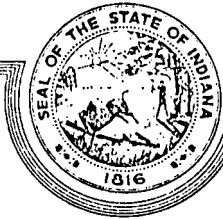


# STATE OF INDIANA



INDIANAPOLIS 46206

STREAM POLLUTION CONTROL BOARD

1330 West Michigan Street  
633-5467

CERTIFIED MAIL

STATE OF INDIANA )  
COUNTY OF MARION ) SS:

BEFORE THE STREAM POLLUTION CONTROL BOARD  
OF THE STATE OF INDIANA

IN THE MATTER OF THE PETITION OF )  
THE TURKEY CREEK TOWNSHIP, KOSCIUSKO )  
COUNTY, INDIANA, FOR THE ORGANIZA- ) CAUSE NO. B-436  
TION OF A REGIONAL SEWER DISTRICT )  
PURSUANT TO IC 19-3-1.1 )

NOTICE OF FILING OF FINDINGS OF FACT AND RECOMMENDED ORDER

TO: William N. Salin, Attorney  
2120 Fort Wayne National  
Bank Building  
Fort Wayne, Indiana 46802

You are hereby notified that on the 19th day of August, 1977, Robert G. Grant, Hearing Officer in the above cause, has presented to and has filed with the Stream Pollution Control Board of the State of Indiana the complete record of the proceedings heretofore held before him on the above cause including Findings of Fact, other than the transcript of the oral testimony, together with his Recommended Order.

You are further notified, as provided by IC 4-22-1-12, that any interested and affected person may, within ten (10) days after receipt of notice, file with the Stream Pollution Control Board of the State of Indiana, at the office of its Technical Secretary, Indiana State Board of Health Building, 1330 West Michigan Street, Indianapolis, Indiana 46206, objections to the entry of such order.

Dated at Indianapolis, Indiana, this 23<sup>rd</sup> day of August, 1977.

*Oral H. Hert*

Oral H. Hert  
Technical Secretary

Enclosure  
cc: ✓ Hearing Commissioner

FINDINGS ON THE PETITION AND RECOMMENDATIONS  
OF ROBERT G. GRANT, HEARING OFFICER  
ON BEHALF OF THE  
STREAM POLLUTION CONTROL BOARD  
OF THE STATE OF INDIANA

IN THE MATTER OF THE PETITION OF THE )  
TURKEY CREEK TOWNSHIP, KOSCIUSKO COUNTY,) )  
INDIANA, FOR THE ORGANIZATION OF A )  
REGIONAL SEWER DISTRICT )  
PURSUANT TO IC 19-3-1.1 )

CAUSE NO. B-436

Upon receipt of the petition of the Turkey Creek Township Advisory Board for the establishment of a regional waste district, pursuant to the provisions of IC 19-3-1.1, the Stream Pollution Control Board of the State of Indiana, pursuant to the provisions of IC 19-3-1.1-5, issued a notice of hearing by publication in The Mail Journal, Syracuse, Indiana, on Wednesday, July 27, 1977, and Wednesday, August 3, 1977.

Hearing was held on August 10, 1977, in the Wawasee High School Auditorium, Syracuse, Indiana, at 7:00 p.m. with Robert G. Grant, Hearing Officer.

The Petitioners were represented by William N. Salin, Attorney at Law, 2120 Fort Wayne National Bank Building, Fort Wayne, Indiana 46802.

SUMMARY OF TESTIMONY:

William N. Salin, Attorney for the Petitioners, traced the history of the Regional Water/Sewer District Act. He stated that the legislation was enacted to provide for the legal establishment of an entity that would be capable of addressing sewer and/or water needs in nonincorporated areas. He stated that the only other governing body within the area of the proposed district is the Township Trustee. He stated that financial considerations make it impossible for townships, individually, to consider projects such as that proposed. He further stated that his research indicated that the establishment of a regional sewer district, such as that proposed, is the only method through which pollution problems surrounding Lake Wawasee could be addressed.

Mr. Salin testified that the Petitioners recommend that the sewer district be governed by a Board of Trustees consisting of seven members: Two members appointed by the Governor, three members appointed by the Turkey Creek Advisory Board, one member appointed by the Township Trustee and one member appointed by the County Commissioner of Kosciusko County. He also stated that all such persons so appointed should be landholders within the proposed

boundaries of the Turkey Creek Regional Sewer District. This is to insure that those persons who serve on the Board have close personal and financial ties to the District. Mr. Salin then traced the federal grant process for the benefit of those present and expressed hope that the Board of Trustees would be able to secure maximum funding from state and federal sources. Mr. Salin testified that the proposed boundaries of the district include all of Lake Wawasee, approximately one half of Lake Syracuse, certain lands owned by the Indiana Department of Natural Resources and Lake Papakeechee. He stated that the main purpose for the establishment of the district was to protect the waters of Lake Wawasee and the inclusion of one half of Lake Syracuse, Lake Papakeechee, and the territory owned by the Indiana Department of Natural Resources was included because they share the same common water shed. However, should objections arise to including Lake Syracuse, Lake Papakeechee, and territory owned by the Indiana Department of Natural Resources, the Petitioners would have no objection to deleting said territory unless, from a health stand point, such territory should be included within the district.

Mr. Mel Wessler, Wessler and Associates, Inc., Consulting Engineers, produced U.S.G.S. maps indicating the proposed boundary of the Turkey Creek Regional Sewer District. He stated that the district would encompass approximately 8,350 acres of which 3,850 are water. He estimated that there are 2,100 possible service connections within the district. He stated that the district excludes areas recently annexed by the City of Syracuse, Indiana.

Mr. Wessler estimated that the total cost of the project would be approximately \$8,539,000, with the local share being \$1,707,800. Based upon calculations made by Mr. Wessler, it is estimated that the annual operating and maintenance costs are \$98,000 with the average monthly user charge being \$8 based upon 2,100 connections. He stated that he checked his estimated costs with those experienced by other projects, as certified by an accountant, and believes the figures to be accurate within 10 percent.

Mr. Ralph W. Stephenson, Engineer, Wessler and Associates, Inc., Consulting Engineer, testified as to the soil and ground water characteristics found within the boundaries of the proposed district. Mr. Stephenson testified that four types of soil may be found within the boundaries of the district. These types of soils demonstrate excellent to poor drainage. Thus, those homes with septic systems in the well drained areas are experiencing little problem. However, those homes with septic systems in the poorly drained areas may expect problems. Mr. Stephenson stated that Kosciusko County does have an ordinance regulating septic tanks which is essentially the same as the Indiana State Board of Health Regulation SE-8. However, he stated many homes in the area do not meet this standard because their septic systems were established prior to the promulgation of any regulations. Mr. Stephenson's studies indicated that there are several areas bounding on Lake Wawasee that have septic tank problems. Those are: Sunset Park, Highland View Garden, Hess

Addition, Leeland Addition, Marine Land Gardens, Sand Point, and others. He stated that, in most of the aforementioned areas, the county sanitarian requires percolation tests before authorizing installation of a septic system.

Mr. Stephenson then reported on the present and expected water quality of Lake Wawasee. He based his report on the Gifford Report published by Earlham College in 1971, a 1977 Indiana Stream Pollution Control Board 305 Report, and an Indiana State Board of Health Report on Lake Wawasee, EPA funded, identified as EPA Working Paper 344, dated 1976. He stated that the water quality of Lake Wawasee is generally good; however, in those areas where there is great use the dissolved oxygen content is low and fecal coliform counts are higher than in other parts of the lake. Mr. Stephenson stated that the state report, which classifies all the lakes in the State of Indiana on a Class 1, Class 2, Class 3 basis, indicates that Lake Wawasee falls in the first class which is the highest quality classification. However, he pointed out that Lake Wawasee is on the border of approaching a Class 2 classification. Mr. Stephenson further testified that EPA estimates that 19 percent of the phosphorus in Lake Wawasee is contributed by septic tank systems surrounding the lake. His own estimation, based upon the population of the lake area, indicates that 32 percent of the phosphorus in Lake Wawasee is contributed by septic systems. Thus, the lake is slowly accumulating phosphorus. He estimated that the lake will pass permissible phosphorus levels in four to ten years. In summary, Mr. Stephenson stated that Lake Wawasee is presently in generally good condition but is beginning to show the effects of pollution and it is only a matter of time before weeds and algae become a problem.

Mr. Duane A. Gardiner, resident of Lake Wawasee, testified that, based upon his experience with the City of Rochester, the cost estimates of \$8.00 per month user charge were low and that the residents may expect costs in the range of \$30-40 per month. He expressed concern for the condition of the lake and indicated that environmental concerns should be tempered with fiscal realities.

Mr. Tom Leonard, a developer of condominiums on Lake Wawasee, testified that, both personally and as a developer, he was concerned about the water quality of the lake as, in his opinion, the lake is the most valuable resource in the area and to allow the lake to atrophy would eventually work an economic hardship on all the persons residing in the township. He stated he too felt that the \$8.00 per month user fee was somewhat low and, based upon his experiences, he felt that \$17.00 per month was more appropriate. However, he stated that \$17.00 per month was still a bargain and that persons residing in the area must recognize that expenditures such as this must be made to protect property values in the area.

Mr. Richard VerWiebe, questioned why territory owned by the Department of Natural Resources was included in the petition. He further questioned the desirability of the Governor appointing two members to the Board of Trustees. He pointed out that the petition does

not require those persons serving on the Board of Trustees to be a resident of the area but only a property owner. Mr. Salin responded that if the cost did not justify sewers in that territory owned by the Indiana Department of Natural Resources that area would not receive sewers. However, that area was included because it contains the water shed for that part of Lake Wawasee. He further stated that, although the petition did not require members of the Board of Trustees to be residents of the district, he felt the fact that such trustees are required to be land owners adequately insure requisite interest in the welfare of the district. Mr. VerWiebe also asked why the Trustees were to be appointed rather than elected as the Act authorizes either method for the selection of the Board of Trustees. The Hearing Officer responded that, although the Act does provide for election of trustees, the Act also provides that the Stream Pollution Control Board must act as election officers for any such election. In that all members of the Stream Pollution Control Board are private citizens with other responsibilities it has been the policy of the staff to discourage elections.

FINDINGS OF FACT:

1. That the petition should be accepted.
2. That the Advisory Board of Turkey Creek Township, Kosciusko County, Indiana filed their petition before the Stream Pollution Control Board of the State of Indiana, for an order establishing a regional sewer district pursuant to the provisions of IC 19-3-1.1.
3. That the Stream Pollution Control Board of the State of Indiana, at its meeting on the 21st day of June, 1977, by motion duly made, seconded and unanimously passed, determined that a sufficient petition had been filed in accordance with IC 19-3-1.1, and appointed Robert G. Grant as Hearing officer.
4. That notice of public hearing on said petition was published once each week for two consecutive weeks in the Mail Journal, Syracuse Indiana.
5. That a public hearing on said petition was held on the 10th day of August, 1977, in the Wawasee High School Auditorium, Syracuse, Indiana. That said hearing was held with ten (10) miles of the proposed district.
6. That the proposed name of the regional sewer district is the "Turkey Creek Regional Sewer District" with its principal office to be located in Turkey Creek Township, Kosciusko County, Indiana.
7. That the area to be served by the district contains no political subdivision having the economic capabilities for the collection and disposal of sewage.

8. That the purpose to be accomplished by said district shall be to provide for sewage collection and disposal so as to promote the public health, safety, and welfare of the residents of the proposed district.
9. That there is no outstanding indebtedness for the proposed district.
10. That the economic growth and development of the area of the proposed district is limited due to adequate sewage facilities.
11. That the project appears economically feasible.
12. That the district shall include the following described area:

Beginning at the high water mark of Lake Wawasee and the North-South Center-line of Section 17, T34N, R7E (Kosciusko County, Indiana); thence South along said Center-line of Section 17, T34N, R7E, 1250'; thence East and Southeasterly (through Sections 17, 16, and 21), parallel to, and 1000' perpendicular to State Road 13 to the intersection with the East line of Section 21, T34N, R7E (said point approximately 1000' South of N.E. corner of Section 21, T34N, R7E); thence South along the East line of Section 21, T34N, R7E 1000'; thence East 1150'; thence South 2000'; thence East 1450' to the North-South Center-line of Section 22, T34N, R7E (also State Road 13); thence North along half section line 1000'; thence East 2640' to the East line of Section 22, T34N, R7E; thence South along said East line of Section 22, T34N, R7E (County Road 800E) 2240' to the S.E. corner of Section 22, T34N, R7E; thence continuing South 1000' along County Road 800E; thence Southeasterly with its meanders along a county road to intersection with the Center-line of Section 26, T34N, R7E, said intersection is 1000' North of center of Section 26, T34N, R7E (County Road 850E); thence South along County Road 850E to the Northeast corner of the Southwest quarter of Section 35, T34N, R7E; thence West along the North line of the Southwest quarter of Section 35, T34N, R7E, to the Northwest corner of the Southwest quarter of Section 35, T34N, R7E; thence North along the West line of Section 35, T34N, R7E to the Northwest corner of Section 35, T34N, R7E; thence West along the North line of Section 34, T34N, R7E (County Road 900N) to the Northwest corner of the Northeast quarter of Section 34, T34N, R7E; thence South along the West line of the Northeast quarter of Section 34, T34N, R7E (State Road 13) to the Southwest corner of the Northeast quarter of Section 34, T34N, R7E; thence East to the Northwest corner of the Northeast quarter of the Southeast quarter of Section 34, T34N, R7E; thence South to the South line of Section 34, T34N, R7E, thence East along the South line of Sections 34, 35, and 36, T34N, R7E, to the S.E. corner of Section 36, T34N, R7E; thence North along the East line of Sections 36 and 25 (County Line Road) to the half-section line of Section 25, T34N, R7E, thence West along said half-section line 2640' to a county road; thence in a Northerly direction, with the meanders of said road till said road intersects with

the North-South Center-line of Section 25, T34N, R7E (said point being 1000' South of North line of said Section 25, T34N, R7E); thence North along center of Sections 25, 24, and 13, T34N, R7E, to a point 600' South of the North Line of Section 13, T34N, R7E; thence East 2640' to the East line of Section 13, T34N, R7E; thence North 1000' (along County Line Road); thence West and parallel to the South line of Section 12, T34N, R7E, approximately 2800' to a stream; thence Southwesterly with the meanders of stream to the South line of Section 12, T34N, R7E; thence West along the South line of Section 12, T34N, R7E, to a point 1000' East of the West line of Section 12, T34N, R7E; thence North and parallel to West line of Section 12, T34N, R7E to the half-section line of Section 12, T34N, R7E; thence West along half-section line (County Road 1250) of Section 12 and 11 to the intersection with the North R/W line of the B. & O. R.R.; thence in a westerly direction along the North R/W line of said B. & O. R.R. to a point 1320' East of the West line of Section 11, T34N, R7E, (also a Road which bounds the Wawasee Airport); thence North 1500' to the Eli Lilly Road; thence West along the Eli Lilly Road 2100' to a County Road bounding the west side of the Wawasee Airport; thence South along said road to the North R/W line of the B. & O. R.R.; thence Northwesterly along North R/W line of the B. & O. R.R. to the intersection with County Road 675E; thence Northerly along County Road 675E with its meanders through Sections 9 and 4 - T34N - R7E to a point 1000' South of the North line of Section 4, T34N, R7E; thence West and parallel to the North line of said Section 4, T34N, R7E, a distance of approximately 2130' to the intersection of Lake Shore Drive; thence in a Northwesterly direction to a point 3200' West of and 100' South of the N.E. Corner of Section 5, T34N, R7E; thence South (1500') to the high water mark of Syracuse Lake; thence Southeasterly (4600') to the Center-line of the B. & O. R.R.; (said point 850' west of and 700' South of the N.E. Corner of Section 8, T34N, R7E); thence in a Southwesterly direction to an intersection point of County Road 1240 and an unnamed stream; thence Southerly along said stream with its meanders to a point in Lake Wawasee, said point being 400' west of and 600' North of the S.E. corner of Section 8, T34N, R7E; thence South 1200' to a point 400' west of and 600' of South the N.E. corner of Section 17, T34N, R7E; thence Southwesterly across Conklin Bay to the point of beginning.

It should be understood all the above measurements are approximate dimensions as scaled from U.S.G.S. quadrangle sheets.

RECOMMENDATIONS OF THE HEARING OFFICER:

1. That a regional waste district, to be known as the Turkey Creek Regional Sewer District, be organized as an independent political entity of the State of Indiana and as a body corporate and political.

2. That the purpose to be accomplished by said district is to provide for the collection and disposal of sewage.
3. That the territory to be included in the district shall include the following described territory:

Beginning at the high water mark of Lake Wawasee and the North-South Center-line of Section 17, T34N, R7E (Kosciusko County, Indiana); thence South along said Center-line of Section 17, T34N, R7E, 1250'; thence East and Southeasterly (through Sections 17, 16, and 21), parallel to, and 1000' perpendicular to State Road 13 to the intersection with the East line of Section 21, T34N, R7E (said point approximately 1000' South of N.E. corner of Section 21, T34N, R7E); thence South along the East line of Section 21, T34N, R7E 1000'; thence East 1150'; thence South 2000'; thence East 1450' to the North-South Center-line of Section 22, T34N, R7E (also State Road 13); thence North along half section line 1000'; thence East 2640' to the East line of Section 22, T34N, R7E; thence South along said East line of Section 22, T34N, R7E (County Road 800E) 2240' to the S.E. corner of Section 22, T34N, R7E; thence continuing South 1000' along County Road 800E; thence Southeasterly with its meanders along a county road to intersection with the Center-line of Section 26, T34N, R7E, said intersection is 1000' North of center of Section 26, T34N, R7E (County Road 850E); thence South along County Road 850E to the Northeast corner of the Southwest quarter of Section 35, T34N, R7E; thence West along the North line of the Southwest quarter of Section 35, T34N, R7E, to the Northwest corner of the Southwest quarter of Section 35, T34N, R7E; thence North along the West line of Section 35, T34N, R7E to the Northwest corner of Section 35, T34N, R7E; thence West along the North line of Section 34, T34N, R7E (County Road 900N) to the Northwest corner of the Northeast quarter of Section 34, T34N, R7E; thence South along the West line of the Northeast quarter of Section 34, T34N, R7E (State Road 13) to the Southwest corner of the Northeast quarter of Section 34, T34N, R7E; thence East to the Northwest corner of the Northeast quarter of the Southeast quarter of Section 34, T34N, R7E; thence South to the South line of Section 34, T34N, R7E, thence East along the South line of Sections 34, 35, and 36, T34N, R7E, to the S.E. corner of Section 36, T34N, R7E; thence North along the East line of Sections 36 and 25 (County Line Road) to the half-section line of Section 25, T34N, R7E, thence West along said half-section line 2640' to a county road; thence in a Northerly direction, with the meanders of said road till said road intersects with the North-South Center-line of Section 25, T34N, R7E (said point being 1000' South of North line of said Section 25, T34N, R7E); thence North along center of Sections 25, 24, and 13, T34N, R7E, to a point 600' South of the North Line of Section 13, T34N, R7E; thence East 2640' to the East line of Section 13, T34N, R7E; thence North 1000' (along County Line Road); thence West and parallel to the South line of Section 12, T34N, R7E, approximately 2800' to a stream; thence Southwesterly with the meanders of stream to the South line of Section 12,



T34N, R7E; thence West along the South line of Section 12, T34N, R7E, to a point 1000' East of the West line of Section 12, T34N, R7E; thence North and parallel to West line of Section 12, T34N, R7E to the half-section line of Section 12, T34N, R7E; thence West along half-section line (County Road 1250) of Section 12 and 11 to the intersection with the North R/W line of the B. & O. R.R.; thence in a westerly direction along the North R/W line of said B. & O. R.R. to a point 1320' East of the West line of Section 11, T34N, R7E, (also a Road which bounds the Wawasee Airport); thence North 1500' to the Eli Lilly Road; thence West along the Eli Lilly Road 2100' to a County Road bounding the west side of the Wawasee Airport; thence South along said road to the North R/W line of the B. & O. R.R.; thence Northwesterly along North R/W line of the B. & O. R.R. to the intersection with County Road 675E; thence Northerly along County Road 675E with its meanders through Sections 9 and 4 - T34N - R7E to a point 1000' South of the North line of Section 4, T34N, R7E; thence West and parallel to the North line of said Section 4, T34N, R7E, a distance of approximately 2130' to the intersection of Lake Shore Drive; thence in a Northwesterly direction to a point 3200' West of and 100' South of the N.E. Corner of Section 5, T34N, R7E; thence South (1500') to the high water mark of Syracuse Lake; thence Southeasterly (4600') to the Center-line of the B. & O. R.R.; (said point 850' west of and 700' South of the N.E. Corner of Section 8, T34N, R7E); thence in a Southwesterly direction to an intersection point of County Road 1240 and an unnamed stream; thence Southerly along said stream with its meanders to a point in Lake Wawasee, said point being 400' west of and 600' North of the S.E. corner of Section 8, T34N, R7E; thence South 1200' to a point 400' west of and 600' of South the N.E. corner of Section 17, T34N, R7E; thence Southwesterly across Conklin Bay to the point of beginning.

It should be understood all the above measurements are approximate dimensions as scaled from U.S.G.S. quadrangle sheets.

4. That the district be governed by a Board of Trustees consisting of seven (7) members. Each board member, so appointed, shall own real estate in the sewage district, but need not be a registered voter nor a resident of the district.

The following duly elected executives shall appoint members to the Board of Trustees as follows:

- A. Two (2) members will be appointed by the Governor of the State of Indiana by virtue of the fact that state lands will be involved in the district, one of the initial appointees will serve a term of two years and one initial appointee will serve a term of three years. Successive of appointees by the Governor will serve four-year terms.
- B. Three members of the Board of Trustees shall be appointed by the Turkey Creek Township Advisory Board; one initial appointee shall be appointed for a term of two years, one initial appointee

shall be appointed for a term of three years, and one initial appointed shall be appointed for a term of four years. All successful appointees shall serve a four-year term.

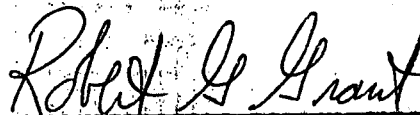
- C. One member of the Board of Trustees shall be appointed by the Township Trustee for a term of four years. Each successive appointee shall serve a four-year term.
- D. One member of the Board of Trustees shall be appointed by the County Commissioners of Kosciusko County for a term of four years. Each successive appointee shall serve a four-year term.

The Executive Officer and/or elective officials required to make appointments to the Board of Trustees, shall do so within fifteen (15) days after the expiration of the term of their respective appointees. In the event that any executive officer, elected official or governing body shall fail to make such appointment within the times specified herein, the trustee holding said appointment shall hold over after the expiration of their terms until their respective successors have been duly appointed and qualified. In the event any person appointed as a member of the Board of Trustees shall fail to qualify or if any member of the Board of Trustees after qualifying shall die, resign or vacate such office, or be removed, a new member shall be selected and appointed to fill such vacancy in the same manner as the member of the Board in respect to whom such vacancy occurs, and members so appointed shall serve the remainder of the vacated term.

- 5. That the Board of Trustees shall provide sufficient bond for all officers, trustees, or employees who have any power to dispense funds of the district. Said bond, as a minimum, shall be in an amount equal to, plus ten percent (10%), of those funds anticipated to be received by the district, divided by six (6), which amount shall be determined annually by the Board of Trustees.
- 6. That within nine (9) months from the date of this Order the Turkey Creek Regional Sewer District shall file, with the Stream Pollution Control Board of the State of Indiana, a detailed plan for the construction and operation of the district's facilities pursuant to the provisions of IC 19-3-1.1-5(a).

Dated this 19th day of August, 1977.

Respectfully submitted,



Robert G. Grant  
Hearing Officer