STATE OF INDIANA	)	BEFORE THE INDIANA DEPARTMENT
	) SS:	OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION	)	

IN THE MATTER OF:	)
THE FORMATION OF THE	)
ADAMS COUNTY	)
REGIONAL SEWER DISTRICT	)

FINDINGS OF FACT AND RECOMMENDED ORDER

OF THE HEARING OFFICER

FINDINGS OF FACT

1. On or about February 3, 2009, the Adams County Council and the Adams County Commissioners petitioned the Indiana Department of Environmental Management (IDEM) for an Order to establish a regional sewer district (Adams County RSD) in Adams County.

2. The submitted petition complies with the provisions of IC 13-26-2.

3. The proposed name of the regional sewer district is the Adams County Regional Sewer District (RSD).

4. A public hearing was held on July 1, 2009 at the Adams County Commissioners Room, 313 West Jefferson Street, Decatur, Indiana.

5. Notice of the hearing was given by publication in "The Berne Tri Weekly", "The Extra" and "The Decatur Dailey Democrat".

6. The principle office of the Adams County RSD shall be located at the office of the Adams County Auditor, Adams County Administration Building, 313 Jefferson Street, Decatur, Indiana 46733. The Adams County RSD Board of Trustees (Adams County RSD Board), upon formation, may relocate the office upon written notice to IDEM.

7. The sanitary sewage needs of those residents now residing within the Adams County RSD are currently being met with septic systems, some of which are failing.

8. The residents of the Adams County RSD currently obtain their water for drinking and other purposes from cisterns, or individual wells. Contamination from failing septic systems may detrimentally affect the water quality and public health within the Adams County RSD boundaries.

9. The current method of collection and disposal of the sanitary sewage of some of the residents of the Adams County RSD detrimentally affects the water quality and public health within the proposed district.

10. Upon formation, the Adams County RSD may construct and operate a system that will collect and treat the sanitary sewage of the residents of the Adams County RSD. The Adams County RSD may contract with a district or municipality to meet the sewage treatment needs of the residents of the RSD. The RSD may implement a septic maintenance/management program as needed.

11. The Adams County RSD is being formed to provide for the collection, treatment, and disposal of sewage within the district pursuant to IC 13-26-1-1.

12. The proposed district has no outstanding indebtedness.

13. The Adams County RSD shall be governed by seven (7) board members.

    A. The Adams County Council shall appoint one (1) member. The term shall expire December 31, 2012.

    B. The Adams County Commissioners shall appoint one (1) member. The term shall expire December 31, 2010.

    C. The Adams County Commissioners shall appoint one (1) member. The term shall expire December 31, 2012.

    D. The Adams County Commissioners shall appoint two (2) members. The term shall expire December 31, 2011.

    E. The Mayor of Decatur shall appoint one (1) member. The term shall expire December 31, 2012.

    F. The Mayor of Berne shall appoint one (1) member. The term shall expire December 31, 2012.

    G. All appointment terms, subsequent to expiration of the initial terms described above, shall be for a period of three (3) years.

    H. In the event a vacancy occurs on the Adams County RSD Board, the appointing authority for that trustee shall appoint a new board member within forty-five (45) days to complete the term of the vacant board member position(s).

14. The estimated monthly sewage rate is projected to be approximately $78.70, provided the Adams County RSD pursues and receives public funding as needed.

15. The Adams County RSD shall apply for available public funding as needed.

16. The operation and maintenance costs of the Adams County RSD will be derived from monthly user fees.

17. The Adams County RSD appears capable of accomplishing the purposes for which it was formed in an economically feasible manner, provided it maximizes all practicable public funding options and receives anticipated grants.

18. The territory to be served by the district includes all of the unincorporated area of Adams County. The current Certificates of Territorial Authority (CTAs) and any state-owned land are excluded from the proposed District.

19. There are currently three (3) CTA entities providing sewers in the unincorporated territory of the Adams County RSD.

20. The District must promote public health, safety, convenience, and welfare in its territory.

21. The Adams County RSD Board shall provide sufficient bond for all officers and Trustees, or employees who have any power to disburse funds of the Adams County RSD.

22. On or before July 26, 2010, the Adams County RSD shall file with the Commissioner of IDEM, a detailed plan (the "District Plan") for the construction and operation of Adams County RSD's facilities.

23. Options for the treatment and collection of wastewater have been preliminarily studied and further studies will be prepared after the formation of the district.

24. Establishment of the District will be conducive to the public health, safety, convenience and welfare of the residents of the District because the District plans to collect, dispose and treat sewage that is currently being provided by individual septic tanks or other on-site systems.

25. The plan for financing the cost of operations of the Adams County RSD until it is in receipt of revenue from its operation or proceeds from the sale of bonds may include a forty (40) year loan from the United States Department of Agriculture (USDA) Rural Utility Services or the Indiana state Revolving Fund (SRF) and private contributions.

26. Upon formation, the District may construct or contract for treatment, pumping, transmission, and storage distribution systems for the municipal and rural supply needs.

RECOMMENDED ORDER

The Hearing Officer recommends the following:

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

2. The purposes to be accomplished by the formation of the Adams County RSD are to provide for the collection, treatment, and disposal of sewage within the district pursuant to IC 13-26-1-1.

3. The territory to be served by the district includes all of the unincorporated area of Adams County. The current Certificates of Territorial Authority (CTAs) and any state owned land are excluded from the proposed District.

4. The Adams County RSD shall be governed by seven (7) board members.

    A. The Adams County Council shall appoint one (1) member. The term shall expire December 31, 2012.

    B. The Adams County Commissioners shall appoint one (1) member. The term shall expire December 31, 2010.

    C. The Adams County Commissioners shall appoint one (1) member. The term shall expire December 31, 2012.

    D. The Adams County Commissioners shall appoint two (2) members. The term shall expire December 31, 2011.

    E. The Mayor of Decatur shall appoint one (1) member. The term shall expire December 31, 2012.

    F. The Mayor of Berne shall appoint one (1) member. The term shall expire December 31, 2012.

    G. All appointment terms, subsequent to expiration of the initial terms described above, shall be for a period of three (3) years.

    H. In the event a vacancy occurs on the Adams County RSD Board, the appointing authority for that trustee shall appoint a new board member within forty-five (45) days to complete the term of the vacant board member position(s).

5. The Adams County RSD Board shall provide sufficient bond for all officers, trustees or employees who have any power to disburse funds of the Adams County RSD.

6. On or before July 26, 2010, the Adams County RSD shall file with the Commissioner of IDEM, a detailed plan (the "District Plan) for the construction and operation of Adams County RSD's facilities.

7. The Adams County RSD shall apply for all available public funding as needed.

8. Establishment of the District will be conducive to the public health, safety, convenience and welfare of the residents of the District because the District plans to collect, dispose and treat sewage that is currently being provided by individual septic tanks or other on-site systems.

9. The District must promote public health, safety, convenience, and welfare in its territory.

10. Upon formation, the District may construct or contract for treatment, pumping, transmission, and storage and distribution systems for the municipal and rural supply needs.

Dated: September 15, 2009 Hearing Officer Lynne Newlon