STATE OF INDIANA	)	**BEFORE THE INDIANA DEPARTMENT**
	)	**OF ENVIRONMENTAL MANAGEMENT**
COUNTY OF MARION	)	

IN THE MATTER OF:	)
	)
IN THE MATTER OF THE PETITION OF	)
THE BOARD OF TRUSTEES OF THE ALLEN	)
COUNTY REGIONAL WATER AND SEWER	)
DISTRICT, ALLEN COUNY, INDIANA	)

ORDER MODIFYING THE ALLEN COUNTY REGIONAL WATER AND SEWER DISTRICT

This matter comes before the Commissioner of the Indiana Department of Environmental Management ("IDEM") on a petition to modify submitted pursuant to Indiana Code ("IC") §13-26-1-2 by the Allen County Regional Water and Sewer District ("District"). In support of the petition, the District states the following:

1. On July 5, 1979, the Stream Pollution Control Board of the State of Indiana entered an Order establishing the Allen County Regional Sewer District.

2. On February 17, 1993, IDEM issued an Order Granting Modification of Allen County Regional Sewer District. The February 17, 1993 Order: (i) changed the name of the District from Allen County Regional Sewer District to the Allen County Regional Water and Sewer District, and (ii) expanded the purpose of the District to include the control and regulation of water systems within the District.

3. The Regional District Plan, dated September 10, 2013, and determined to be complete by IDEM on April 4, 2012, set forth the service areas as the same area established by the 1979 Corrected Final Order.

4. On May 4, 2022, the District executed a Utility System Asset Acquisition Agreement

("Acquisition Agreement") with the City of Fort Wayne, Indiana ("City"). Pursuant to the Acquisition Agreement, the City will own, operate, and assume all responsibility for the District's assets and provide service to all current customers of the District in and around the District.

5. In the Acquisition Agreement, the District and City specifically recognize that to maintain rates and expenses at the lowest possible level for its customers in and around the District's service territory, the City should be granted, through an Interlocal Agreement, the right to exercise the District's rights within the District's territory and serve subject to applicable law on the issue.

6. On May 25, 2022, the District petitioned IDEM for an order that (i) confirms the District has the power and authority to regulate, control, and provide sewer and water service inside and outside the District's territory, and (ii) removes the language from the establishment of the District in 1979 that states the District's territory could automatically be changed to exclude those areas sought to be served by the City or any other entity.

ORDER

IT IS NOW ORDERED BY THE COMMISSIONER, pursuant to IC §13-26-1-2, that the Order establishing the Allen County Regional Water and Sewer District dated July 5, 1979, and as modified on February 17, 1993, shall be reaffirmed, and modified as follows:

1. Pursuant to Ind. Code § 13-26-1-1(1) and (2), the District is established to "provide a water supply for domestic, industrial, and public use to users inside and outside the district"; and to "provide for the collection, treatment, and disposal of sewage inside and outside the district;

2. Paragraph 3 (A) through (D) of the 1979 Corrected Final Order establishing the District will be superseded and replaced by the following:

The territory included in the district will consist of all of Allen County, Indiana, except the following described areas:

(A) Territories currently being serviced by the following: (1) municipal sewer utility of the City of Fort Wayne, (2) the municipal sewer utility of the City of New Haven, (3) the municipal sewer utility of Woodburn, (4) the municipal sewer utility of the Town of Grabill, (5) the municipal sewer utility of the Town of Huntertown, and (6) the municipal sewer utility of the Town of Monroeville.

(B) Territories previously approved as planning areas or boundaries for: (1) the Leo-Cedarville Regional Sewer District, and (2) the Maysville Regional Sewer District.

(C) Areas reserved pursuant to a Certificate of Territorial Authority issued by the Indiana Public Service Commission for Diversified Utilities, Inc., Sewage Utilities of Indiana, Inc., Clearwater Utilities, Inc., and the Maplewood Park Utilities, Inc.

3. The service areas defined in the Regional District Plan will be modified as set forth above.

In all other respects the Order establishing the District shall remain in effect.

Notice of Right to Administrative Review

If you wish to challenge this action, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM and all persons to whom the action is directed. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7 and 315 IAC 1-3-2. Addresses for OEA and IDEM are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room N103
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

More information on the review process is available at the OEA website at http://www.in.gov/oea and the IDEM website at https://www.in.gov/idem/legal/2329.htm.

IT IS SO ORDERED this 6 day of July 2022, Indianapolis, IN

Brian Rockensuess, Commissioner
Indiana Department of Environmental Management