STATE OF INDIANA	)	BEFORE THE INDIANA DEPARTMENT
	) SS:	OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION	)	
IN THE MATTER OF:	)	
	)	
MODIFICATION OF BONDING	)	
REQUIREMENTS OF THE	)	
BROOKVILLE LAKE REGIONAL	)	
WASTE DISTRICT	)	

SECOND ORDER MODIFYING THE ORDER FORMING THE BROOKVILLE LAKE REGIONAL WASTE DISTRICT

The Brookville Lake Regional Waste District (District) Petitioner, was previously established by Order from the State of Indiana Stream Pollution Control Board, dated August 20, 1974. The Order is for the purpose of collection, treatment and disposal of sewage and distribution of water. Item 6 of the Order states: "That the Board of Trustees shall 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 10% of, those funds anticipated to be received by the District during a fiscal year of the district, divided by six (6), which amount shall be determined annually be the Board of Trustees."

On or about September 9, 2015, the District, by its Board of Trustees, petitioned to amend item 6 of the Order, pursuant to Indiana Code (IC) §13-26-1-2, to read: "That the Board of Trustees shall provide sufficient bond for all officers, Trustees or employees who have any power to dispense or accept funds of the district. The amount must equal thirty thousand dollars ($30,000) for each one million ($1,000,000) of receipts of the District during the last complete fiscal year before the purchase of the bond. The amount may not be less than thirty thousand dollars ($30,000) nor more than three hundred thousand dollars ($300,000) unless the fiscal body approves a greater amount for the officer or employee or is a requirement for funding by a State of Federal agency."

The Commissioner of IDEM now orders that the Order dated August 20, 1974, be amended. The District's request to revise the bonding requirements for anyone who has power to dispense funds is approved.

Item 6 of the Order shall now read: "That the Board of Trustees shall provide sufficient bond for all officers, Trustees or employees who have any power to dispense or accept funds of the District. The amount must equal thirty thousand dollars ($30,000) for each one million ($1,000,000) of receipts of the District during the last complete fiscal year before the purchase of the bond. The amount may not be less than thirty thousand dollars ($30,000) nor more than three hundred thousand dollars ($300,000) unless the fiscal body approves a greater amount for the officer or employee or is a requirement for funding by a State of Federal agency."

In all other respects, the Order dated August 20, 1974, 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 August 20, 1974 forming the Brookville Lake Regional Waste 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 17th day of December, 2015.

Carol S. Comer,
Commissioner
Indiana Department of Environmental Management

Resolution 2015-01

A RESOLUTION APPROVING THE SUBMISSION OF A PETITION TO IDEM TO REVISE ITEM #6 OF THE BROOKVILLE LAKE REGIONAL WASTE DISTRICT'S CREATION ORDER

On this ___ day of 2015 the Board of Trustees of the Brookville Lake Regional Waste District approve the submission of a petition to the Indiana Department of Environmental Management to revise Item #6 of the Brookville Lake Regional Waste District's Creation Order (Cause # B-238) dated August 20, 1974.

Item #6 currently states "That the Board of Trustees shall provide sufficient bond for all officers, Trustees or employees who have any power to dispense or accept 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 during a fiscal year of the district, divided by six (6), which amount shall be determined annually by the Board of Trustees."

This petition revises Item #6 to read: "That the Board of Trustees shall provide sufficient bond for all officers, Trustees or employees who have any power to dispense or accept funds of the district. The amount must equal thirty thousand dollars ($30,000) for each one million ($1,000,000) of receipts of the District during the last complete fiscal year before the purchase of the bond. The amount may not be less than thirty thousand dollars ($30,000) nor more than three hundred thousand dollars ($300,000) unless the fiscal body approves a greater amount for the officer or employee or is a requirement for funding by a State of Federal agency."

Approved this ___ day of ____ by the Board of Trustees of the Brookville Lake Regional Waste District.

Brookville Lake
Regional Waste District

Email: blrwd1974@yahoo.com
Web: www.blrwd.org

21 East Union Street
Liberty, IN 47353-1346
Tel: (765) 458-7461
Fax: (765) 458-7146

September 9, 2015

Edward Judson
Regional Water and Sewer District Coordinator
100 N Senate Ave
MC 65-40 LN IGNC RM 1255
Indianapolis, IN 46204

RE: Revised Petition to Modify Creation Order

Dear Edward,

Attached is the revised petition we discussed. Please contact me if you have any questions.

Respectfully,

Ted Stubbs
District Manager

Attachment

2015 SEP 14 P 11:06

REGIONAL SEWER DISTRICT SUMMARY

Background

On August 20, 1974, the Stream Pollution Control Board of the State of Indiana signed the Recommended Order (Order) (Attachment 1) for the organization of the Brookville Lake Regional Waste District (District).

The Request for Modification

On September 9, 2015, IDEM received from the District a petition requesting a modification to their Order. (Attachment 2) The modification is a revision to the bond requirements. The District received an audit through the Indiana State Board of Accounts (SBA). The SBA determined the District did not have their employees sufficiently bonded to meet the requirements of the Order. The District found it to be cost prohibitive to provide the required bonds. The District has chosen to rectify the current situation by asking for a modification to their Order.

The Order states "That the Board of Trustees shall provide sufficient bond for all officers, Trustees or employees who have any power to dispense or accept 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 during a fiscal year of the District, divided by six (6), which amount shall be determined annually by the Board of Trustees."

The Order now is revised to read: "That the Board of Trustees shall provide sufficient bond for all officers, Trustees or employees who have any power to dispense or accept funds of the District. The amount must equal thirty thousand dollars ($30,000) for each one million ($1,000,000) of receipts of the individual's office during the last complete fiscal year before the purchase of the bond. The amount may not be less than thirty thousand dollars ($30,000) nor more than three hundred thousand dollars ($300,000) unless the fiscal body approves a greater amount for the officer or employee or is a requirement for funding by a State or Federal agency."

A draft of the language was sent to Mr. Todd Caldwell, the Director of Audit Services of the SBA. The SBA is in agreement with the modified language (Attachment 3).

The 2008 modification to reduce trustees from 9 to 7 is Attachment 4.

Public Comment and Progress To Date

The District has been meeting on a regular basis. The meetings are public noticed and the public is encouraged to attend. IDEM has not received any comments regarding this petition.

Recommendation

The District has met the statutory requirements for requesting a new formula to bond their employees. It is recommended that the District be granted the First Modification to the Order for the Brookville Lake Regional Waste District.

STATE OF INDIANA

STREAM POLLUTION CONTROL BOARD

INDIANAPOLIS 46205

1330 West Michigan Street
633-5467

COPY

RE: IN THE MATTER OF THE PETITION OF THE COUNTY COMMISSIONERS OF UNION AND FRANKLIN COUNTIES, STATE OF INDIANA, FOR THE ORGANIZATION OF A REGIONAL SEWAGE DISTRICT, PURSUANT TO IC 1971, 19-3-1.1) CAUSE NO. B-238

RESOLVED: That the Findings of Fact and Recommendations of William D. Christen, Hearing Officer, on the above-captioned matter, dated August 8, 1974, which are adopted and incorporated herein by reference, show that the organization of the proposed Brookville Regional Waste District complies with the conditions of IC 1971, 19-3-1.1 for the creation of a district, and

That the proposed Brookville Regional Waste District appears capable to provide for the collection, treatment and disposal of human, commerical and industrial wastes within the proposed area so as to improve health, safety and welfare in an economically feasible manner.

NOW THEREFORE, IT IS ORDERED BY THE STREAM POLLUTION CONTROL BOARD OF THE STATE OF INDIANA:

1. That a regional sewage district to be known as the Brookville Regional Waste 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, treatment and disposal of sewage.

3. That the territory to be included in the district is as follows: all of Brownsville Township in Union County, Indiana, except section 25 located at the northwest corner; the following sections of land in Harrison Township, Union County: 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34; the following sections of land in Center Township, Union County, Indiana: 3, 4, 5, 6, 1, 12, 7, 8, 9, 16, 17, 18, 13, 24, 19, 20, and 21, but excepting there from that portion of land presently known as and described as the Town of Liberty, Indiana; all of Liberty Township of Union County excepting section 36; all of Harmony Township, Union County, Indiana;

SOME OF THIS HAS CHANGED. WE ARE NOW GOVERNED BY INDIANA CODE 13-26.

the following sections of land in Union Township, Union County: 29, 30, 31, 32, 5, 6, 7, 8, 17, and 18; the following sections of land in Bath Township in Franklin County, Indiana: 19, 20, 29, 30, and 31; all of Fairfield Township in Franklin County, Indiana; the following sections and fractional sections of land in Blooming Grove Township in Franklin County, Indiana: 1, 11, 12, 14, 15, 13, 23, and 24 and the following sections and fractional sections of land in Brookville Township in Franklin County, Indiana: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, and 17.

4. That the district be governed by a Board of Trustees consisting of nine (9) members, each of whom must be a registered voter in either Franklin or Union Counties, Indiana, and should be appointed in the following manner: (a) one member shall be appointed by the Governor of the State of Indiana by virtue of the fact the State lands will be involved in the district, said appointee to serve a four-year term and successive appointees to serve four-year terms. (b) one member to be appointed by the Board of Commissioners of Union County, Indiana. (c) one member to be appointed by the County Council of Union County, Indiana. (d) one member to be appointed by the Board of Commissioners of Union County, Indiana. (e) one member to be appointed by the County Council of Franklin County, Indiana. (f) one member to be appointed by the Board of Commissioners of Union County, Indiana. (g) one member to be appointed by the County Council of Union County, Indiana. (h) one member to be appointed by the County Council of Union County, Indiana. (i) one member to be appointed by the Board of Commissioners of Franklin County, Indiana.

   The trustees enumerated as (b) through (i) shall serve four-year terms, with the exception that the initial terms of Trustees (b) and (c) shall be for one year, the initial terms of Trustees (d) and (e) shall be for two years and the initial terms of Trustees (f) and (g) shall be for three years.

5. That the regional waste district shall only concern itself with human, commerical and industrial waste and that any waste created by agricultural operations, unless the operator of said agricultural operations so request, be excluded.

6. That the Board of Trustees shall provide sufficient bond for all officers, Trustees or employees who have any power to dispense or accept 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 during a fiscal year of the district, divided by six (6), which amount shall be determined annually by the Board of Trustees.

7. Six months from the date of this order, the Brookville Regional Waste District shall file with the Stream Pollution Control Board of the State of Indiana:

   a. A detailed plan for the initial project of the district which plan shall include engineering reports, plans and specifications, and a feasibility study in such form as the Stream Pollution Control Board shall require, and

   b. The proposed regulation or ordinance in reference to hook on requirements to the sewage collection system which will assure existing owners of property wherein human sewage wastes are generated that no hook on to the system will be required unless said source is actually causing a pollution or health hazard or said dwelling unit wherein the sewage wastes are created is within three hundred (300) feet of the sewer line.

Dated at Indianapolis, Indiana this 20th day of August, 1974.

ATTEST:

Oral H. Hert

Oral H. Hert, Technical Secretary
Stream Pollution Control Board
of the State of Indiana

Brookville Lake
Regional Waste District

Email: blrwd1974@yahoo.com
Web: www.blrwd.org

21 East Union Street
Liberty, IN 47353-1346
Tel: (765) 458-7461
Fax: (765) 458-7146

September 9, 2015

Edward Judson
Regional Water and Sewer District Coordinator
100 N Senate Ave
MC 65-40 LN IGNC RM 1255
Indianapolis, IN 46204

RE: Revised Petition to Modify Creation Order

Dear Edward,

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Respectfully,

Ted Stubbs
District Manager

Attachment

2015 SEP 14 P 11:06

Resolution 2015-01

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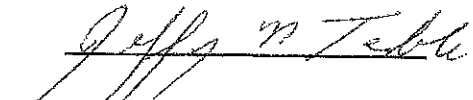
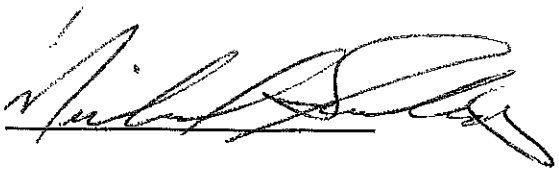
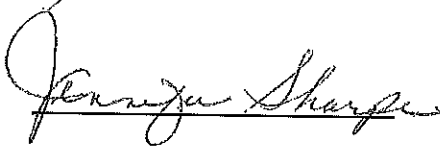
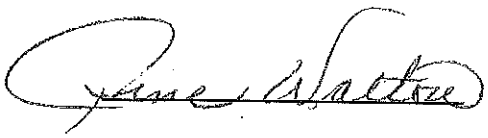
Approved this ___ day of ____ by the Board of Trustees of the Brookville Lake Regional Waste District.









Judson, Edward

From: Caldwell, Todd
Sent: Friday, October 23, 2015 5:02 PM
To: Judson, Edward
Cc: Gordon, Susan
Subject: RE: BROOKVILLE LAKE RWD MODIFICATION.docx

Edward,

We would not have any exceptions to the proposed modification to the working of Brookville's Order. The change is in line with current bonding statutes regarding the amount of coverage for many fiscal officers of political subdivisons.

If you have any other questions, please let me know.

Todd Caldwell
Director of Audit Services
Indiana State Board of Accounts

From: Judson, Edward
Sent: Friday, October 23, 2015 1:19 PM
To: Caldwell, Todd
Subject: BROOKVILLE LAKE RWD MODIFICATION.docx

Mr. Caldwell,

My name is Edward Judson. I recently took over for Lynne Newlon as the RSD Coordinator for IDEM. I have attached a bond modification for Brookville Lake RSD. The bonding language resembles the modification IDEM did for Patoka Lake which you reviewed for Lynne in May. I have not routed this for approval yet as I wanted to get your opinion on the language first.

Thank you.

Edward Judson