

**BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT**

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

FINDINGS OF FACTS AND RECOMMENDED ORDER OF THE HEARING OFFICER

FINDINGS OF FACT

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

1. On March 24, 2023, the Dubois County Council and the Dubois County Commissioners petitioned the Commissioner of IDEM for an order to establish a regional sewer district in Dubois 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 Dubois County Regional Sewer District (RSD or District).
4. The proposed principal office of the District is located 602 Main Street, Jasper, IN 47546.
5. A public hearing on the establishment of the District was held on January 25, 2024, at Vincennes University Jasper CTIM Building Theater, 850 College Ave, Jasper, IN 47546.
6. Notice of the public hearing was given from December 19, 2023 to January 6, 2024, by publication in the Ferdinand News and the Jasper Herald. Notice was also given by mail to freeholders within the Dubois County RSD's boundaries.

7. The proposed Dubois County 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 Dubois County RSD is shown on the Petition maps attached to these findings and is described in the Petition as follows: “bounded by the county lines with the exclusion of the areas bounded by the legal limits of the Patoka Lake Regional Water and Sewer District, the City of Huntingburg Municipal Utility, Town of Birdseye Utility, Ferdinand Sewer Department, Ireland Conservatory, Town of Holland Utility, and Jasper City Municipal Utility.”
8. The sanitary sewage needs of those residents now residing within the proposed Dubois County RSD territory are currently being met with on-site septic systems creating environmental concerns regarding long-term water quality, contamination of aquifers, and contamination of individual residents’ water wells.
9. The current method of collection and disposal of the sanitary sewage of some of the residents of the proposed Dubois County RSD territory detrimentally affects the water quality and public health within the proposed district.
10. The purpose to be accomplished by the establishment of the Dubois County RSD is the improvement of the public health, safety, convenience, and welfare of the area by providing for the collection, disposal, and means of treatment of wastewater for the area within the proposed district.
11. After formation, the Dubois County RSD will construct and operate a system that will collect the sanitary sewage of the residents of the Dubois County RSD. The Dubois County RSD may contract with a municipality or municipalities to meet the sewage treatment needs of the residents inside the Dubois County RSD territory.
12. The Dubois County RSD proposes to be governed by a District Board of Trustees according to the following requirements:
 - a. The District Board shall be composed of seven (7) members, appointed as follows:
 - i. One (1) member of the Dubois County Board of Commissioners appointed by the Board of Commissioners of Dubois County, Indiana.
 - ii. One (1) person appointed by the Board of Commissioners of Dubois County, Indiana who resides within the limits of the Southeast Dubois County Public School District AND outside the limits of any other existing sanitary sewer district.
 - iii. One (1) person appointed by the Board of Commissioners of Dubois County, Indiana who resides within the limits of the

Greater Jasper Public School District AND outside the limits of any other existing sanitary sewer district.

- iv. One (1) member of the Dubois County Council appointed by the County Council of Dubois County, Indiana.
 - v. One (1) person appointed by the Dubois County Council who resides within the limits of the Northeast Dubois County Public School District AND outside the limits of any other existing sanitary sewer district.
 - vi. One (1) person appointed by the Dubois County Council who resides within the limits of the Southwest Dubois County Public School District AND outside the limits of any other existing sanitary sewer district.
 - vii. The Dubois County Health Department Director or a representative appointed by the Dubois County Health Department Director.
- b. In addition to the seven (7) voting members, Trustees, the Board may contain up to five (5) non-voting advisory members. The advisory members are comprised as follows:
- i. The Dubois County Engineer.
 - ii. One (1) representative from each of the sanitary sewer districts within Dubois County that the District holds an interlocal agreement with for the treatment of the District's sanitary sewage. The representative shall be appointed to the DCRSD Board by their respective sewer board.
- c. The Board of Trustees shall have a term of four (4) years each, provided, however, the initial terms are staggered. The appointing entities listed Section 12 shall retain their appointment power for the District Board of Trustees. The entities shall be responsible for the appointment to fill vacancies that may occur due to terms ending, resignations, removals, or other causes. Each entity shall retain the appointment authority for the original position(s) assigned to the entity as set forth in Section 12.
- 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.

13. The Dubois County RSD has incurred no indebtedness to organize and accomplish the purpose proposed by the Dubois County RSD.

14. A Feasibility Study was completed and included in the Dubois County RSD petition as Exhibit "E" that sets forth the basic plan for implementing the purpose of the district.

15. Based on the information included in the Dubois County RSD Petition, the Dubois County 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 Dubois County Council and the Dubois County Commissioners, the Hearing Officer recommends that the Commissioner issue the following order:

1. A regional sewer district, to be known as the Dubois County Regional Sewer District is hereby organized under IC § 13-26 *et seq.* as an independent municipal corporation in Dubois County, Indiana.
2. The boundaries of the Dubois County RSD are shown on the Petition maps attached to these findings and are described in the Petition as follows: “bounded by the county lines with the exclusion of the areas bounded by the legal limits of the Patoka Lake Regional Water and Sewer District, the City of Huntingburg Municipal Utility, Town of Birdseye Utility, Ferdinand Sewer Department, Ireland Conservatory, Town of Holland Utility, and Jasper City Municipal Utility.”
3. The Dubois County RSD shall provide sufficient bonds for all officers, trustees and employees who have the power to disburse the Dubois County RSD.
4. Within nine (9) months from the date of this order, the Dubois County 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: 2/14/24

Hearing Officer:

