

**BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT**

**PETITION OF CLAY COUNTY, INDIANA
FOR AN ORDER ESTABLISHING
THE CLAY COUNTY (COALMONT)
REGIONAL SEWER DISTRICT
PURSUANT TO IC § 13-26**

FINDINGS OF FACT

The hearing officer, on behalf of the Indiana Department of Environmental Management (IDEM), having reviewed the Petition to Establish the Clay County (Coalmont) Regional Sewer District and conducted a public hearing, makes the following findings of fact:

1. On June 29, 2023, the Clay County Council and the Clay County Commissioners Petitioned the Commissioner of IDEM for an order to establish a regional sewer District in Clay County.
2. The Petition to Establish a Regional 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 Clay County (Coalmont) Regional Sewer District (RSD or District).
4. The proposed principal office of the District is located at the Commissioner's Office, Clay County Courthouse which has a mailing address of 609 E. National Avenue #106, Brazil, IN 47901.
5. A public hearing on the establishment of the District was held on November 21, 2023, in the Lewis Township Fire House, 6440 W. Coalmont Public Road, Coalmont, Indiana 47845.
6. Notice of the public hearing was given on November 7, 2023, by publication in The Brazil Times newspaper and on The Brazil Times website. Notice was also given by mail to freeholders within the Clay County (Coalmont) RSD's boundaries.

7. The proposed Clay County (Coalmont) RSD 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 Clay County (Coalmont) RSD is shown on the Petition maps attached to these findings and is described in the Petition as follows: “generally includes the unincorporated community of Coalmont bounded by County Road 1300 South to the North, State Road 48 to the South, County Road 700 West to the West, and approximately 1,500 feet east of the Indiana Rail Road along County Road 1350 South to the East.”
8. The sanitary sewage needs of those residents now residing within the proposed Clay County (Coalmont) RSD territory are currently being met with septic systems, many 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 Clay County (Coalmont) RSD territory detrimentally affects the water quality and public health within the proposed District.
10. The residents of the Clay County (Coalmont) RSD currently obtain their water for drinking and other purposes from individual wells and by the City of Jasonville Water Utility. 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 Clay County (Coalmont) RSD is the provision of safe potable water 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. After formation, the Clay County (Coalmont) RSD will construct and operate a system that will collect the sanitary sewage of the residents of the Clay County (Coalmont) RSD. The Clay County (Coalmont) RSD may contract with a municipality or municipalities to meet the sewage treatment needs of the residents inside the Clay County (Coalmont) RSD territory.
13. The Clay County (Coalmont) RSD proposes to be governed by a District Board of Trustees according to the following requirements:
 - a. The District Board shall be composed of three (3) members, appointed as follows:
 - i. Two (2) members appointed by the Clay County Commissioner’s Office residing in the District
 - ii. One (1) member appointed by the Clay County Commissioner’s Office to represent the City of Jasonville

- b. The initial appointments after the establishment of the District shall be limited to the following term lengths:
 - i. Clay County's Commissioner's first appointee: 3 years
 - ii. Clay County's Commissioner's second appointee: 3 years
 - Clay County Commissioner's Jasonville representative appointee: 3 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 member to complete the term of the vacating member within 45 days of the notification of the vacancy.
14. The Clay County (Coalmont) RSD has incurred no indebtedness to organize and accomplish the purpose proposed by the Clay County (Coalmont) RSD.
15. 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 the Petitioner by the receipt of funds from Clay County.
16. A Feasibility Study was completed and included in the Preliminary Engineering Report linked in the Petition.
17. Based on the information included in the Clay County (Coalmont) RSD Petition, the Clay County (Coalmont) RSD 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 Clay County Council and the Clay County Commissioners, the Hearing Officer recommends that the Commissioner issue the following order:

1. A regional sewer District, to be known as the Clay County (Coalmont) Regional Sewer District is hereby organized under IC § 13-26 *et seq.* as an independent municipal corporation in Clay County, Indiana.
2. The boundaries of the Clay County (Coalmont) RSD shall be the boundaries as shown on the Petition maps attached and as described in the Petition as follows: "generally includes the unincorporated community of Coalmont bounded by County Road 1300 South to the North, State Road 48 to the South, County Road

700 West to the West, and approximately 1,500 feet east of the Indiana Rail Road along County Road 1350 South to the East.”

3. The Clay County (Coalmont) RSD shall provide sufficient bonds for all officers, trustees and employees who have the power to disburse the Clay County (Coalmont) RSD.
4. Within nine (9) months from the date of this order, the Clay County (Coalmont) RSD 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: 12/13/2023

Hearing Officer:  _____