Larry J. Greathouse

Attorney and Mediator

16 Main Street
Post Office Box 136
North Vernon, Indiana 47265-0136
Telephone: 812-346-2139
Fax: 812-346-7168
Email: greathouselaw@hotmail.com

IDEM
OFFICE OF
WATER QUALITY
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September 20, 2012

Lynn Newlon
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-40 IGCN 1255
Indianapolis, IN 46204-2251

Re: Hayden Wastewater Utility, Inc.

Dear Lynn:

Enclosed please find the First Amended Petition to Establish Regional Sewer District to be filed with the Indiana Department of Environmental Management.

Thank you.

Sincerely,

Larry J. Greathouse
Attorney at Law

LJG/md

Enclosure

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT STATE OF INDIANA

IN THE MATTER OF THE PETITION OF JENNINGS COUNTY, IN TO ESTABLISH A REGIONAL SEWER DISTRICT PURSUANT TO IC § 13-26	)))))	**BEFORE THE COMMISSIONER IDEM, STATE OF INDIANA**

FIRST AMENDED PETITION TO ESTABLISH REGIONAL SEWER DISTRICT

Jennings County, Indiana, by its Board of County Commissioners and Council, comes now and tenders its First Amended Petition to the Commissioner, Indiana Department of Environmental Management (IDEM), pursuant to IC § 13-26, for an order directing that a regional sewer district be organized as an independent political entity of the State of Indiana, and as a body corporate and politic. In support of this Petition, petitioner alleges:

1. Proposed Name. The proposed name of the regional sewer district shall be the Hayden Wastewater Utility, Inc. Regional Sewer District.

2. Designated Representative. The designated representative for the petitioner for additional information and amendments shall be Larry J. Greathouse, Attorney for Hayden Wastewater Utility, Inc., 16 W Main Street, P.O. Box 136, North Vernon, Indiana, 47265, (812) 346-2139.

3. Principal Office. The principal office of the district shall be located at Hayden, Indiana, in the unincorporated area of Jennings County, Indiana which has a mailing address care of Pat Sullivan, 75 N Private Road 720 W, North Vernon, Indiana, 47265 and P.O. Box 53, Hayden, Indiana 47245.

4. Approval by the County Commissioners. The petition has been approved by the Jennings County Commissioners as required by I.C. 13-26-2-2. (See Exhibit "A")

5. Approval by Fiscal Body. The Petition has been approved by the Jennings County Council as required by I.C. 13-26-2-2. (See Exhibit "B")

6. Territory in District. The territory to be included in the District is a part of Jennings

County, Indiana, and is more particularly detailed on the maps included within the Preliminary Engineering Report (See Exhibit "C"). The following political subdivisions are in the proposed district and have jurisdiction in the district: Jennings County Commissioners, Jennings County Council, Jennings County Conservation District.

7. State Land in District. There is no state land in the district.

8. Need. The need for the proposed district has long been recognized by residents and businesses in the area, by the Jennings County Commissioners, by the Indiana Department of Environmental Management, and the public generally for the reason that sanitary sewage disposal is provided in the area by each homeowner or business through an on-site septic tank, many of which leak, have failed, or will fail. The absence of public sanitary sewer service has contributed to a public health hazard and environmental contamination in the proposed district, as demonstrated in the letters from the Indiana Department of Environmental Management (See Exhibits "D-1 and D-2". See also the Statement of Patrick Sullivan attached as Exhibit "E".

9. Purpose. The purpose to be accomplished by the formation of the District is the reduction of pollution of the environment by elimination of inadequate septic systems and the construction of a sanitary sewer collection system and appropriate treatment of collected sewage.

10. Establishment. Establishment of the district will be conducive to the public health, safety, convenience, and welfare of the residents of the District for the following reasons:

(A.) No sanitary sewer system exists in the proposed District.

(B.) Sewage collection, disposal and treatment in the proposed District is currently being provided by individual septic tanks or other on-site systems at each residence or place of business. Those on-site systems that have failed or are failing are contributing to the pollution of the environment in the proposed District and create a hazard to the health, welfare, and safety of the residents of the proposed District. In many instances replacement of the failed or failing septic tanks or other on-site systems is not feasible due ro the cost, condition of the soil or parcel size.

(C.) There are no publicly or privately owned treatment works in the proposed District for treatment of sanitary sewage, which situation inhibits the ability of the residents to alleviate environmental and public health concerns created by failed and failing septic systems.

11. Indebtedness. There is currently no outstanding indebtedness for the purpose proposed in the proposed District. The absence of sanitary sewers hinders property values and has limited residential growth in the proposed District because the requirements of the Jennings County Health Department and the Indiana State Department of Health as they apply to septic tanks and other on-site systems, prohibit, in many instances, construction of economically viable residential subdivisions and resale of homes existing in current locations within the proposed District.

12. Board of Trustees. The number, manner of selection and terms of the Board of Trustees is recommended as follows:

(A.) The District Board shall consist of five (5) trustees.

(B.) The Board shall be composed as follows:

1. The Spencer Township, Jennings County, Indiana trustee shall appoint one (1) member consistent with his term of his or her term of service every four years with the right to appoint himself or herself.
2. The Spencer Township Advisory Board shall appoint one (1) person to serve an initial three (3) year term and may appoint one of its members.
3. An appointee of the Hayden Water Association to serve a two (2) year term.
4. A citizen of the utility coverage area appointed by the county commissioners to serve a three (3) year term.
5. A citizen of the utility coverage area appointed by the county commissioners to serve a four (4) year term.
6. After the initial staggered appointments, each appointment thereafter shall be for a four (4) year term.

Upon a vacancy of the Board of Directors, for any reason, the appointing authority for that trustee shall appoint a replacement trustee to complete the term of the trustee who vacated his office within thirty (30) days of the Notice of Vacancy.

13. Plans for Future. The plan for financing the cost of operations of the District until it is in receipt of revenue from its operations or proceeds from the sale of bonds includes all available public finds and private contributions.

14. A preliminary engineering report has been prepared by Bernardin, Lochmueller and

Associates, Inc. and is included with this petition as Exhibit "F".

15. Estimate of Cost. The preliminary estimates of the cost of accomplishing the purpose of the District, of operating and maintaining the works, the source of funding for such costs and a rate and financing analysis has been prepared by Sue Haase and is attached as Exhibit "G".

16. Filing of Petition. A copy of this Petition has been filed in the office of the Jennings County Commissioners, Jennings County Council, Spencer Township Trustee, Spencer Township Advisory Board, Jennings County Conservation District, Jennings County Health Department, who are executives of the only governmental entities having territory within the proposed district, on the date of filing herein.

17. This Petition and its Exhibits are available for review at the Jennings County Public Library, at 2375 North State Highway 3, North Vernon, Indiana 47265.

18. WHEREFORE, Petitioner requests:

(A.) That a public hearing be conducted in full;

(B.) That the relief requested in the Petition be granted by the IDEM Commissioner; and,

(C.) That the IDEM Commissioner issue his order creating the Hayden Wastewater Utility, Inc. Regional Sewer District.

The above Petition to form a Regional Sewer District in Spencer Township, Jennings County, Indiana was approved by the Jennings County Council on the 15th day of May, 2012.

COUNTY COUNCIL OF JENNINGS COUNTY, INDIANA

By: _____

Larry J. Greathouse, Authorized Representative