

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT
SS: ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF THE)
SECOND MODIFICATION)
OF THE BEAR HIGH WOLF LAKE)
REGIONAL SEWER DISTRICT)

SECOND MODIFICATION OF THE BEAR HIGH WOLF LAKE
REGIONAL SEWER DISTRICT

On or about February 14, 2013, the Bear High Wolf Lake Regional Sewer District Board of Trustees (Board of Trustees) petitioned the Indiana Department of Environmental Management (IDEM) to amend the Order forming the Bear High Wolf Lake Regional Sewer District (Original Order) and the Order Modifying the Order Adopting the Findings of Fact and Recommended Order (Modifying Order) for the organization of the Bear High Wolf Lake Regional Sewer District (District).

IDEM recognizes the February 14, 2013, letter as a formal Petition by the Board of Trustees, to amend the District's bylaws to permit the restructure to the Board of Trustees. The Petition is in accord with Indiana Code (IC) 13-26-1-2, IC 13-26-2-3(5) and IC 13-26-4 *et seq.* The Petitioner requests an amendment to the Modifying Order dated January 12, 1999, providing that all five (5) appointments be made by the Noble County Commissioners rather than elected. Upon the expiration of the initial term of the appointments, all appointments shall be for terms of four (4) years.

IDEM held a public hearing on April 2, 2013, to receive public comments on said Petition. Approximately twenty (20) people attended the public hearing; no formal testimony was given.

The Commissioner of IDEM now orders that the Original Order of July 17, 1996, forming the Bear High Wolf Lake Regional Sewer District and the Modifying Order of January 12, 1999, for the District, be amended as follows:

- A. One (1) Trustee shall be appointed for a term of one (1) year; commencing within forty-five (45) days of the signed Second Modification. The Trustee shall be appointed by the majority vote of the Noble County Commissioners.
- B. Two (2) Trustees shall be appointed for a term of two (2) years; commencing within forty-five (45) days of the signed Second Modification. The Trustee shall be appointed by the majority vote of the Noble County Commissioners.

- C. Two (2) Trustees shall be appointed for a term of (1) year; commencing within forty-five (45) days of the signed Second Modification. The Trustee shall be appointed by the majority vote of the Noble County Commissioners.
- D. All appointment terms, subsequent to expiration of the initial terms described above, shall be for a period of four (4) years.
- E. Upon a vacancy on the Board of Trustees, the Noble County Commissioners shall appoint a replacement to complete the term of the Trustee who vacated his/her office within thirty (30) days of the Notice of Vacancy.
- F. That, in all other respects, Bear High Wolf Lake Regional Sewer District will remain subject to the terms of the Order dated July 17, 1996, and the Modifying Order dated January 12, 1999.

Pursuant to IC § 4-21.5-3-5(f) and IC § 4-21.5-3-2(e), this Modifying Order and the Order of the Bear High Wolf Lake Regional Sewer District, become effective eighteen (18) days after its mailing. If you wish to challenge this decision, IC 4-21.5-3-7 requires that a Petition for administrative review be filed. The Petition describing your intent must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, IGC-N, Room 501, Indianapolis, Indiana 46204, within eighteen (18) days from the mailing of this notice. This petition must be filed in accordance with IC 4-21.5.3-7, and must include facts demonstrating that the petitioner is the applicant, a person aggrieved by this decision, or a person entitled to review by law.

DATED in Indianapolis, Indiana, on this 19th day of JUNE, 2013.


Thomas W. Easterly, Commissioner

Indiana Department of Environmental Management