurepoint, Inc.		
Invoice No. 50273	$ 3,172.50	Check No. 1449
Town of Monrovia		
Invoice No. 101	$ 1,453.00	Check No. 1450

Board Member Palmer moved to approve Invoice No. 50273 from American Structurepoint and Invoice No. 101 from the Town of Monrovia for payment. Board Member Gentry seconded the motion and the motion was approved unanimously 3-0-0.

President Wathen asked for an explanation of Monrovia's invoice regarding the town credits against the purchase price. Mike Graham said he would look at the contract and provide a report at the next meeting.

Board Member Palmer moved to adjourn the meeting at 1:37 PM. Board Member Gentry seconded the motion and the motion was approved unanimously 3-0-0.

Eric L. Wathen, President

Phyllis A. Palmer

Phyllis A. Palmer, Vice President

Bob Gentry, Member

ATTEST:

9/13/88

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF THE PROPOSED)
ESTABLISHMENT OF THE)
HENDRICKS COUNTY REGIONAL)
SEWER DISTRICT)

CAUSE NO. 88-W-J-89

ORDER ADOPTING THE FINDINGS OF FACT AND RECOMMENDED ORDER OF THE ADMINISTRATIVE LAW JUDGE, AS REVISED, FOR ORGANIZATION OF THE HENDRICKS COUNTY REGIONAL SEWER DISTRICT

Notice is hereby given that the Administrative Law Judge has filed with the Commissioner of the Indiana Department of Environmental Management (Commissioner) his "FINDINGS OF FACT AND RECOMMENDED ORDER" relative to the petition requesting organization of the Hendricks County Regional Sewer District. Said Findings and Recommended Order are attached to this ORDER, and consist of three (3) pages, a distribution list and Attachment "A".

And the Commissioner, having reviewed the attached "FINDINGS OF FACT AND RECOMMENDED ORDER" of the Administrative Law Judge, now determines that organization of the recommended district complies with the conditions of IC 13-3-2, and that the recommended district appears capable of accomplishing its purpose in an economically feasible manner.

IT IS NOW ORDERED BY THE COMMISSIONER that the Hendricks County Regional Sewer District be organized as an independent municipal corporation pursuant to the terms and conditions set forth in the attached "FINDINGS OF FACT AND RECOMMENDED ORDER" which are now adopted and approved, and deemed incorporated into this ORDER as though set out in full, except for

paragraph 12 of the Findings of Fact which is revised to read as follows:

12. The proposed district shall encompass all of Hendricks County excluding the areas currently served or to be served in the future by the private, semi-public or public sanitary sewer treatment facilities listed in Attachment "A", which is incorporated herein by reference.

paragraph 3 of the Recommended Order which is revised to read as follows:

3. That the territory to be included in the Hendricks County Regional Sewer District shall consist of all areas within Hendricks County excluding the areas currently served or to be served in the future by the private, semi-public or public sanitary sewer treatment facilities listed in Attachment "A", which is incorporated herein by reference.

and paragraph 5 of the Recommended Order which is revised to read as follows:

5. That the Board of Trustees provide sufficient bond for all officers, trustees or employees who have any power to disperse funds of the district. Said bond, at a minimum, shall be in an amount equal to, plus ten percent (10%), of those funds anticipated to be received annually by the district, divided by three (3), which amount shall be determined annually by the Board of Trustees.

Pursuant to IC 13-3-[illegible]e), IC 4-21.5-3-2 and IC 4-21.5-5-5, this Order becomes effe[illegible]e thirty-three (33) days after service through the United St[illegible]ail unless a petition for judicial review is filed befor[illegible] on the thirty-third (33rd) day. Standing and substanti[illegible] requirements of the verified petition for review are specified in IC 4-21.5-5-3 and IC 4-21.5-5-7, respectively. Pursuant to IC 4-21.5-5-9, a person seeking judicial review of this Order may, by filing a verified petition, request an order of the court staying this Order pending a decision by the court.

All of which is ORDERED at Indianapolis, Indiana this 13th day of September, 1988.

Nancy A. Maloley

Nancy A. Maloley
Commissioner
Indiana Department of
Environmental Management
105 South Meridian Street
Indianapolis, Indiana 46225

Attachments: Findings of Fact and Recommended Order
Attachment "A"
Distribution List

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

STATE OF INDIANA)
) SS
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)
THE ESTABLISHMENT OF)
THE HENDRICKS COUNTY)
REGIONAL SEWER DISTRICT.)

CAUSE NO: 88-W-J-89

FINDINGS OF FACT AND RECOMMENDED ORDER

1. On November 9, 1987 the Hendricks County Commissioner filed a Petition requesting the formation of the Hendricks County Regional Sewer District.

2. Said Petition complies with the provisions of IC 13-3-2-3.

3. A public hearing was held on June 23, 1988 at the Avon High School Auditorium.

4. Notice of said hearing was given by publication in a newspaper of general circulation in Hendricks County for two (2) consecutive weeks prior to said hearing, and by mailing to each eligible entity involved.

5. The proposed name of the district is Hendricks County Regional Sewer District.

6. The principal office of the proposed district would be Hendricks County Health Department, Court House Annex, P.O. Box 310, Danville, Indiana 46122.

7. The sanitary sewage needs of those residents now residing within such proposed district are currently being met with individual and private septic systems, which are inadequate.

8. Upon formation of such district, it would construct and operate a sanitary sewage system that would collect the sanitary sewage of the residents of such district.

9. Such district is needed to permit the construction of a system to collect and dispose of the sanitary sewage of the residents. The current method of sewage collection and disposal through individual and private septic systems is deteriorating and is creating current and future health problems for the residents of such proposed district.

10. The current method of collection and disposal of the sanitary sewage of the residents of such proposed district is affecting and can affect detrimentally the water quality of the area of the proposed district.

11. The residents of such proposed district currently obtain their water for drinking and other personal uses from individual and private wells which can also be affected detrimentally by continued use of the present method of collection and disposal of the sanitary sewage of the residents of the proposed district.

12. The proposed district shall encompass all of Hendricks County excluding those areas currently served by private, semi-public, or public sanitary sewer facilities.

13. There is no outstanding indebtedness currently in the proposed district for the purpose of the construction of a sanitary sewer system.

14. The members of the Board of Trustees shall number three (3) and be appointed by the Hendricks County Commissioners for a term of four (4) years.

15. The district intends to contract with a private party for the provision of waste water collection and treatment services and/or potable water. The private party will be responsible for financing all project costs, designing, construction, owning, and operating the system under the oversight of the trustees who will be responsible for assuring that the contract's requirements for service are maintained and that sufficient service charges are established and collected to meet contractual obligations.

16. Preliminary estimates for Phase I of the project are Four Million Dollars ($4,000,000) with an annual operating cost of Two Hundred Thousand Dollars ($200,000). There will be no hook-up fee for normal residential hook-ups and monthly user fees are estimated to be less than Thirty Dollars ($30) per month. All capital costs will be financed by the private service provider without use of public funds or EPA construction grants.

17. The district would be eligible to apply for Federal and State grants for construction.

18. The district appears capable of accomplishing the purposes for which it would be formed in an economically feasible manner.

RECOMMENDED ORDER

1. That a Regional Sewer District, to be known as Hendricks County Regional Sewer District, be organized as an independent political entity of the State of Indiana as a body corporate and political.

2. That the purpose to be accomplished by said district is to provide for the collection and disposal of sewage.

3. That the territory to be included in the district consist of all property within Hendricks County, including those areas not served by private, semi-private, or public sanitary sewer facilities as of the date of the order.

4. That the district be governed by a Board of Trustees consisting of three (3) members, consisting of the following:

   a) One member to be appointed by the Hendricks County Commissioners, with an initial term of one (1) year, and subsequent terms of four (4) years.

   b) One member to be appointed by the Hendricks County Commissioners, with an initial term of two (2) years and subsequent terms of four (4) years.

   c) One member to be appointed by the Hendricks County Commissioners, with an initial term of three (3) years, and subsequent terms of four (4) years.

5. That the Board of Trustees provide sufficient bond for all officers, trustees or employees who have any power to dispense funds of the district. Said bond, as a minimum, shall be in an amount equal to, plus ten percent (10%), of those funds anticipated to be received by the district, divided by three (3), which amount shall be determined annually by the Board of Trustees.

6. That within nine (9) months from the date of this order, the district shall file with the Commissioner of the Indiana Department of Environmental Management, a detailed plan for the construction and operation of the district's facilities.

Dated: _____

James M. Garrettson
Administrative Law Judge

MAILING LIST

William Westdyke
126 Glenbrook Lane
Indianapolis, IN 46234

Jack Gardner
10442 Village Court
Indianapolis, IN 46234

Ed Rutledge
6365 Raceway Road
Indianapolis, IN 46231

J.J. Kern
9420 Melissa Ann Drive
Indianapolis, IN 46234

Hendricks County Commissioners
Hendricks County Courthouse
Danville, IN 46122

Greg Cafouros
660 Merchants Bank Building
Indianapolis, IN 46204

Robert Jarzen
P.O. Box 313
Danville, IN 46122

Nancy Petercheff
P.O. Box 34056
Indianapolis,IN 46234

Deborah Abshier
10339 Brookside Court
Indianapolis, IN 46234

Tom Wodtke
P.O. BOx 310
Danville, In 46122

Hendricks County Engineer
P.O. Box 51
Danville, IN 46122

HENDRICKS COUNTY SANITARY

Attachment "A"

SEWAGE TREATMENT FACILITIES

1. North Salem Municiapl STP - Public
2. Lizton Municipal STP - Public
3. (WEST LITTON) Union 76 Truck Stop\CTR Valley - Semi-Public
4. Pittsboro Municipal STP - Public
5. Brownsburg Municipal STP - Public
6. Clermont Trailer Park - Semi-Public
   3390 Raceway Road
7. Lake Of The Latherns MHP - Semi-Public
   2135 Nowling Lane
8. Broadace Mobile Home Park - Semi-Public
   9880 West 10th Street
9. (BROWNSBURG) Eastern Hendricks County Utilities Corp. - Private
10. Avon Utilites Inc. - Semi-Public (West Central CD)
11. Community Health Care - Semi-Public
12. (PLAINFIELD) Prestwick - Semi-Public (Whitelick Town)
13. West Wind Terrace Apartments - Semi-Public
    2503 Debonair Terrace Apt 51
14. (BRIDGEPORT) Hi-40 Mobile Home Park - Semi-Public
    9825 West Washington
15. Plainfield Municipal STP - Public
16. Highlands Subdivisions - Semi-Public
17. (CLAYTON) Canary Cottage Motel - Semi-Public
    U.S. 39 at I-70
18. (CLAYTON) Cascade Jr.-Sr. High School - Semi-Public
19. Belleville Conservancy District - Public
20. Clayton Municipal STP - Public
21. Danville Municipal STP - Public
22. (PLAINFIELD) Conrail Diesel Terminal -Industrial
23. STC Corporation - Industrial
24. Clarks Creek Conservancy District
25. Town of Amo (to be constructed)
26. Town of Coatesville (to be constructed)

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIANAPOLIS

OFFICE MEMORANDUM

DATE: July 25, 1988

TO: Nancy A. Maloley
Commissioner

THRU: Wayne E. Penrod

FROM: James M. Garrettson, Administrative Law Judge
Office of Hearings

Dep.. of Environmental M
Commissioner's Offic
AUG 02 1988

SUBJECT: Hendricks County Regional Sewer District
Cause No. 88-W-J-89

Attached hereto please find my Recommended Order regarding the formation of a Regional Sewer District and a mailing list for issuance of your final order.

Attachments