INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
STATE OF INDIANA

IN THE MATTER OF THE	)	
PETITION OF MARSHALL COUNTY, IN	)	
TO ESTABLISH A REGIONAL	)	**BEFORE THE COMMISSIONER**
SEWER DISTRICT PURSUANT TO	)	**IDEM, STATE OF INDIANA**
IC § 13-26	)	

PETITION TO ESTABLISH A REGIONAL SEWER DISTRICT

Marshall County, Indiana, by its Board of County Commissioners and Council, tenders its Petition to the Commissioner, Indiana Department of Environmental Management, pursuant to IC § 13-26, for an order directing that a regional sewer district (hereinafter "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. Proposed Name. The proposed name of the District shall be the Marshall County Regional Sewer District.

2. Designated Representative. The designated representative for the petitioner for additional information and amendments shall be Kevin G. Overmyer, member, Marshall County Commissioners, (work: 574-935-8555, email: kgovermyer@gmail.com).

3. Principal Office. The principal office of the district shall be located at the Marshall County Auditor's office, which has a mailing address of 112 W. Jefferson Street, Plymouth, Indiana 46563.

4. Approval by the County Commissioners. The petition has been approved by the Marshall County Commissioners as required by I.C. 13-26-2-2 and is included as Exhibit A and Exhibit B.

5. Approval by Fiscal Body. The Petition has been approved by the Marshall County Council as required by l.C. 13-26-2-2 and has been included as Exhibit B.

6. Territory in District. The territory to be included in the District is the territory in the maps provided as Exhibit C and described below.

a. Latonka Lake, Mill Pond, Lawrence Lake;
b. East Bremen;
c. North Michigan Area; Rushmoor
d. Addition;
e. Donaldson & Ancilla Domini Covent;
f. McQueen's Broadview;
g. Golfview Estates;
h. Deer Trail, Tall Oaks, Carriage Hills; South
i. Michigan Street;
j. Inwood;
k. Burr Oak;
l. Hawk Lake; and

m. State Road 331 South Tippecanoe.

7. Need for the District. The need for the proposed District has long been recognized by residents, businesses and elected officials such as the Marshall County Commissioners and other members of the public. The need is generally that sanitary sewage disposal is provided in the area by an on- site septic tank, many of which leak, have failed or will fail. The absence of public sanitary sewer service has contributed to a public health hazard and environmental contamination in the proposed District, as demonstrated in the letter from the Marshall County Board of Health that is included with this Petition as part of Exhibit **D.**

8. Purpose. The purpose to be accomplished by the formation of the District is the provision of the reduction of the 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.

9. Support for the District. Support or awareness of this Petition regarding the District from entities near or within the Territory of the District is demonstrated in the documents included as Exhibit E.

10. Establishment. Establishment 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. No sanitary sewer system exists in the proposed District.

b. Sewage collection, disposal, and treatment in the proposed District is currently being provided by individual septic tanks or other on-site systems at each residence or place of business. Those on-site systems that have failed or are failing 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 tanks or other on-site systems is not feasible due to the cost, condition of the soil or parcel size.

c. There are no publicly or privately-owned sewage treatment works in the proposed District for treatment of sanitary sewage, which situation inhibits the ability of the residents to alleviate environmental and public health concerns created by failed and failing septic systems.

1I. Indebtedness. There is no outstanding indebtedness for the purpose proposed in the proposed District. The absence of sanitary sewers hinders property values and has limited residential growth in the proposed District because the requirements of Marshall County, the Indiana State Department of Health and the Indiana State Department of Environmental Management, as they apply to septic tanks and other on-site systems, prohibit, in many instances, construction of economically viable residential subdivisions and other land developments.

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

a. The District Board shall be seven (7) Trustees.

b. The Trustees shall be composed of seven (7) appointees from the local community of Marshall County residents in accordance with the following:

i. five (5) members appointed by the Marshall County Commissioner's Office,

ii. one (l) member appointed by the Marshall County Council,

iii. one (1) appointed by the executive of the City of Plymouth.

c. The above appointments will initially be limited in duration as follows:

i. Marshall County Commissioners' first appointee: 2 years

ii. Marshall County Commissioners' second appointee: 3 years

iii. Marshall County Commissioners' third appointee: 3 years

iv. Marshall County Commissioners' fourth appointee: 4 years

v. Marshall County Commissioners; fifth appointee: 4 years

vi. Marshall County Council Appointee: 4 years

vii. City of Plymouth Executive Appointee: 2 years

d. Upon the expiration of the above initial appointments, all appointments by the appointing body shall be for terms of four (4) years.

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

13. Review and Consulting Board. The Marshall County Regional Sewer District Consulting Board (Consulting Board) shall be a non-voting entity that will provide technical assistance to the District. The Consulting Board shall consist of the following:

a. Representatives of the Marshall County Health Department.
b. Representatives of the Marshall County Surveyor's Office.
c. Representatives of the Marshall County Commissioner's Office.

14. Plans for Future. The plan for financing the cost of operations of the District until it is receipt of adequate revenue from its operations or proceeds from the sale of bonds includes all available public funds and private contributions. The median income for Marshall County according to the 2015-2019 Census is $52,658. The Commissioners are willing to include a possible per diem up to Fifty Dollars ($50.00) per meeting for the Trustees.

15. Estimate of Cost. The initial and preliminary estimates of the cost of accomplishing the purpose of the District, of operating and maintaining the works, the source of funding of such District and a copy of the preliminary feasibility study recommendation and conclusion are attached hereto in summary form as Exhibit F.

16. Public Meeting. A Public Meeting in accordance with IC 13-26-2-2.5 was conducted on February 21, 2022, to discuss and receive comments regarding the proposed Marshall County Regional Sewer District. Materials used to notify residents of the Public Meeting, materials that were used during the discussion at the meeting, a list of those who attended the Public Meeting and a list of the comments that were received are included in Exhibit G.

17. Filing of Petition. A copy of this Petition will be filed within IO days of filing this Petition pursuant to IC 13-26-2-1 in the office of Marshall County Commissioners, Marshall County Council, Bourbon Township Trustees, Center Township Trustees, German Township Trustees, Green Township Trustees, North Township Trustees, Polk Township Trustees, Tippecanoe Township Trustees, Union Township Trustees, Walnut Township Trustees, West Township Trustees, Argos Community Schools, Bremen Public Schools, Culver Community Schools, John Glen Community School Corporation, Plymouth Community Schools, Triton Community Schools, Union-North United School Corporation, Marshall County Health Depaitment, who are executives of governmental entities having territory within the proposed District on the date of filing herein.

18. Availability of Petition for Review. This Petition and Exhibits are available for review at each of the following locations on the date of filing herein for a duration of at least ninety days from the date of this Petition:

a. Each of the public libraries in Marshall County
b. The office of the Marshall County Economic Development Corporation
c. The office of the Marshall County Health Department

WHEREFORE, Petitioners request:

I. 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 IDEM Commissioner; and

3. That the IDEM Commissioner issue his order creating the Marshall County Regional Sewer District.

The above Petition to fonn the Marshall County Regional Sewer District in,.¥arshall County, Indiana was APPROVED by the Marshall County Board of Commissioners on this day of April, 2022.

BOARD OF COMMISSIONERS OF MARSHALL COUNTY, INDIANA

By: _____
Kevin G. Ovennyer

Counsel for Petitioner:

James N. Clevenger

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EXHIBIT
A

AMENDED MARSHALL COUNTY RESOLUTION 2021-22

Resolution of lhe Marshall County Commissioners to Proceed with the Establishment of a Marshall County Regional Sewer District for Priority Service Areas but not to Include Teegarden or Tyner

WHEREAS, the Marshall County Health Department has recommended that the County establish a Regional Sewer District for the purpose of collecting, treating, and disposing of sewage and other liquid waste in certain unincorporated areas of Marshall County (Priority Service Area) so as to improve the health and welfare of citizens living in high density areas within the county; and

WHEREAS, landowners in the priority service area of Teegarden and the priority service area of Tyner, strenuously object to the inclusion of their communities as part of the Regional Sewer District;

NOW THEREFORE BE IT RESOLVED by the Marshall County Board of Commissioners that there is a need to ensure and protect the water supply and to collect, treat, and dispose of sewage and other liquid waste in the high density, priority service areas of the County and the County should proceed to petition for the establishment of a Regional Sewer District to cover such priority service areas one (I) through thirteen (13) as follows:

Latonka, Lawrence Lake and Mill Pond areas, PSA 1;
Bremen East, PSA 2;
North Michigan area, PSA 3;
Rushmoor, PSA 4;
Donaldson, PSA 5;
McQueen's, PSA 6;
Golfview, PSA 7;
Deer Trail, Tail Oaks, and Carriage Hills, PSA 8;
South Michigan, PSA 9;
Inwood, PSA IO;
Burr Oak, PSA 11;
Hawk Lake, PSA 12;
and Tippecanoe, PSA 13.

See attached map

BE IT FURTHER RESOLVED that it is in the best interest ofMatllhall County and is the Intention of the Board of County Commissioners that the first priority project should be for Latonka, Lawrence Lake and Mill Pond areas, PSA 1; and

BE IT FURTHER RESOLVED that the establishment of a Regional Sewer District shall not include Teegarden and Tyner.

PASSED AND ADOPTED by the Marshall County Board of Commissioners this

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.2021.

MARSHALL COUNTY
COMMISSIONERS

Kevin G. Overmyer

Stan Klotz

Michael D. Burroughs

ATTEST:

JulieA.F,

Auditor

WATER TASK FORCE

SERVICE AREA SITUATION PLAN - FIGURE 1

MARSHALL COUNTY, INDIANA - FIGURE OVERALL

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EXIDBITB

MARSHALL COUNTY RESOLUTION 2022-07

RESOLUTION OF THE MARSHALL COUNTY COMMISSIONERS AND OF THE. MARSHALL COUNTY COUNCIL TO FILE A PETITION FOR THE ESTABLISHMENT OF A MARSHALL COUNTY REGIONAL SEWER DISTRICT FOR CERTAIN UNINCORPORATED AREAS OF MARSHALL COUNTY

WHEREAS, the Marshall County Health Department has recommended that the County establish a Regional Sewer District for the purpose of collecting, treating, and disposing of sewage and other liquid waste in certain unincorporated areas of Marshall County (Priority Service Area) so as to improve the health and welfare of citizens living in high density areas within the county; and

WHEREAS, a public hearing concerning the proposed establishment of the Marshall County Regional Sewer District was held on February 21, 2022;

NOW THEREFORE BE IT RESOLVED by the Marshall County Board of Commissioners and the Marshall County Council that there is a need to ensure and protect the water supply and to collect, treat, and dispose of sewage and other liquid waste in the high density, priority service areas of the County and the County should proceed to petition for the establishment of a Regional Sewer District to cover such priority service areas designated as follows:

Latonka, Lawrence Lake and Mill Pond areas, PSA 1;
Bremen East, PSA 2;
North Michigan area, PSA 3;
Rushmoor, PSA 4;
Donaldson, PSA *5;*
McQueen's, PSA 6;
Oolfview, PSA 7;
Deer Trail, Tall Oaks, and Carriage Hills, PSA 8;
South Michigan, PSA 9;
Inwood, PSA 10;
Burr Oak, PSA 11;
Hawk Lake, PSA 12; and
Tippecanoe, PSA 13.

See attached map.

BE IT FURTHER RESOLVED that it is in the best interest of Marshall County and is the intention of the Board of County Commissioners and the Marshall County Council that the first priority project should be for Lake Latonka, Lawrence Lake and the lake areas in between those lakes designated.

PASSED AND ADOPTED by the Marshall County Board of Commissioners this 7th day of March, 2022.

MARSHALL COUNTY BOARD OF COMMISSIONERS:

Kevin Overmyer, President

Michael Burroughs, Vice President

Stan Klotz, Member

ATTEST:

Julie Fox, Auditor

PASSED and ADOPTED this 14th day of March, 2022.

MARSHALL COUNTY COUNCIL

Mandy Campbell, President

Jim Masterson, Vice President

Heath Thornton

Steve Harper

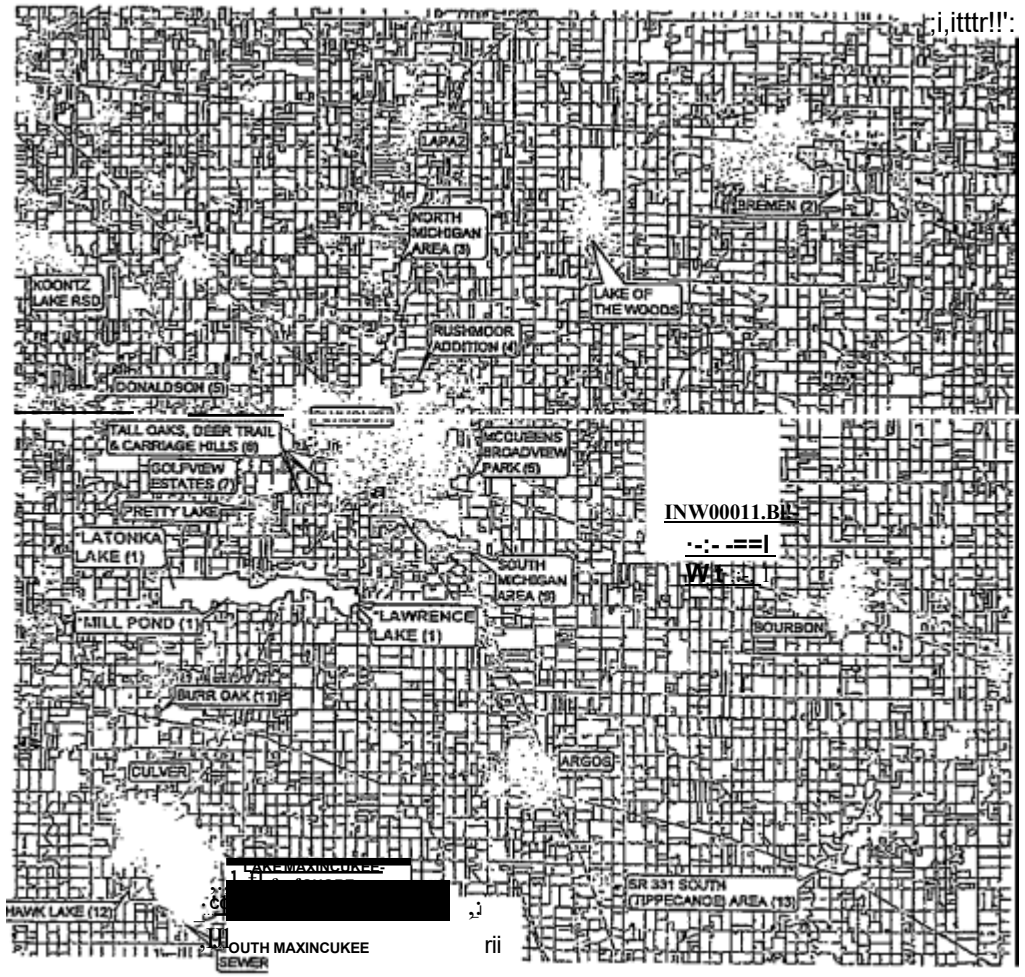
Tim Harman

Jon Van Vactor

Jessie Bohannan

ATTEST:

Julie A. Fox, Auditor



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WATER TASK FORCE

FIGURE

MARSHALL COUNTY, INDIANA - FIGURE OVERALL

EXH1BITC

See Marshall County PER link

EXHIBITD

See Marshall County PER link

EXHIBITE

See Marshall County PER link

EXHIBITF

See Marshall County PER link

EXHIBITG

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NOTICE OF PUBLIC HEARING ON PROPOSED
ESTABLISHMENT OF THE MARSHALL COUNTY REGIONAL SEWER DISTRICT

Property owners and other interested parties in Marshall County, Indiana, are hereby notified that a public hearing will be held at 6:00 p.m., local time, on February 21, 2022, at the Marshall County Building, 112 West Jefferson Street, Room 203, Plymouth, Indiana, on the matter of the establishment of the Marshall County Regional Sewer District (the "District").

The District proposed priority service areas include:

- Latonka Lake, Mill Pond, Lawrence Lake
- East Bremen
- North Michigan Area
- Rushmoor Addition
- Donaldson & Ancilla Domini Convent
- McQueen's Broadview
- Golfview Estates
- Deer Trail, Tall Oaks, Carriage Hills
- South Michigan Street
- Inwood
- Burr Oak
- Hawk Lake
- State Road 331 South Tippecanoe

At such public hearing, all interested parties may appear and be heard. The complete text of the Amended Marshall County Resolution 2021-22 is on file and available for examination and copying at the office of the County Auditor at 112 West Jefferson Street, Plymouth, Indiana, during regular business hours, and will be available at the public hearing.

Dated this 18 day of January 2022.

MARSHALL COUNTY, INDIANA
Auditor

Documents are available for review at: www.inrlsourcc.co1n/marsllall-cou111y-rsd and at the Plymouth Public Library.

Questions can be directed to Diana Campbell, Jones, Petrie, Rafinski at 574-200-0049.