IDEM
OFFICE OF
WATER QUALITY
2009 FEB -3 P 2:11

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
STATE OF INDIANA

IN THE MATTER OF THE PETITION OF ADAMS COUNTY, INDIANA TO FORM A REGIONAL SEWER DISTRICT PURSUANT TO IC 13-26	)))	BEFORE THE COMMISSIONER, IDEM, STATE OF INDIANA,

PETITION

Adams County, by its Board of County Commissioners, tenders its 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. The proposed name of the regional sewer district shall be the "Adams County Regional Sewer District" of Adams County, Indiana.
2. This Petition has been approved by the Board of Adams County Commissioners as required by IC 13-26-2-2.
3. The Petition has also been approved by the Adams County Council inasmuch as it may be an "eligible entity" within the meaning of IC 13-26-2-2 and IC 13-11-2-86. A copy of the Resolution of the Adams County Council approving this formation of the District is attached as Exhibit A to this Petition. There are no other political subdivisions in the proposed district. Incorporated areas are excluded.
4. There are areas of land owned by the Indiana Department of Natural Resources or other state agencies within the proposed District. These designated areas shall be excluded from the jurisdiction of the District. . In order to comply with IC 13-26=2-10(b)(3) we will be sending a certified letter to the DNR detailing our plans.

5. The principal office of the district shall be located at the office of the Auditor of Adams County, Adams County Administration Building, Decatur Indiana, which has a mailing address of 313 Jefferson Street, Decatur, Indiana 46733.

6. The need for the proposed district has long been recognized by residents and businesses in the area, also by the Adams County Commissioners, the Petitioner herein, and by 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, some of which have failed, or will fail. The absence of public sanitary sewer service has contributed to suppression of development and environmental contamination in the proposed District.

7. 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.

8. Creation 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) Some sanitary sewer systems exist in the proposed District adjacent to some incorporated areas

(B) Sewage collection, disposal and treatment in the proposed District is mainly being provided by individual septic tanks or other on-site systems at each residence or place of business. Those on-site systems, which may be in failure, 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 tank or

other on –site systems is not feasible due to the cost, condition of the soil or parcel size.

(C) There are Public (Incorporated Areas) Owned Treatment Works within the boundary of the proposed District for treatment of sanitary sewage. Further studies will show if other treatment facilities need to be provided or some existing facilities expanded in adjacent incorporated areas. (See Engineering Report, Exhibit D)

9. There is no outstanding indebtedness for the purpose proposed within the proposed District. The absence of a sanitary sewer system hinders commercial growth in the proposed District. The proposed District has available some utility services for development of the real estate. Further, the absence of sanitary sewers has limited residential growth in the proposed District because the requirements of Adams County and the Indiana Department of Health, as they apply to septic tanks and other on –site systems, prohibit construction of economically viable residential subdivisions.

10. The territory to be included in the District is all that part of Adams County, Indiana outside of the municipally incorporated areas, as well as areas currently services by CTA's of such County. Also, any state parks or state-owned lands, such as by the DNR are excluded. The boundaries of the proposed District are more particularly detailed on the map attached to this Petition as Exhibit B detailing the District's boundaries.

The proposed district currently contains three (3) Certified Treatment Areas:

Amishville
Bill Brock
844 E 900S
Geneva, Indiana 46740

Country Acres
Maxine Shaffer
995 W Paradise Lane
Decatur, Indiana 46733

Oakridge Estates
Hoosier Group/Denmark Management
2950 W 1100 N #36
Decatur, Indiana 46733

Also, there may be state-owned land as referenced in item # 4 above. Our research indicates that none of the state-owned land (DNR) is services by a CTA. In order to comply with IC 13-26=2-10(b)(3) we will be sending a certified letter to the private providers detailing our plans and how it affects their system as well as to the DNR addressed below:

DNR
Ken Brunswick
Limberlost State Historical Site
P O Box 356
Geneva, Indiana 46740

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

(A) The District Board shall be seven (7) trustees.

(B) The initial Board shall be appointed as follows:

Three (3) Trustees shall be appointed by the Board of County Commissioners of Adams County. One (1) of the three appointments made by the Commissioners will be by a recommendation from the Adams County Board of Health.

Two (2) Trustees shall be appointed by the Adams County Council, and

One (1) Trustee shall be appointed by the Mayor of Decatur, and

One (1) Trustee shall be appointed by the Mayor of Berne. Such Trustees' term shall be until January 1, 2010, or until their successor is appointed.

(C) Thereafter, the Board of Trustees shall be selected by appointment as follows:

1. **Three-year terms as follows:** Four (4) members, one (1) appointed by the Mayor of Decatur, One (1) by the Mayor of Berne, One (1) by the Adams County Council, and One (1) by the Adams County Commissioners, shall be appointed for a term of three (3) years.
2. **Two-year terms as follows:** Two (2) members shall be appointed by the Adams County Commissioners for a term of two (2) years.
3. **One-year term as follows:** One (1) member shall be appointed by the Adams County Commissioners for a term of one (1) year.

   Upon the expiration of the above appointments, all appointments by the appointing body shall be for terms of three (3) years.

   Upon a vacancy on the Board of Trustees, for any reason, the appointing authority for that Trustee shall appoint a replacement Trustee within **45 days** to complete the term of the Trustee who vacated his office.

12. Options under consideration 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 include: a loan from the State Revolving Fund, funding from Adams County revenue sources, private contributions and grants.
13. The estimates of the cost of accomplishing the purpose of the District, including recommended wastewater improvements, operating and maintaining the recommended improvements, the source of funding of such costs and estimates of rates and charges required for the District is found in the Unsewered Area Engineering Report prepared for the Board of Commissioners and located in Exhibit D.
14. A copy of this Petition has been filed in the office of the Board of Commissioners of Adams County, Indiana. A copy of this Petition has also been filed with the

Town Councils of Monroe and Geneva, and the Cities of Decatur and Berne. Additionally, the Petition (without the Engineering Report) has been filed with the School Corporation, the Libraries of Berne, Decatur, and Geneva, also with fire departments, and with the Adams County Township Assessor's Office. The Petition along with the Engineering Report is on file in its entirety with the Adams County Library, the Adams County Commissioners, the Adams County Council, and the Libraries of Decatur, Berne and Geneva.

The designated representative for this petition is Mark Burry, Attorney at Law, 113 N Second Street, Decatur, IN 46733.

WHEREFORE, Petitioners request:

1. That a public hearing be conducted on this Petition by IDEM after the giving of the proper notice thereof;
2. That the relief requested in the Petition be granted by the Commissioner; and,
3. That the Commissioner issue his order creating the "Adams County Regional Sewer District" of Adams County.

Submitted this 29th day of December, 2008.

Board of County Commissioners
Adams County, Indiana

By: _____
Doug Bauman, President

Counsel for Petitioner:

_____
Mark Burry

The above Petition to form a sewer district in Adams County, Indiana, is APPROVED by the Board of County Commissioners of Adams County this 29th day of December, 2008.

Board of County Commissioners
Adams County, Indiana

Doug Bauman, President

ATTEST:

Bill Borne
Adams County Auditor

Exhibit A

ADAMS COUNTY COUNCIL

Resolution 2008-11

WHEREAS, the Board of Adams County Commissioners have petitioned the Commissioner of the Indiana Department of Environmental Management (IDEM), for an order directing that the Adams County Regional Sewer District be formed;

NOW, Therefore, be it resolved by the Adams County Council that it approves the formation of the Adams County Regional Sewer District.

Adopted this 9th day of December, 2008.

ADAMS COUNTY COUNCIL

ADAMS COUNTY BOARD OF HEALTH
REGIONAL SEWER DISTRICT
SUPPORTING RESOLUTION
December 3, 2008

WHEREAS, the Adams County Board of Health recognizes the health considerations and concerns of inadequate wastewater collection and treatment within the unincorporated areas of Adams County, Indiana; and

WHEREAS, the Adams County Board of Health has reviewed the Engineering Report prepared by Commonwealth Engineers, Inc., which report addresses wastewater collection and treatment facilities for various unincorporated communities within Adams County, Indiana; and

WHEREAS, a Petition to the Commissioner of the Indiana Department of Environmental Management for the creation of a regional sewer district for Adams County has been presented to the Adams County Commissioners for approval; and

WHEREAS, the Adams County Board of Health believes that the creation of a regional sewer district within Adams County will be a benefit to the citizens of the County for both the public health and for economic development.

NOW THEREFORE, BE IT RESOLVED THAT the Adams County Board of Health supports and approves of the formation of the Adams County Regional Sewer District.

Adopted this 3rd day of December, 2008.

Adams County Board of Health

Roger Thompson, DDS

Gregg Drake

Charlie Tooley

Donna Barger

Mark Gresla, MD

Mike Ainsworth, MD

Emil Meyer, DVM