

**BEFORE THE INDIANA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT**

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## **FINDINGS OF FACT AND** **RECOMMENDED ORDER OF THE HEARING OFFICER**

1. On July 8, 2022, the Hamilton County Council and the Hamilton County Commissioners petitioned the Commissioner of IDEM for an order to establish a regional water and sewer district in Hamilton County.
2. The Petition to Establish a Regional Water and Sewer District (Petition) complies with the provisions of IC 13-26 as to form and content.
3. The proposed name of the district is the Hamilton County Regional Utility District (District).
4. The proposed principal office of the District is located at the Hamilton County Government Center which has a mailing address of 1 N 8<sup>th</sup> Street #157, Noblesville, Indiana 46060.
5. A public hearing on the establishment of the District was held on January 11, 2023, in the Hamilton County Government Center.
6. Notice of the Public Hearing was posted on the IDEM Public Notices webpage from August 25, 2022, through February 3, 2023. Notice of the hearing was also posted by publication in the following newspapers of general circulation: (1) Hamilton County Reporter and (2) The Times of Noblesville.
7. The proposed District territory is situated so that the public health, safety, convenience, and welfare will be promoted by the establishment as a single district. The proposed boundary for the District is shown on the Petition maps and described in the Petition as follows: “portions of the unincorporated property in Adams and Jackson Townships in Hamilton County, Indiana.

8. The sanitary sewage needs of those residents now residing within the proposed District territory are currently being met with septic systems, some of which are failing or will fail.
9. The current method of collection and disposal of the sanitary sewage of some of the residents of the proposed District territory detrimentally affects the water quality and public health within the proposed district.
10. The residents of the District currently obtain their water for drinking and other purposes from individual wells. Contamination from failing septic systems may detrimentally affect the water quality and public health of individual well users.
11. The purpose to be accomplished by the establishment of the proposed District is the provision of safe potable water, as well as water for fire protection service, and the reduction of pollution to the environment by eliminating inadequate septic systems and constructing a sanitary sewer collection system for the transportation and treatment of sanitary sewage in the proposed district territory.
12. The District proposes to be governed by the District Board of Trustees according to the following requirements:
  - a. The District Board shall be composed of three (3) trustees appointed by the Hamilton County Commissioners-The County Executive.
  - b. The above appointments will initially be limited in duration as follows:
    - i. Hamilton County Commissioners first appointee: 2 years
    - ii. Hamilton County Commissioners second appointee: 4 years
    - iii. Hamilton County Commissioners third appointee: 4 years
  - c. Upon the expiration of the initial appointments, all appointments made by an appointing body shall be for terms of four (4) years.
  - d. Upon a vacancy on the Board of Trustees for any reason, the appointing authority for that trustee shall appoint a replacement trustee to complete the term of the vacating trustee within 45 days of the notification of the vacancy.
13. The plan for financing the cost of constructing, operating, and maintaining the District until it is in receipt of adequate revenue from its operations, will be from a variety of sources, including, but not limited to, proceeds from a bond anticipation note, advances from Hamilton County, and federal or state grants. According to the most recent federal decennial census, the median income for households in the proposed district is \$66,462.12.
14. A Feasibility Study was completed and included in the Petition.

15. Once operational, the source of funds to provide for the operating and maintenance costs of the District will be derived from monthly sewer user fees. The District will apply for public funding for operation of water and sewer services, if needed.
16. Based on the information included in the Petition, the District appears capable of accomplishing the purposes for which it was formed in an economically feasible manner.

### **RECOMMENDED ORDER**

Based on the findings above and the contents of the Petition submitted to IDEM by the Hamilton County Council and the Hamilton County Commissioners, the Hearing Officer recommends that the Commissioner issue the following order:

1. A regional water and sewer district, to be known as the Hamilton County Regional Utility District is hereby organized under IC § 13-26 *et seq.* as an independent municipal corporation in Hamilton County, Indiana.
2. The boundaries of the Hamilton County Regional Utility District shall be the boundaries as shown on the Petition maps and as described in the Petition as follows:
  - Portions of the unincorporated property in Adams and Jackson Townships in Hamilton County, Indiana
3. The District shall provide sufficient bonds for all officers, trustees and employees who have the power to disburse District funds.
4. Within nine (9) months from the date of this order, the District shall file a detailed plan for the district's initial project with the Commissioner of IDEM according to the requirements of IC § 13-26-6-1.

**Dated: 2/24/23**

**Hearing Officer: Angela Bottom**