

ORIGINAL

PUBLIC HEARING

PROPOSED WOLF, BEAR AND HIGH LAKE RSD

WOLF LAKE ELEMENTARY

10 MAIN STREET

THURSDAY, FEBRUARY 22, 1996

7:00 P.M.

ACCURATE REPORTING OF INDIANA
12922 BRIGHTON AVENUE
CARMEL, INDIANA 46032
(317) 848-0088

1 ON BEHALF OF IDEM:

2 Rod Thompson

3

4 SPEAKERS:

5 Leonard Wood

6 Russell Glaser

7 James Bowser

8 Anna Fulk

9 Tony Burnbaugh

10 Joy LeCount

11 Michael Armey, Esq.

12 Daniel Wilkins

13 Dr. John Hayes

14 Jack Chronister

15 Cynthia Whitacre

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1 THEREUPON:

2 (The following proceedings were had:)

3 MR. THOMPSON: Good evening. Welcome. I'm glad
4 to see such a large turnout. My name is Rod Thompson. I'm
5 with the Indiana Department of Environmental Management and
6 we're here tonight to hold a public hearing in the matter of
7 Bear, High, and Wolf Lake Regional Sewer District.

8 Now, what we're going to do is, I would like to
9 make a little presentation first before we actually have a
10 hearing and then we'll actually hold the public hearing
11 itself.

12 Now, the hearing is the opportunity for citizens or
13 the public in general to put their comments on the record,
14 and it will be an officially transcribed record, and that
15 record is what we will use as a basis to determine whether or
16 not we will approve the petition, okay?

17 Now, after we hold the hearing you will have an
18 opportunity informally, I mean, we usually offer the
19 opportunity informally, for questions and answers, and
20 tonight we have, I believe, all three of the County
21 Commissioners here, and I believe the consulting firm that's
22 put together the proposal is also here, and those folks will
23 be available to address questions also. We encourage you to
24 comment. That's what we would really like. That's what
25 we're here for, and we would encourage you to comment into

1 the record.

2 If you're not comfortable commenting verbally into
3 the record, or making an oral presentation, we will be more
4 than happy to accept written comments from you, and I'll give
5 you addresses and go into the specifics later. But for right
6 now I would like to give you a little presentation.

7 The purpose of the presentation is to let you know
8 the process that the Department of Environmental Management
9 goes through when it receives a petition for the formation of
10 an RSD.

11 Now, there are a number of things that we think
12 will be very useful to you in terms of information, not only
13 on the process we use and what we go through, but some things
14 that we're going to cover on the Statute.

15 So, let me go ahead and start with that.

16 The handout I'm about to put up is the same -- I'm
17 sorry, the overhead I'm about to put up is a handout that's
18 over on the table as you come in, in case anybody wants one.

19 Basically what we have, I'm not sure how well --
20 Can you guys see this? Is it hard for everyone to see? I
21 can't hear you. Speak up for me. Well, then I would suggest
22 we get some handouts and go ahead and pass out some handouts
23 so you can follow, please. Who needs one? I had a feeling
24 that would be pretty hard to see on the overhead.

25 Fundamentally what we do is, an eligible entity

1 which is a city, a town, a county, or a township, will submit
2 a petition to the Department of Environmental Management,
3 actually they submit it to the Commissioner.

4 Once we verify that the submittal has most of the
5 submittal requirements that we really need for it to have, we
6 send it to the report and quality control section. That's
7 the second box there on your handout. Now, the report and
8 quality control group basically reviews this petition for
9 three things.

10 Once they verify it is indeed complete, they do an
11 environmental needs workup on it, and then they do a
12 technical review of it, and then they review it for economic
13 feasibility.

14 Now, the Statute, or Indiana Code, IC 13-3-2, is
15 the Statute or the legal authority that governs this
16 process. Now, the statute requires IDEM to specifically
17 review the petition to see if it shows an environmental
18 need. To accomplish this, IDEM looks at a number of things.
19 It looks at the number of failed septic systems in the area,
20 and not just the fact that they're failed septic systems, but
21 the reasons for failure.

22 Generally the reasons for failure in most areas
23 that need a regional sewer district formed is due to soil and
24 the type of soil, and that's another thing that IDEM takes a
25 look at. It looks at soil borings and other tests that are

1 submitted by the petitioner that gives IDEM an indication of
2 the soil type, and then IDEM ascertains whether or not the
3 soil is suitable for septic tanks.

4 IDEM also looks for stream water test results that
5 show human contamination or fecal coliform bacteria. They
6 also look for contaminated wells or contaminated tap water
7 that has fecal coliform in it.

8 They also make sure, when they're looking at failed
9 septic systems, they just don't look at failed septic systems
10 in one small area, they look at the entire geographical area
11 that the RSD wants to form over and verify that indeed the
12 septic system is needed -- or I'm sorry, an RSD is needed
13 across that entire area.

14 Now, if there is any doubt about the need, then
15 IDEM can often go a little deeper in its review, and it will
16 take a look at complaint logs at County and State Health
17 Departments, or it will take a look at inspection reports
18 from the State or the County or the local officials.

19 And finally, IDEM gets concurrence with the local
20 health officials and the State health officials in terms of
21 the need for the establishment of an RSD. And once an
22 environmental need has been determined, then IDEM takes a
23 look at the technical aspects of the petition. In other
24 words, the engineers that we have take a look and make sure
25 that the treatment method that's proposed is reasonable and

1 that it meets treatability requirements.

2 They also take a look to make sure that the
3 petitioner has evaluated a number of different treatment
4 alternatives so that the most cost effective one can be
5 selected.

6 Now, at the point in time in which a petition is
7 received, IDEM doesn't have any information as to the
8 specific plans, only the general indications of the type of
9 treatment that's necessary. In order for a treatment system
10 to be actually and fully approved, detailed plans and
11 specifications have to be submitted, but those plans would
12 have to be approved by our engineers.

13 At this time they also take a look and make sure
14 that there's an accurate description of the territory, that
15 there is no overlap, that there is not another CTA or another
16 conservancy district that they're forming around that has no
17 knowledge of what's going on. In the case of the Wolf Lake
18 RSD, that's not a problem.

19 And finally, the report and quality control group
20 takes a look at the economic feasibility of the project.
21 They assure that the project costs are reasonable and they're
22 realistic and they're affordable.

23 Now, the way that IDEM does this is it generally
24 compares the projected costs to what is reasonable or what we
25 have determined to be reasonable in other cases. In other

1 words, there are a great many RSDs that are formed in this
2 state and a great many that continue to form every day in
3 this state, and what we do is we take a look at the cost for
4 each individual RSD as it relates to other RSDs that had been
5 formed in the past. They also verify that the method of
6 financing that's going to be used is adequate and reasonable
7 and that the number of residents and user fees and connection
8 fees are reasonable in light of the project costs and
9 compared, again, to other similar systems.

10 If the rates seem high or unreasonable to us, then
11 we'll take a look at things like average household income to
12 make sure that it seems affordable.

13 And finally we take a look at any outstanding
14 indebtedness of the petitioner or a debt surplus that's too
15 great, and we also, at this point in the review, make sure
16 that the petitioners held public meetings, which I understand
17 there has been two public meetings here already on this. I
18 think they were held during the day, but I think there has
19 been two public meetings.

20 (Inaudible comment.)

21 MR. THOMPSON: I'm sorry?

22 UNIDENTIFIED SPEAKER: There was no notice given.
23 This is the only meeting we were given notice on.

24 MR. THOMPSON: In any event, at this point we send
25 the petition over to our office of legal counsel and the

1 office of legal counsel where all our lawyers and attorneys
2 are and verify that the petition is in fact legal. They
3 verify that it meets all the submittal requirements and that
4 there is a reasonable and legal means for the selection and
5 the term and the number of the members of the Board of
6 Trustees, which are really the responsible entity for the
7 operation of the RSD.

8 And from there it moves to the point we're at now.
9 If it meets the basic requirements of the report and quality
10 control group and passes through the office of legal counsel,
11 then we move it to public hearing, which is where we're at
12 tonight.

13 Now, after this hearing tonight, the hearing
14 officer, myself, will be responsible for submitting a
15 findings of fact and a recommendation on whether or not the
16 District should be formed or if the District should be formed
17 with certain changes incorporated into it, and I'll talk a
18 little bit more about the basis of the hearing officer's
19 decision in a minute. In fact, we'll talk about that when we
20 actually do the official recording for the hearing itself.

21 But I wanted to tell you a little bit about the
22 Statute that governs this process, too, because if the
23 petition is formed -- or I'm sorry, if the petition is
24 approved and the District is actually formed, then the legal
25 statute is the only thing that governs how the district

1 operates. So there is a number of things that I wanted to
2 bring to your attention that are covered in the law itself.

3 Now, the hearing officer is directed to hold the
4 hearing and to make findings and recommendations, to approve,
5 disapprove, or approval with modifications to accomplish the
6 formation of the RSD in an economically feasible, fair and
7 reasonable manner. Now, if this is done a final order is
8 issued and the Commissioner of the Department of
9 Environmental Management actually signs this order, and as
10 with any final decision that's made by an Agency, that
11 decision is appealable, and for those of you that signed up
12 to receive a notice of the final decision in this matter, in
13 that package that you receive you will also receive
14 instructions about how to file an appeal.

15 An appeal that's filed in this case is not an
16 administrative appeal as most of them normally are. It's
17 more of a judicial appeal, but instructions for doing that
18 will be included in your package that you receive.

19 Now, the District has certain rights and powers
20 granted to it by the Statute. It can sue or be sued. It can
21 make contracts to fulfill the requirements. It can adopt
22 bylaws. It can construction, acquire, lease, operate, and
23 maintain works and have easement rights. It can fix, alter,
24 charge and collect reasonable rates and other charges in the
25 area served to operate or maintain and construct or improve

1 and repair the facilities and properties. By the Statute,
2 the fees are required to be just and equitable.

3 Now, the formation of the District also grants it
4 the right to require connection to any sewer system of
5 property producing sewage or similar waste if there is an
6 available sanitary sewer line within 300 feet of the
7 property. That doesn't mean they have to, it just means they
8 have that legal right. They also assume liability for debt
9 and operation of the water treatment plant.

10 Now, the Board of Trustees may make and enforce
11 rules applicable to the purposes of the regional sewer
12 district. These rules have to be consistent with the rules
13 of the Water Pollution Control Board. They can also
14 establish rates and charges and the initial rates and charges
15 can only be established after the RSD holds a public hearing
16 at which all users of the works and the property owners have
17 an opportunity to be heard, and any changes to those rates or
18 changes requires the same procedure.

19 Well, that concludes my presentation. What I would
20 like to do now is hold the hearing, and the hearing is a
21 formal process. I recognize that many of you have
22 questions. If you would be kind enough to hold those
23 questions until after we have the hearing, which I don't
24 think will take too long because not that many people want to
25 comment, and we'll have an opportunity to do questions and

1 answers after the hearing.

2 Now, there is a lot of material that I need to read
3 into the hearing record itself, and the first thing I'm going
4 to have to do is swear in the reporter.

5 Would the official reporter designated for this
6 hearing please stand and raise her right hand and state her
7 name.

8 THE REPORTER: Jan Alderfer.

9 MR. THOMPSON: Thank you, Jan. Do you solemnly
10 swear that you will keep complete and true notes of all that
11 transpires in this hearing and will prepare a complete
12 transcript thereof from your notes and faithfully perform all
13 the duties imposed upon you as the official reporter under
14 the laws of the state of Indiana?

15 THE REPORTER: I do.

16 MR. THOMPSON: My name is Rod Thompson. I'm the
17 Branch Chief with the Office of Water Management for the
18 Indiana Department of Environment Management. I have been
19 designated by Jan Henley, who is the Assistant Commissioner
20 of the Water Management and the official hearing officer, to
21 be the acting hearing officer for the purposes of this
22 hearing.

23 The hearing this evening, February 22nd, 1996, is
24 before the Department of Environmental Management in the
25 matter of the proposed formation of the Bear, High and Wolf

1 Lakes Regional Sewer District.

2 Because the purpose of the hearing is to allow the
3 public to present information on the formation of the
4 District, we ask that you hold all questions until the
5 hearing is officially concluded.

6 For the record, notice of time and place of this
7 hearing was given as provided in Indiana Code 13-3-2-5 by
8 publication in the Kendallville News and Sun, the Albion New
9 Era, and the Colombia City Post and Mail, during the weeks of
10 February 8th and February 15th, 1996. A copy of the
11 petition, feasibility documents, and supporting materials are
12 on file at the Noble County public library in Albion.

13 The purpose of the hearing is to provide
14 opportunity for the public to present information to the
15 Department regarding the formation of the regional sewer
16 district for the Department's use in making a determination
17 on whether to grant or deny formation.

18 As I stated previously, Indiana Code 13-3-2 sets
19 out the requirements for the formation of a District. Rather
20 than read the Statute into the record, I would like to
21 highlight these requirements.

22 We strongly encourage that comments be limited to
23 these requirements, as they will be the comments most useful
24 to IDEM in making its decision.

25 The Statute requires the following: That the

1 petition be filed by an eligible entity, and the proposed
2 district name and location of principle office be stated,
3 that the petition state the need for the District, the
4 purpose the District will accomplish, and how the District
5 will be condusive to public health, safety, convenience or
6 welfare; that the petition state how sewage collection is
7 currently being provided, and how the current situation
8 creates or adds to pollution or health hazards or impedes
9 development; that the petition state whether there is any
10 outstanding indebtedness for the purpose proposed; that the
11 petition accurately describe the territory to be included in
12 the District and that the territory be so situated as to
13 promote the public health, safety, convenience, or welfare by
14 organization as a single District; that the petition provide
15 recommendations regarding the makeup of the Board of Trustees
16 and the manner of selection; that the petition state the plan
17 for financing the cost of operations of the District until it
18 receives revenue from operation or proceeds from bond sales;
19 that the petition state an estimate of cost of accomplishing
20 the purpose of the District, an estimate of the cost of
21 operating and maintaining the works, and the sources of
22 funding for those costs, including estimates of the rates and
23 charges to be required.

24 Again, the Department of Environmental Management
25 is extremely interested in any information you can provide

1 with regard to these requirements. Sign in sheets have been
2 provided. If you have not yet signed in, please do so now.
3 If you wish to receive notice of the Agency's decision in
4 this matter, please indicate this on the sign in sheet and be
5 sure you have provided a complete and legible address. If
6 you wish to present IDEM with information this evening,
7 please fill out one of the request to comment forms which
8 have been provided at the auditorium entrance. Please
9 indicate on the form if you will be appearing for yourself or
10 on behalf of a group. If you are appearing for a group,
11 please note the name of the group and in what capacity you
12 are appearing, such as a group officer, an attorney, or an
13 authorized spokesperson.

14 Oral statements will be heard this evening, however
15 written statements maybe submitted to me at this hearing or
16 they may be mailed to Jan Henley, Assistant Commissioner for
17 the Office of Water Management, Indiana Department of
18 Environmental Management, 100 North Senate Avenue, Post
19 Office Box 6015, Indianapolis, Indiana, 46206-6015, before
20 March 6th, 1996. All comments, both oral and written, will
21 by reviewed by IDEM and carefully considered in making a
22 decison in this matter.

23 I believe I have all the sign in sheets. When I
24 call your name, please approach the microphone and state your
25 name and indicate if you're affiliated with a particular

1 group, organization, or you're an attorney representing
2 someone. If I call your name and you no longer wish to
3 speak, just please say so. You're not required to speak just
4 because you initially filled out one of the request to
5 comment forms. Those who decide during the hearing that they
6 wish to testify and have not already, will have an
7 opportunity to speak at the close of the hearing.

8 I would like to call Leonard Wood.

9 MR. WOOD: How are you doing? I just live here in
10 Wolf Lake, I can't really speak about what's going on in the
11 other places, but he's talking about testing the soil and
12 making sure that it's safe, I'm just wondering if there is
13 any specific tests done on the soil here in Wolf Lake. I
14 don't believe that we do have a sewage problem. I don't
15 believe that any of us here in Wolf Lake can afford to hook
16 up to your sewage program, nor do we need it. I guess that's
17 all I have got to say.

18 MR. THOMPSON: Thank you, Leonard.

19 I would like to call Russell Glaser. Russell
20 Glaser.

21 MR. GLASER: My name is Russell Glaser. I live at
22 High Lake. Presently we don't have a Lake Association which
23 truly functions, but my septic system really does. My septic
24 system was installed June the 11th, 1993. It was approved by
25 Jack Chronister. It has a 1,250 gallon tank and a 700 square

1 foot absorption trench area. When the septic system was
2 designed by Jack Chronister, prior to that I had a soil
3 sample done by Mort Jones Soil Consulting, Incorporated, soil
4 survey for on-site waste disposal, which I would like to give
5 a copy of the soil content to our better part tonight.

6 The stage of development was for an existing
7 house. Initial information was supplied at that time. I
8 would like to put two one bedroom homes on the system, one
9 house will be removed in the future and replaced with a three
10 bedroom home. The septic system is definitely oversized for
11 what the current regulations are in the State of Indiana,
12 whether it be State, County, or something somebody just made
13 up.

14 The septic system was installed by Jayco. It has
15 a minimum depth of 23 feet. And I would also like to read a
16 little something from the Fort Wayne newspaper. It was in
17 yesterday's issue in the morning in the Journal Gazette.
18 It's out of Indianapolis. "The House Environment Affairs
19 committee approved a bill Tuesday which would mean a group of
20 homeowners outside of Kendallville would not have to hook up
21 to city sewers. Senator Robert Meeks from Lagrange told
22 committee members that Meadow Lane residents should not be
23 forced to hook up onto a city sewer line to be run through
24 their subdivision for a golf course and development outside
25 the city."

1 Now, there is many people up here, I think, that
2 would kind of like to see things left the way they are with
3 the environmental center and not a whole lot of progress, but
4 enough to keep us safe and happy. I know a lot of us can't
5 afford it.

6 "Under the current law, property owners within 300
7 feet of a sewer line must connect." Is that true?

8 MR. THOMPSON: (Nods affirmatively.)

9 MR. GLAZIER: "Meeks' bill gives residents the
10 opportunity to show that their septic tank or waste system is
11 working."

12 I sure wish we would get that chance.

13 "If the homeowner can prove the system is viable,
14 he or she would not be required to connect."

15 And I don't hope we do either.

16 "They have to pay several thousand dollars to
17 connect."

18 So far nobody has talked about a cost to me,
19 whether it be per month or whether it be a hook up fee. This
20 is my first notice of any of this. It seems kind of strange
21 that they could find me to give me this notice but they
22 couldn't the other two notices.

23 "About 35 of the homes are on a lagoon system,
24 they'll have to pay to close the lagoon. The other owners in
25 the 47 home development use septic tanks Meeks said. The

1 Indiana Association of Cities and Towns opposes the bill
2 because it is applicable to all sewer projects in the state
3 not just the development outside of Kendallville.
4 Legislative liaisons for the Association said that the
5 measure would hamper economic development."

6 Well, I don't think we're too concerned about a
7 whole lot of economic development in this area unless one of
8 you wants to put in a multiplex apartment house, which I
9 don't think that would be a real good idea in an
10 environmental center.

11 "Cities often run sewer lines to industrial or
12 commercial sites outside the city. Residents along the line
13 are forced to hook on then help pay the cost of running the
14 line. Senator Meeks said that's not fair."

15 I don't believe it is either.

16 "When government spends tax payers money then they
17 should definitely have a voice, Meeks said. These people
18 have no representation."

19 I don't feel we do either.

20 "The residents of Meadow Lane have protested the
21 sewer proposal. Meeks said the City is in the middle of the
22 project," and I think we are, too. "Kendallville sewer line
23 is part of the project for Cobblestone Golf Course, a
24 recreation and housing development."

25 Personally, I would like to contact Senator Meeks

1 myself tomorrow and I hope a few of you do, too.

2 Thank you.

3 MR. THOMPSON: I would like to call Rod Strayer.
4 Rod Strayer.

5 MR. STRAYER: I have some questions for
6 afterwards.

7 MR. THOMPSON: That's fine, Rod.
8 James Bowser.

9 MR. BOWSER: My name is James Bowser. I'm the
10 Chairman of the Board of Directors of East Shore Conservancy
11 District, and I think I have been up here on a couple of
12 occasions in front of a lot of you people.

13 The East Shore Conservancy District had a sewer
14 system put in back in the early 1950s. There was no rhyme
15 nor reason as to how that was put in. It was put in with a
16 holding lagoon. In 1980, there was a permit issued or a
17 request to reissue the permit, and at that time the effluent
18 from the lagoon did not meet the standards established by EPA
19 or IDEM. I became involved in the Conservancy District in
20 1990, and in 1993 we started the process of trying to replace
21 our current sewage system, and in the process you have to
22 apply for a grant to have planning, which we did, and as a
23 result of the planning the firm of Bonar group was chosen to
24 do the engineering to come up with a plan to replace our
25 sewage system.

1 As a result, it was felt that in order to maintain
2 the quality or improve the quality of the lakes in the area,
3 that a Regional Sewer District should be established, and of
4 course the petition for that was sent in by the County
5 Commissioners, I believe, last March.

6 Monday night about a quarter to nine I received a
7 call from the enforcement division of the Indiana Department
8 of Environmental Management indicating that they was going to
9 be at my house, which is the office location for the East
10 Shore Conservancy District, at 10:30 the next morning, and
11 they wanted to review the records and see the situation.
12 They were there and they reviewed it, and the gentleman, I
13 think his name was Ron Pearson, really encouraged the
14 establishment of a Regional Sewer District.

15 Now, there has been a lot of misinformation put out
16 about the Regional Sewer District. First off, people think
17 they are going to get taxed. They're not. If you're hooked
18 onto the sewer, you will pay a user fee regardless of who you
19 are, what your business is, or anything like that.

20 Another thing to consider is the fact that the only
21 people that will be involved in the sewer district are in the
22 densly populated areas. In other words, the people around
23 like Bear Lake or the people around High Lake. And if you
24 remember, this gentleman here made a comment about the Board
25 of Directors of the Regional Sewer District could force a

1 person to hook onto the sewer, but that's the decision of the
2 Board of Directors of the Regional Sewer District.

3 I feel that -- We have grandchildren, and we
4 hesitate to take them out into the lake to go swimming. It's
5 been a fact known in the past that there are residents that
6 dump raw sewage right into the lake; not only Bear Lake, but
7 High Lake and Wolf Lake. Bear Lake receives water from High
8 Lake as well as Wolf Lake. This thing goes into the Carol
9 Creek and ends up in the Elkhart River and eventually ends up
10 in the Great Lakes, and of course you have got to think, too,
11 that if you put a sewer in, your property value is going to
12 go up. In the last couple of years I have had several calls
13 from banks regarding the sewer system that we have. Banks,
14 in order to loan money for property, are very interested in
15 what kind of a sewage system you have. If you don't have
16 one, they're very hesitant to loan money.

17 As far as I'm concerned, whether we get the
18 Regional Sewer District or not, the East Shore Conservancy
19 District is going to do something with our sewage system.

20 Now, there is a concern about, as I said, taxes.
21 Unless you're hooked onto the sewer with the Regional Sewer
22 District, you don't have to worry about that. But right now
23 I, for one, am encouraging IDEM to establish the Regional
24 Sewer District, because it will not only clean up our lakes
25 but it will give us a better way of life.

1 Thank you.

2 MR. THOMPSON: Anna Fauk. Faulk. Is it a T or an
3 F or a G? F-u-l-k, at 5625 West Walter Street in Albion.
4 There we go. Did I get your name wrong?

5 MS. FULK: Anna.

6 MR. THOMPSON: Anna.

7 MS. FULK: Anna Fulk. I am Anna Fulk. I'm not
8 used to speaking to people or anything like that, only just
9 talking, so I'll talk. We live on High Lake. My husband
10 and I are both retired. We are on a fixed income. And to
11 me, this looks to me and sounds to me like somebody had a
12 problem and so they want everybody else to pay for it.

13 Now, there is a lot of young people that live on
14 the lake just getting started and raising their kids and they
15 have got all they can do to do it, and they can't afford a
16 great big bill for a sewer system when they have septic
17 systems that work.

18 Now, as far as I know, I have not heard of a case
19 of Typhoid Fever or Diphtheria, or anything like that around
20 that is a communicable disease that's going to wipe everybody
21 out because the environment is so bad. Well, I haven't, so
22 what is the matter with it? Our septic systems work and they
23 work good. If something goes the matter with the septic
24 system, you fix it and you foot the bill and you make sure
25 that it is working right and going to the proper place.

1 Now, I don't know about you, but this big bill,
2 this look like somebody has sat down there in Indianapolis
3 and thought up great big ideas that's drawing 80 to \$100,000
4 a year and wants the 10, 12, 15 and \$20,000 a year people to
5 pay for it while they pay nothing. And I'm not for it.

6 Now, I was raised by my grama, and my grama used to
7 say, "You know, there is going to come a time they're going
8 to come up here from Indianapolis or Washington and they're
9 going to tell you what to do and how to do it on your own
10 property." I think we've got enough of that. If you want to
11 cut down a tree, or if you want to build a fence, or if you
12 want to put a porch on your house, you have got to go to
13 Albion to get a permit. Well, baloney. I pay for my place.
14 I pay my taxes. I pay my insurance. Albion courthouse does
15 not support me. I support myself, what I do, and I am not
16 supporting somebody else to sit on their tush in a big lined
17 office and draw my money that I work hard for and have worked
18 hard for.

19 And I say, if you have got a problem, you fix it.
20 That's the way I have always -- That was the way I was
21 raised, that's the way I have always been.

22 (UNIDENTIFIED SPEAKER): If you don't, don't fix
23 it.

24 MS. FULK: That's absolutely right. If you don't
25 want your septic tank to work, plug it up and keep it all

1 right there on you. But if you want it to work, you fix it
2 and you fix it right, and I don't think any of us has got
3 septic systems on our places that doesn't work and work
4 efficiently and right, the way they should, and I see
5 absolutely no reason to go into all of this expense and bills
6 and everything else and put poor people in the poor house,
7 what they are.

8 This government was founded of the people, by the
9 people, and for the people, and I think it is time that
10 instead of thinking about Washington, too much government in
11 Washington, we better think about too much government in
12 Indiana.

13 Okay. I have talked. Thank you.

14 MR. THOMPSON: Harold Troyer. Harold Troyer.

15 He's gone.

16 Kevin Walker.

17 Are you declining, Kevin?

18 MR. WALKER: Yes.

19 MR. THOMPSON: Oh, boy. I can't make out this
20 name. I think it's Tony with a B. There we go.

21 State your name for us, Tony, for the record.

22 MR. BURNBAUGH: My name is Tony Allen Burnbaugh,
23 and as for your sewer system, I personally believe it's a
24 bunch of bull. Sorry. Sorry, people. I work in
25 construction. I put in sewer systems. It is not feasible

1 for the people of Bear Lake to put one in. It's going to be
2 expensive. It's going to cost a lot of money. And what
3 they're telling you, their projected cost, I have seen it. I
4 have seen the systems go in. I help put them in. They're
5 going to lie to you. They're not going to tell you the whole
6 truth. They'll say, well, it's going to cost you seven grand
7 to hook this thing up. That's right, seven grand. That's
8 for them to bring the line to your house, not to hook it up.
9 It's going to cost you an additional fee to hook this up.
10 More than one. I have had customers that I help put sewer
11 systems in for complain, bitch, because they had to come up
12 with two or \$300 to hook the darn thing up.

13 I don't think it's fair to us, the working people.
14 I don't make \$100,000 a year. I'll be honest about it. I
15 make six bucks an hour. You know, I don't know what you
16 make. You probably make about three times that much, and I
17 know there is a lot of people at Bear Lake, and I'm not going
18 to address a bunch of people, I'm going to keep it to a small
19 bunch. I'm going to call it the Bear Lake Association that
20 has hoodwinked, misrepresented, the people of Bear Lake, not
21 told the entire truth, and a lot of them, yes, their sewer
22 systems don't work because they're pumping right in the
23 lake. I can walk down along the lake and plug off eight
24 lines right now. All I have to do is take a bag full of
25 cement wrapped in newspaper and shove it up that pipe, and

1 some people are going to get very pissed off real quick.

2 Hey, just because my sewer system works -- I have a
3 holding tank. I don't have a sewer system. I put in myself
4 a holding tank. A sealed holding tank. That means nothing
5 comes out except when it's pumped out, which I have pumped
6 out three times a year. I'm not contaminating the soil. The
7 entire system is sealed. There is no way it can leach out,
8 spill out, nothing. Why can't they put one of these in to
9 put the sewer system in? It's a lot less expensive, people.
10 Thank you.

11 MR. THOMPSON: Jay LaCount or Joy, I'm sorry.

12 (UNIDENTIFIED SPEAKER): Turn the mic up.

13 MS. LECOUNT: I think this is about as loud as we
14 dare go, and I know that the amplifier is pushing right out
15 toward the front and not out to the sides, and I apologize
16 for that.

17 I'm here representing the Board of Commissioners
18 this evening simply to explain to the hearing officer as well
19 as those gathered here the involvement that Noble County has
20 had in assisting the residents of the Bear Lake Conservancy
21 District to try to get from a Conservancy District to a Sewer
22 District, which is what they hope to be able to do.

23 Our first contact with them was in November of 1991
24 when we received a letter from the Bear Lake Conservancy --
25 or the East Shore Conservancy District, with regard to their

1 sewer situation there. They asked if there was any way we
2 could assist, and we told them that we really could only act
3 on their behalf within the restrictions that we have, and
4 that was basically to bring together anybody who might be
5 able to help them, especially with funding, and we did
6 request that the Department of Commerce meet with them and
7 also that Region 3A meet with them to see if there were any
8 grants that might be available to assist them. And that
9 process went on all through 1992.

10 There was a meeting held then in October of '92 at
11 the Merry Lea Learning Center. It was to talk to the people
12 of Bear Lake specifically because, as you may or may not
13 know, not all of the Bear Lake community is serviced by the
14 system that is there currently, and there was a determination
15 at that meeting to try to find out who else might want to be
16 served, and for it to be more fair, because there are people
17 there currently being taxed who have no service, and I don't
18 think any of us approve of that kind of thing, and that is
19 actually no fault of those who are currently working in
20 charge there at the Bear Lake East Shore Conservancy
21 District, it is just a fact that they have inherited that
22 situation.

23 We set up a meeting with Region 3A, Bob Murphy was
24 their representative at that point in time. Meetings
25 continued off and on with various people.

1 We, again, were involved in March of 1993 at the
2 courthouse where we brought together people from the
3 Department of Commerce, Region 3A again, and they talked
4 about what they might be able to do. At that time, they were
5 seeking funding to actually move toward to do something to
6 repair the system that they had there, and Frank Ryan, who is
7 the North Indiana representative for the Department of
8 Commerce, suggested that maybe they were getting the cart
9 ahead of the horse and they ought to study what the needs
10 were in the community and he recommended that they get a
11 grant to assist them in doing that study, and that is what
12 eventually happened.

13 Over the next period of time, then, we were to hire
14 a consulting engineering firm to assist in the planning
15 process, and the County, because they were the entity able to
16 do that, did that on behalf of the East Shore Conservancy
17 District, and ultimately Bonar and Associates were hired a --
18 several groups that we looked at and three were interviewed
19 prior to that hiring.

20 Meetings again went on through all the rest of 1993
21 and '94, and I will present to you copies of the minutes of
22 those meetings that I have.

23 Eventually they did get a grant to conduct a study,
24 and that was for \$20,000. Actually there were two grants
25 before it was all over with. Ultimately we were asked to be

1 a petitioner to IDEM for a new sewer district, and that's
2 been then the culmination of this meeting, and there was a
3 public meeting held in September of 1994, September 22nd,
4 1994, here at Wolf Lake Elementary, to simply discuss the
5 possibility of the formation of a Regional Sewer District.
6 That was not a hearing. It was simply an informational
7 meeting, and it was publicized in the newspapers as this
8 meeting was tonight.

9 There were numerous meetings where the board
10 members of the Conservancy District came to our meetings in
11 Albion to discuss progress that was going on. There was a
12 public hearing held February 13th, 1995, here at Wolf Lake
13 Elementary School, and at that time it was discussed, the
14 possibility of including Wolf Lake and High Lake as part of a
15 Regional Sewer District, and following that meeting was when
16 we did file for the petition, again, on behalf of the East
17 Shore Conservancy District.

18 Again through 1995 there were numerous meetings
19 where progress reports were given to the Board of
20 Commissioners simply to keep us updated on what was going on,
21 and now we are having this public hearing to get input from
22 those who have information or concerns that they want to be
23 expressed, and at this time I am presenting not only a
24 chronology that includes the things that I have just said,
25 but also minutes to those meetings which I have in my

1 possession.

2 MR. THOMPSON: I would like to call Michael Armeý.

3 MR. ARMY: Thank you. I'm Michael Army, attorney
4 from Warsaw, representing Larry Boyd, and I understand
5 Mr. Boyd has talked with a number of other people from here
6 in the Wolf Lake area that also wish that we're speaking for
7 them.

8 Initially, I would like for you, in making your
9 review of all the evidence and all the record in this matter,
10 any connection with preparing a recommendation, to look
11 carefully to see that all the procedural steps have been
12 followed.

13 (UNIDENTIFIED SPEAKER): Talk into the mic.

14 MR. ARMEY: I'm sorry. I keep trying to talk to
15 him. He's the guy that's got to hear and we've got to
16 persuade.

17 First of all, I would like you to look at the
18 procedural matters. I have no reason to believe that they
19 were not followed and everything has not been done correctly,
20 but I think it's incumbent upon you to ensure that that is,
21 particularly with regard -- because the one thing I haven't
22 heard about that I assume did happen, is that the County
23 Counsel authorized the County Commissioners to file that
24 petition. Like I say, I have no reason to believe it didn't
25 happen, I just haven't seen documentation that says it did.

1 I would also like you to look at the Noble Township
2 Board statement with regard to the petition that, as you're
3 aware, in order to proceed with this, the Noble Township
4 Board, as being in the District, is required that they
5 approve the filing of the petition.

6 The approval, which I have a copy of, and I believe
7 was forwarded to IDEM, is a conditional approval. I find
8 nothing in the Statute that says a conditional approval is an
9 approval. In fact, I would interpret it as being if there is
10 conditions to the approval then it has not been approved.

11 As luck would have it, when I came in this evening
12 somebody had laid out a sheet regarding the creation which
13 addressed six points of that conditional approval. I don't
14 know if this was supplied by IDEM or if this was supplied by
15 Bonar or whatever, but I would point out that it does not
16 cover all the conditions that were included in the Noble
17 Township Board, one of which was that they concurred with the
18 need for a sewer system for Bear Lake and High Lake and would
19 approve a sewer system for Wolf Lake if left to the
20 discretion of the property owners. That sounds to me like a
21 pretty big condition that they imposed upon any approval, and
22 until that's done, in my judgment as a matter of law, they
23 have not completed the approval process and therefore this
24 hearing is not appropriate at this point in time.

25 Once the necessary approvals are procured, then you

1 can proceed with a hearing.

2 Additionally, when you're looking at it, I would
3 like you to look, there is no material evidence that I'm
4 aware of that there is anything with regard to Wolf Lake and
5 surrounding areas which requires the creation of a sewage
6 district, that there is no environmental conditions in this
7 immediate vicinity which require that.

8 I have no knowledge but have no reason to doubt
9 that Bear Lake has a very serious problem over there, and
10 that problem needs to be solved, but the way to solve that
11 problem is not to broaden the area and say, okay, I'm going
12 to bring all these other people in so that I can have 450
13 residential properties instead of 90 or 120, whatever the
14 number is of the residential properties around Bear Lake,
15 that -- where I have got 120 or 130 that are going to
16 benefit, but I have got 450 that are going to pay, that does
17 not seem fair and equitable and does not seem in accordance
18 with the Statute as I have reviewed and read it. So I don't
19 believe when you review the record that there will be
20 sufficient evidence to include Wolf Lake and the surrounding
21 area.

22 I don't believe you will find in there anywhere
23 that Wolf Lake and the surrounding areas will benefit from
24 being in this, that there is no practical benefit. You're
25 not going to see an influx of industry running and saying,

1 "We're going to move to Wolf Lake." There is just no benefit
2 for this area. They talk about pollution of the lake and how
3 we have got to clean up the lakes, on the way here tonight I
4 drove out and looked at Wolf Lake, and lo and behold there is
5 not a single residential property on Wolf Lake.

6 So, if there is a water quality problem on Wolf
7 Lake, and I understand Wolf Lake drains into Bear Lake, so if
8 there is a problem in Wolf Lake it's certainly not sewage,
9 unless somebody is surreptitiously running sewage into the
10 lake, but it's not apparent by going out and physically
11 looking at the area.

12 There is no demonstrated need such that the sewage
13 treatment systems that are here are not working. If there
14 are sewage treatment facilities not working, talking
15 primarily septic systems in this area, what we really are
16 talking about is a County Health Department enforcement
17 situation, not the creation of this large district covering a
18 very large area much of which is agricultural, and has
19 very -- there is no dense housing, very little dense housing,
20 in Wolf Lake.

21 Again, if you drive around town and look, and I did
22 again this evening and was quite surprised, although there
23 are a few small lots in town, for most, quote, densely
24 populated areas, the lots in Wolf Lake are fairly large.
25 Most of the homes are on a reasonably large tract of land

1 which can support a septic system for those properties, and
2 what should be done if they're not working, have a County
3 Health Department enforce and get those repaired.

4 I would also like you to look at the economic
5 feasibility of this. 6.1 million dollars. Well, 6.1 million
6 dollars today is probably going to be a lot more money when
7 the time comes to start construction, and when it comes time
8 to build these things it's going to cost more than that.
9 They say, "Well, we're going to get a lot of grants and low
10 interest loans, and boy, that's just going to make it really
11 good for all of us." I believe that you're aware that in the
12 state of Indiana there are lots of sewer districts, there are
13 lots of small communities who have sewer problems and who are
14 looking for money. There are lots of people around the state
15 who are in the business of preparing proposals and filing
16 them with all these governmental agencies to get those
17 funds. Every year there are projects which are funded, and
18 there are projects which are not funded, and so you're in a
19 whole problem of where you fit in the pecking order and you
20 don't know where you fit at this time.

21 So, maybe there is going to be grants, maybe there
22 is not. If you assume the 450 homes and the 6.1 million,
23 then we're talking about \$13,300, roughly, per individual
24 home that this is going to cost. If there is no grants, then
25 that's got to be paid by tap-on fees, that's got to be paid by

1 loans, whether they're government loans, bond issues, I don't
2 care what you call them, they have got to be paid. If those
3 debt instruments are issued, then the people that are in
4 those districts, while not directly responsible, still have
5 the responsibility to see they're paid. The Sewer District
6 itself would be in a position where it has got to do what it
7 has got to do to pay it.

8 As I understand, they're going to construct in two
9 phases. If you construct it in two phases, then those grants
10 are used and we get the first phase. Now the second phase
11 comes along. What assurances is there that there's grants
12 available and that the costs involved for the second phase
13 will not, per home, and what is actually passed on, and user
14 fees, tap-in fees, whatever we want to call them, are not
15 going to be substantially greater for those areas involved in
16 the second phase than those in the first.

17 The initial phase is Bear Lake. Wolf Lake,
18 surrounding areas, and I believe High Lake, are the second
19 phase. So, you're going to address one set of problems but
20 there is going to be whole new cost structures and whole new
21 problems getting grants and things when you come along to do
22 the second phase. \$37 a month as an estimate. I can find
23 you an awful lot of communities that would love to have a
24 sewage treatment plant for \$37 a month and a sewer system. I
25 think in today's world that is an unreasonably low

1 projection, and I think, based upon your experience and the
2 experience of your department, you know well that it's
3 unlikely at this point in time you're going to start design
4 and construction of a system that's ultimately only going to
5 cost the homeowner \$37 per user, and again, that's based on a
6 projection of 450 homes.

7 Now, I have heard here tonight, "Well, maybe we're
8 not going to force all these people to get on it," and I can
9 see why they wouldn't, because there is going to be lots of
10 lines running to rural areas that the cost of the lines may
11 not be cost effective, but when they don't hook on, that
12 reduces the pool and the rate goes up for everybody else.
13 Some of these properties, my understanding is, may have a
14 lesser, fairly low, value, and that if you impose substantial
15 costs these people aren't going to pay it and those
16 properties may in fact be bought up by other surrounding
17 property owners, again, resulting in a property being torn
18 down in a densely congested area, okay, that's a benefit,
19 that's good, but it's also one more person out of the loop,
20 or one more property out of the loop, that we were going to
21 tax, or to charge, to get this low \$37 rate, so the rate goes
22 up.

23 So, I think there's a lot of problems involved in
24 the economic feasibility, and in connection with this I would
25 like you to consider these matters and then to make your

1 determination to either deny, to modify, or to conduct
2 further studies and hearings before it be -- any further
3 action be taken, but that no order be entered at this time.

4 Thank you.

5 MR. THOMPSON: Thank you.

6 Daniel Wilkins.

7 MR. WILKINS: First I want to publicly --

8 MR. THOMPSON: State your name for us, please.

9 MR. WILKINS: My name is Daniel Wilkins, and I want
10 to publicly state that I'm having a lot of trouble getting
11 records for the Thuma Ditch. Normally, this wouldn't be a
12 situation where it would be involved in a sewer project, but
13 drainage directly affects sewer systems, and I have been
14 trying to get records and they're denying me records, and the
15 reason I'm bringing this up right now is when I tried to talk
16 to them about getting the channel dredged on High Lake,
17 because I firmly believe it's a health problem, they told me
18 that what I would have to do is I would have to go to you
19 people and get you people to have written affidavits signed
20 stating that they have sewer problems.

21 In other words, they wanted me to go around to all
22 you people and tell you that if you wanted drainage work done
23 that you would have to state your problem with your sewer was
24 the only way that it would be acknowledged, and I don't think
25 that's fair. I think drainage is a different issue, and I

1 don't think we should be held hostage, because they're
2 pushing a sewer system, to get records that we need, and I
3 don't think we should be held hostage for drainage rights
4 just because they are pushing the sewer system.

5 I don't know if many of you are aware of the
6 problem with Merry Lea also, but I would be more than happy
7 to get a hold of all of you and discuss the problems with
8 you, because I firmly believe that they are trying to
9 interfere with our drainage around the High Lake area and
10 possibly other areas, and if any of you would like to get a
11 hold of me, I would like to get a hold of you, and I'm going
12 to be sending letters to the people in the area, and I'm
13 going to try and get some legal help.

14 I don't know if I have got enough backing, because
15 I haven't got a hold of all of you yet, but I firmly think
16 that something needs to be done because I think there is a
17 lot more that needs addressed here than what you see. I
18 firmly believe that.

19 But there are also other issues that I want to
20 address, too. High Lake is predominantly a seasonal resident
21 area. In other words, these sewage systems are being used a
22 very small amount of time, and for people back there to be
23 affected by the sewer system would very much influence them
24 in a financial way that I don't think would be in our best
25 interest.

1 As far as the sewer project, I don't have to be for
2 or against it because I am stating that this is a drainage
3 issue that I am trying to get addressed here, but if they're
4 going to interfere with my drainage issue, I think it is my
5 position to interfere with their sewer project when they are
6 trying to hold me hostage, and all of you hostage, to push
7 it.

8 There are other things that I would like to get a
9 hold of you, and I'll be sending letters. I can't address
10 them all now. I'm not the greatest public speaker, but I do
11 want to help you people. If you want to help, please get a
12 hold of me, Daniel Wilkins.

13 Thank you.

14 MR. THOMPSON: Dr. Johns Hayes.

15 DR. HAYES: Good evening. I'm Dr. Johns Hayes.
16 I'm the Chairman of your Noble County Board of Health. I
17 have addressed you before in an earlier meeting. I'm not
18 here to push a sewer system. I'm here to tell you what our
19 position is.

20 Number one, there was a lady who came up and said
21 there was no health issues in Noble County concerning sewer
22 drainage, and I'm afraid she missed a hepatitis outbreak at
23 Big Lake. I'm sorry she missed it, but that's a health
24 issue.

25 (Inaubidble comments.)

1 MR. THOMPSON: Excuse me, let him speak.

2 DR. HAYES: We have a force and a charge as a
3 health department to look at a number of issues. Sewage is
4 one of those issues. Sewage comprises probably 80 percent of
5 what our Board of Health is concerned with because we have a
6 number of outdated systems, of small lake properties, that
7 people don't want their homes condemned. They want to
8 continue to live there.

9 There was a gentleman, Mr. Burnbaugh, stood before
10 you and told you he has a holding tank and that's the answer.
11 There is a small problem with that. That's an illegal
12 system. I'm really sorry, but it is. It's not my fault,
13 it's the state law. There is nothing I can do about it.

14 Someone else mentioned that, I think it was
15 Mr. Army, mentioned that it's an enforcement problem of your
16 Board of Health. Well, by golly, it is an enforcement
17 problem of your Board of Health, and it is difficult to
18 enforce laws that hurt people. It's difficult to see people
19 have to spend money to improve conditions.

20 This morning I treated a patient who is 80 years
21 old, she lives on other lake, and I'm sorry that I bring up
22 other lakes, but lake issue are lake issue. There are small
23 properties. There are septic systems that have failed.
24 Mr. Burnbaugh mentioned people who have run lines directly to
25 the lake, that is the issue. The issue is that there is

1 effluent sewage going into your lakes. This lovely 80 year
2 old lady has lived on her lake, which I won't mention because
3 it's not one of them that we're concerned about, she has
4 lived on it for 60 years. She said, "I hate to even go in my
5 lake anymore because I feel dirtier when I get out than I did
6 when I got in."

7 I guess the issue I'm really here to tell you about
8 is, as a member of your Board of Health, I'm concerned for
9 your health. I'm concerned for the safety of the citizens of
10 Noble County. I would like to feel confident that what is
11 done is done in the best interest of all people. I don't
12 want to see anybody forced out of their home, but by golly
13 when somebody comes to us with a 5,000 square foot lot and a
14 septic system that has failed and there is 2,000 feet of home
15 on it and we can't use the soil that's already been used, we
16 have no answer for them. Their property is no longer
17 usable.

18 I see people in this audience that I have known for
19 the 16 years that I have been in this area. I plan to be
20 here practicing for hopefully another 25 or 30 years. I hope
21 those people are able to live in their homes. I hope that
22 their children can live on those lakes. I want you to
23 seriously consider the fact that, granted, we want to be
24 frugal, we want to be careful, but the most important thing
25 we want to do is, we want to be safe, for our generation and

1 the generations that follow us.

2 Thank you.

3 MR. THOMPSON: Someone else from the Health
4 Department. I can't quite read your name either.

5 MR. CHRONISTER: I'm Jack Chronister and I work for
6 the Noble County Health Department and I have spoken with a
7 number of you people here, I believe, through the years, but
8 the first thing I would like to state is, I would like to
9 back what the Commissioners have done to this point, because
10 they really do have your best interests in mind, and the
11 reason I say that, there are many, many undersized properties
12 on all three lakes that we have mentioned. The problem is,
13 most of those soil types are very impermeable. The only way
14 to properly repair many, many, and when I say many, I'm
15 saying hundreds of septic systems in this area, would be to
16 install, for example, so-called mound systems that would cost
17 an individual homeowner 7, 8, \$9,000 a piece, with the only
18 hope of maybe a 15 to 20-year life span of that individual
19 on-site system.

20 These types of systems, as expensive as they are,
21 again, are somewhat temporary. If you have a central sewage
22 system go through, the initial expense may seem somewhat
23 high; however, because of the longevity of these systems,
24 they're very definitely worth the money.

25 Take a look at Rome City. Silvan Lake had a

1 problem very similar to your own for many years. They did
2 install central sewage around the whole lake and that lake
3 has improved dramatically, not only the water quality, but
4 the homes and the entire neighborhoods and the entire town of
5 Rome City have benefited massively.

6 In that, individual land property values will
7 escalate dramatically with the installation of central
8 sewage. I can't think of a single instance where I have seen
9 central sewage go in that it hasn't been a huge benefit.
10 LaOtto, Indiana is now getting central sewage and it's
11 something they wanted themselves and pushed for very hard.
12 Most of the people in that town are for it because of most of
13 the things that I have stated here. Jay brings up another
14 topic, though, that is just as relevant, the topic of health.
15 We have had the one hepatitis outbreak. I wouldn't be at all
16 surprised if we had more in the future. But nobody is trying
17 to jam this down your throat. I think that's something of a
18 misunderstanding. I really do. I look at systems all the
19 time in which there is really not a good response. There is
20 not a good way to repair that septic system. The only way
21 that we can really do it, technically, and be legal, would be
22 to condemn the property. That's something that we have
23 hesitated to do. It puts the Health Department in a
24 compromising position. We don't want to do that to anybody,
25 but when people don't have the money to install the mound

1 systems and the expensive types of systems that would be
2 required to alleviate these problems, then you get into a
3 situation where you put in septic systems that are very
4 marginal, of which there are hundreds in this area. Marginal
5 septic systems contribute a lot of coliform to the water
6 quality of these areas. As a result of the experience that I
7 have had out there, I do believe that the central sewage
8 system that everyone is trying to get through here is, in the
9 long run, extremely beneficial.

10 I would also like to say that the Thuma Ditch
11 system and the problems with the septic systems basically are
12 two separate topics for the most part. I hate to get those
13 two different topics mixed up together tonight because I
14 don't think that it's appropriate to do that.

15 I would also like to say that the Conservancy
16 District on the east side of Bear Lake right now is certainly
17 straining under the capacity that they find themselves at,
18 and if this can be repaired and extended around to the north
19 side, this would be an enormous benefit to the whole lake.
20 The north side of Bear Lake probably has some of the poorest
21 soil types in the County. No question about that. And there
22 are many properties there that have septic systems that are
23 obviously failing, but there is no way to adequately repair
24 them at this time unless we force people to put in the
25 maximum type of on-site septic system. If they can't afford

1 it, then our only real alternative would be to condemn the
2 property.

3 The reason that holding tanks are illegal is
4 because of the fact that it costs so much to constantly pump
5 them. That expense becomes such a burden on many, many
6 homeowners that they have run pipes from these holding tanks
7 to lakes and streams. That's the reason from the State level
8 it has become illegal. They can be effective systems if
9 nobody cheats, but statewide there has been too many
10 cheaters, and that's the problem with those type systems.

11 Thank you very much.

12 MR. THOMPSON: Cynthia Whitacre.

13 MS. WHITACRE: Hi. I'm not a good speaker. My
14 name is Cynthia Whitacre. I live on Bear Lake. I am not
15 part of the east side of Bear lake. I live on the northern
16 side of it. We didn't put in a septic tank system in the
17 fifties and have it fail on us. Most of the people who are
18 my neighbors and my friends, they have their own septic
19 tanks. They work. The gentleman who just a few seconds ago
20 said that the drainage in the Thuma Ditch does not affect our
21 septic, I'm sorry, but it does. When the water cannot drain
22 off of the roads and off of the hillsides down in through the
23 ditch, then it's going to go somewhere. It's going to go
24 back in the ground into our septic, into our leach beds, and
25 a lot of other technical terms I honestly do not know the

1 names for.

2 They're talking about projected costs here. I'm
3 not the only young person here. I'm not the only person here
4 with children. I have a four-year old daughter. I am also
5 due to have another baby in August. I don't want to leave
6 the area I'm in. I'm happy with it. I like my neighbors. I
7 like where I'm at. I'm close to work. But I personally am
8 not going to be able to afford one person's projected costs
9 of over \$13,000. I don't have that money. I work right up
10 here in town at Wolf Lake Products. We don't make that money
11 up there. You make somewhere between 7 to \$8.00 an hour and
12 that's maximum from the time you start until you get your
13 time in. They have a septic system up there. I use the
14 bathrooms every night I'm at work. I'm sorry, but as far as
15 I can tell there is no problem with theirs.

16 There is people here that are from the lakes, but I
17 don't see any of my, what I call, part-time neighbors here.
18 The people who own the cottage that's only for summer use
19 next to me. They live in Fort Wayne. The people on the
20 other side of them live in Goshen. I don't think that it's
21 fair to me to have to pick up the tab for them because
22 they're not here year around, but neither do I think it's
23 fair for them who come up here and spend a week in the
24 summer, maybe a half dozen or a dozen weekends, total time
25 they spend here is 30, 50 days at the most, but you're

1 telling me that they have to pay for this septic system for
2 365 days for the year. They're not here. They're not using
3 it. It's not right for them. It's not right for me to have
4 to pick it up for when they are here, but it's not right for
5 them to have to pay for something that they don't use.

6 That's like me going down to Odley's (phonetic)
7 store and him charging me for a gallon of milk that is going
8 to sit in his case until it rots. It's not doing me any good
9 sitting there. It's no use to me because I have no use for
10 it. Don't get me wrong, Bill, I like you a lot, you just
11 happen to be the person I picked on. But it's not fair for
12 any of us to be expected to pay for the others' mistakes.

13 If this petition originally started with the east
14 side association on Bear Lake over a sewer system they put in
15 in the fifties that failed, let them pick it up. They're the
16 ones who started this problem. They're the ones that are
17 right next to the Thuma Ditch, so there is a very good
18 likelihood their lagoon that doesn't work has something to do
19 with the Thuma Ditch drainage. But I didn't do this. My
20 neighbors didn't do this. The people here in Wolf Lake
21 didn't do it. The outbreaks of diseases on Big Lake and
22 improved quality on Silvan Lake, that was their lake. We are
23 not the large lake that Silvan is. We are not Rome City. We
24 are not Wolcottville. We're not living on Big Lake.

25 I don't know where a lot of diseases come from, but

1 I have never gotten sick off the lake. The closest I come to
2 getting sick off the lake is when a few of the people on the
3 lake decide that they don't want to sweep their weeds out or
4 rake them out, they just want to go through and have somebody
5 spray them all, and then they came up and they leave signs
6 all over the place, and I don't have a choice that they spray
7 this lake. That's not my decision. I had nothing to do with
8 organizing it, but there is a sign there telling me that you
9 can't fish in this lake for three days. You can't eat or
10 drink from the lake for five days. I didn't ask for this to
11 happen. And they post these all over my pier and all along
12 the side of the lake I live on, but you know I never see a
13 single one over on the east side where the boat docks are,
14 where the guys are getting out their boats and they're going
15 out and fishing in that lake and they're pulling in fish and
16 they're taking those fish with them. They're sitting there
17 and they're putting signs up on me saying you can't do this,
18 but they're not telling the other people coming to the lake
19 they can't do it either.

20 I didn't cause the problems, and I don't want any
21 of them, either, but I cannot afford to put money into a
22 septic system that's not going to benefit me as much as some
23 of the other people who I have nothing to say about what they
24 do, when they come or go or anything else. I don't know most
25 of them. I want somebody to try to explain to me why this is

1 going to benefit me. I can't get a loan against my house,
2 not because of my house or my septic or any of these reasons,
3 but because everything that I have bought I have paid for in
4 cash. I'm over 30 years old. I have absolutely no credit.
5 If you're going to tell me this is going to cost me \$13,000,
6 then somebody is going to end up putting me on welfare,
7 because I don't have \$13,000 to put into this system unless I
8 sell my house. That means I have to pay rent somewhere. I
9 don't have the money to do that. That means I'm going to
10 have to be supported by Noble County along with my children,
11 where if they would leave me alone I'd be just fine the way
12 things are.

13 MR. THOMPSON: I have no other names. Is there
14 anyone else that would like to speak? Yes.

15 (UNIDENTIFIED SPEAKER:) I have a question. What
16 did Big Lake have to do with this project because hepatitis
17 has been at that lake since the seventies. I have lived in
18 this area all my life.

19 MR. THOMPSON: Miss, I'll be happy to address your
20 question in a minute. Let me see if I can close the hearing
21 though.

22 Is there anybody else that would like to speak?

23 MS WELCHES: My name is Sharon Welches and we own
24 property at Bear Lake.

25 MR. THOMPSON: Sharon, would you please come down

1 and speak?

2 MS. WELCHES: I own property -- My name is Sharon
3 Welches, and my husband and I own property at Bear Lake and I
4 can understand everybody's problem, but we also have a
5 problem, too. We've been paying for this sewage system but
6 we are not hooked on it. We have not been able to hook on
7 it. We have had this property for over 10 years. Board of
8 Health said we could not put a holding tank in, which we
9 tried to do, okay? I know, that's the law. We tried to do
10 things legally. My husband was disabled last year so now
11 we're living up here with an outhouse. We have good
12 neighbors that let us go down to use their bathrooms to take
13 showers or we'll drive back to Huntington where we own
14 another house with my parents and take showers there, too.
15 But we're trying to make something up here, and I see where
16 you're coming from, you don't want to put the money out, what
17 are you going to say ten years from now when your sewage
18 system does fail? Think about that. Think about the future.
19 Think about your kids and your grandkids.

20 Thank you.

21 MR. THOMPSON: Is there anyone else that would like
22 to present comments? I would like to remind everyone that
23 written comments may be submitted to the Department before
24 March 6th, 1996. Once again, the address where such comments
25 can be sent is Jan Henley, Assistant Commissioner for the

1 Office of Water Management, Indiana Department of
2 Environmental Management, 100 North Senate Avenue, P.O. Box
3 6015, Indianapolis, Indiana, 46206-6015.

4 MR. ARMEY: I just want you to know, your notice
5 that you sent out says March 9th.

6 MR. THOMPSON: I'm sorry, March 9th is correct.

7 MR. ARMEY: March 9th then will be the date?

8 MR. THOMPSON: Yes, and let the record so state,
9 please.

10 These proceedings are now officially concluded.
11 The cause is therefore adjourned until further notice.

12 Thank you.

13 (Thereupon, the hearing was officially concluded at
14 8:40 p.m.)

CERTIFICATE OF REPORTER

STATE OF INDIANA)
COUNTY OF MIAMI) SS:

I, Jan Alderfer, Registered Professional Reporter,
a Notary Public for the state of Indiana at Large, do hereby
certify that in the above cause the oral comments of said
speakers was reduced to typewriting under my personal
supervision.

I further certify that said public hearing was taken at the time and place specified hereinabove and that I am neither of counsel nor solicitor to either party in said suit nor interested in the event of the cause.

WITNESS my hand and official seal in the City of
PERU, COUNTY OF MIAMI, STATE OF INDIANA, THIS 28th DAY OF
FEBRUARY, 1996.

Jan Alderfer
Jan Alderfer RDB CS

Jan Alderfer, RPR, CSR
Commission No. 339693
Commission expires: 4-7-98