STATE OF INDIANA	)	BEFORE THE INDIANA DEPARTMENT
	) SS:	OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION	)	
IN THE MATTER OF:	)	
	)	
INCREASE IN NUMBER	)	
OF BOARD MEMBERS	)	
ELKHART COUNTY REGIONAL	)	
SEWER DISTRICT	)	

FIRST ORDER MODIFYING THE ORDER FORMING THE ELKHART COUNTY REGIONAL SEWER DISTRICT

The Elkhart County Regional Sewer District (District) was previously established by Order of the Indiana Department of Environmental Management (IDEM), dated November 4, 2004, for the purpose of collection, treatment and disposal of sewage. The Order stated the District shall be governed by a Board of five (5) voting members to be appointed.

On May 11, 2015, the District, by its Board of Trustees, petitioned to amend the Order, pursuant to Indiana Code (IC) §13-26-1-2(3), by requesting to increase the district's board members from five (5) to an eleven (11) member board. It will comprise of seven (7) voting members and four (4) ex-officio (non-voting board members). Currently the five (5) member district board is appointed by the Elkhart County Council which has one (1) member, Elkhart County Commissioners which has two (2) members, the Osolo Township Trustee and Advisory Board has one (1) member, and one (1) appointment currently comes from the Mayor of Elkhart. The District expanded its boundaries in 2010, to encompass all of the unincorporated areas of Elkhart County that are currently not covered by an existing entity.

The Commissioner of IDEM now orders that the Order of November 4, 2004, be amended. The District's request to increase the District's board from five (5) trustees to

eleven (11) is approved.

The five (5) current trustees appointed by shall remain in office for the remainder of their current terms. The Elkhart County RSD shall be governed by a Board of seven (7) voting members and four (4) ex-officio members to be appointed as follows:

A. The Elkhart County Commissioners shall appoint two (2) members. Their term shall expire December 31, 2017.

B. The Elkhart County Council shall appoint one (1) member. Their term shall expire December 31, 2019.

C. The Osolo Township Trustee and Advisory Board shall appoint one (1) member. Their term shall expire December 31, 2016.

D. The executive of the City of Elkhart shall appoint one (1) member. Their term shall expire December 31, 2022.

E. The executive of the City of Goshen shall appoint one (1) member. Their term shall expire December 31, 2023.

F. The executive of the City of Nappanee shall appoint one (1) member. Their term shall expire December 31, 2023.

G. The Middlebury Town Council shall appoint one (1) ex-officio member. Their term shall expire December 31, 2019.

H. The Millersburg Town Council shall appoint one (1) ex-officio member. Their term shall expire December 31, 2019.

I. The Wakarusa Town Council shall appoint (1) ex-officio member. Their term shall expire December 31, 2019.

J. The New Paris Conservancy District shall appoint one (1) ex-officio member. Their term shall expire December 31, 2019.

K. All appointment terms, subsequent to expiration of the initial terms described above shall be for a period of four (4) years.

L. In the event a vacancy occurs on the Elkhart County RSD Board, the appointing authority for that trustee shall appoint a new board member within thirty (30) days to complete the term of the vacant board member position(s).

In all other respects, the Order dated November 4, 2004, shall remain the same. Pursuant to IC § 4-21.5-3-5(f) and IC § 4-21.5-3-2(e), this Order to amend the Order dated November 4, 2004 forming the Elkhart County Regional Sewer District, becomes 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, 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 petitioner, a person aggrieved by this decision, or a person entitled to review by law.

DATED in Indianapolis, Indiana, on this 20th day of July, 2015.

Thomas W. Easterly

Commissioner

Indiana Department of Environmental Management